**Project Title**: Support to Access to Justice, Security and Human Rights in South Sudan

**Project Number:**

**Implementing Partner:** UNDP

**Start Date:** April 2020 **End Date:** March 2023 **PAC Meeting date:**

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| **Brief Description** |
| UNDP South Sudan’s Access to Justice, Security and Human Rights program contributes to strengthening the rule of law and human rights and creating the conditions for people to experience peace and security, enjoy their human rights and actively fulfil their societal roles. The program builds on past gains from the previous project and responds to emerging priorities under the R-ARCSS. Working at national level and in eight states, with priority being placed on the people and states that are most affected by the conflict, the program supports national partners to address the drivers of conflict and build resilient communities through strengthening capable institutions that can resolve disputes quickly and fairly, empowering groups of vulnerable people to claim their rights peacefully, increasing safety and security at community level, establishing transitional justice mechanisms to effectively address past abuses and building a national human rights system to stem further human rights violations. Equally, the program responds to the immediate justice and security needs of communities and individuals in a way that complements and strengthens field collaboration among ongoing projects by UNDP to strengthen livelihoods, local governance and social cohesion in these same communities. It also contributes to other national processes outlined in the R-ARCSS such as the disarmament, demobilisation and reintegration of ex-combatants and elections support. By reducing the inclination for violent retribution and escalation of legal and security problems, the program will help to prevent the recurring violence and conflict, and ultimately contribute towards a stronger governance and peace in the country that is necessary for development. |

Contributing Outcome (UNDAF/CPD):

**UNCF Outcome 1**: ‘Strengthened peace infrastructures and accountable governance at the national, state and local levels.”

**UNDP CPD (2019-2021) Output 1.2**: Institutional capacities and customary mechanisms at all levels strengthened to monitor, promote and protect citizen's rights and increase access to justice, especially for vulnerable groups and SGBV survivors.

Indicative Output(s) with gender marker2:

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| --- | --- |
| **Total resources required:** |  |
| **Total resources allocated:** | **Netherlands:** |  |
| **Japan:** |  |
| **PBF:** |  |
| **Global Program:** |  |
| **UNDP TRAC:** |  |
| **Unfunded:** |  |

|  |  |
| --- | --- |
| Agreed by Government | Agreed by UNDP |
| Print Name: Justice Rueben Madol Arol  | Print Name: Dr. Kamil Kamaluddeen |
| Date:  | Date:  |

1. **Context and Development Challenge (1/4 page – 2 pages recommended)**

**Background**

As South Sudan recovers from several years of civil war and political crises in 2013 and 2016, it continues to rebuild a justice and policing system weakened by conflict and instability. Over the years, the United Nations and other international partners have provided technical and development support to rule of law actors to increase access to justice and security and promote accountability for serious human rights violations. An evaluation of UNDP’s Access to Justice and Rule of Law project (2017-2020) in 2019 however, highlighted the need for continued support to address justice and security needs especially of disadvantaged and vulnerable groups who still experience significant challenges.

Signed in 2018, the Revitalized Agreement on the Resolution of Conflict in South Sudan (R-ARCSS) adds responsibility on the revitalized transitional government of national unity (RTGoNU) to tackle the country’s rule of law deficits. The formation of the RTGoNU in February 2020, marking the beginning of South Sudan’s 36-month transitional period is expected to secure the country’s path towards lasting peace for the close to 13 million South Sudanese. Within this time, the RTGoNU must make a permanent constitution, pursue reconciliation, healing and structural reforms that include a judicial review and security sector reforms. The COVID-19 pandemic, which came to South Sudan barely a month after it established the RTGoNU threatens to delay these commitments, further constrain the delivery of justice and security services, and worsen existing justice deficiencies as well as introduce new challenges to achieving justice and safety for all.

* 1. **Limited capacity of the justice and security institutions**

The Judiciary, Ministry of Justice and Constitutional Affairs (MoJCA) and Ministry of Interior including the South Sudan National Police Service (SSNPS) and the National Prisons Service of South Sudan (NPSSS) make up the main institutions involved in the administration of justice and maintenance of law and order in South Sudan. Through UNDP’s past project and working with partners, Rule of Law forums have been established in six states[[1]](#footnote-2) bringing these institutions together to address system-wide concerns and institutional support. The police and prisons staff, judges, prosecutors and traditional leaders have benefited from training, mentorship and coaching in investigation, prosecutions, gender and human rights standards. The government has developed vital police and prison infrastructure[[2]](#footnote-3), including Vocational Training Centers that provide inmates with the skills to reintegrate into society upon release. The justice system is slowly taking services closer to the people through civil society provided legal aid and the Mobile Court system. Among the legal reforms carried out, five security laws[[3]](#footnote-4) have for example been revised as part of the implementation of the R-ARCSS.

Despite these capacity efforts, the rule of law institutions are still constrained due to an absence of progressive policies, laws and strategies for inclusive justice and security reforms, ineffective sector wide coordination, weak accountability and unrationalized infrastructure development. The High Court Judges, prosecutors and investigators are present in a few urban centers, often ill-equipped, inadequately funded, and inaccessible to the rural population. The practicing judges, court clerks, prosecutors and advocates often have limited or no formal legal education and training necessary to perform their duties professionally. The shortage of lawyers and absence of a comprehensive state-led legal aid scheme also remains a great handicap to the timely delivery of justice throughout the country.

The situation at the sub-national level is particularly disturbing where rule of law institutions in remote parts of the country have limited presence or are completely absent. The absence of available and accessible justice and policing services has diminished public confidence in the formal systems of justice, with most people relying heavily on the customary court system or resorting to self-help.[[4]](#footnote-5) The degree to which the customary justice system contributes to access to fair justice is inhibited by its inconsistencies with due process and human rights standards, and the limited legal knowledge of customary leaders on statutory legal disputes and human rights. Most often, the quality of justice they provide infringes on the rights of claimants, making it difficult for customary courts to address discrimination that is inherent to cultural and social norms.

These shortcomings have slowed the throughput of cases, prolonged trials and created backlogs of cases. Prisons are overcrowded with over 7,000 inmates, up to 120% more than their authorized capacity. The majority are pretrial detainees awaiting trial that take months or years to materialize, placing pressure on the prison's budget and contributing to poor prison conditions including poor hygiene, insufficient medical and mental health services, short supply of educational and vocation programs. Moreover, the pretrial detainees face severe socio-economic consequences on their livelihoods and family life that lasts long after their release. Women face unique problems, some resulting from their lives prior to and from their imprisonment itself, which include poor maternity and childcare and prisons structures that do not cater for women’s other needs. The children who are in conflict with the law sometimes share prisons space with adult inmates due to the absence of juvenile reformatory centres.

* 1. **Weak service delivery and a huge justice gap**

The capacity gap in the judiciary, the MoJCA, police, prisons and among lawyers/legal aid providers fails to deliver justice and enforce laws in a nondiscriminatory, accountable and trustworthy manner. Communities and vulnerable groups such as women, survivors of SGBV, displaced populations, children and persons living with HIV are most affected, yet they simultaneously face significant financial, cultural, physical and linguistic barriers to justice. Although the scale of legal needs of communities and people are unknown, accessing justice is slow, time-consuming and often escalates legal problems that costs and strains both users and justice institutions. Thus, people take the law in their hands through revenge killings or mob violence, both of which are prevalent and fuel community instability.

Women and girls face multiple and intersecting barriers to access justice and are inadequately protected due to policy, institutional and legal biases and discrimination – be it when applying for civil documents, in employment or participating in court proceedings or receiving inheritance. Females who are at a higher risk of and affected more by the prevalence of SGBV in communities, POC sites and among returnee communities have limited access to redress. Four out 10 girls are married off before the age of 18, depriving them of the opportunity to pursue their aspirations. Most often, SGBV cases are not reported and prosecuted because of stigmatization of victims mainly by community stakeholders who also are unwilling to cooperate with law enforcement agencies due to religious, traditional and cultural factors. The unresponsiveness of institutions that receive reports to investigate, prosecute and try these matters and lack of assurance from survivors that they can receive legal aid, psychosocial and counselling support, promotes impunity and emboldens would-be-perpetrators.

Since the R-ARCSS was signed, around 800,000 displaced populations according to IOM have voluntarily returned to their homes[[5]](#footnote-6) as at March 2020 with many more expressing an interest to return. It is anticipated that the returning populations will go on to face disputes over land and property, experience crime and SGBV. Yet they will not always have the defined means of addressing such problems as there has been no concomitant increase in the presence of justice and security apparatus in displaced settlements or receiving communities. Where the vast majority of IDPs and returnees could use alternative mechanisms to prevent or resolve these disputes, the long conflicts and displacement has in many places disrupted the traditional community structures or their legitimacy and broken down their effectiveness.

