



Project proposal for WACSI Sierra Leone Programme

Title: Promoting Transparency in Sierra Leone's Judiciary

UNDP Country Programme Outcome: *Justice and security sector delivery systems improved in compliance with international human rights standards*

Implementing Agencies: UNDP Sierra Leone, Sierra Leone Government, Sierra Leone Judiciary, Civil Society Organisations

BRIEF DESCRIPTION:

The Project will introduce a sentencing policy and guidelines **as well as amend the current bail policy in line with the new Criminal Procedure Act (CPA) once enacted and support effective implementation of that policy.**

The policy framework will define the role of Sierra Leone justice institutions in formulation, implementation & monitoring of sentencing and bail guidelines and recommend, if necessary establishment of relevant oversight mechanisms within existing structures entrusted with the functions mentioned above. The Policy Framework should also indicate Sierra Leone's vision of further actions that reflect the purposes of sentencing. This includes punishment, the reform and rehabilitation of offenders which will be supported through implementation of the non-custodial sentencing introduced in the new CPA, the protection of the public, and the making of reparation by offenders to persons affected by their offences. The project will seek to draft **sentencing guidelines** for the seven most significant offences sentenced by Magistrates and Judges in line with relevant legislation such as the Constitution and international standards. The **sentencing guidelines** should provide guidance on general sentencing issues and principles, ensuring for Judges and Magistrates in various Courts to adopt a uniform approach to sentencing as well as provide them with guidance on factors to take into account when exercising their margin of discretion in determining the severity of the sentence. The duration of the project will be two years. The project will also seek to support implementation of the **bail policy**, revising it to take account of the new CPA and supporting its implementation nationally through a network of civil society structures.

The project will achieve the following two outputs:

1. Sentencing and bail policies and guidelines adopted by the mandated judicial authorities
2. Sentencing and bail guidelines are in place and consistently applied

Programme Period:	2015-2016
SP Key Result Area	Crisis Prevention and Recovery
Atlas Award ID:	
Start date:	
End Date	
PAC Meeting Date	
Management Arrangements	DIM

Total resources required USD
\$1,500,000.00

Agreed by (Government):

Agreed by (UNDP on behalf of UN):

1. Situation Analysis

1. 1. Background and justification

Prior to the Ebola Virus Disease (EVD) outbreak in the country in May 2014, Sierra Leone had made substantial progress in recovering from the impacts of its decade-long civil war. The security and political situation in the country was relatively calm and stable. Peaceful elections had been held in 2002, 2007 and 2012. National institutions were built or strengthened in the areas of democratic governance, elections, human rights, anti-corruption, and security sector coordination. Rising levels of investment were driving economic growth, and attention was turned to addressing large-scale development challenges. The country was fast transitioning to a new era of development guided by its third Poverty Reduction Paper, the Agenda for Prosperity (A4P) 2013-2018. Despite gains made, Sierra Leone was ranked 184 out of 187 countries in the 2014 Human Development before the Ebola crisis struck. Incidence of poverty declined from a high value of 66.4% in 2003 to 52.9% in 2011 and the gender inequality index ranks Sierra Leone as 139 out of 149 for 2013 due to low participation of women in the overall economy.¹

¹ Human Development Report 2014.

The Ebola crisis has had a large socio-economic impact on the whole country with 8,508 EVD infections and 3,346 lives claimed on 19 March 2015 with the crisis still not over yet. This has of course affected the whole governance sector, including the justice sector (detailed below), but currently the government with the assistance of international development partners are setting in place their Ebola-recovery strategy that is to bring the country back to the path of the Agenda for Prosperity (A4P) within one year.

Endemic corruption; curbs to press freedom, weak judicial and security systems, weak parliamentary oversight and constitutional limits impede efforts to deepen good governance and sustainable development. The Truth and Reconciliation Commission (TRC) highlighted that the inability of government to provide justice and security for the populace was deemed as a cause of the war and was *“largely the result of failures in governance and institutional processes”*². The TRC concluded that reform of the justice sector was central to peace consolidation and a vital ingredient for sustainable development in post-conflict Sierra Leone.

The justice landscape in Sierra Leone is complex, characterized by a dual system of justice (formal and informal justice systems) whereby 63% of the population lives in areas where the formal justice system is weak or nonexistent and reliance on customary law is the norm. There are 149 chiefdoms throughout the country and a total of 292 local (traditional) courts³. Aside from local courts, customary justice is also delivered at village level and handles approximately 70% of the country’s cases. Courts are present in all districts although the system is severely overstretched. 21 Judges and 25 Magistrates,⁴ along with 17 State Counsels and 2-4 Senior State Counsels⁵ serve the entire country with a population of more than 6 million. The Justice Sector Reform Strategy and Investment Plan II 2011-2014 as well as justice assessments identified numerous challenges including high illiteracy rates, no public defence systems, no bail or sentencing guidelines, long pre-trial detention periods (approximately 58% of cases in prison are on remand) and inadequate case management processes⁶. These very much remain the same and the new JSRSIP III 2015-2018 that currently awaits Cabinet approval maps key actions to address these, including but not

² Witness to Truth: Sierra Leone Truth and Reconciliation Report, volume 2, p. 7

³ Local Courts are generally considered as traditional courts, although under the Local Courts Act 2011 they are under the jurisdiction of the Judiciary and therefore are within the formal system.

⁴ Figures obtained from Government’s draft Agenda for Prosperity

⁵ Figures included in the Law Officers’ Department, Ministry of Justice, Strategic Plan (2013-2017), p. 13.

⁶ See, e.g., Amnesty International, “Sierra Leone – Amnesty International Report 2013: Human Rights in Republic of Sierra Leone” (2013); U.S. Dep’t of State, “Country Reports on Human Rights Practices: Sierra Leone” (2011, 2012, 2013); U.S. Dep’t of State, “Sierra Leone” (Mar. 11, 2008); Benjam Mezmur, “A Small Country’s Big Efforts at Policy and Reform” (CYC-Online Feb. 2007). Mohamed Suma, “Sierra Leone: Justice Sector and the Rule of Law” (Open Society Foundations Jan. 2014); Alaina Varvaloucas, et al, “Improving the Justice Sector: Law and Institution Building in Sierra Leone” (International Growth Center-Bank of Sierra Leone 2012); Commonwealth Human Rights Initiative, “In Pursuit of Justice: A Report on the Judiciary of Sierra Leone” (2002).

limited to improved capacity for prosecution of cases, setting up case management systems for the justice sector, improved application of Bail, fast-tracking of the revised Criminal Procedure Act and improving conditions of service in the justice sector.

The Agenda for Prosperity (A4P) also puts justice reform at the centre of its strategy recognizing its importance in promoting justice and prosperity. Since the civil war ended, DfID and United Nations have had sustained engagement with the Judiciary which has resulted in overall improvements in infrastructure, process and overall service delivery. Before the EVD crisis, criminal cases including SGBV cases, were being processed faster with the average time for a criminal case taking to be resolved reducing from 34 months in 2009 to 18 months in 2011 and SGBV cases in Freetown reportedly being concluded within 12 months⁷. Mobile Courts ensured for the outreach of the Courts to remote areas, albeit not without challenges, as this still also remains mostly funded by international donors.

The Local Courts Act was passed in 2011 placing the Courts under the supervision of the Judiciary. However, the already existing challenges such as lack of decentralization, lack of a coordinated case management system within the justice sector, and poor conditions of service for judicial staff have become even more apparent under the EVD crisis and has coupled with the effects of the state of public health emergency in the country resulted in a serious decrease in the functioning of the Judiciary. The operationalization and improving of the functioning of the Judiciary is vital, as rule of law and accountability is at the heart of a stable democracy, to ensure access to justice for all but especially for those most vulnerable in society. The earlier government commitment in the A4P to ensure functionality of courts and other judiciary institutions has also been reiterated during the recent Ebola Recovery Conference in Brussel by government representatives as a key priority of the Ebola recovery phase.⁸

In early 2015, the Judiciary has changed its leadership and the Acting Chief Justice as well as key members of the Judiciary have had several engagements with international development partners, including ASJP and UNDP soliciting support to address the more immediate needs to ensure for the effective reactivation of all Courts. Furthermore, the Acting Chief Justice is well-aware of the overall challenges and is positively disposed to reforming the institution to ensure that the Judiciary will be able to function and ensure respect for the rule of law. Senior Judges of the Supreme Court consulted on the proposal provided positive feedback which included the following statement: *“For far too long, Sentencing and Bail in general have been vary and*

⁷ 2011 information sourced from JSCO JSRSIP II log frame workshop (2011) - data supplied verbally to JSCO and 2009 information sourced from JSDP Review of the Law Officers Department Public Prosecutions Division - Dec 2009. Reliability of information due to underlying faults in data collection is unclear.

