



**PROJECT DOCUMENT**  
**Central African Republic**

**Project title:** Project to support the restoration of the rule of law and the reform of the justice and security sectors in CAR.

**Project number:**

**Implementing partner :**

**Start date:** January 1, 2020      **Completion date:** December 31, 2023      **Date of the**

**LPAC meeting:** December 9, 2019

**Brief description**

Development challenges:

CAR continues to face recurrent violence and impunity in a still fragile security and political context. Restoring the authority and presence of the State remains a challenge in view of the State's weak capacity to deliver services, particularly through security and justice institutions. Sector reforms aim, among other things, to address the low deployment and fragility of the security and justice sectors; and the population's mixed confidence in the state despite the great thirst for justice and security.

Expected results of the project:

- 1 - The reform of the justice sector is being implemented, and contributes to the restoration of State authority and public confidence in the justice system
- 2 - The Internal Security Forces are deployed, closer to the population, and provide it with a quality service
- 3 - Women's access to justice and security is increased, including through the prosecution, investigation and adjudication of SGBV cases
- 4 - The reform of the prison system is being implemented, contributing to the improvement of prison conditions

**Contributing effect (UNDAF/DPP, DPR or DPM):**

By 2021, political and administrative institutions and civil society organisations promote and contribute to peace, security, reconciliation and human rights.

**Indicative output(s) with gender marker<sup>2</sup> :**

- 1 - The reform of the justice sector is being implemented, and contributes to the restoration of State authority and public confidence in the justice system (G2)
- 2 - The Internal Security Forces are deployed, closer to the population, and provide it with a quality service (G2)
- 3 - Women's access to justice and security is increased, including through the prosecution, investigation and adjudication of GBV cases (G3)
- 4 - The reform of the prison system is being implemented, contributing to the improvement of prison conditions (G1)

<b>Total resource requirements:</b>	22,000,000 USD	
<b>Total resources allocated:</b>	<b>UNDP TRAC:</b>	2 200 000
	<b>Donor :</b>	
	<b>INL/US</b>	4 990 000
	<b>TOE</b>	500 000
	<b>MINUSCA</b>	TBC
	<b>Government :</b>	In kind
	<b>Contributions in kind:</b>	-
<b>To be financed:</b>	<b>14 310 000 USD</b>	

<sup>1</sup> Note: The term "Implementing Partner" can also be understood as "Implementing Partner" or "Implementing Partner".

**DOCUMENT DE PROJET**  
**RCA**

**Intitulé du projet:** Projet d'appui à la restauration de l'Etat de Droit et à la réforme des secteurs de la justice et sécurité en RCA.

**Numéro du projet:**

**Partenaire de réalisation<sup>1</sup>:**

**Date de démarrage:** 1 janvier 2020 **Date d'achèvement:** 31 décembre 2023 **Date de réunion du CAP:** 9 décembre 2019

Description succincte	
<p>Défis de développement :</p> <p>La RCA continue de faire face aux violences récurrentes et à l'impunité dans un contexte sécuritaire et politique encore fragile. Le rétablissement de l'autorité et de la présence de l'Etat demeure un défi au regard des faibles capacités de l'Etat à délivrer des services, notamment à travers des institutions de sécurité et justice. Les réformes du secteur visent entre autres à remédier au faible déploiement et à la fragilité des secteurs de la sécurité et justice; et à la confiance mitigée de la population en l'Etat malgré la grande soif de justice et de sécurité.</p> <p>Résultats escomptés du projet :</p> <p>1 - La réforme du secteur de la justice est mise en œuvre, et contribue à la restauration de l'autorité de l'Etat et la confiance des populations dans la justice</p> <p>2 - Les Forces de Sécurité Intérieure sont déployées, plus proches de la population, et lui fournissent un service de qualité</p> <p>3 - L'accès des femmes à la justice et à la sécurité est accru, y compris par les poursuites, enquêtes et jugements des cas de VSBG</p> <p>4 - La réforme du système pénitentiaire est mise en œuvre, contribuant à l'amélioration des conditions de détention</p>	

**Effet contribuant (PNUAD/DPP, DPR ou DPM) :**  
 D'ici à 2021, les institutions politiques et administratives et les organisations de la société civile promeuvent la paix, la sécurité, la réconciliation et les droits de l'Homme et y contribuent.

**Produit(s) indicatif(s) avec marqueur genre<sup>2</sup> :**  
 1 - La réforme du secteur de la justice est mise en œuvre, et contribue à la restauration de l'autorité de l'Etat et la confiance des populations dans la justice (G2)  
 2 - Les Forces de Sécurité Intérieure sont déployées, plus proches de la population, et lui fournissent un service de qualité (G2)  
 3 - L'accès des femmes à la justice et à la sécurité est accru, y compris par les poursuites, enquêtes et jugements des cas de VSBG (G3)  
 4 - La réforme du système pénitentiaire est mise en œuvre, contribuant à l'amélioration des conditions de détention (G1)

<b>Total des ressources nécessaires :</b>		22 000 000 USD
<b>Total des ressources allouées :</b>		
TRAC du PNUD :	2 200 000	
Donateur :		
INL/US TOE MINUSCA	4 990 000	
En nature :		
Appports en nature :		
		-
<b>À financer :</b>		14 310 000 USD

<sup>1</sup> Note : Le terme « Partenaire de réalisation » peut être compris également comme « Partenaire de mise en œuvre » ou « Partenaire d'exécution ».

Approuvé par (signatures)<sup>2</sup> :

Gouvernement	Ministre de l'Economie, du Plan et de la Coopération	Mr. Felix MOLOUA	Date:
UNDP	Représentante Résidente du PNUD	[Redacted]	Date: 17/12/15
Partenaire de réalisation	Ministre de la Justice et des Droits de l'Homme, Garde des Sceaux	[Redacted]	Date:
Partenaire de réalisation	Pr/ Le Ministre de l'Intérieur chargé de la Sécurité Publique, Le Ministre de la Justice et des Droits de l'Homme, Garde des Sceaux	Mr. FAVIEN MIBATA	Date:



<sup>2</sup> Note : Modifiez le bloc des signatures selon qu'il y a lieu

<sup>2</sup> Le marqueur genre mesure l'investissement du projet dans l'égalité des sexes et l'autonomisation des femmes. Choisir un marqueur par produit : G3 (l'égalité des sexes est un objectif principal); G2 (l'égalité des sexes est un objectif important); G1 (contribution limitée à l'égalité des sexes); G0 (pas de contribution à l'égalité des sexes)

Approved by (signatures)<sup>2</sup>:

Government	UNDP	Implementing partner
Name in capital letters:	Name in capital letters:	Name in capital letters:
Date :	Date :	Date :

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<sup>2</sup> Note: Modify the signature block as necessary

<sup>2</sup>The gender marker measures the project's investment in gender equality and women's empowerment. Choose one marker per output: G3 (gender equality is a main objective); G2 (gender equality is an important objective); G1 (limited contribution to gender equality); G0 (no contribution to gender equality)

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## I. DEVELOPMENT ISSUES

The Central African Republic (CAR) has been marked since the 1990s by a succession of politico-military crises characterized by serious human rights violations, breaches of international humanitarian law and the systematic destruction of public and private buildings. The situation has worsened with the recent crisis that culminated in a Seleka coalition coup d'état in March 2013. The rise of militias and the formation of many "self-defence groups" in response to each other's abuses has led to human rights abuses and settling scores on the civilian population. When armed groups invaded towns and villages, prefects, police forces, prison and judicial officers were systematically targeted and many were summarily executed, forcing survivors to flee. The majority of law enforcement and criminal justice facilities have been damaged or destroyed. In a country of more than five million people, where 40% of the population is 14 years of age or younger, the resulting humanitarian and development crisis is unprecedented: 640,969 are internally displaced; 590,610 are refugees<sup>3</sup> and the State lacks authority and control over a large part of its territory.

Poor governance exacerbated by weak institutions, politicization of the defence and security forces, degradation of socio-economic infrastructure (roads, bridges, energy, telecommunications), coupled with unequal distribution of resources and development actions in the country have created a feeling of exclusion and marginalization strongly felt by the population. The recent crisis of 2013, the most devastating by the scale of the violence, is the result of an accumulation of political, security, economic and social frustrations linked to the failure of Governments and armed groups to respect previous agreements and commitments. All Central Africans have been affected by the collapse of the rule of law, and the disintegration of justice and security institutions, communities and basic infrastructure.

On 6 February 2019, the Government and 14 armed groups in most of the territory signed the Political Agreement for Peace and Reconciliation (APPR by its French acronym) in the Central African Republic. Since the outbreak of violence in 2012, several peace and reconciliation agreements have been signed between the conflicting parties, but this agreement, which enjoys a lot of political support, obtained after a long mediation by the African Union and direct discussions in Khartoum (Sudan), is hoped to put an end to the crisis.

### Development challenges

#### a) Violence and impunity

A United Nations investigation report estimates that more than 3,000 civilians were killed between January 2013 and October 2014<sup>4</sup> and, so far, one in two Central Africans are in need of humanitarian assistance<sup>5</sup>. In 2017, the national investigation of human rights violations conducted by the Office of the United Nations High Commissioner for Human Rights, MINUSCA and UNDP<sup>6</sup> documented 620 cases of serious violations that occurred between 2003 and 2015, following a lengthy process of screening and prioritizing files.

As the culture of impunity and human rights violations are a major factor in conflicts<sup>7</sup>, significant efforts are still needed to enable the country to break with the cycles of violence that have occurred at regular intervals since the 1996 mutinies. In addition to the weaknesses linked to the weakness of institutions and the politicization of the defence and security forces, the judicial system has been weakened by political influences and interference contrary to the principle of the separation of powers and the independence of the judiciary enshrined in successive constitutions. The inability of courts and tribunals to organize trials and render fair judgments has contributed to the feeling of rejection of modern justice by the population, with the effect of fuelling the desire for revenge of Central Africans, often through popular or informal justice. On the other hand, those suspected of having committed crimes or crimes that have never been tried have developed a sense of impunity that has increased over the years. As a result, human rights violations

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<sup>3</sup> <https://www.unhcr.org/en-lk/central-african-republic-situation.html>

<sup>4</sup> <https://minusca.unmissions.org/rca-ban-nomme-un-membre-de-la-commission-denqu%C3%AAte-sur-les-violations-des-droits-de-lhomme>

<sup>5</sup> <https://www.unocha.org/car>

<sup>6</sup> <https://www.ohchr.org/en/countries/africaregion/pages/carprojetmapping2003-2015.aspx>

<sup>7</sup> Pathways for Peace: Inclusive Approaches to Preventing Violent Conflict, Nations Unies et Banque Mondiale, 2018 .

increased throughout the conflict and resentments accumulated between individuals at first, then between communities, before turning into a profound rejection of the state system as a whole.

The Central African conflict is also characterized by the extent of sexual and gender-based violence. Between 2014 and 2015, 13,775 cases were recorded in the country, 30% of which were directly related to the conflict<sup>8</sup>. With regard to **sexual and gender-based violence (SGBV), including conflict-related sexual violence (SV-C)**, "in 2017, 79 complaints against sexual violence were recorded at UMIRR level), including 56 cases of violence transmitted to the prosecutor's office and 32 people arrested. According to the registers operated by the courts, the number of complaints fell to 73 in 2018, a slight decrease of 7.6%. However, the number of complaints against sexual violence increased from 57 in 2015 to 73 in 2018, an increase of 28%. This increase is explained by the intensification of awareness campaigns carried out by the various organizations throughout the country. However, these figures are extremely low compared to the scale of violence committed in CAR. ...] The main reasons that prevent victims of sexual violence from filing a complaint with the competent authorities include (i) lack of knowledge and distance from the places where complaints are registered, (ii) fear of reprisals, (iii) stigma and trauma, (iv) lack of resources and (v) slow progress in the judicial process".<sup>9</sup>

The weaknesses of security institutions, but above all the **human rights violations committed by the defence and security forces** (seen by the population as being the same forces) are among the causes of the conflict and represent an obstacle to the return of peace in Central Africa. This situation already existed before the 2013 crisis broke out, as highlighted in the assessment of the involvement of the police and gendarmerie in serious human rights violations from 2007 to 2016<sup>10</sup>. Although the report of this assessment states that most violations committed by state forces are attributable to the armed forces and the presidential guard, it points to the culture of abuse, corruption and impunity that prevails in the police and gendarmerie. Thus, according to this study, numerous human rights violations by law enforcement forces, including arbitrary arrest and detention, cruel, inhuman or degrading treatment, assault and torture, were reported during the reporting period.

#### **b) Weak authority, presence and capacity of the State, including security and justice institutions**

In addition to the persistent feeling of impunity, the weak authority and presence of the State on the territory is one of the causes of the difficulty of consolidating peace and the rule of law.

The APPR specifically details the need for security and the expansion of the judicial system throughout the country. It also recognizes that serious crimes have been committed.

As mentioned in the CAR Government's "National Report on Goal 16 of Sustainable Development 2018", the restoration of State authority (RESA) is one of the main concerns of the Government contained in the National Peace Recovery and Consolidation Plan (RCPCA) through its first two pillars, as well as an essential element of the mandate of the United Nations Integrated Multidimensional Mission for the Stabilization of the Central African Republic (MINUSCA). "The annihilation of the defence and internal security forces (ISF) and their absence from most of the country is an obstacle to peacebuilding. The Central African judicial system collapsed from 2013 onwards and has never been fully restored in several parts of the country, partly due to insecurity, corruption and lack of resources. Basic institutions such as the judiciary (Higher Courts, the Gendarmerie, the police and the prison service) do not function in most parts of the country. This amply explains the lack of effective investigation and prosecution of recent and ongoing crimes. Persistent and widespread impunity begins when it is difficult to try those who have committed known crimes and also

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<sup>8</sup> In 2018, 10,055 cases of GBV were reported by GBVIMS actors providing care services, including 1,621 cases of rape, 348 cases of sexual assault, 3,131 cases of physical assault, 2,350 cases of denial of resources, 2,452 cases of emotional violence and 153 cases of forced marriage.

<sup>9</sup> CAR National Report on the Voluntary Review of the Implementation of Sustainable Development Objectives in 2019, p. 58.