For many vulnerable groups, justice and security are far removed from their reality. The levels of legal and human rights awareness among the population served by the justice system and police remain low. The formal mechanisms available to respond to legal problems and especially SGBV crimes are not very well known or in some cases trusted by the public. Women and displaced populations are particularly unaware of the options available to them for legal advice or legal action and are not able to access enough information to make informed decisions when responding to a crime or dispute. This limits the ability of the public to assert and claim redress through the justice system.

* 1. **Incidences of crimes and insecurity at the local level**

South Sudan is improving its policing system to respond effectively to crime and deliver equal and timely services for its people. Over the years, the SSNPS has established Emergency Call Centres (ECCs) in Juba and Wau, enabling the police to reduce its crime response time. Strengthening the ties between police officers and people, through community-level policing initiatives have resulted in at least over 117 Police and Community Relations Committees (PCRC)[[6]](#footnote-7) that provide a unique platform for community members to raise concerns directly with the police. The PCRCs have mitigated conflict in areas with limited or no presence of the formal justice system, as they settle communal disputes directly and serve as an important channel for alternate dispute resolution. These measures are often impeded by inadequate basic police services due to a limited coverage of the SSNPS outside of major towns, inadequate resources, a lack of basic training of officers, weak command/control, inadequate equipment, tools and logistics.

Within the communities, security remains fragile and unstable especially in Jonglei, Warrap and Unity states. Violent crime rates are high and involve murders, assaults, robberies, and kidnappings in addition to crimes against women and girls in the form of SGBV. Reports of local-level violence that are linked to unaddressed grievances between communities, feelings of marginalization, cattle rustling, revenge killings as well as long-standing disputes over land and water resources are common. The incidents of crime and cycles of violence are driven by a combination of factors relating to negative intercommunal relationships, a history of violence, circulation of small arms and light weapons in the hands of unauthorised individuals and lack of development opportunities. The bulk of youth who are unemployed pose a risk as they are easily drawn into repeated acts of criminality and violence. UNICEF estimates that the rate of delinquency stands at 33.7%. Corruption, deep mistrust and ethno-political polarization in the police and unskilled ex-combatants in the police all aggravate the situation.

* 1. **Inactive human rights mechanisms**

South Sudan is a signatory to eleven international and regional human rights instruments[[7]](#footnote-8) that have been introduced in the Transitional Constitution bill of rights and in over 133 laws.[[8]](#footnote-9) Regulatory frameworks have been put into place to improve the human rights performance of the justice sector. However, there are still reports of arbitrary police arrests, torture in police custody, delayed trials, unfair justice outcomes by customary courts, poor prisons’ conditions and overcrowding that infringe on the rights of people who come in contact and conflict with the law. Since its establishment in 2016, the UN Commission on Human Rights in South Sudan has pointed to continued impunity and limited redress for SGBV, deteriorating living conditions for the internally displaced and shrinking space for civic engagement.

The individuals who suffer human rights violations do not easily access effective redress. Established by an Act in 2009 as an autonomous body, the capacity of the South Sudan Human Rights Commission’s (SSHRC) is inadequate to investigate complaints of violations, as well as monitor the government’s compliance with human rights standards, visit places of detention and implement research, education and awareness of human rights. Its effectiveness is impeded by insufficient resources, limited public knowledge on human rights, and cultural practices that contravene human rights. Although human rights CSOs remain active, they are equally focused on implementing promotional activities like the SSHRC leaving a vacuum in human rights protection. South Sudan’s technical capacity to prepare reports to engage with the international Treaty Bodies and the Human Rights Council, which constitute a complementary human rights protection mechanism,[[9]](#footnote-10) is further constrained by inadequate national data, weak coordination among institutions responsible for reporting, several residual reports that are overdue, and weak follow up.

* 1. **Delays in the establishment of transitional justice mechanisms and processes**

As envisaged in chapter five of the R-ARCSS,[[10]](#footnote-11) establishing a Hybrid Court, a Commission for Truth Reconciliation and Healing (CTRH) and the Compensation and Reparation Authority (CRA) are essential to addressing past human rights abuses and other serious crimes perpetrated against the South Sudanese during several years of hostilities and armed conflict. The mechanisms are critical for establishing the conditions that will prevent similar occurrences in the future. Apart from establishing a technical committee for the formation of the CTRH, preparation of policy papers and initial consultations to gather public views on the CTHR law, the legal instrument has not been drafted. The law to establish the Hybrid Court and the CRA are equally pending. Several actors are carrying out advocacy, training, public outreach and other transitional justice activities in various geographical locations in a disjointed manner that can encourage incoherent approaches and solutions.

South Sudan has not yet held any perpetrators to account for the estimated four million displaced people as a result of the conflict, or the 8 of every 10 people who experienced some form of human rights abuse during the conflict that scarred them physically and mentally[[11]](#footnote-12). According to a 2019 Institute of Security Studies study, citizens’ knowledge of transitional justice mechanisms in the R-ARCSS is very low. Understanding of transitional justice varies among communities and individuals, depending on their expectations and perceived benefits from the process. Nonetheless, 60% want the CTRH to be established first, compared to 49% for the Hybrid Court and 7% for the CRA.[[12]](#footnote-13) The lack of progress on these mechanisms, which are to be complemented by customary and other community-centred mechanisms, is delaying accountability and reparation for past crimes.

1. **Strategy**

Strengthening the rule of law and promoting human rights are cornerstones of UNDP’s work to achieve structural transformation for sustainable human development, build resilience to prevent and withstand shocks and eradicate extreme poverty. The Sustainable Development Goal 16 outlines the key role that the rule of law plays in promoting peaceful, just, and inclusive societies and as an accelerator for the 2030 Agenda for Sustainable Development. In conflict-affected settings, such as South Sudan, access to justice, security and human rights are essential to mitigate the root causes of violent conflict and prevent human rights violations.

In this regard, the Access to Justice, Security and Human Rights Program is built around an integrated rule of law and human rights package of support that prioritizes eight states (Central Equatoria, Western Equatoria, Eastern Equatoria, Lakes, Unity, Western Bahr el Ghazal, Jonglei, Upper Nile) Which are most affected by the long conflict. It builds on the past project and responds to the immediate human rights, access to justice and security needs of the communities and individuals in a way that complements and strengthens field collaboration among on-going projects by UNDP to strengthen livelihoods, local governance and social cohesion in these same communities.[[13]](#footnote-14) This will maximize efforts for results and impact.

The program is fully aligned with the National Development Strategy (2018-2021) especially Secular Goal “Strengthening the Rule of Law System to ensure and promote equal access to justice for all.”[[14]](#footnote-15) In line with UNDP’s Engagement Strategy from Pre Transition to Transition, the program will support the implementation of the R-ARCSS and what the R-TGoNU is expected to embark on regarding constitutional and law reforms (Chapter I), security sector reforms (Chapter II), justice sector reforms (Chapter I) and transitional justice (Chapter V). By anchoring the program within national development and peace frameworks and engaging national ownership at the political, civil society and grassroots level, it reflects government commitments and is designed as a key instrument to influence and promote rule of law priorities as accelerators for peacebuilding and development outcomes.

The program will ensure that human rights form an integral part of the justice and security actions through efforts for institutional and social behavioural change. Moreover, it adopts a people-centred approach in which the program will make available, accessible, acceptable and quality justice services provided by formal and traditional means and remove bias and discrimination as important guarantees to prevent relapse with a specific focus on populations that are left behind. It will empower the most disadvantaged individuals and communities and build their capacities to seek solutions and for the institutions to provide them with high quality services throughout their justice journey.

Deliberate attention will be paid to gender aspects in all actions. Gender issues will be mainstreamed in all the program interventions at national and sub-national level in relation to support on policies, institutional frameworks, plans and knowledge products. Gender equality will be addressed in two outputs through tailored responses including further development of specialised services and female empowerment to advance access to justice for and protection of women and girls. In consultation with the Ministry of Gender, Labour and Social Welfare (MoGLSW), the program will scale up efforts to institutionalize gender responsiveness in both core justice and security sector institutions. The program will further allocate a minimum of 15% of its resource to address these gender considerations.

In states where humanitarian efforts have focused on addressing the immediate needs of the people affected by the conflict, the program will deliver complementary support aimed at building community resilience through restoration of justice and security services. Efforts will seek to ensure that there is not only a minimal presence of law enforcement and judicial institutions but that they are adequately resourced to provide effective and timely services both to returnees and receiving communities, and regularly monitored against human rights standards and principles.