⁸ PPP, Herbert Mcleod, 'Ebola: From Emergency to Recovery', Brussels 3 March 2015.

different in various Courts involving similar offences and facts. Therefore uniformity is indeed needed” (Justice P.O Hamilton, J.S.C). The proposal has instigated excitement in the Judiciary for the possible support and opportunity to enhance their functioning and strengthen access to justice.

The Constitutional Review Process is also still on-going and has the potential to strengthen the rights of citizens, fair trial processes and judicial independence. The new Criminal Procedure Act (CPA) which is awaiting approval before Parliament could serve as a powerful vehicle to convey needed reforms to address criminal justice system challenges.

With the approval of the new CPA, a gap will be the lack of a sentencing or bail policy as well as sentencing guidelines. The current legal framework does not give Judges adequate guidance nor do Judges have access to case precedents to guide them in this. A comment from a senior Justice of the Supreme Court demonstrates that in actual practice, although the present legislation allows for 7 basic sentences, most often only imprisonment or fines or both are applied.⁹ Although the new CPA will introduce alternatives to imprisonment, i.e. fines, community service and other non-custodial alternatives, it does not include detailed sentencing guidance including the motives for sentencing, the manner of calculating appropriate tariffs, mitigating factors, aggravating factors, time already served in detention whilst awaiting trial. Sentencing guidelines are therefore timely. Guidance for implementation of non-custodial sentencing is also particularly relevant for the Child Justice Strategy (2014-2018) which foresees the establishment of diversion mechanisms for children in conflict with the law. The new CPA also includes new provisions on bail. However, there is still limited guidance to judicial discretion in making decisions on bail. Development of these guidelines is therefore a critical component to the implementation of the new CPA.

The initiation of a programme that will introduce and implement sentencing and bail policies as well as sentencing guidelines is thus timely and of key importance, and will address a key recommendation of the March 2013 Fragility Assessment. Together with other on-reform initiatives (case-management systems, decentralization and improving conditions of service) and support to the Judiciary it will further ensure for the effective execution of justice and help restore the public’s faith in the Judiciary. Furthermore, it will help aid the severe situation of a growing remand population in the country, which has only been exacerbated during the EVD crisis.¹⁰

⁹ Justice N. C. Browne-Marke, Justice of the Supreme Court, comments on Sentencing guidelines proposal, 23 February 2015.

¹⁰ In the time of writing a total of 801 prisoners in Pademba Road Prison are on remand and trial out of a Prison population of 1419 prisoners in a structure meant for 324 prisoners. The total prison population is at 3071 for the whole country. Data received from Prison Watch Sierra Leone 26 February 2015.

1.2 UNDP's previous support to the Justice Sector

UNDP has been supporting Access to Justice in Sierra Leone after the end of the civil conflict in 2002 with the refurbishment and capacity development for justice personnel and has developed strong relations with key justice actors both state and non-state actors. The partnership has been strengthened through UNDP's engagement with and support to core capacity building of the Judiciary, Sierra Leone Police, Ministry of Justice, the Human Rights Commission of Sierra Leone as well as a larger number of civil society and community based organizations working to promote access to justice for the most vulnerable in society and increase oversight of the justice institutions, including the Judiciary through court monitoring. UNDP's firsthand expertise, knowledge and experience on justice sector development and the support provided to national ownership is a proven asset.

UNDP also brings added value at the country level with synergies created between all areas of UNDP development work. The grant will fall under the Democratic Governance Programme and will be implemented in close cooperation with the new Access to Justice programme and in partnership with the Constitutional and the Security Sector Reform programmes and ensure due consideration to cross-cutting issues such as gender equality, parliamentary capacity building and land policy reform.

We encourage and promote national ownership and leadership in the implementation of the programme and to that end Sierra Leone's Justice Sector Reform Strategy and Investment Plan (JSRSIP) III 2015-2018 will provide the framework within which UNDP supports the justice sector in Sierra Leone.¹¹

The current UNDP Access to Justice Programme is coming to the end of its cycle with a three month extension into 2015 due to the Ebola crisis and delay in completion of certain activities. The two-year programme has focused on building the capacity of justice institutions through the training of Police Prosecutors, Family Support Units (FSUs) of the Sierra Leone Police and the Judiciary as well as supported the strengthening of independent oversight mechanisms, including the Human Rights Commission. The Programme has been instrumental in some of the key achievements in the sector in recent years including support to FSUs, the establishment of SGBV Saturday Courts and support to Mobile Courts had brought the backlog of cases considerably before the EVD crisis, the production of Case Management Guidelines and Standard Operating

¹¹ The JSRSIP III has been drafted and has been endorsed by the Leadership Group members and is now awaiting the final formal process of Cabinet approval of the strategy.

Procedures for SGBV cases, and the passing of new legislation that upholds the rights of marginalized groups such as the Sexual Offences Act, 2012 as well as provided assistance to those most vulnerable in the justice system.

UNDP has further achieved notable results including hearing and resolving over 1,550 cases which have been handled through Mobile Courts (increases from 32.5 cases per month in September 2010 to 76.7 by December 2013); publication of the first Sierra Leone Law Reports and publication of selected decisions; establishment of the first legal aid scheme which has informed the Legal Aid Act 2012; technical advice in development of the Criminal Procedure Act; Saturday Courts have reduced the backlog in addressing cases of Gender Based Violence nationally and have created a survivor friendly environment; UNDP provided technical and financial support to adoption of the Sexual Offences Act (SOA) 2012, developed Case Management Guidelines and Standard Operating Procedures (SOPs) to assist the justice sector in dealing with SGBV cases and provided capacity building since then to family support units at the Police who have been trained on the new Act and SOPs as well as Social Workers. UNDP also supported a network of NGOs nationally who provided advisory services on various issues affected the poor, marginalized and discriminated upon at community levels at the fore front of whom are women, children and the elderly. In order to strengthen accountability at the level of the community, UNDP support also enabled CSOs/NGOs to monitor justice delivery at community levels and administer surveys questionnaires to measure the perception of people on the administration of justice.

Furthermore, during the reprogramming of UNDP's Access to Justice and Security Sector Reform Projects the programme included support to the Corrections Service to keep EVD out of the Prisons, bringing new partnerships onboard, as the support included legal aid and initiation of the setting-up of a case-management system by a NGO that has key expertise from working with the Prisons Sector. This has ensured for legal aid to review over 800 cases and the setting-up of the case-management system for prisons is expected completion in June 2015.

These achievements have allowed UNDP a first-hand insight to some of the systemic challenges within the justice sector, including the Judiciary and have informed the current development of UNDP's new Access to Justice project 2015-2016.¹² Key components with respect to the Judiciary will be enhancing communication, cooperation and coordination with all justice actors, support

¹² The proposal has the following three outcomes: (1) Increase the effective functioning of key Justice Institutions in order to address bottlenecks in access to justice which especially effect vulnerable groups including women and children. (2) Legal empowerment and increased access to justice and other related services for vulnerable groups. (3) The quasi-judicial mandate of the Human Rights Commission is strengthened and the Government of Sierra Leone are held to account for their human right obligations, nationally and internationally.

to decentralization of case management meetings, address the large backlog and ensure for government increased commitment to fund the institution. The Sentencing Guideline proposal will thus complement and strengthen these initiatives and besides implementation of the policies and guidelines, it will surely enhance overall capacity of all judicial staff and justice stakeholders.

Furthermore, UNDP partners with agencies supporting the justice sector including ASJP who is a central actor and has worked for many years building capacity of the Judiciary and UNICEF to ensure the adherence to the child justice principles building on restorative and rehabilitative justice and ensuring the diversion of children in conflict with the law. These partnerships will continue during the lifetime of the project.

Finally, UNDP adopts an integrated approach to managing the programme portfolios to ensure synergy operational effectiveness and a participatory and consultative approach to ensure engagement of citizens across the country.

2. Programme Strategy

The focus of this engagement will be supporting the Judiciary in the development, approval and implementation of a Sierra Leone Sentencing Policy and Sentencing Guidelines.

