

Evaluation Report

UNDP Sierra Leone (Irish Aid)

Improving Rule of Law & Access to Justice

Programme (2013-2014, NCE 30th June, 2015)

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(Note: incorporates comments received from UNDP Regional Service Centre for Africa)

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Executive Summary

Background

Sierra Leone is emerging from a context of post-crisis and recovery and towards economic transition, social cohesion and development following a brutal civil war that ravaged the country through the late-1990s, ending in the Lomé Peace Agreement of 1999, and the Ebola Virus Disease emergency of 2014. A report of the Truth and Reconciliation Commission in 2004, identified a lack of access to justice as a key cause of the civil war. Rule of Law and Access to Justice—particularly for women—are key priorities of the Government’s Justice Sector Reform Strategy and Investment Plan (JSRSIP) (now entering its 3rd phase as JSRSIP III); legislative reforms such as reform of the Criminal Procedure Code (now being finalized) and a constitutional review process initiated in 2013 are soon to be concluded and build upon earlier legislation such as the Sexual Offenses Act (2012).

The Judiciary and the Government have, since at least 2010, explored ways to improve access to justice at the local level, expedite SGBV cases and safeguard family relations in Sierra Leone. The Judiciary has attempted to fulfil its statutory obligations via mobile courts, whereby both High Court Judges and Magistrates “ride circuit” to rural areas and communities. Special “Saturday Courts” were established to expedite SGBV cases. Local courts have recently been brought under the authority of the Judiciary by virtue of the Local Courts Act. Meanwhile, the Sierra Leone Police set-up Family Support Units (FSUs) to facilitate investigation of domestic abuses, SGBV and VAW and prosecution. The Government has recently established a Legal Aid Board to implement the provisions of the Legal Aid Act, 2012. Sierra Leone established a national Human Rights Commission (HRCSL) by statute in 2007 that has since become capacitated, investigated a number of human rights cases and effectively represented Sierra Leone in the UPR process. HRCSL has maintained its “Category A” status as Sierra Leone’s National Human Rights Institution in conformity with the Paris Principles.

Yet, the challenges facing Sierra Leone’s justice sector institutions and the gaps in terms of access to justice of beneficiaries – the demand-side of justice – remain staggering. The Constitution of 1991 contains insufficient guarantees of due process and of judicial independence. A Judicial Code of Conduct was adopted in 2005, but has rarely been invoked. Meanwhile, the Judiciary remains unitary and plans to decentralize administration of the courts, revenue generation and budgeting have not yet come to fruition, pending Constitutional reforms. Such judicial reform issues have been recently noted by several donors.

Sierra Leone’s Judiciary and its courts are also woefully under-funded and under-resourced by the Government. Court buildings are dilapidated, poorly lit and cramped for space. Filing, docketing and records systems are paper-based and antiquated. There is a chronic shortage of judges and magistrates to service the High Court and Magistrate Courts at the district and local levels (i.e. via mobile/circuit courts). Cases are routinely dismissed, postponed or perpetually adjourned. Pre-trial detention rates remain high and many litigants and criminal defendants lack access to qualified legal representation; and lawyers, witnesses and victims often fail to appear in court for preliminary investigations or trials. Bail and sentencing guidelines are in need of reform.

A large percentage of the youth population remains unemployed and rates of juvenile crime and gang-related activity have spiked in recent years. Meanwhile, rates of Sexual and Gender Based Violence (SGBV) and Violence Against Women (VAW) remain high throughout the country. Rape cases require the submission of a medical report that must be signed by an examining physician — creating an excessive burden of proof for victims. Women remain subject to cultural prejudices and traditional practices which impede their access to justice and empowerment. The HRCSL faces a number of capacity gaps, weak organization and struggles to extend beyond the regional level to the district level.

The UNDP Rule of Law and Access to Justice Programme

The UNDP “Improving the Rule of Law and Access to Justice Programme in Sierra Leone” (2013-2014, with no cost extension until 30 June 2015) funded by UNDP and Irish Aid is situated within the above context and seeks to build the capacity of national justice sector institutions (Judiciary and courts, the Ministry of Justice, the Sierra Leone Police (Police Prosecutors and Family Support Units), and the Law Officers’ Department. The Programme further supports access to justice and provides legal representation for victims of sexual and domestic violence and for women in relation to land and property rights through a network of selected non-governmental organizations and CSOs working at community levels. The Programme also supports the independent Human Rights Commission of Sierra Leone with a focus on core capacity building including on the Commission’s capacity to investigate and report on human rights abuses in the country. UNDP has throughout the programme supported key activities of justice institutions to further build on previous programme achievements by scaling up practices that have shown promise in earlier programmes.

The overall stated Outcome of the Programme is “to enhance access to justice through increased application of human rights standards, effective implementation of relevant national legislation and adaptation of gender sensitivity practices in both formal and informal justice sectors.” In order to achieve this Outcome, the Programme’s Theory of Change rests upon fostering i) national ownership; ii) sustainability; iii) partnerships between State and CSOs; and iv) flexibility (entailing possible postings of staff outside of Freetown). The Programme has two main outcomes: *Outcome 1: Strengthened state capacity for effective and equitable justice service delivery; and Outcome 2: Enhanced civil society capacity to support access to justice and elicit accountability for justice service delivery.*

The Purpose of the Evaluation

This Evaluation is a summative and final evaluation of the Programme which ended in mid-2015 designed to assess UNDP’s contribution to the progress towards providing and sustaining justice and rule of law in Sierra Leone as well as to inform the design of the new Rule of Law Programme 2016-2018.

Specific objectives of the evaluation as stated in the ToR include:

- Review the performance of the Programme in achieving the outputs as per the Programme Document and their contributions to outcome-level goals;
- Assess the factors that have been affecting the outcome and its sustainability;
- Assess the appropriateness of the Programme strategy including its theory of change, implementation approach, and programme institutional/management arrangements;
- Document best practices and lessons learned from the programme to feed into the next phase of the programme cycle;
- Make clear and focused recommendations that may be required for enhancing the relevance, effectiveness, efficiency, impact and sustainability of a future programme.

The Rule of Law and Access to Justice Programme came to an end as of 30 June 2015, representing approximately 2.5 years of programme implementation (effectively, less than this as some time was devoted to initiation and, in addition, the EVD crisis impacted negatively upon UNDP’s ability to implement as originally envisioned). The Evaluation is predominantly focused upon assessing the Rule of Law and Access to Justice Programme, as well as Support to the Human Rights Commission of Sierra Leone. In addition, the Evaluation assesses overlaps between the UNDP funded Rule of Law and Access to Justice Programme and the DFID funded Access to Security and Justice Programme (ASJP).

Methodology

The Evaluation was conducted by a senior external independent rule of law expert who has advised UNDP since 1998 in justice sector reform, rule of law, access to justice and human rights programming. The basic methodology of the Evaluation was contained in the ToR and amended and revised in consultation with the UNDP RoL Programme and UNDP CO. The Evaluation was conducted in three phases as follows: i) a desk review; preparatory Skype interviews and

formulation of an Evaluation Plan in conjunction with UNDP CO; ii) an in-country portion of the Evaluation (12 December to 22 December 2015), consisting of 10 days in Freetown with field trips to Moyamba, Bo, Kenema and Makeni. for purposes of conducting interviews with stakeholders and additional document collection; and iii) a report writing phase that included the collection and analysis of additional documents, preparation of a draft Evaluation Report and its finalization based upon comments received from UNDP and its donor Irish Aid. As the Evaluation was not able to visit all locations where the Programme was active, Consultant selected a sample of sites and covered all major geographic divisions of the country.

The Evaluation was limited in its ability to draw conclusions in some instances due to a lack of statistics and data—particularly from the Judiciary. Meta-analysis was employed to the extent possible where statistics were lacking. Triangulation of data and opinion evidence was pursued, again, to the greatest extent possible, given available data and statistics. The Evaluation Report is designed to be both summative and forward looking.

Relevance

On the whole, it is the assessment of the Evaluation that the UNDP RoL and Access to Justice Programme was highly relevant to both the needs of stakeholders, but also to the Government of Sierra Leone’s development and judicial reform strategies. The Programme has proved itself relevant to the needs of Sierra Leone’s supply-side justice institutions and to demand side beneficiaries’ lives. UNDP has throughout the Programme supported key activities of justice institutions to further build and strengthen capacity—in accordance with the Agenda for Prosperity (2013-2018) and the previous Poverty Reduction Strategy—PRSP II. The Programme aligns with the UN CPAP (2011-2012 and 2013-2014), the UNDAF for Sierra Leone and the MDGs.

Efficiency

The Evaluation assessed that expenditures were even throughout the programming period. Overall sector funding for rule of law has fluctuated since 2009. The current Programme (2013-2014) is based upon Irish Aid funding of \$1,811,432, plus additional core UNDP funding. What is clear is that the EVD crisis in 2014-2015 impacted significantly upon programme implementation and efficiency. All parties interviewed by the evaluation stated that UNDP conducted the CSO grants process without any major issues, but that the grants were delayed in 2015 and some grantees were delayed in filing their end-of-grant reports with UNDP. Of concern to the Evaluation is the fact that UNDP was forced to suspend funding at certain points for several GoSL partners during the life of the Programme. This was either because of a lack of capacity of an implementing partner to effectively execute and manage donor funding or a lack of political will on the part of the institutions. As of end-2015, due to the support of the Programme and other donors, this situation appears to have improved and the trend lines look favourable.

Part of assessing “efficiency” is “value for money” analysis. While it is beyond the scope of the evaluation to undertake a full VfM analysis, it does appear that UNDP was able to “do more with less” given the size of its budget for CSOs. UNDP achieved a comparable level of impact on the demand side as DFID ASJP, albeit, with much less funding.

Oversight of the Programme

The main mechanism of Programme oversight was the Programme Board co-chaired by UNDP and the MoJ, with the inclusion of Irish Aid and a representative of the UNCT. The Board met regularly during the life of the Programme, however, at points, the MoJ proved not capable of fulfilling its duties as a co-chair and UNDP was forced to proceed with the attendance of a representative from the MoJ, but without MoJ co-chairing. Programme Board meetings typically included a non-institutional representative of civil society on board, with at least two CSOs co-opted to be part of each Programme Board meeting.

Staffing

Staffing levels fluctuated throughout the Programme and with frequent changes of its Programme Manager, as well as turnover of programme staff during the last three years of programme implementation. The main issues were an initial 6 month gap between the first Programme Manager and his replacement. The other main issue was the lack of an administrative officer (this was finally addressed in Q2 2014 with the appointment of an Administrative Officer). As of the end of the Programme in mid-2015, the entire Programme was operating with only three substantive professional staff: the Programme Manager, and two exceptionally well-qualified and dedicated international UNV's who served as Programme Officers—one for Rule of Law and one for Gender and Human Rights. The Programme was supported by its Administrative Officer. The positions of two national rule of law officers remained vacant. Suffice it to say that despite the best efforts of the Programme Manager and the two UNV Programme Officers, it was difficult for a team of only three professional staff to execute all areas of the RRF and provide technical advice to the extent originally contemplated. The UNV's have often found themselves pulled-into routine UNDP CO administrative tasks that has taken time away from their technical advisory roles.

UNDP's Comparative Advantage

All stakeholders interviewed by the Evaluation perceive UNDP to have a strong comparative advantage in the governance and rule of law sector in Sierra Leone. According to stakeholders interviewed by the Evaluation, UNDP continues to maintain the strong trust of rule of law institutions in Sierra Leone and continues to leverage its relationships with national justice institutions and CSO partners to implement reforms. UNDP effectively delivered strong technical expertise to the Judiciary in the development of its strategic plans, guidelines for the SLP FPU's; and on the capacity of the HRCSL and the UPR reporting process. UNDP was able to draw upon its global rule of law toolkits and partnerships (i.e. UNDP HQ and regional bureaus; Global Rule of Law focal points (UNDP-DPKO) to bolster its interventions in Sierra Leone. UNDP also proved itself to be an effective "broker" between the supply-side and demand-side of the justice sector in Sierra Leone. UNDP's established relationships with rule of law institutions and CSOs during the EVD crisis, proved invaluable in the delivery of information, infrastructure support, public outreach and social services for survivors and families.

Partnerships

UNDP effectively partnered with relevant government ministries and other partners, notably the British Government's Access to Security and Justice Programme (ASJP), UNICEF, UNFPA and other UN Agencies, as well as NGOs, to implement activities specified in Annual Work Plans (AWPs). UNDP and DFID ASJP have maintained frequently communication during the life of the Programme and held regular meetings to update both programmes on each others plans. ASJP attended all UNDP Programme Board meetings and collaborated on mobile courts, JSCO meetings, case management coordination meetings, development of the Criminal Procedure Code and to some extent Family Support Units.

UNDP partnerships with CSOs appear to have been extremely effective in SGBV and post-Ebola response. Coordination between UNDP, Irish Aid and the Irish Human Rights Commission in the form of a Capacity Development Partnership Project with the HRCSL (2012-2014) was implemented in parallel to the UNDP RoL/A2J Programme. The partnership was successful in supporting the establishment of a sub-office for the HRCSL in Kenema; providing leadership trainings to HRCSL; recruiting staff; and developing and installing a case management system; and conducting a Human Rights Education Assessment in 2014.

Donor Relations

Irish Aid reported to the Evaluation that it was not satisfied with delays in UNDP reporting during the Programme. Irish Aid also expressed concerns with the high turnover of staff within the Programme. During the past year, UNDP has made attempts to remedy this and supply Irish Aid with a higher level of data. UNDP has generated annual programme reports for years 2013, 2014 and 2015.

National Ownership

The level of national ownership appears to vary across the government of Sierra Leone justice institutions. Overall, national ownership is assessed by the evaluation as moderate. A high turnover of staff within the institutions themselves, changes at the helm of the UNDP Programme management; delays in continuous implementation due to staff turnover; as well as the EVD crisis have served to slow the pace of programme implementation, as well as legislative reforms and implementation of new legislation. In fact, national ownership has only marginally improved during the time period 2013-2015; but two factors are encouraging: i) The momentum gained in programme trajectories as a result of the appointment of a reform minded interim-Chief Justice in 2015 (now retired); and ii). The establishment of the Legal Aid Board (LAB) (which was operational as from mid-2015) is also a sign of national ownership of access to justice and forward momentum. The Evaluation report makes several suggestions for increasing national ownership in any future programme. These include, possibly increasing the number of signatories to the programme document; widening the membership of the Programme Board; and soliciting the input and opinion of stakeholders in advance of design of a new RoL Programme document, AWP and RRFs.

Sustainability and Risk Analysis and Mitigation and M&E

The UNDP Programme RRF contains *inter alia* a risk mitigation log. The sustainability risk surrounding UNDP's interventions remains high, however, principally due to a continuing unwillingness of the Government to adequately fund the Judiciary and SLP's FSUs. Lack of funding and a chronic shortage of Magistrates in Sierra Leone has constrained the Judiciary from expanding mobile courts and Saturday Courts. In addition, many SLP FSU officers who received trainings on SGBV were subsequently transferred out of FSUs to other SLP divisions, effectively "losing" this institutional memory. UNDP also built sustainability via its support to LOD to develop its Strategic Plan and revision of the SGBV Case Management Guidelines for the LOD and SLP and FSUs. In general, however, *sustainability strategies* could have been better articulated for each individual institutions that would build mechanisms such as focal points within the institution that would keep archived copies of all training materials, SOPs and guidelines, as well as orientation briefings for newly hired staff. UNDP has made consistent efforts to document and perform M&E of the Programme, yet, these efforts were significantly challenged and delayed at times due to lack of capacity within the beneficiary institutions to collect data—this was especially true for the Judiciary and courts at all levels.

Communications

Overall, UNDP was effective in communicating to its government partners and the public about the RoL Programme and its goals. The Programme lacked any communications strategy or SOP, however. Going forward, this may increase the visibility of any future RoL Programme. Meanwhile, it appears that UNDP and the Programme continually stressed the need to collect data from institutional partners. The Programme has generated several annual reports to its donor Irish Aid, as well as complied with UNDP CO monitoring and corporate frameworks. This Evaluation is in fact the single independent evaluation of the Programme. The fundamental challenge of conducting results based monitoring in Sierra Leone continues to be the lack of reliable and consistent narratives, data and statistics from UNDP's government implementing partners and CSOs.

Impact Across the RoL Programme

Outcome 1: Strengthened state capacity for effective and equitable justice service delivery.

Overall, there is evidence of incremental advancement of Outcome 1 across most sub-outputs and/or maintenance of the institutions during the time period 2013-2015 that witnessed an unprecedented emergency in the country. As stated above, the major constraint upon UNDP's delivery under Outcome 1 was the EVD crisis. The crisis basically caused the Judiciary to come to a standstill – as many courts were not sitting or not functioning on a regular basis. As a consequence of the EVD outbreak, many areas of the 2013 RRF as originally designed were not able to be implemented, put on hold or were delayed as a result. There were several instances of UNDP

withholding release of funds due to either lack of political will or lack of capacity within the institutions to execute donor funding.

Despite these challenges, the Evaluation is able to point to incremental changes in most of the institutions, as well as some significant advancements of the outcome for SGBV and for human rights. Hard data is, however, lacking in many areas of the UNDP engagement. A major concern of the Evaluation is the sustainability of such initiatives in light of a continuing lack of GoSL co-funding, high turn-over of staff and risks posed as a result of lack of political will and ownership over the interventions. The recent establishment of the Legal Aid Board could be an encouraging indication of GoSL's political will to afford legal aid to accused persons. Yet, at the same time, there are questions concerning the LAB (i.e. budget and funding). There are a few areas that exceed UNDP's ability as a development agency (i.e. GoSL low levels of funding for the judiciary) that should be taken up to the political level by the UN and donors.

UNDP support enabled the Law Officers Division of the MoJ to develop a Strategic Plan (2013-2017), a Manual on Legislative Drafting and Legislative Guidance Notes. While, it is too early to assess the impact of these publications on the legislative drafting process in Sierra Leone or whether this has resulted in improved collaboration between line ministries at the MoJ, it is expected that the guidelines will improve the quality of legislation.

The SLP reported that the trainings strengthened the capacity of the SLP/FSU investigators and prosecutors. This was the first training provided to the units on SGBV and VAW legislation. The overall impression as of 2015 is that UNDP is gradually improving the rule of law situation in SL and the capacity of the FSU in Freetown to keep track of cases and statistics on cases. According to the FSU, this has resulted in a higher quality of investigations, case files and presentations in court. The Evaluation visited the FSU in Freetown as well as field locations (Moyamba, Kenema and Makeni) and confirmed that the FSUs are actively conducting investigations with reference to the SGBV Case Management Guidelines developed with UNDP support. The fact that FSUs are being increasingly utilized is corroborated by SLP "Annual Crime Statistics Report, January-December 2014" (published April 2015). The report shows that a total of 11,358 cases were recorded by FSUs nationwide for 2014.

As of end-2015, however, there had not been one prosecution of rape in the entire country that resulted in a conviction. This is a troubling statistic and is likely due to a variety of factors, including the administrative hurdles to effectively prosecute such cases, a reluctance of women to come forward to report such crimes, as well as a cultural preference of allowing the accused to offer restitution, rather than face jail time—even for serious crimes.

The Evaluation notes many issues identified by FSUs and CSOs concerning difficulties and barriers bringing cases of SGBV and rape to trial. These include the requirement of obtaining a medical form, failure of victims and witnesses to appear in court, failure of magistrates and lawyers to appear, lack of transportation to courts for victims and witnesses and frequent adjournments and postponements. The medical form is an especially problematic requirement. The local FSUs and CSOs active in the sector complain that some of the UNDP support to the FSU in Freetown is not filtering down to the local level; and suggest that UNDP if possible, directly support local FSUs via CSOs. The Evaluation visited FSUs in the field (Moyamba, Kenema and Makeni) and confirmed that FSU units are conducting SGBV investigations with reference to the SGBV Case Management Guidelines developed with Programme support. The FSUs and CSOs are actively engaged in awareness-raising that appears to be driving more women victims of SGBV to the FSUs.

Meanwhile, UNDP support to the Judiciary in the form of trainings and technical expertise has made an impact in clearing case backlogs, has supported the High Court and Magistrate courts to fulfil their required duties to go on circuit via "mobile courts" and significantly improved access to justice for victims of SGBV via special "Saturday courts". This resulted in a Strategic Plan for the Judiciary. UNDP also supported training for the Judiciary on the Sexual Offenses Act (2012), the Civil Procedure Code and the Land Law. This training is perceived by the Judiciary to have enhanced the quality of judicial processes, but it was noted that there is a need for on-going trainings of Magistrates.

UNDP supported mobile courts (i.e. circuit courts) for both the High Court and Magistrate Courts in the South and East of Sierra Leone. UNDP supported two resident Magistrates in Bo (covering stations: Mongere, Pujehun and Zimmi) and Moyamba (covering stations: Taiama, Rotifunk, Gbangbatoke, Mattru and Bonthe) and one resident High Court judge based in Bo and travelling on circuit to Moyamba. Pursuant to a LOA signed in 2014, UNDP also planned to takeover the mobile courts in the East (formerly supported by GiZ). While statistics on the mobile courts were sparse, those made available to the Evaluation by the Judiciary indicate that the use of mobile courts was increasing 2012-2014 (i.e. in 2012 the average number of cases registered in the South was 52.4 cases per month; whereas this had increased to an average of 151.3 cases per month by end-April 2014). This may be attributable to UNDP supported outreach and awareness raising.

The mobile courts—both High Court and Magistrate courts—were able to hear many cases and reduce the backlog within the 2013 reporting period; however, in 2014, the mobile courts were impacted by the EVD crisis and a continuing chronic shortage of Magistrates. The initiative was also beset by other issues that impeded its impact: i.e., failure of magistrates to appear on the appointed date and time; lack of available lawyers to render legal representation; failure of victims and witnesses to appear; and frequent postponements and adjournments. This was resulting in continue high rates of pre-trial detention and case backlogs. There remains great interest on the part of the Judiciary to continue and increase mobile courts, but unfortunately, as of 2015, the Judiciary's budget remains under-funded and the key challenge facing the mobile courts initiative—i.e., lack of sufficient numbers of magistrates and resources to transport them into remote areas on a regular basis—persists. Yet, sustainability of the initiative must be further studied before it is continued. UNDP should also consider a change in the approach to managing the initiative—perhaps exploring ways to make this less centralized and more local at the District level.

The “Saturday courts”—special SGBV courts that meet on Saturday—were supported by UNDP Freetown, Bo and Kenema and later Makeni, with ad-hoc sittings in Pujehun. UNDP direct budgetary support enabled these courts to function. It was primarily the High Courts and Magistrates courts (in Freetown) sitting as Saturday Courts, as most of the SGBV cases pertain to the jurisdiction of the HC. According to stakeholders interviewed by the Evaluation, the Saturday courts created good groundwork on witness protection, SGBV and other issues. The court buildings were not as full on Saturday, lending discretion to women and witnesses and the specialized dockets for SGBV allows case backlogs to be addressed. Yet, as with other aspects of the judiciary the Saturday courts had difficulty servicing victims from rural areas. Witnesses were able to come to court to testify due to witnesses' allowances that were provided by the UNDP Programme. Once the allowances were stopped, witnesses stopped coming due to the transport issue and costs of travelling to court.

A report of the Judiciary for the Saturday Courts from May to July 2014 for Freetown, Bo and Kenema only (Makeni, was added subsequently) did not contain sufficiently disaggregated to permit extensive analysis—other than to say that Saturday Courts were active in each of these areas and disposed of the majority of cases reported to them during the reporting period (May to July 2014). According to the Judiciary, the Saturday courts had resulted in a marked reduction in case adjournments in the High Court and shortened the duration of cases in the High Court and Magistrate courts. According to UNDP, overall, the Saturday Courts were handling a high percentage of the total number of all cases in the courts as of April 2014 (i.e. Freetown: 36%; Kenema: 29.5%; Bo: 18%; and Makeni (25%). The Supreme Court reported that the duration of SGBV cases in the magistrate's courts had shortened significantly (i.e. in Gabrone, cases were completing within 14 to 30 days compared to three to four years duration previously and in Makeni case duration had been reduced to 30 to 45 days—a large improvement over prior years according to the Supreme Court. An earlier Supreme Court report for the period January to April 2014, stated that the case duration for Freetown Saturday Court was indicating an average case duration of 26 days, with the shortest duration being 6-10 days and the longest duration 56 days as of April 2014), although *comprehensive statistics* were not furnished to the Evaluation to confirm this. Meanwhile, backlogs for SGBV cases persisted (i.e. Kono had a backlog of 230 SGBV cases as of April 2014). But according to UNDP, overall, the Saturday Courts were handling a high percentage of the total number of all cases in the courts as of April 2014 (i.e. Freetown: 36%; Kenema: 29.5%; Bo: 18%; and Makeni (25%).

As with the mobile court initiative discussed above, the sustainability of the Saturday Courts is a key issue. If the initiative is supported by UNDP going forward, then a different approach may be required that places stipulations/conditions upon the Judiciary itself (i.e. to staff and monitor these courts and some plan to make them sustainable).

The Local Courts Act of 2011 brought Sierra Leone's customary law courts under the authority of the formal judiciary and the Chief Justice. The courts (now referred to as "local courts") play a significant role in the lives of people at the local level. Although during the life of the Programme some CSOs under UNDP's CSO grants programme targeted the Local Courts via the court monitoring activities, this was not the same thing as a comprehensive approach to training local courts and Court Chairmen or addressing larger structural issues surrounding implementation of the Local Courts Act of 2011. The Evaluation also notes that CSO outputs for legal aid, awareness-raising and court monitoring are often grouped together in reports of the CSOs and it is not clear to the Evaluation that the UNDP supported CSOs in all instances understood the basic difference between objectively monitoring court proceedings for compliance with due process versus assisting in those same proceedings by rendering legal counselling to defendants and litigants

UNDP's engagement with the Human Rights Commission of Sierra Leone (HRCSL) was designed to build upon results achieved under the prior support of UNDP, the Irish Commission for Human Rights, UNIPSIL and the UN Peace Building Fund. UNDP has proved itself highly relevant to the HRCSL's work. According to the HRCSL Chairman, had it not been for UNDP, the HRCSL would not have survived. As a result of UNDP's support HRCSL has been able to maintain its "A" accreditation status during the time period 2013-2015. UNDP supported the process of developing a new HRCSL Strategic Plan, as of Dec. 2015 this had been finalized in draft form and was being circulated to stakeholders. UNDP and HRCSL have agreed that all future activities will support HRCSL's new strategic plan.

According to a "Gap Analysis" conducted jointly by UNDP and NANHRI in July 2015, HRCSL still needs to improve its finance, accounting and reporting vis-à-vis UNDP. HRCSL has only one staff devoted to finance and he is overburdened. In addition, HRCSL needs to continue to educate government officials in Sierra Leone on its mandate. HRCSL remains unable to sufficiently cover district towns. With UNDP support, HRCSL played a pivotal role during the EVD crisis via awareness-raising and has intervened at key moments to diffuse political demonstrations (i.e. Kono: de-escalation of tensions between youth and the police; Kenema: release of prisoner who had been imprisoned for the exercise of free speech).

UNDP has also facilitated the quasi-judicial mandate of HRCSL and its Complaints Investigations and Legal Services Division. As a result of UNDP support, HRCSL is actively hearing and investigating cases of human rights violations and has dealt with many other issues. Since installing the new Case Management System (CMS), HRCSL has completely moved away from a paper-based system to digital handling and tracking of complaints. This is perceived to have greatly improved the efficiency of the Commission. As of June 2014, over 200 cases had been fully loaded into the database. Partners of the Commission – such as donors, the Sierra Leone Police, the Family Support Unit and CSOs – will also be able to benefit from the information captured in the Case Management System. In addition, it is a very secure system in order to protect often sensitive and confidential information in relation to victims/complainants.

During the life of the programme, the HRCSL continued to engage stakeholders in Pujehun in relation to the dispute between the SOCFIN agricultural company and the Malen affected land owners (MALOA). The work of the Commission was successful in securing the release of their senior human rights officer who was detained in Kenema for allegedly inciting a demonstration through a radio programme he aired in the district. Also, monitoring of places of detention was helpful in securing the release of 18 military personnel who were arbitrarily detained on allegations of mutiny. The engagement of the Attorney General and Minister of Justice enabled 14 of the detainees to be charged and subsequently released for lack of evidence while the remaining 4 were released without charge. No compensation was paid to them."

UNDP also supported HRCSL in an expansion to the District Level (i.e. opening of an office in Kenema) and enhanced HRCSL's reporting abilities that enabled the Commission to study and report on issues of human rights importance in Sierra Leone. HRCSL also effectively reported for the Universal Periodic Review. In 2013 and 2014 the HRCSL successfully produced its annual State of Human Rights Reports, based on consultations with stakeholders, human rights monitoring and public complaints. During 2013, 2014 and 2015 the Commission produced shadow reports on the Convention Against Torture and the African Charter and engaged fully in the Universal Periodic Review, including through submission of a stakeholder report.

Outcome 2: Enhanced civil society capacity to support access to justice and elicit accountability for justice service delivery.

As of mid-2015, it is the overall assessment of the Evaluation that UNDP's continued engagement with its CSO partners and grant recipients has significantly enhanced access to justice in individual cases. The legal representation and advocacy of UNDP's CSO grant initiative is highly relevant to the GoSL's GESI goals as expressed in the first three outputs of SiLNAP. The advocacy of CSOs has also highlighted inefficiencies and a perceived feeling of corrupt practices within the judiciary, court system and other sectors. CSOs have proven effective partners of the SLP-FSUs. They have also raised awareness on SGBV on land and property rights. The Programme has not yet achieved the level of meaningful process change within the supply-side institutions (i.e. rules of court and the SOA (2012) being amended, etc.), but there is evidence to suggest conviction for cases of SGBV and domestic abuse have increased during the life of the Programme especially for cases supported through the justice chain system by the UNDP CSO grantees (i.e. through support for investigation, medical assistance and transportation to attend court sittings as well as accommodation for victims within the legal process).

Less clear is the extent to which the engagement has elicited significantly higher levels of accountability on the part of the justice sector agencies and the courts. Also, the link between the demand-side CSO interventions in the field and policy on the supply-side is not readily apparent. The EVD crisis—with its restrictions on access and movements—was a major impediment to UNDP's engagement. For example, some Programme resources were shifted away from women's land tenure rights and towards EVD. Additionally, the Programme's planned media campaigns were to some extent curtailed in the course of implementation with agreement of the Programme Board. Yet, at the same time, CSOs proved vital in the fight against EVD and UNDP and its partners proved highly flexible under the reprogramming of funds as a result of the crisis.

The UNDP supported work on property and land rights trained paralegals and court monitors across 4 districts (Kono, Bombali, Port Loko and Western Area). A total of 80 cases have been supported with 8 cases concluded through the legal process with the assistance of 1 lawyer. 21 cases were mediated. Because of the EVD crisis, the land conference was cancelled and alternate activity of support to awareness raising campaign on Ebola conducted." The Evaluation met with COOPI (the local UNDP CSO-partner targeting land rights) and confirmed these statistics.

A key component of UNDP's CSO intervention was its support to court monitoring during 2013-14. UNDP partnered with TIMAP (a local CSO) for this purpose. According to stakeholders interviewed by the Evaluation, the presence of CSOs in the courtroom enhanced judicial accountability. The Evaluation, notes, however, that the reports of UNDP and the CSOs do not always make a clear distinction between paralegal counselling services and court monitoring. Paralegal services are often "lumped" under "court monitoring", somewhat blurring the distinction between the two. TIMAP states that it provided specialized training support to 83 CSO representatives on paralegal skills, community dialogue skills, dealing with survivors of SGBV and the gender acts. This support enabled community structures to provide assistance to community residents and women who are unable to access legal representation or basic information to help them access justice. With support provided to 80 CSOs and CBOs grouped in 4 clusters (North, South, East and West), 5,688 court cases were monitored across MCs and LCs with 7,612 perception survey questionnaires completed across these courts and 1,882 people benefited from paralegal services to help them navigate institutions of redress (with 1,265 Female and 617 male beneficiaries)." The Evaluation interviewed the Director of TIMAP who verified the trainings

sessions delivered for UNDP CSO court monitors including training sessions organized for their 60 community animators and paralegals.