The program will also work closely with government partners in the Judiciary; Ministry of Justice and Constitutional Affairs including the Directorate of Public Prosecutions; the Ministry of Interior including the Police; Prisons; Law Reform Commission; ; the Ministry of Gender, Child and Social welfare and the South Sudan Human Rights Commission. All interventions will build upon existing and/or crucially required institutions to enable government to better deliver on policy reforms and basic justice and security services at the community level, creating a foundation from which the government and other national actors can carry forward initiatives in a sustainable and ever-improving fashion beyond the lifecycle of the program.

UNDP will capitalize on its relationships both with government officials and civil society actors to encourage a participatory and bottom-up approach to the development of policy, strategy and law that will be supported through this program. Of equal import will be the engagement with civil society actors to provide their perspectives to the upstream instruments, and together with traditional leaders to affect community-level change in the public’s understanding of and interaction with justice and security institutions.

The program will advance conflict sensitive approaches, ensuring that support actions to the justice, policing and human rights system can prevent problems as much as supporting it to resolve those that have occurred. When disputes are fewer, and people have proper legal protection, societies are more likely to be peaceful. Further, it is expected that significant progress can be made towards building public confidence in the justice and law enforcement institutions that have long been a source of mistrust by providing people with a reasonable expectation that their rights will be protected, their disputes managed peacefully and marginalized groups will be empowered to realize their rights and overcome unfairness.

Aware of the range of different actors and stakeholders in promoting justice, the program builds on a wide range of established partnerships with other UN entities with whom various forms of cooperation agreements and joint rule of law related projects exist. UNDP will involve United Nations Mission in South Sudan (UNMISS), United Nations Police (UN Police), Office of the High Commissioner for Human Rights (OHCHR), UN Women, United Nations Children’s Fund (UNICEF), United Nations High Commissioner for Refugees (UNHCR) and World Food Programme (WFP) through direct engagement and strategic partnerships. Moreover, UNDP will nurture relations with key donors and the international community including the African Union (AU), the Africa Development Bank (AfDB) and the European Union (EU).

The program will leverage UNDP’s comparative advantages to draw on its longstanding experience in access to justice, security and human rights programming from its presence on the ground in more than 40 countries that are affected by conflict or crisis, as well as its dedicated expertise in this area and convening power as a trusted partner. It will further leverage its presence in the eight states of South Sudan where UNDP has implemented two previous access to justice and rule of law projects and had strong partnerships with both state governments and civil society to expand and deepen its support in a coordinated manner.

**Map 1: Programme Geographic Coverage**



**Theory of Change:**

***If*** the knowledge of and capacity of the most vulnerable people to access available justice and security services is increased;

***If*** the capacity of formal and customary justice and law enforcement institutions are strengthened to deliver quality services in underserved areas; and

***If*** the legacy of past conflict related human rights abuses is addressed in a comprehensive, just and victim centred manner;

***Then*** people will be inclined to address grievances formally, institutions will be able to handle disputes fairly, equitably and in a timely fashion, and victims will heal from past grievances. Consequently, the inclination for violent retribution and escalation of legal problems will be reduced, recurring conflicts will be prevented, contributing towards a stronger governance and peace that is necessary for development.

This theory of change envisages a set of assumptions that are crucial for the successful realization of the proposed interventions. Therefore, to produce positive results:

1. the program design will continue to be relevant amidst a changing political and security context;
2. donor appetite to support the rule of law and human rights area will remain to the extent that meaningful engagements can be undertaken.

External assumptions include:

1. major causes of insecurity can be counteracted;
2. political will for the advancement of the Peace Agreement will remain supportive;
3. TGoNU will be able to take and uphold joint decisions;
4. basic budgetary needs of rule of law institutions will be provided by RTGoNU in a predictable and sustainable way; and,
5. policies and legal frameworks are revised/developed and implemented in line with international norms and standards.

**3. Results and Partnerships**

**3.1 Expected Results**

This program is anchored in the National Development Strategy and the United Nations Cooperation Framework (UNCF 2019-2021) outcome and the Interim Cooperation Framework Outcome 1: ‘Strengthened peace infrastructures and accountable governance at the national, state and local levels.” It contributes to the achievement of the UNDP Country Programme Document (2019-2021) Output 1.2: Institutional capacities and customary mechanisms at all levels strengthened to monitor, promote and protect citizen’s rights and increase access to justice, especially for vulnerable groups and SGBV survivors.”

The program contributes to strengthening the rule of law and human rights in South Sudan and create the conditions for people to experience peace and security, enjoy their human rights and actively fulfil their societal roles. Working at national level and in eight states, the program supports partners to address the drivers of conflict and build resilient communities that are supported by just institutions with priority being placed on the people and communities that are most affected by the conflict.

This will be achieved using a sector-wide approach to support the realization of the theory of change through the following five interrelated outputs:

1. Justice and security institutions coordinate and deliver accountable, effective and equitable services
2. The most vulnerable people; particularly women, girls, SGBV survivors, IDPs and returnees have increased equal access to a fair and effective justice system
3. Community security especially in conflict-affected areas is people-centred, prevents violence and promotes safety
4. The national human rights systems promote human rights awareness, respect and provides redress
5. Transitional justice mechanisms effectively address the legacies of past human rights violations and root causes of conflict

**Output 1: Justice and security institutions coordinate and deliver accountable, effective and equitable services**

The output will focus on engagement with MoJCA, MoI, SSNPS, NPSSS, LRC, NCAC, MGCSW, the Bar Association, CSOs and community-based organizations to establish an enabling legal environment that supports the reform agenda outlined in the R-ARCSS and efforts to end discrimination. Particular attention will be given to prepare consensus-based roadmaps that set out milestones for mapping gaps in the legal environment, making the permanent constitution of South Sudan and addressing law reform priorities such as security, electoral and GBV laws. The program will support the reform and revision of laws through inclusive and consultative processes.

In a bid to put in place comprehensive policies for the sector, the program will support the national security sector reform process through the provision of technical support in the development of the policy and implementation of a strategy that will seek to streamline the security forces in a democratic context and build trust of the population. Support will also be provided to the Ad Hoc Judicial Committee tasked by the R-ARCSS to lead the design of justice sector reforms including the establishment of a Constitutional Court. To this end, the program will support efforts to produce credible and disaggregated data on people’s justice and security needs and gaps through institutional capacity assessments and surveys aimed at strengthening the capacity of policy makers to make evidence-based reforms.

The program will equally support the design and costing of national and state level justice and security sector plans and strategies that recognise solutions to people’s justice and security needs. The already established Rule of Law Forums will be reviewed and revamped to become more focussed and effective in addressing safety and justice problems, improving institutional performance and delivery of services. The planning exercises will be accompanied by complementary advice and coaching of staff of the MoJCA, MoI, the judiciary, SSNPS, NPSS and legal aid CSOs on key issues such as inclusive and effective access to justice; law and order; data management and sustainable budgeting options. The output will ensure that these planning processes are evidenced-based, coordinated, inclusive in design and linked to the national development planning.

Building on the important upstream work, the program will support the increase in the presence, reach and ability of the formal justice system to respond to local communities concerns through the re-establishment of police, prosecutors, judiciary and legal aid services in areas where they have been absent or are not functioning; deployment of more prosecutors, judges and legal aid providers; and tailored operational support at the state level. In addition, dilapidated infrastructure such as court buildings, prisons, police posts, and reformatory centres will be renovated. The institutions will also be retooled and equipped including through the scaling up of past support aimed at establishing a unified and robust case management system, inmate’s data and crime statistics. The program will also support the institutions to adapt their approaches to the evolving COVID-19 context, respond and recover from its effects on the justice system. Coordinated action between the different rule of law institutions will be used to rationalise and sequence interventions to reinforce each institution mandate and ensure linkages.

Support will be provided to develop the professional capacities of rule of law officials to improve their ability to deliver effective and timely services that are equally responsive to the peculiar needs of vulnerable groups with dignity. Targeted training will be provided to improve investigative, prosecutorial, legal aid, adjudicative skills, forensic services and overall compliance with human rights, fair trial and gender equality standards. This will be accompanied by efforts to increase the number of professionally qualified women within the rule of law institutions, strengthen their capacity and ensure their retention and promotion[[15]](#footnote-16) as a means of promoting a safe environment in which women and girls trust the institutions and feel comfortable to report crimes, particularly for SGBV crimes.

Another key priority will be to promote a complementary and mutually reinforcing relationship between the formal and traditional justice institutions. Support will be provided in the design and adoption of laws which define the jurisdiction of the traditional justice system, ensure fair trial procedures, systems of appeals, taking into account international human rights and gender equality standards, context-specific application with the end goal of ensuring fair justice outcomes for women, children and IDPs especially.