This Project will take place within the framework of UNDP's to Democratic Governance Cluster, Access to Justice Programme. The Project Results will contribute to the overall Programme Outputs and Outcomes,¹³ relating to strengthening the capacity of national institutions to provide fair, efficient and effective justice services. This Project will have two key Results, which will be achieved by the activities, as listed below:

Output 1: Sentencing - and Bail Policies and Guidelines are adopted by the mandated judicial authorities

- *Activity Result 1.1 - A Working Group is established on bail and sentencing issues, chaired by the Judiciary and sentencing and bail policies are adopted*

This WG will comprise practitioners including the Police, Prosecutors, Judiciary and Correction Services, legal practitioners including legal aid providers and key CSO's including Partners for Democratic Change (PDC) and/or Campaign for Good Governance (CGG) supported by INL one other key CSO representative from the justice sector and whose work is complementary to this

¹³ Under development at the time of completing this proposal.

action (such as the Centre for Accountability and the Rule of Law (CARL or Prisons Watch)).¹⁴ UNDP will encourage gender and ethnic diversity in the WG makeup. This WG will oversee development and implementation throughout the project cycle including addressing blockages particularly once the guidelines and policy have been launched. UNDP will be an ex-officio member of the group. This WG will also ensure a sense of national ownership from the beginning, essential to guarantee the success of this venture. UNDP engagement with the WG is envisaged to support capacity building on the nature of bail and sentencing and the positive effects this can have on the criminal justice sector if effectively implemented as well as challenges such a process can have.

Capacity building activities will include exposure visit to a country (preferably a South/South exchange) that has recently undertaken a similar reform process with success and knowledge-sharing bringing in experts on judicial reform with a specific focus on implementation of sentencing guidelines. Expertise will also be sourced from INL's pool of experts including at the local, state and federal level. UNDP will make requests for specific types of expertise from INL with at least a 6-month lead time.

A key deliverable of the WG will be to develop a sentencing policy within the first 12 months of the project that outlines the priorities and vision that will be adopted - matching the Sierra Leonean context. It will include substantial revision of the current policy which the Courts have developed on Bail but which needs revisiting. The policies should have the overall aim of improving access to justice, raise the level of public confidence in the judicial process and improve efficiency and effectiveness of the Judiciary and coordination with other justice sector institutions, including police and prisons to which the sentencing guidelines and bail provisions are key. The policy framework will define the role of Sierra Leone justice institutions in formulation, implementation & monitoring of sentencing guidelines and bail provisions as well as map-out key responsibilities of the oversight mechanism that shall be carried out by existing structures.¹⁵ The CSO partners in the WG will with the support of UNDP sensitize all members of WG on the programme activities undertaken by PDC and CGG to monitor the implementation of the policies and guidelines by the judiciary, including the citizen report cards developed.

The Policy Framework should also indicate Sierra Leone's vision of further actions, reflecting the purposes of sentencing such as the punishment, the reform and rehabilitation of offenders, the protection of the public, and the making of reparation by offenders to persons affected by their

¹⁴ The WG should maximum comprise of 10 members to ensure its effectiveness.

¹⁵ Three senior Justices to the Sierra Leonean Supreme Court have already provided ideas for possible oversight mechanisms within the Judiciary, including appointment of one of the senior Justices to handle oversight as well as bi-monthly meetings of Magistrates and Judges reviewing cases and application of the sentencing and bail policies and sentencing guidelines (March 2015). This will surely ensure for the sustainability after the end of the project.

offences. The Policy shall also ensure for increased introduction of non-custodial sentencing. Similarly revision of the bail policy should seek to align it to the new Criminal Procedure Act as well as accepted international standards which state that pre-trial detention should not be a general practice or mandatory for all defendants charged with a particular crime but based on clear criteria. The Policies will also lay out a roadmap for the overall success of this action.

At the outset of the establishment of the WG a baseline will be developed reviewing existing legislation relevant to sentencing and bail; international human rights treaties, guidelines and best practices as well as the national strategic framework pertaining to reform of the criminal justice sector. The baseline will include a review of existing sentencing and bail practice in Sierra Leone using case decisions, interviews and Focus Group Discussions with Practitioners including Judges, Law Officers Department Staff and Lawyers as well as Court Users. The data and information collection will ensure outreach to and a fair representation of the different regions of Sierra Leone. The baseline will assist the WG in identification of the key priorities and challenges that need to be addressed in the formulation of the policies as well as provide guidance to selection of offences that will be prioritized in the initial project period.

The policies will be subject to a consultation process bringing together a broader variety of stakeholders in the justice and civil society sectors from the Western Area, the North, the South and the East, including the other implementing partners in the INL project and civil society.

The sentencing and bail policies will inform the actual drafting of the sentencing guidelines whereas these will be a priority to finalize before the WG commences on the development of the specific sentencing guidelines.

The project will ensure outreach on the establishment of the WG and its work as well as the development of policies through media coverage of the consultation process and media briefs on the WG meetings and progress. Information and communication material will be developed and include radio briefings and talk shows (see more under activity result 2.3).

UNDP will work with the Acting Chief Justice and later permanent appointed Chief Justice to ensure that the judiciary have sufficient budgetary allocation to sustain the outputs of the project. The project will for that reason engage with the Parliament and Executive and together with the WG advise them on the consequences of not appropriating sufficient funds, which will have an impact on offenders not serving appropriate and just sentences as well as further contributing to the high numbers of citizens in pre-trial detention. Furthermore, the WG will seek the support and coordinate with the larger justice programmes in the country.

- *Activity Result 1.2: Sentencing guidelines produced by the WG in partnership with the Judiciary, Law Officers Department, Police and Legal Professionals and outreach material developed and disseminated*

UNDP will partner with the authorities in development of sentencing guidelines utilizing expertise particularly that with experience in putting in place such systems in common law countries and in similar contexts showcasing best practices and at the same time ensuring the guidelines and policy are specific to the country context.

The guidelines developed will be two-pronged, including general sentencing guidelines defining rules and principles applicable to all types of cases, including non-custodial measures, as well as guidelines on 7 specific offences to start. Regard will be had to precedent and for that reason the project will commission research in connection with the drafting of the baseline for the policy development to source relevant cases which will assist in determining the policy and guidelines (both international and national). The project will reference international law related to due process and fair trial, global best practices which of both general application as well as those which apply in specific cases including practices pertaining to children; utilizing knowledge tools including the UN and international organizations such as the American Bar Association (ABA) who have developed a handbook on International Standards on Sentencing Procedure. Consultations in development of the guidelines will include practitioners, court users and community leaders.

The guidelines will be developed in a way which makes them easily understood to citizens, important given many cases do not have legal representation. Development of informational materials will follow in parallel. Development of such materials will take into account the low levels of literacy in the country so they are easily understood. Guidance will be included in terms of challenging sentences and also incorporated into training programmes for justice actors including rights of appeal, limitations as well as judicial review/habeas corpus (reviewing the lawfulness of sentences) and clemency. Additionally, UNDP will support civil society partners to sensitize Sierra Leoneans so they understand and value the guidelines.

In parallel UNDP will also work with the Police, Law Officers Department and Judiciary in developing guidance and practice notes which will facilitate effective implementation of the revised Bail Policy. Given the overcrowding currently faced in correctional centres as well as the backlog of cases on remand and in detention, the policy and guidelines will be designed in a way that contributes to resolving rather than adding to this problem including encouraging a process that looks at alternatives to imprisonment as well as processes which provide for conditional

release.¹⁶ This will match UNDP's sector wide approach to the justice sector and build synergy with an activity under the Security Sector Reform project with the Sierra Leone Police to implement the 'margin of discretion' when conducting arrests in accordance with international human rights standards. This project also includes focus on community policing and introduction of restorative justice principles,¹⁷ which will help decongest the detention system and ensure enhanced rule of law.

The sentencing and bail guidelines will initially be rolled out in Courts following completion of training courses set out in output 2 as well as informational materials. Monitoring on implementation of the guidelines will be carried out during this phase and any identified issues will be brought to the attention of the WG. Monitoring will focus on ensuring the guidelines are being applied but also other issues relevant to this including execution rates to ensure both custodial and non-custodial sentences are being enforced as well as strengthening coordination between the police, prosecutors, courts and prison authorities. The project will utilize national systems including returns and data provided by the Court and where possible review selected court files. As part of a larger needs identification for proper case management systems in the justice sector, one is currently being developed for the Corrections Services. The Judiciary will, with the assistance of ASJP and UNDP, revisit the introduction of an electronic case management system which would be gradually introduced in selected courts at the inception phase and progressively rolled out in Sierra Leone across all the courts. Its introduction would allow the Judiciary to capture the breath of data referred to above in those courts utilizing the systems. UNDP will also liaise closely with the CSOs undertaking court monitoring, both the CGG and those working with UNDP's Access to Justice programme (a core activity of the programme) to determine the extent to which sentence guidelines are being applied. For example, UNDP will make use of CGG's case monitoring work, its citizen report cards of the judiciary, its perception surveys of the judiciary, and periodic reports on the state of the judiciary. The court monitoring will continue throughout the country at Magistrate and High Court Level. Interviews with both criminal justice practitioners and court users will be periodically conducted to validate whether guidelines are being applied as well as identifying possible impediments. During the course of the project cycle, both the geographical scope and thematic scope will be expanded accompanied by training and awareness raising as implementation becomes more consistent and uniform.

