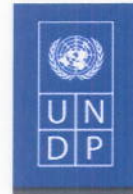




## Annual Work Plan 2010



### Access to Justice and Human Rights

Country: GHANA

<b>UNDAF Outcome(s):</b>	By 2010, Capacity for equitable and participatory governance systems made effective at all levels and guided by human rights principles.
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<b>Expected CP Outcome(s):</b>	<b>Outcome 7:</b> Access to justice and respect for basic and human rights improved
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<b>Expected CP Output(s):</b>	<b>Output 1:</b> Capacity of Judiciary, human rights commission and law enforcement institutions strengthened
	<b>Output 2:</b> Capacity of general population expanded to access justice
	<b>Output 3:</b> Capacity of national and local institutions including CSOs strengthened to Respond to the needs of women and disadvantaged groups.

**Implementing Partners: MINISTRY OF JUSTICE AND ATTORNEY-GENERAL'S DEPARTMENT (MoJAGD)**

**Responsible Parties:** JUDICIAL SERVICE (JS)  
 COMMISSION OF HUMAN RIGHTS AND ADMINISTRATIVE JUSTICE (CHRAJ)  
 LEGAL AID SCHEME (LAS)  
 GHANA PRISONS SERVICE (GPS)  
 CONSTITUTIONAL REVIEW COMMISSION (CRC)

#### Narrative

The foundation for democracy is the protection of rights and liberties of all citizens in accessing justice. The ability of people to defend their rights and access justice is a fundamental human right principle enshrined in the Constitution of Ghana – and this principle has been captured as an important policy priority for the government in the GPRS II. However, institutional weaknesses and lack of resources on the part of justice delivery institutions and illiteracy on the part of citizens as right bearers, coupled with poverty have led to a number of challenges that make majority of citizens inaccessible to justice. The overall aim of the AWP is to support institutions in Access to justice cluster to improve the human rights situation and contribute to strengthening the justice delivery system and related services more accessible to the public, particularly the poor and vulnerable groups. It will also support programmes that offer information and knowledge to citizens as right bearers. This year, UNDP will continue to support the various institutions by strategically building upon on its support in the previous years. In addition, the AWP will also support other strategic national institutions and civil society organisations that advance the principles of Access to Justice. These would be pursued through the use of a dual and complementary approach of (i) supporting capacity development of justice delivery institutions to enable them respond adequately to the public; and (ii) enhanced public education and engagement in collaboration with the relevant institutions, to enable the public to demand their rights, access justice and fulfil their responsibilities.

*CGH*

Programme Period: January-December 2010

Programme Component: \_\_\_\_\_

Intervention Title: Improving Access to Justice and Human Rights

Budget Code: \_\_\_\_\_

Duration: 1 year

Estimated Annualized Budget	US\$ <u>1,436,925</u>
Allocated resources:	1,436,925
• Government	_____
• Regular <u>UNDP</u>	756,925
• Other:	
• European Union	600,000
• British High Commission	80,000
•	

Date: \_\_\_\_\_

Agreed by (Implementing Partner): Bulocchini

Agreed by (UNDP): Daouda TOURE Dany 23/02/10

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## **Part I: Situation Analysis**

Ghana has made significant progress in democratic governance since the adoption of multi-party democracy in 1992, which has culminated in the successful transfer of power to opposition on two occasions, among the two main political parties in the country. The country has made in-roads in areas such as the guarantee of human rights and civil liberties, access to justice, decentralization and general stability in the political environment. One important contributory factor to the direct deepening the democratic process is the commitment of Government to promote human rights, rule of law, improved access to justice, as well as enhanced national security and stability through inclusive participatory decision-making processes. Thus the good governance agenda enunciated by the government, and as captured in the CPAP, includes reform of the judiciary to ensure fair and speedy resolution of disputes via increased access to justice and effective justice delivery, as well as protection of human rights; strengthening institutional capacity for effective conflict prevention, transformation and resolution; and increased representation and participation in decision-making processes at all level, especially for women and other disadvantaged groups. Democratic and good governance has been recognized as an important tool for reducing poverty, attaining sustainable human development and achieving the Millennium Development Goals (MDGs).