<sup>10</sup> Study on the implication of the CAR police and gendarmerie in grave human rights violations 2007-2016, UNDP and MINUSCA (HRD) consultancy to support the payment of salaries for the Police and Gendarmerie in the Central African Republic, in partnership with Ministry of Public Security and Territorial Administration, September 2016.

other factors such as fear of leaders of armed groups, poor protection of places of detention, and the absence of judicial personnel in some regions. »<sup>11</sup>

### ***Weak reforms and deployments and the fragility of the security and justice sectors***

Capacity assessments of the Internal Security Forces (ISF) show that the human resources of the police and gendarmerie are clearly insufficient with a ratio of 1 element per 1560 inhabitants. With the retirement of 446 police officers and gendarmes between 2018 and 2019 in<sup>12</sup> addition to normal population growth, this ratio is likely to reach 4 to 5 times the generally accepted norm of 1 policeman/constable for 450 inhabitants in 2023. This ratio should also take into account the large size of the territory and the porosity of the borders with neighbouring countries. Since 2010 for the police and 2011 for the gendarmerie, no recruitment had taken place until 2017. With the support of the United Nations, 500 police officers and gendarmes, including 116 women, were recruited and trained in 2018. Another recruitment of 1000 police officers and gendarmes was launched in 2019. According to the police and gendarmerie capacity building plan, the objective is to recruit 5000 police and gendarmes by 2023<sup>13</sup>.

State institutions in the Central African Republic, including security institutions, often do not preserve the achievements of the reforms and capacity-building from which they benefit for various reasons, including the mobility of staff within and between different institutions and the lack of resources to put the acquired capacities into practice. It is a kind of vicious circle. Indeed, these institutions, which have difficulty capitalizing on reforms, remain weak and fuel the crisis of trust between the State and the population, which, in turn, is once again leading to the collapse of these institutions. There are<sup>14</sup> several reasons for the unsustainability of ISF reforms: insufficient budget allocated to ISFs, poor management of the Ministry of Interior's budget, weak national ownership of processes and support, and weak capacity to manage reforms.

Focused on the capital Bangui and a few jurisdictions under the jurisdiction of the Bouar and Berbérati Courts of Appeal, the justice sector's offer - including the judiciary and lawyers - has too often been at the behest of successive elites and power holders, denying people right to fair and quality services. At the strategic level, the sector lacked a clear vision and policy, while at the technical level, the staff was not only insufficient, but also lacking in capacity. A national justice sector policy (PSJ by its French acronym) has just been adopted for the first time, for 2020 - 2023.

According to the PSJ, "despite the relaunch and redeployment of the justice sector in the territory, several jurisdictions remain inoperative, particularly in the east of the country, either without or with few staff and/or require rehabilitation or even reconstruction work. According to legal provisions, the number of TGIs in Central Africa is 24. At the end of 2018, 50% of the TGI were permanently operational, and 33% were non-operational. In some prefectures, the absence of the justice system is filled by other actors. This has a potentially negative effect on the confidence of litigants in the formal justice system and makes its use by litigants impossible."<sup>15</sup> Today, the sector has fewer than 200 magistrates, few lawyers and an annual budget equivalent to USD 5,244,884 in 2019 (or 1.25% of the State budget).

The **rate of pre-trial detention**, an indicator of the Sustainable Development Goal (SDG) 16, remains very high, demonstrating the low capacity of the actors in the criminal justice system, even if it is improving. "At the end of December 2015 [...] the prison population awaiting trial [...] represented 90%, at the end of December 2018 [...] represented 72.6%. This increase in the trial rate is explained by the redeployment of judges to provincial cities to hold mobile courts and by the resumption of criminal court hearings. However, this effort is not enough to satisfy the populations through the improvement of the performance of justice."<sup>16</sup>

### **c) Low trust in the State despite the great thirst for justice and security**

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<sup>11</sup> P. 21 and p. 38

<sup>12</sup> Projections predict the retirement of approximately 92 police officers and 739 gendarmes by 2023.

<sup>13</sup> For more details, see the PRCD, the PGRR-FSI and the ISP Programming Bill.

<sup>14</sup> Report of the Global Focal Point Mission on Programmatic Support on Police and SSR, UNDP & DPKO September 2019

<sup>15</sup> Justice Sector Policy 2020 - 2023, p. 45

<sup>16</sup> Ibid p.22

The emergence of armed groups and the sometimes favourable reception they have received in the hinterland is a manifestation of this breach of trust between the Central African Republic and their authorities, including State actors in the field of justice and security. Convinced that they cannot expect anything in terms of the protection of their rights, social justice and equity, the victims of violations, crimes and abuse of conflicts have sometimes turned into executioners as the country has gone through crises, perpetuating the vicious circle of impunity.

The successful implementation of the peace agreement will depend on the ability of the Central African authorities and the country's partners to quickly deliver peace dividends to the Central Africans. In addition to the need for Community stabilisation, this offer is sustainable through a rapid and visible improvement of justice and security services, in order to restore confidence in the rule of law and in the authorities as a whole. It would also be the best way to reduce the risk of a resurgence of large-scale violence, which would this time be triggered by those who feel aggrieved by the implementation of the peace agreement.

The thirst for justice among Central Africans is strong, as expressed at the Bangui Forum, at the popular consultations in 2015, and demonstrated by the perception surveys on peace, justice and security supported by UNDP and MINUSCA<sup>17</sup>. They reveal that 57% of respondents consider it necessary to "judge those responsible for the crimes" and to fight impunity in order to achieve peace and reconciliation in CAR. Surveys also show low confidence in the justice sector, although it is increasing "including[in] formal justice (from 22% to 50% between June 2017 and December 2018), local justice (from 32% to 54%), and alternative justice methods (from 46% to 71%). Nevertheless, these results show that the level of confidence in formal justice remains lower than that of local or alternative justice. Women are less likely to have confidence in justice than men. Confidence in the justice sector is also growing, probably as a result of the creation and establishment of the Special Criminal Court (SCC), increased knowledge of formal mechanisms and the radio broadcasting of criminal sessions. This may be more indicative of the hope that justice "will happen" than of true trust gained by testifying or accessing (formal) justice services. Although 72% of participants [of the surveys] trust the police, only 42% positively rate their current contribution to security, and less than half (48%) rate their work as having improved over the past 12 months; 79% trust the gendarmerie, 57% rate their contribution as positive, and 62% rate their work as having improved. »<sup>18</sup>

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## II. STRATEGY

Drawing on the development issues identified, as well as priorities as set out in national plans and policies, and in order to build on the achievements of United Nations assistance in the field of the rule of law in CAR - notably the first jointly implemented project on the rule of law<sup>19</sup> - the project proposes the following theory of change:

### Theory of change

*If the restoration of State authority is supported, through the implementation of reforms in the security and justice sectors, and the redeployment of ISFs, magistrates, prison officers and lawyers throughout the country,*

*If justice and security sector institutions are more capable, operational and accountable, and promote people-centred and gender-responsive approaches, and if they investigate, prosecute and judge crimes committed, including cases of sexual and gender-based violence,*

*If people have increased access to justice and security services,*

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<sup>17</sup> UNDP, MINUSCA and Harvard Humanitarian Initiative. [These four surveys were](#) conducted from 2017 to 2018 in CAR as well as in a refugee camp in Cameroon, in partnership with UN Women, UNHCR, the United Nations Expert Team on the Rule of Law and Conflict-related Sexual Violence, the PBF (at [http://www.peacebuildingdata.org/sites/m/pdf/CAR\\_Poll4\\_Engl\\_Final.pdf](http://www.peacebuildingdata.org/sites/m/pdf/CAR_Poll4_Engl_Final.pdf))

<sup>18</sup> Report 4, *ibid*, p. 5 and p. 16

<sup>19</sup> The UNDP - UNAMSICA - UN Women "Joint Project to Support the Fight against Human Rights Violations and the Restart of Justice in the Central African Republic", signed in 2014 and implemented until the end of 2019, will hereinafter be referred to as "Phase I Joint Project".



*THEN* the rule of law will be strengthened, the cycle of impunity will be broken, the Central African's demand for justice and security will be met and the population will gain new confidence in the state, thus contributing to the achievement of the SDG16 and lasting peace in CAR.

This project is being formulated at the mid-point of the implementation of the United Nations Development Assistance Framework (UNDAF+ 2018-2021) and the UNDP country programme (CPD 2018-2021), which in turn are based on the National Peace Recovery and Consolidation Plan (RCPCA 2017-2021). The objective and theory of change of this project is related to Pillar I of RCPCA on "supporting peace, security and reconciliation". At the UNDAF+ level, they are aligned with the first strategic outcome, which focuses on "the consolidation of peace, security and social cohesion". At the level of the UNDP Country Programme for Central Africa, the project's theory of change responds to the first statement of the CPD as follows: *"by 2021, political and administrative institutions and civil society organizations promote and contribute to peace, security, reconciliation and human rights"* and more particularly at the level of its first output: *"the population has access to justice and security services and criminal cases are tried, including by the Special Criminal Court"*. This wording in the CPD takes into account the first two pillars of<sup>20</sup> UNDAF+ in terms of strengthening the rule of law. In addition, the project contributes to the objectives set out in the mandate of the UNSCA Security Council (resolution 2499 (2019)) relating to the rule of law, security sector reform, justice and the fight against impunity.

#### **Some key results achieved in Phase I in support of national partners between UNDP and MINUSCA**

- A national justice sector policy validated after a consultative process
- A community policing policy adopted and being launched
- The resumption of regular criminal sessions in Bangui and Bouar since 2017
- The recruitment, training and deployment of 500 police and gendarmerie recruits, and a validated five-year ISF training plan
- The recruitment and training of 300 prison officers
- A law on legal aid and a National Legal Aid Strategy adopted
- More than 12,000 people (including 2,600 survivors of SGBV) received legal aid services through legal clinics run by women lawyers
- Support for the rehabilitation and equipment of infrastructure: Bangui, Bambari, Bossembele, Bossangoa, Berberati, Mbaïki prisons; police and gendarmerie schools, police stations in the 2nd, 4th and 6th arrondissements of Bangui and the central police station of the city of Bangui, the general directorate of operations, the judicial police directorate and the Mpoko-Bac brigade
- An inventory on the gender approach and women's access to careers in ISFs
- 4 perception studies on peace, justice and security demonstrating the increase in people's confidence in formal justice (from 22% in 2017 to 50% in 2018) and the security forces (73% for the police and 79% for the gendarmerie)

#### **Approach chosen:**

The philosophy of the project remains that of the first joint project 2014 - 2019 to encourage the "fight against human rights violations and the revival of justice in the Central African Republic" with a comprehensive reform of the justice and security sectors at the national level through a change in justice practices and a break with the past of impunity. The approach chosen is in line with national priorities and policies and plans and strategies in the justice and security sectors and is built on the achievements and results and therefore partnerships of the first project (see box above). It is informed by the lessons learned from the implementation of the project, in particular through its mid-term<sup>21</sup> evaluation, as well as the expert missions of the Global Focal Point for the Rule of Law and the United Nations Team of Experts on the Rule of Law and Sexual Violence in Conflict (TOE) in 2019 (deployed in Bangui and having consulted national and international partners and United Nations agencies and entities in bilateral meetings as well as in thematic focus groups<sup>22</sup>).

<sup>20</sup> The one on the consolidation of peace, security and social cohesion and the one on social well-being.

<sup>21</sup> December 2017

<sup>22</sup> GFP justice mission in June 2019, and security mission in September 2019, TOE mission May 2019

In order to fight impunity and thus prevent and combat ongoing violence, including sexual and gender-based violence, it seems axiomatic that the restoration of state authority throughout the national territory is a prerequisite.

The project results - described in detail in the next section - will contribute in two ways:

- On the one hand, on the duty bearers - the State and in particular the justice and security institutions - to implement sectoral reforms and redeploy staff across the country; and
- On the other hand, the population, i.e. the rights-holders, and the most vulnerable and left-behind people in particular (victims of the conflict, victims of SGBV including conflict-related sexual violence, pre-trial detainees, populations in areas controlled by armed groups), to have access not only to quality justice and security services, but to gain confidence in the State, justice and security.

More specifically, it is expected that the project will be a tool to facilitate the initiation of a real process of reform in the security and justice sectors. It is clear that since the last crisis in 2013, technical and financial partners, including the UN and the EU and others, have provided focused support for capacity building for ISFs and justice actors: training, rehabilitation, equipment, and also the development of sectoral reform policies and plans and the related legal and institutional framework. The main objective was to restart the basic functions of the institutions, mainly in Bangui, and to reactivate the criminal justice system.

The rehabilitation and equipment of judicial infrastructures (higher instance courts (TGIs), Courts of Appeal), prisons, and some territorial base units of ISFs, police and gendarmerie schools, central inspections and some central services as well as training activities for managers at all levels have almost restored at least, mainly in Bangui, a situation equivalent to that before the 2013 crisis.

It is therefore important to build on this progress and support, first and foremost and taking advantage of the opportunities provided by the APPR, and the redeployment of ISFs, magistrates, the prison sector and lawyers, as well as civil society that contributes to the provision of justice services throughout the country, while strengthening their relationship with the population. It is also important to support reform management capacities - planning, management, coordination and good governance principles - at the level of Ministries and institutions at central level to better manage and sustain reforms and redeployment throughout the country.

There is also a need for strengthened capacity and gender-sensitive political will, both in strategic terms and in terms of providing services, protection and support to survivors of SGBV, as well as representation of women in the rule of law sector. Support to institutions and mechanisms for the prevention and response to SGBV - including support to UMIRR, as well as a possible response to human trafficking - is included as a specific outcome in this project in support of the rule of law. This responds to an identified urgent need for greater coordination and coherence in this area, which should not be isolated in a "gender niche" but should be included as a priority in the field of the rule of law.

As the project begins in an election year, institutions in the justice and security sectors will be supported with the same approach of capacity building and proximity to the population: on the security aspects of elections and prevention of electoral violence by ISFs, as well as access to civil status through mobile courts.