¹⁶ Prisoners should be informed at the beginning of their time served of the following: (1) when they are eligible for release by virtue of having served a minimum period of time, as defined in absolute terms and/or by reference to a proportion of the sentence; (2) when they are entitled to release by virtue of having served a fixed period of time, as defined in absolute terms and/or by reference to a proportion of the sentence ("mandatory release system"); and (3) the criteria used to determine whether they are granted release ("discretionary release system"): ABA Handbook of International Standards on sentencing procedure (2010)

¹⁷ These are expected to be activities under the Security Sector Reform project in the second half of 2015.

The scope of sentencing guidelines will be limited to 7 offences during the project cycle (with expansion envisaged later) with offences agreed based on evidence from court statistics as well as strategic importance (e.g. transnational crimes). Bail guidance will focus on general provisions to better ensure uniformity of practice including factors to be taken into account when considering bail including self-bail as well as improving collaboration and coordination between the Police, Law Officers Department and Judiciary to ensure bail conditions are reasonable and affordable to court users.

Output 2: Sentencing and Bail Guidelines are in place and consistently applied

- *Activity Result 2.1: Training modules developed and implemented with selected Police investigators, Judges, Prosecutors, Registrars, Defence Counsels and Civil Society undertaking said training courses*

Following approval of the guidelines and policy, UNDP will work with the Judicial and Legal Training Institute and other relevant institutions to develop modules on the new guidelines and policy as well as SOPS and guidance notes to follow. It is proposed that training modules will be designed to enhance partnership between the Police, Law Officers Department, Judiciary and legal profession fostering enhanced coordination and cooperation both in the application of the policies and guidelines and the overall sector which is a pre-requisite for the effective functioning of the sector. UNDP is in discussions with the ABA & IDLO as potential partners to work with Judicial and Legal Training Institute Staff to develop and deliver curriculums and development of training materials including bench-books and guidance notes.

M&E tools will be developed to confirm knowledge exchange and to ensure that participants will utilize the new guidelines in their work. The work of the aforementioned civil society organizations in monitoring compliance with the new guidelines will be important and require a high degree of cooperation and partnership. To that end UNDP will closely coordinate with CGG who will be funded as part of this programme to undertake parallel components including monitoring of decisions as well as with UNDP's court monitors under the nationwide Access to Justice programme.

- *Activity Result 2.2: A case management system is set-up and implemented in the Judiciary HQ and selected regions to ensure for better management and monitoring of the uniform application of the Sentencing Guidelines and Polices*

Implementation of bail and sentencing provisions will require an effective case management system (CMS) incorporating records management, archiving and case tracking as well as allowing personnel to follow up on the history of the case and alert judicial staff to significant dates i.e.

deadlines imposed in the CPA around remand time-limits, sentencing reviews etc. This will in turn allow the Courts to track reliable data on both sentencing and bail.

It is proposed to support the introduction of an electronic case management system within the scope of this project. The system would be initially introduced in the High Courts which deal with the majority of cases (approximately 3000 per annum) and be accessible to the Law Officers Department, Bar Association and the public (for the purposes of obtaining information regarding their case). The system would initially be centrally managed in Freetown with the High and Magistrate Courts in the regions sending case management data to Freetown monthly to be updated. Collating and submitting information follow-up will be a natural component of the decentralized case management meetings expected to be piloted in 2015 in selected areas of the country and later some limited hardware will be introduced in Bo, Kenema and Makeni to allow more regular updating of data. Caseloads from Freetown would be uploaded “live”. Freetown Courts have much more reliable power as compared to the provinces and the Judiciary’s IT services are more advanced in Freetown due to the experiences through the fast-track commercial court and the introduction of the CMS will therefore start in the Western Area and then gradually be introduced in the provinces. Introduction of the system would also necessitate support to a national IT and case-management expert who will be able to provide hands on mentoring and capacity building to Court staff. This position would be phased out at the end of the project.

UNDP will seek the support of the UK-aid access to justice programme on the development and implementation of a CMS. They will possibly be able to bring significant expertise in designing both the software and the methodology for introducing and rolling out the system as well as provide complementary funding. The system will be designed so that there are not significant recurrent costs and in a way that is context specific and sustainable.

The project will support capacities of the Judiciary to ensure uniform application of the guidelines once introduced. The Project will engage with the Parliamentary Committee responsible for justice affairs to ensure they are aware of issues relating to sentencing that fall within the ambit of this project including their role in ensuring due process and fair trial rights are being adhered to.

- *Activity Result 2.3: Citizens are aware of the introduction of sentencing guidelines and their implications*

In parallel with training programmes rolled out for the justice sector, UNDP will also commission informational materials and communication tools to ensure there is a high level of awareness

amongst court users and citizens nationwide. UNDP would work with the Judiciary on the development of informational materials that can be understood by court users also with low literacy levels. These will include posters, billboards and other materials with graphics. UNDP has had considerable experience in raising legal awareness and to that end will work with our media section in facilitating innovative ideas to promote public awareness through radio programmes on this issue. Furthermore, the CSO network under the Access to Justice Programme has proven quite strong in the programming to respond to the Ebola crisis and has ensured outreach to remote communities, and similar methods can be envisaged under the Access to Justice initiative once the sentencing guidelines programme is underway. In addition to that, UNDP in partnership with the Judiciary will organize targeted briefings to selected journalists, community leaders and civil society to brief them on the new guidelines and how it will affect communities sensitizing them on the benefits of this initiative.

Throughout the project cycle UNDP will be guided by a number of fundamental principles as follows:

1. **That deprivation of liberty should be regarded as a sanction of last resort and imposed only when the seriousness of the offence makes any other sanction inadequate.** In that regard UNDP will work with the authorities in exploring the appropriate array of community sanctions and alternatives to imprisonment¹⁸ (particularly as it concerns children). Similarly, with over 56% of those in prison on remand, it is important to review provisions on bail. International practice states that *detention in custody* of persons awaiting trial shall be the exception rather than the rule, and that **it should not be the general practice to subject defendants to pre-trial detention**¹⁹.
2. **Uniformity of sentencing and bail is critical.** Disparities in sentencing will erode public confidence in the integrity of the justice system. Sentencing and decisions to grant bail should be entirely neutral and not have regard to the race, sex, national origin, creed or socio-economic status of the offender.
3. **Courts will need to give reasons for their decision in a timely manner.** A sentence should also be imposed in open court and in the presence of the offender, summarising the courts findings, terms of sentence imposed, reasons for the type of sanction and inform the offender of his/her right to appeal including procedures and time limits. Similarly in

¹⁸ Having regard to the UN Minimum Rules of Non-Custodial Measures (The Tokyo Rules). Alternatives to imprisonment may include (a) verbal sanctions, such as (a)admonition, reprimand and warning; (b) conditional discharge; (c) status penalties; (d) economic sanctions and monetary penalties; (e) confiscation or an expropriation order; (f) restitution to the victim or a compensation order; (g) suspended or deferred sentencing; (h) probation and judicial supervision; (i) community service orders; (j) referral to an attendance center; (k) house arrest; (l) any other mode of non-institutional treatment; or (m) some combination of the measures listed above

¹⁹ UN HRC, Draft General Comment no. 35, para. 38, CCPR/C/GC/R.35/Rev. 3, 10 April 2014. And as previously mentioned, UNDP has for the past 6 months increasingly focused on legal aid to remand detainees and decongestion of places of detention, and which will be part of UNDP's focus throughout the Ebola Recovery phase.

all cases and in particular when bail is refused, the Judicial officer must give full reasons for such refusal

4. **Procedural fairness** – the project will be guided by international principles including due process, right to a fair trial and rights of accused.²⁰

Key principles to govern Programme implementation include,

- **National ownership:** This is at the heart of the Project, and development principles more broadly. UNDP has already established close linkages with the various national counterparts, in particular with the Ministry of Justice, Judiciary, Independent Human Rights Commission, police as well as representatives of civil society. The Project will continue to engage fully with these and other national counterparts particularly the Judiciary to ensure mutual guidance and communication during the implementation phase.
- **Sustainability:** All activities undertaken in the course of the Project will be rooted in the need to ensure sustainability. This includes **building – not supplementing – national capacities, ensuring that training will be on-going, and that assistance is solidly institutionalised** in broader governmental structures and planning processes and that eventual costings and funding responsibilities will gradually be taken over by government through the increased funding to the Institutions, notably the Judiciary.

The Project will actively seek to ensure interventions have an enduring effect through the linkage of activity level engagement with policy- and system-level change. This will include linking evidence-based programming to capital institutions via the development of strategy, curricula, governance structures, etc.

