|  |  |  |
| --- | --- | --- |
| UNODC_logo_E_unblue_3 |  | undp logo |

Terminal Evaluation of Joint GoS/UNODC/UNDP Project ID: 00071456.

Enhancing the Rule of Law in Seychelles through the Strengthening of Monitoring and Oversight Capacity of the Judiciary.



MAHROOKH PARDIWALLA

December 2011

# Acknowledgements

The Consultant would like to sincerely thank all those who contributed to this report and provided valuable knowledge through participating in focus group discussions and interviews and responding to questionnaires within the very tight timelines imposed on them.

Special thanks go to the Chief Justice, the Honourable Fredrick Egonda-Ntende who made time for the interview on the one day he had available on his stop-over in Seychelles. Special thanks also go to the Supreme Court Registrar, Mr. Jude Bonté who organised the site visits and discussions with judiciary staff and provided supplementary information on the project.

The Consultant would also like to thank the judiciary support staff for their openness and sincerity and the members of the Bar Association and LUNGOS for their recommendations and very pertinent observations on the justice system.

The Consultant is also grateful to Mr. Roland Alcindor and Mrs. Barbara Carolus-Andre from the UNDP Office who facilitated the study and provided all the relevant documentation and to Ms. Cecile Plunet from UNODC Office who provided input into the partnership modalities.

And lastly, a big thank you to Mrs. Tainy Payet who assisted with the Focus Group Discussions and interviews.

Contents

[Acknowledgements 2](#_Toc314508919)

[Abbreviations and Acronyms 4](#_Toc314508920)

[1. Executive Summary 5](#_Toc314508921)

[2. Introduction 11](#_Toc314508922)

[2.1 Purpose, Scope and Objectives of the Evaluation 11](#_Toc314508923)

[2.2 Methodology 12](#_Toc314508924)

[2.3 Limitations of the Study 13](#_Toc314508925)

[2.4 Structure of the Report 13](#_Toc314508926)

[3. The Project and its Development Context 14](#_Toc314508927)

[3.1 The Courts 14](#_Toc314508928)

[3.2 Interrelations of the Judiciary with the other branches of the Government and the Public 14](#_Toc314508929)

[3.3 The Problem 15](#_Toc314508930)

[3.4 Objectives 16](#_Toc314508931)

[3.5 Financing and Management Arrangements 16](#_Toc314508932)

[4. Findings 17](#_Toc314508933)

[4.1 Conceptualisation/Design 17](#_Toc314508934)

[4.2 Implementation Approach 20](#_Toc314508935)

[4.3 Stakeholder Participation 25](#_Toc314508936)

[4.4 Financial Planning 26](#_Toc314508937)

[4.5 Sustainability 26](#_Toc314508938)

[4.6 Execution and implementation modalities 27](#_Toc314508939)

[5. Recommendations 28](#_Toc314508940)

[6. Lessons Learnt 31](#_Toc314508941)

[7. Conclusions 34](#_Toc314508942)

[Appendix 1 35](#_Toc314508943)

[LIST OF DOCUMENTS CONSULTED 35](#_Toc314508944)

[Appendix 2 37](#_Toc314508945)

[LIST OF PEOPLE WHO PARTICIPATED IN INTERVIEWS AND FDGs 37](#_Toc314508946)

[Appendix 3 38](#_Toc314508947)

[Copies of Interview/Questionnaire Schedules. 38](#_Toc314508948)

# Abbreviations and Acronyms

|  |  |
| --- | --- |
| ANPD | Alternate National Project Director  |
| CAA | Constitutional Appointments Authority |
| CJ | Chief Justice  |
| COI | Commission de L’Ocean Indien  |
| COMESA | Common Market for Eastern and Southern Africa  |
| DICT | Department of Information and Communication Technology  |
| DG-TTF | Democratic Governance Thematic Trust fund |
| DPA | Department of Public Administration  |
| GoS | Government of Seychelles |
| IT  | Information Technology |
| LOA  | Letter of Agreement  |
| LUNGOS  | Liaison Unit for Non-Governmental Organisations in Seychelles  |
| NGO  | Non Government Organisation  |
| NDS | National Development Strategy |
| NPD | National Project Director  |
| SADC | Southern African Development Community  |
| SIM | Seychelles Institute of Management  |
| TOR  | Terms of Reference  |
| UNDP | United Nations Development Programme  |
| UNDP CO | United Nations Development Programme Country Office |
| UNODC | United Nations Office for Drugs and Crime  |

# Executive Summary

‘Enhancing the Rule of Law in Seychelles through the Strengthening of the Monitoring and Oversight Capacity of the Judiciary’ was a two year project designed to increase efficiency, transparency and integrity within the Seychelles justice system to bring it in line with international best practice in justice administration and delivery.

Rising public dissatisfaction with the justice system due to long delays in dealing with cases, allegations of corruption within the judiciary, lack of modern equipment and IT facilities and a weak case management system were some of the reasons which prompted the President’s Office to seek assistance for modernising and upgrading the justice system.

The project had five major outcomes:

* 1. Judges and prosecutors’ skills in justice administration are strengthened in compliance with the international norms and standards of criminal justice
	2. Monitoring and evaluation capacity of the Master and Registrar’s senior staff is established.
	3. A functional and efficient case management and monitoring system is designed and implemented.
	4. Enhancing legal awareness of the public especially vulnerable and disadvantaged groups to enable them to seek and obtain justice.
	5. Designing an appropriate IT infrastructure and elaboration of an operational court administration.

The project was funded under UNDP’s Democratic Governance-Thematic Trust Fund (DG-TTF) and managed by the UNDP Country Office for Mauritius and Seychelles and the Seychelles Supreme Court. According to a Letter of Agreement signed with UNDP, the United Nations Office for Drug and Crime (UNODC) was to be one of the major implementers of the project.

The terminal evaluation took place between the 5th to the 20th December 2011. The main purpose of the terminal evaluation was to provide project partners with an independent assessment of the key achievements of the project against intended outcomes, to synthesize lessons learnt and make recommendations for the future.

The methodology consisted of documentary analysis, focus group discussions and interviews with key stakeholders and beneficiaries from the judiciary, Bar Association and Civil Society and questionnaires for project partners such as UNODC. The consultant also made site visits to the courts, library and recording rooms to observe infrastructural improvements.

One of the major drawbacks of the project design was the lack of a logic frame to accurately measure achievement against intended outcomes. Evidence from the three sources; documentary analysis, site visits, and interviews/discussions were therefore triangulated to arrive at an overall professional judgement.

Using the UNDP six-point rating scale Highly Satisfactory (HS), Satisfactory (S), Marginally Satisfactory (MS), Marginally Unsatisfactory (MU), Unsatisfactory (U) and Highly Unsatisfactory (HU), the following project areas where ratings were required have been rated as follows:

|  |  |  |
| --- | --- | --- |
| CRITERIA | Rating | Evidence |
| Conceptualisation /Design  | MS | No logic frame, measurable targets or indicators.No assessment of risks and limited appreciation of the culture of the organisation and readiness for change.Project is relevant to needs of the judiciary and some activities identified satisfactorily linked to overall outcomes |
| Stakeholder Participation  | HS | Inception mission and workshop provided opportunities for stakeholders and partners’ input into design.Interviews confirm participation of partners especially civil society and Bar Association in many programme activities  |
| Project Implementation  | S | Many of the activities have been satisfactorily carried out within the time-frame. See Table 1. Consultancy reports are available for guidance in future development of case management. |
| Sustainability  | S | Clear signs of institutional, financial and socio-political sustainability. Need strengthening and support.  |
| Attainment of Outcomes  | MS | Although not outcomes have been fully met, important lessons have been learnt and the seeds of change sowed.  |

The report lists **28** recommendations many of which have been made by the interviewees themselves.

#### Project Design

1. Strengthen the design of future projects by producing log frames with measurable targets and clear indicators of progress. This will provide all stakeholders with clearer guidelines for implementation and more reliable and scientific evidence on the achievements and cost effectiveness of the project.
2. Ensure that all outcomes are clearly defined, measurable and achievable within the timeframe of the project (2 years). Evidence from interviews show that many of the outcomes were deemed unrealistic because of lack of implementation capacity and basic infrastructure and skilled staff in the judiciary department. Well focussed small scale studies should first be encouraged to motivate and instill confidence in staff and build capacity progressively.
3. Ensure that all future interventions are based on a comprehensive situational analysis with a clear understanding of the underlying risks and assumptions. The evaluator shares the opinion expressed in the final report that a lot of the teething problems arose from inadequate understanding and appreciation of the contextual situation, the internal capacity of the judiciary to manage the reform and staff readiness for change.
4. Develop appropriate monitoring and evaluation tools that can capture qualitative data to assess the knowledge, skills and attitudinal changes brought about through workshops, and study visits.

#### Project Implementation

1. Assign clear roles and responsibilities for the different partners in the implementation of the project and ensure that those allocated responsibilities have the capacity to execute them and /or are supported in their functions.
2. Provide continuous information, support, training and praise for those involved in implementing the changes in the judiciary department.
3. Appoint a strong internal team with expertise in results based management to manage the project on a daily basis. This is dependent in having adequate and well trained staff in the first place.

#### Involvement

1. Determine the nature and level of involvement required of all external stakeholders and communicate these expectations clearly to avoid disappointment.
2. Carry out a stakeholder analysis to gauge the level of commitment of all key stakeholders and plan mitigation strategies.
3. Introduce mechanisms that will ensure the involvement and participation of all judiciary staff.
4. Build on the existing cordial relationships between civil society and the office of the chief Justice to develop more structured working relationships. The development of a memorandum of understanding between the judiciary and Civil Society can provide the platform for dialogue and consultation and increase citizen participation in the administration of justice.

#### Relevance

1. Ensure that the objectives of the Justice Reform are incorporated into the medium term National Development Strategy 2013-2017 currently being prepared and that an access to justice perspective is mainstreamed into all national policies. An independent and trustworthy judiciary is the backbone to socio-economic progress. Good governance underlines the basis for sustainable development[[1]](#footnote-1). The draft copy of the NDS does not include it as one of the priorities nor include a sector analysis of the judiciary.
2. Funding organisations need to address issues of transparency and political interference more boldly and openly with Government, Human Rights organisations and the CAA. Many stakeholders feel that the lack of public trust in the judiciary is largely due to the perceived political interference in the work of the judiciary and the lack of transparency in processes for appointments and re appointments of judges. The project does not address these issues in a straightforward manner.
3. Ensure that future judicial projects mainstream human rights issues (rights of women, children, poor and vulnerable) and provide training to judges and magistrates by working more closely with the office of the Ombudsman, Human rights Commissions and NGOs on good governance.