**Key activities:**

* 1. Support the preparation of a people driven permanent constitution
	2. Support the Ad Hoc Judicial Review and Security Sector Reforms
	3. Support to the reform of priority laws;
	4. Revamp sector wide coordination at the national and state level
	5. Support data collection on people’s justice needs and rule of law institutional capacity gaps;
	6. Strengthen institutional Strategic Planning and organisation development
	7. Increase functional and technical skills among rule of law institutions
	8. Support infrastructure development, equip and retool courts, police and prisons buildings and reformatory centres;
	9. Support the development of a web based integrated criminal justice case management system;
	10. Promote gender diversity in justice and law enforcement institutions
	11. Support rule of law institutions preparedness and response to, and recovery from COVID 19

**Output 2: The most vulnerable people; particularly women, girls, SGBV survivors, IDPs and refugees have increased equal access to a fair and effective justice system**

The output seeks to remove the legal, financial, administrative and practical barriers that the local population faces when accessing criminal and civil justice and in securing their legal rights and other unmet legal needs through civil registration. To bridge the gap and ensure that the most vulnerable can access services available to them in the communities, the program will expand its support to mobile courts including among displaced communities. The program will scale up and operationalise the specialised units and service within the police, prosecutions and judiciary such as the GBV and Juvenile Court and Police SPUs to increase tailored services that respond directly to the needs of these groups and offer alternative and less adversarial avenues to justice. Support will further be provided to ensure that remedies are appropriate and promote reconciliation, and that the users achieve a fair resolution to their problems through means that are rights based.

The program will empower women, children, survivors of SGBV and CRSV, persons with disabilities, IDPs, refugees and returnees to exercise their human rights and demand justice. This will be achieved through support to the establishment of a national legal aid scheme and continued assistance to CSOs to provide legal aid in criminal, civil and family cases, in the context of professional support or paralegal services as well as in establishing referral paths for beneficiary SGBV survivors to access medical, psychosocial support, trauma healing, and economic empowerment opportunities via UNDP established vocational programs in the same communities. Measures will be taken to design and implement awareness outreaches, simplify and translate laws into local languages to help the public understand and know where to seek a solution when a legal need arises. Attention will be paid to supporting campaigns on SGBV and child marriage to promote both prevention of occurrences and inform survivors of the services available to them.

This output will reinforce measures to promote the complementarity between the formal and traditional justice system. The program will thus identify traditional and community leaders and CSOs to act as trusted first points of contact in remote locations to build an increased level of public trust with the police. They will be trained to be aware of the justice remedies available to victims of abuse and have established formal lines of communication for aggrieved persons to be confident in engaging with the formal justice providers and understand the proper referral channels for assistance. Innovative efforts to strategically engage with customary justice systems will be developed by involving both male and female traditional leaders in addressing discriminatory customary norms and processes that may prevent vulnerable groups from using the justice system. Alternative dispute mechanisms will also be brought to scale as a means of reaching the groups who are at risk of being excluded from the justice system.

The above activities will be underpinned by efforts to develop a better understanding of gender issues across the entire sector. The program will redouble efforts to reduce discriminatory attitudes and behaviours, address structural vulnerabilities and constraints by strengthening responsiveness across the entire justice chain, in line with the 2030 Agenda and Security Council Resolution 2467 (2019).

**Key Activities:**

* 1. Deploy an increased number of mobile courts system across all states;
	2. Support the GBV and Juvenile court to operate and function optimally
	3. Support the MoJCA to develop a national legal aid scheme;
	4. Support CSOs/paralegals to provide legal aid to vulnerable groups and establish referral paths;
	5. Strengthen customary dispute resolution;
	6. Support public awareness programmes on the law, legal rights and redress mechanisms
	7. Support research-based advocacy to change gendered attitudes and ensure legal empowerment of vulnerable groups

**Output 3: Community security especially in conflict-affected areas is people centred, prevents violence and promotes safety**

The output will support efforts to establish a proximate presence of the police to undertake effective crime prevention activities in local communities, and to diffuse them before they escalate. This will include measures to re-establish and strengthen security services where they do not exist or are not functioning fully. It will also support the expansion of the Police SPU to make well-trained persons available to a wider cross section of the vulnerable groups to receive and respond to GBV and other gender related concerns that remain prevalent at the local level. The program will further support the increase in public access to emergency response through the progressive extension of Emergency Call Centres to the eight States beginning with the communities in the Upper Nile, Unity State and Jonglei that are expected to receive returnees.

Through this component, support will be provided to build the capacity of police to reorient toward gender responsive community policing and to establish effective police-community relations necessary to enhance trust, and protection of populations, especially women. This will be matched by support to local stakeholders to exercise a preventive approach to security and increase public involvement on safety and security related matters using inclusive and participatory methods through which stakeholders can jointly identify both the causes of insecurity and solutions. Awareness raising on community security will also be carried out to reinforce upholding security as a shared duty of security providers and the public. Also, existing local community security platforms will be further strengthened as community-based early warning systems that can prevent violence and loss of lives but also contribute to strengthening cohesion.

Additionally, the output will contribute to community violence reduction support and disarmament, demobilisation and reintegration (DDR) efforts by strengthening the relationship and coordination between DDR and security sector reforms (SSR) as part of the broader vision for national security. Steps will be taken to identify law enforcement support needed to assist in managing small arms and light weapons, rank harmonisation, support to the professionalisation of ex-combatants who opted to be integrated into the Police and Prison. Through joint collaborative efforts under UNDP’s projects on livelihoods support, women and youth who are coming out of the armed groups will receive support for their protection and economic options. The UN Human Rights Due Diligence Policy will be implemented in all UNDP support to the non-UN security sector.

The program will further support new initiatives that seek to prevent youth crime and violence by promoting a culture of lawfulness through educational activities designed for schools and in communities. Using sports, debates and clubs to promote legal and human rights values, this output will educate the next generation to better understand and address problems that can undermine the rule of law and build important life skills, support healthy development that increase adaptive and positive behaviour among youth from marginalized and at-risk communities. The program will also support the prisons service to foster a holistic environment and have programs for the rehabilitation of inmates and juveniles to prevent recidivism and ensure their effective reintegration into the community.

**Key activities:**

* 1. Support entry points and paths for victims and witnesses to report crimes at community level
	2. Establish and operationalize sustainable PCRCs and Neighbourhood Groups
	3. Strengthen community policing approaches in line with democratic principles;
	4. Support efforts to reduce recidivism especially by young and female offenders;
	5. Support public awareness on crime prevention and community security;
	6. Design and implement a model to reintegrate ex-combatants into community-oriented policing;
	7. Scale up the ECC to 5 states to enable swift response to community emergencies;
	8. Design a program on lawfulness for young people and pilot implementation.

**Output 4: The national human rights systems promote awareness, respect and provide redress**

The output aims to build the capacities of the SSHRC and CSOs to effectively promote and protect human rights by responding to emerging violations and monitoring the human rights situation regularly. In collaboration with OHCHR and under the framework of the Tripartite partnership to support of National Human Rights Institutions, the program will support the SSHRC to perform its functions optimally in line with the Paris Principles and work towards its accreditation by the Global Alliance of National Human Rights Institutions (GANHRI). Alongside this, institutional and technical capacities of human rights CSOs including those specialized in children and women’s rights issues will be strengthened. Measures will be taken improve partnerships between the SSHRC and CSOs as a way of facilitating a country-wide referral network of human rights issues.

As part of strengthening South Sudan’s engagement with international human rights machinery, this output will focus on supporting the Universal Periodic Process (UPR) through the MoJCA and Foreign Affairs. This will be achieved by improving the national mechanism for reporting, monitoring and follow up ensuring that it is integrated with national development planning, training of focal points in key ministries, departments and among CSOs on inclusive report preparation. This will be supplemented by support to NGOs to prepare their own shadow reports as well as organising UPR discussions with the UNCT and within UNDP to facilitate a UN-wide approach to providing assistance to the implementation of recommendations. In collaboration with UNMISS, UNDP will also work with the government through advocacy approaches to become state parties to outstanding human rights instruments.

Capacity development support will further aim to positively change standards and behaviour of rule of law administrative and operational personnel and boost public confidence in the justice and policing system. Based on international standards and norms, this output will focus on getting the judiciary, police, prosecutors, lawyers and forensic experts as well as informal and non-state actors such as the Bar Association, women’s associations, community-based paralegal associations, alternative dispute resolution mechanisms and customary justice institutions to improve on their human rights behaviour and performance through training, application of human rights and gender equality standards. Particular attention will be given to improve the conditions in overcrowded prisons and jails, and the treatment of detainees and inmates.