- **Creating Partnerships between State and Civil Society:** Our overall Programme is divided between building capacity of state institutions and those supporting the development of a strong civil society. UNDP will use this unique position to create partnerships and build trust between civil society and state organizations. This will include the organization(s) who will implement complementary components of this proposal relating to engagement of the media as well as civil society engagement. UNDP also has a network of NGOs across the country who are providing advice and assistance to citizens who will be able to provide legal information relating to the roll out of sentencing guidelines as well as

²⁰ International Covenant on Civil and Political Rights, Dec. 16, 1966, U.N. Doc. A/6316, 999 U.N.T.S. 171.; African Charter on Human and Peoples' Rights, June 27, 1981, OAU Doc. CAB/LEG/67/3 rev. 5, 21 I.L.M. 58 (1982). Basic Principles for Treatment of Prisoners, G.A. Res. 45/111, annex, U.N. Doc. A/45/49 (Dec. 12, 1990).

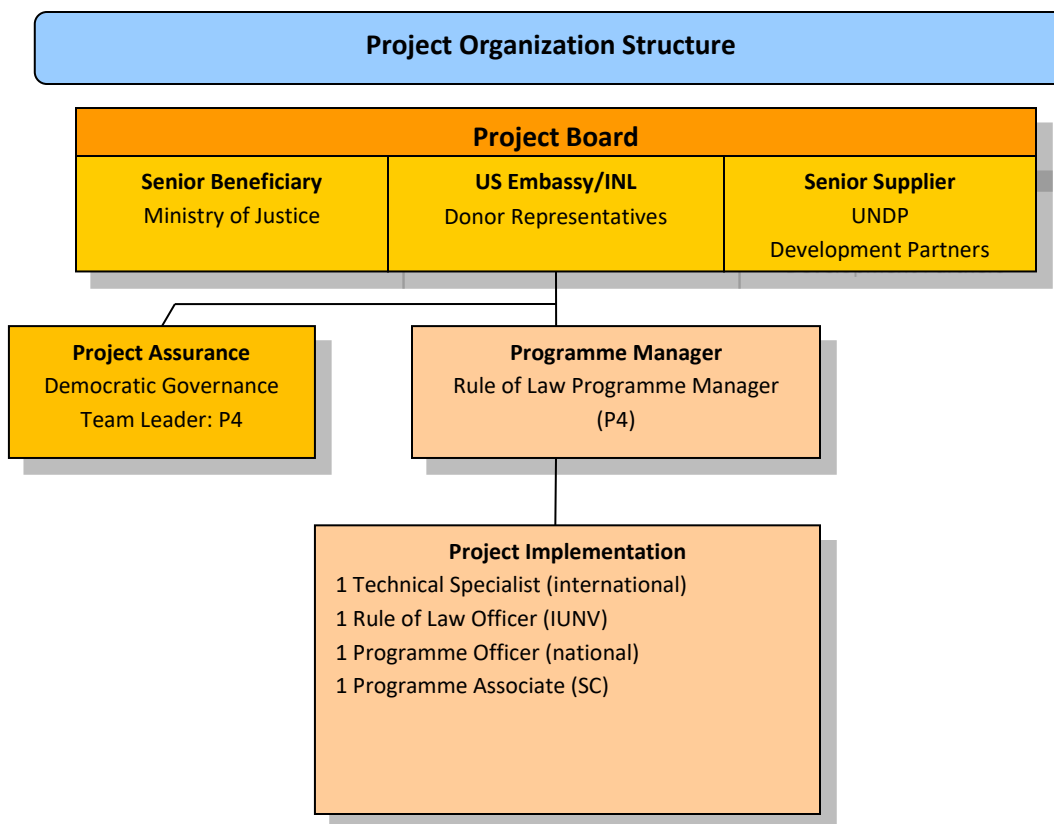
undertaking complementary monitoring of cases in line with that envisaged in the INL concept note.

- **Flexibility:** The Project will aim to support the creation of an environment that is conducive to development, however it is recognised that the Project is not without its risks. Accordingly, Project outputs and activities will be adapted, as necessary, to adjust to changes affecting the achievement of overall goals, including vis-à-vis national partners. In particular the Programme may seek to deploy staff temporarily or on a more permanent basis if the need arises particularly once the new guidelines are rolled out. A thorough risk log will be maintained and updated, and mitigation measures adopted as necessary. The Project will be reviewed at the end of each year, providing opportunities to assess for modification. Furthermore, the Project has a Project Review Board (PRB), which will convene twice a year. The PRB builds into the programmatic cycle additional opportunities to assess what is working and what is not. Such oversight and ongoing engagement enables the Project to “scale up” or “scale-down” activities in ways that respond most effectively to ‘on-the-ground’ changes and context.

Partnerships and Coordination

The Project works in synergy with sister agencies in the United Nations Country Team (UNCT) through the institutionalized coordination mechanism of the Transitional Joint Vision. UNDP also participates in monthly meetings of the Justice Sector Coordination Office (JSCO). At the level of implementation, the project has built strong partnerships with the IRC, GIZ, ASJP, UNIPSIL, UNFPA and UNICEF to ensure complementarity in our work and avoid overlaps. Given the size of ASJP’s programme the UNDP Access to Justice Project is actively engaged with them to ensure complementarity of activities. UNDP will also work with the American Bar Association (ABA) to provide a critical review to the draft guidelines. The ABA and UNDP have a global institutional partnership which allows them to provide pro-bono reviews of legislation and policies. A team of experts has previously done so with the Criminal Procedure Law identifying the lack of sentencing guidelines as a critical gap requiring attention.

Management Arrangements



The project is being executed by UNDP under the DEX modality under the overall coordination of the Ministry of Justice. Under this project, UNDP will partner with relevant government ministries and other partners, notably the British Government’s Access to Security and Justice Programme (ASJP), UNICEF, and other UN Agencies, as well as NGOs, to implement activities specified in Annual Work Plans (AWPs).

The **Project Review Board (PRB)** will be chaired by a representative of the national counterpart (Judiciary), co-chaired by UNDP and its members will include INL and US Embassy Political Affairs Officer in Sierra Leone as well as other implementing partners. To ensure optimal project coordination, the Project Review Board can invite other partners as needed. The role of the Project Board will be to:

- (i) Make management decisions when these are sought by the Project Manager
- (ii) Based on the approval of AWPs, review implementation progress
- (iii) Review and make recommendations on revisions to the project, when tolerances have been exceeded
- (iv) Review and make recommendations on the funding of the project

- (v) Review progress towards the project's overall objective and intended outputs
- (vi) Review and recommend on other actions in special circumstances

The Project Review Board will also be responsible for resolving any emerging conflicts or problems that could negatively impact on the project's implementation. The Project Review Board meets twice a year or more frequently if need be and meetings will be recorded through minutes and participants lists.

The Project will contribute to UNDP's larger UNDP Access to Justice Programme. The **Project Team** will be composed of a Rule of Law **Programme Manager (PM)** who manages the Access to Justice Programme. The PM will supervise: a Technical Specialist, a Rule of Law Officer (IUNV), a Programme Officer and a Programme Associate who will be responsible for the day to day implementation of the project. The Programme Manager will provide oversight; quality assurance and technical support where required. All personnel will be based in Freetown, with regular visits the provinces to monitor activities closely. 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 outside of Freetown. The Project Team will be in charge of the day-to-day implementation of the project, 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. The PM will be responsible for ensuring the project Results are achieved within the predicted timelines, and providing financial and progress reports as required.

The Project will be implemented through a combination of direct implementation, partnerships with government and administrative counterparts, and I/NGO implementation modalities, under the overall coordination of project boards and in line with UNDP's results-based management approach.

The **UNDP Country Office** in Sierra Leone will provide general supervision and project assurance.

7. Monitoring and Evaluation Framework

Project monitoring and evaluation (M&E) will be conducted in line with CPAP and the UN Transitional Joint Vision for Sierra Leone plans. The Project Review Board involving UNDP, INL and the Judiciary will be in charge of overall programme oversight. The Board will hold regular meetings to discuss the programme implementation and assess its progress. The Results and Resources Framework (RRF) incorporated into this document will be the touchstone for performance monitoring and reporting. The Government of Sierra Leone and UNDP will be responsible for setting up the necessary M&E mechanisms in order to ensure continuous M&E of

the project's results and impact, as well as to ensure efficient resource utilization, accountability, transparency and integrity.

M&E Plan

Tracking the achievement of planned results for each activity within the annual work plan and reporting progress to the Project Review Board and giving feedback to the implementing partners will be the responsibility of the Programme Manager (PM). The PM, will ensure that a results-based monitoring plan is developed and approved by the Project Review Board, with SMART indicators which will facilitate effective monitoring. The Project Manager will provide semi-annual results reports to the Project Review Board, or as often as is required by the Board.