#### Capacity Building

1. Implement the capacity building plan and new remuneration and benefit Scheme that will help to motivate and retain good staff.
2. Provide training in results-based management including change management to selected judiciary staff to lead the strategic planning process.
3. Continue and consolidate the exchange programmes and study visits for judges and magistrates initiated during the project to expand knowledge of other legal cultures judges and extend their involvement in administration and management
4. Provide appropriate training opportunities for staff at all levels including court interpreters and reporters.
5. Recruit capable and knowledgeable judges who earn the respect of the Bar Association and the public at large through the quality of their judgments and professional conduct.
6. Increase the capacity of Civil Society (especially NGOs involved in human rights and good governance) for legal activism so as to be able to monitor justice institutions more effectively.
7. Support LUNGOS and the Bar Association in developing legal awareness programmes for the general public using the mass media.
8. Support the judiciary, civil society and the Bar Association in conceptualising and developing mediation services based on example of good practice in the Employment Tribunal
9. Support LUNGOS in developing functional structures eg NGOs with paid secretariats to provide free legal advice to the poor and vulnerable sectors of society through partnerships with the Bar Associations and other paralegal organisations.
10. Institutionalize continuing professional development and promote a culture of knowledge sharing

#### Sustainability

1. Implement the Strategic Plan 2010-2014. The Plan developed with the participation of major stakeholders is an important management tool to mobilise staff in the pursuit of common goals. In order that it becomes a ‘living document’, the judiciary must be assistedin developing yearly costed operational plans and a monitoring and evaluation framework for its successful implementation.
2. Develop a concept paper (further elaborated from the Strategic Plan) which maps out the goals and processes of the **entire** judicial reform programme and **where** external assistance is required. This will help partners and donors identify potential areas of assistance and ensure that the reform is implemented in a comprehensive and planned manner and is owned by the Judiciary. It will also avoid duplication of effort and waste of resources. There are a number of uncoordinated initiatives by regional and international partners and organisations such as COI, SADC, COMESA, UNODC , the Commonwealth and the EU among others aimed at improving good governance including delivery of justice and targeting different entities involved such as the Police, Prisons, Attorney general’s office, the legislature, Social services and the judiciary itself. These need to be better coordinated. The proposal by the CJ for the establishment of a Law and Order Sector is a step in the right direction.
3. The UNDP must continue to use its privileged position and good personal contacts to bring further qualitative changes to the judiciary. Change may appear to be slow and patchy but the seeds of the reform have been sowed. These need to be nurtured and supported.
4. All stakeholders must advocate for increased budget and financial autonomy to sustain the reform.

From the Contini Report[[2]](#footnote-2)

We are confident that the Seychelles Judiciary will be able to sustain the process of judicial reform already enacted. However, due to the limited resources available, specific support of international organizations and donors in terms of technical expertise and financing could speed up the process. This would make easier the goal achievement, since uncertainty at such levels may hamper and slow down the entire process. Possible actions to be considered are as follow:

1. International Organisations should decide if additional support to the Judiciary should be provided. As suggested, priority should be given at first to the implementation of the automated case management system, and then to the motivation and training of judges. In particular, it would be extremely fruitful if international organisations already involved in the project could clarify the level and the kind of support they should be able to provide in the next two or three years. This would greatly facilitate the planning of the steps and measures that should be taken to implement the reform.
2. Independently from the support eventually granted by international organisations, the Seychelles Judiciary should make constant efforts to involve external parties (stakeholders and international organisations) to support the implementation of Case Management Reform and more generally of the ambitious reforms endorsed in the strategic plan 2010-2014.

The report also generates a number of lessons that may guide future interventions.

1. The development of the ‘Strategic Plan 2010-2014 ’in partnership with stakeholders was an important turning point in the project’s trajectory. Although not part of the original set of activities under Outcome 1, the process of articulating a common vision and set of goals for the judiciary helped to mobilise staff behind the reform process. All interviewees from within the judiciary except for one spoke positively about the process. These high expectations however have not been sustained through information and actions on the ground and many staff now express scepticism about the outcome. It is important therefore to move quickly if gains are to be maintained.
2. Although change and upheaval are endemic to all organisations, major reforms need to take place during periods of relative stability. It is unfortunate that the start of the project coincided with major upheavals and important staff changes including the arrival of the new non Seychellois Chief Justice whose appointment occasioned a series of divisions within the judiciary staff. There was insufficient leadership and ownership of the programme within the judiciary to push the reform through at the initial stage.
3. A lot of the teething problems in the initial stages arose from inadequate understanding and appreciation of the situational context, the internal capacity of the judiciary to manage the reform and staff readiness for change. The micro politics and internal dynamics, the resentment built up through the recent appointment of a non Seychellois CJ within some sections of the judiciary, the bureaucratic and insular culture of the judiciary, the self image and sensitivity of the judges, the lack of proper communication channels, and staff dissatisfaction are realities that must be openly discussed and managed appropriately. There was no expertise in change management within the judiciary to drive the process.
4. The success of any project depends on the involvement of people and their ownership of the reform programme. Although efforts were made to inform external partners, little was done to sensitise and mobilise judiciary staff involved in the reform. The weak organisational framework and the lack of proper communication channels did not help the process. Most of the Support staff reported that they first heard about the project from the newly appointed programme manager around March 2010.
5. Change cannot be dictated from outside and demand for change however strong will not bring about change as is extensively documented in management of change literature. Without the commitment of all judges and magistrates, change will not take root. All efforts must therefore be made to bring them on board through respecting and managing sensitivities and nurturing change champions from within the system.
6. Inviting civil society and the Bar association to important milestones such as the launching of the Judicial Code of Ethics, the strategic planning workshop, the dissemination of reports and giving them the opportunity to express themselves freely has helped to forge new relationships and better understanding of the problems faced by the Judiciary. This informal process now needs to move to a new level of involvement and more structured working relationships where partners feel that their views and suggestions are being taken seriously and put into action.
7. The CJ and the Registrar have a clear vision of reforms that need to take place and commitment to see the process through. The CJ has taken a bold and courageous stand on exposing the weaknesses of the judiciary system and updating court statistics. Unfortunately they are overwhelmed by other work commitments and do not have the time to plan for the changes without additional qualified technical staff with skills in project implementation and evaluation.
8. The appointment of an external support person to drive the process was an important move. The support and efficiency of the local Programme Manager and the UNDP staff were much appreciated. Unfortunately, much of this support stopped at the end of the project. The Judiciary needs to be more proactive in requesting support.
9. Appointing high profile people with busy schedules on Steering Committees for projects that are very focussed on building capacity and infrastructure within the judiciary is a recipe for failure. What the project needed was a strong internal committee with immediate stakes in the success of the reform.
10. Although outcomes have only been partially achieved, there have been some good quality outputs from the project. These include consultancy reports on case management, access to justice and proposals by SIM for improving the administration of the Judiciary an core documents such as the strategic Plan and the judicial code of Ethics approved by all the judges and magistrates which is a first step in establishing a common set of accepted standards.
11. When introducing new innovations such as an automated case management system, it is important that the consultancy takes place at the outset so that different models, their suitability to the judicial context in Seychelles and the implications on users are thoroughly discussed and agreed upon before implementation. This will save considerable expense and time and reduce the level of frustration being experienced by staff who are now on their third trial and error stage.
12. Five major objectives were too many for the judiciary to handle within the timeframe given its weak base. The legal awareness campaign did not have the intended public impact and coverage because of time constraints and the full commitment of the judiciary. It should be the focus of another project carried out in collaboration with civil society, the Bar Association and other partners.
13. UNDP is a much appreciated and easily accessible development partner in Seychelles. All persons interviewed spoke of the good relationships established with the UNDP office in Seychelles and Mauritius. Staff were considered efficient and helpful and the PM In Mauritius Office only a ‘phone call away’. UNDP must use this privileged position to continue supporting reforms in sensitive areas such as the judiciary. Although the reforms appear to be slow and patchy, there are encouraging signs from within the judiciary and a lot of goodwill on the part of civil society and the Bar association to work together to reform the system. More focussed discussion and dialogue is needed to work out concrete projects.
14. Important links have been established with UNODC, the Kenyan law Report Association, IRSIG- CNR, RIPA and others, who have a wealth of expertise to offer. The Judiciary can benefit fully from these organisations only if it gets its act together and is clear about what kind of assistance it requires and in which area.
15. The project has helped to articulate and clarify the functions and responsibilities of the Judiciary in the administration of justice. Greater public awareness of the joint responsibilities of other agencies such as the police, the prisons, AG’s office and the Bar Association will help to improve public image.

The report concludes that although not all outcomes have been fully met, important inroads have been made and the need for planned change acknowledged by all stakeholders. These changes are fragile and need to be sustained and nurtured. The judiciary will continue to need the support of donors and all stakeholders if it is to continue making progress and gain public trust.

# Introduction

## Purpose, Scope and Objectives of the Evaluation

The main purpose of the terminal evaluation, as stated in the Terms of Reference (TOR) in line with United Nations Development Programme (UNDP) and Democratic Governance-Thematic Trust Fund (DG-TTF) policies and requirements, is to assess the **relevance**, **performance** and **success** of activities undertaken under the Reform of the Judiciary Project in Seychelles. The overall objectives of the evaluation are to:

1. Provide project partners DGTTF Global programme, UNDP, GoS and UNODC with an independent assessment of the key achievements of the project against intended objectives and outcomes over its two year life span.
2. Assess early signs of project impact and sustainability
3. Synthesize lessons learnt and experiences gained that can inform future policy dialogue, direction and interventions including other DG-TTF projects
4. Make concrete recommendations for further action by government, UNDP, UNODC and other partners to support sustainability.

The achievement and success of the project are to be evaluated using UNDP key criteria as appropriate. These have been extracted from the TOR and summarised as follows:

1. Relevance
2. Quality and clarity of project design
3. Efficiency
4. Level of Consultation
5. Stakeholder involvement
6. Capacity building
7. Coordination and efficiency of partnerships
8. Sustainability
9. Potential of scaling up and replication of good practice.