Through the combined outputs described above, the CSOs have improved access to justice, accountability and justice service delivery at the local level in Sierra Leone. UNDP estimates that approximately 30,000 community representative and stakeholders were reached in UNDP supported awareness raising and about 200,000 persons are estimated to have heard a UNDP supported radio or television message during the life of the current UNDP Rule of Law and Access to Justice Programme.

The Evaluation notes that the current Programme has been oriented very heavily towards the supply-side/Freetown-based rule of law and justice institutions of the Government of Sierra Leone. It is our conclusion that the demand-side components of the Programme could have benefited from a higher level of strategic coordination on the part of UNDP (i.e. formation of an overarching CSO forum; clear articulation of how the combined work of all CSOs was to inform legal aid policy development in Sierra Leone, etc.), as well as more frequent deployments of UNDP technical expertise to the field. Certainly, the EVD crisis skewed delivery and the original goals of the Programme to a significant degree during 2014-15.

Key Observations and Recommendations

- *Despite the sustained support of UNDP and other donors in the justice sector in Sierra Leone since 2009, significant capacity and sustainability gaps continue to exist that will require innovative approaches, appropriately balanced supply side/demand-side engagement and significant advocacy and coordination by the United Nations and international donor community at the political level. UNDP, the UN Resident Coordinator and donors have a role to play in advocating with the GoL at the political level for increased funding of the judiciary and other issues hindering progress in the sector. The Judiciary needs support in order to more effectively advocate for resources.*
- *UNDP should consider broadening the number of signatories to a future programme document as a means of increasing ownership over initiatives. At a minimum the Judiciary should be signatory to any Rule of Law and Access to Justice Programme involving the courts. UNDP might consider modifying the composition of the Programme Board in the event that UNDP and its donors, upon, consideration of all the factors decide that adding additional members could increase national ownership, while at the same time preserving the strategic nature of the Programme Board.*
- *UNDP should perform updated political risk analysis in light of the post-EVD development context, elections and launching of a Constitutional Review Process in 2013.*
- *UNDP could improve synergies between the Programme and other UNDP CO units, as well as continue to capitalize on its global rule of law and regional rule of law expertise, knowledge and tool kits. The Evaluation recommends that going forward, UNDP explore a deeper partnership with UN Women, especially given the overwhelming focus of the Programme on SGBV, VAW, women's equality and gender rights.*
- *The focus of UNDP should continue to be upon decentralizing justice services in Sierra Leone in line with the JSRSIP III (2015-2018). The Evaluation recommends that UNDP strengthen its support the MoJ and other stakeholders to enhance the JSCO and decentralize it and/or explore new and innovative approaches to justice sector coordination. A proper coordination mechanism recognized by all justice sector stakeholders is highly needed. The Evaluation recommends that any future UNDP support of the mobile courts should be built upon the premise that there are reforms in the Judiciary that will have a clear strategic vision for the courts. UNDP should continue to support the Judiciary to generate statistics for all courts in Sierra Leone.*
- *UNDP should redouble its focus on the Local Courts and Court Chairmen as they play significant roles in dispute resolution in Sierra Leone. UNDP could likely gather*

much more meaningful data on how the courts are performing were it to clearly separate court monitoring from legal counselling activities if resources are available to accomplish these tasks separately in the field. UNDP should fund a study to understand whether Local Courts are dealing with SGBV and VAW cases appropriately. The work of CSOs at the local level can be very instructive in this regard. It is important that UNDP coordinate with DFID ASJP, World Bank and others active in the sector to develop an approach and strategy for engaging with the Local Courts.

- *There is a continuing need to train SLP prosecutors and FSU officers to ensure continued adherence to SGBV guidelines and legislation. UNDP should continue to facilitate the partnerships between CSOs and FSUs and also continue align support to community policing with the support for FSUs. As with the Judiciary, national level engagement for government to increase the budget allocation to the SLP-FSUs could have benefits.*
- *UNDP should ensure that its CSO engagement is made more strategic to ensure that CSOs are supporting UNDP's priorities for legislative reform, judicial and court reform, women's land and inheritance rights, SGBV and decentralized justice structures. UNDP needs to establish some mechanism (i.e. CSO forum) to better coordinate the work of the CSOs and align them to key priorities. UNDP should ensure that its supply-side and demand-side interventions are synergized to the greatest extent possible with "lessons learned" from the demand side interventions at the local level should be fed-up to the supply side.*
- *UNDP should continue to require its CSO partners to report more frequently and in more detail with steps taken for close monitoring and mentoring of partners working in the field to ensure tracking of progress and alignment of interventions to agreed baselines and targets. UNDP has already identified this gap and acknowledges the need to continue to build the reporting and M&E capacities of its CSO partners.*
- *Legal Aid should certainly become more coordinated in a national system of legal aid delivery. The advent of the Legal Aid Board may offer UNDP many entry points for programming and justice sector coordination going forward. UNDP should build the capacity of the Legal Aid Board to fulfil its mandate.*
- *Strengthening of the quasi-judicial mandate of the Commission is key especially in light of the numerous human rights violations that fall within HRCSL's mandate. The Commission must be in the position to influence the justice landscape via HRCSL's decisions on critical complaints involving human rights (i.e. mining companies and community rights). UNDP must continue to strengthen the HRCSL's quasi-judicial mandate to investigate complaints and take remedial action.*
- *There is a need for UNDP and the UN to continue to support economic and legal empowerment for youth. Youth and (juvenile justice) could be streamlined to a much greater degree across the RoL programme to address the "legal empowerment" issues impacting youth.. UNDP and UNICEF may be able to coordinate and fund-raise in this regard.*
- *There were several outputs not achieved during the current Programme that should be part of any future Rule of Law Programme. These are the Public Perception Survey on the Quality of Justice Services and the Sierra Leone Law Reports. The Public Perceptions Survey can serve to alert UNDP and its donors to key areas of critical need within the justice sector and assist UNDP to fine-tune its programming. Meanwhile, the Sierra Leon Law Reports are a key component of a common law system, based upon judicial precedents.*

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Acronyms

| | |
|---------|--|
| AfP | Agenda for Prosperity |
| ACC | Anti-Corruption Commission |
| BSMS | Border Security Management Strategy |
| CDIID | Complaints Discipline Internal Investigations Department |
| CPD | Country Programme Document |
| CRC | Constitutional Review Committee |
| CSO | Civil Society Organization |
| DCAF | Geneva Centre for the Democratic Control of Armed Forces |
| DFID | Department for International Development |
| EVD | Ebola Virus Disease |
| FSU | Family Support Unit |
| HRC | Human Rights Commission |
| IP | Implementing Partner |
| JSDP | Justice Sector Development Programme |
| JSRSIP | Justice Sector Reform Strategy and Investment Plan |
| IOM | International Organization for Migration |
| IPCB | Independent Police Complaints Board |
| ISAT | International Security Advisory Team |
| LAB | Legal Aid Board |
| LOD | Law Officers' Department |
| MRU | Mano River Union |
| MDA | Ministries, Departments and Agencies |
| MIA | Ministry of Internal Affairs |
| MOFED | Ministry of Finance and Economic Development |
| MoJ | Ministry of Justice |
| NERS | National Ebola Recovery Strategy 2015 - 17 |
| ONS | Office of National Security |
| RSLAF | Republic of Sierra Leone Armed Forces |
| SGBV | Sexual and Gender-Based Violence |
| SLCS | Sierra Leone Corrections Services |
| SLP | Sierra Leone Police |
| SSR | Security Sector Reform |
| SSRR | Security Sector Review Report 2012 |
| TRC | Truth and Reconciliation Commission |
| TAM | Technical Assessment Mission |
| UNDAF | United Nations Development Assistance Framework |
| UNIPSIL | United Nations Integrated Peacebuilding Office in Sierra Leone |

I. Situational Analysis

Sierra Leone achieved its independence from the U.K. in April 1961 and was declared a republic in 1971. The country suffered a brutal civil war from 1991 to 2002 that was ended by the Lomé Peace Agreement of 1999. GDP and human development plunged during this time.

In order to secure the peace, the UN Security Council established the United Nations Mission in Sierra Leone (UNAMSIL) in October 1999. Following the successful completion in 2005 of UNAMSIL's mandate, the UN Security Council established the United Nations Integrated Peacebuilding Office in Sierra Leone (UNIPSIL) in August 2008—which was a field mission managed by UN Department of Political Affairs (DPA). UNIPSIL was ultimately closed and replaced in 2014 with a standard UN Resident Coordinator system. The UN established a Peace Building Fund for Sierra Leone in 2010 targeting five priority areas: (i) youth empowerment and employment; (ii) democracy and good governance; (iii) justice and security; (iv) capacity building of public administration; and (v) support to increased energy production.

As part of the peace process, a Truth and Reconciliation Commission (TRC) was established and issued its report in 2004. The report identified a lack of access to justice as a key cause of the 11-year civil war. The TRC findings also recognized that reform of the justice sector is central to peace consolidation. The UN also established a Special Court for Sierra Leone as a transitional justice mechanism with jurisdiction to address events of the recent civil war. Although the court is based on Sierra Leone territory, it is not part of the hierarchy of Sierra Leone's domestic courts.

Sierra Leone is a Constitutional republic with three separate branches of government based on its 1991 Constitution: executive, judicial and legislative. A Constitutional review process was launched in 2013 with UN support, managed by UNDP, which aims to form a new Constitution that protects the rights of all citizens and enhances long-term institutional stability. A Constitutional Review Committee supported by the UN leads this process. The UNCT in Sierra Leone reported in 2015 that thus far, the review process had been extremely inclusive incorporating the viewpoints of civil society, national experts and government actors. As a result of interruptions caused by the Ebola crisis the Committee's mandate was extended to March 2016, after which a report is expected with draft amendments. A referendum on draft amendments is currently expected for October 2016.

Sierra Leone is a party to several major international human rights treaties, including the International Covenant on Civil and Political Rights and its Optional Protocol; the International Convention on Economic and Social Rights; the International Convention on the Elimination of All Forms of Racial Discrimination; the Convention for the Elimination of Discrimination Against Women (CEDAW); Convention on the Rights of the Child and its Optional Protocol; and other principal human rights treaties. A 6th periodic CEDAW report noted that some articles of the convention are not yet mainstreamed into national laws.

In 2014-15, Sierra Leone suffered an unprecedented national health emergency due to the Ebola Virus Disease (EVD) crisis in the country. The EVD crisis necessitated the declaration of a state of emergency that entailed restrictions on movements, closures of businesses and markets and severely impacted upon livelihoods. According to the UN, 71% of residents experienced a decline in household incomes—Port Loko, Kailahun, Bombali, Kenema and Western Urban districts were hardest hit. The UN, including UNDP and the CSOs funded by it, as well as the Human Rights Commission of Sierra Leone (HRCSL) played a fundamental role in mitigating some of the impact of the crisis. For example, the central prison in Freetown experienced not a single case of EVD, due in part to UNDP supported containment and sanitation measures implemented at the prison. Still, the court system was also severely impacted as court sittings were significantly reduced for fear of the EVD entering court premises. SGBV levels, VAW and teen pregnancy rates also spiked

during this time. A recent Fragility Assessment¹ carried out by UNDP found that access to justice was on the decline in comparison to recent years. The EVD crisis only made a bad situation worse.

As a former colony, Sierra Leone has a “mixed” legal system of English Common law applied across the country and indigenous customary law (applicable throughout 149 chiefdoms in the provinces) and some Islamic family law (applicable to Muslims for marriage, property, divorce and inheritance, etc.). There are several levels of formal courts in Sierra Leone: Supreme Court, the Court of Appeals, the High Court and district-level Magistrates Courts. The Chief Justice is head of Sierra Leone’s Judiciary, which has jurisdiction in all matters civil and criminal. In addition, Sierra Leone has customary courts (known as “local courts”) active in all chiefdoms and presided over by the local courts chairpersons. By virtue of the Local Courts Act of 2011, these traditional courts have been brought under the supervision of the Chief Justice of Sierra Leone who is now in charge of appointing the local courts chairpersons as well as other personnel of the courts.

The President acting on the advice of Sierra Leone’s Judicial and Legal Service Commission (JLSC) appoints judges. The JLSC is responsible for appointing magistrates. Judges are required to be admitted to practice law before a court, but magistrates have no such requirement. There has been and continues to be a critical shortage of qualified judges and magistrates in Sierra Leone. To facilitate the work of the Judiciary, Justices of the Peace are also appointed throughout the country (but these individuals are not required to have a law degree).

The five-year Justice Sector Reform Strategy and Investment Plan (JSRSIP) in 2007 (now entering its 3rd iteration as JSRSIP III in 2016) recognized that the formal justice sector was inaccessible by a vast majority of Sierra Leone’s population and seeks to bring justice service delivery closer to the people via four overarching goals: i) safer communities through strengthened police; ii) better address to justice provision of paralegal services; iii) strengthened rule of law by addressing corruption and maladministration; and iv) improved justice service delivery by improving the performance of justice institutions. Implementation of the strategy is overseen by a Justice Sector Coordination Office (JSCO) Chaired by the Chief Justice.

Despite the formulation of a JSRSIP the Government of Sierra Leone is yet to provide a substantial increase to the budget of the Judiciary so as to enable them to hire sufficient qualified personnel to deal with the shortage of magistrates, judges and backroom staff to adequately extend justice service delivery out to the provincial levels. As of 2015, the courts continued to face lack of infrastructure, high case backlog rates, poor quality of record keeping and an inability to collect good data and statistics. Courts are heavily congested—especially in Freetown, with poor working space, lack of office supplies. Only 20 judges and 22 magistrates, along with 7 MoJ prosecutors (state counsels) serve the entire country with a population of more than 6 million as of end-2015. Most criminal cases are prosecuted by untrained police prosecutors and extensive backlogs, repeated postponements, dismissals and high numbers of pre-trial detainees persist.

The Judiciary and other justice institutions continue to suffer from a lack of data and statistics to support budgeting, M&E and quality control. Record keeping in the courts is done manually and cases and leading precedents are not routinely collected and published. The Judiciary established a Judicial and Legal Training Institute in 2010, but it faces challenges with curriculum development and budgets for training judges and magistrates. The EVD crisis compounded these problems. As a whole, the Sierra Leone rule of law and justice sector suffers from significant sustainability risks. Donors continue to support between 80-90% of justice sector budgets. DFID, the World Bank, UNDP (Irish Aid) and GiZ are the principal donors in the sector.

The judiciary continues to suffer from political influence and high levels of corruption. The 1991 Constitution represented a significant improvement for judicial autonomy, independence and the administration of the rule of law. It subjected the appointment and dismissal of judges to the approval of Parliament. The Constitution provided for fundamental human rights, as well as commissions of inquiry and arbitration committees. It also provided for the office of the Ombudsman to address cases pertaining to persons aggrieved by the actions of government officers

¹ “Fragility Assessment”, Government of Sierra Leone, Ministry of Finance and Economic Development. (March 2013).

and offices.² A Judicial Code of Conduct was adopted in 2005, but has rarely been invoked; and at any rate, the proceedings of the Judicial Ethics Committee are not made public. Thus far Sierra Leone's Anti-Corruption Commission has not addressed judicial corruption. A CSO-led court monitoring initiative has been recently piloted by UNDP, with the endorsement of the Chief Justice that has alerted judges in pilot locations that their work is being appraised, but thus far there is no institutionalization of the court-monitoring programme by the Judiciary. Furthermore, several donors have recently begun to engage on issues of judicial independence.

Furthermore, plans to decentralize the judiciary have not been actualized as such initiatives as mobile courts have continued to lack sufficient magistrates to staff them and have been recently suspended. This lack of decentralization continues to impede the ability of local populations to access the formal justice system. In this vacuum, civil society and traditional leaders have served as "gap fillers" offering low cost alternative dispute resolution, mediation and paralegal counselling services in some remote locations across Sierra Leone with the support of UNDP and other donors.

The Ministry of Justice is similarly under-capacitated. The fact that the functions of the Minister of Justice and the Attorney General are combined in one and the same individual continues to incur the criticism of commentators and is not in accordance with international best practices for separation of powers. Thus, the Attorney General continues to be subject to risk of interference from the Executive. The Director of Public Prosecutions (DPP) is charged with the duty of prosecuting the most serious crimes. Most crimes in Sierra Leone are prosecuted by Police Prosecutors with low levels of education and training. As yet, the concept of Public Defender does not exist in Sierra Leone.

The state of the prison system and corrections in Sierra Leone continues to be abysmal. According to analysis prepared by the UNCT in 2014, the detention population in Sierra Leone's jails was 3,210 inmates of which only 1,265 had been convicted of a crime. According to UNDP, in February 2015, the total prison population of Freetown's Male Correction Centre (Pademba Road) was 1,418 with 800 of those awaiting trial. Prisons are horribly overcrowded (i.e. the central male correctional facility in Freetown was originally built to hold 324 inmates, but as 2014 had over 1,400). There are only three juvenile detention centres in the country—two in Freetown and one in Bo. The country has only one full-time juvenile magistrate based in Freetown. The MoJ has recently developed a Child Justice Strategy (2014) with the support of UNICEF. The Ministry of Social Welfare, Gender and Children's Affairs has recently developed a juvenile justice strategy with UNICEF that places an emphasis upon diversion, rather than incarceration of juveniles.

Meanwhile, legislative reforms in the sector have been slow to take place. The Law Officers Department of the MoJ has tended to exhibit low capacity for legislative drafting, but is gradually improving with donor support. A Bail Policy of 2009 had not been effective as of 2015 in reducing the numbers of pre-trial detainees. Bail continues to be granted solely at the discretion of judges. A goal of the JSRSIP III is to reform legislation on bail. In particular, Section 108 of the existing Criminal Procedure Act has caused bottlenecks in the system. Section 108 mandates that a preliminary investigation be conducted, whereby the prosecution is required to show before a magistrate that sufficient evidence exists to prosecute the defendant. This has resulted in lengthy delays and repeated appearances of defendants, victims and witnesses in court. Also, sentencing in the courts tends to be discriminatory towards women and juveniles. A new Criminal Procedure Bill was pending and tabled to Parliament in 2015.

To its credit, Sierra Leone continues to maintain a moratorium on the death penalty. The Government made strides to reforming the prison system with the passage of the Correctional Services Act in 2014 that emphasizes rehabilitation, rather than punishment as the goal of the corrections system. Statistics on the prison population and record keeping of inmates need to be improved.

Most criminally accused persons in Sierra Leone lack qualified legal defense and many other citizens in need of legal counselling and representation in civil matters lack access to a lawyer. The Bar Association of Sierra Leone has a rudimentary legal aid scheme, but overall the concept

² "Sierra Leone Justice Sector and the Rule of Law: A Review by AfriMAP, Suma, M. (January 2014).

of *pro bono* representation is lacking in the country. The Bar Association historically has not been proactive and refrains from advocating for change within the courts system and the judiciary. There is no system of continuing accreditation or legal education for lawyers.

The Government has recently taken measures to address this gap with the passage of the Legal Aid Act of 2012 and the establishment of a Legal Aid Board charged with the mandate to afford legal defense to indigent persons charged with a crime. As of end-2015, the Legal Aid Board is actively representing defendants and has specific initiatives to address the high pre-trial detainee rate and other matters impacting upon access to justice. UNDP, UNICEF, DFID and other donors have supported CSO-led paralegal networks and legal counselling services that work to address this gap and provide legal counselling and mediation services—particularly for women, children and families in Sierra Leone. The Legal Aid Board is making efforts to address the situation of pre-trial detention rates and is generally viewed as credible by civil society. The Judiciary has also tried to establish a “fast track” bench to dispose of cases and reduce the prison population with UNDP support. (an earlier phase of the UNDP Programme made a significant push in this regard in 2006/2007).

The Sierra Leone Police come under the oversight of the Ministry of the Interior. SLP have received significant support from the UN, UK-ISAT and various other justice programmes. The SLP continue to suffer from a low level of education and literacy among its officers. Recent public perception surveys conducted by Sierra Leone’s Anti-Corruption Commission found that the public has a high suspicion that police are corrupt. Recently, SLP has taken measures to increase recruitment of female police officers as a percentage of the police force and has established an Independent Police Complaints Board as a mechanism of oversight. SLP also has begun a community policing initiative with UN-UNDP support in an effort to improve community safety, combat rates of SGBV and create a dialogue between SLP and the citizens that it serves.

Sectoral analysis conducted by INGOs, CSOs and the UN show that rates of SGBV against women and girls and VAW remain high throughout Sierra Leone—particularly in Kono and other regions where extractive mineral industries are active. The EVD crisis witnessed a spike in levels of VAW, SGBV and teenage pregnancy rates for young girls. Sectoral studies conducted by UNDP and CSOs hypothesized that this was due to the increased economic stresses placed upon the family unit and women during the crisis, the fact that schools were not in session and more young girls found themselves at home for longer periods of time and at the mercy of older men, as well as a general breakdown of justice and social services that fostered a sense of impunity on the part of perpetrators during this time. Additional CSO reports and case studies documented an increase in transactional sex during the crisis in Kono and other areas during the EVD crisis.

Few women victims of SGBV have access to legal or social services—especially those living in remote and inaccessible areas of the country. Furthermore, significant evidentiary and procedural barriers exist to documenting cases of rape and bringing them to trial. In particular, the medical form (required to be signed by an attending physician attesting to a physical examination of a rape victim) is required to be submitted in court at trial—otherwise the case is dismissed. Additionally, sexual offense and rape cases are routinely settled informally or defendants are afforded the option of paying a fine in lieu of imprisonment. There are also deeply held cultural and traditional prejudices against women that continue to deter them from coming forward and bias judicial and prosecutorial outcomes. For example, as many as an estimated 80% of women in Sierra Leone are members of so called “secret societies” that are linked to initiation rights for young girls that mediate the passage from girlhood to women hood through the practice of Female Genital Mutilation (FGM). Discussion of such practices is deemed culturally taboo and political elites evade confronting this issue.

To its credit, however, the Government of Sierra Leone, with the support of UNDP and other donors, has recently strengthened legislative and administrative protections for women and children via the enactment of the Sexual Offenses Act (2012). This is a landmark for victims of SGBV and is the product of much advocacy on the part of the international community in Sierra Leone. The Act consolidates and amends other laws relating to sexual offenses and sets the maximum sentence for rape at 15 years. Other recent rights-affirmative legislation for women and girls include the

Domestic Violence Act; the Devolution of Estates Act and the Registration of Customary Marriages and Divorce Act.

Moreover, the Judiciary established special SGBV “fast-track” courts in 2011 held on Saturdays (so called “Saturday Courts”) to quickly move SGBV cases through the system and afford victims and witnesses additional privacy (i.e. court houses were empty on Saturday’s in contrast to the congestion of regular weekday sessions). According to an assessment prepared by the UNCT and the Supreme Court, the Saturday Courts were successful in reducing the SGBV case backlogs in Bo, Kenema and Freetown. Yet, as with the mobile courts, the Government has failed to adequately institutionalize or fund the initiative. The SGBV backlog had been completely removed in Freetown as of July 2014, but the discontinuance of the Saturday courts as a result of the EVD crisis has likely reversed this progress.

Meanwhile, the Sierra Leone Police established Family Support Units (FSUs) in 2011 that are mandated to investigate and refer SGBV, domestic violence and sexual offenses and child abuse crimes for prosecution. There are a total of 62 FSUs nationwide, but they remain vastly under-resourced and understaffed in proportion to the demands placed upon them and their geographic scope of coverage. As of 2015, FSUs were reported to be receiving increased numbers of cases of domestic violence compared to 2014. The FSUs currently work in close partnership with CSOs supported by UNDP and other donors. They face a number of capacity and procedural challenges to taking cases from the initial complaint, through investigation and to trial. According to SLP-FSU figures there was not a single case of conviction for rape in the entire country for the year 2015.

In addition to gender discrimination, high SGBV and domestic violence rates, women continue to face a lack of legal and economic empowerment. There are significant cultural and legal barriers to land tenure and inheritance in Sierra Leone. Women’s awareness of land rights is low throughout the country. Recently, UNDP and other donors supported the Government to adopt a reformed National Land Policy. A Women’s National Conference on Property and Land was supported by UNDP in 2012 that supported the legislative drafting process on land reform.

Sierra Leone also faces significantly high youth unemployment rates—particularly for young men. Crime rates for petty crime have recently spiked in the country and youth gangs and football hooliganism are on the rise. Meanwhile, sports betting schemes seem to have proliferated on many street corners in Freetown that distract youth away from school and further deplete their economic resources. Prior UNDP and donor initiatives have sought to address this sector by working with MoFED, MoYA, NAYCOM to support the goals of youth empowerment in the PRSP II and III.

Sierra Leone established a national Human Rights Commission (HRCSL) by statute with significant donor support in 2007. Per the Human Rights Commission of Sierra Leone Act (2004), the Commission is mandated to investigate human rights violations; promote respect for human rights; review existing legislation and advise the Government on such legislation; advise the Government on fulfilling its treaty reporting obligations and prepare period review reports; and to monitor and document violations of human rights. HRCSL is comprised of 5 Commissioners, including its Chairman, who are supported by staff based in Freetown and some regionally. In addition to its headquarters office in Freetown, HRCSL has regional offices located in Bo, Kenema and Makeni. It has thus far maintained “Category A” accreditation status by the International Coordinating Committee of the National Human Rights Institutions in conformity with the Paris Principles and is due for review by ICC in 2016. In 2011, Sierra Leone was subject its first ever Universal Periodic Review (UPR) and a report was issued by the U.N. with recommendations. HRCSL has successfully investigated and reported on several highly politicized incidents in Sierra Leone (i.e. Kono election violence and the human rights abuses in Bumbuna in 2012³) and proved instrumental during the EVD crisis.

A “capacity gap analysis” of HRCSL conducted in 2015 by UNDP/NANHRI⁴, however, showed that the commission still faces a number of issues. HRCSL has weak internal organization; lack of clear

³ See the HRCSL Bumbuna Public Inquiry Report 2012, <http://www.hrcsl.org/content/hrcsl-bumbuna-public-inquiry-report-2012>.

⁴ Network for African National Human Rights Institutions.

powers; trouble organizing meetings; difficulties documenting results and preparing reports; an inability to prioritize its activities; budgeting; problems engaging with the Government; lack of capacity to monitor human rights violations and various challenges relating to complaints handling. The HRCSL reports excellent cooperation between its regional offices and the District Human Rights Committees (CSOs working in the field of human rights at the local level), although these Committees struggle with lack of funding.

II. Overview of UNDP Rule of Law and Access to Justice Programme

The UNDP “Improving the Rule of Law and Access to Justice Programme in Sierra Leone” (2013-2014, with no cost extension until 30 June 2015) funded by Irish Aid seeks to build the capacity of national institutions through the training of Police Prosecutors, Family Support Unit of the Sierra Leone Police and members of the Judiciary to improve on the justice sector delivery chain. In addition, the Programme involves the development and delivery of knowledge products, community outreach and legal awareness programmes, support to advocacy for law reform and the provision of support services to victims of sexual violence through a network of selected non-governmental organizations and CSOs working at community levels. The Programme supports access to justice for women in relation to land and property rights, including through pro-bono legal representation and legal counselling. The Programme also supports the Independent Human Rights Commission of Sierra Leone with a focus on core capacity building including on the Commission’s capacity to investigate and report on potential human rights abuses in the country. UNDP has throughout the programme supported key activities of justice institutions to further build on previous programme achievements by scaling up practices that have shown promise in earlier programmes.

The current programme is designed to build on the results of UNDP’s predecessor programme (2009-2012) with the primary focus on strengthening core justice and human rights oversight institutions and protecting women from SGBV and promoting gender equality. As such, the Programme supports and aligns with the Justice Sector Reform Strategy and Investment Plan (JSRSIP II)(2011-2014), the Sierra Leone National Action Plan (SiLNAP) for the Implementation of UN Security Council Resolutions 1325 and 1820 and the Government of Sierra Leone’s Agenda for Prosperity (PRSP III)(2013-2017). Additionally, the programme is designed to achieve the UNDP Strategic Plan (2008-2013) goals and to align with MDG3.

The overall stated Outcome of the Programme is “to enhance access to justice through increased application of human rights standards, effective implementation of relevant national legislation and adaptation of gender sensitivity practices in both formal and informal justice sectors.” In order to achieve this Outcome, the Programme’s Theory of Change rests upon fostering i) national ownership; ii) sustainability; iii) partnerships between State and CSOs; and iv) flexibility (entailing possible postings of staff outside of Freetown).

The Programme’s expected outcomes and related objectives over 2013 and 2014 are as follow:

Outcome 1: Strengthened state capacity for effective and equitable justice service delivery.

1. Enhanced core capacity of state institutions to provide effective services. Support will be provided to the Law Officer’s Department within the Ministry of Justice to develop a Strategic Plan based on the Agenda for Prosperity and the JSRSIP II, produce Law Reports and train police prosecutors.
2. Strengthening state capacity to prevent SGBV and promote gender equality. With the passing of the Sexual Offences Act in late 2012, significant efforts are required to ensure staff have the necessary tools and knowledge to implement the new legal framework.
3. Strengthened capacity of local courts through support to the Judiciary. The Local Courts Act 2011 places local courts under the jurisdiction of the Judiciary. UNDP will support the implementation of the Local Courts Act, with a focus on capacity building of local court officials on SGBV.
4. Extend ‘formal’ justice service delivery to rural areas and support expansion of Saturday Courts to the regions.
5. Support to enhance the functioning of the Independent Human Rights Commission of Sierra Leone. UNDP and Irish Aid, together with the Irish Commission for Human

Rights, will continue to build an existing partnership framework to provide capacity building support to the Commission.

Outcome 2: Enhanced civil society capacity to support access to justice and elicit accountability for justice service delivery.

1. Develop Civil Society Organization (CSO) capacity to protect women and children from SGBV.
2. Strengthen CSO capacity to support improved access to land and property rights, particularly for women.
3. Enhance legal support for communities at local court level, with priority on women's access to justice including on civil justice issues.
4. Increase CSO capacity at district and national levels to raise public legal awareness and support efforts to monitor and evaluate the performance of justice institutions, particularly in relation to SGBV and women's access to land and property rights.

III. Other programmes with which UNDP RoL and A2J Programme collaborated during 2013-2015

There were several programmes that the UNDP RoL Programme cooperated with during 2013-2014 (2015). While these programmes fell outside the scope of the RoL Programme, with separate programme documents and outputs, they intersected with the RoL Programme to some extent. The ToR specifically requested the Evaluation to assess the relationship between DFID's "Access to Security and Justice Programme (ASJP)". The UNDP RoL Programme also cooperated closely in 2015 with a separate UNDP "Bail and Sentencing Programme" funded by the United States Department of State INL (DoS INL). It is also worth mentioning the UNDP emergency response during the EVD crises, due to the fact that UNDP's separate experience and partnerships with CSOs and the INGO "Prison Watch" and the Human Rights Commission of Sierra Leone during the EVD crises serves as an example of successful partnerships in the area of corrections. Finally, the RoL Programme cooperated with a DPKO Police Advisor seconded to UNDP Sierra Leone to advise the SLP on community policing.

Overlap between the UNDP RoL Programme and DFID ASJP

While not a full partnership the UNDP RoL Programme and DFID's ASJP have similar objectives. UNDP and DFID ASJP have maintained frequently communication during the life of the Programme and held regular meetings to update both programmes on each others plans. ASJP have been invited to all UNDP Programme Board meetings and collaborated on mobile courts, JSCO meetings, case management coordination meetings, development of the Criminal Procedure Bill and to some extent Family Support Units.

DFID's ASJP as of May 2015 focused upon transition post Ebola and programme realignment. The programme's log frame August 2015-June 2016 has 3 thematic areas: i) Justice Delivery (i.e., re-establishing core functions of the courts (trial management; docketing, etc.); budgeting; and prosecutions, bail and sentencing; ii) Institutional Accountability; and iii) Community engagement. A good foundation has been laid for onward programming.