The output will also support efforts to increase public knowledge on human rights using social media platforms, radio stations and workshops to ensure greater respect and tolerance for each other when diffusing the root causes of conflict and factors that lead to crime. The program will overlay part of this on the school feeding program run by the World Food Program (WFP) through a package of messages on human dignity, tolerance and mutual respect that will be provided to school clubs. In this regard, the program will use Parent Teachers committees as a link to the community level to ensure that what children learn at school is reinforced at the community level. This initiative will be piloted in schools based in Juba and will be replicated in other states after consolidating gains.

**Key activities:**

4.1 Promote the human rights-based approach to development

4.2 Strengthen the capacity of the South Sudan Human Rights Commission

4.3. Support national processes to prepare and follow up the UPR Report to the Human Rights Council

4.4. Increase the knowledge and awareness on human rights of justice actors;

4.5. Improve prisons conditions and inmate’s knowledge of human rights;

4.6. Strengthen CSOs and human rights defenders’ engagement in national human rights processes;

4.7. Increase public awareness on human rights using podcasts, radio, workshops

**Output 5: Transitional justice mechanisms effectively address the legacies of human rights violations and root causes of conflict**

As part of the support for the implementation of the R-ARCSS, this output will revive efforts aimed at establishing a participatory and inclusive transitional justice process in support of broader peacebuilding objectives. The program will support the MoJCA to develop a National Strategy on Transitional justice based on broad consultations and assessment of needs. The strategy will guide coordinated, prioritized and sequenced processes between criminal accountability before the Hybrid Court, truth and reconciliation through the CTHR and reparations from the CRA as well as with other reforms related to the security sector and DDR.

The MoJCA will be assisted to establish and operationalise the Hybrid Court, the CTHR and CRA, ensuring that they are nationally owned, adapt to the various community experiences and realistically address the expectations of affected communities. More specifically, the output will seek to ensure that these mechanisms are non-discriminatory, respond to all victims and society groups, and are substantially led by victims, civil society actors and local government through processes that are inclusive, equitable and able to break down societal divisions rather than deepen them. The program will ensure that victims are at the centre of these processes by enlisting their engagement and participation. Technical advice will be provided to ensure a minimum representation of women at 35 per cent in the Hybrid Court, CTHR and CRA and advance gender and rights based transformative approaches to address gender hierarchies, discrimination, and the full range of gendered harms.

Similarly, the program will support more outreach and public information to increase knowledge and awareness on the various processes and mechanisms of transitional justice to enhance citizens’ knowledge and improve their participation. Support will be provided to establish Victim Support Networks/Groups that will prepare survivors of past abuses to engage and benefit. In encouraging coordinated assistance from the national and international actors who support different target groups and various geographical locations, UNDP will participate in the Transitional Justice Stakeholders Forum to share its knowledge and advice in this area based on its experience and global good practice.

The program will support the coexistence of transitional justice measures with DDR as both are part of the initiatives that contribute to achieving the long-term shared objectives of reconciliation and peace. Information gathered through the DDR processes will be considered for criminal prosecutions. Ex combatants will be empowered to tell their own stories of victimization before the CTHR in ways that can help identify roots of violent conflict. Attention will be paid to promoting coordination between efforts to transform the security sector institutions associated with perpetration of human rights violations and DDR processes ensuring that they are mutually supportive. Emphasis will also be placed on increasing and supporting the participation of women associated with armed forces and groups who are potential participants in both DDR programmes and transitional justice processes.

**Key Activities:**

5.1. Provide technical support to national actors on transitional justice approaches and mechanisms;

5.2. Support the MoJCA to develop a national strategy for transitional justice;

5.3. Support the establishment and operationalisation of the CTHR, the Hybrid Court and the CRA;

5.4. Support Groups to empower victims to participate in the CTHR and access reparations;

5.6. Empower women, youth, survivors of SGBV and CRSV, displaced people and ex-combatants to engage in and participate in transitional justice processes

5.7. Support outreach and communication on transitional justice and truth and healing process to enlist broad participation

**3.2 Resources Required to Achieve the Expected Results**

The total cost of the program is US$39,624,970Million. It is envisaged that the program will be funded through the combination of UNDP’s Trac resources and Global Programme on Strengthening the Rule of law and Human Rights for Sustaining Peace and Fostering Development, the UN Peace Building Fund as well as through donors interested in promoting the rule of law in South Sudan.

Most of the program funding will be allocated to capacity building, infrastructure development, procurement of goods and services for national partners, grants to CSOs to implement activities, management of knowledge, production of reports. Other items that will be funded include the staffing cost for the program, program management costs and the cost of support by UNDP.

The implementation of the program will require the combined support of a Chief Technical Advisor/Program Manager providing strategic guidance to the government counterparts, UN agencies and the UNDP leadership on matters of access to justice, human rights and security. S/he will have overall responsibility for managing the program, supported by a Program Coordination Specialist.

Dedicated United Nations Volunteers (UNVs) comprising eight Security Specialists, eight Rule of Law Specialists, one Human Rights/Transitional Justice Specialist deployed in Juba and at the state level will provide and coordinate technical support and implement the program among the respective government agencies, civil society and communities. Additional support will be given by a Juba based Monitoring and Evaluation Specialist on quality assurance, monitoring and evaluation to the program as well as an Engineer to provide infrastructural support for rule of law institutions.

The program will have one Gender Analyst to provide technical support in gender equality and women’s empowerment and a Finance Specialist, both cost-shared and located in Juba. Two national administrative associates (SB2) will provide administrative, logistics and travel related support.

The program will be supported by relevant units within the Country Office, including from the Human Resources, Finance, Procurement, Common Services, Communications, Program Management and Support, Partnership Support, Information and Communication Technology. In addition, program implementation will be supported by UNDP Advisors and Specialists in the Global Policy Network.

**3.3 Partnerships**

The program will establish partnerships with a broad range of national, sub-national, regional and international stakeholders to maximize the impact and scope of programming. Key actors include government institutions, CSOs, the UN and international organizations working in the justice sector.

The key national counterparts responsible for implementing the program from government institutions are the MoJCA, the Judiciary, the Ministry of Interior including the SSNPS and the NPSSS, the Law Review Commission, the Ministry of Gender, Child and Social Welfare the Local Government Board, the South Sudan Human Rights Commission. Further, the program will collaborate with Civil Society Organisations concerned with justice and human rights work, the South Sudan Bar Association and Traditional leaders.

International organizations and institutions working within the justice sector will be engaged throughout the planning and implementation phases of programming to ensure strategic, operational and geographic coordination, complementarity and cohesion of programming. The program will work in close coordination and collaborate with, and where possible, take part in the advisory boards of UN agencies, including UNMISS, UN Police, UN Women, UNICEF, UNHCR, WFP.

UNDP will maximize its long-standing UN system wide partnerships including the Global Focal Point for Rule of Law to facilitate increased coherence of rule of law assistance across the UN system by streamlining efforts and developing joint projects; the Tri-Partite Partnership between UNDP, OHCHR and the Global Alliance of National human Rights Institutions (GANHRIs) to jointly support the South Sudan human rights commission as a key mechanism for oversight and accountability; and through UNDP and UNHCR’s Global Partnership on Rule of Law and Governance, provide integrated assistance to enable national and local partners to better fulfil their protection responsibilities and develop sustainable solutions for displaced populations and host communities.

Similarly, partnership will extend to international organizations and institutions working within the rule of law sector such as the AU, AfDB, Inter-Governmental Authority on Development (IGAD) and the EU. Their managers of relevant projects will also be invited as observers to the project board, and to undertake joint field trips where relevant to ensure coordination and synergy in project implementation.

**3.4 Risks and Assumptions**

The programme is accompanied by risk that could undermine its potential for transformative impact.

**Summary of major risks to the program and their impact and mitigating measures**

|  |  |  |  |
| --- | --- | --- | --- |
| **Risk description**  | **Type of risk** | **Impact** | **Mitigation Measures** |
| Changing political environment particularly disagreement amongst RTGoNU parties and escalation of armed violence at the national or in project locations.  | Political  | Impede program implementation further marginalize constituencies/ethnic confirmations. | Regular contextual analysis in program locations and establishment of relations with local authorities and state/non-state actors to sustain program implementation beyond any political changes. Collaborate with UNMISS Political Affairs Division and IGAD/AU/Troika interventions. |
| Capacity ofnational and localstakeholders andimplementingpartners and resistance to reform-oriented change | Operational  | Slowdown implementation and/or ownership of planned activities due to limited capacities of national and local counterparts | Provision of technical advisory support, and peer mentoring, that incentivize collaborative working relationships and skills exchange.  |
| Funding of activities to completion: delay /withhold/withdrawal of funds. | Financial | Impedes program implementation. Decreases credibility of UNDP among Donors and Government counterparts.  | Regular communication with donors, strengthen partnership, avoid duplication of activities.  |

The program is premised on the assumption that there is a demand from the South Sudanese to access fair independent, effective and accountable rule of law institutions and that the call for support in assisting vulnerable groups particularly to access justice and policing services will continue. It also presumes that the government and other justice and security stakeholders will engage in the reform processes and that the necessary civic space will be available for civil society and cultural leaders to advocate for and engage in them.