The specific mechanisms that will be used to monitor the achievement of results will include:

- i. Semi-annual progress and financial reports, prepared by the Project Manager for review by the Project Board; a standard reporting format will be used;
- ii. Annual progress report, technical and financial report prepared by the annual work plan implementing agency and/or the ERP Atlas system at the end of the year;
- iii. Semi-annual meetings of the Project Review Board will be convened to review progress reports and to ensure the project results are achieved and where necessary, recommend a change in implementation strategy.

All programme activities will be closely monitored by UNDP Country Office. The project shall be subject to the internal and external auditing procedures laid down in the Financial Regulations, Rules and directives of UNDP. UN staff working in the joint UN Field Offices will be mobilized to provide monitoring functions at the field level.

8. Legal Context

The programme document shall the instrument referred to as such in Article 1of the SBAA between the Government of Sierra Leone and UNDP, signed on the 21st December 1977. Consistent with the Article 111 of the Standard Basic Assistance Agreement, the responsibility for the safety and security of the executing agency and its personnel and property, and of UNDP's property in the executing agency's custody, rests with the executing agency.

The executing agency shall:

- (i) Put in place an appropriate security plan, and maintain the security plan, taking into account the security situation in the country where the programme is being carried;

- (ii) Assume all risks and liabilities related to the executing agency's security, and the full implementation of the security plan.

UNDP reserves the right to verify whether such a plan is in place, and to suggest notifications to the plan when necessary. Failure to maintain and implement an appropriate security plan as required hereunder shall be deemed a breach of this agreement.

The executing agency agrees to undertake all reasonable efforts to ensure that none of the UNDP funds received pursuant to the Programme Document 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 is accessed via <http://www.un.org/Docs/sc/committees/1267/1267Listing.htm>. This provision must be included in all sub – contracts or sub – agreements entered into under this Programme Document.

ANNEX 1 – Results and Resource framework

<p>Intended Outcome as stated in the Country Programme Results and Resource Framework: Justice and security sector delivery systems improved in compliance with international human rights standards</p>				
<p>Outcome indicators as stated in the Country Programme Results and Resources Framework, including baseline and targets: <u>Indicator:</u> Sentencing and Bail Policy and Guidelines in place and consistently applied <u>Baseline:</u> 0 <u>Targets:</u> 70 %</p>				
<p>Applicable Key Result Area (from 2014 – 2017 UNDP Strategic Plan): (b) Citizen expectations for voice, development, the rule of law and accountability are met by stronger systems of democratic governance, and (c) Countries have strengthened institutions to progressively deliver universal access to basic services.</p>				
<p>Partnership Strategy: The Project will envisage establishment of a WG comprising key justice partners and chaired by the Judiciary who will guide implementation of the Project to ensure its success. There will also be a Project Steering Committee which will meet quarterly.</p>				
<p>Project title and ID (ATLAS Award ID): <i>Promoting Transparency in Sierra Leone’s Judiciary</i> - Project Proposal for WACSI Sierra Leone Programme</p>				
INTENDED OUTPUTS	INDICATIVE ACTIVITIES	2015-2016	RESPONSIBLE PARTIES	INPUTS
<p>Output 1: Sentencing - and Bail Policies and Guidelines are adopted by the mandated judicial authorities</p>				

<p><u>Indicators:</u></p> <ul style="list-style-type: none"> - WG established (M/F) - WG knowledge of the process of developing sentencing and bail reforms is enhanced - Assessment completed with sex disaggregated data - Gender Sensitive Sentencing and bail Policy adopted - General institutional and public awareness of Sentencing Policy enhanced <p><u>Baseline:</u></p> <ul style="list-style-type: none"> - No WG in place - No assessment been undertaken of current legislation and practices - No sentencing policy in place <p><u>Targets:</u></p> <ul style="list-style-type: none"> - WG in place comprised of Judiciary, Police, 	<p><i>List activity results and associated actions needed to produce each output or annual output targets.</i></p> <p>Activity Result 1.1: A Working Group is established on bail and sentencing issues, chaired by the Judiciary and sentencing and bail policies are adopted</p> <p>Action 1.1.1: Development of ToRs for the WG including mandate, membership and responsibilities with WG established early in the project cycle</p> <p>Action 1.1.2: Support the WG with international consultant and experts and conduct an assessment of current sentencing and bail practices for men and women including identification of the issues, challenges and key priorities being informed by a review of existing legislation, key precedents and best practices.</p> <p>Action 1.1.3: Exposure visit (preferably South/South engagement) to a country that has</p>	<p>\$180,000</p>	<p>\$65,000</p>	<p>Judiciary, UNDP</p>	<p>\$ 245,000</p>
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<p>Prosecutors, Corrections and citizen representatives with strong female representation to lead process of development of sentencing policy and guidelines</p> <ul style="list-style-type: none"> - Assessment completed of current sentencing practice and manual developed (sex disaggregated data) - Gender Sensitive Sentencing policy adopted by the mandated judicial authorities - M&E Framework established to track progress 	<p>recently successfully undertaken similar reforms</p> <p>Action 1.1.4: National consultations including practitioners and court users (reaching out to women’s groups) initiated to inform development of policy</p> <p>Action 1.1.5: Expert develops manual on key precedents, international law and best practices to inform the development of the sentencing guidelines</p> <p>Action 1.1.6: Develop and adopt sentencing and revised bail Policy</p> <p>Action 1.1.7: Outreach on Policies through briefings to media, key government departments, town hall meetings and radio airtime</p>				
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<p><u>Indicators:</u></p> <ul style="list-style-type: none"> - Guidelines completed and agreed by sentencing WG <p><u>Baseline:</u></p> <ul style="list-style-type: none"> - No guidelines in place <p><u>Targets:</u></p> <ul style="list-style-type: none"> - General guidelines developed to assist Judges in determining sentence tariffs. Guidelines will be gender sensitive. - Guidelines developed for a minimum of 7 offences 	<p>Activity Result 1.2: Sentencing and bail guidelines produced in partnership with Judiciary, Law Officers Department, Police and Legal Profession and outreach material developed and disseminated</p> <p>Action 1.2.1: Develop gender sensitive sentencing and bail guidelines under the leadership of the Judiciary including both general guidelines and for specific offences including transnational crimes</p> <p>Action 1.2.2: Consultation meetings on the draft guidelines comprising key stakeholders in the justice sector to ensure these are easily understood and of utility</p> <p>Action 1.2.3: Guidelines adopted by the mandated judicial authorities</p>	<p>\$100,000</p>		<p>Judiciary, UNDP</p>	<p>\$ 100,000</p>
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Output 2: Sentencing/Bail guidelines are in place and consistently applied

<p><u>Indicators:</u></p> <ul style="list-style-type: none"> - Training modules completed and approved by WG - Resource materials including SOPs and guidance notes approved by WG - No. and % (M/F) of Judges, Registrars Prosecutors, Lawyers, Police, Parliamentary Oversight Committee and Civil Society who have successfully completed training programmes - Courts where sentencing guidelines introduced are functioning with sentencing decisions being applied with increasing uniformity - Improvement in respect for procedures and due practice noted <p><u>Baseline:</u></p> <ul style="list-style-type: none"> - Practitioners including Judiciary have not 	<p>Output 2.1: Training modules developed and implemented with selected Police Investigators, Judges, Prosecutors, Registrars, Defence Counsels and Civil Society</p> <p>Action 2.1.1: Development of training curricula for men and women by SL Govt, including SOPs and guidance notes on utilizing the guidelines.</p> <p>Action 2.1.2: Training programme for Judges, Magistrates, Registrars, Police, LOD staff and Defence Counsels (M/F) on new policies and guidelines</p> <p>Action 2.1.3: Training & informational programmes targeting civil society and community leaders</p> <p>Action 2.1.4: Mentoring by international experts and practitioners on implementation</p> <p>Action 2.1.5: Printing of guidelines and distribution of guidelines (as</p>	<p>\$155,000</p>	<p>\$200,000</p>	<p>Judiciary, UNDP</p>	<p>\$ 325,000</p>
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<p>received training on guidelines.</p> <p><u>Targets:</u></p> <ul style="list-style-type: none"> - Practitioners including Judiciary are aware of guidelines including their application in the Courts 	<p>well as explanatory documents) nationally</p>				
<p>Indicators:</p> <ul style="list-style-type: none"> - Baseline / Needs assessment is finalized - Equipment is in place - Judicial staff capacitated to manage the CMS - Reliable case data is available <p>Baseline:</p> <ul style="list-style-type: none"> - Partial tracking and case management systems currently in place <p>Target:</p>	<p>Output 2.2: A case management system is set-up and implemented in Judiciary HQ and selected regions to ensure for better management and monitoring of the uniform application of the Sentencing Guidelines and Policies</p> <p>Action 2.2.1: Needs Assessment finalised together with development partners and respective commitment and support clarified</p> <p>Action 2.2.2: Hiring of a national case management and IT consultant expert to set-up and implement the context-relevant and cost-effective case management system</p>	100,000	178,000		278,000