DFID ASJP's assessment of UNDP is favourable. ASJP attributes an increasing trend towards justice sector coordination to UNDP and credits UNDP for valuable contributions at the MoJ and courts. Yet, ASJP notes that the political engagement of the UN Resident Coordinator and other donors may be necessary to get the political will behind judicial reform. Case backlog strategies and reduction can be attributed in part to UNDP's interventions in the courts. UNDP is also contributing to the Justice Sector Coordination Office that, while highly politicized and plagued with management issues, remains a necessary part of the justice sector in Sierra Leone.

UNDP and ASJP could possibly have managed to effectively cooperate to a greater extent in regard to the implementation of the Legal Aid Act and the establishment of a National Legal Aid Scheme as envisioned when DFID ASJP assumed responsibility for these outcomes. ASJP and UNDP have had several meetings recently to try to define what the respective comparative strengths of each organization are and how to avoid duplication and overlap. Going forward, ASJP and UNDP RoL could coordinate in linking to the GoSL Agenda for Prosperity, including A2J, community policing, effective policing and internal affairs and discipline.

UNDP Bail and Sentencing Project (US Department of State INL)

On 10 June 2015, the U.S. Department of State, Bureau of International Narcotics and Law Enforcement Affairs, the Judiciary and UNDP entered into a separate \$1.5 million dollar two-year project commencing on 1 July 2015 to work on Bail and Sentencing issues to ensure transparency and disparity in sentencing, limit Judicial Officers discretion and to remedy the significant problem with detainees being forgotten by the court system in Sierra Leone; reduce the number of people detained before trial, and reduce overcrowding in prisons.

A planned outcome of the UNDP-INL initiative planned for 2016 is a case management system for the Judiciary, Attorney General, SLP and corrections. The proposed approach focuses on improving paper-based case management, filing and records keeping for both the High Court and Magistrate Courts, while instituting limited automated records keeping at the High Court in Freetown on a pilot basis. INL is supporting a delegation of U.S. federal court judges to Sierra Leone in March 2016 to participate in the Judiciary's working group on bail and sentencing. The conclusions of the working group are expected in a report in April 2016.⁵

Community Policing Initiative (DPKO Japanese Government funded)

In early-2015, as part of the Global Focal Point, UNDP Sierra Leone requested a police advisor from DPKO to work on Community Policing. The post was funded by Japan under the Strengthening Security Sector Institutions in Response to the Ebola Crisis Project. This initiative has piloted a community policing programme in Kambia District in partnership with SLP. The programme covers 3 chiefdoms in Kambia. Mobility and procurement (motorbikes) has been a challenge.

The DPKO advisor has developed curriculum for community policing and training for the SLP. The police in Kambia have selected 6 community relations officers, 2 in each chiefdom. They conduct community-policing activities in the chiefdoms. They are active. After DPKO/UNDP supported training in October 2015 the officers went into schools and conducted awareness raising on such issues as gangs, traffic safety and teenage pregnancy. Outreach was conducted for fishermen about sea accidents and for parents (on how to prevent gang violence,). Additional outreach was conducted in churches and mosques on SGBV.

Going forward, existing elements of the Community Policing work could be folded into a future UNDP RoL/A2J programme that also focuses on increasing gender sensitivity in the SLP, increasing the number of women in the SLP and assisting SLP working with other justice sector stakeholders to address SGBV, VAW and issues with juvenile offenders.

⁵ There remains a large gap in Sierra Leone between legislation and practice regarding bail and sentencing. Under the programme, UNDP will support the development of new bail instruments, creation of guidelines and policies for magistrates and judges regarding when defendants should be detained before trial. The instruments, which are to be rolled out in 2016, will help ensure consistent sentencing across the country, so that justice will be the same everywhere in the country. It will also help make sure people are incarcerated only when absolutely necessary, by providing a clear, consistent set of procedures for all Sierra Leone's magistrates and judges. The US Embassy-INL is also independently active in bail and sentencing and through the International Judicial Relations Committee (IJRC), they will send two U.S. federal judges to support the WG in developing the first draft policies and guidelines in March 2016 and share best practices.

IV. Evaluation Scope and Objectives

As stated in the ToR, the main objective of the evaluation is to assess UNDP's contribution to the progress towards providing and sustaining justice and rule of law in Sierra Leone as well as to inform the design of the new Rule of Law Programme 2016-2018. Specific objectives of the evaluation as stated in the ToR include:

- Review the performance of the Programme in achieving the outputs as per the Programme Document and their contributions to outcome-level goals;
- Assess the factors that have been affecting the outcome and its sustainability;
- Assess the appropriateness of the Programme strategy including its theory of change, implementation approach, and programme institutional/management arrangements;
- Document best practices and lessons learned from the Programme to feed into the next phase of the programme cycle;
- Make clear and focused recommendations that may be required for enhancing the relevance, effectiveness, efficiency, impact and sustainability of a future programme.

The Rule of Law and Access to Justice Programme came to an end as of 30 June 2015, representing approximately 2.5 years of programme implementation (effectively, less than this as some time was devoted to initiation and, in addition, the EVD crisis impacted negatively upon UNDP's ability to implement as originally envisioned). The Evaluation is predominantly focused upon assessing the Rule of Law and Access to Justice Programme, as well as Support to the Human Rights Commission of Sierra Leone. In addition, although Irish Aid is not a traditional donor in the security sector, the evaluation will assess overlaps between the UNDP funded Rule of Law and Access to Justice Programme and the DFID funded Access to Security and Justice Programme (ASJP).

As SGBV and women are a key focus of the UNDP Rule of Law and Access to Justice Programme, the evaluation has at every point assessed the impact of the UNDP Programme upon women and levels of SGBV in Sierra Leone.

V. Methodology

The Evaluation has been conducted in three phases as follows:

Phase I: Desk review, Preparatory Skype interviews and Evaluation Plan

A desk review was conducted of all documentation and data pertaining to UNDP's 'Improving the Rule of Law and Access to Justice in Sierra Leone' Programme. In this regard, the evaluation consultant was *heavily reliant* upon UNDP Sierra Leone and the programme team to assemble the data and documents. In order to maximize value for money and available time, dedicated Skype interviews were held with UNDP senior management and team leaders, Rule of Law Programme staff and representatives of Irish Aid in advance of Consultant's arrival in country. In addition to documents collected, UNDP mobilized the CO and programme staff to collect data and statistical information that supports the indicators in the programme document's RRF.

Phase II: In-country stakeholder interviews; data collection and interim-debrief

Following the document review, the evaluation consultant conducted stakeholder interviews in Sierra Leone for a 10-day period of time (12 December to 22 December 2015). A list of stakeholders to be interviewed was developed in consultation with the Country Office. Meetings were held with UNDP CO, RoL/A2J Programme staff, the MoJ and other GoSL partners and CSOs in Freetown, Moyamba, Bo, Kenema and Makeni. The Consultant also spoke with Irish Aid via telephone while in Freetown.

All sites where the Programme had activities could not be visited due to time constraints. Thus, the Consultant sampled activity sites and stakeholders to ensure that all major geographic divisions of the country were covered as well as all activity areas of the Programme. The site visits were selected in close consultation with the UNDP RoL/A2J Programme. The evaluation supplemented such meetings with additional Skype and telephone conversations. The Evaluation also attempted to collect quantitative data, reports and statistics from stakeholders where these existed. Meta-analysis was employed where statistics were lacking. Triangulation of data and opinion evidence was pursued to the greatest extent possible, but again, limited by available data.

The evaluation sought to address the questions appearing at pp.3-5 of the Terms of Reference to the extent possible and where data was available as follows:

Regarding the validity of the Design and Relevance: the extent to which the Programme activities matched the priorities and policies of the target group, recipient and donor, the key questions will include:

- Did the Programme respond to the real needs of the beneficiaries? Were the planned programme objectives and intended results (i.e. outputs and outcomes) relevant and realistic to the situation and needs on the ground? Were the problems and needs adequately analysed?
- Was the Programme designed in a flexible way to respond to changes/needs that could occur during the implementation?
- Recommend (provide problem solving recommendations) specific objectives that should be addressed in future if the programme were continued.

Regarding Achievements and Implementation and Development Effectiveness, the extent to which the Programme activities have attained the objectives:

- What were the development results (i.e. against planned outputs and outcomes) of interventions, taking into account the institutional development of the local and relevant national partners?
- Which aspects of the Programme had the greatest achievements? What were the supporting factors?
- What are the main lessons learned from the partnership strategies and what are the possibilities of replication and scaling-up? How can the Programme build or expand on achievements?
- To what extent has the programme generated positive change in the lives of targeted (and untargeted) women and girls in relation to the specific forms of violence addressed by the programme?

Phase III: Report writing and finalization

The third and final phase of the Evaluation was its report drafting stage. The Evaluation Report is designed to be both summative and forward looking to inform UNDP's and Donor's decisions concerning drafting of a new Rule of Law Programme Document for UNDP Sierra Leone in consultation with UNDP and Stakeholders.

VI. Challenges and Limitations of the Evaluation

The main challenges and limitations of this Evaluation included the following:

1. Scheduling of the Evaluation. The timing of the in-country portion of the evaluation occurred during the pre-holiday season and some stakeholders were not available for interview in Freetown. The Consultant utilized his best efforts to overcome this challenge by conducting pre- and post-Skype and telephone interviews with UNDP and stakeholders where required.
2. Number of days allocated for the in-country phase of the Evaluation. The number of days allocated to the in-country portion of the evaluation was relatively few for an evaluation of this scope (10 days were allocated for this purpose). Despite the short time window available and due to the diligent efforts of the RoL Programme and UNDP CO in scheduling meetings, the evaluation consultant managed to meet with 90% of the stakeholders targeted for interviews in Freetown. Moreover, the evaluation consultant made a two day field trip that covered CSOs, FSUs, SLP and magistrates in Moyamba, Bo, Kenema and Makeni. The Evaluation could have benefited from additional time in-country for purposes of conducting additional site visits and meeting with stakeholders outside of those who received immediate funding from UNDP, as well as deepening the Evaluation's interviews at the various IPs. This would have provided more opportunities to triangulate. This said, all documents supplied to the evaluation by UNDP were referenced and the evaluation asked similar questions to all interviewees, that provided measure of comparison.
3. Lack of available data and statistics. A lack of available data and statistics was a major limitation of this evaluation. As discussed in more detail below, UNDP Sierra Leone finds itself significantly challenged to conduct M&E due to a lack of consistent reporting and streamlined data collection by GoSL partners and CSOs. Disaggregated data and statistics were not available from the High and Magistrate Courts to fully document the impact of the Saturday courts or mobile courts—or for that matter overall statistics for regular court hearings in Sierra Leone (which is the larger issue). UNDP and Consultant utilized their best efforts to overcome these limitations by sending requests to stakeholders and partners for additional information and data.

VII. Evaluation Findings

A. Relevance

Design of Programme - strengths and weaknesses

As the data and analysis contained in subsequent sections of this report indicate, the Programme has proved itself relevant to the needs of Sierra Leone's supply-side justice institutions and to demand side beneficiaries' lives. UNDP has throughout the Programme supported key activities of justice institutions to further build and strengthen capacity—in accordance with the Agenda for Prosperity (2013-2018) and the previous Poverty Reduction Strategy—PRSP II. The Programme aligns with the UN Joint Vision (2011-2012 and 2013-2014), the first UNDAF for Sierra Leone and the MDGs. Additionally, UNDP has sought to closely coordinate and take into account the DFID ASJP programme, so as to avoid duplication and excessive overlaps, while at the same time capitalizing upon synergies. The CSOs also provided highly relevant paralegal counselling and outreach services to many women and victims of SGBV in remote locations in the country. In addition, CSO-led court monitoring under the Programme observed how magistrates and local courts were delivering justice and documented instances where this departed from due process and best practices. The Programme and its CSO partners furthermore proved flexible and able to effectively raise awareness, educate and inform citizens during the EVD crisis, as well as to provide emergency support to women, victims of VAW and SGBV.

The Evaluation observes several factors that could enhance the relevance of the Programme (or a future programme) going forward.

- The Evaluation notes that there was only a single GoSL institution signatory to the Programme document (i.e. the MoJ). Other UNDP Rule of Law programmes across the globe in other countries with development contexts similar to Sierra Leone often have a more diversified number of signatories to programme documents. In the event that UNDP proceeds with the development of a subsequent programme, it may wish to add additional signatories (that could include, for example the Judiciary; Sierra Leone Police; the Ministry of Social Welfare, Gender and Children's Affairs; Ministry of Lands, Country Planning and the Environment; Ministry of Youth Affairs; and/or Ministry of Local Government and Rural Development, etc. depending on the scope of UNDP's engagement with these specific institutions). Under the current programme, the SLP and Judiciary were major partners, but the Judiciary and MoI were not signatories to the programme document. This could encourage UNDP's national counterparts to exercise a higher degree of national ownership over a future Programme. *At a minimum* the Judiciary should be a signatory to any future RoL Programme.
- There are continuing deficits and gaps in legislation and its implementation within Sierra Leone that impact upon women victims of SGBV and domestic violence or women who are deprived of their rights to land and inheritance. The revision of the Criminal Procedure Act (1965) has been on-going since 2010, with UNDP support and is a key government priority in 2016. Furthermore, the revision of the Three (3) Gender Acts (the Domestic Violence Act (2007); the Devolution of Estates Act (2007); the Registration of Customary Marriages and Divorce Act (2009)) would have a positive impact in their application on women's human rights with particular emphasis on addressing discriminatory provisions that adversely affect the enjoyment of rights by women. UNDP also supported the draft Land Policy. The revision and implementation of the provisions of the Sexual Offences Act (2012) as well as the provision of legal services as prescribed under the Legal Aid Act (2012) can be a catalyst to ensure improved access to legal rights by vulnerable, poor and marginalized people especially women and children. The evaluation finds mention in UNDP's reporting and outputs of trainings on some of these; however, the evaluation observes that the Programme as designed lacks a coherent approach and strategy for legislative reform. The Programme supported the Law Officers Department (LOD) to develop a Manual on Legislative Drafting and conducted trainings of MoJ staff, but there is little further work on preparing draft amendments to existing law (i.e. the Sexual Offences Act 2012) or implementation of those laws. This work could have been more strategic and benefited from the technical expertise of UNDP staff. Going forward, in the

event that UNDP were to proceed with a follow-on programme, it might wish to have a dedicated sub-outcome to focus attention on legislative reform and to include the Parliament, the Law Reform Commission and Cabinet Secretariat as additional partners.

- UNDP's current Programme is oriented to gender justice and has focused on improving access to justice for women and victims of VAW/SGBV—and not upon more general access to justice or due process. This said, with regard to the Programme's efforts to build the capacity of the Judiciary and case management systems, the evaluation suggests that the model of engagement with the Judiciary, SLP and other institutions could include more "hands-on" mentoring and technical advisory services to beneficiary institutions. This would depend, however, on Sierra Leone's justice sector institutions exhibiting the requisite political will to absorb such mentoring. The financial management office of the judiciary may be a good entry point in order to build the judiciary's capacity to budget and manage revenues going forward. As it was, the trainings for the Judiciary and SLP (Police Prosecutors and FSU staff) were not entirely institutionalized (i.e. rolled out in a systematic and sustainable way) and there was a lack of follow-up and M&E conducted to ascertain the extent to which such trainings resulted in process change within the judiciary and police. As noted below, as of 2015, there was evidence that even the High Court was issuing decisions in rape cases that went beyond the parameters of the Sexual Offenses Act (2012). The focus of UNDP's Programme has been upon supporting the JSRSIP II goal of bringing justice to local populations, but at the same time, UNDP's support to the judiciary could have been more comprehensive to improve on the quality of services and their impact on the lives of beneficiaries. Going forward, adopting a model of secondments to the High Court and MoJ (as UNDP currently pursues via a part-time secondment of a Programme UNV-staff member to the HRCSL) may result in greater process change within the principal institutions once there evidence of political will and readiness of these institutions to receive this close technical support.
- A fundamental issue with the Judiciary continues to be the level of funding and low numbers of magistrates and judges as well as their conditions of service. The Programme does not appear to have had a coherent strategy for addressing this issue and in many ways, this issue exceeds UNDP's development mandate. The lack of sustainability of the Mobile Courts and Saturday Courts was a particular issue during the Programme. Going forward, UNDP should enlist the assistance of the UN Resident Coordinator, if possible, to coordinate with all other major donors in the sector (i.e. UK/DFID; US Embassy; World Bank, etc.) to raise with the Government of Sierra Leone the necessity of appointing additional numbers of magistrates and judges and capacitating them. The focus on human resources and the Judicial and Legal Training Institute could be enhanced. UNDP could also enhance its outreach and trainings for so-called "Justices of the Peace" (individuals without law degrees or formal legal education appointed by the Court to facilitate the work of the Judiciary).
- It was envisioned in the Programme document that UNDP would significantly support Local Courts in Sierra Leone to implement the provisions of the Local Courts Act. As discussed *infra*, the Programme's support to the Local Courts (including the Court Chairmen in each location) was not as extensive or strategic as originally envisioned in the programme document. This is in part due to the fact that the RoL Programme was strained to cover all areas of the RRF with only five professional staff members effectively on board. The EVD crisis also impacted this output area and shifted focus away from the local courts to other areas. CSOs engaged in the court monitoring activities of the Programme did alert some magistrates and local courts to deficiencies in due process, which is perceived to have improved the quality of justice rendered by local courts in these locations. Going forward, UNDP can significantly enhance the relevance of the Programme by providing a comprehensive training programme for the Local Courts and Court Chairmen as contemplated in the original design of the Programme.
- Legal support services for victims of SGBV and VAW is at the core of UNDP's demand side CSO engagement. The Programme's focus on SGBV and providing legal

counselling and awareness-raising to beneficiaries in the field was highly relevant, considering the continued high prevalence of SGBV in Sierra Leone. UNDP was especially flexible during the Ebola crisis and effectively recalibrated its CSO implementing partners to absorb emergency funding. Yet, as described in sections below, it is the assessment of the Evaluation that UNDP's demand-side CSO engagement could have benefited from more strategic coordination—especially in the provision of legal counselling and paralegal services. For example, in other UNDP RoL Programmes in other countries with similar development contexts to that of Sierra Leone have managed to convene CSOs.

- Moreover UNDP's current Programme appears to have lacked strategic support to continuing implementation of the National Legal Aid Scheme (developed under UNDP's predecessor programme 2009 to 2011) or the Legal Aid Act (2012). In 2011, DFID's Justice Sector Development Programme (JSDP) took over responsibility for supporting the Pilot National Legal Aid Scheme and the new DFID ASJP was supposed to continue this work; as well as implement the National Legal Aid Act. In addition, GiZ and the World Bank each supported legal aid in Sierra Leone, but to a smaller scale. It is not clear to this Evaluation to what extent UNDP coordinated with DFID ASJP during the current UNDP Programme (2013-2015) to support implementation of the Legal Aid Act on the supply side and via strategic coordination of CSOs on the demand side. Going forward, UNDP should more closely coordinate with DFID ASJP to ensure that UNDP's CSO-led legal aid initiatives are aligned with the Legal Aid Board and the Legal Aid Act (2012). For a future programme, UNDP and its donors might consider a basket fund for support going forward.
- Additionally, as discussed below, in terms of design, the four sub-outcomes under Outcome 2 tended to overlap to a great extent. Of these, sub-output 2.2 focusing on women's land tenure rights is the most distinct. Sub-outputs 2.1, 2.3 and 2.4 could possibly have been better articulated. There is also a relative lack of strategic geographic differentiation in the Programme document narrative. Per the UNDAF, Kono is the only district in Sierra Leone that is targeted specially. Recent UNDP research conducted during the EVD crisis indicates that there are areas in Sierra Leone where the prevalence of transactional sex, SGBV and VAW is higher in some areas of the country than others. This should be taken into account when designing programming going forward.
- There were few outputs specifically related to legal empowerment for women or youth in the current programme. Going forward, a future programme could include outputs to address youth, civic engagement and responsibility and empowerment as a means of addressing core issues underlying VAW. Sierra Leone's population has a bulging unemployed youth sector. As noted in the Draft Country Programme Document for Sierra Leone (2015-2018), a "key goal for Sierra Leone will be its ability to generate employment and livelihood opportunities for youth and build institutions that ensure accountability and service delivery for the most vulnerable and marginalized." UNDP's RoL/A2J programme could approach this from a legal empowerment perspective, in possible partnership with the Ministry of Local Government (MoLG), Ministry of Youth Affairs (MoYA) and the National Youth Commission (NAYCOM) and coordinate with other UNDP and UNCT initiatives in this regard. The Evaluation fully recognizes that other UNDP programmes and UN agencies have existing programmes targeting youth, but it is felt that a RoL Programme could supplement these by contributing an access to justice and legal empowerment element.

B. Budget contributions and Efficiency

As stated earlier the current UNDP Rule of Law and Access to Justice Programme is a follow-on programme that builds upon UNDP's predecessor programmes. Overall sector funding for rule of law has fluctuated since 2009. The current Programme (2013-2014) is based upon Irish Aid funding of \$1,811,432, plus additional core UNDP funding.

| Year | Donor | Amount Contributed |
|-----------|--|--------------------|
| 2009-2010 | UNDP BCPR (Government of the Netherlands) | US\$ 3,016,001 |
| 2011 | UNDP | US\$ 1,300,000 |
| 2011 | UNDP Democratic Governance Thematic Trust Fund | US\$ 350,000 |
| 2011 | UN Peace Building Fund | US\$ 150,000 |
| 2012 | UNDP | US\$ 600,000 |
| 2012 | UNDP BCPR | US\$ 424,578 |
| 2013-2014 | Irish Aid | US\$ 1,811,432 |
| 2015 | Irish Aid (No Cost Extension) | NCE |
| 2015-2017 | INL/US Department of State | US\$1,500,000 |

The Evaluation is lacking in detailed budget and expenditure data for the current Programme document with Irish Aid funding. Delivery in previous fiscal years of the UNDP Programme is reported on the UNDP website as follows:

| Year | Total Delivery |
|------|-----------------|
| 2010 | US\$ 1,088,340 |
| 2011 | US\$ 1,555,686 |
| 2012 | US\$ 1,224,358 |
| 2013 | US \$ 2,300,000 |

What is clear is that the EVD crisis in 2014-2015 impacted significantly upon programme implementation. There were also issues concerning UNDP's abilities to recruit and retain staff that delayed the continuous implementation of the Programme after the departure of some core staff members. This, combined with the EVD crisis, necessitated two NCEs by UNDP's donor, Irish Aid.

Also, the evaluation noted that UNDP was forced to suspend, delay or terminate funding in some instances either because of a lack of capacity of an implementing partner to effectively execute and manage donor funding or a lack of political will on the part of the institution. Examples include the HRCSL that had its funding significantly delayed due to perceived lack of capacity of the HRCSL to manage/spend donor funds. An additional example includes UNDP's LOA with the Judiciary before the EVD crisis and the discussion of reprogramming these to support the Courts in operating. However the LOA was ultimately terminated by UNDP due to a lack of initiative on the part of the Judiciary to follow-up on the proposal.

An essential component of measuring efficiency is "value for money" (VfM). While it is beyond the scope of this evaluation to conduct a comprehensive VfM analysis, it should be said that UNDP's available budget for CSO-led demand-side interventions was comparatively much lower than similar programmes of other agencies (i.e. DFID's ASJP). Nonetheless, despite the fact that UNDP had limited funding, UNDP created significant impact and succeeded in creating synergies working with government and CSOs. All parties interviewed by the evaluation stated that UNDP conducted the CSO grants process without any major issues—although some grants were delayed in 2015 and some grantees were delayed in filing their end-of-grant reports with UNDP. Going forward, in a future Programme, expansion of the CSO-led activities would be possible if funding is attached.

C. Programme Modality, Oversight, Management and Staffing

Programme Modality

The Programme was executed by UNDP under the DEX modality under the overall coordination of the Ministry of Justice. It is the assessment of the Evaluation that direct implementation via the new DIM modality is, for the time being, the only possible option for implementing within the development context of Sierra Leone. Most of the main justice sector institutions simply have not proven that they possess the requisite level of in-house capacity to implement on a NIM modality—although in some cases it might be possible for UNDP to implement on mixed DIM/NIM modalities. This is also the suggestion and approach of the UNDP Country Programme Document (2015-2018). UNDP support to the HRCSL should remain on a NIM modality.

Of concern to the Evaluation is the fact that UNDP was forced to suspend funding at certain points for several GoSL partners during the life of the Programme. As of end-2015, due to the support of the Programme and other donors, this situation appears to have improved and the trend lines look favourable.

Programme Oversight

The principal mechanism of Programme Oversight has been the Programme Board co-chaired by a representative of the national counterpart (Ministry of Justice and UNDP) and its members included Irish Aid as well as representatives from the UNCT. The Programme Board as designed was intended to be small enough to remain strategic and contribute meaningful deliberations and thinking to the Programme and its delivery.

The role of the Programme Board was to:

- Make management decisions when these are sought by the Programme Manager
- Based on the approval of AWP, review implementation progress
- Review and make recommendations on revisions to the programme, when tolerances have been exceeded
- Review and make recommendations on the funding of the programme
- Review progress towards the programme's overall objective and intended outputs
- Review and recommend on other actions in special circumstances

The Programme Board appears to have effectively discussed and responded to emerging conflicts and problems that arose during the Programme's implementation. The Programme Board met quarterly during the life of the Programme. Its meetings were recorded through minutes and participants lists. It was reported to the Evaluation, however, that in practice, the representative from the MoJ could not perform the tasks associated with co-chairing the board adequately. Also, due to some internal discords (between the Minister of Justice and the Solicitor General), the Solicitor General did not attend Programme Board meetings regularly. This left UNDP with no other alternative than to conduct the Programme Board meetings with a representative of the MoJ attending, but not co-chairing. This situation is expected to improve with the advent of a new Minister of Justice in 2016. Programme Board meetings have typically included a non-institutional representative of civil society on board, with at least two CSOs co-opted to be part of each Programme Board meeting. Going forward, UNDP should consider holding Programme Board meetings at the MoJ (and other IPs in the event that there are several signatories to the programme document).

Going forward, UNDP might consider modifying the composition of the Board in the event that UNDP and its donors, upon, consideration of all the factors decide that adding additional members could increase national ownership, while at the same time preserving the strategic nature of the Programme Board.

Management and Staffing

The Programme document stipulates that the Programme Team was to be composed of a Programme Manager, two national Rule of Law Officers, a Rule of Law and Monitoring Officer (IUNV), a

Programme Associate (IUNV), and an Administrative Assistant, with support from a consultant as a CSO coordinator. The Rule of Law and Monitoring Officer was to have a specific responsibility to advise on the development and implementation of all M&E activities of the Programme. All personnel were to be based in Freetown, with regular regional visits, especially for the CSO coordinator. As mentioned previously the Programme is designed to ensure flexibility and if required by a change in circumstances in the field, staff may be deployed temporarily or permanently outside of Freetown. The Programme Manager will be reporting to the Head of the Governance Unit. The Programme Team was to be in charge of the day-to-day management of the programme, including the work plan, budget planning and oversight, drafting terms of reference for the acquisition of services and goods, elaborating and implementing a procurement plan, and the oversight of operations in the field. The Unit was to also be responsible for producing financial and progress reports as required. The Programme document further contemplates that the UNDP Country Office in Sierra Leone, through its Governance Unit, was to provide general supervision and programme assurance.

According to UNDP and other stakeholders interviewed by the Evaluation, the overall observation under the Rule of Law Programme is that there has been a very high turnover of staff in the program during the last three years of engagement. The Program has had three separate Programme Managers during this period of time. The first Programme Manager under the 2013-2014 (with two NCEs from January-June, 2015) was engaged in mid-2012 and designed the programme. He officially resigned in early 2014, however, he was already working remotely due to family matters in 2013. An interim Programme Manager was appointed from March 2014 to March 2015 who was a UNDP Somalia staff member who came to Sierra Leone just before the outbreak of EVD on a "detailed assignment" and remained throughout the height of the crisis. He left to assume a position at the UNDP regional hub in Addis Ababa, Ethiopia. At this point, the current Programme Manager (a UNDP staff member who had been at the CO since the design of this programme) stepped into the position. This is a temporary appointment (TA) at the P-3 level being charged to UNDP core funds and INL funds. It is the evaluation's assessment, however, that the current Programme Manager is highly knowledgeable about the sector and, furthermore, very well received by all government stakeholders and UNDP CSO partners in the field.

As contemplated in the program programme document, UNDP has relied upon UNVs to fill two key technical positions. These are the Rule of Law Monitoring Officer and the position of Program Associate, although these positions have changed somewhat over time and are currently both Programme Officers – one Rule of Law and one Gender and Human Rights officers. Due to the nature of their contracts, the two UNV posts have also turned-over at least twice during the life of the Programme. It is the assessment of the evaluation that the current UNVs are exceptionally well-qualified both academically and professionally. They are in a position to fulfil their requisite terms of reference and deliver high quality technical advice and mentoring to the government partners including the Human Rights Commission. It appears, however, that the UNDP country office has routinely tasked these staff with administrative work, instead of fully utilizing their technical abilities; which is in fact why they were hired and what their terms of reference provide. These administrative tasks have included drafting ToRs for consultants, interfacing with UNDP operations/procurement (i.e. for the records and case management); processing DSA (i.e. for attendants at workshops), etc. The use of the UNVs, and indeed other technical staff throughout the office, for such purposes by UNDP has apparently become routine and hindered the delivery of substantive technical advice. The Evaluation makes the observation that UNDP has relied upon UNVs to fill positions that in most UNDP rule of law programmes would be filled by UNDP recruited staff on P-2 level contracts at the least.

Furthermore, the posts of two national Rule of Law Officers remain vacant. One National RoL Officer was hired on a UNDP Service Contract (SB-4 level). He departed the Programme in June 2015 and moved to the UNDP CO Inclusiveness Cluster. The post was never re-advertised, due to the short-time frame of remaining Programme implementation. UNDP procurement guidelines also made it difficult to have another fixed term staff on the RoL Programme.

Thus, as of end-2015, the entire Programme was operating with only three substantive technical staff. This is simply not enough to enable the Programme to cover all of the Freetown based institutions, while at the same time sending Programme staff up-country. The Programme is also supported by an Administrative Officer that handles contracts and procurement. The position of CSO-coordinator is currently vacant and therefore the workload has been distributed amongst the small team.

The Evaluation recommends that in any future Programme, that the Programme Manager needs to continue to be a senior international technical person (at the P-3 level); and two other UNDP contracted staff should be hired as programme officers (at the P-2 level or on service contracts). These individuals should have demonstrated legal academic qualifications (a law degree/LL.M.) and proven technical and practical expertise within the justice sector and/or as a practicing lawyer and/or prior experience implementing access to justice programmes. In addition, there should be two programme associates/administrative assistants and an international (UNV or P2) CSO coordinator that can also handle the interventions with the HRCSL if need be. This team can be supplemented by UNVs as available who could serve as technical experts/mentors at the institutions. Ideally, the Programme should have two vehicles and two drivers (pooled) dependent upon CO resources. It is extremely important that RoL Programme of this scope have sufficient administrative capacity.

The programme needs some amount of flexibility built-in. Internationals and consultants can be recruited from UNDP's rosters as required and/or national consultants hired as need be. [Note: in the event that UNDP opts to combine SSR and RoL/A2J into a single programme, then additional staff (i.e. Criminal Justice Reform Officer; Legislative Reform Officer) may need to be recruited to handle areas currently covered by DPKO seconded staff (i.e. community policing advisor, police advisor etc.)].

D. UNDP's Contribution and Comparative Advantage

All stakeholders interviewed by the Evaluation perceive UNDP to have a strong comparative advantage in the governance and rule of law sector in Sierra Leone. According to stakeholders interviewed by the Evaluation, UNDP continues to maintain the strong trust of rule of law institutions in Sierra Leone and continues to leverage its relationships with national justice institutions and CSO partners to implement reforms. As described in more detail *infra*, UNDP effectively delivered strong technical expertise to the Judiciary in the development of its strategic plan, guidelines for the SLP FSUs; and on the capacity of the HRCSL and the UPR reporting process. UNDP was able to draw upon its global rule of law toolkits and partnerships (i.e. UNDP HQ and regional bureaus; Global Rule of Law focal points (UNDP-DPKO) to bolster its interventions in Sierra Leone.