**3.5 Stakeholder Engagement**

Key target beneficiaries of the program are identified based on Human Rights Based Approach principles and with prescribed criteria that the program will establish and adhere to as recommended by the Project Evaluation. Designed to increase the availability, affordability, adaptability and acceptability of justice services and reduce impunity in South Sudan, the program outputs shall target both duty bearers (represented mainly by rule of law institutions) and rights holders (represented by the general population with a focus on vulnerable groups, such as IDPs, women, and victims of SGBV). The major dynamics of the relationship between rights holders and duty bearers is the lack of trust and low satisfaction of rights holders in the justice and policing services provided by duty bearers, who lack the capacity to deliver quality services, conduct dialogue with rights holders, and enforce accountability.

*Duty bearers*

Buy in and commitment from the Judiciary and key government counterparts to this program, such as Ministry of Interior (SSNPS and NPSSS); MoJCA; Ministry of Gender, Child and Social Welfare; Local Government Board; Commission for Truth, Reconciliation and Healing (CTRH); and the Law Review Commission is necessary from the planning stages to ensure the maximum effectiveness of programming. Their commitment to the program goals will be ensured through:

* Support to the strategic aspirations of the institutions by aligning deliverables with key instruments such as the R-ARCSS, the Transitional Constitution of South Sudan, institutional Strategic Plans, national legislation and frameworks on Women Peace and Security, and for CRSV;
* Support to institutions to improve service delivery, transparency and accountability;
* Focus on developing their capacities in establishing innovative solutions for delivery of justice and security, gathering citizen feedback and improving communication policy.
* Special focus will be applied to building the capacity of oversight and monitoring bodies such as the SSHRC to ensure accountability between duty bearers and rights holders.

*Rights holders*

The program is expected to make a positive impact on the lives of the general population of South Sudan, by targeting the vulnerable groups mentioned above in eight selected conflict-prone areas. The major incentives for the participation of rights holders in this program include the fulfilment of their aspirations to receive better justice and policing services, improved protection and exercise of their rights, their engagement in policy and decision making, and the opportunities for training, education and support that the program will provide.

The program will also work with CSOs concerned with human rights, justice, the Bar Association, members of dialogue platforms, mediation networks, women’s networks, and professional fora. In particular, the support will position CSOs and networks as a vehicle for right holders to realise their rights through the establishment of victims’ groups and the facilitation of legal aid. The program will work closely with CSO partners to build a relationship of trust cooperation that can expand its programmatic and geographic scope beyond the borders available to UNDP alone.

**3.6 South-South and Triangular Cooperation (SSC/TrC)**

In line with UN guidelines, the program will use South-South and Triangular Cooperation to enhance the capacity of rule of law institutions through exchanges of knowledge, skills, resources and technical know-how. These exchanges will be achieved through regional and inter-regional collective actions, including partnerships involving Governments, regional organizations, civil society, academia and the private sector, for mutual learning within and across regions. Through triangular cooperation, the program will benefit from the financial and technical support, experience and technical know-how of multilateral and bilateral partners. The increased capacity to tackle development challenges, strengthened partnerships and enhanced regional integration will benefit the rule of law sector and the people of South Sudan.

**3.7 Knowledge**

UNDP will exercise due diligence and share experiences from its global policy network among the program beneficiaries to strengthen the quality of design and implementation strategies. UNDP will also leverage on its south-south cooperation to facilitate experience sharing especially in the regional. Additionally, the program will produce knowledge products on lessons learned, results of assessments and surveys, and create visibility for such knowledge.

**3.8 Sustainability and Scaling Up**

The program will achieve sustainability and scale up its support as follows:

1. Ensure national ownership of the program and activities to secure the political will and commitment of national authorities to gradually take on the initiatives both administratively and financially. The program is aligned in the National Development Strategy and will be implemented through existing rule of law institutions and CSOs which will remain in place after its ended. It does not create new and parallel structures, which would be unsustainable in the long run. All program related committees or task forces will be anchored within existing institutions. As the program begins to achieve initial results, it is hoped that the rule of law institutions will be incentivised to pursue and implement these reforms.
2. Enlist the commitment of the leaderships of rule of law institutions on the strategies which are based on the program’s theory of change to deploy and a need for continued capacity development opportunities to increase the likelihood of success for program initiatives. Strengthening of relevant institutions’ systems and procedures, colocation of staff to coach, mentor and transfer skills and knowledge to rule of law personnel and provide technical and policy advisory support will further reinforce sustainability at institutional levels.
3. South Sudanese people are expected to witness tangible improvements in the performance of justice and security institutions. The initial improvements in the rule of law environment of South Sudan made by the program, however incremental, will create a snowball effect lasting beyond the program within communities where the public will have confidence in, demand and expect rule of law institutions to be responsive regularly. This will give momentum to society-wide efforts to aggregate pressure on the institutions to deliver services.
4. The program team with the country office partnerships and resource mobilization unit will work to diversify financing for the program beyond the Netherlands, Japan, Germany, Norway, and Bureau of International Narcotics and Law Enforcement Affairs from whom financial support was received for the last project. Targeted potential donors include AfDB, Peacebuilding Fund, Sweden, and Belgium. The program team will also follow up government own financing for this field as the emphasis placed by the R-ARCSS on legislative and institutional reforms creates an opportunity for the rule of law institutions to demand more budget that can sustain the program’s initiatives.

**4. Project Management**

***Cost Efficiency and Effectiveness***: The program will maximize efficiency and effectiveness of UNDP’s support for intended beneficiaries and on delivering value for money for donors and taxpayers. As such, the program will ensure value for money through tracking performance against a range of value for money indicators that span both the length of the results chain (from inputs, activity, output, outcome, impact) and the complete program timeframe. Value for money is a requirement under the UNDP Program and Operation Policies and Procedures. The program will adopt the 4Es approach to address the below cost drivers, UNDP and donor requirements as demonstrated below.

Value for Money 4E Framework Proposition



The program cannot positively affect the broader security environment alone; however, UNDP will work closely with UNMISS and other UN agencies on cost-sharing arrangements to utilize their operational and security assets and significantly reduce the cost of maintaining field presence in a highly insecure environment. In areas that remain prohibitively expensive or too insecure to operate, UNDP will work through local partners to implement project activities relevant to such areas, thereby reducing on the capital expenditure required to establish secure field sites.

***Using evidence-based decision making****:* As recommended in the 2019 evaluation of the Access to Justice and Rule of Law Project (2018-2020) UNDP will use evidence to make its capacity-building approach responsive to the country context. To this end, the program will support efforts to produce credible data and analysis through assessments and public surveys and rely on the information from other processes such as Conflict and Development Analysis, SCORE and assessments carried out by other partners. This data/information will be used to optimize planning processes of and improve results and increase government capacity for evidence-based planning and decision making.

***Collaboration with other UN agencies****:* UNDP will maximize its UN system wide partnerships to achieve impact. UNDP will also closely work with UN Women, UNICEF, UNHCR, WFP, OHCHR UNMISS on cost-sharing arrangements to use their operational and security assets and avoid establishing parallel field operations. This will significantly reduce the capital expenditure required to establish secure field sites and cost of maintaining field presence in a highly insecure environment.

***Project Management***

The project will be implemented at national, state, county, *payam* and *boma* levels with a special focus to conflict-affected eight states (Central Equatoria, Jonglei, Eastern Equatoria, Western Equatoria, Western Bahr el Ghazal, Northern Bahr el Ghazal, Unity and Upper Nile State). While UNDP directly implements projects at national and state levels, partner CSOs will implement program activities at *payam* and *boma* level in locations UN staff are unable to access for security reasons or areas that are prohibitively expensive. The project will adopt a mix of area-based, sector-based and target group-based implementation approaches.

The program will be vertically and horizontally integrated to maximize impact. Outside Juba, UNDP has state presence without project offices. Given the cost of Minimum Operation Security Standard (MOSS), the project does not envisage establishing projects offices at state levels.