### **Representation and Participation:**

Ghana's democratic gains over the past decade and a half make it one of the few functioning democracies in Africa. Though it is governed under a decentralised system as enshrined in the constitution and effected under ACT 462, the challenge has been how to operationalise it to enhance true grassroots participation in decision making and ensure transparency and accountability in discussing and addressing all issues that affect the people, including access to justice and conflict transformation for sustainable human development. The UNDP Ghana Governance Programme Annual Work Plans (AWPs) complement each other to address UNDAF Outcome 6, Country Programme Outputs 1.1, 1.2 and 1.3. It also addresses Chapter 5, Sub-section 5.1, 5.2, 5.6, 5.7, 5.9 of the Ghana Growth and Poverty Reduction Strategy (GPRS II). In spite of the gains made in Ghana's democratic dispensation, there are still challenges that require concerted, strategic and collaborative interventions. Among them are insufficient representation and participation of women and other vulnerable groups in dialogue processes, especially at the district and community levels; low appreciation of the decentralised governance system among the people; and inadequate creation of space for interaction between duty bearers and rights holders to enhance participation, which weakens national and local ownership of development initiatives. Other challenges are perennial technical, logistical and financial capacity constraints in many governance institutions (e.g. Judicial, Security Sector and Civil Society) especially regarding planning. Intervention in here therefore aims to promote good democratic governance through support to the decentralisation process, deepening representation to enhance inclusive participation, transparency and accountability, for efficient use of national resources for the welfare of the populace.

### **Access to justice and Human Rights:**

The justice delivery system in Ghana has seen significant development including the establishment of the fast-track High Court to facilitate expeditious delivery of justice; the increasing use of the court annexed Alternative Dispute Resolution (ADR) and the increasing effort to strengthen collaboration among relevant institutions, which culminated in the high-level dialogue among key justice delivery sector institutions. Nonetheless, old challenges still exist and include poor co-ordination among justice delivery institutions such as the police, judicial and prison services and its associated congestion of the prisons; delays in justice delivery; inadequate operational support and logistics; as well as general limited public awareness and exercise of rights and responsibilities on the part of both rights-holder and duty-bearers. The need for continuous institutional capacity development and collaboration with all relevant stakeholders and beneficiaries cannot be over-emphasized.

### **Conflict Transformation and Small Arms Control:**

Even though Ghana's experience in armed conflict and armed violence has been relatively mild, recent developments in some parts of the country point to the fact that there is the need to continue to strengthen institutions in the area of conflict prevention/management and security enforcement. The continued violence in certain parts of the country has potential threats to the country's democratic processes which are still taking shape. The frequent use of illicit small arms and light weapons in armed violence and conflict corroborates the need to intensify the fight against the proliferation of these weapons. Challenges in this sector include the strengthening of the capacity of institutions such as the Ghana National Commission on Small Arms, the National and Regional Peace Councils in conflict mitigation, enhancing existing early warning mechanisms and response, as well as dialogue processes.

The discovery of oil in commercial quantities has the potential to attract not only genuine local and international investors but also persons who may have criminal motives. This heightens the need to strengthen governance and security institutions.

### **Part II: Past Cooperation and Lessons Learned**

Over the past year(s) UNDP has worked closely with national institutions such as Ministry of Justice, CHRAJ and the Judicial Service under Access to Justice; the Ministry of Interior, the Ghana National Commission on Small Arms, the National and Regional Peace Councils and relevant communities and traditional authorities in conflict transformational processes; as well as the Electoral Commission, NCCE and the Local Government NGOs Network under the Representation and Participation focus area.

Interventions in these areas have contributed to **improved capacity** in the various institutions, while **enhancing interaction and relationship between institutions and constituents they serve**. In terms of capacity development, the Judicial Service, for instance, successfully established the Gender-Based Courts at the Cocoa Affairs Courts to deal with gender related issues; and the Court-annexed ADR has been expanded from a 'Desk' to a 'Directorate' and is in almost all the ten regions of the country to

increase access to justice. Along the same line, Legal Aid Scheme continued to expand access to justice especially for the poor through ADR and trained 45 mediators to serve the community Mediation Centres. Under the Justice-for-All Programme (JfAP), over 60 remand prisoners were released last year and courts were successfully set up in prisons in Kumasi, Sunyani and Takoradi that helped in delving justice to remand inmates whose rights have been abused for a long time, while decongesting the prisons at the same.

With respect to improved relationships among partners, the High Level Dialogue organised under the JfAP by the Ministry of Justice and Attorney General's Department (MoJAGD) for instance, has helped strengthened collaboration among the key national justice sector institutions such as the Judicial Service, Ghana Police Service, Ministry of Interior, Commission for Human Rights and Administrative Justice (CHRAJ), the Legal Aid Scheme (LAS) and the Ghana Prisons Service. The dialogue has generated a lot of debate on the media and also drawn attention of Donors. Currently, Metro TV (a local TV station) has begun a documentary on the plight of remand prisoners and the British High Commission has also undertaken to train Police Prosecutors.