During the Programme UNDP proved itself to be an effective "broker" between the supply-side and demand-side of the justice sector in Sierra Leone. The enhanced relationship between the FSUs and CSOs that has occurred during the programme (described in detail below) is evidence of this. UNDP has also deployed its global practice and knowledge of human rights and the UPR process in order to continue to advise the HRCSL. UNDP also proved itself highly adaptable and was able to capitalize upon its prior engagements with GoSL and CSOs to effectively respond to the EVD crisis. The EVD crisis dominated UNDP's focus during much of the implementing period of the Programme.

The Evaluation also notes, however, that the level of supervision and strategic leadership exercised by the UNDP CO over the Programme could be improved to ensure higher level advocacy for sustainable interventions, increased budgetary allocation to the sector, improved conditions of services for judges, magistrates and court staff. As noted below, the CSO engagement and legal aid initiatives could have benefited from the development of strategic frameworks; legislative reform; a greater degree of coordination; and an articulated approach to the furtherance of a national legal aid scheme.

E. Partnerships

During the current implementation period, UNDP partnered with relevant government ministries and other partners, notably the British Government's Access to Security and Justice Programme (ASJP), GIZ, UNICEF, UNFPA and other UN Agencies, as well as NGOs, to implement activities specified in Annual Work Plans (AWPs). UNDP's partnership with the DFID ASJP is analysed in detail below.

Under its predecessor programme, UNDP partnered with GIZ and the World Bank in regard to paralegals, the legal aid policy and mobile courts. UNDP partnerships with CSOs appear to have been extremely effective in combatting SGBV and VAW via legal aid, access to justice and awareness raising. As noted elsewhere in this report, the Evaluation observes that the legal empowerment profile of UNDP's Programme could be enhanced both for women and for youth. In this regard, UNDP is

encouraged to continue its partnership with the World Bank's "Justice for the Poor" Programme that has a strong component linking social accountability with legal empowerment. UNDP should continue to coordinate closely with DFID and World Bank regarding support to the Mobile Courts and local courts.

UNDP's partnership with the Irish Human Rights Commission and UNIPSIL was instrumental in establishing the HRCSL during UNDP's predecessor programme and through UNIPSIL's departure from Sierra Leone. Coordination between UNDP, Irish Aid and the Irish Human Rights Commission in the form of a Capacity Development Partnership Programme with the HRCSL (2012-2014) was implemented in parallel to the UNDP RoL/A2J Programme. The partnership was successful in supporting the establishment of a sub-office for the HRCSL in Kenema; providing leadership trainings to HRCSL; recruiting staff; and developing and installing a case management system; and conducting a Human Rights Education Assessment in 2014.

Going forward, UNDP could improve synergies between the Programme and other UNDP CO units, as well as continue to capitalize on its global rule of law and regional rule of law expertise, knowledge and tool kits. The Evaluation recommends that going forward, UNDP explore a deeper partnership with UN Women, especially given the overwhelming focus of the Programme on SGBV, VAW, women's equality and gender rights. UN Women has institutional knowledge to bring to the table, especially in regard to engaging with the informal justice sector. As discussed elsewhere in this Evaluation, UNDP Sierra Leone could do a better job of moving lessons learned from its CSO partners in the field up to the policy level.

F. Donor Relations

Irish Aid reported to the Evaluation that it was not satisfied with the pace of implementation during the Programme. Irish Aid also expressed concerns with the high turnover of staff. The Programme ended in June 2015 with a no cost extension, but final reporting was delayed to Irish Aid. There continued to be a gap in reporting during the Programme. The information that UNDP received from its CSO implementing partners was not as detailed as it could have been across all years of the programme. According to Irish Aid, data simply did not arrive from the field in a way that documented baselines and progress.

During the past year, UNDP has made attempts to remedy this and supply Irish Aid with a higher level of data; however, UNDP itself has been constrained by the challenges of monitoring the Programme within the development context of Sierra Leone, during the EVD crisis and given the demands on the small team at the CO level. UNDP has generated annual programme reports for years 2013, 2014 and 2015. Going forward, UNDP should continue to require its CSO partners to report more frequently and in more detail with steps taken for close monitoring and mentoring of partners working in the field to ensure tracking of progress and alignment of interventions to agreed baselines and targets. UNDP has already identified this gap and acknowledges the need to continue to build the reporting and M&E capacities of its CSO partners while also strategizing to build on lessons learned from past engagements to ensure a more hands-on approach to implementation.

G. National Ownership

The level of national ownership appears to vary across the government of Sierra Leone justice institutions. Overall, national ownership is assessed by the evaluation as moderate. A high turnover of staff within the institutions themselves, changes at the helm of the UNDP programme management, delays in continuous implementation due to staff turnover, as well as the EVD crisis have served to slow the pace of programme implementation, as well as legislative reforms and implementation of new legislation.

In fact, national ownership has only marginally improved during the time period 2013 to 2015; but two factors are encouraging: i). The momentum gained in programme trajectories as a result of the appointment of a reform minded interim-Chief Justice in 2015 (now retired); and ii). The establishment of the Legal Aid Board (LAB) (which was operational as from mid-2015) is also a sign of national

ownership of access to justice and forward momentum. UNDP will need to sustain this momentum in partnership with the new Chief Justice who assumed the post in early 2016 and be like-minded and oriented towards reform. As noted elsewhere in this report, UNDP should carefully consider the merits of supporting the new LAB as part of the programme and any subsequent programs.⁶

There are other possibilities for UNDP to encourage a greater level of national ownership going forward. As part of the design of any future engagement, UNDP should solicit the detailed input and opinion of all implementing partners. The evaluation notes that in its meeting with the Sierra Leone Police (SLP), police prosecutors and Family Support Unit (FSU) officers, as well as the Criminal Investigation Division, stakeholders stated that it was *the first time* any representative from UNDP had taken the time to sit down with them and ask them what they needed in terms of support and how they would reshape the current engagement going forward. It is strongly recommended that UNDP hold a roundtable to discuss any future draft program documents with potential implementing partners before the documents are finalized.

In addition, as noted elsewhere in this report, the evaluation recommends that UNDP consider widening the number of signatories to any future program documents. This may also increase sector wide coordination and the level of national ownership. Unfortunately, as noted above, at this time the evaluation cannot recommend that UNDP shift from a DEX modality of implementation to a NEM/NIM modality of programme implementation for all institutions due to continuing low levels of capacity of implementing partners to execute donor funds; however, the trend looks favourable and if UNDP continues to build budgetary, costing, human resources and reporting capabilities of the key justice sector agencies then at some point a shift in modalities may be possible.

Another mechanism that impacts both on national ownership and sustainability is cost-sharing. To date the government of Sierra Leone has been unable or unwilling to cost share. Yet, continuing lack of funding by the government of Sierra Leone for the judiciary is a huge problem and one that ultimately exceeds UNDP's mandate as a development organization. It is time for the UN resident coordinator and the donors to strenuously take this issue up at the political level with the president of Sierra Leone.⁷

H. Sustainability

The program document states that sustainability of UNDP's interventions will be achieved by, "building not supplementing national capacities, ensuring that training will be on-going, and that assistance is solidly institutionalized in broader governmental structures and planning processes." It is clear that UNDP during the current program implementation has made efforts to support the Ministry of Justice and the judiciary to develop strategic plans, standard operating procedures, guidelines and policies. Examples include the LOD Strategic Plan (2013-2017); revision of the SGBV Case Management Guidelines and SGBV SOPs for the SLP Police Prosecutors and FSUs; standards and procedures for complaints handling and investigations at the HRCSL; and supporting the mapping of case management systems at the Judiciary.

⁶ The establishment of the LAB came about largely as a result of international pressure (in country donors, UPR recommendations). It is unclear as yet how it will work. UNDP has some concerns around the direction of the board, especially amongst CSO legal aid providers. The board is also facing budget constraints, which will force it to compete with CSOs for donor funds. LAB is, however, at the end of the day the government's official response to the deficit and access to justice and legal representation in Sierra Leone. This is an opportunity for UNDP to provide technical assistance and mentoring to the legal aid board to ensure that it remains impartial and grants legal aid on the basis of objective indigence tests for the criminally accused in line with Sierra Leone's Constitution and legal aid act. LAB and its staff could benefit from exposure to international best practices and comparative models from other jurisdictions that have public defenders or similar legal aid boards.

⁷ A phased approach should be taken to cost-sharing. As an initial step, donors could support the Government to carry out a cost analysis of the judiciary and identify what the shortfall is from the Government side. Donors could agree to support, but decrease incrementally each year until the Government has fully taken over initiatives. Several strides were taken in 2015 by the then Acting Chief Justice to engage the Executive and Parliament, but an additional challenge is that MoFED tends to cut the judiciary's budget, and furthermore, the judiciary has historically exhibited low performance in managing the funds made available to them. This lack of capacity has given MoFED an excuse to cut the budget. These issues were raised by UNDP in meetings with the Judiciary in late 2015.

It is the assessment of the Evaluation, however, that sustainability strategies could have been much better articulated for each individual institution. For example, it was initially agreed between UNDP and the Judiciary that the Judiciary would assume funding for the Saturday courts after three years. Yet, there appears to have been no follow-up dialogue with the Judiciary to create a plan for continuing the Saturday courts despite the fact that the JSRSIP II placed local justice and legal aid at the forefront of its strategy and the Judiciary recognizing the impact of the initiatives on numbers of SGBV cases adjudicated and rates of case disposal. One could have reasonably expected that such an apparently successful initiative would have been readily embraced by the Judiciary and at least continued in some pilot form. Yet, there does not seem to be any advocacy on the part of either UNDP or the court itself with the government (Ministry of Finance) to fund Saturday courts in the absence of donor assistance. Similarly, the mobile courts remain unable to reach their full potential due to lack of sufficient numbers of magistrates to staff them, despite nearly five years of sustained support from UNDP that has proven that when operating as intended, mobile courts have the potential to bring justice to local populations. Going forward, UNDP's continued support of both Mobile Courts and Saturday courts should be conditioned on the Judiciary having a clearly defined plan to make these initiatives sustainable. UNDP may need to explore different modalities of managing the initiatives, including moving away from centralized to a more local District level approach.

Furthermore, in terms of trainings delivered to the institutions, it is not clear that training for either the Judiciary, Sierra Leone Police, Ministry of Justice or the Human Rights Commission of Sierra Leone was institutionalized to the extent that it could have been by the Judicial and Legal Training Institute or SLP trainers as of in 2015. SLP has been more insistent than other partners that UNDP trainings align with the SLP's own trainers and training programmes.

While UNDP improved the capacity of CSOs to conduct court monitoring and provide legal aid and counselling services, there was no over-arching coordination mechanism developed by the Programme for the coordination of CSO-led legal aid in Sierra Leone. Furthermore, as noted above, it is not clear that the current Programme's CSO portfolio facilitated—in a strategic way—the implementation of the National Legal Aid Scheme developed under UNDP's previous programme and/or the implementation of the Legal Aid Act. This was to be continued primarily by the DFID ASJP, not UNDP's current RoL/A2J Programme, however, the Evaluation observes that UNDP could likely have aligned more closely with ASJP in this regard. Under the current programme, UNDP-supported CSOs provided legal counselling and paralegal services to individual clients in a number of locations, but this was rather *ad hoc* in nature. Going forward, UNDP may wish to support the reestablishment of a “CSO Forum” to help empower local organizations to stand together on certain issues, to carry out advocacy, to coordinate activities, to approach relevant government partners and also to create moral support in the face of shrinking civil society space. UNDP and DFID can cooperate on this area.

A contributing factor for the apparent lack of political will to institutionalize the outputs of UNDP and other rule of law donors in Sierra Leone is the fact that the JSRSIP II itself contained little in the way of any plan for the GoSL to fund initiatives. In fact, the JSRSIP II at points reads as an inventory of donor assistance programmes, rather than a true strategy. The JSRSIP III appears to be an improvement, as a result of the fact that the Justice Sector Coordination Office (JSCO) collected and analysed data on the sector and an evaluation report was prepared as a prerequisite to drafting the strategy and feedback obtained from stakeholders prior to its endorsement by the Justice Sector Leadership Group and Cabinet Approval. The JSRSIP III, is however, not fully funded by the GoSL.

Going forward, in order to promote sustainability UNDP should continue to align its programming with the JSRSIP III (2015-2018), but more urgently advocate with the Government to increase funding of the JSRSIP III. UNDP should support the Judiciary and MoJ to operationalize and institutionalize the National Legal Aid Scheme in partnership with the Legal Aid Board, Bar Association, CSO partners and other stakeholders. Overall, UNDP should ensure that trainings are institutionalized by all partners in the form of train-the-trainers approaches and support to curricula development at training institutions. In addition, the Judicial and Legal Training Institute needs to be operationalized going forward and curricula developed.⁸ UNDP can strengthen the sustainability of CSO interventions by promoting

⁸ This is part of the AWP 2016 INL programme. Modules will be developed on sentencing and bail new policies and guidelines – and which (suggested to other DP's) and UK Pro Bono Legal Network will be part of a consolidated curriculum for the JLTi.

further coordination of their activities, as well as moving “lessons learned” from the CSO engagement up to the policy level.

I. Communication

UNDP was effective in communicating the goals of the Programme to its government stakeholders via the Justice Sector Coordination Office. Information about the Rule of Law and Access to Justice Programme, including press releases about recent major successes such as the Saturday Courts initiative, appears on the website of UNDP Sierra Leone and was continually updated. Furthermore, the Programme supported outreach and public awareness campaigns by the SLP FSUs and HRCSL on the supply side and through UNDP's CSO platform on the demand side of the justice equation. This included education initiatives on women's rights, land issues and SGBV and VAW within local communities and schools; radio programmes; EVD crisis response outreach and public information; radio broadcasts and support to SLP community policing. These Programme activities are reported to have reached many beneficiaries and to have enhanced UNDP's visibility in Sierra Leone. What is not clear, however, is the extent to which the Sierra Leone media and journalists reported on the activities of the programme. Although, as reported to the Evaluation, journalists in Sierra Leone customarily expect to be paid to cover events. This would certainly be a deterrent to enlisting the media, as UNDP cannot pay journalists for coverage.

Going forward and as part of any future Programme, UNDP should develop a brief communications strategy or SOP for the Programme that seeks to enhance UNDP's visibility and that of its donors. UNDP should hold regular briefings for members of the press regarding the outputs of the programme and targeted beneficiaries.

J. Gender

Virtually the entire UNDP RoL/A2J Programme is a gender specific programme combating SGBV and VAW. To cover all the gender components of the Programme here would virtually restate the entire Evaluation under this section of the report.

The UNDP RoL/A2J Programme is the only programme within UNDP Sierra Leone's portfolio that has a gender justice component. The Programme supported Government of Sierra Leone gender strategies and legislation such as the Agenda for Prosperity (2013- 2018) and the Sierra Leone National Action Plan for the Implementation of UN Security Council Resolutions 1325 and 1820 (SiLNAP). The Programme benefits from the advice of the UNDP Gender Advisor who joined the country office in February 2015. UNDP has actively collaborated with UN Women and UNICEF as members of the UNCT during the life of the programme.

Overall impact at outcome level in Gender Equality and Social Inclusion (GESI) levels for women in Sierra Leone has advanced relatively little during the past several years. Deeply held cultural beliefs and prejudices against women persists in Sierra Leone society. There are some thematic areas related to women's rights that are more challenging for UNDP (i.e. FGM and so-called “secret societies” that perpetuate such practices). Nonetheless, UNDP has been at the forefront of putting these matters on the agenda during the life of the Programme.⁹

There are numerous examples of the Programme's positive impact and results achieved across its RRF for gender equality, women's rights and SGBV/VAW on both the supply-side and demand-side. UNDP's training of the Judiciary, MoJ (Law Officers Division) and SLP FSUs on SGBV case management guidelines enabled these stakeholders to delivery more gender-sensitive justice services

⁹ UNDP engaged on FGM through AMNet in 2013 (i.e. community sensitization). UNICEF and UNFPA have been leading on the issue however with the development of an abandonment strategy for FGM. UNDP has engaged in the process through the UNGTT. Once a policy or law is passed UNDP may be able to integrate sensitisation into its programming. During EVD there was a successful moratorium on FGM ('initiations' into secret societies). FGM is one of the symptoms of cultural biases against women, as is lack of access to justice. Going forward, UNDP can work more on the preventative side of SGBV through partnerships with UNDP livelihoods programmes to economically empower women and through working on behaviour change. Some NGOs are now working to target men specifically to change mindsets around women's rights and traditional roles.

and effectively investigate cases of SGBV and VAW under the Sexual Offenses Act. Meanwhile, UNDP support to the “Saturday Courts” (special SGBV courts) resulted in reduction of case backlogs and average case duration for SGBV cases.

UNDP’s CSO-led legal aid initiative has reached a number of individual beneficiaries and enhanced cooperation between CSOs and the SLP-FSUs. UNDP also included traditional leaders in trainings on women’s rights and Programme supported CSO-led court highlighted violations of women’s due process rights in SGBV and land cases. For example, the UNDP supported CSOs such as AvoCaid, “CAHSec”, NIMRIGHTS and United for the Protection of Human Rights (UPHR) provided support victims of SGBV at the high court for matters committed from the Magistrate courts with accommodation feeding and transportation and with the issuance of subpoenas to police witnesses and victims to testify at the high court from districts. CSOs also cooperated with FSUs to provide representation to victims of SGBV in magistrate and high courts. This included in many cases supporting victims of SGBV abused women to travel to police stations and doctors to report crimes and obtain medical certificates in cases of rape.

Going forward, UNDP should continue to work with the Judiciary and strengthen the interaction between the judiciary and SLP-FSUs to improve compliance with procedures and reduce the frequency of SGBV and VAW case dismissals in court. This involves supporting the SLP, FSUs and the courts to conserve evidence and helping victims to obtain medical evidence (see discussion below re: FSUs and identified issues with the medical form in rape cases). UNDP should also focus on moving out of Freetown and supporting the district magistrates with training and resources to perform their work. The RoL/A2J programme should also focus on women in the judiciary

UNDP should more closely synergize with UNDP CO programmes that have significant GESI and youth implications that RoL/A2J Programme could partner with going forward. These include: 1) Youth Empowerment and Employment; 2) Environment programmes (because the RoL/A2J deals with women’s access to land and devolution of estates/inheritance); 3) the Inclusive Growth unit’s initiatives, with a specific focus on women’s economic empowerment; 4) Governance unit- Elections (there will be a lot on this issue); 5) the Governance unit’s work on Constitutional review process.

K. M&E, indicators and reporting; Risk Analysis

The Programme has generated several annual reports to its donor Irish Aid, as well as complied with UNDP CO monitoring and corporate frameworks. This Evaluation is in fact the single independent evaluation of the Programme. The Programme’s RRF (2013-2014) contains a column for M&E data sources with indicators. The fundamental challenge of conducting results based monitoring in Sierra Leone continues to be the lack of reliable and consistent narratives, data and statistics from UNDP’s government implementing partners and CSOs. The Programme RRF’s M&E is largely contingent upon receiving such institutional reports and data. Yet, data is either not available in most cases or is not well disaggregated by geographic regions or populations or types of cases as it could be. Moreover, the RRF contains very ambitious targets and indicators that in fact would require special skills to collect.

This Evaluation is able to identify some direct correlation between M&E (or risk management) and impact. It is clear that UNDP and the Programme continually stressed the need to collect data to institutional partners that may have had a positive influence upon impact. For example, UNDP supported the judiciary to enhance their data collection and tracking of returns from the districts, management and to collect statistics in this regards, although, case returns for the mobile courts and Saturday courts was not comprehensive for all districts. Similarly, UNDP helped the SLP and FSUs to improve their SOPs and implement simple case tracking. As a result, the quality of the FSU reports increased markedly. UNDP has also supported HRCSL to improve its human resources, complaints and investigations capacities, which has resulted in a demonstrated improvement in HRCSL’s reporting.

Meanwhile, UNDP has required its CSO grant recipients to file interim reports and end of programme reports; while also providing training to CSO partners on results based management and management for development results M&E. This reporting requirement certainly lent accountability to the intervention; built the capacity of CSOs to handle donor funds and likely improved impact across the grants process and Outcome 2 of the Programme.

The Evaluation notes that a challenge for the Programme was reporting to the multiple programme documents and sub-programme documents entered into by UNDP and collected under the “rule of law programme”. The Public Perception Survey planned for early 2013, but delayed and eventually not carried out due to the EVD crisis, has the potential to contribute to M&E efforts of the Programme. The Evaluation observes that public perception surveys could also be conducted for HRCSL on key human rights issues.

The Evaluation is concerned that some deliverables claimed during the current programming period were stated as being produced under the current programme were actually completed in UNDP’s predecessor programme. For example, mobile courts, Saturday courts and FSUs were all begun under or before UNDP’s predecessor programmes and the line between the current 2013-2014 (2015) Programme and the prior support is sometimes blurred in reporting.

The RoL/A2J Programme is supported by the UNDP CO Monitoring and Evaluation Unit. The M&E unit provides support to 19 UNDP programmes; services the CPAP and designs the CO M&E framework and reports. In 2015, the M&E unit conducted a joint mission to assess progress towards results and to review IP capacity in the field. The mission reported that overall progress of the Programme to date is mixed. The supply side interventions have not achieved results as expected and continues to be challenged by lack of institutional memory. A high turnover of staff within institutions has hindered progress. The prosecution and courts, however, seem to have been improving and the number of cases cleared is increasing. On the demand side there has been a steady increase in reporting and prosecution and it appears that an increased level of confidence has been instilled. Statistics are still weak in this area though.

UNDP should perform updated political risk analysis in light of the post-EVD development context, elections and launching of a Constitutional Review Process in 2013.

L. Programme Impact and Contribution to the Outcome

The overall Outcome of the Programme is “to enhance access to justice through increased application of human rights standards, effective implementation of relevant national legislation and adaptation of gender sensitivity practices in both formal and informal justice sectors.” The Evaluation assessed impact according to the two “sub-outcomes” of the programme: Outcome 1: Strengthened state capacity for effective and equitable justice service delivery; Outcome 2: Enhanced civil society capacity to support access to justice and elicit accountability for justice service delivery.

1. Outcome 1: Strengthened state capacity for effective and equitable justice service delivery

The “supply-side” partners for Output 1 of the Programme spanned the entire sector and included Judiciary, Ministry of Justice, Department of Public Prosecution (DPP), Solicitor General’s (SG) Department, Sierra Leone Police, Ministry of Social Welfare, Gender, and Children’s Affairs (MSWGCA), Human Rights Commission of Sierra Leone, Paramount and Section Chiefs, religious leaders and faith based groups, Justice Sector Coordination Office (JSCO), UNIPSIL (prior to its closure), International Rescue Committee, UNICEF, UN Women and UNFPA.

Overall, there is evidence of incremental advancement of Outcome 1 across most sub-outputs. The Programme also significantly helped to maintain the viability of the justice sector institutions during the unprecedented EVD emergency in the country. As stated above, EVD crisis was the major constraint upon UNDP’s delivery under Outcome 1. The crisis caused the Judiciary to come to an almost standstill – as many courts were not sitting or functioning on a regular basis. The Consultant Master and Registrar, who was the main strategic planner for the institution ensuring schedules and budgets for the courts as well as being the main interlocutor with many partners and donors, departed Sierra Leone during the crisis and had not groomed anyone as a replacement or carried out a thorough handover. As a consequence of the EVD outbreak, many areas of the 2013 RRF as originally designed were not able to be implemented, put on hold or were delayed as a result. There were several instances of UNDP withholding release of funds due to either lack of political will or lack of capacity within the institutions to execute donor funding.

National ownership and political will on the part of the Judiciary to embrace reforms had historically been low. The appointment of an interim-Chief Justice in February 2015 resulted in enhanced political will on the part of the Judiciary to implement reforms and UNDP was able to move forward with its

outputs. Yet, it remains to be seen whether this momentum will be continued with the current Chief Justice who was recently appointed.

As noted above, fundamental structural issues persist within the sector that are not representative of best practices and have the potential to violate due process (i.e. the MoJ and AGO are combined). The Judiciary remains severely under-resourced and staffed and all justice sector central authorities continue to have difficulties extending their reach outside of Freetown to rural and remote regions in SL. As reported by UNDP and its CSO partners, as of 2015, high rates of pre-trial detention persist. There are 5 districts without a sitting magistrate and an average of only one judge per every 800,000 persons. Case backlogs remain high and the Judiciary's ability to track and manage its cases continues to result in large backlogs. This has also been exacerbated by the addition of 292 Local Courts to the jurisdiction of the Judiciary by virtue of the Local Courts Act of 2011. There is also an overall lack of coordination in the justice sector in this regard. For example, the SLP continues to detain large numbers of people for minor offences that in many other jurisdictions would result in only a warning. This results in many more hearings and trials than necessary.

Despite these challenges, the Evaluation is able to point to incremental changes in most of the institutions, as well as some significant advancements of the outcome for SGBV and for human rights. Hard data is, however, lacking in many areas of the UNDP engagement. A major concern of the Evaluation is the sustainability of such initiatives in light of a continuing lack of GoSL co-funding, high-turn over of staff and risks posed as a result of lack of political will and ownership over the interventions. The recent establishment of the Legal Aid Board could be an encouraging indication of GoSL's political will to afford legal aid to accused persons. Yet, at the same time, there are questions concerning the LAB (i.e. budget and funding). There are a few areas that exceed UNDP's ability as a development agency (i.e. GoSL low levels of funding for the judiciary) that should be taken up to the political level by the UN and donors.

1.1. Enhanced core capacity of state institutions to provide effective service delivery.

As originally designed, the UNDP RoL Programme was to provide support to the Law Officer's Department (LOD) of the MoJ to develop a Strategic Plan, based upon the Agenda for Prosperity and the JSRSIP II with gender equality mainstreamed across the sector. The Programme goals included supporting the LOD to develop legislative drafting manuals and a Guidance Note for line Ministries on the legislative drafting process. The Judiciary was to be supported to compile and produce SL Law Reports for all cases since 1978. Additionally, the Programme as originally designed was to provide core training to judicial staff, the LOD and Police Prosecutors on SGBV, investigation and prosecutions skills respectively. It was envisioned that such trainings would be institutionalized by the Judicial & Legal Training Institute and made part of its regular curriculum, the Police Training School was also to incorporate certain elements of these trainings into its curriculum.

Development of a Strategic Plan for the LOD (2013-2014)

UNDP support under the current Programme resulted in the development of the LOD Strategic Plan (2013-2017), which was formerly adopted and launched in 2014. According the Evaluation's interview with the LOD, the main objectives of the Strategic Plan are being effectively supported by UNDP. Furthermore, the Strategic Plan includes SGBV and gender mainstreaming components—a key expected result of UNDP support. This is assessed as a fundamental advancement of the outcome, as prior to UNDP's support, the LOD lacked any strategic plan.

As of end-2015, the LOD had met several of the goals including training for staff on legislative drafting and design of manuals (see below). The LOD is continuing to actively organize its work around the Strategic Plan, which is being printed and distributed to GoSL justice sector ministries and agencies

Support LOD on the Development of Manual on the Legislative Drafting Process and Guidance note on SGBV cases

UNDP effectively supported the LOD to develop a Manual on Legislative Drafting Process as well as a Guidance note on SGBV cases for GoSL ministries, departments and agencies. The Evaluation reviewed copies of both of these publications and assesses them as being of sufficiently high quality. According to the LOD, UNDP support has enabled it to conduct information sessions on the manual and guidance notes for nearly 50 GoSL ministries, departments and agencies and over 500 copies have

been printed and distributed. Prior to UNDP's intervention, the LOD and ministries had no written procedures in place for legislative drafting and the quality of bills was very poor. While it is too early to assess the impact of these publications on the legislative drafting process in Sierra Leone or whether this has resulted in improved collaboration between line ministries at the MoJ, it is expected that the guidelines will improve the quality of legislation.

Capacity building of LOD staff and trainings to support enhanced investigative processes and skills

The Evaluation confirmed that LOD staff received UNDP supported management training both in-house and by consultants and LOD reported results to UNDP.¹⁰ Trainings covered such topics as problem solving, making meetings work, discipline and grievance, financial management and making strategies work. The quality of the training was assessed by LOD as of very high equivalent to graduate school level training quality. Local consulting firm FJP taught the courses. The training, however, did not cover gender. Additional in-house training topics included the Larceny Act. Due to the EVD crisis trainings were suspended in May 2015. Nonetheless, the LOD personnel interviewed by the Evaluation stated that as a result of UNDP supported trainings the drafting and reporting capabilities of the LOD have increased. A recent UNDP funded study tour to Canada for the LOD focused on accountability mechanisms.

The Evaluation notes, however, serious sustainability concerns surrounding the training to the LOD and MoJ. The MoJ remains woefully understaffed and continues to experience a problem retaining staff. The legal framework also remains weak. According to the Minister of Justice, there is a need to continue to support the MoJ to expand its services nationwide (i.e. as of end-2015, there is only one law officer covering the entire south and north). UNDP could also support the MoJ and other stakeholders to enhance the JSCO. There is scope to continue work on the new Criminal Procedure Code to eliminate the preliminary review and expedite hearings of prisoners held in pre-trial detention beyond the statutory limits. UNDP's work on bail and sentencing should be continued. As of 2015, there is little coordination between prisons, the SLP and prosecutors and levels of national budget allocation are skewed in favor of the security sector, not the judiciary or courts.

Gender mainstreaming at LOD

An area of UNDP support to LOD that appears not to have met expectations is gender mainstreaming at the LOD. As noted above, the trainings supplied to LOD under the Programme lacked any significant focus on gender. Going forward, gender should be mainstreamed in all training and programme activities.

1.2. Strengthening state capacity to prevent SGBV and promote gender equality

The RoL programme document envisions that UNDP will build upon the work of UNDP's prior work in the sector for SGBV, including updating the FSU SGBV Case Management Guidelines to include reference to the Sexual Offences Act (2012). UNDP was to undertake capacity training on the Act for FSUs and Police Prosecutors and widely distribute copies of the Act to enhance knowledge of its provisions. UNDP also planned to support the community awareness activities of the FSUs via engaging with the Paramount Chiefs and community leaders. Additionally, UNDP intended to support the abilities of the GoSL to collect data and statistics on SGBV. Tangential support to case management systems for the SLP, Judiciary and MoJ was to be provided by UNDP and aligned with DFID's ASJP programme and UNICEF's work on case management and recording systems for SGBV. UNIPSIL had formerly developed a training curriculum in plan for Police Prosecutors prior to the drawdown of the mission.

Supporting the implementation of key legislation on SGBV and VAW

¹⁰ According to statistics supplied to the Evaluation by UNDP in-house trainings were conducted for LOD staff using internal capacity. With 38 staff (13 females and 25 males) benefiting with improved skills on handling daily tasks within the LOD. A specialized management and leadership training was delivered to the LOD staff targeting both administrative and professional staff with staff skills and capacity improved city in problem solving techniques, analytical skills and core skills in leadership and management. 12 LOD staff personnel were trained (14 males-6 females). The reduction in the number of personnel trained was due to the loss of capacity due to the less attractive conditions of service. Currently, only 7 state prosecutors form the workforce of the LOD. Most of the personnel who departed have been absorbed by other government MDAs offering better conditions of services (ACC, Law Reform Commission, EDSA...etc.).

The Evaluation interviewed the SLP police prosecutors, Criminal Investigations Division and FSUs in Freetown and the districts to assess the quality and impact of UNDP trainings provided under the current Programme. It confirmed that UNDP trainings for the SLP on the implementation of SGBV Case Management Guidelines were conducted in close partnership with IRC and UNICEF. These reached large numbers of SLP personnel in Freetown and the districts, including Bo, Kenema, Makeni, Port Loko, Hastings, Moyamba, Mattru and Pujehun.¹¹

The SLP reported that the trainings strengthened the capacity of the SLP/FSU investigators and prosecutors. This was the first training provided to the units on SGBV and VAW legislation. In turn, the SLP was able to deliver similar trainings to the Ministry of Social Welfare. According to the Evaluation's interviews with stakeholders, a fundamental deficit in capacity of the SLP Police Prosecutors continues to be low education and lack of English language proficiency and reporting skills. Also, a continuing problem with such UNDP supported trainings for the SLP/FSUs is the fact that many officers trained have subsequently been redeployed by the SLP in unrelated fields, undermining the sustainability of the trainings.