As outlined in the value for money section, collaboration and partnership with relevant UNMISS divisions and sections will be actively sought. In addition, the program staff will actively participate and take advantage of access to justice and rule of law coordination forums and program spaces. Further, program reports will be shared with the management of relevant projects to ensure that they are kept up to date with the progress and challenges. The program management of related projects will also be invited as observers to the project board, as well as undertake joint field trips to the states where possible to ensure coordination and synergy in project implementation.

Program accounts will follow standard UNDP Procedures. For funds that will be transferred to implementing partners through Letters of Agreements, Project Cooperation Agreement and Micro Capital Grant Agreements, auditing will follow the normal procedures required of those IP and grantee organizations. As described above, the project is cost conscious at all levels of project management cycle. To this end, the project actively seeks opportunities for cost-sharing through collaboration and partnering with UNDP.

1. **Results Framework**[[16]](#footnote-17)
2. **Monitoring And Evaluation**

In accordance with UNDP’s programming policies and procedures, the project will be monitored through the following monitoring and evaluation plans: *[*

**Monitoring Plan**

|  |  |  |  |
| --- | --- | --- | --- |
| **Monitoring Activity** | **Purpose** | **Frequency** | **Expected Action** |
| **Track results progress** | Progress data against the results indicators in the RRF will be collected and analysed to assess the progress of the program in achieving the agreed outputs. | Quarterly, or in the frequency required for each indicator. | Slower than expected progress will be addressed by project management. |
| **Monitor and Manage Risk** | Identify specific risks that may threaten achievement of intended results. Identify and monitor risk management actions using a risk log. This includes monitoring measures and plans that may have been required as per UNDP’s Social and Environmental Standards. Audits will be conducted in accordance with UNDP’s audit policy to manage financial risk. | Quarterly | Risks are identified by program management and actions are taken to manage risk. The risk log is actively maintained to keep track of identified risks and actions taken. |
| **Learn**  | Knowledge, good practices and lessons will be captured regularly, as well as actively sourced from other projects and partners and integrated back into the program. | At least annually | Relevant lessons are captured by the program team and used to inform management decisions. |
| **Annual Project Quality Assurance** | The quality of the program will be assessed against UNDP’s quality standards to identify project strengths and weaknesses and to inform management decision making to improve the program. | Annually | Areas of strength and weakness will be reviewed by program management and used to inform decisions to improve program performance. |
| **Review and Make Course Corrections** | Internal review of data and evidence from all monitoring actions to inform decision making. | At least annually | Performance data, risks, lessons and quality will be discussed by the program board and used to make course corrections. |
| **Program Report** | A progress report will be presented to the Program Board and key stakeholders, consisting of progress data showing the results achieved against pre-defined annual targets at the output level, the annual program quality rating summary, an updated risk log with mitigation measures, and any evaluation or review reports prepared over the period | Annually, and at the end of the program (final report) |  |
| **Program Review (Program Board)** | The program board will hold regular reviews to assess the performance of the program and review the Multi-Year Work Plan to ensure realistic budgeting over the life of the program. In the program’s final year, the Program Board shall hold an end-of project review to capture lessons learned and discuss opportunities for scaling up and to socialize project results and lessons learned with relevant audiences. |  | Any quality concerns or slower than expected progress should be discussed by the project board and management actions agreed to address the issues identified.  |

**Evaluation Plan**

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Evaluation Title** | **Partners (if joint)** | **Related Strategic Plan Output** | **UNDAF/CPD Outcome** | **Planned Completion Date** | **Key Evaluation Stakeholders** | **Cost and Source of Funding** |
| Mid-Term Evaluation |  |  | UNDF Outcome 1: ‘Strengthened peace infrastructures and accountable governance at the national, state and local levels.” UNDP CPD (2019-2021) Output 1.2: Institutional capacities and customary mechanisms at all levels strengthened to monitor, promote and protect citizen's rights and increase access to justice, especially for vulnerable groups and SGBV survivors. | October 2021 |  | US$35,000 |
| Final Evaluation |  |  | February 2023 |  | US$50,000 |

1. **Multi-Year Work Plan**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **EXPECTED OUTPUTS** | **PLANNED ACTIVITIES** | **Planned Budget by Year** | **RESPONSIBLE PARTY** | **PLANNED BUDGET** |
| Y1 | Y2 | Y3 | Y4 | Funding Source | Budget Description | Amount |
| **Output 1:***Gender marker:* | * 1. Activity
 |  |  |  |  |  |  |  |   |
|  |  |  |
| 1.2 Activity |  |  |  |  |  |  |  |  |
|  |  |  |
|  |  |  |
| 1.3 Activity  |  |  |  |  |  |  |  |  |
| MONITORING |  |  |  |  |  |  |  |  |
| **Sub-Total for Output 1** |  |
| **Output 2:***Gender marker:* | 2.1 Activity  |  |  |  |  |  |  |  |  |
| 2.2 Activity |  |  |  |  |  |  |  |  |
| 2.3 Activity  |  |  |  |  |  |  |  |  |
| MONITORING |  |  |  |  |  |  |  |  |
| **Sub-Total for Output 2** |  |
| **Evaluation** *(as relevant)* | EVALUATION |  |  |  |  |  |  |  |  |
| **General Management Support** |  |  |   |  |  |  |  |  |  |
| **TOTAL** |  |  |  |  |  |  |  |  |  |

1. **Governance and Management Arrangements**

The program is managed by UNDP under the Direct Implementation Modality (DIM) in close collaboration with the designated counterparts in the Government of the Republic of South Sudan. Under DIM, UNDP will act as the implementation partner for this program. The overall structure of this Program is designed to emphasize and ensure government ownership of the program and its activities. The following diagram represents the program management structure, consisting of roles and responsibilities that bring together the various interests and skills involved in, and required by the program.



**The Program Board:**

The Program Executive Board, working on a consensus basis, will provide overall guidance on the program management and ensure the quality of program results and outputs, and their contribution to the relevant NDS and UNDAF outcomes. The Board will be composed of the following members:

|  |  |
| --- | --- |
| **Role** | **Responsibility**  |
| Executive Role  | MoJ, JoSS, MoI – UNDP |
| Beneficiary Role | JoSS, MoI (SSNPS and NPSSS), MoJ, LRC, SSHRC, MGCSW, CSOs |
| Supplier Role | UNDP, Donor Rep., UNMISS |

Members of Program Executive Board have quality assurance responsibilities in addition to specific strategic program management decision-making responsibilities. In this respect, the Executive Role has the overall program assurance responsibilities and the Senior Beneficiary Role has program results assurance responsibilities. The Program Assurance Role supports the Program Executive Board and UNDP Program Management by carrying out objective and independent project oversight, and monitoring function.

UNDP will provide the technical expertise and provide administration including financial and progress reporting for the program.

Program management: A UNDP Program Manager will be responsible for the day-to-day management, supported by a Program Specialist and technical staff in the delivery of program outputs. In consultation with the Democratic Governance and Stabilization Team Leader and the Program Management Support Unit (PMSU) will directly oversee the project. The Chief Technical Advisor will closely coordinate with the Team Leader and UNDP country office in ensuring that management systems (finance, procurement, human resources, M&E etc.) are implemented within the UNDP rules and regulations and act as liaison between UNDP, counterparts, implementing agencies and donors.

Accountability to the Board: The Chief Technical Advisor and Program Manager, with the support from the Program Specialist, will be responsible to the Program Board and Program Technical Committee for financial performance and development results as indicated in the Result and Resources Framework (RRF). The program team will also serve as secretariat for the program board. UNDP Senior Management will play a further oversight and quality assurance role and has ultimate accountability for the program.