The absence of a logic frame with baseline data, measurable targets and objectively verifiable indicators ma**k**es it difficult to accurately measure progress and results against the intended outcomes as required by the TOR. However fairly detailed work plans and schedules of activities, amended in 2010, are available for each of the five outcomes. The evaluation exercise, as renegotiated with the UNDP CO Programme Manager, therefore focuses on tracking the satisfactory completion of scheduled tasks/activities and making professional judgements on how they have contributed to the overall achievement of the outcome. In arriving at this overall judgement, the evaluator had to rely heavily on the evidence from the in-depth interviews and focus group discussions. This information was triangulated with evidence from analyses of project documents and reports, and site visits to the Supreme Court to arrive at a professional judgement.

The terminal evaluation was not intended to focus narrowly on project deficiencies. The participatory methodology adopted was designed to extract lessons that could enrich future interventions and provide a valuable learning experience for all partners involved.

The terminal evaluation was conducted between the 5th and the 20th December 2011, approximately nine months after the completion of the project in March 2011.

## Methodology

The methodology adopted comprised of five main processes as recommended by the TOR:

1. Documentary analysis of key project and project related documents such as activity reports, research studies, financial and monitoring reports as well as products emanating from the project such as the ‘Strategic Plan 2010-2014,’ the ‘Seychelles Code of Judicial Conduct’ and the Seychelles Institute of Management’s report on ‘Proposals for Improving the Administration of the Judiciary of Seychelles.’ A full list of the documents reviewed features in Appendix 1.
2. Site visits to the Supreme Court to observe the library, court rooms, recording rooms and general working environment.
3. Focus group discussions with court staff, members of the Bar Association and Civil Society represented by LUNGOS.
4. Individual semi-structured interviews with the Chief Justice(NPD) , the Registrar(ANPD), Project Accountant, Local Programme Manager and the UNDP Programme Manager for Mauritius /Seychelles.
5. Questionnaires for the UNODC representatives in Vienna.

The final list of participants was drawn up in consultation with the UNDP CO Programme Manager. A list of all persons interviewed appears in Appendix 2.

Interview and focus group questions were derived from the project documents and the UNDP evaluation criteria and relate to the relevance, efficiency, and sustainability and involvement indicators. (See Appendix 3.) The focus group discussions and interviews were conducted in an open and transparent manner to capture the perspectives of the different stakeholders involved and to generate lessons learnt. Summaries of focus group discussions and interviews are attached in the Annex.

## Limitations of the Study

The main limitations of the evaluation are:

1. The lack of a logic frame to conduct the evaluation as per the requirements of the TOR
2. The limited time frame (12 days) to conduct the evaluation
3. The unavailability of judges and magistrates for interviews during the evaluation period

## Structure of the Report

The report follows the recommended format in the TOR and presents the information in a linear fashion under the seven subheadings attempting to answer the questions posed under each subheading. After the introduction and setting of the project context, the major part of the report focuses on the findings. Because of the lack of base line data and performance indicators, the evaluator relies heavily on in-depth interviews and focus group discussions for evidence. Comments are included where they help to illuminate a point. The evidence from the interviews is triangulated with evidence from project documents and site observations for greater reliability. Where required in the TOR, overall project achievement is rated using the UNDP six point rating. The sources and evidence for the rating are explained in a separate Table.

The last part of the report analyses the lessons learnt and provides pointers for the future. Many of the recommendations have been made by UNODC, the stakeholders and beneficiaries themselves during the interviews and endorsed by the evaluator. Some of the recommendations from the Programme Manager’s final evaluation and the Legal Awareness and Case Management studies conducted by Benjamin Vel[[3]](#footnote-3) and Francesco Contini[[4]](#footnote-4) have been transposed and included in this final evaluation to highlight their importance and ensure they continue to receive the attention they deserve.

# The Project and its Development Context

## The Courts

The Seychelles Judiciary consists of a three tier court system, made up of a Court of Appeal which is the highest Court of Jurisdiction in the country, a Supreme Court which handles serious criminal cases and complex high value civil claims and also doubles up as the Constitutional Court when necessary and a Magistrates Court which is the trial court for low value civil claims and less serious criminal charges.

The Court of Appeal is headed by a President and has three other judges including one female judge. The Supreme Court is headed by the Chief Justice and is served by 5 other judges (all males.) There are 5 magistrates in the lower courts (2 males and 3 females). The total number of judges and magistrates is 15 for a total population of approximately 85,000 people. This reflects the current situation as at December 2011. At the start of the project in 2009, the total number of judges and magistrates stood at 11. The President of Seychelles appoints all judges from candidates proposed by the Constitutional Appointments Authority (CAA).

The Supreme Court houses the office of the Court Registrar. It has traditionally been responsible for both the administration and delivery of justice services for all the courts. The Supreme Court and the Magistrate Court function as separate courts but are serviced by the same court staff under the supervision of the Registrar of the Supreme Court and the Chief Justice. The Court of Appeal has its own administration and functions independently. The UNDP Project focussed largely on building administrative and institutional capacity within the Supreme Court.

The Supreme Court is located in an ancient building which has been declared a historical monument. Facilities are very cramped and the building is poorly maintained. A new Palais de Justice is being built on Ile du Port with the help of the Chinese Government. The move is expected to take place in 2013.

## Interrelations of the Judiciary with the other branches of the Government and the Public

There are a number of other institutions involved or connected in some way with the administration of justice in Seychelles. These include the Attorney General’s Office, the Police, the Prisons, the Bar Association, Social Development Division and the National Council for Children (NCC.) They all have a stake in ensuring that courts function effectively and justice is delivered.

The Bar Association of Seychelles (BAS) is an association formed in 1988 by members of the Seychelles Bar. The key objectives of BAS are to represent and promote the interest and welfare of its members and to disseminate information on legal subjects. There are 26 members registered with BAS out of approximately 41 practising lawyers in Seychelles.

LUNGOS is the umbrella organisations for non-governmental organisations in Seychelles. It has a membership of 56 civil society organisations operating in sectors ranging from Socio-Economic, Environment, Health and Social Welfare, to Women’s issues, Human Rights and Democracy.

The intended primary beneficiaries of the project were the judges, magistrates, registrar and court staff whose enhanced skills would lead to the delivery of a more efficient, fair and transparent justice system that would benefit all legal practitioners and ultimately the Seychellois public at large especially the poor and the vulnerable.

## The Problem

For a number of years the justice system in Seychelles has been plagued with allegations of, inefficiency and ineffectiveness, corruption and lack of independence. Independent newspapers have carried articles on human rights abuses accusing the police and the judiciary of violations of the law and unconstitutional conduct. Public confidence in the justice system for the last ten years has been at generally low ebb. Although no large scale surveys had been carried out to gauge public perceptions, a number of complaints about the inefficiency and corruption of the judiciary system were raised in the consultative meetings held by the President at district level during 2008 and in discussion forums on national television.

An independent study on the criminal justice system was commissioned by the President in 2008. Following the recommendations of the Galvin Report, a strategic review committee was set up to address the concerns. The need for reform in the Judiciary was expressed by President Michel in his February 2009 State-of-the-Nation address in the following words.

 *“We need a judiciary that is rapid and efficient. A strong and independent judiciary is essential for national progress. I believe this would be the wish of all Seychellois.*

The urgent need for reform is encapsulated in the Chief Justice’s speech, at the re-opening of the Supreme Court of Seychelles on 15th September 2009 at the Palace of Justice, Victoria, Mahe. [[5]](#footnote-5)

“*There is almost near unanimous perception that the Judiciary is largely inefficient, ineffective, and susceptible to executive or outside influence. An examination of the case data of the Supreme Court looking at through put or clearance rate and the length of time it takes to deliver decisions bears out the inefficient perception. Once an organisation is that inefficient it can hardly lay claim to being effective. It is clear that the current situation needs attention. Reform is not an option. Reform is a must if the Judiciary is to meet its constitutional obligations to the people of Seychelles.”*

Among the numerous concerns raised in the Galvin Report and confirmed by the CJ were the following:

* Effectiveness and efficiency of the Judiciary in Seychelles
* Delays in dealing with cases before the courts
* Lack of modern equipment and IT facilities
* Weak/non- existent case management system
* Lack of sufficient qualified manpower
* Inadequate number of judges and prosecutors
* Lack of understanding /awareness by the public of their legal rights and court processes
* High cost of litigations

## Objectives

**‘*Enhancing the Rule of Law in Seychelles through the Strengthening of Monitoring and Oversight Capacity of the Judiciary****’* is a two year project designed to increase efficiency, transparency and integrity within the Seychelles justice system to bring it in line with international best practice in justice administration and delivery.

To meet this overall goal, the project specified 5 major outcomes

* 1. Judges and prosecutors’ skills in justice administration are strengthened in compliance with the international norms and standards of criminal justice
	2. Monitoring and evaluation capacity of the Master and Registrar’s senior staff is established.
	3. A functional and efficient case management and monitoring system is designed and implemented.
	4. Enhancing legal awareness of the public especially vulnerable and disadvantaged groups to enable them to seek and obtain justice.
	5. Designing an appropriate IT infrastructure and elaboration of an operational court administration.

 Successful achievement of these outcomes would contribute to the establishment of a more efficient and service oriented justice system inspiring confidence in the public and in the long term promote good Governance and the Rule of Law. This specific project focusing on the judiciary would also contribute to the overall reform of the justice system in Seychelles.

## Financing and Management Arrangements

The project (ID 00071456) was financed by the UNDP Democratic Governance Thematic Trust fund (DG-TTF) which allocated USD 275,000 to the project and the Government of Seychelles which committed US 100,000 in cash and kind. The three main partners involved in the management and implementation of the project were the Seychelles Government, United Nations Development Propramme ( Country Office) and United Nations Office on Drugs and Crime (UNODC). The project documents were signed in July 2009 by representatives of the three parties.

The project documents state that UNODC was to be the implementing partner providing backstopping services from Vienna and recruitment advice and technical support from Nairobi. UNDP would maintain overall management responsibility for administration and logistics. The partnership arrangements and sharing of responsibilities between the Justice and Integrity Unit in UNODC and UNDP CO were detailed in work plans and a Letter of Agreement (LOA) signed in July 2009. Implementation started in August 2009 with an inception mission and workshop facilitated by UNODC.