Development of SGBV Case Management Guidelines for SLP and SLP/FSU

UNDP support to the SLP-FSUs began in 2010 under UNDP's former programme. UNDP supported the FSU in 2010 to develop SGBV case management guidelines, setting forth the standards to be adhered to in SGBV investigations. UNDP also supported the drafting of the Sexual Offences Act under the prior programme. In late 2013, with support from IRC, UNDP, UNICEF, UN Women, Irish Aid and government counterparts, the manual was successfully reviewed to incorporate changes necessitated by the passage of the SOA, 2012. With the assistance of UNDP 2,500 copies have been distributed to all relevant partners. This is within range of the 3000 copy target of the AWP 2013-2014.

The overall impression as of 2015, is that UNDP has helped to gradually improve the capacity of the FSU in Freetown to keep track of cases and statistics on cases. According to the FSU, this has resulted in a higher quality of investigations, case files and presentations in court. The head of the FSU in Freetown reported to the Evaluation that UNDP trainings for SLP prosecutors and FSU officers on the SGBV Case Management Guidelines were valuable.¹² The training for the FSUs was interrupted by the EVD crisis. Going forward, it is suggested that UNDP do a better job of ascertaining the SLP/FSU training needs and desired curricula when formulating such trainings. The SLP continues to be challenged by the low education levels of police prosecutors.

As reported to the Evaluation by the SLP, all FSUs are handling cases dealing with physical abuse, domestic violence, beatings, rape and other forms of SGBV, neglect of children and other family matters. The Evaluation visited FSUs in the field (Moyamba, Kenema and Makeni) and confirmed that FSU units are conducting SGBV investigations with reference to the SGBV Case Management Guidelines. All are actively working in partnership with local CSOs to investigate cases, conduct mediations and undertake public awareness and education initiatives on SGBV and domestic violence. The FSUs reported that they were satisfied with the quality of training that they had received under the UNDP Programme to date and affirmed that they regularly utilize the guidelines and manuals on SGBV published with the support of UNDP when handling cases of SGBV, interviewing witnesses, etc. But they also stressed the need to have refresher training and mentoring on court procedures and representation.

¹¹ According to statistics supplied to the Evaluation by UNDP, in 2013, a total of 405 SLP personnel were jointly trained on the SOP and SGBV CMG manual with support from UNDP, IRC and UNICEF over a total of 41 training days in Bo, Kenema, Makeni, Port Loko and Hastings. In early 2014, capacity of 28 participants drawn from Bo, Moyamba, Mattru and Pujehun was built. Only 8 of the participants were females.

¹² The evaluation interviewed a police prosecutor in Kenema who stated that UNDP supported training had allowed him to make better presentations, guide the witness more effectively, lead witnesses and presentation of evidence, examine witnesses and respond to motions. The prosecutor stated that there is a rising issue with larceny and theft by juveniles and that currently nearly 60% of defendants are members of cliques. Additionally, the prosecutor underscored the need for more law books for judges and prosecutors and the ability to travel to remote regions. The prosecutor stated that UNDP should focus on training local magistrates and lawyers on the presentation of evidence. He has personally experienced magistrates departing in an ad hoc manner from the standards of evidence established by law.

The fact that FSUs are being increasingly utilized is corroborated by SLP “Annual Crime Statistics Report, January-December 2014” (published April 2015). The report shows that a total of 11,358 cases were recorded by FSUs nationwide for 2014. The Western Area recorded the highest number of SGBV related offenses, with Freetown/West having 5,781 cases and Freetown/East having 3,032 cases. Yet, the Evaluation notes that the data fails to provide a breakdown of cases per population. The report also showed that as of end-2014, the FSUs were becoming increasingly utilized, but only approximately 10% of all domestic violence cases reported to FSUs were ultimately charged to court (i.e. 969 domestic violence cases charged to court out of 9,157 total domestic violence cases) and only a handful of domestic violence case (62) resulted in convictions. This was attributed to the fact that the Domestic Violence Act (2007) not only concerns relations between husband and wife, but between all members of the household. Thus, there was a strong emphasis placed on mediation within the family by the FSUs in order to preserve harmony within the family unit. Section 20 of the Act allows for mediation in cases of domestic violence that are not ‘aggravated’, as defined in the Act. Discretion of the court may also be used to determine whether the case should be considered aggravated.

Of more concern to the Evaluation is the fact that a large percentage of cases of “sexual penetration” and “rape” reported to FSUs are either not charged or those that are charged to court fail to result in convictions. The SLP report 2014 contains the following figures:

| SLP-FSU: Most frequently committed offenses against women and children for 2014 and their outcomes. | | | |
|--|-----------------|----------------|------------------|
| Offences | Reported | Charged | Convicted |
| Sexual Penetration | 2,124 | 1,147 | 193 |
| Rape | 77 | 28 | 0 |
| Domestic Violence | 9,157 | 969 | 62 |
| Total | 11,358 | 2,144 | 255 |

In 2014, out of a total of 77 cases of alleged rape reported to FSUs nationwide, less than half (28 of 77) were charged to court and of these, not a single case resulted in a court conviction. Furthermore, only about half of all reported cases of sexual penetration reported to FSUs nationwide were charged to court and only approximately 10% of these ultimately resulted in a conviction. There was an apparent spike in such cases during the EVD crisis. As noted elsewhere in this report, the FSUs and CSOs active in this field identified a number of factors possibly responsible for the low level of rape convictions.

The ratio of reported cases to charged cases to convictions appear to be following a similar trend in 2015 according to the SLP 2015 National Crime Statistics for Major Offenses and reports of individual FSUs for 2015. The Evaluation analysed a number of SLP-FSU reports for year 2015. Zero convictions had yet been obtained for rape as shown by the following figures:

| Numbers of cases of rape reported by selected SLP-FSUs in 2015 and outcome | | | | | | |
|---|-------------------------------|-------------------------|----------------------------|------------|-------------------------|-------------------|
| <i>*Compiled by Evaluation based upon SLP-FSU reports</i> | | | | | | |
| District | Cases of rape reported | Charged to court | Under investigation | KIV | Suspect at large | Conviction |
| Kabala | 1 | 1 | | | | 0 |
| Kamakwie | 1 | 1 | | | | 0 |
| Magburaka | 2 | 2 | | | | 0 |
| Makeni | 2 | 2 | | | | 0 |
| Mile 91 Police FSU | 1 | 1 | | | | 0 |
| Mongo | 1 | 1 | | | | 0 |
| Panlap | 2 | 1 | | 1 | | 0 |
| Bo West | 7 | 2 | 4 | | 1 | 0 |
| Bo East | 6 | 1 | 3 | 1 | 1 | 0 |
| Rutile | 1 | | | 1 | | |
| Pujehun | 0 | | | | | |
| Malema | 1 | | 1 | | | |
| Mattru | 0 | | | | | |
| Moyamba | 1 | | 1 | | | |
| Southern Region | 15 | 4 | 7 | 2 | 2 | 0 |
| Kambia | 0 | | | | | |

| | | | | | | |
|------------------|---|---|---|--|--|--|
| Lungi | 0 | | | | | |
| Lunsar | 0 | | | | | |
| Masiaka | 6 | | 6 | | | |
| Port Loko | 1 | 1 | | | | |

According to the FSUs and CSOs interviewed in the field by the Evaluation, FSUs and CSOs continue to face a variety of challenges in investigating cases, charging cases to court and obtaining convictions. These are discussed below. The encouraging sign is that apart from rape cases, FSUs are handling a number of other types of cases (i.e. domestic violence, psychological abuse, child custody, etc.) that are being effectively mediated or charged to court.

Challenges encountered by FSUs and CSOs in presenting SGBV cases

All FSUs interviewed by the Evaluation reported encountering a remarkably similar set of challenges in their work. These challenges include difficulties working with the court system and presenting cases, as well as issues with the medical form (required to be obtained from an examining physician in cases of rape and presented in evidence at trial). The FSUs remain understaffed and often have to rotate between FSUs and other SLP units. Transfer and unavailability of FSU staff has posed a challenge to UNDP capacity building at the FSUs. The SLP informed the Evaluation that as of end 2015, there are 67 FSUs in Sierra Leone, staffed by 423 personnel. Staffing levels have in fact declined slightly since mid-2014. The FSUs continue to be funded by SLP. According to a recent report by the CSO CARL, this funding is woefully inadequate and the FSU Directorate in Freetown has no resources to supply police stations with extra equipment to carry out their mandate.

The local FSUs and CSOs active in the sector complain that some of the UNDP support to the FSU in Freetown is not filtering down to the local level; and suggest that UNDP if possible, directly support local FSUs via CSOs. This impacts both the staff of the FSUs and victims and witnesses. FSUs at the local level all report needing basic hardware and materials such as stationary, forms, furniture, lighting and filing cabinets. All FSUs remain challenged for space and lack facilities to accommodate all clients within the buildings housing the FSUs. Only approximately 1/3 of police stations that have an FSU have assigned dedicated office space for the FSU to operate. For example, in the Kenema FSU a major challenge is transportation, vehicles and access to remote areas. Nationally, as of mid-2014 the FSUs had only two vehicles and twelve motorbikes to service all regions and Freetown.

Collectively, the FSUs have represented hundreds of victims to date. Yet conviction rates in cases of rape remain shockingly low throughout Sierra Leone. The Evaluation received different data and opinion evidence in this regard. CSOs noted that data for rape cases could be misleading, as a result of the fact that some magistrates and judges apply the provisions of the Sexual Offences Act (2012) incorrectly.

The FSUs report common problems in all locations with presenting cases to trial. A major problem is that witnesses and victims often fail to appear in court. Additionally, without proper filing systems and communication, FSUs often lose track of victims and witnesses after they return to their villages. The FSUs need better mechanisms to keep track of victims and witnesses. FSU officers often pay out of their own pockets for the expense of petrol needed to visit remote villages and cover all chiefdoms in their area. In order to extend their reach, FSUs are actively cooperating with local civil society organizations.

A major issue identified by both FSU officers and CSOs concerns the "medical form" that is required to be obtained by a victim of rape from a licensed physician upon physical examination and later presented as evidence at trial and preliminary hearing. FSUs and CSOs report that in many locations licensed physicians are not readily available to conduct immediate examinations. CSOs such as Rainbow Centre are currently advocating to have this procedure changed so that Community Health Officers (present in nearly every Chiefdom in Sierra Leone) could lawfully conduct such examination and provide an affidavit/form for the victim. Additionally, FSUs and CSOs report that the medical forms are sometimes lost by the victim or are misplaced or go missing from the magistrates' offices after the police deliver the form to the magistrate. Thus, preservation of evidence and in particular the medical form is key and should be a priority for UNDP support going forward. Several CSOs and FSUs noted that while the law provides for medication and medical treatment of victims of rape when

accompanied by the police,¹³ it does not do so for cases of mere physical abuse or violence where no penetration has occurred. This is currently a gap in the legislation that in the opinion of CSOs and FSUs should be addressed to provide at least some modicum of basic medication and health care for victims of violence. CSOs and FSUs stated that the medical form should be required to be completed in multiple copies: one that is kept by the victim and one that is retained by the police for presentation to the court. Another challenge is to educate physicians and healthcare workers on how to complete the form. Additionally, physicians are often transferred and it is difficult to track them down at a later date. Courts are only willing to accept original copies of the form into evidence

Going forward, there is a continuing need to train SLP prosecutors and FSU officers to ensure continued adherence to SGBV guidelines and legislation. Trainings on SGBV could be better mainstreamed into the SLP training curricula. Several CSOs working in the field informed the Evaluation that when FSUs fail to follow through on cases of domestic abuse or SGBV, then they file cases with the State Counsel's Office. CSOs request that UNDP should support the capacity of the State Counsel Office.

The Evaluation received indications from multiple sources that the sustainability of UNDP's interventions with the FSUs is low. The CSOs interviewed by the Evaluation stated that without some additional infrastructure improvements at the courts and FSUs going forward, the training that has been delivered to date, might not be able to be properly absorbed.

The UNDP engagement with the FSUs bridges the gap between the supply-side and demand-side of the justice equation. The FSUs expressed a continuing need for UNDP to support awareness-raising in conjunction with civil society organizations for local communities and in local schools on the Sexual Offenses Act and other issues. Currently, the FSUs have little resources to conduct community awareness. Although the Sierra Leone police have a weekly radio show "the police hour" more is needed in terms of face-to-face awareness-raising. In the eastern part of the country rape is on the rise by adults with many victims under the age of 18. Furthermore in Kenema, the FSU reports that many perpetrators of SGBV are juveniles that are members of gangs (i.e., so called "cliques").

1.3. Strengthened capacity through support to the Judiciary and local courts.

UNDP has successfully delivered technical expertise to the Judiciary throughout the programming period, despite the challenges of the EVD crisis and continued underfunding by the GoSL for the Judiciary's budget. UNDP (and DFID ASJP) provided resources to draft the Strategic Plan for the judiciary. UNDP attended a conference on this issue in Kenema and made valuable contributions. The Court is currently in transition and once the new Chief Justice has settled into his role, further work on the Strategic Plan and its implementation can begin. The Judiciary remains under-resourced both from a human resources capacity and in infrastructure and hardware.

A key aspect of UNDP's support to the Judiciary was trainings for judicial staff on the Sexual Offenses Act (2010), the Civil Procedure Code and the Land Law. According to UNDP, 6 training modules were developed for Magistrates and Judges as part of the curriculum of the Judicial and Legal Training Institute (JLTI), and training implemented for all existing and newly recruited Judges and Magistrates. Stakeholders interviewed by the Evaluation noted, however, that the capacity of the JLTI remains low as of 2015. There are 22 magistrates in the entire country as of 2015. Longer-serving magistrates have been exposed to a lot of training on SGBV, but the newer magistrates have not to date had benefit of such training. There is an urgent need going forward for magistrates to receive training on SGBV.

UNDP's support of the Judiciary in clearing case backlogs made an impact. There was an especially high number of backlog cases in the system as of May 2015 in Kenema, Bo, Moyamba, Kono, Port Loko and Makeni, etc. The situations in Moyamba and Kono as the High Court had not gone on circuit to these districts for more than one and a half years. In order to address this situation post-EVD the Judiciary, with the support of UNDP and DFID ASJP set up special "summer backlog sessions" to clear the backlog. According to the former acting Chief Justice, UNDP made a clear contribution to the outcome in this regard—although, as noted below, hard data to document this impact is sparse.

A major shortfall of the Programme was that the uploading of all Sierra Leone Law Reports was not fully achieved during the reporting period. Only a decade of reports (1972-1982) and a few reports

¹³ See, Domestic Violence Act (2007), Section 7(2) and (3).

from 1960-1962 were in fact uploaded. Going forward, UNDP should support the completion of the Sierra Leone Law Reports as this is a valuable tool for judicial and legal research, opinion and predictability. A crucial element missing for the judiciary is a judicial library housed at the Judiciary that could be available to all judges and magistrates, as well as members of the bar of Sierra Leone and legal scholars on appointment. The Judiciary estimates that capacitating such a library will require a librarian and several research assistants. The collection should include primarily U.K. and USA sources (i.e. All England Reports; West reporters; treatises; statutes; and LEXIS-NEXIS or Westlaw electronic databases).

The appointment of a new acting-Chief Justice with an open door policy was key and since February 2015 rapid changes were witnessed within the institution. However, this appointment was short-term. The major challenge with the judiciary is a lack of political will. The acting-CJ has put in place a “Committee for Judicial Integrity” which is a requirement of Sierra Leone’s Anti-Corruption Act. Currently, the MoJ and Attorney General are combined. This violates best practices in terms of separation of powers. There remains a concentration of justice services in Freetown. The rural areas of SL are poorly served.

As of end-2015, however, challenges in the judiciary persist with severe funding constraints and a low percentage of the GoSL budget going to the judiciary. High rates of pre-trial detention persist. There are 5 districts in the country that lack a district magistrate. There is approximately one judge for every 800,000 persons, with only three judges in the provinces, and each member of the judiciary is forced to deal with hundreds of cases. There is no effective filing or docketing system; no access to records and the CSOs interviewed by the Evaluation reported a perception of corruption and bribery within the judiciary. In 2011, the Local Court Act brought 292 local courts under the jurisdiction of the Chief Justice. This has also increased the administrative burden upon the Judiciary in terms of recruitment and mentoring the Local Court Chairpersons and oversight of their work. Hardly any extra funding was transferred to the Judiciary to manage the local courts. The EVD crisis only made a bad situation in the judiciary worse. Unfortunately, apart from the SLP, the justice sector was largely left out of the EVD recovery plan.¹⁴

The former acting Chief Justice stressed to the Evaluation that going forward, UNDP could deliver greater levels of technical advice and mentoring to the courts. Additionally, the Judiciary needs to establish a system to monitor and clear the case backlogs on a regular basis—either manual or electronic. Currently, the court has no system in place to track progress on cases. This is part of the Supreme Court’s strategic vision. The judge who is currently acting as the *de facto* Master and Registrar of the High Court (in the absence of the post being filled by a qualified staff member) stressed that there are a number of factors that contribute to backlog cases, including non-appearance of witnesses, lawyers and prosecutors. The lack of appearances of the prosecutors is especially troubling as this causes postponements, delays and the accumulation of cases. The judges recommended that UNDP further support the LOD. Also, the Judicial and Legal Training Institute (a key component of the Strategic Plan) needs to be operationalized. The Judiciary believes that the Institute can play a role in Continuing Legal Education (CLE) for judges and lawyers. UNDP could assist the Court to establish an interim JLTI management committee and with consultants to help develop curricula.

According to the JSCO, the main priorities of the Judiciary going forward are to: i) Improve salary and HR, budgeting (this deters corruption); ii) Enact a new criminal procedure bill; iii) Establish a CMS (if electronic, it will deter corruption) iv) Improve the management structure and preservation of court and prison records (i.e. medical exam forms in SGBV cases). SGBV is still not looked at holistically across the justice chain, but only within discreet institutions. Thus, there is a continuing need for the Justice Sector Working Group to remain actively engaged on implementation of the Sexual Offenses Act (2012)

Capacitating Local Courts per the Local Courts Act of 2011

¹⁴ The EVD crisis largely caused the judiciary to collapse and many judges fled the country. UNDP put forth a proposal to the then Chief Justice to support the court with emergency assistance to allow for extra court sittings to mitigate the impact of the EBV crisis, but this was not taken up the Chief Justice and on this basis, UNDP terminated the LOA with the Judiciary for emergency Ebola response and shifted the funds to CSOs to conduct a study of the impact of the crisis on SGBV rates in Sierra Leone. The post-EVD period offers an opportunity to reform the system (i.e. case management, etc.) and the quality of justice).

The Local Courts Act of 2011 brought Sierra Leone's customary law courts under the authority of the formal judiciary and the Chief Justice. The courts (now referred to as "local courts") play a significant role in the lives of people at the local level. According to the Programme document, UNDP intended to support the Judiciary to maintain its jurisdiction over the Local Courts pursuant to the Local Courts Act of 2011 and to implement an action plan in this regard. Yet, as noted by the 2014 ADR for Sierra Leone, "no systematic work has been undertaken to study and codify customary law practices that vary considerably nationwide." Although during the life of the Programme some CSOs under UNDP's CSO grants programme targeted the Local Courts via the court monitoring activities, this was not the same thing as a comprehensive approach to training local courts and Court Chairmen or addressing larger structural issues surrounding implementation of the Local Courts Act of 2011. One could have logically expected this to have been part of the current Programme's engagement; but at the same time, it must be recognized that the UNDP RoL team consisted of only three technical staff for a lot of the duration of the Programme and that these staff members were pressed to execute the RRF in its entirety. The EVD crisis also shifted available time and resources to other areas of the RRF.

The Evaluation also notes that CSO outputs for legal aid, awareness-raising and court monitoring were often grouped together. It is not clear to the Evaluation that the UNDP supported CSOs in all instances understood the basic difference between objectively monitoring court proceedings for compliance with due process versus assisting in those same proceedings by rendering legal counselling to defendants and litigants.¹⁵ Going forward, UNDP could likely gather much more meaningful data on how the courts are performing were it to clearly separate court monitoring from legal counselling activities if resources are available to accomplish these tasks separately in the field.

Going forward, UNDP should redouble its focus on the Local Courts and Court Chairmen as they play significant roles in dispute resolution in Sierra Leone. Without good ascertainment research, it is impossible to state whether and to what extent the local courts are respecting women's fundamental rights. It is important that UNDP coordinate with DFID ASJP, World Bank and others active in the sector to develop an approach and strategy for engaging with the Local Courts—especially given the fact that the two major sustainability challenges identified by the ADR in 2014 for the mobile courts have remain unchanged (i.e. lack of sufficient numbers of magistrates to staff the mobile courts and lack of funding from the Judiciary for basic transportation for the magistrates to reach rural areas). UNDP could also fund a study on the customary justice sector in Sierra Leone. The work of CSOs at the local level can be very instructive in this regard.

Extend "formal" justice service delivery to rural areas and support expansion of Saturday Courts to the regions.

Mobile Courts

UNDP began its mobile court initiative in 2010 under the prior UNDP programme. Under that engagement (2010-2012) UNDP supported mobile courts (circuit courts) in the South, while DFID supported mobile courts in the North and GiZ supported mobile courts in the East of Sierra Leone.¹⁶ That phase of the UNDP support to mobile courts was comprehensively evaluated in a report issued by UNDP BCPR in 2013 (based upon mobile court returns data through July 2012),¹⁷

¹⁵ The Evaluation reviewed numerous reports submitted by CSOs to UNDP. Some of these reports discuss "court monitoring", but the activities described appear to be legal counseling, representation and awareness raising.

¹⁶ During 2010-to end-2012, two LOA were signed between UNDP and the Judiciary for a total amount of 45,496 USD. In the Southern province UNDP supported 2 resident Magistrates to cover 8 stations and 1 resident High Court judge to travel on circuit 4 times per year, in the locations identified by the Chief Justice's order of December 2011 defining the times and places for holding of circuit courts for High Court criminal sessions. Both Magistrate courts and High Courts riding circuit were supported by all three development partners (note: while on circuit the jurisdiction of the High Courts is limited to criminal cases, whereas Magistrates can also hear civil cases).

¹⁷ "UNDP Supported Mobile Court Interventions Evaluation Report: Country Report No. 1: The circuit courts of Sierra Leone" (UNDP BCPR; Rispo, Monica (consultant))(February 2013). The 2013 BCPR evaluation report observed that the mobile courts were highly relevant to the needs of local populations and well received by the judiciary, but that they were under resourced. A chronic shortage of Magistrates in Sierra Leone meant that the mobile courts were not sitting in all of the stations originally scheduled. The mobile courts were not adhering to set dates and times and this contributed to case backlog and high pre-trial detention rates.

The current UNDP RoL Programme (2013-2014/15) continued to support both Magistrate and High Courts riding circuit in the Southern province. UNDP supported two resident Magistrates in Bo (covering stations: Mongeri, Pujehun and Zimmi) and Moyamba (covering stations: Taiama, Rotifunk, Gbangbatok, Matru and Bonthe) and one resident High Court judge based in Bo and travelling on circuit to Moyamba. Pursuant to a LOA signed in 2014, UNDP also planned to takeover the mobile courts in the East (formerly supported by GiZ). According to 2014 reports of UNDP and the Supreme Court, the High Court in Bo did not sit in Moyamba after October/November 2014. There were also insufficient Magistrates available to cover all of the above listed stations. Meanwhile, UNDP was forced to suspend support to the mobile courts in the East in late-2014, after courts in those jurisdictions stopped filing adequate returns, predominantly due to the EVD crises.

The case returns data and reports generated by the Sierra Leone Judiciary for the mobile courts during 2013-2014, were criticised by UNDP as without good baselines and lacking qualitative data on how justice was delivered and the extent to which due process was being respected. This made it difficult for UNDP and its donors to fully track the impact of the courts in local communities.¹⁸ According to reports of the Supreme Court, use of the mobile courts was increasing between 2012-2014 (i.e. in 2012 the average number of cases registered in the South was 52.4 cases per month; whereas this had increased to an average of 151.3 cases per month by end-April 2014). This may be attributable to UNDP support to the Judiciary and local CSOs to raise-awareness on the existence of the mobile courts.

According to UNDP's final report to Irish Aid 2015, "in 2013 the support had enabled the processing of 1,557 cases with 920 convictions secured. Equally, in the first four months of 2014 the courts were sitting regularly, but as the EVD crisis escalated several of the Courts seized operation. In 2013, the MCs received 84 new cases, disposed of 103 cases and 15 cases discharged with 57 committed to the HC and 22 convictions. The HCs recorded 69 new cases, disposed of 91 with 29 discharged and 68 convictions. Within that reporting period, the courts were able to reduce the backlog of cases as evidenced by the increase in the clearance rate. The case processing length for SGBV cases had reportedly been reduced profoundly and the backlog of cases in Freetown Magistrate Court had been cleared with enhanced collaboration among justice actors. The availability of minimal witness support (Le 20,000 – 30,000) was raised as a key indicator for ensuring witness appearance in court. Furthermore, the courts ensured a conducive setting for dealing with these sensitive cases and enhanced victim and witness protection. However, after the escalation of the EVD crisis several factors had adverse effects on Court sittings, including quarantines, which instigated infrequent and in some areas no sittings of both the Mobile Courts and also the SGBV Saturday Courts. This situation was exacerbated by unavailability of key staff, including the Consultant Master and Registrar that left the country during Court recess and did not return."¹⁹

The Evaluation analysed by way of comparison, partial case returns for magistrate courts for 2014 for the East of Sierra Leone. Those statistics show that mobile magistrates were active in 2014 in Kenema, Tongo, Daru, Kailahun, and Kono/Safadu. The statistics would seem to corroborate the statement from CSOs that magistrates often failed to appear. For example, courts sat in Kenema in April, July, August and September; in Tongo and Daru in April and July only; Kailahun in July only; in Kono/Safadu in January and February only. The statistics reveal that the magistrates heard SGBV and VAW cases only in Kenema. In all other locations the cases consisted of petty theft, traffic offenses, possession of cannabis, except Kono/Safadu that also reported hearing one case of cruelty to a child in

Moreover, a lack of available legal counsel for litigants and defendants meant that some mobile courts were hearing cases in a summary manner, giving credence to the testimony of the police and prosecution without a meaningful opportunity of defendants to challenge such evidence. There was also evidence that Magistrates were not correctly implementing the provisions of the Sexual Offences Act (2012) in all locations. Although, the BCPR report noted that FSUs and CSOs were serving as "watch dogs" and that CSO outreach had resulted in an increase in the rate of SGBV prosecutions. Other issues identified by the BCPR 2013 report included lack of available English-Krio translators; the requirement of a Preliminary Investigation (that necessitates repeat appearances and hearings); and lack of capacity of Magistrates to hear appeals from local court decisions under the Local Courts Act (2012). The BCPR report noted that given the lack of detailed data, it was not possible to assess the impact of the mobile courts on pre-trial detention or other areas.

¹⁸ Even though UNDP supported a data consultant to provide capacity strengthening for the Judiciary in managing cases and providing reports, little room was given to the consultant to effect changes by the then judicial administration.

¹⁹ Source: UNDP final report to Irish Aid 2015.

February 2014. While the mandate of the mobile courts is not focused exclusively on SGBV/VAW, the fact that there were so few cases reported for districts besides Kenema raises questions as to whether women in these locations are aware of their rights and whether magistrates are accessing them. This Evaluation is left only to speculate on the significance of such statistics, as the mobile courts in each of these locations sat for only a few months out of the year. Certainly, the EVD crisis was a factor limiting the mobile courts and the initiative collapsed when the Consultant Master and Registrar of the Judiciary departed when the EVD crisis broke out.

According to the Judiciary, Magistrate Courts riding circuit especially impacted most upon rural areas—especially Moyamba; Port Loko; and Kono. According to the Judiciary the mobile courts—when sitting—were effective and able to dispose of cases in a short period of time by way of contrast to more formal court sittings. Yet, other justice sector stakeholders and CSOs involved in legal aid and court monitoring interviewed by the Evaluation identified a number of issues facing the mobile courts and limiting their impact at the local level. These seem to echo many of the observations made by the above cited BCPR evaluation report in 2013, indicating to the Evaluation that the basic dynamics of circuit courts in Sierra Leone changed little during 2013-2014 time period. Stakeholders interviewed by the Evaluation stated that the mobile courts had operated in an unpredictable and *ad hoc* manner. The unwillingness of magistrates and High Court judges to travel into the provinces was a principal factor hindering the impact of the mobile courts. The infrequency of the High Court going on circuit creates a large case backlog. (Note: another contributing factor is the fact that for the past several years only two State Counsels existed in the provinces. In January 2016, a resident State Counsel was appointed for Kenema). Magistrates were said to have often failed to appear on the assigned day and time, causing cases to be delayed or ultimately thrown out of court on next adjournments due to no appearance of complainants and witnesses. CSOs also noted that UNDP piloted the Mobile Courts only in the Eastern and Southern regions, but not in the North. The CSOs interviewed by the Evaluation consultant (discussed in more detail below) indicated that the frequency of the mobile courts could be increased to sit fortnightly with a regular day assigned.

There remains great interest on the part of the Judiciary to continue and increase mobile courts, but unfortunately, as of 2015, the Judiciary's budget remains under-funded and the key challenge facing the mobile courts initiative—i.e., lack of sufficient numbers of magistrates and resources to transport them into remote areas on a regular basis—persists. The Evaluation recommends that any future UNDP support of the mobile courts should be built upon the premise that there are reforms in the Judiciary that will have a clear strategic vision for the courts. UNDP should continue to emphasize that SGBV/VAW cases and cases of prolonged pre-trial detention are to be given priority in the initiative. The UNDP Mobile Courts initiative will continue to face the same challenges as judges who currently ride circuit: Judges often do not go into field for lack of vehicles budgeted for this purpose UNDP's continued support of both Mobile Courts and Saturday courts (discussed below) should be conditioned on the Judiciary having a clearly defined plan to make these initiatives sustainable. UNDP may need to explore different modalities of managing the initiatives, including moving away from centralized to a more local District level approach.

Saturday Courts

Special "Saturday Courts" consisting of High Court judges and magistrates sitting in special sessions to hear SGBV cases on Saturdays were begun by the Judiciary with support of UNDP under its former programme in 2011. This support has continued under the current Programme (2013-2015). UNDP supported courts in Freetown, Bo and Kenema and later Makeni, with ad-hoc sittings in Pujehun, with operational costs, including transportation, stipends for judges and court staff and with meeting additional recurrent costs such as office supplies, fuel and generators, etc. This support is viewed by the Judiciary and civil society alike as generally having been effective and enabled the Saturday Courts to hear significant numbers of SGBV cases in an expedited manner²⁰, on a specific day to avoid overcrowding of the court as well as to maintain the confidentiality in the process. It was primarily the

²⁰ UNDP supplied data to the Evaluation indicating that 2013, the MCs received 84 new cases, disposed of 103 cases and 15 cases discharged with 57 committed to the HC and 22 convictions. The HCs recorded 69 new cases, disposed of 91 with 29 discharged and 68 convictions. Within that reporting period, the courts were able to reduce the backlog of cases as evidenced by the increase in the clearance rate. The case processing length for SGBV cases had reportedly been reduced profoundly and the backlog of cases in Freetown Magistrate Court had been cleared with enhanced collaboration among justice actors.

High Courts and Magistrates courts (in Freetown) sitting as Saturday Courts, as most of the SGBV cases pertain to the jurisdiction of the HC

According to stakeholders interviewed by the Evaluation, the Saturday courts created good groundwork on witness protection, SGBV and other issues. The court buildings were not as full on Saturday, lending discretion to women and witnesses and the specialized dockets for SGBV allows case backlogs to be addressed. Yet, as with other aspects of the judiciary the Saturday courts had difficulty servicing victims from rural areas. Witnesses were able to come to court to testify due to witnesses' allowances that were provided by the UNDP Programme. Once the allowances were stopped, witnesses stopped coming due to the transport issue and costs of travelling to court. Thus, the allowance issue was key.