1. **Legal Context.**

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

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

1. **Risk Management.**
2. UNDP as the Implementing Partner will comply with the policies, procedures and practices of the United Nations Security Management System (UNSMS.)
3. UNDP as the Implementing Partner will undertake all reasonable efforts to ensure that none of the [project funds][[17]](#footnote-18) [UNDP funds received pursuant to the Project Document][[18]](#footnote-19) are used to provide support to individuals or entities associated with terrorism and that the recipients of any amounts provided by UNDP hereunder do not appear on the list maintained by the Security Council Committee established pursuant to resolution 1267 (1999). The list can be accessed via <http://www.un.org/sc/committees/1267/aq_sanctions_list.shtml>. This provision must be included in all sub-contracts or sub-agreements entered into under this Project Document.
4. Social and environmental sustainability will be enhanced through application of the UNDP Social and Environmental Standards (http://www.undp.org/ses) and related Accountability Mechanism (http://www.undp.org/secu-srm).
5. UNDP as the Implementing Partner will: (a) conduct project and programme-related activities in a manner consistent with the UNDP Social and Environmental Standards, (b) implement any management or mitigation plan prepared for the project or programme to comply with such standards, and (c) engage in a constructive and timely manner to address any concerns and complaints raised through the Accountability Mechanism. UNDP will seek to ensure that communities and other project stakeholders are informed of and have access to the Accountability Mechanism.
6. In the implementation of the activities under this Project Document, UNDP as the Implementing Partner will handle any sexual exploitation and abuse (“SEA”) and sexual harassment (“SH”) allegations in accordance with its regulations, rules, policies and procedures.
7. All signatories to the Project Document shall cooperate in good faith with any exercise to evaluate any programme or project-related commitments or compliance with the UNDP Social and Environmental Standards. This includes providing access to project sites, relevant personnel, information, and documentation.
8. UNDP as the Implementing Partner will ensure that the following obligations are binding on each responsible party, subcontractor and sub-recipient:
	1. Consistent with the Article III of the SBAA *[or the Supplemental Provisions to the Project Document]*, the responsibility for the safety and security of each responsible party, subcontractor and sub-recipient and its personnel and property, and of UNDP’s property in such responsible party’s, subcontractor’s and sub-recipient’s custody, rests with such responsible party, subcontractor and sub-recipient. To this end, each responsible party, subcontractor and sub-recipient shall:
		1. put in place an appropriate security plan and maintain the security plan, taking into account the security situation in the country where the project is being carried;
		2. assume all risks and liabilities related to such responsible party’s, subcontractor’s and sub-recipient’s security, and the full implementation of the security plan.
	2. UNDP reserves the right to verify whether such a plan is in place, and to suggest modifications to the plan when necessary. Failure to maintain and implement an appropriate security plan as required hereunder shall be deemed a breach of the responsible party’s, subcontractor’s and sub-recipient’s obligations under this Project Document.
	3. In the performance of the activities under this Project, UNDP as the Implementing Partner shall ensure, with respect to the activities of any of its responsible parties, sub-recipients and other entities engaged under the Project, either as contractors or subcontractors, their personnel and any individuals performing services for them, that those entities have in place adequate and proper procedures, processes and policies to prevent and/or address SEA and SH.
	4. Each responsible party, subcontractor and sub-recipient will take appropriate steps to prevent misuse of funds, fraud or corruption, by its officials, consultants, subcontractors and sub-recipients in implementing the project or programme or using the UNDP funds. It will ensure that its financial management, anti-corruption and anti-fraud policies are in place and enforced for all funding received from or through UNDP.
	5. The requirements of the following documents, then in force at the time of signature of the Project Document, apply to each responsible party, subcontractor and sub-recipient: (a)UNDP Policy on Fraud and other Corrupt Practices and (b)UNDP Office of Audit and Investigations Investigation Guidelines. Each responsible party, subcontractor and sub-recipient agrees to the requirements of the above documents, which are an integral part of this Project Document and are available online at www.undp.org.
	6. In the event that an investigation is required, UNDP will conduct investigations relating to any aspect of UNDP programmes and projects. Each responsible party, subcontractor and sub-recipient will provide its full cooperation, including making available personnel, relevant documentation, and granting access to its (and its consultants’, subcontractors’ and sub-recipients’) premises, for such purposes at reasonable times and on reasonable conditions as may be required for the purpose of an investigation. Should there be a limitation in meeting this obligation, UNDP shall consult with it to find a solution.
	7. Each responsible party, subcontractor and sub-recipient will promptly inform UNDP as the Implementing Partner in case of any incidence of inappropriate use of funds, or credible allegation of fraud or corruption with due confidentiality.

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

* 1. UNDP will be entitled to a refund from the responsible party, subcontractor or sub-recipient of any funds provided that have been used inappropriately, including through fraud or corruption, or otherwise paid other than in accordance with the terms and conditions of this Project Document. Such amount may be deducted by UNDP from any payment due to the responsible party, subcontractor or sub-recipient under this or any other agreement. Recovery of such amount by UNDP shall not diminish or curtail any responsible party’s, subcontractor’s or sub-recipient’s obligations under this Project Document.
	2. Each contract issued by the responsible party, subcontractor or sub-recipient in connection with this Project Document shall include a provision representing that no fees, gratuities, rebates, gifts, commissions or other payments, other than those shown in the proposal, have been given, received, or promised in connection with the selection process or in contract execution, and that the recipient of funds from it shall cooperate with any and all investigations and post-payment audits.
	3. Should UNDP refer to the relevant national authorities for appropriate legal action any alleged wrongdoing relating to the project or programme, the Government will ensure that the relevant national authorities shall actively investigate the same and take appropriate legal action against all individuals found to have participated in the wrongdoing, recover and return any recovered funds to UNDP.
	4. Each responsible party, subcontractor and sub-recipient shall ensure that all of its obligations set forth under this section entitled “Risk Management” are passed on to its subcontractors and sub-recipients and that all the clauses under this section entitled “Risk Management Standard Clauses” are adequately reflected, *mutatis mutandis*, in all its sub-contracts or sub-agreements entered into further to this Project Document.

11. Annexes.

1. Central Equatoria, Western Equatoria, Eastern Equatoria, Western Bahr el Ghazal, Northern Bahr el Ghazal, Jonglei, Unity and Upper Nile [↑](#footnote-ref-2)
2. Prisons are upgraded in Juba, Wau, Malakal,Rumbek, Aweil, Torit and Joglei; and upgrades are in Yei, Malakal and Terekeka (See 2016 UPR Report) [↑](#footnote-ref-3)
3. The Police Service Act 2009, the SPLA Act 2009 (now SSDPF), the National Security Service Act 2014, the Prisons Service Act 2011 and the Wildlife service Act 2011 [↑](#footnote-ref-4)
4. The Manual for Traditional Authorities on Customary Law in South Sudan, 2010 (Revised 2013) [↑](#footnote-ref-5)
5. UNMISS Briefing to the Security Council on South Sudan, SRSG David Shearer <https://unmiss.unmissions.org/briefing-security-council-south-sudan-special-representative-secretary-general-david-shearer> [↑](#footnote-ref-6)
6. UNDP South Sudan, Annual Progress Report, 2019 [↑](#footnote-ref-7)
7. International Convention on Elimination of All Forms of Discrimination against Women; Convention on the Rights of the Child and its Optional Protocols; Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; African Charter on Human and Peoples’ Rights; the International Covenant on Civil and Political Rights and 1st Optional Protocol; International Covenant on Economic, Social and Cultural Rights and Optional Protocol; International Convention on Elimination of All Forms of Racial Discrimination; Convention and Protocol Relating to the Status of Refugees; African Youth Charter; the African Convention for Protection and Assistance of Internally Displaced Persons in Africa and Convention on the Rights of Persons with Disability [↑](#footnote-ref-8)
8. South Sudan Universal Periodic Review, 2017 [↑](#footnote-ref-9)
9. The government has submitted its treaty reports on the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) and a Universal Periodic Review (UPR) Report to the Human rights Council (HRC) in 2017. A midterm report was submitted to the HRC in 2020. [↑](#footnote-ref-10)
10. Chapter 5 of the Revitalized Agreement on the Resolution of the Conflict in South Sudan (R-ARCSS) [↑](#footnote-ref-11)
11. South Sudan Humanitarian Response Plan, 2019 [↑](#footnote-ref-12)
12. Allan Ngari and Jame David Kolok, Citizens’ perceptions on transitional justice processes in South Sudan, November 2019 [↑](#footnote-ref-13)
13. The Peacebuilding and Community Cohesion Project is implemented in five conflict clusters; Magwe-Kajo-Keji Green Belt; Eastern Belt; South Sudan Northern Sudan Border Belt:; Bhar el Jebel Plain/Zone: and Western Belt. The Youth Employment and Empowerment Project targets five locations of Bor, Jubek, Rumbek, Torit and Yambio [↑](#footnote-ref-14)
14. Strategic Objectives: Strengthen the rule of law system and promote equal access to justice; Improve Rule of Law sector infrastructures/facilities; Strengthen institutional and human resources development; and Constant review and reforms of legislations/ laws and policies [↑](#footnote-ref-15)
15. UN Gender Equality Strategy: Outcome 1 [↑](#footnote-ref-16)
16. UNDP publishes its project information (indicators, baselines, targets and results) to meet the International Aid Transparency Initiative (IATI) standards. Make sure that indicators are S.M.A.R.T. (Specific, Measurable, Attainable, Relevant and Time-bound), provide accurate baselines and targets underpinned by reliable evidence and data, and avoid acronyms so that external audience clearly understand the results of the project [↑](#footnote-ref-17)
17. To be used where UNDP is the Implementing Partner [↑](#footnote-ref-18)
18. To be used where the UN, a UN fund/programme or a specialized agency is the Implementing Partner [↑](#footnote-ref-19)