In a move to ensure ownership and capacity building, the Master and Registrar’s office in the Supreme Court was designated as the National Implementing Agency. The Acting Chief Justice and the Master and Registrar were appointed Alternate National Project Director (ANPD) and National Project Director (NPD) respectively. A high level Steering Committee with representatives from government, the Bar Association, Police, Attorney General’s office as well as UNDP was initially appointed to provide strategic policy direction to the project and monitor progress on a regular basis. They represented the major stakeholders in the project.

Implementation took place from July 2009 to March 2011.

Although Government commitment to the project was high, the project was slow in taking off for a number of reasons. In August 2009, barely a month into the signing of the project, a new Chief Justice was appointed to the Supreme Court with a mandate to reform and modernise the justice system. The previous Acting CJ who had been designated ANPD wrote a letter asking to be absolved of his responsibilities as alternate project director. The Master and Registrar, the project’s lead implementer also resigned in January 2010 and was replaced by a new Registrar in March 2010. The project accountant, a junior staff, was replaced as project accountant by the Director for Finance, Administration and Human Resources in March 2010. This instability and high staff turnover of key persons were not conducive to the successful start of a reform project. By the first quarter, no activities or substantive expenses had been incurred.

In February 2010, following discussions with UNDP, the new Chief Justice officially took over responsibility for the project. The new Registrar, Mr. Jude Bonte, was appointed ANPD. The decision to appoint an external local Programme Manager to drive the process forward was a strategic move. Mrs. Barbara Carolus-Andre took office in February 2010. An amended schedule of activities was agreed upon by the new implementing team. The project was refocused on the Supreme Court and an internal committee chaired by the CJ with representatives from each section of the Supreme Court was appointed to lead the project. From that time on, project implementation gained momentum. That was more than six months into the start of the project.

# Findings

## Conceptualisation/Design

#### Appropriateness of problem conceptualisation /Relevance

The project document is a 28 page document divided into 7 parts comprising the following: 1) situational analysis, 2) Strategy/project components, 3) Results and Resources Framework 4) total budget and work plan 5) Management arrangements, 6) Monitoring and evaluation and 7) ‘Legal Context. The annexes include the TOR for the Project Management Team and the letter of Agreement between UNDP and UNODC.

All judiciary staff interviewed agreed that the project was based on a realistic assessment of the main challenges facing the judiciary. The lack of modern equipment, a weak case management system, lack of sufficient qualified manpower, inadequate number of judges and magistrates, lack of understanding /awareness by the public of their legal rights and court processes and high cost of litigations were daily concerns that affected their image, work output and morale and needed urgent attention. The Registrar reiterated that the project was a timely response to accumulating problems within the judiciary due to outdated systems and work practices.

Civil society representatives felt that the main concerns of the public related to slow case movement. Frustrations were so high in recent dialogues on social renaissance within the community that people had threatened ‘*to take justice into their own hands*.’ A lot of criticism was also levelled at lawyers who they felt resorted to ‘*delaying tactics when financial gains were high.’* They were *‘happy to see something was being done about case management.’* The independence of the judiciary was also one of the public’s major concerns.

Representatives of the Bar Association however felt that the project did not go far enough in addressing the root cause of public mistrust in the judiciary which were issues of political interference, corruption and the incompetence of some of the Supreme Court judges. They felt that the project focused mainly on infrastructural issues, and less on the practices in the courtroom which is where the real problem lies. They also pointed out that a lot of focus was on Information Technology (IT) when the judicial problem was not really IT related and what was needed were good work habits and competent judges with good knowledge of local laws. The most urgent need was for ‘*smart judges who can work efficiently.’*

#### Project Design /Log frame

A major drawback of the project design is the absence of a logical frame with measurable targets and clear verifiable indicators for measuring progress. Part 2 of the Project document ‘Results and Resources Framework : Implementation Schedule and key Activities’ provides work plans and outputs from which some proxy indicators can be derived.

The 5 project outcomes although linked to the overall main goal of increasing efficiency, transparency and integrity of the justice system are unrealistic within the timeframe of two years given the staffing and infrastructural constraints. For example as noted by Contini[[6]](#footnote-6), designing and implementing a functional and efficient case management and monitoring system is very broad based and has technological, procedural, and organisational implications.

The internal coherence of some of the outcomes was questioned by the interviewees

**Outcome 1**: Judges and prosecutors’ skills in justice administration are strengthened in compliance with the international norms and standards of criminal justice

**Comment**: There are no prosecutors in the Supreme Court and no Judges apart from the CJ and the Registrar who are involved in justice administration.

**Outcome 5**: Designing an appropriate IT infrastructure and elaboration of an operational court administration.

**Comment**: The link between IT infrastructure and Operational court manual is unclear. The design of the IT infrastructure should go hand in hand with the development of the case management system.

Project implementation has subsequently made these weaknesses apparent.

The document does not identify the major risks involved or clearly enumerate the assumptions for successful implementation. No situational analysis was carried out to assess institutional capacities for absorbing the activities and the rate of change. Evidence from interviews with the Programme Manager, the Chief Justice and the Registrar and the findings of the Final Report confirm that a major setback to project implementation was the lack of skills within the judiciary to manage the change process effectively. This major gap had not been identified in the project design and no mitigation plan had been prepared.

Another major impediment to change was the insular and inward looking culture of the organisation and staff readiness for change. Many of the interviewees, judiciary staff included, spoke about the attitude and mindset of staff within the judiciary, their reluctance to participate in training and the lack of proper communication channels and reporting systems. A stakeholder analysis would have established the level of stakeholder commitment to the reforms and introduced appropriate strategies for motivating, supporting and managing staff through the change cycle.

#### Country Ownership/Driveness

Background documents reveal that the request for assistance for reform of the judiciary was made to UNODC and UNDP by the President’s office and Government of Seychelles in 2008 following increased public dissatisfaction with justice delivery in the country. The Galvin report Commissioned by the President had addressed weaknesses within the criminal justice system. The need was felt for a comprehensive revamp of the whole justice system.

Seychelles Strategy 2017 , a policy document outlining government’s vision for re-dynamising the economy underlines the need for ‘ an independent judiciary, committed to honesty, integrity and the rule of law, working in the best interest of Seychelles and free from the taint of bias and corruption’.

The project idea clearly stems from a national need for a modern and efficient judiciary system to meet the rising expectations of a more informed population and support a modern economy.

**Conclusion:**

The relevance of a project relates primarily to its design and concerns the extent to which its stated objectives correctly address the identified problems or real needs. The evaluator concludes that the project was relevant to the needs of the judiciary and there was urgency to tackle the problem. The selection of outcomes although not coherent and realisablewithin the time frame does address some of the institutional and capacity building gaps identified. The lack of baseline data did not facilitate the task of setting measurable targets. Although there are indications that a few members of the judiciary were involved in the original design of the project, participants at the inception meeting made a strong plea for involvement of all judges in project design and respect for the independence of the judiciary.

In spite of the above weaknesses, the project could not have anticipated the turn-over of key staff which was one of the main reasons for the stalling of the project in the early stages.

RATING: MS

## Implementation Approach

Reasons for the slow start to the project have been described in 3.5 above. The work plan was reviewed in January 2010 and amendments were made to the activities and timelines to reflect the new focus on the Supreme Court. A new internal committee chaired by the CJ was appointed to lead the project. The Steering Committee that was appointed at the start of the project ceased activity once the project was refocused on the Supreme Court and no minutes are available. The consultant did not have access to the minutes of the implementation team during the visit to be able to comment meaningfully on the approach used. One major obstacle noted in the final report is the difficulty in delegating and involving various sections in the implementation of project activities because of staffing constraints and competencies.

There was no midterm review possibly because of the late start to the project.

There are two progress reports, 1) Covering the period August 2009 to December 2010 and 2) The Final Report prepared by the Programme Manager. The reports provide a good overview of all the activities completed against the work plan and the major obstacles encountered. These were verified by the evaluator. Quarterly narrative reports (4 for 2010 and 1 for 2011) as well as financial reports were submitted to UNDP.

The programme manager who was hired more than six months after the start of project implementation, deemed her main task was ‘to get project implementation going and to ensure that the project funds were spent in a purposeful way.’ Judiciary staff stated that interventions were efficient and problems were quickly solved.

 In spite of set-backs, many of the activities have been satisfactorily covered within the time-frame (see Table 1 below.)

Workshop and study visit reports are available but outcomes and responsibilities for follow up actions are not well documented. The project commissioned a number of studies aimed at improving the quality of implementation. Unfortunately they were conducted late in the project and not all recommendations could be implemented.

**Table 1: Summary of Outputs Delivery against the Amended Projects and Outputs Plan amended in January 2010**

**Output1: Judges and prosecutors’ skills in justice administration are strengthened in compliance with the international norms and standards of criminal justice**