The strengthening of internal and external accountability mechanisms in the rule of law sector will also be supported, whether through inspections of ISFs and the judiciary or in terms of support to the National Commission on Human Rights and Fundamental Freedoms, the National Assembly and civil society as counterbalances and external oversight bodies. The project partners will continue advocacy efforts and support for the representativeness of the sector's staff, for a more inclusive composition that reflects the country's diversity, including women's access to judicial and ISF careers. Progress in this area would be in line with the spirit of inclusiveness claimed by the APPR and would help to strengthen people's confidence in the sector.

The objectives of this reform support contribute to broader efforts to prevent conflict and the rule of law and combat impunity. Achieving these objectives will require continuing the "classic" institutional capacity building scheme, but above all, the change in mentality and behaviour among ISFs and justice personnel, while raising public awareness of the missions of the police, gendarmerie, justice and their rights.

In a context where the demand for justice is very high, priority will be given to activities that strengthen the proximity, access and trust of the population, while strengthening advocacy and support for structural reforms on this approach focused on people, and the most vulnerable in particular. Perception surveys on peace, justice and security conducted between 2017 and 2018 show that the population needs to feel that ISFs play a central role in their security throughout the country and are hungry for justice. The project will therefore seek, as described, to ensure that i. the services provided by ISFs and justice actors have a real and felt impact on the population; and ii. to measure this trust in order to inform the national authorities and the international community that support them<sup>23</sup>.

Finally, the project hopes to contribute in this way to Agenda 2030 and SDG16 on peace, justice and effective institutions in particular, in particular:

- Target 16.1, which aims to reduce all forms of violence and related mortality rates
- Target 16.3, which promotes the rule of law at the national and international levels and ensures equal access to justice for all
- Target 16.a, which focuses on strengthening national human rights institutions (NHRIs) in accordance with the Paris Principles; and also
- SDG 5, which aims to eliminate all forms of violence against women and girls, including trafficking and sexual and other forms of exploitation, from public and private life<sup>24</sup>

As in the first joint project, and building on the results and partnerships established, this project is the main project within the framework of United Nations assistance to the rule of law sector in CAR. It is in addition to and complements the support projects for the Special Criminal Court, the projects in support of ISFs (PBF project in support of ISF renewal), the transitional justice process (PBF project for victims' access to justice and truth, including the operationalization of the Truth and Reconciliation Commission/CVJRR)<sup>25</sup>, the ARAT project<sup>26</sup> and the UMIRR. In this sense, this "umbrella" project with its objectives, partnerships and human and financial resources will contribute to strengthening the links between the justice and security sectors, whether at the level of national or international partners (including the various Pillars and Sections of MINUSCA), to the mobilization of resources for the entire "programme in support of the rule of law", as well as to cross-cutting activities for all projects and the sector such as perception survey on peace, justice and security; support for the NHRI as a human rights monitoring and counterweight entity, and more broadly support for analysis and reporting on the SDG16+.

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### III. RESULTS AND PARTNERSHIPS

#### *Expected results*

The expected results respond to the strategy and assumptions formulated in the theory of change described in the previous section, and are formulated as "outputs" in accordance with the rules and principles of results-based management:

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<sup>23</sup> by continuing the collaboration with Harvard Humanitarian Initiative as for [http://www.peacebuildingdata.org/sites/m/pdf/CAR\\_Poll4\\_Engl\\_Final.pdf](http://www.peacebuildingdata.org/sites/m/pdf/CAR_Poll4_Engl_Final.pdf)

<sup>24</sup> Dans ce sens le projet contribue aussi directement aux cibles du Plan Stratégique Global du PNUD : 2.2.3 Capacities, fonctions and financing of rule of law and national human rights institutions and systems strengthened to expand access to justice and combat discrimination, with a focus on women and other marginalised groups; et 3.2.2 National and local systems enabled and communities empowered to ensure the restoration of justice institutions, redress mechanisms and community security.

<sup>25</sup> In this sense, it should be noted in the related work plans and budgets that some support for ISFs will have to be funded by this project only from July 2020 when the ISF IFP project will end, and the same for support related to victims' access to justice and truth from August 2021 when the transitional justice IFP project will end.

<sup>26</sup> Support Project for the Redeployment of Territorial Administration and Socio-economic Revitalisation of Communities (ARAT-RSE).

## **OUTPUT 1: REFORM OF THE JUSTICE SECTOR IS IMPLEMENTED, CONTRIBUTING TO THE RESTORATION OF STATE AUTHORITY AND PUBLIC CONFIDENCE IN THE JUSTICE SYSTEM.**

The Peace agreement provides an important momentum for national authorities to advance the necessary reforms in the justice sector. The development and adoption of the National justice sector policy (PSJ) in November 2019 finally provides a strategic framework for the entire sector. However, the lack of management capacity, justice personnel and accountability, as well as the low absorption capacity within the justice sector, remain key challenges. These difficulties are both a cause and a consequence of the sector's shortcomings, and make it difficult to coordinate between judicial institutions and provide quality services to victims and the population, particularly in terms of the functioning of the criminal justice system. This output therefore aims to support the strengthening of the leadership and capacity of sector managers in strategic planning and management, with a view to: improving the management of services and courts and prosecutors; strengthening the capacity of the Ministry of Justice to lead the implementation of sector reforms and perform the administrative functions essential for the functioning of the sector; ensuring complementarity between the institutions of the transitional justice architecture; and promoting partnerships between actors providing justice services (State, Bar, civil society and also INGOs). This approach would strengthen the empowerment of national partners and facilitate a more efficient use of limited resources, including future EU budget support.

In a context where the demand for justice is very high and support for certain institutions may be ineffective, a prioritisation of activities to strengthen access to justice, and more specifically direct services to populations and victims (such as legal aid or support for the organisation of meetings and mobile courts), should be pursued, while strengthening advocacy and support for structural reforms. This approach is in line with the logic of the sectoral policy as well as with the continuity of the Phase I joint project and the support to judicial and non-judicial transitional justice institutions.

There is the possibility of providing support for the operationalization of military justice in the future, if necessary and requests national partners. Similarly, as set out in the National Justice Sector Policy, and with a view to promoting access to justice throughout the country, support for the recognition of alternative dispute resolution mechanisms (ADR) and traditional and informal justice, in particular to ensure the complementarity of the various mechanisms for access to justice.

The sub-output listed here - together with output 4 - contribute directly to all the axes and indicators of sectoral policy - i.e. I. Independence and accountability, II. Justice supply (including the Ministry's capacity to lead reform), III. Request for Justice, IV. Criminal chain and prison reform, and V. Human rights and transitional justice.

### *Indicators*

- *Implementation rate of the national justice sector policy*
- *Increased public confidence in formal justice (disaggregated by gender)*
- *Increased allocation of the State budget for the justice sector*
- *Number of people who have had access to legal aid (disaggregated by sex)*
- *Number of criminal trials and mobile courts*

### **Sub-output 1.1. - The Ministry of Justice has the capacity to pilot and implement reforms through the national justice sector policy**

The main activities include:

- Support to the Ministry of Justice for the operationalization and implementation of strategic planning mechanisms and sectoral policy coordination, including practical monitoring tools<sup>27</sup>
- Support to the NHRI as a key partner in justice and the implementation of the National Justice Sector Policy, with a view to achieving target a. of SDG 16

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<sup>27</sup> For example, tools such as dashboards, monitoring methodologies, etc.

- Cross-cutting monitoring activity: Undertake perception surveys on justice, peace and security, and support capacity building for data collection and analysis related to SDG16+
- Support for increased representation of women in the justice sector (see output 3)

### **Sub-output 1.2. - The capacity of the judicial system is strengthened for the administration of justice in accordance with international standards in Bangui and the regions**

The main activities include:

- Support for the holding of criminal trials and mobile courts
- Support in 2020 - electoral year: Support on access to civil status and the organisation of mobile courts for the delivery of supplementary judgments (cf. PSJ): particularly in the pre-electoral phase
- Support for the development and implementation of an action plan for the initial and continuing training of justice professionals, in support of the "Coordinating Committee for Training in the Justice Sector".
  - o Establish initial and continuing training for judges of both orders and other professionals in the field of justice
  - o Support for ENAM (National School of Administration and Magistrature)
- Support for the redeployment of magistrates (in line with RESA, in parallel with the redeployment of ISFs)
- Support for the coordination of actors in the criminal justice system, including coordination mechanisms with the SCC
- Support for inspection and internal and external controls in accordance with the National Justice Sector Policy<sup>28</sup>
- Support for the review of texts governing the functioning of the TGI and Courts of Appeal
- Support for the infrastructure and equipment of the TGI and Courts of Appeal

### **Sub-output 1.3. - The provision of legal aid is increased through the implementation of the law and the national legal aid strategy in CAR**

The lack of access to justice for the population is caused both by a lack of knowledge of the right of access to justice, as well as a lack of physical access to justice services or legal representation. CAR has adopted a national legal aid strategy (SNAL, 2017 - 2022) with the support of UNDP and MINUSCA, and the law on legal aid in CAR was adopted by the National Assembly at the end of 2019. The SNAL explains that "legal assistance for people in vulnerable situations (children, women, minorities, the elderly, etc.) remains problematic due to the absence of a *pro bono* system within the Central African Bar Association and the limits of ex officio commissions. The latter are only organised in criminal matters and during criminal sessions. A 1993 presidential decree set the amount of the compensation - still difficult to recover - at 5,000 CFA (about \$8), which demotivated lawyers from any effort when they were appointed. This sub-output proposes to address these challenges by supporting the approach proposed in the Legal Aid Act and SNAL for the operationalization of legal aid delivery mechanisms, as well as legal clinics run by CSOs.

The main activities include:

- Technical support to the Ministry of Justice, Bar Association and Civil Society for the establishment of the mechanisms proposed in the law and the national legal aid strategy (cf. PBF JT because financed until August 2021)
- Support for the implementation of the roadmap in support of the Bar (cf. PBF JT)
- Support for the functioning of civil society legal clinics (cf. PBF JT)

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<sup>28</sup> p.28

## **OUTPUT 2: INTERNAL SECURITY FORCES ARE DEPLOYED, CLOSER TO THE POPULATION AND PROVIDE A QUALITY SERVICE**

Indicators<sup>29</sup>

- *Increased population confidence in ISFs (disaggregated by gender)*
- *Percentage of operational Police and Gendarmerie units*
- *Number of ISFs deployed in the regions (excluding Bangui)*
- *Number of human rights violations committed by ISFs*

### **Sub-output 2.1 - The Ministry of Interior in charge of Public Security and the General Directorates of the Police and Gendarmerie are supported for better planning, management and coordination capacity**

ISFs will not be able to add value to public safety without improving the quality of their services. This improvement can only take place if the reforms undertaken are facilitated through the human and material resource management capacities of the ISFs, i.e. at the level of the Ministry of Interior (MoI) and the Director-Generals (DGs) of the police and the gendarmerie.

Support will focus on the sustainability of reform initiatives, such as the creation of new units, the reorganisation of services or the introduction of new working methods, as well as the capacity of MoI and DGs to better manage the human resources, infrastructure, equipment and materials at their disposal. This project will contribute to strengthening the capacity of the MoI to better manage and manage projects - and thus to better coordinate and manage international community support - through support to the Joint Project Management Unit (UMGP), created by ministerial decree in 2019, within the committee for the coordination and monitoring of the implementation of the reform of the ISFs, with the aim of boosting it, ensuring better monitoring-evaluation and accelerating the implementation of the ISF reform and capacity building projects on the 5 axes of the reform (i.e. legal and regulatory framework, human resources, budget and logistics, training and operations, conduct and discipline).

The project will also contribute to improving the management of material resources, such as support for the Ministry of the Interior's automotive workshop. Beyond the registration phase of police and gendarmerie personnel and the establishment of a human resources database, it is important to set up a job and skills planning system at ISF level to facilitate their redeployment, the initialization of specific operational capacities and the rational management of careers. The project will support the improvement of the management of ISF units and personnel through a strengthened and effective chain of command and control, particularly at the level of middle management (and supervisory staff) of the police and gendarmerie.

It is also important to strengthen coordination mechanisms between the police, the gendarmerie and other security actors in the Central African Republic. It will also facilitate the pooling of resources and skills. This reinforcement must affect both the operational level (CIC, COC and DG Ops) and the strategic level (Ministry of the Interior, the General Directorate of the Police and the General Directorate of the Gendarmerie).

Finally, it should be noted that it is important to evaluate the services of ISFs and to hold each element of the police and gendarmerie accountable. This evaluation will be carried out through internal and external mechanisms aimed both at ensuring discipline within the ISFs and at giving the population the opportunity to report human rights violations and acts that are not in conformity with the ethics and deontology of the police and gendarmes.

Several initiatives have been taken to strengthen internal control of the police and gendarmerie through capacity-building of the central police and gendarmerie inspectorates at the Ministry of the Interior. It is important that inspection control is complementary to hierarchical, automatic control between superior and

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<sup>29</sup> Reference is made here to the indicator on GBV "Number of cases of GBV, including conflict-related sexual violence, treated and judged" in output 3, also related to support to the security sector.

subordinate within the chain of command. Citizens will also need to be informed of the roles and missions of ISFs, their duties to citizens and the rules of ethics and professional conduct.

The main activities include:

- Strengthen the management and planning capacities of the Ministry of Interior and General Directorates
- Strengthen the managerial capacities of ISFs in order to improve coordination and meet security challenges, especially within the country
- Support human and material resources management bodies
- Support the strengthening of the legal and regulatory framework and the capacity of ISFs to respect human rights and ethics and professional conduct (see link to sub-output 3.2 - ISFs have and implement a gender mainstreaming plan)
- Strengthen internal control mechanisms

### **Sub-Output 2.2 - The redeployment of Internal Security Forces across the country is supported**

The restoration of state authority and the redeployment of ISFs are only possible through the renewal of staff and the strengthening of the capacities of the redeployed units. The institutional gains made in this context should be maintained through better management, which is the target of the first output.