The National and Regional Peace Councils continued in the past year to make positive strides behind the scenes and prevented escalation of conflicts and resolved others in the country. Under the Electoral Cycle Approach, the Electoral Commission continued to build its human and material capacity for the this year's District Level Elections via training of new staff and completion of a pilot on the use of Geographical Information System in electoral management in Yilo Krobo. Similarly, NCCE trained 140 staff to enhance their capacity and commenced civic education on the up-coming district level elections in 40 selected districts. Other achievements are development of strategic plans (e.g. for NCCE, LAS) which by the participatory processes employed have helped in clarifying relevant issues of importance and concern among the various level of personnel in the institutions on one hand, and with the external stakeholders on the other hand, towards a common sense of purpose via strategic interventions outlined in these plans.

Despite the several capacity development interventions that have been carried out over the years, previous support provided in this and other areas still remain very relevant considering the level of capacity and logistical constraints and gap in comparison to the demand for services in all the three broad areas. Among the lessons learnt is the need to enhance and sustain these supports over a reasonable period of time (medium to long-term) in order to attain the desired impact. This will involve adopting new and more effective approaches in the doing business in order to achieve maximum impact with the available limited resources. There is also the need for collaboration with national partners in developing creative exit strategies that will ensure sustainability of current development interventions, following withdrawal of UNDP support. Critical to the sustainability of the success achieved so far is development of positive attitudinal change at all levels, based on strong ethical values and principles. This will enhance trust-building among all stakeholders and deepen synergies and commitment towards attainment of universal goals of peaceful co-existence and sustainable human development. Capacity development of staff both UNDP and national counterparts in programme management and UNDP programme policies, regulations and rules will facilitate smooth implementation of planned activities.

### **Part III: Strategy**

The Governance programme of UNDP Ghana aimed at consolidating the democratic dispensation in the country are organised along three broad areas – Enhancing Representation and Participation; Access to Justice and respect for Human Rights and Conflict Transformation and Small Arms Control. Key cross-cutting issues are the promotion of gender equality and active participation of CSOs. The Annual Work Plans (AWPs) are developed with selected national governance institutions and Non-governmental organisations. UNDP seeks to deepen democratic governance in Ghana through policy support, institutional capacity building, advocacy and creation of appropriate platforms for dialogue at all levels.

Building on previous experience and ongoing initiatives by Governmental and Non-Governmental institutions, the programme strategy rests on the identified need for a multi-disciplinary and sectoral approach to addressing prevailing governance challenges and related issues mentioned above. There is also the need to promote positive attitudinal change and ethical practices through enhanced transparency and accountability. The priority areas of the broad focus areas are:

#### **Access to Justice and Human Rights**

1. Constitutional Review
2. Development of Human Rights Action Plan
3. Support to expansion and use ADR in justice delivery
4. Completion and functioning of the Prisons Diagnostic Centre

#### **Conflict Prevention and Dialogue Processes**

1. Establishing District Peace Councils in selected pilot districts
2. Strengthening capacity of National Agencies/Institutions such as the National and Regional Peace Councils and the Ghana National Commission on Small Arms on stockpile management and border control.
3. Public sensitization and advocacy on 'arms-free communities, conflict prevention and peaceful co-existence' across the country
4. Pilot the implementation of alternative livelihood programme for the blacksmiths, in Kumasi and Alavanyo

#### **Enhancing Representation and Participation**

1. Support for Civic Education on the 2010 District Level elections and its direct relevance to development at the local level. It will include the promotion of women participation in the elections and decision-making processes.
2. Support to strategic policy framework development via research and strategic plan preparation with institutions such as the Council of State, National Council for Persons with Disabilities (NCPD), the Electoral Commission and NCCE, as part of UNDP institutional capacity development interventions.
3. Support for the capacity building of newly elected district assembly members, with special focus on women, in collaboration with relevant UNDP units, UN agencies and partner institutions.

## **PART VI: Risks and Assumptions**

Policy direction and government priorities may change. This is however not anticipated to be very drastic since the prevailing situational analysis that informs the interventions in the AWP still persist. The second challenge is bringing together all the institutions in Representation and Participation cluster under one AWP, as well as putting the Small Arms and the Conflict Transformation and Dialogue Processes AWP's together. Hitherto these institutions and AWP's worked independently.