|  |  |  |
| --- | --- | --- |
|  | INTENDED OUTPUTS  | EVIDENCE OF OUTPUT DELIVERY DEC 2011 |
|  | Organize a workshop for operators and policy makers within the judiciary with the aim of strengthening their participation in the assessment exercise, followed up by a comprehensive assessment to stand on the basic judicial needs for assistance (inception) | Inception workshop held on 5th Aug 2009 with UNODC technical assistance. (Report of workshop available).Project presented and amendments to work plan invited. 30 participants from government, judiciary, lawyers, AG’s office, SIM, DCIT, and UNDP attended.Strong plea for judges’ involvement in project design and implementation.   |
|  | Undertake a visioning and strategic planning exercise for the Seychelles judiciary including a workshop for operators and policy makers within the judiciary with the aim of strengthening their participation in the assessment exercise,  | Strategic Planning workshop held from 6th-9th April 2010. 50 participants including major stakeholders and beneficiaries attended. Strategic Plan developed including vision, mission, strategic imperatives, and areas of focus. Plan launched and disseminated to all stakeholders in July 2010.*An operational framework with indicative dates developed. No monitoring or evaluation framework. Plan has not been implemented in a structured manner because of the absence of operational plans with clear responsibilities. Need technical support and time.*   |
|  | Comprehensive assessment and identify areas for basic judicial needs for assistance supporting implementation of strategic plan | The Seychelles Institute of Management (SIM) was awarded consultancy for carrying out assessment project. Proposals for rationalising the functions of the Administrative and Finance Sections of the Judiciary are contained in a comprehensive report dated February 2011.  Capacity Building needs assessment carried out. Proposal for New organisational structure has now been approved by Department of Public Administration. Recruitment and appointment of new positions in progress. Difficulty in finding candidates with appropriate skills. Pay scale not attractive.  |
|  | Establish logical framework indicating objectively verifiable indicators for implementation of the strategy | An operational framework with indicative dates developed. No monitoring or evaluation framework. Plan has not been implemented in a structured manner because of the absence of operational plans with clear responsibilities. Need technical support and time.   |
|  | Disseminate the relevant international standards (i.e. the Bangalore Principles of Judicial Conduct, the Commentary on the Bangalore Principles of Judicial Conduct, the Training Manual on Judicial Ethics, the UNODC Manual on Anti-Corruption Measures for Prosecutors and Investigators) as appropriate | Documents disseminated and available for reference as required.  |
|  | Train judges and prosecutors to familiarize them with the international norms and standards related to justice administration and fair trials | Study tour to Singapore to look at case management model (CJ, Registrar and IT staff) –7th-13th March. Report available. Familiarisation visits to 4th Asia pacific conference and China (CJ, Registrar, 1 magistrate). Report available 2 week RIPA training for Registrar in London. Report available. *No other training for judges and prosecutors was organised within the UNDP project although many of them continued to attend courses and seminars overseas. Judges apart from the CJ and Registrar are not currently involved in administration.*  |
|  | Establish a working group of national experts from the two main Court of Appeal and the Supreme Court and other relevant judicial bodies to establish Seychelles code of Judicial ethics | Committee of Judges established and Code of Judicial Ethics developed and approved by judges and magistrates. UNODC hired a consultant to comment on the Code. .  |
|  | Develop, print and disseminate the Seychelles code of Judicial ethics as a part of a public awareness event with the aim to enhance communication and establish trust-based relations between the courts and civil society | Code launched in July 2010 in presence of Vice President and disseminated to all agencies. Good coverage in media. Code sets standards for judges and magistrates. CJ not responsible for discipline of judges. The Constitutional Appointments Committee has the mandate to investigate complaints re misconduct of judges.   |
|  | Provide, as appropriate, essential modernized tools and equipment for the justice administration mechanism | Some equipment such as computers, scanner, photocopier purchased – Inventory available (Location incomplete)Court rooms equipped with digital audio recording systems, and new computers. Transcriptions of hearings considerably speeded up.  |
|  | Building on the existing library by digitizing and electronic publication of Seychelles case law and legislations for use by the Judiciary and legal profession | Scanner in library used for scanning judgements which are then bound and used as reference. Project ongoing.  |

**Output 2: Monitoring and evaluation capacity of Registrar’s senior staff is established**

|  |  |  |
| --- | --- | --- |
|  | INTENDED OUTPUTS  | EVIDENCE OF OUTPUT DELIVERY DEC 2011 |
|  | Organise discussions for exchange views on various good practices of judicial monitoring and performances evaluation, including evaluation criteria, methodologies for performance appraisal, as well as models for linking judicial monitoring and evaluation | Committee of judges set up to adopt more streamlined court processes and efficient disposal of cases. A document entitled: Delay Reduction Measures and Time Standards for the Supreme court of Seychelles was adopted by judges and magistrates on 08/09/10. The case management guidelines require that judges are committed and active in managing judicial proceedings. Guidelines made public and published in national newspaper. Commitment to enforcing these guidelines according to the CJ varies from judge to judge and is not being fully implemented. Analysis of case load data shows positive trends for the Supreme court in 2010 although notes great variance between judges. Trends are negative for the magistrates’ courts.  |
|  | Articulate the functions of the Judiciary  | Organisational Chart and job descriptions proposed and developed by SIM in consultation with the supreme Court. Approved by DPA. Staff recruitment in progress.  |
|  | Compile a functions manual for the Administrative and Finance sections | Developed by SIM  |
|  | Compile a standard operating manual for Court Administration | Standard Operating Procedures Manual developed by SIM for court interpreters, process server, public relations, ICT, Human Resources, and Security.  |
|  | Draw up a capacity building plan | Three year initiative capacity building programme developed by SIM to support the reform programme. An important element is the introduction of an internal Continuous Professional Development (CPD) programme for institutionalising PD. Judiciary needs to implement all the recommendations.  |
|  | Propose an enhanced management system for the Judiciary | New Organisational charts and job descriptions proposed by SIM should contribute to enhancing management system. Implementation in progress. Remuneration and Benefit scheme will help retain quality staff within the judiciary.  |
|  | Conduct, in partnership with the designated department of the high court, an assessment to the current of judicial monitoring and performances evaluation system with the aim of developing a functioning judicial monitoring and evaluation system in compliance with international norms and standards | See 1 above. |
|  | Established monitoring and evaluation standards for the Registrar | Linked to outcome 3 |
|  | Established monitoring and evaluation standards for the divisional heads. Established monitoring and evaluation standards for the Chief Justice | 1 above. |
|  | Design IT application to manage judicial monitoring and evaluation system | Output 3  |
|  | Training of trainers for senior staff within the office of the Registrar on the use of the monitoring and evaluation mechanism | Training conducted by SIM and ALDEC. Training in supervisory skills for 13 participants and in team building skills for 55 participants. Short courses in word and EXCEl  |
|  | Train judges with managerial responsibilities and relevant administrative court staff on the functioning of the monitoring and evaluation mechanism | Judges apart from the CJ and Registrar do not currently have managerial responsibilities.  |

**Output 3: A functional and efficient case management and monitoring system is designed and implemented**

|  |  |  |
| --- | --- | --- |
|  | INTENDED OUTPUTS  | EVIDENCE OF OUTPUT DELIVERY DEC 2011 |
|  | Establish and support the working group of judges and court staff, in partnership with the Court of Appeal and the Supreme Court , to develop a national-based case management system | IT committee set up by the CJ.  Grant agreement signed between UNODC and Italian National Research Council (IRSIG-CNR). Reports of Consultancies by IRSIG-CNR shared with judges |
|  | Organize and facilitate the study tour to a neighbouring country to gain insights on the functioning of such country’s system of case management and accountability  | Study visit to Singapore. See above Report available |
|  | Development of a proposal for a renewed mechanism for case managements tailored to the needs identified  | Mapping of judicial procedures extremely difficult due to their poor standardisation and formalisation. No automated system in place. Third trial and error stage  |
|  | Designing an appropriate proposal for more efficient IT Infrastructure for Court Administration and case management | 1st System designed by DCIT – Not functional – limited local expertise in the development of judicial automated CMS2nd system proposed by the Kenyan National Council for Law Reporting, (JINFOSYS) was unsuccessful. , Contini reports provide comprehensive account of the limitations and propose ways forward.Third proposal is to adopt the Ugandan system  |
|  | Developing appropriate software for case management | High costs of existing business models/ software. Project did not provide funds for purchase of software.  |
|  | Targeted training of judicial operators to ensure appropriate empowerment to utilize the newly developed case management system | CMS not operational yet. Weaknesses, limitations and way forward well documented in Contini Report.  |

**Outcome 4: Enhancing legal awareness of the public especially vulnerable and disadvantaged groups to enable them to seek and obtain justice**

|  |  |  |
| --- | --- | --- |
|  | INTENDED OUTPUTS  | EVIDENCE OF OUTPUT DELIVERY DEC 2011 |
|  | Assessing obstacles faced by the poor, disadvantaged and vulnerable to accessing justice | Report entitled Final Report on ‘National study on Access to Justice in Seychelles’ available.’ Results disseminated to all stakeholders. Limited number of participants involved in study because of sensitive nature of subject.  |
|  | Designing legal awareness strategy including development of key messages, media, target audiences and deliver awareness programme | Local consultant recruited. Campaign launched in November 2010. A series of talks held with post secondary schools, prisoners and district administrators. 1 leaflet produced. Phone in programme and Publicity spots aired on radio. A website is under construction. Judiciary needs specialist staff to manage the website. |
|  | Monitoring and Evaluation of legal awareness programme | Consultant’s report and final report available. Activities carried out as per programme. Both reports note the wrong timing for the launch which coincided with exams and end of term activities for post secondary schools.  |
|  | Codification of Lessons and experience | Lessons learnt listed in reports viz the high costs of producing TV programmes, the limited input from judiciary staff because of their busy schedules, staff to maintain the website. Reports also note the high demand for legal information from the public and the many misconceptions about the role of the judiciary. Strong recommendation to continue the legal awareness programmes. This will be undertaken by the newly formed Justice and Law Sector which regroups stakeholders from the whole justice system.  |

**Outcome 5: Designing an appropriate IT infrastructure and elaboration of an operational court administration**

**(*Outputs under outcome 5 were reviewed and collapsed under Outcomes 2 and 3*)**

|  |  |  |
| --- | --- | --- |
|  | INTENDED OUTPUTS  | EVIDENCE OF OUTPUT DELIVERY DEC 2011 |
|  | Development of an Operational Manual for Court Administration (Linked to outcomet 2 | See above  |
|  | Designing an appropriate proposal for more efficient IT Infrastructure for Court Administration and case management (Linked to outcome 3) | See above  |

**RATING: S**

## Stakeholder Participation

The project made considerable effort to keep stakeholders and the public informed of major developments. Information dissemination has been a strong element of the project. This has been corroborated by civil society and the Bar Association who were invited to workshops, presentations, and launchings. Key documents such as the Code of Judicial Conduct, the Strategic Plan, and reports of various studies were disseminated to all partners. Participants said they felt free to express their views at workshops and meetings. The CJ’s annual speeches at the annual court opening ceremony for the years 2009, 2010 and 2011 provided detailed information on progress of the project backed by up to date statistics.

Reports of the Inception meeting held on 5th August, the Strategic workshop participation list, and the press release for launch of the strategic plan and code of Ethics show evidence of stakeholder participation in the events. The Bar Association stated that relationships with the CJ were now more cordial and the blaming syndrome had abated.

The judiciary has established working relationships with the Seychelles Institute of Management, the Department of Information and Communications Technology (DICT) and the Adult Learning and Distance Education Centre (ALDEC) which provided consultancies and training.

Good working relationships were also established with the Ministry of Finance and the Department of Public Administration for negotiations on the introduction of new organisational structures and increased financial and administrative autonomy.

Civil Society and the Bar association were not aware of the legal education campaign and had not been involved in the programme. They would wish to be involved in the future and see it as part of their mandate to provide the public with legal information. Their suggestions are included in the recommendations.