Recruitment and training of personnel are two necessary conditions for the successful redeployment of the police and gendarmerie in a sustainable manner throughout the country. After the support of MINUSCA and UNDP for the recruitment and training of the first class of 500 police officers and gendarmes after the crisis, the Ministry of the Interior continues with the recruitment of 1000 police officers and gendarmes in 2019. The project plans to support this and subsequent recruitment and training to reach the 5000 new elements by 2023, in line with the capacity building and development plan for the police and gendarmerie<sup>30</sup>. Redeployment must take into account the context and analysis of the conflict in the areas concerned. It is therefore necessary to consider integrating more recruits from these areas into the police and gendarmerie, who were previously not very involved in recruitment competitions. The project will continue to support recruitment processes to ensure that gender equality, geographical and ethnic distribution of the population is reflected in the composition of the police and gendarmerie. It is also important to ensure at the human resources level that these recruits are assigned to priority areas, while respecting the principle of availability to serve throughout the country. This will help to improve the local population's confidence in security institutions and consequently social cohesion, and will also improve the ISF/population ratio, and enable the State to control the mining and fiscal resources necessary for the country's development.

The recruitment and training of the first 500 police officers and gendarmes after the crisis made it possible to relaunch the police and gendarmerie schools with a capacity of 250 places at the police school and 300 places at the gendarmerie school. In order to reach a capacity of 500 places in each of the two schools, it is necessary to support the expansion of dormitories, refectories, classrooms and toilets in these two schools. These successive recruitments are also provided for in the PGRR, which will make it possible to achieve the ISFs' redeployment objectives.

The project recommends in-depth support for the units in which the police and gendarmerie will be redeployed. This support must take into account both command units, management structures and territorial units. The former are necessary to ensure good management and control and coordination of the territorial units, which in turn provide most services to the population. Support will be provided to regional directorates and police stations as well as groups, companies and gendarmerie brigades, in addition to units responsible for maintaining and restoring public order.

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<sup>30</sup> The UN Human Rights Due Diligence Policy (HRDDP) is applied in the implementation of this support, in support of national authorities and jointly between UNDP and MINUSCA (UNPOL and the Human Rights Division). When it comes to support funded by the United States, Leahy Vetting rules and procedures are also applied.

The project will ensure that the performance of the redeployed units is measured in order to make any necessary adjustments quickly if necessary. These measures will be carried out through daily, weekly and monthly reports from the chain of command and inspections and also through ongoing perception surveys (addressing specific issues in the target areas).

It is also important to better coordinate ISF redeployment activities with the redeployment of judicial, prison and administrative authorities. The development of a strategy for the restoration of State authority in 2017 (RESA) was not sufficient to coordinate the redeployment of these actors in Bambari, for example. A major problem remains the State's ability to prioritize and coordinate the multitude of support projects offered by partners as part of this redeployment. The second problem would be related to the lack of other public services in the redeployment areas that will ensure the sustainability and stability of the elements deployed with their families, including banking, health services and schools.

On another front, in the context of electoral assistance, the Electoral Support Project (PACEC) and MINUSCA already include several dimensions of election security and the protection of civilians from electoral violence, in coordination with all relevant actors. The ultimate objective is to avoid human rights violations and loss of life while providing a public space conducive to the participation of all Central Africans in elections, through the democratic management of public order. This output aims to fill gaps in existing support for ISF capacity building, facilitate the predictable functioning of coordination mechanisms and contribute to sustainability through better asset management.

Finally, in order to contribute to the fight against impunity, it is also envisaged to strengthen the capacity of the judicial police through ad-hoc training and a comprehensive programme using the five-year training plan (2019-2023) and the new continuing training centres. Technical and logistical support is also required for the benefit of judicial police units at the central and provincial levels. A link between the databases of the specialized units in judicial police and border police, including the DSPJ, the SRI, the criminal file of the gendarmerie and the UMIRR, is also to be expected in this project. The project will continue to provide the necessary support to forensic police units in order to develop genuine capacities (technical and scientific) forensic evidence.

The strengthening of coordination between the actors in the criminal justice chain, particularly the OPJs and the Public Prosecutor's Office, is necessary to ensure smooth investigations and prosecutions of criminals. This reinforcement involves the establishment of coordination mechanisms while ensuring their follow-up and raising awareness of these mechanisms among these two actors (we note here the link with output 1 of the project, in support of the justice sector).

Enhanced investigative capacity in the economic field and in the fight against organized and transnational crime will help to combat trafficking in mining and other illicit commodities that feed armed groups, which are the main causes of instability.

The main activities include:

- Support the renewal of ISF staff to better prepare for redeployment with qualified personnel (Operationalization of the ISF Higher School, creation and operationalization of the National Gendarmerie Officers' School, creation and operationalization of the National Police Commissioners' School, recruitment support, school support, support for the implementation of the five-year training plan, resolution of the issue of auxiliaries)
- Support the redeployment of ISFs in the territorial and border areas covered by the project (in line with RESA, in parallel with the redeployment of magistrates)
- Strengthen the capacity of ISFs to secure elections and prevent violence
- Improve the provision of specialized judicial police services at the central and regional levels to strengthen the criminal justice system and the fight against impunity (see link to Sub-output 1.2)
- Support ISFs in the implementation of national frameworks for better border control, including issues related to immigration and the fight against trafficking in natural resources.

**Sub-output 2.3 - Public safety is improved through the implementation of the community policing approach for closer and more efficient security services**



The promotion of a community policing doctrine is one of the important philosophies for changing the mentalities of ISFs for a successful reform. The key objective is to bring ISFs and the public closer together and work in partnership to prevent crime and solve community problems. The organisational transformation of ISFs, followed by the development and capacity building of consultation bodies involving all security actors at all levels, including municipal police, with a vision of "security for all and by all", contributes to the change of mentality and the rapprochement of ISFs and the population.

Following the adoption of the ministerial policy on community policing in 2019, the project proposes its implementation in the target areas. It is important to consider that a change in the mentality of ISFs is an important condition for successful redeployment to areas where they have been absent for many years and where the population potentially considers them as a foreign or even "enemy" actor.

This must also be accompanied by significant capacity building of the pilot units to improve the service of ISFs to the population. The project will continue this work at Bangui level and apply it in pilot areas. An activity on raising public awareness of the risks of illicit firearms trafficking in these areas is also proposed to prevent a return to conflict and keep ISFs redeployed.

In order to strengthen the accountability of ISFs, the project will support the improvement of the implementation of disciplinary regimes, the operationalization of democratic control mechanisms, including the National Assembly and civil society. The capacity building of the National Assembly's Defence and Security Commission will focus both on training its members to be able to carry out analyses and evaluate the use of the budget allocated to the security forces, as well as to support them in control missions in the field. CSO capacity building will be carried out in collaboration with the MINUSCA Human Rights Division (HRD) to take over and strengthen the CSO network created in 2017 for citizen monitoring and reporting of human rights violations committed by ISFs.

In continuity with the support provided since 2019, the project will continue to support the communication units of the Ministry of the Interior and the two Directorates-General of the Police and the Gendarmerie. These services will allow communication on the activities of the ISFs and will help to inform the population (also the ISFs) about new reforms and the State's efforts in terms of redeployment and internal security.

The perception surveys are very important for assessing the impact of the project, the progress of objectives against the population's expectations in terms of combating impunity, access to justice and the perception of the population of the redeployed ISFs.

The main activities include:

- Support the implementation of the ministerial policy of community policing in pilot sites, particularly in intervention areas
- Improve the services provided to the population (reception, support, rapid intervention, handling of complaints, etc.) at the territorial unit level in the intervention areas
- Support the establishment of consultation bodies in the intervention areas (CSU and CLS) and strengthen their capacities
- Strengthen the capacity of the Municipal Police
- Support the strengthening of mechanisms for democratic control and the fight against impunity
- Improve communication at the departmental and two DG levels
- Cross-cutting monitoring activity: Undertake perception surveys on justice, peace and security

### **OUTPUT 3: WOMEN'S ACCESS TO JUSTICE AND SECURITY IS INCREASED, INCLUDING THROUGH THE PROSECUTION, INVESTIGATION AND ADJUDICATION OF SGBV CASES.**

Women's access to justice is conditional on their rights to equality before the law, effective access to remedies and non-discriminatory access to justice being guaranteed, as set out in international human rights instruments. According to the Convention on the Elimination of All Forms of Discrimination against Women, States parties must undertake to "establish judicial protection of women's rights on an equal footing with

men and guarantee, through the competent national courts and other public institutions, the effective protection of women against all discriminatory acts"<sup>31</sup>.

In the Central African Republic, women's access to justice has often been hampered by social, cultural and institutional barriers, discriminatory or sexist attitudes and bias in the provision of justice services. The weak capacity of judicial and security sector institutions to respond to violations against women often results in a high rate of underreporting of violence, which means that only a fraction of cases introduced into the formal system are investigated and prosecuted, result in a decision or judgment and provide access to an effective remedy and reparation.

The national justice sector policy 2020 - 2023 refers to studies that<sup>32</sup> have highlighted the specific difficulties women face in accessing justice and plans to address them and ensure respect for women's human rights. In particular, it proposes that CSOs promote women's leadership and set up awareness-raising and training sessions on women's rights and gender as well as on access to justice for women's groups, the general population and justice actors. However, detailed information on effective and contextualized responses to CAR remains vague. The UNDP and UN Women project for "Support to victims and Central African populations in accessing justice and truth" (PBF) plans to carry out a nationwide study on women's access to justice, which will provide guidance and recommendations that this project will take into account in the implementation of strategies and activities.

This output has two objectives:

- The integration of gender dimensions and women's human rights into all project axes and outcomes and support for specific efforts to promote and protect women's human rights, be represented in the rule of law sector, and to have access to justice and security.
- Strengthening the capacities of state stakeholders to take into account gender equality and women's human rights issues. It will aim to promote the participation and representation of women in institutions and processes, as well as to raise awareness of the structural causes of discrimination against women and develop strategies to address them.<sup>33</sup>

### **Low response to SGBV**

As mentioned in the introduction, SGBV, including conflict-related sexual violence, is widespread and structural in CAR. However, the response of ISFs and the judiciary to this type of crime remains below expectations, including in terms of prevention, care and investigation. The Joint Rapid Intervention and Repression Unit for Sexual Violence against Women and Children (UMIRR), a specialized unit composed of police and gendarmes to investigate crimes of sexual violence, was created in 2015 and made operational in 2017 to address these challenges. However, violence against women continues to be perpetrated with impunity, especially outside of Bangui.

In addition to the lack of understanding and awareness of the issue of SGBV at the community level, the actors in the criminal justice system do not have the capacity to deal with denunciations. The lack of coordination between UMIRR, police and gendarmerie units and other state institutions is high, resulting in a loss of resources, inefficiency and reduced impact. It should also be noted that this lack of coordination also leads to saturation of UMIRR and its staff. Indeed, the sensitizations made by UMIRR, with the support of UNPOL among the population, have led to a significant wave of victims complaining about facts that do not fall within its jurisdiction or that can be dealt with in other police and gendarmerie units. It is therefore important to clarify UMIRR's role with State and population institutions and to coordinate with other services in order to deal effectively with all denunciations. In addition, during these first years of existence, the lack of a clear status defining the working conditions of police and gendarmerie personnel seconded to UMIRR,

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<sup>31</sup> Convention on the Elimination of All Forms of Discrimination against Women, 1981, Article 2(c).

<sup>32</sup> Among others: Umubyeyi L., *Resolving conflicts without power: practices to facilitate access to justice by Central African civil society organizations*, Avocats Sans Frontières (ASF), February 2018.

Ministry of Justice and Human Rights, *Study on the mechanisms and actors of informal justice in Central Africa*, 2018.

International Legal Assistance Consortium (ILAC), *Report on the Assessment of the Rule of Law in the Central African Republic*, 2017.

<sup>33</sup> It is noted that during the implementation of the PBF project in support of victims in accessing justice and truth - until August 2021 - this component will be covered.

including the payment of bonuses and allowances, demotivated the staff and the majority of the trained and mentee staff (28 out of 45) left UMIRR to return to other units. In November 2019, the related decrees and orders were issued and new staff were assigned, facilitating the effective functioning of UMIRR in the future.

#### Indicators

- *% of women's trust in formal justice*
- *% of the State budget allocated to UMIRR*
- *Number of cases processed by UMIRR with files sent to the Public Prosecutor's Office*
- *Number of cases of SGBV, including conflict-related sexual violence, investigated and prosecuted*
- *% of women in ISFs and the justice sector*

#### **Sub-output 3.1 - Cases of sexual and gender-based violence, including conflict-related sexual violence, are investigated, prosecuted and adjudicated in accordance with international standards**

In his latest annual report to the Security Council on conflict-related sexual violence, the Secretary-General stated that "conflict-related sexual violence has continued; most rapes of girls and women have been attributed to members of signatory armed groups, but the armed forces and national security forces have also been implicated in some cases. »<sup>34</sup>

UMIRR is the only investigation unit specialized in combating sexual and gender-based violence in CAR, although it is not the only police unit that can investigate SGBV. In the year following its operationalization, UMIRR received approximately 450 complaints of sexual and gender-based violence, including 318 cases of rape. These trends are expected to continue and, as UMIRR develops its technical capacity, it will undertake more complex investigations into conflict-related sexual violence, including cases that could be brought before the CAR Special Criminal Court. Although UMIRR has carried out two missions to the provinces and conducted an increasing number of investigations, these have not resulted in a corresponding increase in prosecutions.

Only 32 SGBV cases (including SV-Cs) have been tried since 2017 during the criminal sessions in Bangui and Bouar. In order to improve the judicial response to conflict-related sexual violence, Central African courts need additional support to handle investigation cases transferred by UMIRR. In this logic, a consultation framework for actors involved in access to justice for victims of SGBV has been set up, the overall objective of which is to promote the establishment of a framework for collaboration with the justice system, in order to facilitate exchanges between the various actors in the field of SGBV repression (particularly OPJs and the Prosecutor's Office), to identify bottlenecks and to make progress in the processing of cases submitted to the courts.

The main activities include:

- Train and supervise gendarmerie and police investigators and police officers (Judicial Police Officers) working at the Special Criminal Court, UMIRR and police stations in the field of SGBV
- Train and supervise magistrates and judicial staff of ordinary courts (and SCC) on judicial procedures relating to SGBV and conflict-related sexual violence
- Provide support for the prosecution and adjudication of such cases.
- Support in equipment and logistics to UMIRRR
- Provide support for UMIRR's development and devolution to the regions with a view to bringing it closer to the beneficiaries of its services
- Provision of expertise in the investigation, prosecution and adjudication of conflict-related sexual violence (in particular through the deployment of the Technical Expert of the TOE)
- Provide support to the Framework for exchanges and collaboration of actors fighting SGBV (mainly between UMIRR, the Prosecutor's Office and the judges).