<ul style="list-style-type: none"> - Electronic case management systems in place and able to track uniformity in application of Sentencing and Bail Polices and Guidelines 	<p>Action 2.2.3: Training by national expert of key Judicial staff to operate and apply the case management system</p> <p>Action 2.2.4: Equipment in place in selected Courts where guidelines will be in place to facilitate implementation and oversight of the process</p> <p>Action 2.2.5: Final report developed by the National expert consultant with recommendations on a way forward to implementing the CMS nationwide</p>				
<p><u>Indicators:</u></p> <ul style="list-style-type: none"> - Court monitoring data reflect the increase in knowledge on the sentencing guidelines amongst court users <p><u>Baseline:</u></p> <ul style="list-style-type: none"> - Currently, there are only sentencing guidelines for SGBV offences and no or 	<p>Output 2.3: Citizens are aware of the introduction of sentencing guidelines and their implications</p> <p>Action 2.3.1: Informational materials, e.g. briefings, posters and flyers developed on new guidelines targeting media, court users also with low literacy levels and citizens and distributed to Courts, Police Stations, legal aid offices</p>	\$ 25,200	\$100,000	Judiciary, UNDP	\$ 125,200

<p>little knowledge of the importance of sentencing guidelines</p> <p><u>Targets:</u></p> <p>Practitioners, (beneficiaries) and citizens using the justice system are aware of the new guidelines including their application in the Courts</p>	<p>Action 2.3.2: WG will actively communicate news on the policy and guidelines on radio as well as to the other INL project partners</p>				
SUB-TOTAL Outputs 1-2					\$ 1,073,200
GMS (8%)					\$ 110,976
Staff and Administration Costs					\$ 314,000
GRAND TOTAL					\$ 1,498,176

Annex 2 – Risk log

The following are potential risks associated with the implementation of the programme:

#	Description	Category	Probability and Impact	Counter measures / Management response	Owner	Author	Date Identified	Last Update	Status
1	Programme start-up takes longer than planned, due to difficulties in securing the appropriate expertise	Operational	P=Medium I=Medium	The first quarter of the implementation phase of the programme will be focused on setting up the programme and the appropriate implementation structures and teams.	Judiciary and UNDP	Programme Developer	Programme Inception		
2	Full funding for the programme is not available	Financial	P=Low I=High	Based on current estimates of probable pledges from the lead donor, the current complement of programme activities looks well covered.	Judiciary and UNDP	Programme Developer	Programme Inception		

#	Description	Category	Probability and Impact	Counter measures / Management response	Owner	Author	Date Identified	Last Update	Status
3	The programme might not be sustainable	Political/Financial	P=High I=High	The project seeks to foster ownership by the Judiciary as well as support from Parliament and key government institutions throughout the project cycle in order to ensure sustainability	Judiciary and Government	Programme Developer	Programme Inception		
4	Lack of proper engagement with Judiciary and main stakeholders may lead to project failure	Political Strategic	P=Med/Low I=High	It is an important benchmark for the programme's success that the WG be well established and that the development of the sentencing and bail policy and guidelines receives support from key stakeholders, as well as government and parliament. The project design, i.e. activities ensuring for participation, support and knowledge sharing seeks to counter this risk	Judiciary and UNDP	Programme Developer	Programme Inception		

#	Description	Category	Probability and Impact	Counter measures / Management response	Owner	Author	Date Identified	Last Update	Status
5	Project assumes that the CPA will be passed within the first year by Parliament	Political Strategic	P=Low/Med I=Med/High	UNDP will continue to advocate for the passing of the CPA through liaising with the Parliament project and with national partners Even if the CPA is not passed the policies and guidelines can still be utilized. The policies developed by the WG can inform the development of the CPA	Government	Programme Developer	Programme Inception		
6	Expertise required for successful implementation of the programme is not identified	Operational	P=Low I=High	The programme will rely on a range of expert selection methods including UNDP expert rosters. The ABA has been identified as a key resource for research and knowledge support	Judiciary and UNDP	Programme Developer	Programme Inception		
7	Weak coordination between the different partners	Operational	P=Low I=High	Judiciary and UNDP will be equally responsible for ensuring good coordination	Judiciary/ UNDP	Programme Developer	Programme Inception		

#	Description	Category	Probability and Impact	Counter measures / Management response	Owner	Author	Date Identified	Last Update	Status
8	Turnover of staff trained to other duties	Operational (?)	P=Low P=Med/High	The project seeks to train a wide range of staff to whom the Sentencing Policy and guidelines are relevant, and thus ensure knowledge is sustained even though staff turnover is inevitable	Judiciary/ UNDP	Programme Developer	Programme Inception		
9	Implementation of electronic case management system key for ensuring guidelines are uniformly implemented	Technical / Operational	P=Low I=Med/High	UNDP will liaise with identified main donor of the case management system to ensure funding is followed through for setting up the system, and the project design seeks to ensure that information on actual implementation of guidelines can be obtained through other INL project implementation partners as well as key actors within the justice sector.	UNDP and Judiciary	Programme Developer	Programme Inception		

#	Description	Category	Probability and Impact	Counter measures / Management response	Owner	Author	Date Identified	Last Update	Status
10	Challenges in obtaining accurate data/lack of data from the Judiciary	Technical	P=Medium I= Medium	The data collection and availability will partially rest with the success of the implementation of the electronic data system. UNDP will also support a data officer embedded at the Judiciary to assist in obtaining accurate data	UNDP / Judiciary	Program me Developer	Program me Inception		

Annex 3 – Budget

**UNDP Sierra Leone
Proposal Budget for The West Africa Cooperative
Security Initiative (WACSI), US State Department**

Project name: Promoting Transparency in Sierra Leone’s Judiciary

Project Period: 2015-2016

					<i>Amount in USD</i>
SL	Action	Unit type	Year 1 budget	Year 2 budget	Total budget
Output 1: Sentencing and Bail Policies and Guidelines adopted by mandated judicial authorities					
Activity Result 1.1. A Working Group is established on bail and sentencing issues, chaired by the Judiciary and sentencing and bail policies are adopted					
Action 1.1.1. Development of ToRs for the WG including mandate, membership & responsibilities					
1.1.	Meeting costs	printing, stationary, transport	10,000	10,000	20,000
Action 1.1.2. Support WG with experts to conduct assessment of current sentencing and bail practices					
1.2.	International Consultant	expert fees, flights, DSA	30,000		30,000
1.3.	meeting costs during research including validation meeting	printing, stationary, transport, venue hire, DSA	10,000		10,000
				Subtotal	40,000
Action 1.1.3. Exposure visit (preferably south/south engagement) to country that has successfully undertaken similar reforms					

1.4.	International Consultant(pre and post orientation sessions)	expert fees, flights, DSA	10,000		10,000
1.5.	Study visit (flights x 6 persons)	flight, visa, transportation	30,000		30,000
1.6.	Study visit expenses	transportation, accommodation, per diems, printing, meeting costs, Insurance	15,000		15,000
				Subtotal	55,000
Action 1.1.4. Consultations on draft policies					
1.7.	Consultations including court users and practitioners	printing, stationary, transport, venue hire, DSA	10,000		10,000
Action 1.1.5. Expert develops manual on key precedents, policies and best (as well as emerging) practices					
1.8.	expertise to develop manual using key precedents and referencing best practices including international and regional (south/south) experiences	expert fees, DSA	20,000		20,000
1.9.	validate manual and printing	printing, meeting, stationary	10,000		10,000
				Subtotal	30,000
Action 1.1.6. Develop and adopt sentencing and Bail policies					
1.10.	expertise to develop policies with reference to best practices	expert fees DSA	30,000		30,000
1.11.	Meeting costs	venue hire, stationary, printing	10,000		10,000
				Subtotal	40,000
Action 1.1.7. Outreach on policies including media briefings, townhall meetings, radio and print media					