RATING: HS

## Financial Planning

The Director for Finance, Administration and Human resources took over the responsibility of project accountant in 2010 from a junior staff. Proper accounting systems and books were opened and links established with the Ministry of Finance. The director reported having experienced no major obstacles in requesting or accounting for money spent under the project. Requests for payment had to be channelled through the Ministry of Finance to the Central Bank that issued the cheques as was the normal procedure for aid money. Sometimes payments took a week or more to be effected but the good working relations established with Mr. Joseph of the Ministry of Finance speeded up the transactions. Quarterly financial reports were submitted to UNDP CO.

Working relationships with UNDP were efficient. Money under the project was spent appropriately down to the last cent and no virements or over expenditure was made.

The Audit report by the Office of the Auditor General dated 20th May 2011 and covering the period 1st January 2010 to 31st December 2010 records no major anomalies in the financial records except for a slight discrepancy to the amount of $329.04 between the CDR and the Detailed Expenditure Report.

The Government of Seychelles honoured its financial commitment by purchasing the digital recording system, co-financing initiatives aimed at improving case management and giving a face lift to the building and reception areas.

## Sustainability

Although there is no formal sustainability strategy, there are many indications that the project has brought a breath of fresh air into the system and acted as a catalyst for change. There are a number of positive developments within the organization that will ensure the reforms continue. These developments are however fragile and need to be supported.

Institutional sustainability

* There is growing support for change among support staff and a growing realization that change has to come first from within themselves. Support staff spoke of changing the ‘mindset’ of people and working together as a team. This contrasts with earlier reports where discussions of pay and salary dominated the discussions.
* There is a demand for more training and courses on the part of support staff. Many staff had clearly benefited from short courses at SIM and was eager to see it put into practice in the workplace.
* The appointment of a new HR manager with determination to bring about improvements to the work ethos is welcomed by staff. . Proposals for a common room team- building activities and notice boards have been put forward.
* Individual commitment of staff eg in library services to offer better services to its clients is evident.
* The digital recording system has been successful in speeding up case reporting
* There is increased administrative autonomy to recruit own staff

Financial sustainability

* The Judiciary has received a budget increase of 21% in budget allocation for 2013.
* There are ongoing discussions with the Ministry of Finance for greater financial autonomy and allowing the judiciary to retain money collected for judicial services.
* The CJ has identified the possibility of new funding from British Government for CMS

Socio/political sustainability

The above is evidenced by the following:

* Government support for the reform
* Commitment of CJ and Registrar
* Emergence of new change champions from within the support staff
* The approval of the new organizational structure and creation of posts
* Willingness of the Bar association and civil society to work with the judiciary to improve justice delivery
* Support for the Judicial Code of Ethics from judges and magistrates
* The implementation of time standards and case scheduling.
* Support for the new strategic Plan
* The establishment of links with national institutions such as the Seychelles Institute of Management (SIM) and the Department of information and Communication Technology (DCIT) and international organizations such as the Kenyan National Council for Law Reporting, IRSIG-CNR, RIPA.
* Adoption of time standards for streamlining court processes

 **RATING: S**

## Execution and implementation modalities

As per Attachment 1 of the Project Document; Description of Services, UNODC was to be involved in the execution of numerous activities under Outcomes 1, 2, 3 and 5. As noted by UNODC representative, full technical support was made available for Outcome 3 only following email correspondence with the CJ. This revision was requested because of the late start to the project and a re-evaluation of the internal capacity of the judiciary to lead some of the changes themselves. UNODC consequently provided comments and advice only on Outcome 2 and 4.

For Outcome 3, UNODC signed a grant agreement with the Italian National Research Council (IRSIG-CNR) to assist the judiciary Working Group on Case Management in identifying and proposing a Case Management System (CMS). The selection of the consultant, although a lengthy process, was finally approved to the full satisfaction of the CJ. Although a fully automated case management system is not in place, the 3 reports produced by IRSIG-CNR have been extremely helpful, as testified by the CJ, in charting the way ahead. Results have been slow because of the lack of data and standardisation of procedures in the courts.

Relationships and communication with the judiciary, the CJ and the registrar were described as excellent by UNODC especially in relation to Outcomes 3. Informal discussions are ongoing in the search for alternative options in the development of an automated case management system. Relationships with Government especially the D (ICT) were less satisfactory and meetings were difficult to organize because of busy schedules.

Coordination and communication with UNDP was fragmented because of staff changes on UNODC side. Responsibility for the project shifted from the Policy Analysis and Public Affairs Division to the Corruption and Economic Crime branch. UNODC also felt that better communication between UNODC and IRSIG-CNR (and vice versa) would have facilitated the identification of alternative strategies to CMS development and a better use of the project’s results.

## Recommendations

#### Project Design

1. Strengthen the design of future projects by producing log frames with measurable targets and clear indicators of progress. This will provide all stakeholders with clearer guidelines for implementation and more reliable and scientific evidence on the achievements and cost effectiveness of the project.
2. Ensure that all outcomes are clearly defined, measurable and achievable within the timeframe of the project (2 years). Evidence from interviews show that many of the outcomes were deemed unrealistic because of lack of implementation capacity and basic infrastructure and skilled staff in the judiciary department. Well focussed small scale studies should first be encouraged to motivate and instill confidence in staff and build capacity progressively.
3. Ensure that all future interventions are based on a comprehensive situational analysis with a clear understanding of the underlying risks and assumptions. The evaluator shares the opinion expressed in the final report that a lot of the teething problems arose from inadequate understanding and appreciation of the contextual situation, the internal capacity of the judiciary to manage the reform and staff readiness for change.
4. Develop appropriate monitoring and evaluation tools that can capture qualitative data to assess the knowledge, skills and attitudinal changes brought about through workshops, and study visits.

#### Project Implementation

1. Assign clear roles and responsibilities for the different partners in the implementation of the project and ensure that those allocated responsibilities have the capacity to execute them and /or are supported in their functions.
2. Provide continuous information, support, training and praise for those involved in implementing the changes in the judiciary department.
3. Appoint a strong internal team with expertise in results based management to manage the project on a daily basis. This is dependent in having adequate and well trained staff in the first place.

#### Involvement

1. Determine the nature and level of involvement required of all external stakeholders and communicate these expectations clearly to avoid disappointment.
2. Carry out a stakeholder analysis to gauge the level of commitment of all key stakeholders and plan mitigation strategies.
3. Introduce mechanisms that will ensure the involvement and participation of all judiciary staff.
4. Build on the existing cordial relationships between civil society and the office of the chief Justice to develop more structured working relationships. The development of a memorandum of understanding between the judiciary and Civil Society can provide the platform for dialogue and consultation and increase citizen participation in the administration of justice.

#### Relevance

1. Ensure that the objectives of the Justice Reform are incorporated into the medium term National Development Strategy 2013-2017 currently being prepared and that an access to justice perspective is mainstreamed into all national policies. An independent and trustworthy judiciary is the backbone to socio-economic progress. Good governance underlines the basis for sustainable development[[7]](#footnote-7). The draft copy of the NDS does not include it as one of the priorities nor include a sector analysis of the judiciary.
2. Funding organisations need to address issues of transparency and political interference more boldly and openly with Government, Human Rights organisations and the CAA. Many stakeholders feel that the lack of public trust in the judiciary is largely due to the perceived political interference in the work of the judiciary and the lack of transparency in processes for appointments and re appointments of judges. The project does not address these issues in a straightforward manner.
3. Ensure that future judicial projects mainstream human rights issues (rights of women, children, poor and vulnerable) and provide training to judges and magistrates by working more closely with the office of the Ombudsman, Human rights Commissions and NGOs on good governance.

#### Capacity Building

1. Implement the capacity building plan and new remuneration and benefit Scheme that will help to motivate and retain good staff.
2. Provide training in results-based management including change management to selected judiciary staff to lead the strategic planning process.
3. Continue and consolidate the exchange programmes and study visits for judges and magistrates initiated during the project to expand knowledge of other legal cultures judges and extend their involvement in administration and management
4. Provide appropriate training opportunities for staff at all levels including court interpreters and reporters.
5. Recruit capable and knowledgeable judges who earn the respect of the Bar Association and the public at large through the quality of their judgments and professional conduct.
6. Increase the capacity of Civil Society (especially NGOs involved in human rights and good governance) for legal activism so as to be able to monitor justice institutions more effectively.
7. Support LUNGOS and the Bar Association in developing legal awareness programmes for the general public using the mass media.
8. Support the judiciary, civil society and the Bar Association in conceptualising and developing mediation services based on example of good practice in the Employment Tribunal
9. Support LUNGOS in developing functional structures eg NGOs with paid secretariats to provide free legal advice to the poor and vulnerable sectors of society through partnerships with the Bar Associations and other paralegal organisations.
10. Institutionalize continuing professional development and promote a culture of knowledge sharing

#### Sustainability

1. Implement the Strategic Plan 2010-2014. The Plan developed with the participation of major stakeholders is an important management tool to mobilise staff in the pursuit of common goals. In order that it becomes a ‘living document’, the judiciary must be assistedin developing yearly costed operational plans and a monitoring and evaluation framework for its successful implementation.
2. Develop a concept paper (further elaborated from the Strategic Plan) which maps out the goals and processes of the **entire** judicial reform programme and **where** external assistance is required. This will help partners and donors identify potential areas of assistance and ensure that the reform is implemented in a comprehensive and planned manner and is owned by the Judiciary. It will also avoid duplication of effort and waste of resources. There are a number of uncoordinated initiatives by regional and international partners and organisations such as COI, SADC, COMESA, UNODC , the Commonwealth and the EU among others aimed at improving good governance including delivery of justice and targeting different entities involved such as the Police, Prisons, Attorney general’s office, the legislature, Social services and the judiciary itself. These need to be better coordinated. The proposal by the CJ for the establishment of a Law and Order Sector is a step in the right direction.
3. The UNDP must continue to use its privileged position and good personal contacts to bring further qualitative changes to the judiciary. Change may appear to be slow and patchy but the seeds of the reform have been sowed. These need to be nurtured and supported.
4. All stakeholders must advocate for increased budget and financial autonomy to sustain the reform.