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<sup>34</sup> <https://undocs.org/fr/S/2019/822>

### **Sub-output 3.2 - ISFs have and implement a gender mainstreaming plan for police and gendarmerie**

Within the framework of existing support, a Ministerial Action Plan for Gender Mainstreaming in the Reform of ISFs is being developed at Mol. A situational analysis was conducted in November 2019 on the challenges and opportunities for corrective measures to ensure women's effective access to security, combat impunity for SGBV cases and ensure inclusive and gender-sensitive ISF reform.

The main activities include:

- Implementation of the Ministerial gender mainstreaming plan for police and gendarmerie
- Support the Joint Gender Team "Police, Gendarmerie and UMIRR" in charge of implementing, monitoring and evaluating the Ministerial Plan for Gender Mainstreaming in the Reform of ISFs
- Support for the implementation of internal gender mainstreaming mechanisms in ISFs (gender-sensitive human resources management, complaint and discipline mechanisms, career management, quotas, prevention and response to sexual harassment cases),
- Support for the implementation of external SSR and ISF control mechanisms for the application of the gender approach (see Sub-output 2.3)
- Training and awareness-raising on gender and gender equality in the security sector
- Technical support provided for compliance with quotas for women's participation in police mechanisms in accordance with the Gender Equality Act (see output 2)
- Support the creation and operationalization of gender services/offices within Mol, police and gendarmerie offices

### **OUTPUT 4: REFORM OF THE PRISON SYSTEM IS IMPLEMENTED, CONTRIBUTING TO THE IMPROVEMENT OF PRISON CONDITIONS**

For several years now, the prison system has been confronted with the problem of prison overcrowding, dilapidated and dilapidated infrastructure and conditions of detention that fall far short of international standards. Prison staff are almost entirely underpaid, understaffed, untrained to work in prisons and remain poorly motivated. The multiple escapes, the most massive of which occurred in September 2015 involving nearly 700 detainees, also demonstrate the weakness of this essential link in the criminal justice system.

With the approach of this project to contribute to the restoration of state authority throughout the country, by consolidating the rule of law with the implementation of reforms in the justice and security sectors, specific support to the prison sector is key. This output is in line with existing support to prisons, but with a more focused effort on systemic reform of the sector.

Since 2014, MINUSCA and UNDP have been providing technical and operational support to the prison sector, focusing on the following areas: support for prison reform aimed at demilitarizing prisons, training and mentoring of staff in operational prisons (mainly on security management and prison record keeping), and infrastructure rehabilitation. Despite this support, detention conditions often remain inhuman and the rate of prolonged pre-trial detention is very high at over 66%). In addition, the capacity to detain high-risk detainees remains very limited, and will need to be strengthened as a matter of priority in view of the progress of the SCC's judicial work.

With a strategy to gradually reopen prisons and demilitarize the prison system<sup>35</sup>, adopted in early 2019, and a detailed action plan, and its results included in the 2020-2024 justice sector policy, the sector now has a vision and concrete actions. It aims in particular to establish a cadre of qualified civilian staff and has enabled 150 prison students to be recruited and trained (in progress) at ENAM. A second wave of recruitment of 150 additional staff took place in 2019, with the start of training in 2020. Although recruitment procedures have

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<sup>35</sup> <https://cdn.penalreform.org/wp-content/uploads/2019/10/Strat%C3%A9gie-d%C3%A9militarisation-FINALE.pdf>

begun, it should be noted, however, that these future prison officers are not yet public officials and as such do not yet receive remuneration as other civil servants.

As with judicial institutions, investment in infrastructure whose security and maintenance cannot be provided by the State should also be less important than in the project that is now coming to an end and should take into account the lack of staff capable of managing prison institutions.

With this output it will be important to support the Directorate General of Prison Services (DGSP) in steering this reform, supervising and managing the administration and prisons with the key objective of improving conditions of detention, which should contribute to the security of prisons. A partnership between MINUSCA and the NGO "Penal Reform International" (PRI) has been providing technical assistance directly to the DGPS since 2018.<sup>36</sup>

There is also support for the NHRI (the National Commission on Human Rights and Fundamental Freedoms) in the implementation of its mandate, including monitoring in places of detention (output 1). As part of United Nations support to the sector, continued political advocacy will be based on the status and conditions of detainees, particularly those in pre-trial detention (link to output 1) and women. In addition, this advocacy will support budget planning for the integration of trained prison staff in order to achieve the objective of a transition from FACA security responsibilities to civilian prison staff, as well as a gradual increase in the budget allocated to detention conditions for the benefit of both prisoners and infrastructure maintenance.

#### *Indicators*

- *Prison occupancy rate (national average, and number of prisoners disaggregated by sex)*
- *% of the justice budget allocated to conditions of detention*
- *% of detainees in pre-trial detention*
- *Number of prison officers trained and integrated into the civil service*

#### **Sub-output 4.1 - The prison demilitarization strategy is implemented with the required multi-sectoral approach**

The main activities include:

- Technical support provided to the DGSP for the management of the strategy, including secretariat and advice to the Steering and Technical Committees, sectoral groups (including support for the implementation of the national health policy in prisons, and the social reintegration strategy)
- Technical support for the development of manuals of prison management procedures and related services (financial and stewardship, production and use of detainee labour, health and care, etc.)
- Support for prison inspections
- Taking into account the gender aspect in all activities and decisions (Bangkok Rules)
- Support to the NHRI for the monitoring of detention conditions (see output 1)

#### **Sub-output 4.2 - The prison system in CAR has the human resources required for its operation in accordance with international standards**

The main activities include:

- Training and deployment of 300 prison officers and support for curriculum development
- Advocacy for salary budgeting and integration of the 300 trained staff in the civil service
- Staffing and capacity building of existing staff
- Support for the development of a training curriculum for prison and related professions.

#### **Sub-output 4.3 - The prison system has strengthened capacity to ensure prison security and conditions of detention in accordance with international standards in Bangui and the regions**

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<sup>36</sup> During the implementation of this project, and as part of the planning for MINUSCA's exit strategy and sustainability of support, it will be decided with the national party whether PRI will be the provider of technical expertise to the DGPS or whether another UN entity can play this role over time, and if necessary.

As with the ISFs and the judiciary, with the implementation of the Peace Agreement, some prisons with existing structures can reopen immediately. However, others, whose facilities have been looted or vandalized and will gradually open up as reconstruction and rehabilitation efforts progress. In order to facilitate the revival of the criminal justice system in secure areas, priority will be given to the importance of judicial activities, distance, population density and the importance of economic activities, as well as building on the efforts already undertaken by the Phase I joint project.

In addition, as indicated in the strategy for the demilitarization of CAR's prisons, the prison service remains unique for all prisoners, regardless of jurisdiction. Thus, detainees of the Special Criminal Court will be subject to the national detention regime, and will not have their own prison. However, in order to currently address the lack of funds to support the construction of the Bangui High Security Prison and to address the potential need to protect some detainees working with the SCC and other national jurisdictions, it is possible to expand the current capacity of the Ngaragba prison. In addition, in order to meet one of the recommendations of the SCC's strategy for the protection of detainees and places of detention, an extension of the community hospital will be possible in order to set up an infrastructure capable of accommodating patients in detention who require hospitalization.

The main activities include:

- Infrastructure at Camp de Roux, Sibut, Ngaragba, Bambari
- Equipment (prisoner transport vehicle, ambulance and administrative operating vehicles, security equipment for staff, medical equipment for infirmaries, etc. )
- Support to Special Criminal Court detention needs: annex in Ngaragba prison

### ***Resources required to achieve the expected results***

The resources required to achieve the above outputs are of two kinds. These are human resources with international and national expertise, as well as the infrastructure, equipment, goods and services required to support the justice and security sectors through the planned activities. As a result, the key inputs to deliver the outputs are:

- **Human Resources :**
  - United Nations support for the rule of law and for the implementation of this project is managed by a project team (see detailed structure below). The management modality chosen remains the DIM (*Direct Implementation Modality*) by UNDP. Thematic (justice, security, SGBV, M&E, communication, other), operational (operations, administration and finance) and infrastructure programmatic staff are already in place and/or will be recruited, but financial resources are required to ensure the continued presence of this team.  
The project team will work jointly, collegially and in a team spirit with MINUSCA staff (including UNPOL, JCS, SSR Section, HRD, Gender, Civil Affairs, Gender Section and others where relevant), as well as with UNODC teams, UN Women and other UNDP projects where relevant.
  - The provision of required expertise, as required and requested (e.g. trainers, thematic, national or international consultants, NGOs, academic entities, other)
- **Infrastructure, equipment, goods and services:** this includes the completion of the renovation and equipment as described in the outputs. In addition, for the implementation of the activities, field missions will be planned.

### ***Partnerships***

The philosophy of the project remains that of the first joint project 2014 - 2019 and aims to encourage the "fight against human rights violations and the revival of justice in the Central African Republic", which is one of the flagship programmes of the United Nations Global Focal Point Arrangement (GFP) for the rule of law, which brings together UNDP, DPO, UNODC, OHCHR, UN Women, and UN HCR. By planning and implementing

the programme jointly with MINUSCA and certain activities with other agencies, the Project capitalizes on the respective cumulative and complementary operational, technical, programmatic and political advocacy mandates and capacities of the various partners. It also facilitates access to the network of technical expertise, political support and additional resource mobilization capacities that it provides at the global/HQ level, including the Reference Group in support of the Rule of Law with representatives of United Nations Member States in New York.

At the level of the GFP partners in Bangui, it was agreed to develop a "roadmap" based on the programmatic axes of the National Justice Sector Policy, expected results and joint activities in the field of the rule of law. It will facilitate information exchange, coordination and complementarity and thus strengthen the joint approach. Through this, dialogue with - and common messages to - national partners and donors will be facilitated. An "Orientation Committee" will be responsible for monitoring and evaluating joint assistance in the field of the rule of law and for coordinating United Nations actors.

As already described above, like the first joint project, and building on the results and partnerships established, this project is the main project within the framework of United Nations assistance to the rule of law sector in CAR. It is in addition to and complements the support projects for the Special Criminal Court, the projects in support of ISFs (PBF project in support of ISFs), the transitional justice process (PBF project for victims' access to justice and truth, including the operationalization of the Truth and Reconciliation Commission/CVJRR), ARAT and UMIRR.<sup>37</sup> In this sense, this "umbrella" project with its objectives, partnerships and human and financial resources will contribute to the links between the justice and security sectors, both at the level of national and international partners (including the various MINUSCA Pillars and Sections), the mobilization of resources for the entire "programme in support of the rule of law", as well as for activities that cut across all projects and the sector, such as perception surveys on peace, justice and security, support for the NHRI as a human rights monitoring and counterweight entity, and more broadly support for analysis and reporting on the SDG16+.

The first project had a total of 3 implementing partners. These were MINUSCA, UNDP, and UN Women. The implementation of this first project has seen little involvement of UN Women in the activities it was to implement and in the coordination of activities.<sup>38</sup> In addition, UNODC has been active since February 2018, as an implementing partner of MINUSCA for its programmatic funds, to support MINUSCA in supporting the PSC, in the areas of legal aid and victim and witness protection, as well as on illicit trafficking in firearms, natural resources, trafficking in persons and other forms of organized crime, and on anti-corruption and the drafting of the health strategy in the prison sector. As this project is in a way the "umbrella project for rule of law assistance in CAR", and thus a key vehicle for mobilizing resources for the field as well as preparing MINUSCA's exit strategy, partnerships with UN Women and UNODC are fully welcome and feasible in order to achieve the expected results and implement activities of the project.

This project will be implemented in direct modality (DIM) by UNDP, working jointly with the partners mentioned below. They will use, as necessary, expertise that they would not be able to provide in various forms (either through consultants or by subcontracting to NGOs, private companies or academic entities).

## **MINUSCA**

MINUSCA has been mandated by the Security Council (through several resolutions since 2015) to support the rule of law, security sector reform, justice and the fight against impunity, and very specifically the Special Criminal Court, elections, as well as the protection and promotion of human rights. The Security Council also mandates MINUSCA to assist national authorities in coordinating the support provided by international partners to the rule of law sector. It also has the advantage of having staff with a mandate to co-locate with the police, gendarmerie and national prisons, and significant logistics that will be used, in particular for travel within the country, as well as the armed elements it will make available to secure certain activities and its staff (missions, others), taking into account the complementarity with UNPOL in its activities. In a perspective

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<sup>37</sup> In this sense, it should be noted in the related work plans and budgets that some support for ISFs will have to be funded by this project only from July 2020 when the ISF IFP project will end, and the same for support related to victims' access to justice and truth from August 2021 when the transitional justice IFP project will end.

<sup>38</sup> Cf. mid-term evaluation report of the Project.

of transition to an exit strategy, the roles assigned to MINUSCA may gradually be partially or totally transferred to other agencies already involved.

## **UNDP**

At the strategic and political level, UNDP has been present in the Central African Republic since 1976 and has developed relevant expertise in national capacity-building and other development activities in the country. These activities include reforms in the field of Governance and the Rule of Law, with the development and implementation of several programmes in support of the country. This also gives it a leading role with the authorities (executive, legislative and judicial) and civil society, in a context where, with the "temporary" nature of the Mission, it would be able to capitalize on the achievements for an adequate integration into the expected reforms. At the inter-agency level, UNDP has the lead on issues related to governance and the rule of law, and has been implementing projects in this area for decades.

Beyond its role as an administrative agent, in the implementation of projects with MINUSCA and other United Nations entities, UNDP provides technical expertise, partnerships and networks at the global level, and its capacity to mobilize and manage financial and human resources. Finally, through its long-term presence as a development agency, UNDP can rely on project management expertise that is well adapted to the realities on the ground in the Central African Republic.

As co-chair of the coordination of support to the justice and security sectors, these two partners will ensure that the necessary bridges are built with other ongoing initiatives in the field of the rule of law and transitional justice in order to rationalize support and ensure coherence of interventions in this sector.