A stipend was given by the MoJ/Judiciary to prosecutors and to magistrates, and clerks had inducements to come to court on Saturday. One member of the judiciary suggested to the Evaluation that another approach would be to streamline the SGBV hearings throughout the week with additional hours set aside on weekdays for such hearings. At the end of the each month, the Saturday courts were required to prepare returns. A comprehensive report was supposed to be prepared at the end of each Saturday session. This was submitted to the Consultant Master and Registrar, but as with the mobile courts, the data could have been much more robust.

The Evaluation reviewed returns for the Saturday courts for the time period January 2013 to May 2013. This data showed a marked improvement from 2011 levels of numbers of cases brought under the Domestic Violence Act (2007). According to the Court, no cases were brought under the Domestic Violence Act in 2011, whereas between February 2013 and May 2013, 19 new cases were reported under the Domestic Violence Act, out of which 12 were disposed of and 7 were carried forward for various reasons including mediation or process or absence of witnesses.

A report of the Supreme Court for the Saturday Courts from May to July 2014 for Freetown, Bo and Kenema only (Makeni, was added subsequently) did not contain sufficiently disaggregated data to permit extensive analysis—other than to say that Saturday Courts were active in each of these areas and disposed of the majority of cases reported to them during the reporting period (May to July 2014). According to the report's narrative, the most prevalent type of cases were sexual penetration (sexual violation of young children), followed by rape, but these statements are not shown in disaggregated data tables. The report states that there are still significant issues within the High Court regarding bringing cases to court and trials due to defendants jumping bail and witnesses failing to appear. Yet, the attendance of prosecutors and defense counsel is reported to have recently improved, resulting in a reduction of adjournments of cases before the High Court (i.e. as of mid-2014, in the High Court adjournments per case had been reduced from an average of 30 or more adjournments to between 5 and 10 adjournments and the case duration reduced on average from 3 to 4 years to between six to twelve months).

The Judiciary reported that the duration of SGBV cases in the magistrate's courts had shortened significantly (i.e. in Gabrone, cases were completed within 14 to 30 days compared to three to four years duration previously and in Makeni case duration had been reduced to 30 to 45 days—a large improvement over prior years according to the Supreme Court. An earlier Supreme Court report for the period January to April 2014, stated that the case duration for Freetown Saturday Court was indicating an average case duration of 26 days, with the shortest duration being 6-10 days and the longest duration 56 days as of April 2014), although *comprehensive statistics* were not furnished to the Evaluation to confirm this. Meanwhile, backlogs for SGBV cases persisted (i.e. Kono had a backlog of 230 SGBV cases as of April 2014). But according to UNDP, overall, the Saturday Courts were handling a high percentage of the total number of all cases in the courts as of April 2014 (i.e. Freetown: 36%; Kenema: 29.5%; Bo: 18%; and Makeni (25%).

As reported to the Evaluation, the “Saturday Court” initiative collapsed due to the outbreak of Ebola and the departure of the Consultant Master and Registrar of the Judiciary; and returns were not filed during the EVD crisis or for the months immediately preceding the crisis. Although, with the support of UNDP and other donors, regular weekday court hearings continued to handle SGBV cases during the EVD crisis (i.e. Kono had stopped sitting on Saturdays as of mid-2014, but continued regular court hearings). The EVD crisis also resulted in a lack of reporting by all courts during end-2014/to mid-2015.

Going forward, in the event that the Saturday Courts resume and supported by UNDP in a future programme, UNDP should continue to enable CSOs and FSUs to perform outreach and public awareness to encourage victims of VAW and SGBV to avail of the formal justice system. Additionally, UNDP should require the Judiciary to articulate a clear plan for sustaining the initiative; address funding and budgeting of the Saturday Courts and support the SLP to train investigators and FSU officers to support SGBV prosecutions.

1.4. Support to enhance the functioning of the Independent Human Rights Commission

UNDP's engagement with the HRCSL was designed to build upon results achieved under the prior support of UNDP, the Irish Commission for Human Rights, UNIPSIL and the U.N. Peace Building Fund. This had included supporting the establishment of the HRCSL and its attainment of "Category A" status as an independent national human rights commission by the International Coordinating Committee of National Human Rights Institutions.

The overall stated objective of the current Programme is to enhance the HRCSL to reach its strategic targets: i) its quasi-judicial function as mandated by law; ii) its ability to produce reports on sensitive issues such as mining and worker's rights in Sierra Leone; iii) supporting HRCSL to expand to the District Human Rights and Justice Committees (networks of human rights CSOs)(initially established under UNIPSIL) iv) staffing, budgeting and planning capacities and v) its international reporting obligations. As with other institutions, the EVD crisis required UNDP and donors to be flexible in the configuration of the support.

UNDP's partnership with the Irish Human Rights Commission, UNIPSIL and OHCHR were instrumental in establishing the HRCSL during UNDP's predecessor programme and through UNIPSIL's departure from Sierra Leone. Coordination between UNDP, Irish Aid and the Irish Human Rights Commission in the form of a Capacity Development Partnership Programme with the HRCSL (2012-2014) was implemented in parallel to the UNDP RoL/A2J Programme. The partnership was successful in supporting the establishment of a sub-office for HRCSL in Kenema; providing leadership trainings to HRCSL; recruiting and training a Director of Complaints for the HRCSL Investigations and Legal Services Division; and developing and installing a case management system and conducting a Human Rights Education Assessment of law enforcement officials in 2014.

UNDP has proved itself highly relevant to the HRCSL's work. According to the HRCSL Chairman, had it not been for UNDP, the HRCSL would not have survived. As a result of UNDP's support HRCSL has been able to maintain its "A" accreditation status during the time period 2013-2015. UNDP supported the process of developing a new HRCSL Strategic Plan. As of Dec. 2015 this had been finalized in draft form and was being circulated to stakeholders. UNDP and HRCSL have agreed that all future activities will support HRCSL's new strategic plan. Thus, there is hope going forward, that the process will improve.

UNDP has also worked to improve HRCSL's budgeting capacities and its abilities to manage donor funding. In 2013 the HRCSL was receiving three different funding streams from UNDP, but lacked capacity to execute the funds properly; and was behind with implementing Irish Aid money. As a result, Irish Aid as a member of the MPTF steering committee insisted that an audit be conducted on previous PBF funding before new funds were disbursed. The audit found no material issues. Since 2014, with UNDP support and leadership trainings for HRCSL, the institution is reported to have improved its ability to execute donor funds and report accordingly.

According to a "Gap Analysis" conducted jointly by UNDP and NANHRI in July 2015, HRCSL still needs to improve its finance, accounting and reporting vis-à-vis UNDP. HRCSL has only one staff devoted to finance and he is overburdened. In addition, HRCSL needs to continue to educate government officials in Sierra Leone on its mandate. The UNDP seconded staff member currently visits HRCSL twice per week. The Evaluation notes that UNDP CO senior management and the Programme should ensure that the seconded staff member is facilitated in her work and that her activities remain focused on supporting the HRCSL and that undue demands are not put upon her to fulfil the in-house administrative tasks of the UNDP programme. Lately, HRCSL reports have improved which the Evaluation attributes to the mentoring of the UNDP staff member. The good will of the recipient

institution in accommodating seconded personnel from UNDP has also helped in the secondment process.

Although GoSL is increasing funding to the HRCSL every year, the HRCSL matures and its activities expand, thus, the gap between GoSL allocation and HRCSL budget increases. HRCSL remains top-heavy with staff. HRCSL remains unable to sufficiently cover district towns. For example, Kono has recently become a hot spot politically: there are tensions within the APC party themselves and factions are fighting. In a bi-election in Kono in December 2015, there was violence. HRCSL's assessment is that the signs are not good politically. The current discussions of extending the term of office of the current president may become explosive. HRCSL needs more staff in the regional offices to monitor and report on issues in the field. This raises possible sustainability risks to UNDP's intervention.

With UNDP support, HRCSL played a pivotal role during the EVD crisis.²¹ As stated by UNDP in its most recent annual report on the Programme, “[d]uring the EVD crisis the Commission monitored the situation of human rights in the country and produced several press releases urging the Government to uphold human rights of citizens, despite the Public State of Emergency. The Commission published one report on the EVD ‘Ose to Ose’ campaign based on their findings and observations. The Commission has continued to engage government stakeholders on the Kono incident as well as on the 2015 State of Human Rights Report (SOHR).” As further stated by UNDP, “[d]uring the EVD crisis, the work of the Commission was pivotal in de-escalating tensions between youth and police and restoring peace in Kono. The Commission continued to engage stakeholders in Pujehun in relation to the dispute between the SOCFIN agricultural company and the Malen affected landowners (MALOA). The work of the Commission was successful in securing the release of their senior human rights officer who was detained in Kenema for allegedly inciting a demonstration through a radio programme he aired in the district. Also, monitoring of places of detention was helpful in securing the release of 18 military personnel who were arbitrarily detained on allegations of mutiny. The engagement of the Attorney General and Minister of Justice enabled 14 of the detainees to be charged and subsequently released for lack of evidence while the remaining 4 were released without charge. No compensation was paid to them.”

UNDP has also supported the quasi-judicial mandate of HRCSL and its Complaints Investigations and Legal Services Division. UNDP support facilitated the recruitment and training of a new Director of the Complaints Investigations and Legal Services Divisions. In addition, UNDP successfully handled the design and procurement of a new Case Management System for HRCSL and provided trainings on the system. As a result of UNDP support, HRCSL is actively receiving and investigating cases of human rights violations and has dealt with many other issues.²² Since installing the new Case Management System (CMS), HRCSL has completely moved away from a paper-based system to digital handling and tracking of complaints. This is perceived to have greatly improved the efficiency of the Commission. The CMS has also allowed HRCSL to increase its client services via automated management of documents. As of June 2014, over 200 cases had been fully loaded into the database. Partners of the Commission – such as donors, the Sierra Leone Police, the Family Support Unit and CSOs – will also be able to benefit from the information captured in the Case Management System. In addition, it is a very secure system in order to protect often sensitive and confidential information in relation to victims/complainants.

UNDP also managed to support HRCSL in an expansion to the district level via the opening of an office in Kenema and payment of rent and utilities in the other regional hubs. Decentralization of HRCSL was specifically envisioned in the Programme document. According to the Chairman of the HRCSL interviewed by the Evaluation, the Kenema office has increased complaints on human rights violations and abuses lodged with the Commission from the Eastern Region and increased public awareness.

²¹ HRCSL was also criticized for failing to speak out on the disproportionate nature of the EVD emergency regulations.

²² As reported by UNDP, the Human Rights Commission received a total of 329 complaints in 2013, compared with 280 complaints in the previous year. In 2013, 57 cases were found admissible in accordance with the mandate of the Commission. For inadmissible complaints, the Commission referred them to other institutions as appropriate, or, based on the wishes of complainants and respondents, helped to mediate the matters. In 2013 the Commission mediated 31 cases to completion and 35 investigations were on-going by the end of the year.

UNDP support has acted as a critical gap filler in terms of HRCSL's monitoring capacities and its relationships with CSOs. The joint prison monitoring with UNDP, HRCSL and Prison Watch SL helped to alleviate some of the suspicion between HRCSL and CSOs and proved that HRCSL and CSOs can work in tandem and that CSOs can support the HRCSL. The HRCSL is also challenging some mining corporations in relation to their acquisition of land. UNDP provided funds for the handling of complaints, investigations and several mediations in this regard.

UNDP support has enabled the HRCSL to have robust public outreach and education programmes in local communities and schools. The Evaluation notes, however, that HRCSL is continuing to receive complaints from the public that fall outside of its mandate. This is evidence that perhaps, HRCSL needs to continue to effectively communicate the scope of its mandate to the public. Going forward, UNDP support to the HRCSL should allow them to conduct further information and awareness campaigns about HRCSL's mission, the scope of its jurisdiction and procedures for filing complaints.

Stakeholders note clear improvement in HRCSL's reporting abilities as a result of Programme support. Although, HRCSL currently publishes only a single annual report, it has been active in studying and reporting on other issues of national importance to human rights in Sierra Leone, such as those noted above during the EVD crisis and concerning violence in Kono. In addition, the Commission with UNDP support facilitated in collaboration with the Food and Agricultural Organization (FAO-SL) Sierra Leone, the 'HRCSL Guidelines for Monitoring Business and Human Rights' and the 'Voluntary Guidelines on the Responsible Governance of Land Tenure, Fisheries and the Forests in the Context of National Food Security' in December 2013. As reported by UNDP, the launch brought together a total of one hundred key stakeholders including representatives of Ministries, Departments and Agencies, Business and Agricultural sectors, Civil Society Organizations and National and International Non-Governmental Organizations (NGOs and INGOs).

HRCSL with UNDP support has also improved its reporting to international bodies (UPR; Committee Against Torture and African Commission on Human and People's Rights) during the time period 2013-2015. The HRCSL Chairperson recently visited Geneva for the UPR pre-session and two Commissioners were present during the review itself. The HRCSL organized several consultations and workshops with broad stakeholder support in preparation for the UPR reporting by both the Commission and civil society. Partnership with Amnesty International, with support from UNDP, also in preparation for UPR reporting was successful and encouraged CSOs to contribute stakeholder reports in their areas of expertise.

HRCSL is actually one of the best functioning partners of UNDP in relative terms. In 2013 and 2014 the HRCSL successfully produced its annual State of Human Rights Reports, based on consultations with stakeholders, human rights monitoring and public complaints. During 2013, 2014 and 2015 the Commission produced shadow reports on the Convention Against Torture and the African Charter and engaged fully in the Universal Periodic Review, including through submission of a stakeholder report.

2. Outcome 2: Enhanced civil society capacity to support access to justice and elicit accountability for justice service delivery

The Programme document contemplates that UNDP's demand-side interventions to support access to justice and accountability in justice service delivery will be delivered by a number of CSOs with demonstrated competence in the areas of access to justice, community outreach, advocacy and legal counselling—in continuation of similar UNDP partnerships in the sector since 2009. UNDP's major partners were COOPI and TIMAP for Justice, but in practice UNDP worked with a wide-range of CSOs and NGOs working at community and national levels. This included work with 10 established CSOs and over 83 small and community based organizations that covered court monitoring, women's property rights, etc. The Programme document also planned to conduct a civil society capacity assessment with COOPI.

In terms of design, the Programme under Outcome 2 has four sub-outcomes that are somewhat overlapping, making the task of evaluating them separately somewhat difficult. As noted below, sub-outcome 2.1. is very broad-based, targeting a range of CSOs under a grants scheme to deliver legal aid on SGBV to women and children, whereas, sub-outcomes 2.2 and 2.3 are largely written for the activities of two UNDP NGO partners: COOPI (on women's access to land) and TIMAP for Justice

(for women's access to justice), with targeted paralegal skills enhancement to CSOs and CBOs through capacity building and mentoring. This will in turn enable targeted organizations to monitor court proceedings and provide paralegal advisory services to women and vulnerable groups across formal and informal justice systems). Meanwhile, sub-outcome 2.4 is again more broad-based awareness-raising on issues of SGBV and women's access to land, as well as court monitoring of the quality of justice services provided at the local level. It is not clear to the Evaluation why four separate sub-outcomes were necessary and in fact, these have tended to "collapse" in UNDP's reporting, which has spoken to all four sub-outcomes as a group. This Evaluation has attempted to separate discussion according to the four sub-outcomes as stated in the Programme document.

As of mid-2015, it is the overall assessment of the Evaluation that UNDP's continued engagement with its CSO partners and grant recipients has significantly enhanced access to justice in individual cases. The legal representation and advocacy of UNDP's CSO grant initiative is highly relevant to the GoSL's GESI goals as expressed in the first three outputs of SiLNAP. The advocacy of CSOs has also highlighted inefficiencies and a perceived feeling of corrupt practices within the judiciary, court system and other sectors. CSOs have proven effective partners of the SLP-FSUs. They have also raised awareness on SGBV on land and property rights. The Programme has not yet achieved the level of meaningful process change within the supply-side institutions (i.e. rules of court and the SOA (2012) being amended, etc.), but there is evidence to suggest that the conviction rate for cases of SGBV and domestic abuse has increased during the life of the Programme especially for cases supported through the justice chain system by the UNDP CSO grantees (i.e. through support for investigation, medical assistance and transportation to attend court sittings as well as accommodation for victims within the legal process).

Less clear is the extent to which the engagement has elicited significantly higher levels of accountability on the part of the justice sector agencies and the courts. Also, the link between the demand-side CSO interventions in the field and policy on the supply-side is not readily apparent. The EVD crisis—with its restrictions on access and movements—was a major impediment to UNDP's engagement. For example, some Programme resources were shifted away from women's land tenure rights and towards EVD. Additionally, the Programme's planned media campaigns were to some extent curtailed in the course of implementation with agreement of the Programme Board. Yet, at the same time, CSOs proved vital in the fight against EVD and UNDP and its partners proved highly flexible under the reprogramming of funds as a result of the crisis.

The Evaluation notes that the current Programme has been oriented very heavily towards the supply-side/Freetown-based rule of law and justice institutions of the Government of Sierra Leone. It is our conclusion that the demand-side components of the Programme could have benefited from a higher level of strategic coordination on the part of UNDP (i.e. formation of an overarching CSO forum; clear articulation of how the combined work of all CSOs was to inform legal aid policy development in Sierra Leone, etc.), as well as more frequent deployments of UNDP technical expertise to the field. Certainly, the EVD crisis skewed delivery and the original goals of the Programme to a significant degree during 2014-15. Yet, at the end of the day, the supply-side institutions appear to have benefited from UNDP technical expertise to a greater degree than the demand-side CSOs. UNDP's demand-side interventions were largely "sub-contracted" to local NGOs and CSOs without much apparent coordination or supervision by the Programme or UNDP CO especially as the programme staff grew thinner after the departure of key staff members.

We recommend that any future programme of support include a greater emphasis on the demand side as well as a greater degree of strategic vision and coordination on the part of UNDP directly in addition to supporting leading NGOs to work on land tenure issues and SGBV.

2.1. Develop the capacity of CSOs to protect women and children from SGBV (SGBV grants)

The Programme document contemplated that UNDP would support CSOs via a small grants scheme to afford access to justice to victims of SGBV—especially in remote areas of Sierra Leone—including transportation to court, obtaining requisite medical certificates in sexual and domestic offences and supporting a range of other services for victims of SGBV including women's shelters for the most serious cases, psycho-social assistance, legal advice. The support aligns with SiLNAP implementation.

In addition, it was envisioned that UNDP would continue to work closely with IRC supported Rainbow Centres to support victims of SGBV.

The CSOs interviewed by the Evaluation reported that the grant application process run by UNDP was well-communicated in advance to the CSOs. There were some slight delays as is to be expected by UNDP procurement—but on the whole, the CSOs felt that the UNDP programme staff was available to them and accessible. The Evaluation notes that in general, it is not clear that all CSO implementing partners possessed the capacity to carry out all activities planned. More capacity building is required of CSO partners to enable them to effectively plan and fundraise.

According to UNDP's 2015 report, "In total 11 CSOs (from 2013-June 2015) entered into agreements with UNDP to provide assistance to victims of SGBV, conduct awareness raising activities and basic legal aid services to strengthen the outcome of matters in favour of the adamant poor women and girls. 12 districts were covered within these initiatives with 57 chiefdoms supported and more than 120 communities accessed within the timeframe of the programme. A total number of 1,256 cases have been recorded and processed by CSOs operating at community levels. 723 cases recorded relate to sexual violence on girls below 18 years (representing about 60% of cases processed). Sexual penetration of minors is thus rampant across all communities where IPs are working. A total number of 806 cases were processed and charged to court for litigation with basic legal services provided to survivors by CSO themselves. Out of 806 cases charged to court, 270 convictions have been secured mainly in sexual penetration cases. Due to the remoteness of some communities, family ties and numerous court adjournments, more than 300 matters were thrown out of court. Shelter facilities were provided to 398 women and girls to assist them cope with the traumatic experience. Counselling services were provided to 90% of cases recorded with livelihood support given to 62 critical cases." These numbers would appear to reach the targets that UNDP set for itself in the Programme document.

According to the reports of UNDP, the work of the CSOs has also shown a spotlight on verdicts of the courts that depart from international best practices and the provisions of Sierra Leone's Sexual Offences Act (2012).²³

Going forward, there should be an increased frequency of contacts and interface between UNDP and the CSOs. UNDP needs to do a better job of building the capacity of the CSOs (i.e. budgeting, writing grant documents, fundraising, etc.). There is also need for UNDP to make the CSOs better understand the modus operandi of UNDP including financial policies and guidelines. In some instances, the CSOs are issuing a "final" report even before they have received the final disbursement of funds from UNDP. This practice of "pre-financing" activities does not fit within UNDP's guidelines. The Evaluation was informed that some CSOs tended to overspend on transportation and court monitoring.

The principal criticism raised by UNDP's CSO partners voiced to the Evaluation is that UNDP to date has not done an effective job of gathering lessons from its CSO implementing partners and feeding these up to the policy level and the GoSL. Going forward, the CSOs strongly recommend that UNDP strengthen its advocacy and knowledge platforms, regularly publish CSO findings on key issues. UNDP could widely circulate publications among government officials and hold more conferences around key issues.

UNDP supported CSOs also state that the support and grants need to be of longer duration. For example, with regard to UNDP supported CSO court monitoring, the grants were only of 6 months duration. Thus, this was barely time to conduct basic monitoring of selected courts and by the time the basic monitoring was barely initiated, the grant expired. While the very presence of the CSO monitors in

²³ UNDP recently reported that one of its CSO partners UPHR in Port Loko was successful in procuring a conviction of a 70 year old man for sexual penetration of a 12 year old girl. The matter was first investigated by the CSO, then referred to the FSU at Port Loko Police Station. The CSO meanwhile facilitated access to medical treatment for the victim, including examination and issuance of the medical report by a doctor. After a preliminary investigation of the case at the Magistrate Court, the case was sent up to the High Court for trial. The accused entered a guilty plea and was sentenced by the Court to 7 years in prison or, alternatively, payment of a fine of \$800US. The defendant paid a fine. What is troubling about this case is that the Sexual Offences Act (2012) does not contain any provisions for payment of fine in lieu of imprisonment in cases of juvenile rape. UNDP cites this as an example of the wide discretion routinely exercised by the Judiciary in such cases in contravention of the statutory provisions.

the court has increased judicial accountability and has built relationships between the courts and civil society, the duration of the grants was insufficient to permit CSOs to impart to the courts lessons learned or interface with the judges and magistrates on gaps identified (i.e. procedure; land rights for women, etc.).

Some of the CSOs delivered paralegal support to women at the local level and local courts. The UNDP-supported CSOs proved to be key in driving advocacy on women's rights and land and property rights for women at community levels. Prior to the UNDP intervention, there was no avenue effectively available to women in the target communities to raise such issues. This has included providing representation to women living in remote areas (i.e. obtaining medical certificates that must be submitted as evidence in cases of sexual and domestic abuse). It is hard to quantify the levels of SGBV in SL at the local level. It does appear that there is an increase in reporting of incidents of domestic abuse and SGBV, which may be in part attributable to the awareness-raising of UNDP supported CSOs. [Note: As discussed above, CSO court monitoring— often conducted at the same time as the delivery of paralegal services, ensured that human rights standards were monitored by CSOs who observed court proceedings and CSOs alerted magistrates and local court judges in some locations to misapplication/interpretation of laws and gaps in due process/best practices].

According to the CSOs interviewed in the field by the Evaluation, a limitation of the UNDP grant programme is that it funds paralegals only who provide low-level counselling, not lawyers to provide representation. The CSOs strongly urge UNDP to also fund legal representation by lawyers going forward hired by the CSOs that could also supervise their work. The CSOs interviewed expressed dissatisfaction with the SL Bar Association and state that they doubt the Bar Association currently has the requisite capacity to implement a legal aid scheme or to supervise attorneys doing pro bono work. Going forward, UNDP should fund CSOs to perform strategic litigation. Although this has been attempted unsuccessfully in the past, with closer monitoring it could be a good tool to improve access to justice, especially in cases of human rights abuses, SGBV and women's property rights.

UNDP should also partner with DFID ASJP to support the LAB and implement a National Legal Aid Scheme in partnership with all relevant justice sector stakeholders, the Sierra Leone Bar Association and leading CSOs. As noted elsewhere in this report, the LAB faces structural and funding issues. UNDP will also need to carefully assess the capacity of the LAB over time to absorb donor funding.

The current geographic distribution of UNDP's SGBV interventions and initial identification of the 9 districts covered by UNDP's SGBV CSO platform is based upon the UNDP SGBV study conducted during the EVD crisis. Going forward, the Evaluation recommends that UNDP's interventions with SGBV and the Programme's other components need to be mapped. It is likely that these can be better coordinated and made more strategic. For instance, are there districts where UNDP supported CSOs are achieving gains in representation of SGBV victims, while at the same time the prosecutors in those same districts that are also benefiting from UNDP supported prosecutorial training? These synergies between the CSO-led demand-side interventions and the UNDP support to the supply-side line Ministries is not made clear in the narrative presented by UNDP CO or the Programme.

CSOs actively working in the field reported to the Evaluation that in the towns where international mining companies are active, the sex trade has proliferated. Sex workers are often victims of SGBV and teenage pregnancy rates have spiked in such areas according to CSOs. This impression was also confirmed by a study funded by UNDP in late 2014 and early 2015 that confirmed that transactional sex was widespread in Sierra Leone. Going forward, UNDP should support CSOs to include enhanced focus on teenage girls engaged as sex workers or in other forms of transactional sex, in their outreach and legal aid initiatives.

2.2. Strengthen CSO capacity to support improved access to land and property rights, particularly for women

UNDP had done significant work under its predecessor programme on women's rights to land and land tenure in partnership with the international NGO COOPI. This support included training local leaders on women's rights to land, working with women's CBOs to train them to conduct advocacy on land issues and the holding of National Conference on Women's Property and Land in June 2012 that culminated in GoSL draft legislation on land tenure and reform policy. It was envisioned that the 2013-2014 Programme would build upon such interventions and significantly expand UNDP's work on women's land tenure rights via continued partnership with COOPI and also capitalize upon synergies

with UNDP's Land Tenure Reform Programme. Strategic litigation of "test cases" was to be a key pillar of output 2.2, with the goal of creating well-reasoned legal precedents to be included in the Sierra Leone Law Reports (covered under Outcome 1 above).

COOPI worked in 4 districts with support from UNDP on women's rights and access to property: Kono, Bombali, Port Loko and Western Area. In Kono COOPI covered 5 chiefdoms and 50 communities. COOPI targeted the community women to train them on how to access justice when their rights had been violated. COOPI also pushed to get paralegals in the community trained and trained the local court personnel. Successes were that COOPI saw that the women were equipped to address issues of land and property as a result of the trainings. COOPI reached even extremely remote areas that are usually inaccessible and also engaged the community stakeholders, and assisted many victims to reach FSUs via transport. In the West of the country, COOPI trained women leaders within the community on their land rights, worked with the Paramount Chiefs, engaged in local courts and trained paralegals. The EVD crisis caused some delays, but overall the organisation fulfilled its aims.

According to a 2015 report of UNDP, "the work of COOPI on women's property and land rights has contributed to the training of 12 paralegal and 25 monitors across 4 districts (Kono, Bombali, Port Loko and Western Area). A total of 80 cases have been supported with 8 cases concluded though the legal process with the assistance of 1 lawyer. 21 cases were mediated. Because of the EVD crisis, the land conference was cancelled and alternate activity of support to awareness raising campaign on Ebola conducted." COOPI was consulted as part of this Evaluation and these statistics were confirmed.

It is not clear to the Evaluation that UNDP managed to effectively explore and capitalize upon synergies between the Programme intervention with COOPI and UNDP's separate "Land Tenure Programme". Furthermore, it is not clear that "test cases" on land rights (as contemplated in the Programme document) were undertaken by UNDP to the extent originally envisioned, although some strategic litigation was undertaken. Certainly, the EVD crisis and COOPI's stated difficulties in finding a qualified lawyer to take on such cases were in part responsible for this. Given the fact that the Sierra Leone Law Reports (see above Outcome 1) were never realized, UNDP did not collect precedents on land cases as it had envisioned in the Programme document. However, the programme ensured alternatively that much capacity was developed at community levels through the training of paralegals to monitor and contribute to the resolution of land and property cases involving women. Also, the first land conference that the Programme supported also provided impetus to the land policy that the UNDP Environment Unit was working on and which was finally adopted in 2015.

2.3. Enhanced legal support for communities at local court level, with priority on women's access to justice, including on civil justice issues.

UNDP supported court monitoring

In 2012, UNDP had supported a robust programme of CSO-led court monitoring to monitor court cases at all levels including, Local Courts, Magistrates Courts and High Courts. The CSOs monitored due process, standards applied in judicial proceedings and respect for human rights principles. The initiative attempted to gather disaggregated data on SGBV and women's access to land. The support additionally trained paralegals to provide assistance to victims of SGBV. The initiative involved 83 small CSOs coordinated by 4 CSO cluster heads in each region of the country. In total, 119 courts were monitored under the 2012 engagement. The 2013-2014 Programme document sought to continue such work and scale-up the paralegal support services of the local NGO TIMAP for Justice. It was envisioned that TIMAP would provide paralegal trainings for 80+ CSOs already supported by UNDP in court monitoring and SGBV victim support services as well paralegal service provision in remote communities.

The Evaluation met with TIMAP. According to a recent report of UNDP, "TIMAP had provided a specialized training support to 83 CSO representatives on paralegal skills, community dialogue skills, dealing with survivors of SGBV and the gender acts. This support enabled community structures to provide assistance to community residents and women who are unable to access legal representation or basic information to help them access justice. With support provided to 80 CSOs and CBOs grouped in 4 clusters (North, South, East and West), 5,688 court cases were monitored across MCs and LCs with 7,612 perception survey questionnaires completed across these courts and 1,882 people benefited from paralegal services to help them navigate institutions of redress (with 1,265 Female and 617 male

beneficiaries).” The Evaluation interviewed the Director of TIMAP who verified the trainings sessions delivered for UNDP CSO court monitors including training sessions organized for their 60 community animators and paralegals.

According to stakeholders interviewed by the Evaluation, the presence of CSOs in the courtroom enhanced judicial accountability. As noted elsewhere in this report, the Evaluation also received information that as of 2015, judges and magistrates were still not fully respecting the provisions of the Sexual Offences Act (2012) and other legislation and precedents were lacking. The Evaluation gathered that the strategic end-result of the CSO court monitoring was to ensure close monitoring and provision of paralegal services to court users with emphasis on assisting women and girls navigating through the complex formal justice system. In addition, the initiative was aimed at advocating for the application of women’s rights before the local courts to minimize the tension between women rights standards and the application of customary norms. However, it does not appear that substantial “lessons learned” analysis was conducted by UNDP and fed up to the policy level in this regard.

2.4 Increased capacity of CSOs at district and national levels to raise public legal awareness and support efforts to monitor and evaluate the performance of justice institutions, particularly in relation to SGBV and women’s access to land and property rights.

As noted above, sub-output 2.4 overlaps with (and is to some extent duplicative of) other areas of the Programme. The thrust of this sub-outcome per the Programme document is to increase public awareness and oversight of courts and the justice sector. A major component of the “theory of change” of sub-outcome 2.4 is the promotion of legal awareness through radio and television programmes. UNDP’s intervention also planned to increase the capacity of CSOs to conduct “M&E of the justice sector” via continuation of court monitoring. Importantly, the Programme document contemplated that a Public Perception Survey on the Quality of Justice Services would be conducted by the Programme that would allow UNDP and the donor community to track changes in levels of access to justice on the ground; however, this was never completed. Subsequently during implementation of the programme, sub-outcome 2.4 was modified to remove the media outputs during a Programme Board meeting.