From the Contini Report[[8]](#footnote-8)

We are confident that the Seychelles Judiciary will be able to sustain the process of judicial reform already enacted. However, due to the limited resources available, specific support of international organizations and donors in terms of technical expertise and financing could speed up the process. This would make easier the goal achievement, since uncertainty at such levels may hamper and slow down the entire process. Possible actions to be considered are as follow:

1. International Organisations should decide if additional support to the Judiciary should be provided. As suggested, priority should be given at first to the implementation of the automated case management system, and then to the motivation and training of judges. In particular, it would be extremely fruitful if international organisations already involved in the project could clarify the level and the kind of support they should be able to provide in the next two or three years. This would greatly facilitate the planning of the steps and measures that should be taken to implement the reform.
2. Independently from the support eventually granted by international organisations, the Seychelles Judiciary should make constant efforts to involve external parties (stakeholders and international organisations) to support the implementation of Case Management Reform and more generally of the ambitious reforms endorsed in the strategic plan 2010-2014.

# Lessons Learnt

There are a number of valuable lessons to be learnt from this project. Many of them have been derived from the ‘lived experiences’ and stories of the participants and stakeholders who participated in the Focus Group Discussions and interviews as well as project reports and evaluations.

1. The development of the ‘Strategic Plan 2010-2014 ’in partnership with stakeholders was an important turning point in the project’s trajectory. Although not part of the original set of activities under Outcome 1, the process of articulating a common vision and set of goals for the judiciary helped to mobilise staff behind the reform process. All interviewees from within the judiciary except for one spoke positively about the process. These high expectations however have not been sustained through information and actions on the ground and many staff now express scepticism about the outcome. It is important therefore to move quickly if gains are to be maintained.
2. Although change and upheaval are endemic to all organisations, major reforms need to take place during periods of relative stability. It is unfortunate that the start of the project coincided with major upheavals and important staff changes including the arrival of the new non Seychellois Chief Justice whose appointment occasioned a series of divisions within the judiciary staff. There was insufficient leadership and ownership of the programme within the judiciary to push the reform through at the initial stage.
3. A lot of the teething problems in the initial stages arose from inadequate understanding and appreciation of the situational context, the internal capacity of the judiciary to manage the reform and staff readiness for change. The micro politics and internal dynamics, the resentment built up through the recent appointment of a non Seychellois CJ within some sections of the judiciary, the bureaucratic and insular culture of the judiciary, the self image and sensitivity of the judges, the lack of proper communication channels, and staff dissatisfaction are realities that must be openly discussed and managed appropriately. There was no expertise in change management within the judiciary to drive the process.
4. The success of any project depends on the involvement of people and their ownership of the reform programme. Although efforts were made to inform external partners, little was done to sensitise and mobilise judiciary staff involved in the reform. The weak organisational framework and the lack of proper communication channels did not help the process. Most of the Support staff reported that they first heard about the project from the newly appointed programme manager around March 2010.
5. Change cannot be dictated from outside and demand for change however strong will not bring about change as is extensively documented in management of change literature. Without the commitment of all judges and magistrates, change will not take root. All efforts must therefore be made to bring them on board through respecting and managing sensitivities and nurturing change champions from within the system.
6. Inviting civil society and the Bar association to important milestones such as the launching of the Judicial Code of Ethics, the strategic planning workshop, the dissemination of reports and giving them the opportunity to express themselves freely has helped to forge new relationships and better understanding of the problems faced by the Judiciary. This informal process now needs to move to a new level of involvement and more structured working relationships where partners feel that their views and suggestions are being taken seriously and put into action.
7. The CJ and the Registrar have a clear vision of reforms that need to take place and commitment to see the process through. The CJ has taken a bold and courageous stand on exposing the weaknesses’ of the judiciary system and updating court statistics. Unfortunately they are overwhelmed by other work commitments and do not have the time to plan for the changes without additional qualified technical staff with skills in project implementation and evaluation.
8. The appointment of an external support person to drive the process was an important move. The support and efficiency of the local Programme Manager and the UNDP staff were much appreciated. Unfortunately, much of this support stopped at the end of the project. The Judiciary needs to be more proactive in requesting support .
9. Appointing high profile people with busy schedules on Steering Committees for projects that are very focussed on building capacity and infrastructure within the judiciary is a recipe for failure. What the project needed was a strong internal committee with immediate stakes in the success of the reform.
10. Although outcomes have only been partially achieved, there have been some good quality outputs from the project. These include consultancy reports on case management and access to justice and core documents such as the strategic Plan and the judicial code of Ethics approved by all the judges and magistrates which is a first step in establishing a common set of accepted standards.
11. When introducing new innovations such as an automated case management system it is important that the consultancy takes place at the outset so that different models, their suitability to the judicial context in Seychelles and the implications on users are thoroughly discussed and agreed upon before implementation. This will save considerable expense and time and reduce the level of frustration being experienced by staff who are now on their third trial and error stage.
12. Five major objectives were too many for the judiciary to handle within the timeframe given its weak base. The legal awareness campaign did not have the intended public impact and coverage because of time constraints and the full commitment of the judiciary. It should be the focus of another project carried out in collaboration with civil society, the Bar Association and other partners.
13. UNDP is a much appreciated and easily accessible development partner in Seychelles. All persons interviewed spoke of the good relationships established with the UNDP office in Seychelles and Mauritius. Staff were considered efficient and helpful and the PM In Mauritius Office only a ‘phone call away’. UNDP must use this privileged position to continue supporting reforms in sensitive areas such as the judiciary. Although the reforms appear to be slow and patchy, there are encouraging signs from within the judiciary and a lot of goodwill on the part of civil society and the Bar association to work together to reform the system. More focussed discussion and dialogue is needed to work out concrete projects.
14. Important links have been established with UNODC, the Kenyan law Report Association, IRSIG- CNR, RIPA and others, who have a wealth of expertise to offer. The Judiciary can benefit fully from these organisations only if it gets its act together and is clear about what kind of assistance it requires and in which area.
15. The project has helped to articulate and clarify the functions and responsibilities of the Judiciary in the administration of justice. Greater public awareness of the joint responsibilities of other agencies such as the police, the prisons, AG’s office and the Bar Association will help to improve public image.

|  |  |  |
| --- | --- | --- |
| CRITERIA | Rating | Evidence |
| **Project Formulation**  |  |  |
| Conceptualisation /Design  | MS | No logic frame, measurable targets or indicators.No assessment of risks and limited appreciation of the culture of the organisation and readiness for change.Project is relevant to needs of the judiciary and activities identified satisfactorily linked to overall outcome |
| Stakeholder Participation  | HS | Inception mission and workshop provided opportunities for stakeholders and partners’ input into design.Interviews confirm participation of partners especially civil society and bar association in many programme activities  |
| Project Implementation  | S | Many of the activities have been satisfactorily carried out within the time-frame. See Table 1. Consultancy reports are available for guidance in future development of case management. |
| Sustainability  | S | Clear signs of institutional, financial and socio-political sustainability. Need strengthening and support  |
| Attainment of Outcomes  | MS | Although not outcomes have been fully met, important lessons have been learnt and the seeds of change sowed.  |

## Conclusions

The DGTTF has played a crucial role in penetrating a much closed and highly sensitive organisation such as the Judiciary which up to the present day has been cut off from major reforms operating in other sectors of the public service. Although not all outcomes have been met, the project has succeeded in institutionalising the need for change. It is the first time staff of the judiciary have come together with local partners to work on common projects and build capacity. The project has also facilitated contacts with international organisations and law associations. These links must be further expanded and opportunities provided for all judges and other support staff to benefit from these exchanges. These gains must not be lost.

# Appendix 1

# LIST OF DOCUMENTS CONSULTED

|  |  |
| --- | --- |
|  | **Project Documents**  |
|  |  Enhancing the Rule of Law in Seychelles through the Strengthening of the monitoring and oversight capacity of the Judiciary (GoS, UNDP, UNODC) |
|  | Results and Resources Framework : Implementation Schedule and key Activities (Part 2) |
|  | Project Budget: Annual work Plan (Part iv)  |
|  | Letter of agreement between UNDP (Mauritius and Seychelles ) and UNODC on cooperation to support the implementation of project  |
|  | Description of services to be performed by UNODC  |
|  | Amendments to project outputs and Activities January 28th 2010 |
|  | **Monitoring Reports**  |
|  | Progress Report on Judiciary Consultancy Seychelles Institute of management Date?  |
|  | Final Project Report by programme manager April 2011  |
|  | Project Report covering period August 2009 – December 2010 |
|  | Progress Report on Judiciary Consultancy Seychelles Institute of management Date? |
|  | **Workshop Reports** |
|  | (UNODC): Report on Inception workshop held at SIM on 5th August 2009 |
|  | Proposals for the setting up of a Justice Law and Order Sector  |
|  | Inception Mission report 3rd to 7th august 2009 (UNODC |
|  | **Minutes**  |
|  | Minutes of the Supervisory working meeting held on 4th October 2010 |
|  | Notes of Follow up Meeting for Judiciary Project (DGTTF Fund 2009-2010) Tuesday 26th January, 1530hrs at the Chief Justice Office |
|  | **Reports of Training/Study Visits**  |
|  | Report by chief Justice on study visit to Singapore from the 87th-13th March 2010 |
|  | Report by Registrar on Training in Judicial Administration held from the 14- 25 June 2010 at RIPA international , London  |
|  | Report by SIM on Judiciary training in Team building and supervisory skills  |
|  | Participation list for **Visioning and Strategic Planning workshop held on 6-9th April 2010**  |
|  | **Studies and Consultancy Reports**  |
|  | Awareness Campaign Report (October 2010-March 2011) by Consultant Andy Jean-Louis  |
|  | Report of the National Study on Access to Justice in Seychelles by Consultant Benjamin Vel Date?  |
|  | Seychelles Judiciary Information System Deployment Report by Michael Mayaka , January 2011 |
|  | Development of the Case Management System for the Judiciary of the Republic of Seychelles towards a road map **Francesco Contini (Editor)** |
|  | Development of the Case management System for the Judiciary of the Republic of Seychelles: nextsteps **Francesco Contini and Marco Velicogna** |
|  | Report on proposals for improving the administration of the Judiciary in Seychelles by the Seychelles Institute of Management, February 2011. |
|  | **Project Products/Outputs** |
|  | Seychelles code of Judicial Conduct 2010 by Judiciary of Seychelles |
|  | Strategic Plan 2010-2014 (the Seychelles Judiciary 2010)  |
|  | **Correspondence**  |
|  | Judiciary Contract for consultancy with SIM  |
|  | Information Note for staff of the Judiciary 2010 |
|  | **Financial Reports**  |
|  | Specimen statement of cash Position as at 31st December 2010 |
|  | **Speeches/statements**  |
|  | Speech by Honorable chief Justice Fredrick Egonda-Ntende at Reopening of supreme court on 15th Sept. 2009 |
|  | Speech by Honorable chief Justice Fredrick Egonda-Ntende at Reopening of supreme court on 15th Sept. 2010 |
|  | Press report on statements by registrar and CJ at launching ceremony of the strategic plan 2010-2014 and the Seychelles code of Judicial conduct. 26th July 2010 |
|  | State of the Nation Address by  |
|  | **Others**  |
|  | Delay Reduction measures and time standards for the supreme court of Seychelles (adopted by the Judges of the supreme court and Justices of the Court og Appeal on 08/09/2010 |
|  |  |