## **The United Nations Team of Experts on the Rule of Law and Conflict-related Sexual Violence (TOE)**

In response to the extent of sexual violence committed during the conflict, a joint communiqué on combating conflict-related sexual violence was signed in Bangui on 31 May 2019 between the Government of CAR and the Special Representative of the Secretary-General on Sexual Violence in Conflict, on behalf of the United Nations. This document updates the previous joint communiqué dated 12 December 2012 and aims, inter alia, to consolidate bilateral technical cooperation in the field of strengthening the rule of law, in particular through the support of the United Nations Team of Experts on Rule of Law and Conflict Related Sexual Violence (TOE).

The TOE, established by United Nations Security Council Resolution 1888 (2009), is responsible for assisting national authorities in strengthening the rule of law with a view to combating impunity for crimes of sexual violence committed in conflict situations. As part of its activities in CAR, the TOE has carried out several activities with UNDP and MINUSCA in line with its mandate, including: the design of a judicial database containing specific information on conflict-related sexual violence; and the creation and operationalization of a specialized unit of police and gendarmes to investigate cases of sexual violence, the UMIRR. In addition, the TOE was a partner in the perception surveys implemented by the first joint project on justice and security. Since November 2019, the TOE has deployed a Technical Expert in Judicial Affairs and Sexual Violence Related to Conflict, based within MINUSCA-JCS and administratively managed by UNDP. This technical expert is responsible for monitoring the activities of the CAR Expert Team in the framework of this project.

### ***Risks and assumptions***

The risks and assumptions are documented in the relevant appendix.

### ***Involvement of stakeholders***

Through the project governance mechanisms at the Steering Committee and Technical Committee level, the development of annual Work Plans and the daily implementation of activities, as well as with surveys for perception studies, all project stakeholders will be closely involved in the project:



- The Ministry of Justice,
- The Ministry of the Interior in charge of Public Security,
- The General Directorates of the Police and the Gendarmerie
- The Special Criminal Court
- Civil Society (non-state actors: Bar, national and international NGOs, universities),
- The National Assembly
- The National Commission on Human Rights and Fundamental Freedoms
- The DDDR/SSR/RN Coordination of the Presidency
- The United Nations/Security Council/UNIPSCA
- Target groups: vulnerable and neglected populations and persons, including victims of the conflict and SGBV, remand prisoners
- And the Technical and Financial Partners

The project team will develop, at the beginning of each year, jointly with MINUSCA and other partners, as appropriate, the annual Work Plans, which will detail the activities to be implemented and the entity or entities responsible for those activities.

### ***South-South and triangular cooperation***

The project will benefit from access to the network of technical expertise, political support and additional resource mobilization capacities of the various GFP (UNDP, DPO) and TOE partners at the global level to contribute to the achievement of results - and in particular the Reference Group in support of the rule of law with representatives of the United Nations Member States in New York. In this sense, the project will seek to promote exchanges with partners in the region, including exchanges with other UNDP Country Offices.

### ***Knowledge***

The project plans to involve civil society and the media. Within this framework, publications and dissemination of reports to project targets, civil society and donors are planned.

The perception surveys on peace, justice and security conducted since 2017 through the first project constitute one of the most solid means of verification to measure not only the level of trust in the State and the security, justice and victim support services of SGBV, but also the impact of the project's support, particularly in terms of geographical analysis through interactive maps.

In general, court hearings in CAR are broadcast live on National Radio. This tradition, which is well appreciated by the population, could contribute to continuously increasing the visibility of the actions of the judicial sector.

Monitoring and Evaluation reports will also be produced and disseminated.

Finally, open days could also be organised on ISFs and courts - to facilitate exchanges with partners and the public, and to better communicate on work in the field of the rule of law.

### ***Sustainability and scaling-up***

The technical support provided by the United Nations in the implementation of the project is aligned with the priorities and strategies of the Government of the Central African Republic in general, and more particularly with the needs of the ministerial departments, institutions and civil society organizations concerned. Support for the strengthening of the technical and programmatic capacities of justice and security sector institutions contributes to the sustainability of results and greater ownership by national authorities of the implementation of the assistance programmes made available to them. The fact that the recruitment of the new 1000 ISFs and criminal sessions in 2019 were partly covered by the state budget is in itself a good indicator.

The project is designed in such a way that collaboration and consultation with national partners promotes concerted decision-making and action is driven by national will. Since the best tool for project sustainability is national ownership, the project is aware of the need to strengthen the commitment of national partners and is working to make this commitment a reality.

The exit strategy was considered from the design of the project so that the national actors involved - both institutional and civil society - would be able to define the interventions that would allow them to continue their support even after the end of the project. State actors (in particular the Ministries of Justice and Security) already benefit from support to reform and restructure their institutions in order to ensure the sustainability of the achievements.

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## **IV. PROJECT MANAGEMENT**

### ***Cost efficiency and productivity***

The Project Governance mechanism, taking into account the lessons learned from the first project, should ensure this aspect of cost-effectiveness and efficiency.

The use of a portfolio management approach aimed at improving cost-effectiveness by making activities and partnerships with other initiatives/projects more cost-effective will be reflected in the articulation of this project with the project in support of SCC, the joint projects supported by the PBF on transitional justice and ISF, as well as the set of initiatives initiated in the field of the rule of law that may have a link with SCC and transitional justice. This will be achieved through a results-based approach.

### ***Project management***

This UNDP-MINUSCA project is national in scope because of the national competence of the institutions, and the implementation of activities can be carried out in all regions of the country. However, the project team will be based in Bangui and located in the UNDP country office.

The project will be implemented jointly by UNDP and MINUSCA, with the collaboration of UN Women and UNODC, as well as with other partners involved in the justice and security reform process (including courts and tribunals, international and national NGOs and other United Nations entities such as TOE) as appropriate. These arrangements are in particular in line with MINUSCA's mandate to support the rule of law, SSR and justice.

A good practice identified during the first joint justice and security project is the co-location between the different teams on the security component: the presence of a full-time UNPOL in the UNDP project team, the presence of UNDP staff at UNPOL offices two afternoons a week, as well as the participation of a UNPOL project manager in the weekly project meetings, are assets facilitating the daily implementation of activities and communication. This will continue during the implementation of this UNDP-MINUSCA project, considering similar approaches on the justice side.

### **Relationship of the project with the joint project in support of the Special Criminal Court**

The SCC Support Project has been implemented since 2016 jointly - and in direct collaboration with the Ministry of Justice - by UNDP and MINUSCA and will be renewed in 2020.

While this project focuses on support for SCC, the Phase I joint project has contributed significantly to the development of SCC support and the planning of this support as developed in the first project document (2016-2019). Above all, the SCC is conceived and built as a catalytic instrument for developing national capacities (legacy), an approach also endorsed in axis 4 of the National Justice Sector Policy.

While they are 2 different projects with different specific objectives, these projects are linked as part of their management at the level of the United Nations Development Programme (UNDP) Country Office. They fall under the Governance Unit of the UNDP CAR Office. The UNDP Governance Programme Officer ensures the quality control of their activities. Both part of the UNDP CAR Rule of Law portfolio of projects, the implementation of activities is coordinated by the UNDP Rule of Law Chief Technical Advisor. In this perspective, the coherence and complementarity of the United Nations response to the challenges of justice reform, the prospects for the implementation of the national justice sector policy and related areas to strengthen the rule of law will thus be ensured.

### **Relationship of the project with the joint transitional justice project**

Following the signing of the February 2019 peace agreement, the joint project to support victims and Central African populations in accessing justice and truth, funded by the Peace Building Fund (PBF), was launched in the third quarter of 2019 and includes support for the complementarity of transitional justice mechanisms among its activities<sup>39</sup>. The project thus intends to capitalize on the efforts that will be undertaken as part of the implementation of the transitional justice project, in order to implement a number of activities in several areas such as support to the Ministry of Justice, support to civil society on access to justice, complementarity of transitional justice mechanisms, community motivation through strong partnerships with CSOs, etc. The resources allocated to the transitional justice project will thus be used to meet Sub-outputs 1.1 and 1.3 and other activities of the joint project.

#### **Relationship of the project with the ISF renewal support project**

The project to support the renewal of ISFs implemented jointly by UNDP and MINUSCA (UNPOL and RSS Section) with funding from the PBF since September 2017 (and ending in June 2020) is already an integral part of UNDP rule of law programming, with the same implementation team. The project contributes to the renewal of the police and gendarmerie forces as part of the national strategy to restore State authority and ISFs. It supported the recruitment and training of 500 new gendarmes and police officers, and began the process of implementing the community policing concept aimed at bringing ISFs closer to the population and providing a quality service. Following the signing of the political agreement on peace and reconciliation in February 2019 and the stipulation to create Special Joint Security Units (USMS by their French acronym), the project was extended at cost, in particular to contribute to the support of ISFs to USMS, and the redeployment of ISFs in USMS areas in order to ensure peace dividends in terms of security and State presence in regions newly secured following the APPR. In this vein, the project laid the foundations with the first joint project for output 2.

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<sup>39</sup> Included in [Output 1.1](#): Reforms and mechanisms for a transitional justice architecture implemented and communicated to the Central Africans

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## V. RESULTS FRAMEWORK<sup>40</sup>

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<sup>40</sup> UNDP publishes information on its projects (indicators, baseline, targets and results) to meet the standards of the International Aid Transparency Initiative (IATI). Care should be taken to use SMART indicators (specific, measurable, achievable, relevant and time-bound), to provide accurate baseline situations and targets based on reliable data and credible evidence. Acronyms should also be avoided so that the external public clearly understands the results of the project.

## **Target impact as stated in the UNDAF/Resource and Results Framework for the Country Programme:**

By 2021, political and administrative institutions and civil society organizations promote and contribute to peace, security, reconciliation and human rights.

### **Outcome indicators as contained in the Country Programme Resource and Results Framework, including baseline and targets:**

1.1 Percentage of people who perceive that personal safety has improved

Reference level (2017): 46%.

Target Level (2021): 75%.

1.3 Percentage of the population who paid - or were asked to pay - a bribe to a representative of the State

Reference level (2018): 22%.

Target Level (2021): 15%.

1.4 Rank of CAR according to the Mo Ibrahim Index of Governance in Africa

Reference level (2017): 51/54

Target Level (2021): 48/54

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## **Applicable output(s) of the UNDP Country Programme Document (CPD):**

Output 1.1: The population has access to justice and security services and criminal cases are tried, including by the Special Criminal Court.

Indicator 1.1.1.1: Number of criminal cases processed

Reference level (2016): 41, including 4 cases of sexual or gender-based violence

Target level (2021): 283, including 30 cases of sexual or gender-based violence

Indicator 1.1.2: Number of people who have received legal and judicial assistance

Reference level (2017): 8919 (including 2044 cases of sexual or gender-based violence)

Target level (2021): 14,000 (including 6,000 cases of sexual or gender-based violence).

Indicator 1.1.3: % of operational ISF units in the country

Reference level (2017): 32%.

Target level (2021): 92%.

*Outcome indicators that are not included in the CPD but to which the project contributes:*

Indicator A) Increased trust of the population in formal justice (disaggregated by gender)

Reference level (2019): 50% (58% Men / 42% Women)

Target level (2023): 60% (65% Men / 55% Women)

Indicator B) Increased population trust in ISFs (disaggregated by gender)

Reference level (2019): Police 72% (78% Men / 67% Women); Gendarmerie 79% (84% Men / 74% Women)

Target level (2023): Men / Women

Indicator C) % Women's trust in formal justice

Reference level (2019): 42%.  
Target level (2023): 55%.

Indicator D) % of pre-trial detention  
Reference level (2019): 66%.<sup>41</sup>  
Target level (2023): 60%.

**Applicable output(s) of the UNDP Strategic Plan:**

2.2.3 Capacities, functions and financing of rule of law and national human rights institutions and systems strengthened to expand access to justice and combat discrimination, with a focus on women and other marginalised groups  
3.2.2 National and local systems enabled and communities empowered to ensure the restoration of justice institutions, redress mechanisms and community security

**Project title and Atlas number:**

EXPECTED PRODUCTS	PRODUCT INDICATORS <sup>42</sup>	DATA SOURCE	BASELINE SITUATION		TARGET (by frequency of data collection)					DATA COLLECTION METHODS AND RELATED RISKS
			Value	Year	Year 2020	Year 2021	Year 2022	Year 2023	FINAL	
<b>Output 1</b> <b>The reform of the justice sector is being implemented, and contributes to the restoration of State authority and public confidence in the justice system</b>	<i>1.1 Implementation rate of the National Justice Sector Policy</i>	MJDH	0%	2019	10%	30%	50%	70%	70%	PV CoPIL and GT PSJ
	<i>1.2 Number of people who have had access to legal aid (disaggregated by sex)</i>	MJDH, NGOs	13 507 <sup>43</sup>	2019	15 000 <sup>44</sup>	17 000	18 500	20 000	20 000	Project reports and PV CoPIL and GT PSJ
	<i>1.3 Number of criminal sessions and mobile courts held</i>	MJDH	3 criminal sessions + 2 mobile courts hearings	2019	4 SC + 4 AF	4 SC + 6 AF	6 SC + 8 AF	6 SC + 9 AF	6 SC + 9 AF	MJDH

<sup>41</sup> MINUSCA data

<sup>42</sup> It is recommended that projects use the output indicators from the UNDP Strategic Plan's Integrated Results and Resources Framework (IRRF), as relevant, in addition to the project's specific performance indicators. Indicators may need to be disaggregated by gender or other target groups.

<sup>43</sup> People who have received services from legal clinics run by national NGOs.

<sup>44</sup> The implementation and M&E of the Legal Aid Act and the sectoral justice policy will in the future make it possible to measure access to legal aid by disaggregating targets/figures through legal aid, legal aid and potentially awareness-raising activities on access to justice.