1.12.	Outreach costs	airtime, meeting costs, developing key messaging tools		50,000	50,000
			Total for Output 1.1		245,000
Activity Result 1.2. Sentencing and bail guidelines produced by the WG in partnership with Judiciary, Law Officers Department, Police and Legal Profession					
Action 1.2.1. Develop gender sensitive sentencing and bail guidelines under the leadership of the Judiciary including general guidelines and for specific offences, including transnational crimes					
1.13.	meeting costs	printing, stationary	10,000		10,000
1.14.	expertise to develop guidelines by reference to best practices	expert fees DSA	30,000		30,000
				Subtotal	40,000
Action 1.2.2. Consultation meetings on draft guidelines					
1.15.	meeting costs (nationally)	printing, stationary, travel, DSA	30,000		30,000
Action 1.2.3. Guidelines adopted by the mandated judicial authorities					
1.16.	launching meetings	meeting costs, airtime, printing	30,000		30,000
			Total for Output 1.2		100,000
			Total for Output 1		345,000
Output 2: Sentencing/Bail guidelines are in place and consistently applied					
Activity Result 2.1. Training modules developed and implemented with selected Police Investigators, Judges, Prosecutors, Registrars, Defence Counsels and Civil Society					
Action 2.1.1. Development of training curricula including SOPs and guidance notes					
2.1.	Legal education expertise to develop curricula and materials with Judicial Training Centre staff	expert fees, DSA, Flights, meetings, printing, stationary	35,000	35,000	70,000

Action 2.1.2. Training programme for Judges, Registrars, Police, LOD staff and Defence Counsel on new policies and guidelines					
2.2.	Training programme with Judicial and Legal Training Institute	food/refreshment, stationary, printing, DSA, transportation, honorariums, professional fees		120,000	120,000
Action 2.1.3. Training & informational programmes targeting civil society and community leaders					
2.3.	orientation sessions adapting above curriculums for non-legal audience	expert fees, meetings, stationary		30,000	30,000
2.4.	training of legal partners and CSOs engaged in monitoring court hearings (to equip them with tools for uniform monitoring of guidelines)	expert fees, meetings, stationary		30,000	30,000
				Subtotal	60,000
Action 2.1.4. Mentoring by international/national experts including judiciary, LOA, Bar and Police on implementation					
2.5.	expertise to mentor implementation including development of M&E tools, training of national partners etc.	expert fees, DSA, flights, transportation		30,000	30,000
2.6.	costs to allow monitoring and mentoring by national partners	transportation, accommodation, per diems, printing, meeting costs, communication		25,000	25,000
				Subtotal	55,000
Action 2.1.5. Printing and distribution of guidelines (as well as explanatory docs) nationally					
2.7.	printing of guidelines	printing and publication costs	10,000	10,000	21,688.89
			total for output 2.1		326,688.89
Activity Result 2.2. A case management system is set-up and implemented in Judiciary HQ and selected regions to ensure for better management and monitoring of the uniform application of the Sentencing Guidelines and Policies					

Action 2.2.1. Needs Assessment finalised together with development partners and respective commitment and support clarified					
2.8.	Consultation meetings and report developed by consultant on needs		10,000		10,000
Action 2.2.2. Hiring of a national case management and IT consultant expert to set-up and implement the context-relevant and cost-effective case management system					
2.9.	National expert consultant - case management system and provision of training, including curriculum development	fees/DSA,	35,000	25,000	60,000
Action 2.2.3. Training by national expert of key Judicial staff to operate and apply the case management system					
2.10.	Training of registrars, LOD, CID & Bar staff	food/refreshment, stationary, printing, DSA, transportation, honorariums, professional fees	25,000	25,000	50,000
Action 2.2.4. Equipment in place in selected Courts where guidelines will be in place to facilitate implementation and oversight of the process					
2.11.	Software installed, furniture and IT equipment placed in selected Courts, CID and LOD Offices	workstations, filing cabinets, computers, printers, computers, photocopiers	60,000	80,000	140,000
2.12.	Software licensing (to be assumed by Judiciary following end of project)	licensing	6,000	6,000	12,000
Action 2.2.5. Final report developed by the National expert consultant with recommendations on a way forward to implementing the CMS nationwide					
2.13.	Assessment mission, consultation meetings and final report	Fee, DSA	-	6,000	6,000
Total for output 2.2					278,000
Activity Result 2.3. Citizens are aware of the introduction of sentencing guidelines and their implications					

Action 2.3.1: Informational materials, e.g. briefings, posters and flyers developed on new guidelines targeting media, court users also with low literacy levels and citizens and distributed to Courts, Police Stations, legal aid offices

Action 2.3.2: WG will actively communicate news on the policy and guidelines on radio as well as to the other INL project partners

2.14.	development of leaflets, posters and flyers	development costs including testing, printing, billboard space, publication		45,000	45,000
2.15.	Development of radio spots, information and briefings	development costs including testing, airtime and small grants with local media		80,200	80,200
total for output 2.3					125,200
Total for Output 2					729,888.89
Total for Outputs 1 & 2					1,074,888.89
3	Project Mangement Costs				
3.1	Rule of Law Project Manager	Project Management 20%	30,000	30,000	60,000
3.2	Technical Specialist	Technical and capacity building, monitoring 40%	49,500	49,500	99,000
3.3	Rule of Law Officer (IUNV)	Technical and capacity building, monitoring 50%	20,000	20,000	40,000
3.4	Programme Officer (SC)	Capacity building - 100 %	12,000	12,000	24,000
3.5	Programme Associate(SC)	Programme Finance	8,000	8,000	16,000
3.6	Implementation Support Services	M&E, Programme Oversight and Management Cost, PCommunication & Media, Gender	37,500	37,500	75,000
Total for Project Management Costs					314,000
Total Programme Cost					1,388,888.89

3	General Management Service (GMS) 8%				111,111.11
Grand-Total of Project Budget				\$	1,500,000.

Annex 4 - Timeline

Output 1: Sentencing - and Bail Policies and Guidelines are adopted by the mandated judicial authorities

Activity Result 1.1: A Working Group is established on bail and sentencing issues, chaired by the Judiciary and sentencing and bail policies adopted

Actions	2015-2016												2016-2017											
	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun
Action 1.1.1: Development of ToRs for the WG including mandate, membership and responsibilities (Incl. launch workshop)																								
Action 1.1.2: Support WG with experts to conduct assessment of current sentencing and bail practices(...)																								

Action 1.1.3: Exposure visit (preferably South/South engagement) possibly Ghana																						
Action 1.1.4: National consultations (...)					WA	North	East	South														
Action 1.1.5: Expert develops manual on key precedents, international law and best practices (...)																						
Action 1.1.6: Develop and adopt S. and																						

revised B.Policy																										
Action 1.1.7: Outreach on Policies – media/ communicat ion																										
Activity Result 1.2: Sentencing and bail Guidelines produced in partnership with Judiciary, Law Officers Department, Police and Legal Profession and outreach material developed and disseminated																										
	2015-2016													2016-2017												
Actions	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun		
Action 1.2.1: Develop gender sensitive sentencing and bail guidelines (...)																										
Action 1.2.2: Consultation meetings (...)																										
Action 1.2.3: Guidelines																										

Action 2.1.3: Training & informational programmes targeting CSO and com. Leaders																	WA			North																	
Action 2.1.4: Mentoring by international /national experts including justice actors on implement																																					
Action 2.1.5: Printing and distribution of guidelines and expl. documents																																					

Activity Result 2.2. A case management system is set-up and implemented in Judiciary HQ and selected regions to ensure for better management and monitoring of the uniform application of the Sentencing Guidelines and Policies

Actions	2015-2016												2016-2017																								
	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun													
Action 2.2.1: Needs																																					

Assessment finalised with development partners and respective commitment and support clarified																							
Action 2.2.2: Hiring of a national CMS - and IT consultant expert to set-up the CMS																							
Action 2.2.3: Training by national expert of key Judicial staff to operate and apply the case management system																							
Action 2.2.4: Equipment in place in																							

UNDP Project management, capacity building and administration, M&E and reporting to donor																							
Project Man. + Adm																							
Reports																							
M&E																							

Annex 5 – U.S. State Department - INL Reporting Requirements

INL requires **quarterly written reports**, to include the following:

Scope

- Summary of significant achievements related to the project objectives. Please provide relevant quantitative and qualitative data, and relevant photos.
- For each project objective, are actual achievements *Exceeding, Meeting, or Trailing* in relation to the project plan? Provide brief analysis of each, including any needed adjustments to the project.

Cost

- Is the project *Over budget, On budget, or Under budget* (based on Percentage of period of performance completed vs Percentage of funds expended).
- Actual average monthly burn rate.

Schedule

- Are all project personnel in country?
- Are project activities *Ahead of schedule, On schedule, or Behind schedule*?
- List significant project activities/events planned for the next 3 months.

Other

- Provide brief remarks on any assistance that the U.S. Embassy or INL could provide to contribute to the objectives of this project.

Bi-monthly conference calls

Furthermore, UNDP is required to facilitate bi-monthly conference calls comprising all members of the project team, including but not limited to UNDP/SL Programme Manager and programme staff, U.S. Embassy Freetown and INL/DC office to ensure additional updates on the programme on a regular basis.