The Evaluation met with several groups of UNDP CSO partners in Freetown, Kenema and Makeni. These included Center for Accountability and Rule of Law (CARL), TIMAP for Justice (TIMAP), Campaign for Good Governance (CGG), Action for Development Programmes (ADP-SL), Society for Democratic Initiatives (SDI), COOPI, AdvocAid and Prison Watch Sierra Leone. Most of the CSOs have diversified funding streams and the UNDP grants represented only 10-15% or less of their total annual budgets. Most of these were involved in conducting awareness raising in some form as well as court monitoring, legal counselling, and work with traditional leaders.²⁴ The UNDP CSOs have made an invaluable contribution at the local level and in communities in Sierra Leone in terms of paralegal counselling, legal representation, outreach, advocacy and information. The response of CSOs during the EVD crisis was exemplary.

AdvocAid informed the Evaluation that it had utilized the UNDP grant to produce a series of innovative TV shows on SGBV that were broadcast in 2014 and 2015. A total of four episodes were broadcast on Police Case 2 that depict women and community members in conflict with the law. As AdvocAid could not complete the work within the NCE period (30 June, 2015), UNDP supported the completion of the production of additional episodes with UNDP core resources.

The EVD crisis posed a challenge to the CSO outreach and awareness raising efforts, but at the same time, UNDP CSOs proved themselves to be indispensable assets during the crisis.²⁵ For example, the

²⁴ According to a 2015 report by UNDP, “A total number of 29,960 of selected community representatives and stakeholders (19,061 males- 10,899 females) were reached as part of awareness raising activities on SGBV and women’s rights; about 200,000 people listened to radio broadcasts. 77 referral networks were established and supported to assist in the referral of SGBV cases from the communities to the FSU/Police for action. To ensure the buy-in of community leaders on awareness raising campaigns on SGBV and women’s rights, 92 traditional leaders were targeted and provided much support to ensuring the dissemination of information across areas of their authority.”

²⁵ The same 2015 report of UNDP summarized the CSO Ebola response as follows, “Under the reprogramming of funds to support the government in the fight against EVD, 6 CSOs were supported to improve the knowledge

CGG stated that it benefited from the Ebola grant in 2014 that enabled it to conduct outreach. CGG also supported the MSWGCA to collect comprehensive data on Ebola survivors. CGG is currently supporting approximately 80 EVD survivor households in the Western Areas with emergency assistance and counselling using the UNDP grant including men, women and children. In total, CGG estimates that via its activities it has reached over 700 EVD survivors with either outreach or some form of assistance.

Meanwhile, the work of ADP-SL with the chiefdoms during the EVD crisis reached over 22,600 beneficiaries (this was well above the original programme document estimate). ADP-SL's work included trainings, emergency support, psychosocial support; street dramas and house-to-house and door-to-door information and awareness. ADP also trained community health workers to support Ebola survivors in counselling. A major challenge was that these included many communities spread out over a large distance. ADP was successful in training other CSOs working in the sectors to make sure that hand washing procedures were followed.

Going forward, UNDP should ensure that its CSO engagement is made more strategic to ensure that CSOs are supporting UNDP's priorities for legislative reform, judicial and court reform, women's land and inheritance rights, SGBV and decentralized justice structures. UNDP needs to establish a mechanism (i.e. CSO forum) to better coordinate the work of the CSOs and align them to key priorities. UNDP should ensure that its supply-side and demand-side interventions are synergized to the greatest extent possible with "lessons learned" from the demand side interventions fed upwards to the supply side.

Going forward, there is a need for UNDP and the UN to continue to support economic and legal empowerment for youth. UNDP has a youth employment programme that could be synergized with a future RoL programme. Youth and (juvenile justice) could be streamlined to a much greater degree across the RoL programme to address the "legal empowerment" issues impacting youth. UNDP and UNICEF may be able to coordinate and fund-raise in this regard. According to the Society for Democratic Initiatives and other CSOs, lawyers and magistrates interviewed by the Evaluation, youth gangs are a rising and fast growing problem in Sierra Leone. The unemployment rate for young men in Sierra Leone is exceedingly high and fuelling violence. Football matches and sports betting seem to be the main things that youth in Sierra Leone are coalescing around. Recently, hooliganism and vandalism have plagued soccer matches at the national stadium in Freetown, which has given the police and other agencies of government an excuse to over-react. In Freetown and other cities across SL, betting on so-called fantasy football games has proliferated. This causes young men to skip school, waste money and sometimes come into contact with the law.

Going forward, UNDP might explore Private Public Partnerships and Corporate Social Responsibility partnerships to develop innovated approaches for youth in Sierra Leone.²⁶ UNDP under other programmes has previously supported youth initiatives and partnered with the National Youth Commission (NAYCOM); District Youth Councils (DYCs); and Ministry of Youth Affairs (MYA) created in 2013 to replace the Ministry of Youth Employment and Sports (MYES). The Evaluation

of remote and under-served communities on EVD prevention and response through door-to-door focus group discussions. A total of 19,600 houses and about 106,000 people in 355 villages were covered with 650 quarantines homes monitored reaching out to 1,350 people in quarantines with basic food and non-food commodities (rice, hand sanitizers, soap, cooking oil, torch batteries, mattresses...etc.) to help them to cope with the crisis across 12 districts. This activity has generated a positive impact especially as it targeted some of the remote and hard-to-reach communities across 12 districts within 72 chiefdoms. As most of the needs identified at community levels could not be met with limited resources, IPs worked closely with the Ministry of Health and Sanitation, the NERC, DERCs and the local councils to ensure additional critical needs were met (supply of soap, replacement of destroyed mattresses for EVD confirmed cases within households, provision of specialized psychosocial services for mentally unwell survivors of EVD.)"

²⁶ Recently, a local NGO The Craig Bellamy Foundation (now called simply "CBF") has started a school where youth play soccer in the morning and then study in the afternoon. The Academy admits young soccer players with world-class potential. In addition, CBF has a nationwide Development League that encourages children to attend school (paid for by a CBF scholarship) and undertake community programmes in return for the chance to play football and develop their skills in the game. The league has 66 teams nationwide and as of 2015 had reached over 8,000 youth in Sierra Leone. The Evaluation sites this as an example of innovative approaches that UNDP could be exploring on the demand-side to empower youth in Sierra Leone.

notes, however, that the addition of a “legal empowerment for youth” and juvenile justice components in any future programme would be dependent upon available donor resources and sufficient RoL Programme staff.

As of end-2015, the *Public Perception Survey on the Quality of Justice Services* had not been completed as originally envisioned due to a series of challenges. These included a lack of understanding of the methodology and approach of the study by the field monitors and lack of access to data and availability of court officials. Nonetheless, UNDP informed the Evaluation that it perceives that the very fact of attempting to conduct such an exercise at the courts has improved the relationship between the courts and civil society and has raised awareness of judges and court officials on women’s rights and SGBV. This is a very important tool for UNDP and the entire justice sector. Going forward, UNDP should strengthen its efforts to complete the Public Perception Survey.

VIII. Conclusions and Recommendations

Conclusion 1

Continuing lack of funding by the government of Sierra Leone for the judiciary is a huge problem and impedes the functioning of the judiciary and the sustainability of UNDP's outputs. The Evaluation notes sustainability concerns surrounding the training to the LOD and MoJ, the Judiciary, SLP and FSU officers due to high turnover rates within these institutions and lack of funding from GoSL/MoFED to adequately staff institutions at a level requisite to per capita needs of Sierra Leone's population. The MoJ, Judiciary and SLP (FSUs) remain woefully understaffed and continue to experience a problem retaining staff. There remains a chronic shortage of Magistrates in the country and there is a need to continue to support the MoJ to expand its services nationwide. (i.e. as of end-2015, there is only one state prosecutor/State Counsel for the entire South and East). It is perhaps time for the UN Resident Coordinator and the donors to strenuously take this issue up at the political level with the engagement of the Executive arm of government.

Recommendation 1

The Evaluation recommends that UNDP continue to align its programming with the JSRSIP III (2015-2018) and urgently advocate with the Government (MoFED) to begin to incrementally increase funding of the Judiciary, based upon an objective and realistic cost analysis. UNDP should enlist the assistance of the UN Resident Coordinator, if possible, to coordinate with all other major donors in the sector (i.e. U.K./DFID; US Embassy; World Bank, etc.) to raise with the Government of Sierra Leone the necessity of appointing additional numbers of magistrates and judges and capacitating them. Going forward, UNDP should explore phase-outs whereby the Government agrees to gradually assume full responsibility for funding some initiatives. The Evaluation highly recommends that UNDP—on behalf of the UNCT—undertake an updated political risk analysis that takes account of the post-EVD development context, elections and conclusion of the Constitutional Review Process. This analysis should be supplied to the UN Resident Coordinator, UNDP HQ and regional bureaus as well as donors and other bilateral agencies. UNDP can also support the financial management and budgeting capacities of the Judiciary going forward.

Conclusion 2

The Programme proved itself highly relevant to the needs of Sierra Leone's supply-side justice institutions and to demand-side beneficiaries. The Programme further supported the Government's key development strategies and judicial reform strategies. Yet, the level of national ownership among all institutions was relatively moderate throughout the Programme. The Evaluation observes that there was only a single GoSL signatory to the programme document—the MoJ. National ownership, justice sector coordination and sustainability could possibly have been stronger had additional GoSL ministries, agencies and departments been signatories to the Programme document or included in the Programme Board.

Recommendation 2

The Evaluation recommends that in any future programme, UNDP consider the merits of additional partners as members to the Programme Board (i.e. Judiciary; Sierra Leone Police; the Ministry of Social Welfare, Gender and Children's Affairs; Ministry of Lands, Country Planning and the Environment; Ministry of Youth Affairs; and/or Ministry of Local Government and Rural Development, etc.), depending on the scope of UNDP's engagement with these institutions. As part of the design of any future programme, UNDP should solicit the detailed input and opinion of all implementing partners as part of the formulation of the programme.

Conclusion 3

Several of the Programme's government partners exhibited low capacities for properly budgeting and executing UNDP funds during the time period 2013-2015. At several points, UNDP was forced to suspend or delay funding. Although UNDP has managed to build the budget and finance capabilities of the justice sector institutions, it is not apparent that this has yet reached a level sufficient to merit a departure from the default implementing modality-DEX/DIM. In some cases UNDP may begin to pilot implementation on a mixed DEX/NEX or DIM/NIM modality. Support to the Human Rights Commission Sierra Leone should continue to remain as NIM.

Recommendation 3

The Evaluation recommends that going forward, DEX/DIM continue to be the default implementing modality for the UNDP RoL/A2J Programme in Sierra Leone. Going forward, UNDP may be able to pursue mixed DIM/NIM modalities provided the institutional partners are assessed to possess sufficient budget and finance capabilities. Support to the Human Rights Commission Sierra Leone should continue to remain as NIM.

Conclusion 4

UNDP's Programme encountered significant staffing retention issues during the time period 2013-2015. As of 2015, several posts remain vacant and the existing staff is over-stretched and finding it difficult to service the Freetown-based GoSL ministries, agencies and departments, while at the same time closely monitoring the Programme's activities in the field. UNDP has tended to rely heavily on the two Programme UNVs to fulfil routine administrative tasks, rather than utilize them exclusively to deliver technical advice to the GoSL institutions and CSOs.

Recommendation 4

The Evaluation recommends that in any future Programme UNDP ensure that the programme have sufficient staffing levels and administrative support. The Programme Manager needs to continue to be a senior international technical person (at the P-3 level); and two other UNDP contracted staff should be hired as programme officers (at the P-2 level or on service contracts). These individuals should have demonstrated legal academic qualifications (a law degree/LL.M.) and proven technical and practical expertise within the justice sector and/or as a practicing lawyer and/or prior experience implementing access to justice programmes. In addition, there should be two programme associates/administrative assistants and an international (UNV or P2) CSO coordinator that can also handle the interventions with the HRCSL if need be. This team can be supplemented by UNVs as available who could serve as technical experts/mentors at the institutions. Ideally, the Programme should have two vehicles and two drivers (pooled) dependent upon CO resources.

Conclusion 5

UNDP could improve synergies between the Programme and other UNDP CO units, as well as continue to capitalize on its global rule of law and regional rule of law expertise, knowledge and tool kits and partnerships with other UN Agencies. UNDP Sierra Leone has several programmes that could offer synergies with the existing RoL/A2J Programme as follows: 1) Youth Empowerment and Employment; 2) Environment programmes (because the RoL/A2J deals with women's access to land and devolution of estates/inheritance); 3) the Inclusive Growth unit-Livelihoods; 4) Governance unit- Elections (there will be a lot on this issue); 5) the Governance unit's work on Constitutional review process. Additionally, other UNCT members such as UN Women have global expertise and institutional knowledge to bring to the table, especially in regard to engaging with the informal justice sector and in legal aid.

Recommendation 5

The Evaluation recommends that UNDP more closely synergize with UNDP CO programmes that have significant GESI and youth implications that RoL/A2J Programme could partner with going forward. The Evaluation recommends that going forward, UNDP explore a deeper partnership with UN Women, especially given the overwhelming focus of the Programme on SGBV, VAW, women's equality and gender rights. UN Women is a logical partner for UNDP in any rule of law and access to justice programme that focuses on SGBV and GESI. UNDP may wish to explore possibilities for a joint-programme with UN Women. Going forward, the Evaluation recommends that UNDP's interventions

with SGBV and the Programmes other components need to be mapped. It is likely that these can be better coordinated and made more strategic. The synergies between the CSO-led demand-side interventions and the UNDP support to the supply-side line Ministries could be strengthened.

Conclusion 6

Stakeholders assess UNDP conducted trainings with the LOD, the Judiciary, SLP and FSUs as having improved their capacities to deliver justice to citizens in Sierra Leone. Yet, these same ministries and departments expressed to the Evaluation a desire going forward to have more sustained mentoring from UNDP, rather than ad hoc trainings. It was suggested to the Evaluation that the model of engagement with the Judiciary, SLP and other institutions could include more “hands-on” mentoring and secondments of Programme staff to the institutions. At the same time, according to UNDP, the Judiciary was not willing to have a UNDP technical expert sitting with them in 2014.

Recommendation 6

The Evaluation recommends that going forward, if possible and provided that the Judiciary exhibits the requisite level of political will, UNDP consider adopting a model of secondments to the High Court and MoJ (as UNDP currently pursues via a part-time secondment of a Programme UNV-staff member to the IHRCSL) may result in greater process change within the principal institutions.

Conclusion 7

The visibility of UNDP and its donor could be improved. Additionally, the Evaluation notes that the communications of the Programme about its outcomes, challenges and achievements could have been more frequent and strategic. One of UNDP’s strongest comparative advantages is increasingly its ability to act as a knowledge organization and inform policy via its engagements at the field level and from other countries.

Recommendation 7

Going forward and as part of any future Programme, UNDP should develop a communications strategy or SOP for the Programme that seeks to enhance UNDP’s visibility and that of its donors. UNDP CO should hold regular briefings for members of the press regarding the outputs of the programme and targeted beneficiaries and have a robust publications portfolio.

Conclusion 8

Throughout the programming period, UNDP and its donor suffered from a lack of reliable data and statistical information from government ministries, departments and agencies, as well as from CSO partners. Statistics and disaggregated data on UNDP supported trainings, mobile courts, Saturday courts, SLP FSU cases, and HRCSL complaints and investigations was sparse and when provided, was often lacking in baselines and was rarely disaggregated to any meaningful degree. Additionally, the CSO demand-side engagement lacked any comprehensive plan for streamlining the collection of data and case statistics from the CSO partners.

Recommendation 8

The Evaluation recommends that UNDP continue to significantly support the data collection and M&E capabilities of its government and CSO partners. Going forward, UNDP should continue to require its CSO partners to report more frequently and in more detail.

Conclusion 9

The Public Perception Survey has the potential to be a very important planning tool for UNDP and the entire justice sector. This was not completed during the current Programme.

Recommendation 9

Going forward, UNDP should complete the Public Perception Survey and update or repeat it every two to three years.

Conclusion 10

The Evaluation notes that justice sector coordination between the institutions remains lacking. For example, as of 2015, there is little coordination between prisons, the SLP and prosecutors. Rates of pre-trial detention remain high. There is little forward movement on other issues such as GoSL budgetary support, establishment of a legal aid network, etc. There is need for a formalized mechanism to promote justice sector coordination and a forum where such issues as bail and sentencing; policing; juvenile offenders; fast-tracking SGBV; local courts, etc. can be discussed.

Recommendation 10

The Evaluation recommends that UNDP strengthen its support the MoJ and other stakeholders to enhance the JSCO and decentralize it and/or explore new and innovative approaches to justice sector coordination. A proper coordination mechanism recognized by all justice sector stakeholders is highly needed. The focus of UNDP should increasingly be upon decentralizing justice services in Sierra Leone in line with the JSRSIP III (2015-2018). Thus, any coordination mechanism established in Freetown should have parallel structures in each district of Sierra Leone. There is a continuing need for UNDP to support the Justice Sector Leadership Group to remain actively engaged on implementation of the Sexual Offenses Act (2012) and the establishment of a legal aid scheme.

Conclusion 11

The establishment of the Legal Aid Board (LAB) is a potential “game changer” for Sierra Leone in terms of providing legal defense for indigent criminal defendants and other groups. The LAB faces challenges, however, with budgeting, human resources and meeting its training needs. If properly capacitated, the LAB can possibly play a key coordinating role in establishing a national system of legal aid referral and representation that includes leading CSOs.

Recommendation 11

Going forward, UNDP should support the LAB to fulfil its basic mandate. UNDP should support the Judiciary, MoJ and Legal Aid Board to operationalize and institutionalize the National Legal Aid Scheme in partnership with the Bar Association, CSO partners and other stakeholders.

Conclusion 12

The legal framework for SGBV, VAW and GESI, as well as juvenile justice, remains weak in Sierra Leone despite the sustained engagement of UNDP and other donors in the justice sector. Many laws are out-dated or not customized to the Sierra Leone context. For example, there is scope to continue work on the new Criminal Procedure Code to eliminate the preliminary review and expedite hearings of inmates held in pre-trial detention beyond the statutory limits. Certain provisions of the Criminal Procedure Code and the Sexual Offenses Act (2012) need to be harmonized with international best practice to fully protect the rights of women who are victims of SGBV and VAW. Additionally, much more work is required to implement the provisions of the Legal Aid Act. In addition, the legislative framework surrounding women’s land tenure and inheritance rights, including certain discriminatory provisions of the Devolution of Estates Act needs to be reformed. Meanwhile, with regard to juvenile offenders, implementation of the Child Rights Act (2007) can be strengthened.

Recommendation 12

The Evaluation recommends that going forward UNDP continue to support the legislative drafting skills of not only the LOD, but also to ensure deep reforms are undertaken to improve law making processes across MDAs. In the event that UNDP were to proceed with a follow-on programme, UNDP should consider the merits of having a dedicated sub-outcome of the Programme devoted to legislative reform and/or establish a focal point within the Programme or at UNDP CO who is responsible for tracking legislative reforms and amendments. UNDP may wish to include all institutions involved in the law making process (i.e. Law Reform Commission; Legislative Committee of the Parliament and parliamentary caucuses) as additional partners with the MoJ LOD.

Conclusion 13

The Judiciary still needs to establish a system to monitor and clear the case backlogs on a regular basis—either manual or electronic. Currently, this institution has no system in place to track progress on cases. This is part of the Judiciary’s strategic vision. The Acting Master and Registrar stressed that there are a number of factors that contribute to backlog cases, including non-appearance of witnesses, lawyers and prosecutors, including the court itself. The lack of appearance of the prosecutors is especially troubling as this causes postponements, delays and the accumulation of cases. This is a key output of the UNDP-U.S. Department of State INL funded Bail and Sentencing programme.

Recommendation 13

It is recommended that in any future rule of law programme, UNDP continue to deliver technical advice and mentoring to the courts regarding case backlog reduction and the factors driving it. Elements of the current INL programme could possibly be incorporated into a future RoL programme.

Conclusion 14

The Judicial and Legal Training Institute also needs to be operationalized. The Judiciary believes that the Institute can play a role in Continuing Legal Education (CLE) for judges and lawyers.

Recommendation 14

The Evaluation recommends that UNDP assist the Court to establish an interim JLTi management committee and engage consultants to help develop robust JLTi training curricula for judges, magistrates, local court chairmen, SLP prosecutors and lawyers in partnership with the Bar Association. UNDP may wish to partner with foreign judicial training institutes or academic partners in this regard. At the end of the day, any JLTi curricula will need to be operationalized by qualified staff, lectures and course materials. UNDP should also assist the JLTi to develop its web-based platforms. There are components of the INL programme that can be incorporated and UNDP should coordinate with DFID if it proceeds further in this regard.

Conclusion 15

Both the Judiciary and the FSUs credit the CSO court monitoring for building relationships between the courts at all levels and civil society. CSO court monitoring also served as an oversight mechanism over regular and mobile courts and in some instances imparted best practices to local courts and Court Chairman. According to stakeholders interviewed by the Evaluation, the presence of CSOs in the courtroom enhanced judicial accountability. Yet, it does not appear that “lessons learned” from the court monitoring were collated and transmitted up to the policy level to the extent that they could have been. Data on UNDP’s court monitoring could also have been more consistent. The CSOs note that the duration of the grants was insufficient to permit CSOs to impart to the courts lessons learned or educate the judges on gaps identified (i.e. procedure; land rights for women, etc.).

Recommendation 15

Going forward, UNDP needs to articulate a clear strategy for any CSO-led court monitoring. There should be a common template for this and the lessons learned from all CSOs engaged in such monitoring should be collected by UNDP and regularly supplied to the Judiciary and communicated to the public and press. Data on the numbers and types of cases should also be enhanced.

Conclusion 16

The UNDP Mobile Courts initiative faced significant challenges due to the fact that insufficient numbers of magistrates were available to cover the programmed geographic area serviced by the initiative. Magistrates and judges often did not go into field for lack of vehicles budgeted for this purpose and the courts were held at irregular days and times. These challenges have persisted over the last five years. They will not disappear and the mobile courts initiative will not become sustainable until the GoSL funds and appoints more magistrates. The Evaluation affirms the conclusions and recommendations of the 2013 BCPR comprehensive evaluation of the mobile courts as still valid at end-2015. As noted above, it was difficult for both this Evaluation and the BCPR evaluation of 2013, to fully assess the impact of the mobile courts in such areas as pre-trial detention rates, etc. due to a lack of sufficient data on their returns.

Recommendation 16

The Evaluation recommends that any future UNDP support of the mobile courts should be built upon the premise that there are reforms in the Judiciary that will lend strategic direction to this initiative and adequate magistrates are appointed.. This Evaluation affirms the findings and recommendations of the earlier BCPR evaluation of 2013, as they are assessed as remaining valid as of end-2015. Going forward, are to address the chronic shortage of magistrates in Sierra Leone; availability of legal aid and lawyers in all locations; reform of the preliminary investigation stage; strengthen the capacity of Magistrates to deal with appeals from local courts pursuant to the Local Courts Act of 2012; continue to support FSUs and CSOs to conduct oversight of mobile courts and perform outreach; and reform bail and sentencing guidelines. There is a fundamental need to support the Judiciary to improve its data collection and reporting for mobile courts and Saturday Courts (if continued). . The sustainability of the mobile initiative must be further studied before it is continued. UNDP should also consider a change in the approach to managing the initiative—perhaps exploring ways to make this less centralized and more local at the District level

Conclusion 17

The Saturday Courts in Freetown and the South supported by UNDP were very successful, but largely collapsed due to the EVD crises. Many women benefited from the courts and the duration of SGBV cases and case backlog was reduced. As with the mobile court initiative discussed above, the sustainability of the Saturday Courts is a key issue.

Recommendation 17

If the initiative is supported by UNDP going forward, then a different approach may be required that places stipulations/conditions upon the Judiciary itself (i.e. to staff and monitor these courts and some plan to make them sustainable). If these sustainability issues and structural issues can be addressed, UNDP could support the re-activation of the Saturday Courts and address funding and budgeting of the Saturday Courts.

Conclusion 18

The Evaluation observes that ensuring that justice is accessible locally and working with local courts are a key component of the Programme’s programme document, as well as UNDP strategic documents that support the JSRSIPII (and now JSRSIPIII). While UNDP supported CSOs conducted trainings for Local Courts that were reported to have been well received, these trainings were not comprehensive or strategic. UNDP still lacks a strategic approach for engaging with the local courts and Paramount Chiefs in Sierra Leone.

Recommendation 18

The Evaluation recommends that UNDP redouble its focus on the local courts and Court, as they play significant roles in dispute resolution in Sierra Leone. Without good ascertainment research, it is impossible to state whether and to what extent the local courts are respecting women’s fundamental rights. UNDP should fund a study on the customary justice sector in Sierra Leone. It is important that UNDP coordinate with DFID ASJP, World Bank and others active in the sector to develop an approach and strategy for engaging with the Local Courts—especially given the fact that the two major sustainability challenges identified by the ADR in 2014 for the mobile courts have remain unchanged (i.e. lack of sufficient numbers of magistrates to staff the mobile courts and lack of funding from the Judiciary for basic transportation for the magistrates to reach rural areas). Going forward, UNDP could also enhance its outreach and trainings for so-called “Justices of the Peace” (individuals without law degrees or formal legal education appointed by the Court to facilitate the work of the Judiciary). Furthermore, UNDP should conduct research into the interface between the informal justice system and the police.

Conclusion 19

Strengthening of the quasi-judicial mandate of the Commission is key especially in light of the numerous human rights violations that fall within HRCSL's mandate. The Commission must be in the position to influence the justice landscape via HRCSL's decisions on critical complaints involving human rights (i.e. mining companies and community rights).

Recommendation 19

Going forward, UNDP must continue to strengthen the HRCSL's quasi-judicial mandate to investigate complaints and take remedial action.

Conclusion 20

UNDP support has enabled HRCSL to have robust public outreach and education programmes in local communities and schools. The Evaluation notes, however, that HRCSL is continuing to receive complaints from the public that fall outside of its mandate. This is evidence that perhaps, HRCSL needs to continue to effectively communicate the scope of its mandate to the public.

Recommendation 20

The Evaluation recommends that UNDP support HRCSL conduct further information and awareness campaigns about HRCSL's mission, the scope of its jurisdiction and procedures for filing complaints.

Conclusion 21

The Evaluation observes that the legal empowerment profile of UNDP's Programme could be enhanced both for women and for youth. UNDP should continue to coordinate closely with DFID-ASJP regarding support to local courts. Certainly, any future UNDP engagement in rule of law/access to justice and/or security sector reform must include initiatives that empower Sierra Leone's youth population. UNDP is encouraged to continue its partnership with the World Bank's "Justice for the Poor" Programme that has a strong component linking social accountability with legal empowerment.

Recommendation 21

The Evaluation strongly recommends that going forward the Programme include more outputs to address youth, civic engagement and responsibility and empowerment as a means of addressing core issues underlying VAW. Sierra Leone's population has a bulging unemployed youth sector. As noted in the Draft Country Programme Document for Sierra Leone (2015-2018), a "key goal for Sierra Leone will be its ability to generate employment and livelihood opportunities for youth and build institutions that ensure accountability and service delivery for the most vulnerable and marginalized." UNDP's RoL/A2J programme could approach this from a legal empowerment perspective, in partnership with the Ministry of Local Government (MoFED), Ministry of Youth (MoYA) and the National Youth Commission (NAYCOM) and coordinate with other UNDP and UNCT initiatives in this regard. UNDP might also wish to explore innovative Public Private Partnerships (PPP) and Corporate Social Responsibility initiatives in this regard.

Conclusion 22

The training for the FSUs was interrupted by the EVD crisis. The SLP continues to be challenged by the low education levels of police prosecutors. There is a continuing need to train SLP prosecutors and investigations and FSU officers to ensure continued adherence to SGBV guidelines and legislation. This involves supporting the SLP, FSUs and magistrates to conserve evidence. Trainings on SGBV could be better mainstreamed into the SLP training curricula.

Recommendation 22

Going forward, it is suggested that UNDP ascertain the SLP/FSU latest training needs and desired curricula when designing such materials.

Conclusion 23

A major issue identified by both FSU officers and CSOs concerns the "medical form" that is required to prosecute cases of SGBV. Preservation of evidence and in particular the medical form is key and should be a priority for UNDP support going forward. Several CSOs and FSUs noted that while the law provides for medication and medical treatment of victims of rape when accompanied by a police officer, it does not do so for cases of mere physical abuse or violence where no penetration has occurred. This is currently a gap in the legislation that in the opinion of CSOs and FSUs should be addressed to provide at least some modicum of basic medication and health care for victims of violence. CSOs and FSUs stated that the medical form should be required to be completed in multiple copies one that is kept by the victim and one that is retained by the police for presentation to the court. Another challenge is to educate physicians and healthcare workers on how to complete the form. Additionally, physicians are often transferred and it is difficult to track them down at a later date. Courts are only willing to accept original copies of the form into evidence.

Recommendation 23

Going forward, UNDP should continue to work with the Judiciary and strengthen the interaction between the judiciary and SLP-FSUs to improve compliance with procedures and reduce the frequency of SGBV and VAW case dismissals in court. UNDP in partnership with DFID ASJP, UNICEF, HRCSL and other donors, should advocate with the MoJ, Judiciary and other partners to amend the procedural rules setting forth the requirement of a medical form in cases of rape. UNDP should advocate that, in addition to licensed physicians, community health workers could sign the medical form. A lost medical form or a medical form that has errors on its face or lack of a medical form should not bar a rape case from proceeding to trial.

Conclusion 24

The FSUs express a continuing need for UNDP support to conduct awareness-raising in conjunction with civil society organizations for local communities and in local schools on SGBV/VAW and the work of the FSU. Currently, the FSUs have little resources to conduct community awareness. Although the Sierra Leone police have a weekly radio show "the police hour" more is needed in terms of face-to-face awareness-raising. In the eastern part of the country rape is on the rise by adults with many victims under the age of 18. Furthermore in Kenema, the FSU reports that many perpetrators of SGBV are juveniles that are members of gangs (i.e., so called "cliques"). Awareness-raising in lowering community tolerance for such gangs.

Recommendation 24

The Evaluation recommends that UNDP map the FSUs awareness-raising needs and develop innovative programmes to educate citizens in local communities about the work of the FSUs and principles of gender equality and anti-SGBV and VAW.

Conclusion 25

The UNDP CSO grants programme appears to have run well and there were not major issues reported by the CSO partners concerning the application process and awards. UNDP supported CSOs did state, however, that the support and grants need to be of longer duration and continuous in nature in order to permit them to pursue adequate follow-up and generate reports to their initiatives.

Recommendation 25

The Evaluation recommends that UNDP consider extending grants of longer duration to some CSOs in order to allow them to pursue and adequately follow-up on their activities and generate quality reporting. In addition, UNDP procurement and payment processes must be workable to minimize delays in disbursement of funds to IPs. UNDP should support CSOs to generate reports and analysis of court decisions in order to put decisions of courts in the public domain.

Conclusion 26

UNDP improved the capacity of CSOs to conduct court monitoring and provide legal aid and counselling services, there was no over-arching coordination mechanism developed by the Programme for the coordination of CSO-led legal aid in Sierra Leone. Furthermore, as noted above, it is not clear that the current Programme's CSO programme facilitated—in a strategic way—the implementation of the National Legal Aid Scheme developed under UNDP's previous programme and/or the implementation of the Legal Aid Act. This was to be continued primarily by the DFID ASJP, not UNDP's current RoL/A2J Programme, however, the Evaluation observes that UNDP could likely have aligned more closely with ASJP in this regard. Under the current programme, UNDP supported CSOs provided legal counselling and paralegal services to individual clients in a number of locations, but this was rather *ad hoc* in nature. The Programme could have benefited from more supervision and strategic leadership by the UNDP CO over the CSO engagement and legal aid initiatives. The link between the demand-side CSO interventions in the field and policy on the supply-side is not readily apparent.

Recommendation 26

Going forward, there should be an increased frequency of contacts and interface between UNDP and the CSOs. UNDP needs to do a better job of building the capacity of the CSOs (i.e. budgeting, writing grant documents, fundraising, etc.). Staff also needs to assist the CSOs to better understand the modus operandi of UNDP. Going forward, UNDP may wish to support the reestablishment of a "CSO Forum" to help empower local organizations to stand together on certain issues, to carry out advocacy, to coordinate activities, to approach relevant government partners and also to create moral support in the face of shrinking civil society space. UNDP and DFID can cooperate in this area.