<b>Output 2</b> The Internal Security Forces are deployed, closer to the population, and provide them with a quality service	<b>2.1</b> Percentage of operational Police and Gendarmerie units	Mol UNPOL	65 %	2019	75%	80%	85%	90%	90%	Mol reports and UNPOL database
	<b>2.2.</b> Number of ISFs deployed in the regions (excluding Bangui, disaggregated by gender)	Mol and UNPOL	1087 (99% M / 1% F)	2019	1500	2000	2500	3000	3000	Mol and UNPOL reports
	<b>2.3</b> Number of human rights violations committed by ISFs	MINUSCA DDH	67	2019	57	47	37	27	27	MINUSCA DDH reports
<b>Output 3</b> Women's access to justice and security is increased, including through the prosecution, investigation and adjudication of SGBV cases	<b>3.1%</b> of the State budget allocated to UMIRRR	State budget	0%	2019	1%	1%	2%	2%	2%	Min Finances and AN
	<b>3.2</b> Number of cases processed by UMIRRR with PV sent to the Public Prosecutor's Office	UMIRRR and MINUSCA	1,138 PVs of SGBV transmitted <sup>45</sup> (including 547 PVs of VS & 9 of SV-C)	2019	1200	1 300	1400	1600	1800	UMIRRR and MINUSCA reports
	<b>3.3</b> Number of cases of SGBV, including conflict-related sexual violence, treated and prosecuted	MJDH and MINUSCA	34	2019	44	55	70	85	85	MJDH and MINUSCA JCS reports
	<b>3.4 % of women in ISFs and the justice sector</b>	Mol, MJDH, and MINUSCA	15.42% ISFS Justice <sup>46</sup>	2019	16%	17%	18%	19%	19%	Mol, MJDH, and MINUSCA reports (UNPOL, JCS)
<b>Output 4</b> The reform of the prison system is being implemented, contributing to the	<b>4.1</b> Prison occupancy rate (national average, and number of prisoners disaggregated by sex)	DGSP, SDG16 Report and MINUSCA	202% (192% male/10 % female)	2019	190%	175%	116%	150%	150%	DGSP report, SDG16 report and MINUSCA (JCS)
	<b>4.2</b> % of the justice budget allocated to detention conditions	State budget and	6,40%	2019	8,90%	11,40 %	13,90 %	16,40 %	16,40 %	State budget and PV CoPIL MJDH/DGSP

<sup>45</sup> The Prosecutor's Offices in Bimbo and Bangui, and the Children's Court.

<sup>46</sup> Rate of women in the justice sector (magistrates, bailiffs, clerks, lawyers) not available at the time of writing the project document, will be identified and measured during the implementation of the sectoral justice policy.

improvement of prison conditions		MJDH/DGS P								
	<b>4.3</b> <i>Number of prison officers trained and integrated into the civil service</i>	MJDH, SDG16 and MINUSCA reports	0	2019	20	170	320	00	320	MJDH reports, SDG16 and MINUSCA reports



## VI. MONITORING AND EVALUATION

In accordance with UNDP programming policies and procedures, the project will be monitored according to the following monitoring and evaluation plans:

### Monitoring plan

Follow-up activity	Goal	Frequency	Expected action	Partners Partners (if mixed)	Costs (if applicable)
<b>Monitor progress towards results</b>	Data on progress against the outcome indicators in the SRR will be collected and analyzed to assess the project's progress towards achieving the agreed-upon outputs. Co-location between teams will facilitate common and ongoing collection and analysis.	Quarterly, or as often as necessary for each indicator.	Slower progress against forecasts (targets) will be addressed by the project "management".	MINUSCA	
<b>Monitor and manage risks</b>	Identify specific risks that could threaten the achievement of the expected results. Identify and monitor risk management actions using a risk register. This includes monitoring of measures and plans that may have been required in accordance with UNDP environmental and social standards. Audits will be conducted in accordance with the UNDP audit policy to manage financial risks.	Every quarter	Risks are identified by project management and actions are taken to manage the risks. The risk register is actively maintained to ensure the follow-up of identified risks and actions taken.	MINUSCA	
<b>Learning</b>	Knowledge, good practices and lessons learned will be regularly taken into account, as well as proactively drawn from other projects and partners, and reintegrated into the project.	At least annually <i>(On the occasion of annual reviews)</i>	Relevant lessons are taken into account by the project team and used to contribute to management decisions.	MINUSCA	
<b>Annual quality assurance of the project</b>	The quality of the project will be assessed against UNDP quality standards to identify the strengths and weaknesses of the project and	Annually <i>(On the occasion of annual reviews)</i>	Strengths and weaknesses areas will be reviewed by the project management and used to	MINUSCA	

	to contribute to management decisions for project improvement.		contribute to decisions to improve project performance.		
<b>Review and correct the course</b>	Internal review of data and evidence from all follow-up actions to support decision-making.	Semi-annually, on the occasion of the technical committees	Performance data, risks, lessons learned and quality will be reviewed by the project committee and used to correct the course.		
<b>Project report</b>	A progress report including progress data showing the results achieved against the predefined annual output targets, the summary of the biannual and annual project quality assessment, an updated risk register with mitigation measures, and all evaluation or review reports prepared during the period will be presented to the project steering committee and key stakeholders.	Semi-annually, Annually, and at the end of the project (final report)			
<b>Project review (project steering committee)</b>	The project governance mechanism (i.e. the project steering committee) will organize regular project reviews to assess project performance and revise the Multi-Year Work Plan to ensure realistic budget forecasts for the life of the project. In the last year of the project, the project steering committee will conduct an end-of-project review to take into account lessons learned and examine opportunities to expand the project's results and lessons learned as well as opportunities to raise awareness among the relevant audiences.	At least one Steering Committee per year	Any quality concerns and slower than expected progress should be reviewed by the project steering committee, and management actions should be agreed to address the identified issues.		

## Evaluation plan<sup>47</sup>

<sup>47</sup> Optional; as required

Title of the evaluation	(potential) partners	Associated output of the strategic plan	Impact of the UNDAF/DPP	Expected completion date	Key stakeholders in the evaluation	Cost and source of financing
Mid-term evaluation	1) Department of Justice 2) Ministry of the Interior in charge of Public Security; 3) MINUSCA		<u>Output 1.1 of the CPD</u> : The population has access to justice and security services and criminal cases are tried, including by the Special Criminal Court.	June 30, 2021	UNDP, MINUSCA, CPS	20,000 USD (to be mobilized)
Final evaluation	1) Department of Justice 2) Ministry of the Interior in charge of Public Security; 3) MINUSCA		<u>Output 1.1 of the CPD</u> : The population has access to justice and security services and criminal cases are tried, including by the Special Criminal Court.	June 30, 2023	UNDP, MINUSCA, CPS	20,000 USD (to be mobilized)

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## **VII. MULTI-YEAR WORK PLAN<sup>4849</sup>**

*All planned programmatic and operational costs for project support, including those for development effectiveness support and implementation arrangements, must be identified, estimated and fully costed in the project budget for each of the corresponding outputs. This includes activities that directly support the project, such as communications, human resources, procurement, financing, policy advice, quality assurance, reporting, management, etc. All services directly related to the project must be indicated in a transparent manner in the Project Document.*

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<sup>48</sup> Definitions and cost classifications for programme and development effectiveness costs to be charged to the project are set out in Executive Board decision DP/2010/32.

<sup>49</sup> Changes to a project budget that affect the scope (outputs), completion date or total estimated costs of the project require a formal budget review to be signed by the project steering committee. In other cases, the UNDP programme manager may sign the amendment alone, provided that the other signatories have no objection. This procedure is applicable, for example, when the purpose of the modification is only to reschedule activities between years.

EXPECTED PRODUCTS	PLANNED ACTIVITIES	Planned budget per year				PROVIDED BUDGET		
		2020	2021	2022	2023	Source of funding	Budget item	Amount
<b>Output 1</b> <b>The reform of the justice sector is being implemented, and contributes to the restoration of State authority and public confidence in the justice system</b>  <b>(G2)</b>	1.1 Support for the steering and capacity building of the Ministry of Justice for the implementation of the National Justice Sector Policy[1]	---	-	100 000	50 000	INL		275 000
		75 000	50 000			MINUSCA		
	1.2 Capacity building of the justice sector for the administration of justice in accordance with international standards in Bangui and the regions	500 000	500 000	500 000	500 000	INL		2 000 000
						MINUSCA		
	1.3 Support for the implementation of the legal aid law and the national legal aid strategy in CAR	-	300 000	600 000	500 000	INL		1 400 000
						MINUSCA		
	FOLLOW-UP							
<b>Total Output 3,675,000</b>								
<b>Output 2</b> <b>The Internal Security Forces are deployed, closer to the population, and provide them with a quality service</b>  <b>(G2)</b>	2.1 Support to the Mol and DGs of the police and gendarmerie for better planning, management and coordination capacity	200 000	500 000	500 000	300 000	200 000		1 500 000
	2.2 Support for the redeployment of ISFs throughout the country	800 000	1500000	1 500 000	1 000 000	INL		5 300 000
		500 000						
	2.3 Support for the implementation of the community policing approach for a closer and more efficient service	405 000	300 000	250 000	200 000	INL		1 155 000
		FOLLOW-UP						
<b>Total Output 7,955,000</b>								

<b>Output 3</b> <b>Women's access to justice and security is increased, including through the prosecution, investigation and adjudication of SGBV cases</b>  <b>(G3)</b>	3.1 Technical support for the investigation, prosecution and adjudication of cases of sexual and gender-based violence, including conflict-related sexual violence	500 000	500 000	500 000	500 000	TOE		2 000 000
	3.2 Support for the implementation of the plan to integrate the gender approach of ISFs	150 000	100 000	75 000	75 000	MINUSCA		400 000
	FOLLOW-UP							
	<b>Total Output</b>							<b>2 400 000</b>
<b>Output 4</b> <b>The reform of the prison system is being implemented, contributing to the improvement of prison conditions</b>  <b>(G1)</b>	4.1 Support for the implementation of the strategy for the demilitarization of prisons	150 000	100 000	100 000	75 000	MINUSCA FP		425 000
	4.2 Support for the recruitment, training and deployment of prison officers	150 000	50 000	--	---	INL		200 000
	4.3 Support for prison system infrastructure and equipment in Bangui and the regions	1090 000	1000000	400 000	250 000	MINUSCA FP		3 540 000
		800 000				INL		
	FOLLOW-UP							
<b>Total Output</b>							<b>4 165 000</b>	
<b>Evaluation (if applicable)</b>								
<b>General management support</b>	Human Resources	450 000	450 000	450 000	450 000	UNDP (TRAC)		1 800 000
						INL		
						MINUSCA FP		
	Equipment and operation	100 000	100 000	100 000	100 000	UNDP (TRAC)		400 000
total without GMS								20 395 000
	GMS 8%							1 631 600
<b>TOTAL</b>	<b>22 026 600</b>							

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## VIII. GOVERNANCE AND MANAGEMENT ARRANGEMENTS

The project will be implemented jointly by UNDP Central Africa and MINUSCA under the direct implementation modality (DIM), in close collaboration with the Ministry of Justice and Human Rights, the Ministry of the Interior in charge of Public Security, the General Directorates of the Police and Gendarmerie, as well as the Bar Association and civil society.

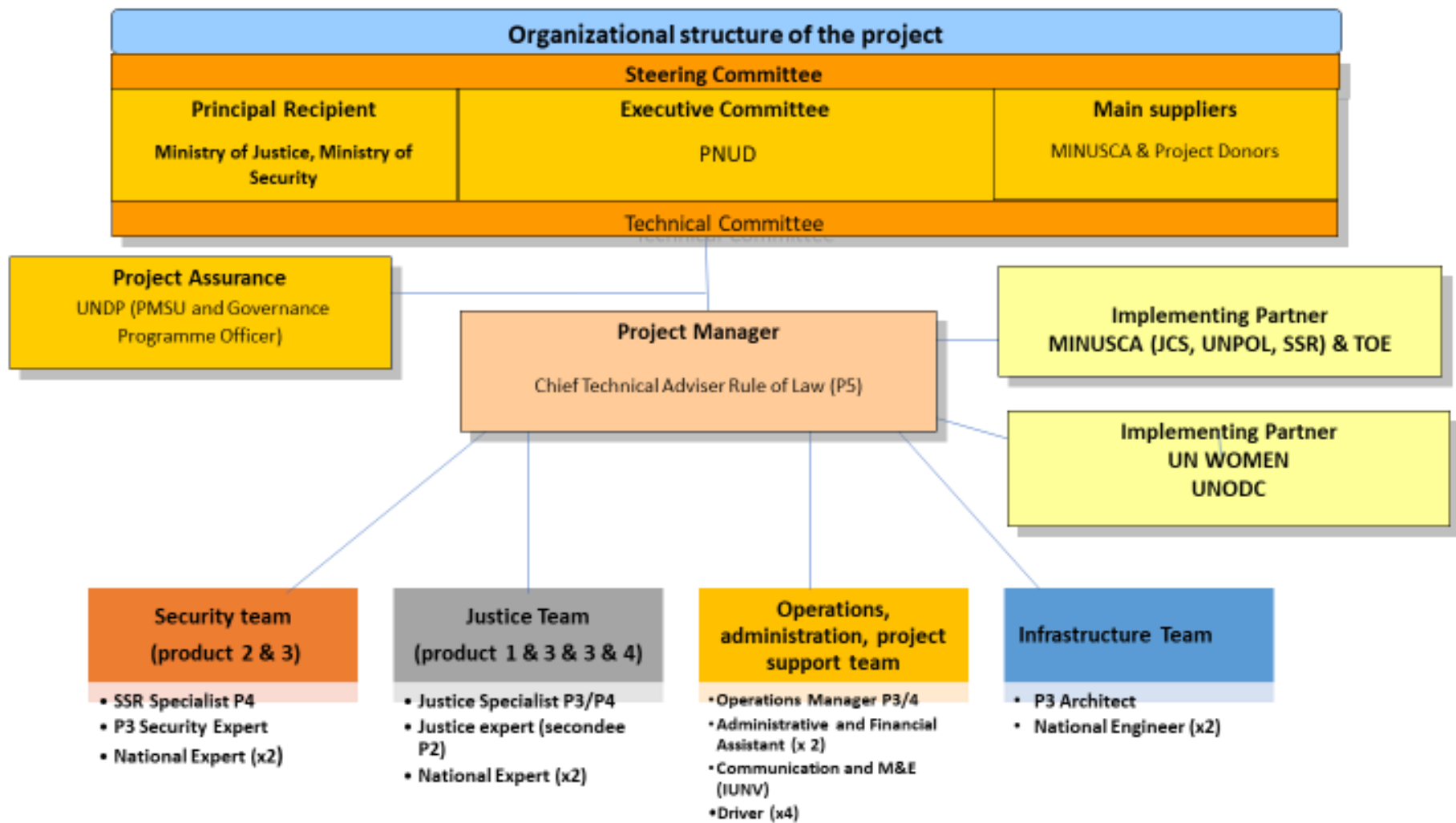
MINUSCA is a partner in the Project. It will thus provide, through its mandate received from Security Council Resolution 2499 (2019)<sup>50</sup>, technical, strategic and financial support in the areas listed in that resolution.