###

# Appendix 2

# LIST OF PEOPLE WHO PARTICIPATED IN INTERVIEWS AND FDGs

|  |  |
| --- | --- |
|  | **JUDICIARY** |
|  | Honorable Chief Justice Fredrick Egonda-Ntende |
|  | Mr. Jude Bonte , Registrar of the Supreme Court  |
|  | Mr. Wilson Belmont, Director for Finance, Administration and Human Resources |
|  | Ms. Nicolle Maturin – HR & Admin Manager |
|  | Ms. Stella Napier – Court Reporter |
|  | Ms. Thelma Julie – Assistant Documentation Officer |
|  | Mr. Tony Alcindor – Chief Process Server |
|  | Mr. Achilles Commettant – Chief Court Interpreter |
|  | Ms. Nadia Servina – Assistant Registrar |
|  | Ms. Marie-Angel Barbe – Assistant Registrar |
|  | **BAR ASSOCIATION** |
|  | Mr. Divino , Attorney at Law & Secretary to the Bar Association |
|  | Mr. Conrad Lablache, Attorney at Law  |
|  | **CIVIL SOCIETY** |
|  | Mr. Bernard Elisabeth –Chair LUNGOS |
|  | Pastor Michael Bijoux- Faith Based commission  |
|  | Mr. Gelage Hoareau- Citizens Democratic Watch |
|  | Mrs. Josette Stravens – National Council for the Elderly.  |
|  | **UNDP** |
|  | Mr. Roland Alcindor- Programme Manager Mauritius/Seychelles  |
|  | Mrs. Barbara Carolus Andre – former Programme Manager for Judiciary Project.  |
|  | Ms. Cecile Plunet- Programme officer, Corruption and Economic Crime Branch , Division for treaty Affairs, UNODC |

# Appendix 3

# Copies of Interview/Questionnaire Schedules.

Interview Questions (CJ & Registrar)

1. When did you take over responsibility as national project director?
2. Was your role clearly defined?
3. How far does the project address the main issues faced by the judiciary? Is it relevant to the current context? Achievable within the time-frame?
4. What have been some of the main achievements of the project? Give examples? How has the project contributed to strengthening the monitoring and oversight capacity of the judiciary?
5. How far have each of the following 5 intended outcomes been achieved? Give examples?
* Skills of judges and prosecutors in justice administration
* Monitoring and evaluation capacity of registrar staff
* Functional and efficient case management and monitoring system
* Legal awareness of the population
* Design of an appropriate IT infrastructure /operational manual for court administration
* Public confidence in the judiciary
1. What have been some of the unintended benefits/fall-outs of the project?
2. What have been some of the major set-backs? Challenges in implementation?
3. How did you try to overcome them? What adaptive strategies did you use?
4. What management structures did you put in place for implementation? How far were they successful?
5. What do you think of the quality of support provided by UNDP? UNODC? Project Manager? Steering committee?
6. How could it have been improved?
7. How far were the partners (Bar association, civil society, police, AG’s office,, prisons etc) involved in the design, implementation and monitoring of the project? What could have been done to increase participation?
8. Is the project sustainable? What are the reasons? What sustainability plans have you put in place? (financial sustainability? Socio-political? Ownership and commitment of the judiciary? )
9. What important lessons have you learnt from the project?
10. What recommendations would you like to make about future interventions/support from funding agencies?
11. What partnerships have developed as a result of the project? How does the project link up with other bilateral projects/donor projects for reforming the judiciary?
12. Any other comments you may wish to make

Thank you

Interview Schedule. (Civil Society Participants )

1. How far were you involved in the design, implementation and monitoring of the judiciary project? Give examples.
2. What are the main issues facing the judiciary? Does the project address these issues successfully? Is it relevant to Seychelles ?
3. What do you think have been the main achievements of the project? Have you noticed any positive changes in the functioning of the judiciary over the last two years?
4. Have there been any challenges in the implementation of the project? What were some of them
5. How effective has been the campaign on legal awareness? How has legal education of the population especially the poor and the vulnerable sections been enhanced by the project?
6. What role can civil society/Lungos (NGOs involved in HR, good governance) play in enhancing rule of law and access to justice especially for poor and vulnerable?
7. How has your relationship with UNDP, UNODC other donors been strengthened ?
8. How has your relationship and rapport with the judiciary been strengthened?
9. Is the project sustainable? Give reasons? What recommendations do you have for future interventions?

Any other comments/suggestions

Interview Questions. (Bar Association)

1. How far were you involved in the design, implementation and monitoring of the judiciary project? Give examples.
2. What are the main issues facing the judiciary? Does the project address these issues successfully? Is it relevant to Seychelles?
3. Have you noticed any positive changes in the functioning of the judiciary over the last two years in relation to the intended outcomes?
4. Strengthening of skills (judges and prosecutors ) in justice administration
5. Monitoring and evaluation capacity of Registrar senior staff
6. Functional and efficient case management
7. Legal awareness of the poor and vulnerable
8. IT infrastructure –operational manual for court administration
9. How have you 1) individually and 2) as the Bar Association benefitted from the project.
10. What are your comments on the 1) judicial code of ethics 2) strategic plan?
11. What have been the major challenges?
12. Is the project sustainable? Give reasons?
13. How has your relationship with UNDP, UNODC other donors been strengthened?
14. How has your relationship and rapport with the judiciary been strengthened? Involvement in committees? Ongoing reforms?
15. What role can the Bar Association play in enhancing rule of law and access to justice? What support is required?
16. What recommendations do you have for future interventions?
17. Any other comments

Interview Questions. (Court staff )

1. How were you informed about the judiciary project?
2. How far were you involved in the design, implementation and monitoring of the judiciary project? Give examples.
3. What are the main issues affecting your work?
4. How far does the project address those issues? How far do you think the changes are necessary?
5. How were you prepared for the changes?
6. Have you noticed any improvements in your work environment since the project started?
7. How has the project benefited you individually?
8. Have you been able to put into practice what you have learnt at the SIM ? Why and why not?
9. What recommendations do you have for future projects

Interview Questions. (Judges/Magistrates )

1. How far were you involved in the design, implementation and monitoring of the judiciary reform project? Give examples.
2. What are the main issues facing the judiciary? Does the project address these issues successfully? Is it relevant to Seychelles?
3. What have been the main achievements in relation to the following planned outcomes?
	1. Strengthening of skills (judges and prosecutors ) in justice administration
	2. Monitoring and evaluation capacity of Registrar senior staff
	3. Functional and efficient case management
	4. Legal awareness of the poor and vulnerable
	5. IT infrastructure –operational manual for court administration
4. Has the image of the judiciary improved over the last two years? How useful has been the new code of ethics?
5. How have you 1) individually benefitted from the project new skills? Knowledge? and attitudes ?
6. What have been the major setbacks? Challenges?
7. Is the project sustainable? Will it be sustained after the end of the project- financial sustainability? Give reasons?
8. How has your relationship with UNDP, UNODC other donors been strengthened?
9. What recommendations do you have for future interventions?
10. Any other points you would like to make?

Interview Questions (Wilson Belmont)

1. When did you take over as project accountant ?
2. What did your work consist of? How helpful and clear was the TOR?
3. Who did you report to?
4. How were funds for the project disbursed? Were funds requested received in a timely manner? What were the major obstacles?
5. Were funds used according to the original allocations? Work/budget plans?
6. Did government honour its funding promises? Was the allocation timely?
7. Do you think funds allocated to the project were used efficiently? Reasons?
8. How could the process be improved?
9. How would you describe the support receive from the programme manager? UNDP? And UNODC?
10. Describe the monitoring and reporting mechanisms ? (Frequency and user friendliness?)
11. What kind of administrative and technical support did you receive?
12. Any other comments?

Questions for UNODC Representatives.

1. Which of the activities outlined in Attachment 1 Description of services and 1.1 activities Plan of the project document were you able to discharge effectively?
2. Were the activities executed in a timely manner as per the schedule? What were some of the major challenges?
3. Which were the most successful components? Which were the most unsuccessful? Give reasons?
4. How have your inputs contributed to the overall achievement of the objectives?
5. How would you describe the quality of communication and coordination established with :
6. UNDP CO
7. Seychelles judiciary
8. Seychelles Government
9. How have relationships with the three organisations/institutions been strengthened through this project?
10. How were you kept informed about the progress of the project? How did you keep other partners informed of progress?
11. What were some of the lessons learnt in relation to 1) project design 2) involvement of stakeholders 3) monitoring and evaluation 4) coordination and partnerships?
12. What recommendations would you make for future cooperation on projects.
13. Any other comments- (Comparisons with other projects you are involved with in Seychelles).
1. Governance for Sustainable Human development, a UNDP Policy Paper, UNDP 1997. [↑](#footnote-ref-1)
2. 1. Development of the Case Management System for the Judiciary of the Republic of Seychelles: Next steps by Francesco Contini and Marco Velicogna, 9 May 2011 [↑](#footnote-ref-2)
3. Final Report of the National Study on Access to Justice in Seychelles by Benjamin Vel [↑](#footnote-ref-3)
4. Development of the Case management System for the Judiciary of the Republic of Seychelles: Next Steps by Francesco Contini and Marco Velicogna, Bologna, May 2011. [↑](#footnote-ref-4)
5. Speech by Honorable chief Justice Fredrick Egonda-Ntende at Reopening of supreme court on 15th Sept. 2009 at the Palace of Justice, Victoria, Mahe [↑](#footnote-ref-5)
6. [↑](#footnote-ref-6)
7. Governance for Sustainable Human development, a UNDP Policy Paper, UNDP 1997. [↑](#footnote-ref-7)
8. 1. Development of the Case Management System for the Judiciary of the Republic of Seychelles: Next steps by Francesco Contini and Marco Velicogna, 9 May 2011 [↑](#footnote-ref-8)