Conclusion 27

The principal criticism raised by UNDP's CSO partners voiced to the Evaluation is that UNDP to date has not done an effective job of gathering lessons from its CSO implementing partners and feeding these up to the policy level and the GoSL.

Recommendation 27

The Evaluation recommends that going forward, UNDP strengthen its advocacy and knowledge platforms, and regularly publishes CSO findings on key issues. UNDP Sierra Leone could do a better job of moving lessons learned from its CSO partners in the field up to the policy level to advocate for sectoral reforms UNDP could widely circulate publications among government officials and hold more conferences around key issues. This would likely require more staff than the current three-person rule of law team to accomplish.

IX. Lessons learned

- The Program proves that UNDP and donors are capable in situations of crisis and emergency of displaying flexibility to shift resources as necessary on short notice. The exemplary response of UNDP and its donors to the EVD crisis is an example of this.
- Despite the sustained support of UNDP and other donors in the justice sector in Sierra Leone since 2009, significant capacity and sustainability gaps continue to exist that will require innovative approaches, appear appropriately balanced supply side/demand-side engagement and significant advocacy and coordination by the United Nations and international donor community at the political level. At the same time, the GoSL appears to be responding to the crisis of access to justice in the country (i.e. the formation of the LAB), which should be encouraged.
- There are outcomes within UNDP's Program that have clearly begun to exceed the ability of UNDP to change via technical expertise alone. The continued under-funding of the judiciary by the government of Sierra Leone is the prime example. For example, UNDP has likely reached the limits of impact of support to mobile courts without and until the government of Sierra Leone increases funding for the judiciary to hire and train sufficient numbers of magistrates. The UN Resident Coordinator and donor have a role to play in advocating with the GoSL at the political level for increased funding of the judiciary and other issues hindering progress in the sector.
- The time is appropriate for an updated risk analysis be performed by the program in light of the above crisis, elections and Constitutional review process initiated in 2013.
- One of UNDP's principal comparative advantages is to serve as a "bridge" between the supply side and demand side of the justice equation. The Programme supported CSOs served as a crucial link between the demand-side and supply-side of the justice equation in Sierra Leone. The current Programme's demand-side focus on UNDP's core beneficiaries women, youth and most vulnerable groups and appears to be having a positive impact on SGBV filings at FSUs and awareness of violence against women and lack of equality for women in Sierra Leone.
- Gender mainstreaming requires constant reinforcement at all levels of programmatic delivery even within a program whose primary orientation is upon SGBV and VAW.
- When UNDP utilizes staff who are hired as technical experts to routinely carry out administrative functions it runs the risk that these same experts will not have sufficient time to deploy their expertise as envisioned to the government.
- When the collection of data and statistics is not continually required of UNDP's government and civil society partners, then UNDP is deprived of a fundamental means for performing results based management, managing for development results and monitoring and evaluation.
- The next phase of a UNDP RoL Programme could benefit from better base-lining, more realistic indicators and more consultation with partners to develop the program based on their needs, political context etc. Any next phase should also entail consultation internally at UNDP on possible synergies.

Appendix A: Terms of Reference

Terms of Reference

Outcome Evaluation of the 'Improving the Rule of Law and Access to Justice in Sierra Leone' Programme

1. Background

The lack of access to justice was identified by the Sierra Leonean Truth and Reconciliation Commission (TRC) in 2004 as a key cause of Sierra Leone's 11-year civil war. In the aftermath of the conflict, lack of trained staff and damaged infrastructure hampered the administration of justice and threatened the consolidation of peace. In the recovery phase therefore, donors provided logistical and infrastructure support to restore justice sector institutions severely destroyed or degraded during the war. The TRC findings led to a national consensus that reform of the justice sector is central to peace consolidation, and ultimately a vital ingredient for sustainable development in post-conflict Sierra Leone.

Despite 10 years of development assistance- much of it donor funded- the Government recognizes the problems that continue to confront the justice sector as a whole. Only 20 Judges and 22 Magistrates, along with 23 Ministry of Justice Prosecutors serve the entire country with a population of more than 6 million. Most criminal cases are prosecuted by untrained Police Prosecutors and long delays in both criminal and civil cases are common. Prisons are overcrowded and prolonged and illegal detention- due to delays in case processing- is the norm.

Since the duty to improve justice rests with both state and civil society actors, the UNDP Improving the Rule of Law and Access to Justice Programme adopted a two pronged approach, working with both state ('supply side') and civil society ('demand side'). Supply-side institutions include the Ministry of Justice, Sierra Leone Police (SLP), the Judiciary, and the Sierra Leone Human Rights Commission. Demand-side institutions include CSOs- particularly those with whom significant results have been achieved during previous engagements. Consequently, activities were clustered into two outcomes, corresponding to the two pillars in which capacities must be developed in order to improve access to justice in Sierra Leone. In addition UNDP recognises the need to build strong partnerships between national justice institutions and civil society and therefore many activities were designed with the objective of enhancing the working relationship between both pillars.

UNDP's experience in Sierra Leone shows that the prevalence of SGBV is directly related to gender equality and more broadly to the country's economic development. During programme implementation from 2013 to June, 2015 while working at the level of supporting individual victims of SGBV and to ensure the respect of gender and property laws enacted as per the strategy of the programme, UNDP identified, through its range of CSO partners that the area of women's access to land and property rights is a vital right issue which receives little or no attention. Women's human rights issues are often presented only as a civil rights issue, while women's social and economic rights are often ignored.

For the programme implementation spanning from 2013 to 2014, UNDP intended to build on previous programme achievements by scaling up promising practices that have achieved a high impact as well as expanding into areas based on clearly evidenced needs while ensuring that such activities are a logical expansion for UNDP to make based on our comparative advantage through the use of a wider network of CSOs/NGOs and government counterparts. In accordance with the Programme Strategy, focus was on building capacity in functional areas having a direct impact on the promotion and protection of gender equality and gender justice and also building capacity in core areas of the justice sector which are a pre-requisite for the promotion of gender justice. The programme therefore sought to enhance access to justice through increased application of human rights standards, effective implementation of

relevant national legislation and adoption of gender-sensitive practices in both formal and customary justice systems in Sierra Leone.

UNDP has throughout the programme supported key activities of justice institutions to further build and strengthen capacity – in accordance with the Agenda for Prosperity (2013-2017) and the previous poverty reduction strategy – PRSP II. This has for example included support to training of staff from the Judiciary and the Law Officers' Department both on core skills and also on SGBV and gender equality related issues. All training programmes supported had a focus on building capacity of the institutions concerned to plan, develop and deliver their own training modules. Training curricula are delivered by and owned by each institution in order to guarantee sustainability with UNDP support (SGBV Case Management Guidelines, SOP for SGBV).

As has been the case from 2009-2012, a key part of programme implementation included support for CSOs working on issues such as SGBV victim support, legal awareness, women's access to land and property rights and court monitoring. The Programme also expanded M&E activities conducted in the field by CSOs in order to gain improved qualitative data on justice services.

2. Purpose of Evaluation

The end of programme evaluation is a corporate requirement that UNDP and Irish Aid are committed to undertake based on an agreement signed between both parties. It is a means for UNDP to build on lessons learned in order to improve on similar interventions going forward. This is goal-oriented summative evaluation, where UNDP Sierra Leone is looking to determine the extent of its support to national priorities in the governance sector, and how programmatic its approaches have been in achieving real development changes. The evaluation will be based on outcomes, as stated in the Country Programme Action Plans (CPAP) 2011-12 and 2013-14:

“Enhanced civil society capacity to elicit accountability for justice service delivery” CPAP 2011-12

“Effective, responsive, accessible and fair justice systems attained to promote the rule of law, including both formal and informal processes, with due consideration to the rights of the poor, women and vulnerable groups” and “National capacity strengthened to ensure citizens’ security and human rights” CPAP 2013 - 14

While some evaluations have been conducted on specific aspects of the programme²⁷, this outcome evaluation will look at the programme overall and would be a very important input for the office's future strategy, especially in the light of changes Sierra Leone has undergone since the outbreak of Ebola Virus Disease and also in relation to other justice sector actors such as the UK-DFID funded Access to Security and Justice Programme (ASJP). The result of this evaluation will provide lessons for a new programme strategy in preparation with stakeholders to be pursued in the next programme cycle. The evaluation is expected to draw a clear contribution to the United Nations (through the Joint Vision and Transitional Joint Vision) and the national development efforts (through the Agenda for Prosperity and its predecessor, Agenda for Change) as well as the Justice Sector Reform Strategy and Investment Plan (JSRSIP III) on improving rule of law and access to justice.

Objective of the Evaluation

The main objective of this evaluation is to assess UNDP's contribution to the progress towards providing and sustaining justice and rule of law in Sierra Leone. Specific objectives of the evaluation include:

- Review the performance of the Programme in achieving the outputs as per the Programme Document and their contributions to outcome level goals;
- Assess the factors that have been affecting the outcome and its sustainability

²⁷ 2013 Report on the Evaluation of Mobile courts

- Assess UNDP's strategy used in making contribution to the outcome, including on the use of partnership
- Assess the appropriateness of the Programme strategy including its theory of change, implementation approach, and programme institutional/ management arrangements
- Document best practices and lessons learned from the programme to feed into the next phase of the programme cycle;
- Make clear and focused recommendations that may be required for enhancing the relevance, effectiveness, efficiency, impact and sustainability of a future programme.

3. Scope of the Evaluation

This outcome evaluation will assess the collective performance of two and half years of 'Improving Rule of Law and Access to Justice' Programme in Sierra Leone. The evaluation will cover both the non-programme interventions (technical strengthening and advocacy activities) as well as the following programmes that were implemented as part of the programme:

- All components of the 'Improving Rule of Law and Access to Justice
- Support to Human Rights Commission of Sierra Leone

The scope of the evaluation will cover an assessment of overlaps of the UNDP Improving the Rule of Law and Access to Justice Programme with the DFID funded Access to Security and Justice Programme (ASJP). The evaluation will also look at the contribution made by UNDP both at the national and local levels as appropriate. The evaluation will apply the evaluation criteria below by addressing the following questions:

Regarding the validity of the Design and Relevance: the extent to which the Programme activities matched the priorities and policies of the target group, recipient and donor, the key questions will include:

- Did the Programme respond to the real needs of the beneficiaries? Were the planned programme objectives and intended results (i.e. outputs and outcomes) relevant and realistic to the situation and needs on the ground? Were the problems and needs adequately analyzed?
- Was the Programme designed in a flexible way to respond to changes / needs that could occur during the implementation?
- Recommend (provide problem solving recommendations) specific objectives that should be addressed in future if the programme was continued

Regarding Achievements and Implementation and Development Effectiveness, the extent to which the Programme activities have attained its objectives:

- What were the development results (i.e. against planned outputs and outcomes) of interventions, taking into account the institutional development of the local and relevant national partners?
- Which aspects of the Programme had the greatest achievements? What were the supporting factors? What are the main lessons learned from the partnership strategies and what are the possibilities of replication and scaling-up? How can the Programme build or expand on achievements?
- To what extent UNDP's strategy, such as on partnerships or inter-programme collaboration, affected the efficiency of the interventions? What has been the added value of this partnership and collaboration?
- How have stakeholders been involved in Programme implementation? How effective has the Programme been in establishing ownership?
- To what extent has the programme generated positive changes in the lives of targeted (and untargeted) women and girls in relation to the specific forms of violence addressed by the programme?
- How has the role of UNDP added value to the programme? If found relevant, how and in what areas should it be improved?
- To what extent was the programme successful in advocating for legal and policy change towards increased respect for the rule of law and enhanced access to justice with a focus on protecting women's rights and promoting gender equality? In case the programme was

successful in setting up new policies and or laws, is the legal and policy change likely to be institutionalized and sustained?

Regarding effectiveness of management arrangements and efficiency of resource use: Efficiency will measure the Programme outputs -- qualitative and quantitative -- in relation to the inputs. Key questions will include:

- Have resources (funds, human resources, time, expertise, etc.) been allocated strategically to achieve the relevant outputs and outcomes? Have resources been used efficiently?
- Were management capacities adequate?
- Assess the criteria and governance aspects related to the selection of beneficiaries and partners institutions, including NGOs.
- To what extent were capacity building initiatives for NGOs and CSOs adequate to ensure sustainability?
- What are the key changes in the lives of those women and girls? Please describe the changes.
- Which methodologies/ tools were developed that were seen as being most effective for prevention and behavioral change? What made them effective?
- To what extent is the target group aware of SGBV services and their access to them?

In assessing the impact and sustainability of the Programme, the evaluation will look at the positive and negative changes produced by the Programme's development interventions, directly or indirectly, intended or unintended. This will involve the main impacts and effects resulting from the Programme's activities on the local social, economic, environmental and other development indicators. The focus will be on both intended and unintended results and will also include the positive and negative impact of external factors, such as changes in terms of economic, political and financial conditions.

On sustainability the Programme will measure whether the benefits of the Programme's activities will likely to continue after donor funding has been withdrawn.

Some of the key questions will include:

- To what extent were sustainability considerations taken into account in the execution and conduct of the Programme's activities? Was there an exit strategy and, if so, what steps have been taken to ensure sustainability and to what extent the exit strategy was successfully implemented and why?
- Are the Programme results, achievements and benefits likely to be durable? Are these anchored in national institutions and can the partners maintain them financially at the end of the Programme?
- Can the Programme approach and results be replicated and scaled up by national partners?
- How are the achieved results going to be sustained especially the positive changes generated by the programme in the lives of beneficiaries including vulnerable groups such as women and girls?
- What elements of the programme (in order of priority) should continue if further funding becomes available?
- How has the capacity of the target group and sense of ownership been developed over time with the various programme counterparts?
- What can we learn from the exit process for future justice programmes when sustainability over time is one of the objectives? What support do stakeholders feel must be in place for them to continue the work themselves?
- Are there any potential best practices that can be replicated in other programmes?
- What documentation of programme activities, new knowledge and practice has been conducted?
- To what extent coordination mechanisms were developed to strengthen coordination between IPs and between and between IPs and donors at national level?

4. Methodology of the Assignment

Based on UNDP guidelines for evaluations, and in consultations with UNDP Sierra Leone, the evaluation will be inclusive and participatory, involving all principal stakeholders into the analysis. The evaluation will consider the social, political and economic context which affects the overall performance of the outcome achievements especially EVD related factors that affected the Programme achievements. During the evaluation, the consultants are expected to apply the following approaches for data collection and analysis:

- Key informant interviews with UNDP Senior Management and Programme Staff;
- Desk review of relevant documents including evaluation reports, programme progress reports and any records of the various opinion surveys conducted during the life of the Programme;
- Interviews with partners and stakeholders, government officials, service providers including CSO partners, Development Partners and/or Donors, strategic partners in the justice sector among others.
- Field visits
- Briefing and debriefing sessions with the A2J staff and Programme Board members.

The evaluators will have latitude to design a detailed evaluation plan and an evaluation design matrix showing methods of addressing key evaluation questions. They will submit a short inception report that will describe:

- How they understood the programme theory of change in developing the evaluation plan
- The detailed evaluation plan, indicating the methods to be used and information sources to be looked at for each evaluation question.

One team leader (an international consultant) and a national consultant will be recruited to conduct this evaluation. The presence of an international consultant is deemed desirable given the complexity and sensitivity of some of the issues concerned, and therefore to safeguard independence and impartiality of the evaluation. The evaluators will have the support of the Programme Management Support Unit and Governance Cluster in the country office, as well as the Country Office's Senior Management. At the outset, the Governance Cluster will provide the evaluators an overview of the programmes, as well as the results of preliminary data collection and analysis, which will include contextual information, programme and outcome monitoring data, and relevant documents including programme documents, progress reports and evaluation reports.

5. Expected Outputs

The Evaluation Team is expected to deliver the following outputs:

- An Inception Report which describes the evaluation plan, design matrix, methodology, work plan and proposed structure of the report
- A draft evaluation report
- The consultants shall present the draft report to the Programme Team and Senior Management and subsequently to the Programme Board and Programme stakeholders for validation.
- A Final report, including a 3-4 page executive summary, and with evidence based conclusions on each of the evaluation objectives, as outlined above and lessons learned and key recommendations for future Justice/Rule of Law programmes in Sierra Leone. Annexes including among others the Terms of Reference for the evaluation as well as design matrix, theory of change, evaluation methodology and list of questions used during the interviews and list of key informants.

6. Implementation Arrangements and Reporting Relationships

The consultants, with support from the Programme Team shall be responsible for setting up meetings with all key stakeholders of the programme, both government and non-governmental organizations. The Results Based Management Specialist will be the evaluation manager. The evaluators will report to the evaluation manager and the Programme Manager.

A reference group will be established to enhance the quality of evaluation. The group will provide overall quality assurance support and work closely with the evaluation manager in reviewing the terms-of-reference, the inception report and the draft report. The reference group will be made up of the Programme Manager, the Governance Team Leader and the Evaluation Manager.

7. Skills and Experience of the Consultants

The Consultants (1 international and 1 local-with the external consultant serving as lead consultant in the process) shall have the following skills and knowledge:

Skills

- At least seven (7) years' experience in conducting external programme evaluations using different approaches and these will include non- traditional and innovative evaluation methods
- Expertise in gender and human rights based approaches to evaluation
- Specific evaluation experiences in the areas of rule of law and access to justice.
- Experience in collecting qualitative and quantitative data
- A strong commitment to deliver timely and high quality results, i.e. credible evaluation and report
- Strong team leadership and management track record
- Good interpersonal and communication skills, an ability to communicate with various stakeholders, and an ability to express des and concepts concisely and clearly;
- Good knowledge of the Sierra Leone justice system

Knowledge:

- In-depth knowledge of rule of law programming with focus on gender equality and women's empowerment, and issues of violence against women and girls
- Regional/Country experience and knowledge: in-depth knowledge of Sierra Leone
- Language proficiency: fluency in English

8. Timeframe

The detailed schedule of the evaluation and length of the assignment will be discussed with the Consultant prior to the assignment. The estimated duration of the Consultants' assignment is up to 6 weeks and the tentative schedule is as follows: Desk review and inception methodology for evaluation (1 week); Field Work (2 week); Preliminary Report and Validation of Preliminary Report (1 week); Feedback from key stakeholders and UNDP and Final Report (2 week).

DOCUMENTS FOR STUDY BY THE EVALUATORS

- UNDP Handbook on Planning Monitoring and Evaluation for development Results
- UNDP Guidelines for Outcome Evaluators
- Ethical Code of Conduct for Evaluation in UNDP
- UNDG Result-Based Management Handbook
- UN Joint Vision 2009-2012
- Outcome Evaluation of the Mobile Courts 2013
- UN Transitional joint Vision 2013-14
- UNDP CPAP 2008-2012 and 2013-14
- GoSL PRSP II, Agenda for Change, 2008-2012 and Agenda for Prosperity 2013-17
- Millennium Development Goals Reports 2011
- UNDP programme documentation
- Irish Aid programme documentation
- GoSL Programme documentation

Approved by:

Annette Nalwoga
UNDP Governance Team Leader
Date:

Appendix B: Schedule of Stakeholder Meetings Held

Schedule of Stakeholder Meetings- Evaluation Consultant-Final:

| # | Date and Time | Institution/Persons | Location for Meeting | Contacts |
|----|--|--|---|---|
| 1 | [MOVED TO TUESDAY, 15 December]. Monday 14 December, 2015 10:30 AM | Courtesy call to UNDP Country Director (together with TL, A2J PM and Nasrin) | CD's Office, Freetown | Walter-Neba; walter.neba@undp.org |
| 2 | Monday 14 December, 2015 11 AM | UNDP RBM Specialist | UNDP CO, Freetown | Issa.conteh@undp.org |
| 3 | Monday 14 December, 2015 1 PM | UNDP A2J/SSR Programme Board Meeting-Key IPs including NGOs | UNDP Conference Room, Freetown | Walter-Neba, Tel: |
| 4 | Monday 14 December, 2015 3:30 PM | Rule of Law and Access to Justice Programme Team | | Walter-Neba; walter.neba@undp.org 078-602519 |
| | | | | |
| 5 | <i>[Reschedule or call] Tuesday 15 December, 2015 10 AM [could not meet]</i> | <i>Deputy Director General SL Correctional Services</i> | <i>New England Ville, Freetown</i> | <i>Mr. Lamboi,</i> |
| 6 | Tuesday 15 December, 2015 11 AM | Rainbo Centre Initiative, Tania Sheriff | Freetown | Tania Sheriff, |
| 7 | Tuesday 15 December, 2015 1 PM | MOJ, LOD, DPP, SG | Guma Building, Lamina Sankoh Street, Freetown | Mr. Desmond M. Forde, |
| | | | | (Note: DPP was not present in above meeting; LOD was rescheduled as a separate meeting). |
| 9 | Tuesday 15 December, 2015 3:30 PM | SLP, Police Prosecutors | CID Building, Pademba Road, Freetown (MB Kamara, Legal One) | MB Kamara, |
| 10 | Tuesday 15 December, 2015, 7 PM | Political Affairs Officer, US Embassy, Gregory F. Maggio | Country Lodge, Freetown | maggioGF@state.gov ; |
| | | | | |
| 8 | Tuesday 15 December, 2015 2:30PM [Changed to WED at 12:00] 12:30 | Magistrate Komba Kamanda; | Law Courts Building, Siaka Stevens Street, Freetown (Saturday SGBV Courts) | kombakamanda@gmail.com ; |

| | | | | |
|---------------------------|--|---|--|---|
| | | Chief Administrative Secretary to the CJ | | |
| 12 | Wednesday 16 December, 2015 13:00 AM | JOD | Special Court Building, New England Ville, Freetown | henrymbawa@gmail.com ; |
| 13 | Wednesday 16 December, 2015 3:30 PM | NGOs: CARL, TIMAP, CGG, ADP-SL, SDI, COOPI, Advocaid, PW-SL | UNDP Conference Room, Freetown | Walter-Neba, |
| | | | | |
| | Thursday 17 December, 2015, 9:30-10:30 | Orla Kelly | | |
| 14 | Thursday 17 December, 2015 11 AM | Team Leader, ASJP-DFID funded programme | Walpole Street, Freetown | Chris Walker, |
| 15 | Thursday 17 December, 2015 12 Noon | UNICEF Child Protection Section | New England Ville, Freetown | Ndanga Moyo, |
| 11 | Thursday, 17 December, 2015 14:00. | FSU Boss and FSU Prosecutors | CID Building, Pademba Road | Mira Koroma |
| | Thursday, 17 December, 2015 15:00 | JSCO Coordinator, Dr. Henry Mbawa | | |
| 16 | Thursday 17 December, 2015 3 PM | Telephone call, Governance Advisor, DFID, Samina Bhatia | London UK | Samina Bhatia, s-bhatia@dfid.gov.uk |
| | | | | |
| Up country travels | | | | |
| 18 | Friday 18 December, 2015 7:30AM | Mobile Court Magistrate, Moyamba-Sahr E. Kekura | 11am Magistrate Court, Moyamba Town 12:30pm Moyomba | Magistrate Kekura, |
| 19 | Friday 19 December, 2015 10 AM | NGOs-HUWASAL, DN, HRYC-SL, Court Monitors, South-East | 3pm HUWASAL Office, Kenema Town 4pm 5pm | Christopher Briama, |
| | OVERNIGHT IN BO | | | |
| | | | | |
| 20 | Saturday | NGOs-CAHSEC, UPHR, NIMIRIGHTS | CAHSEC Office, Makeni Town) | Abass J. Kamara, |
| | Return to Freetown by no later than 3pm | | | |
| | | | | |

| | | | | |
|-----------------------------|---|---|--|---|
| 2 | Sunday 20 December 2015 4-5pm | Resident Judge, Bo | Meeting in Freetown | Justice D.B. Edward |
| | | | | |
| | Monday, 21 December 2105 09:00am | Louise ---Breakfast | Radisson hotel | |
| 21 | Monday 21 December, 2015 1PM | Chief Justice of Sierra Leone and senior judges | Law Courts Building, Siaka Steven Street, Freetown | Ms. Emelda Stronge, Administrative Assistant to CJ, |
| | | | | |
| | | | | |
| | Tuesday, 22 December, 2015 10am | UNDP CD debrief | UNDP | |
| Potential follow ups | | | | |
| 1 | Irish Aid Embassy Freetown | Gibril Kargbo, Programme Officer and focal point for UNDP Programme | Freetown | Gibril Kargbo, Tel: |
| 17 | Friday 18 December, 2015 10 AM [could not meet] | Women Empowerment Coordinator, IRC, Amy Greenbank | Off Frazer Street, Lower Pipeline, Freetown | Amy Greenbank, Tel: |
| 3 | Director of Gender, Ministry of Social Welfare, Gender & Children's Affairs | Charles Vandí | Freetown | Charles Vandí, bondofele@gmail.com |
| 4 | Gender Officer, UNDP | Musu Bangura | UNDP CO. Freetown | Musu.bangura@undp.org ; |
| 5 | Commissioners, HRC-SL | Briama Sheriff, Chairperson | NEC Building, Freetown | brimaabdulai@gmail.com |

Appendix C: Documents and Literature Consulted

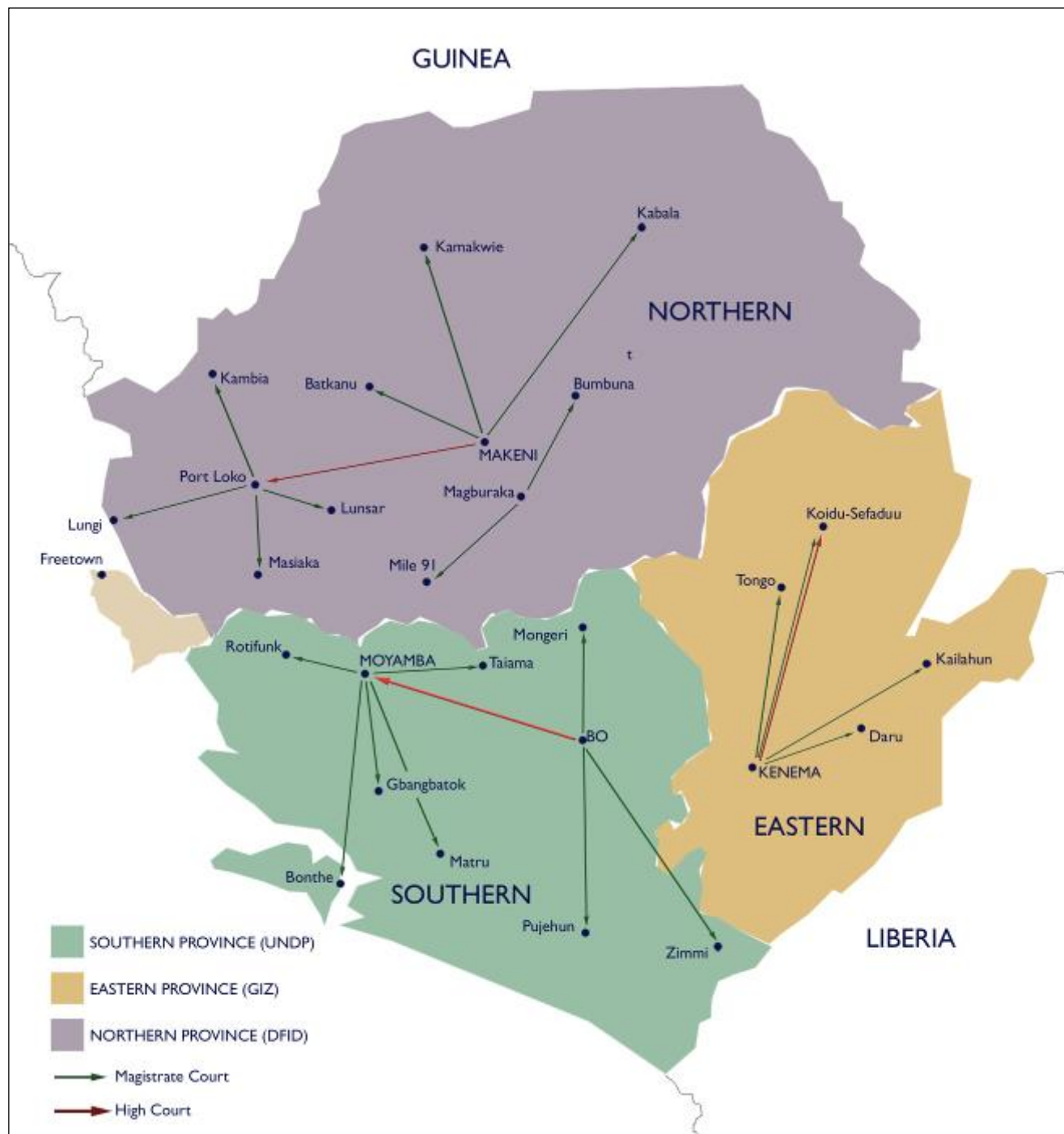
Documents and Literature Consulted

- UNDP Handbook on Planning Monitoring and Evaluation for development Results
- UNDP Guidelines for Outcome Evaluators
- Ethical Code of Conduct for Evaluation in UNDP
- undg Result-Based Management Handbook
- UN Joint Vision 2009-2012
- UNDAF (2015-2018)
- UNDP Sierra Leone Country Programme Document (2105-2018)
- UNDP ADR Sierra Leone 2013
- UNDP CPAP 2008-2012 and 2013-14
- GoSL PRSP II, Agenda for Change, 2008-2012 and Agenda for Prosperity 2013-17
- JSRSIP II and JSRSIP III (final draft for cabinet approval)
- UNDP Rule of Law Programme document
- UNDP Rule of Law Programme RRF (2013-2014)(revised)
- UNDP Rule of Law Programme RRF (2012)
- UNDP Rule of Law Programme Final Report 2013-2015
- Application for a NCE from Irish Aid (October 2014)
- Sierra Leone MPTF (OHCHR and HRCSL)(2014)
- Constitution of Sierra Leone 1991
- The Sexual Offences Act (2012)
- The Independent Media Commission Act, 2000
- The Children And Young Persons Act (1945)(as amended)
- Devolution of Estates Act (July 2007)
- The Human Rights Commission of Sierra Leone Act (2004)
- Outcome Evaluation of the Mobile Courts 2013
- UN Transitional joint Vision 2013-14
- Evaluation Report of the JSRSIP II
- “Implementation Issues for JSRSIP III” (JSCO 02 March 2015)
- Millennium Development Goals Reports 2011
- Fregility Assessment of Sierra Leone (March 2013)
- Various UNDP CSO grant recipient reports and clearance forms
- Various reports of SLP FSUs
- SLP Crime Statistics Reports 2014 and 2015
- SLP regional crime statistics Northwest; East
- ILRC research on juries, bail and sentencing.
- UNDP “Criminal Procedure Act, 2013 Review Matrix: Summary of Proposed Changes”
- 2013 UNPOL TAM Report on Sierra Leone Police
- UN Human Rights Council Sierra Leone National UPR report (November 2015)
- UNCT Contribution for the UPR documentation of Sierra Leone (2nd cycle)
- UN Human Rights Council Report of the Working Group on Sierra Leone UPR (2011)
- Judiciary reports on the Mobile Courts and Saturday Courts (2013-2014)
- IRC Report: “Je Ne Veux Pas Mourir Avant Mon Heure: La Violence Domestique en Afrique de L’Ouest” (May 2012)
- “Assessing Sexual and Gender Based Violence during the Ebola Crisis in Sierra Leone” (UNDP and Irish Aid (2015)
- Draft Report of Gap Analysis: HRCSL (July 2015)
- Final Report: UNDP/Irish Aid/HRCSL Programme “Capacity Development of the HRCSL”

- Minutes of UNDP RoL Programme Programme Board Meetings (April and July 2014)
- Sierra Leone Justice Sector and the Rule of Law: A review by AfriMAP and Open Society Institute (2014)

Appendix D: Supporting Maps, Tables and Data

Map of circuit courts in Sierra Leone



NOTE: UNDP entered into a LOA in 2014 to assume GiZ funded mobile courts in the East.