The project governance mechanism will be composed of (a) a Steering Committee, (b) a Technical Committee, and (c) a Project Team.

- i. Steering Committee: Co-chaired by the Ministry of Justice, the Ministry of Interior in charge of Public Security, and the UNDP Resident Representative, and bringing together as active and full members of MINUSCA (the Chief of the Police Component and the Chief of the Justice and Corrections Section), as well as representatives of project donors and other partners as appropriate. It meets once every 6 - 12 months to review the political environment in which the project takes place, the evolution of project risks and its implementation. It may propose adjustments to the project strategy.
- ii. Technical Committee: Bringing together, at the technical level, representatives of the national partners party to the project, the project team, technical experts from MINUSCA (UNPOL, JCS, WP, HRD, other) and other UN entities (TOE, UNODC, UN Women), civil society representatives, and technical experts from technical and financial partners. It meets at least twice a year to monitor the implementation of the project and address possible obstacles (political, technical, operational) to the achievement of results, and may also hold ad hoc meetings as required.
- iii. Project team: the project will be implemented by the team already in place and partly funded by the project (see project structure below, noting that financial resources are to be mobilized to ensure the continued existence of the team). Human resources with technical expertise in justice, security, gender, infrastructure/architecture and operations will not only ensure the implementation of this project, but will also benefit the entire portfolio on the rule of law in UNDP CAR. They collaborate and implement jointly and in a team spirit activities with UNAMSICA and other UN entities (see reference on co-location above), with a view to rationalizing support and the use of resources, and to facilitating dialogue with national partners.

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<sup>50</sup> As well as future resolutions.





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## IX. LEGAL CONTEXT

[NOTE: Please choose **one** of the following options, as applicable. Delete all other options from the document]

### Option a. Where the country has signed the [Standard Basic Assistance Agreement \(SBAA\)](#)

This project document shall be the instrument referred to as such in Article 1 of the Standard Basic Assistance Agreement between the Government of (country) and UNDP, signed on (date). All references in the SBAA to “Executing Agency” shall be deemed to refer to “Implementing Partner.”

This project will be implemented by [name of entity] (“Implementing Partner”) in accordance with its financial regulations, rules, practices and procedures only to the extent that they do not contravene the principles of the Financial Regulations and Rules of UNDP. Where the financial governance of an Implementing Partner does not provide the required guidance to ensure best value for money, fairness, integrity, transparency, and effective international competition, the financial governance of UNDP shall apply.

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## X. RISK MANAGEMENT

[NOTE: Please choose **one** of the following options that corresponds to the implementation modality of the Project. Delete all other options.]

### Option b. UNDP (DIM)

1. UNDP as the Implementing Partner will comply with the policies, procedures and practices of the United Nations Security Management System (UNSMS.)
2. UNDP as the Implementing Partner will undertake all reasonable efforts to ensure that none of the [project funds]<sup>51</sup> [UNDP funds received pursuant to the Project Document]<sup>52</sup> are used to provide support to individuals or entities associated with terrorism and that the recipients of any amounts provided by UNDP hereunder do not appear on the list maintained by the Security Council Committee established pursuant to resolution 1267 (1999). The list can be accessed via [http://www.un.org/sc/committees/1267/aq\\_sanctions\\_list.shtml](http://www.un.org/sc/committees/1267/aq_sanctions_list.shtml). This provision must be included in all sub-contracts or sub-agreements entered into under this Project Document.
3. Social and environmental sustainability will be enhanced through application of the UNDP Social and Environmental Standards (<http://www.undp.org/ses>) and related Accountability Mechanism (<http://www.undp.org/secu-srm>).
4. UNDP as the Implementing Partner will: (a) conduct project and programme-related activities in a manner consistent with the UNDP Social and Environmental Standards, (b) implement any management or mitigation plan prepared for the project or programme to comply with such standards, and (c) engage in a constructive and timely manner to address any concerns and complaints raised through the Accountability Mechanism. UNDP will seek to ensure that communities and other project stakeholders are informed of and have access to the Accountability Mechanism.
5. In the implementation of the activities under this Project Document, UNDP as the Implementing Partner will handle any sexual exploitation and abuse (“SEA”) and sexual harassment (“SH”) allegations in accordance with its regulations, rules, policies and procedures.
6. All signatories to the Project Document shall cooperate in good faith with any exercise to evaluate any programme or project-related commitments or compliance with the UNDP Social and Environmental Standards. This includes providing access to project sites, relevant personnel, information, and documentation.
7. UNDP as the Implementing Partner will ensure that the following obligations are binding on each responsible party, subcontractor and sub-recipient:

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<sup>51</sup> To be used where UNDP is the Implementing Partner

<sup>52</sup> To be used where the UN, a UN fund/programme or a specialized agency is the Implementing Partner

- a. Consistent with the Article III of the SBAA [*for the Supplemental Provisions to the Project Document*], the responsibility for the safety and security of each responsible party, subcontractor and sub-recipient and its personnel and property, and of UNDP's property in such responsible party's, subcontractor's and sub-recipient's custody, rests with such responsible party, subcontractor and sub-recipient. To this end, each responsible party, subcontractor and sub-recipient shall:
  - i. put in place an appropriate security plan and maintain the security plan, taking into account the security situation in the country where the project is being carried;
  - ii. assume all risks and liabilities related to such responsible party's, subcontractor's and sub-recipient's security, and the full implementation of the security plan.
- b. UNDP reserves the right to verify whether such a plan is in place, and to suggest modifications to the plan when necessary. Failure to maintain and implement an appropriate security plan as required hereunder shall be deemed a breach of the responsible party's, subcontractor's and sub-recipient's obligations under this Project Document.
- c. In the performance of the activities under this Project, UNDP as the Implementing Partner shall ensure, with respect to the activities of any of its responsible parties, sub-recipients and other entities engaged under the Project, either as contractors or subcontractors, their personnel and any individuals performing services for them, that those entities have in place adequate and proper procedures, processes and policies to prevent and/or address SEA and SH.
- d. Each responsible party, subcontractor and sub-recipient will take appropriate steps to prevent misuse of funds, fraud or corruption, by its officials, consultants, subcontractors and sub-recipients in implementing the project or programme or using the UNDP funds. It will ensure that its financial management, anti-corruption and anti-fraud policies are in place and enforced for all funding received from or through UNDP.
- e. The requirements of the following documents, then in force at the time of signature of the Project Document, apply to each responsible party, subcontractor and sub-recipient: (a) UNDP Policy on Fraud and other Corrupt Practices and (b) UNDP Office of Audit and Investigations Investigation Guidelines. Each responsible party, subcontractor and sub-recipient agrees to the requirements of the above documents, which are an integral part of this Project Document and are available online at [www.undp.org](http://www.undp.org).
- f. In the event that an investigation is required, UNDP will conduct investigations relating to any aspect of UNDP programmes and projects. Each responsible party, subcontractor and sub-recipient will provide its full cooperation, including making available personnel, relevant documentation, and granting access to its (and its consultants', subcontractors' and sub-recipients') premises, for such purposes at reasonable times and on reasonable conditions as may be required for the purpose of an investigation. Should there be a limitation in meeting this obligation, UNDP shall consult with it to find a solution.
- g. Each responsible party, subcontractor and sub-recipient will promptly inform UNDP as the Implementing Partner in case of any incidence of inappropriate use of funds, or credible allegation of fraud or corruption with due confidentiality.

Where it becomes aware that a UNDP project or activity, in whole or in part, is the focus of investigation for alleged fraud/corruption, each responsible party, subcontractor and sub-recipient will inform the UNDP Resident Representative/Head of Office, who will promptly inform UNDP's Office of Audit and Investigations (OAI). It will provide regular updates to the head of UNDP in the country and OAI of the status of, and actions relating to, such investigation.

- h. *Choose one of the three following options:*

*Option 1:* UNDP will be entitled to a refund from the responsible party, subcontractor or sub-recipient of any funds provided that have been used inappropriately, including through fraud or corruption, or otherwise paid other than in accordance with the terms and conditions of this Project Document. Such amount may be deducted by UNDP from any payment due to the responsible party, subcontractor or sub-recipient under this or any other agreement. Recovery of such amount by UNDP shall not diminish or curtail any responsible party's, subcontractor's or sub-recipient's obligations under this Project Document.

*Option 2:* Each responsible party, subcontractor or sub-recipient agrees that, where applicable, donors to UNDP (including the Government) whose funding is the source, in whole or in part, of the funds for the activities which are the subject of the Project Document, may seek recourse to such responsible party, subcontractor or sub-recipient for the recovery of any funds determined by UNDP to have been used inappropriately, including through fraud or corruption, or otherwise paid other than in accordance with the terms and conditions of the Project Document.

*Option 3:* UNDP will be entitled to a refund from the responsible party, subcontractor or sub-recipient of any funds provided that have been used inappropriately, including through fraud or corruption, or otherwise paid other than in accordance with the terms and conditions of the Project Document. Such amount may be deducted by UNDP from any payment due to the responsible party, subcontractor or sub-recipient under this or any other agreement.

Where such funds have not been refunded to UNDP, the responsible party, subcontractor or sub-recipient agrees that donors to UNDP (including the Government) whose funding is the source, in whole or in part, of the funds for the activities under this Project Document, may seek recourse to such responsible party, subcontractor or sub-recipient for the recovery of any funds determined by UNDP to have been used inappropriately, including through fraud or corruption, or otherwise paid other than in accordance with the terms and conditions of the Project Document.

Note: The term "Project Document" as used in this clause shall be deemed to include any relevant subsidiary agreement further to the Project Document, including those with responsible parties, subcontractors and sub-recipients.

- i. Each contract issued by the responsible party, subcontractor or sub-recipient in connection with this Project Document shall include a provision representing that no fees, gratuities, rebates, gifts, commissions or other payments, other than those shown in the proposal, have been given, received, or promised in connection with the selection process or in contract execution, and that the recipient of funds from it shall cooperate with any and all investigations and post-payment audits.
- j. Should UNDP refer to the relevant national authorities for appropriate legal action any alleged wrongdoing relating to the project or programme, the Government will ensure that the relevant national authorities shall actively investigate the same and take appropriate legal action against all individuals found to have participated in the wrongdoing, recover and return any recovered funds to UNDP.
- k. Each responsible party, subcontractor and sub-recipient shall ensure that all of its obligations set forth under this section entitled "Risk Management" are passed on to its subcontractors and sub-recipients and that all the clauses under this section entitled "Risk Management Standard Clauses" are adequately reflected, *mutatis mutandis*, in all its sub-contracts or sub-agreements entered into further to this Project Document.

**Special Clauses.** In case of government cost-sharing through the project, the following clauses should be included:

1. The schedule of payments and UNDP bank account details.
2. The value of the payment, if made in a currency other than United States dollars, shall be determined by applying the United Nations operational rate of exchange in effect on the date of payment. Should there be a change in the United Nations operational rate of exchange prior to the full utilization by the UNDP of the payment, the value of the balance of funds still held at that time will be adjusted accordingly. If, in such a case, a loss in the value of the balance of funds is recorded, UNDP shall inform the Government with a view to determining whether any further financing could be provided by the Government. Should such further financing not be available, the assistance to be provided to the project may be reduced, suspended or terminated by UNDP.
3. The above schedule of payments takes into account the requirement that the payments shall be made in advance of the implementation of planned activities. It may be amended to be consistent with the progress of project delivery.

4. UNDP shall receive and administer the payment in accordance with the regulations, rules and directives of UNDP.
5. All financial accounts and statements shall be expressed in United States dollars.
6. If unforeseen increases in expenditures or commitments are expected or realized (whether owing to inflationary factors, fluctuation in exchange rates or unforeseen contingencies), UNDP shall submit to the government on a timely basis a supplementary estimate showing the further financing that will be necessary. The Government shall use its best endeavors to obtain the additional funds required.
7. If the payments referred above are not received in accordance with the payment schedule, or if the additional financing required in accordance with paragraph [] above is not forthcoming from the Government or other sources, the assistance to be provided to the project under this Agreement may be reduced, suspended or terminated by UNDP.
8. Any interest income attributable to the contribution shall be credited to UNDP Account and shall be utilized in accordance with established UNDP procedures.

In accordance with the decisions and directives of UNDP's Executive Board:

The contribution shall be charged:

- (a) [...] cost recovery for the provision of general management support (GMS) by UNDP headquarters and country offices
  - (b) Direct cost for implementation support services (ISS) provided by UNDP and/or an executing entity/implementing partner.
9. Ownership of equipment, supplies and other properties financed from the contribution shall vest in UNDP. Matters relating to the transfer of ownership by UNDP shall be determined in accordance with the relevant policies and procedures of UNDP.
  10. The contribution shall be subject exclusively to the internal and external auditing procedures provided for in the financial regulations, rules and directives of UNDP.”

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## XI. ANNEXES

1. **Project Quality Assurance Report**
2. **Social and Environmental Screening Template** [\[English\]](#)[\[French\]](#)[\[Spanish\]](#), including additional Social and Environmental Assessments or Management Plans as relevant.  
*(NOTE: The SES Screening is not required for projects in which UNDP is Administrative Agent only and/or projects comprised solely of reports, coordination of events, trainings, workshops, meetings, conferences, preparation of communication materials, strengthening capacities of partners to participate in international negotiations and conferences, partnership coordination and management of networks, or global/regional projects with no country level activities).*
3. **Risk Analysis.** Use the standard [Risk Log template](#). Please refer to the [Deliverable Description of the Risk Log](#) for instructions
4. **Capacity Assessment:** Results of capacity assessments of Implementing Partner (including HACT Micro Assessment)
5. **Project Board Terms of Reference and TORs of key management positions**