**Management of Risks:** As part of the management arrangement, a flexible approach is adopted whereby quarterly reviews will be used to discuss and reflect government's priorities, where necessary. The consultative and dialogue processes employed in making this new arrangement possible will continue to be employed to ensure full participation and commitment of all partners, for the smooth implementation of the AWP.

## **Part VII. Legal Context**

This document together with the CPAP signed by the Government and UNDP which is incorporated by reference constitute together a Project Document as referred to in the SBAA [or other appropriate governing agreement] and all CPAP provisions apply to this document.

Consistent with the Article III of the Standard Basic Assistance Agreement, the responsibility for the safety and security of the implementing partner and its personnel and property, and of UNDP's property in the implementing partner's custody, rests with the implementing partner.

The implementing partner shall:

- a) 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;
- b) assume all risks and liabilities related to the implementing partner'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 modifications 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 implementing partner agrees to undertake all reasonable efforts to ensure that none of the UNDP funds received pursuant to the AWP 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/Docs/sc/committees/1267/1267ListEng.htm>. This provision must be included in all sub-contracts or sub-agreements entered into under this AWP".

The UNDP Resident Representative and Country Director in Ghana are authorized to effect in writing the following types of revision to this AWP, provided that he/she has

verified the agreement thereto and is assured that the other signatories to the AWP have no objection to the proposed changes:

- a) Revision of, or addition to, any of the annexes to the AWP;
- b) Revisions, which do not involve significant changes in the immediate objectives, outputs or activities of the project, but are caused by the rearrangement of the inputs already agreed to or by cost increases due to inflation;
- c) Mandatory annual revisions which re-phase the delivery of agreed project inputs or increased expert or other costs due to inflation or take into account agency expenditure flexibility; and
- d) Inclusion of additional annexes and attachments only as set out here in this AWP.



**ANNUAL WORKPLAN FOR 2010 - ACCESS TO JUSTICE & HUMAN RIGHTS**

Expected CP Output and indicators including annual targets	Planned Activities <i>List all activities including M&amp;E to be undertaken during the year towards stated CP outputs</i>	Time Frame				Responsible Party	Planned Budget		
		1st Qtr	2nd Qtr	3rd Qtr	4th Qtr		Source of Funds	Budget Description Amount (\$)	
<p><b>UNDP MYFF Goal:</b> Fostering democratic governance</p> <p><b>Target:</b></p> <ul style="list-style-type: none"> <li>Background Research Conducted</li> <li>Community Level Consultations organised;</li> <li>Regional Level Consultations organised;</li> <li>Mini Stakeholder Consultations Organised;</li> <li>M&amp;E, Documentation, Communication and Media Strategy developed and operational; and</li> <li>Monitoring and mid term review of the project conducted.</li> </ul> <p><b>Indicators:</b></p> <ul style="list-style-type: none"> <li>Background research effectively completed and reports available</li> <li>Effective discussions held with collaborators and partners and reports available;</li> <li>170 district and 10 regional level consultations held</li> </ul>	<b>CONSTITUTIONAL REVIEW COMMISSION</b>								
	<p><b>Secretariat set up and Operation</b> Procurement of Equipment/Logistics</p>	X	X			CRC	UNDP	Logistics	83,250
	<p>Communication Website development, Telephone, Fax set up, postage and courier service, Internet installation, Accounting Software and analysis.</p>	X	X			CRC	UNDP	Service Contract Company	37,380
	<p><b>Background and Research</b> Conduct background research to include desk review, opinion surveys and key informant interviews on Constitution review</p>	X	X	X	X	CRC	UNDP	Consultancy	100,000
	<p><b>Community Level Consultation</b> Organise meetings using video shows, sensitisation workshop, posters, van announcements and durbar for Chiefs</p>	X	X	X		CRC	DPs/GoG	Seminars IEC material Logistics	300,000
<p>Regional Level Consultations Cross sectional Stakeholders in each region drawn from different sectors of the society</p>			X	X	CRC	DPs/GoG	Seminars IEC material Logistics	292,870	

effectively and reports available; • Expert stakeholder consultations held and reports available; • All activities completed within agreed timeframe.	<b>Monitoring and evaluation</b> Development and implementation of M&E strategy; Design and implementation of Communication Strategy	X	X	X	X	CRC	DPs/GoG	Field Visits Consultancy	30,000 <u>843,500</u>
<b>JUDICIAL SERVICE</b>									
<b>Output 1:</b> Access to Justice enhanced through Public engagement and increased awareness on the new ADR concept	<b>Review of ADR Policy document</b> Engage Consultant to review and reproduce existing documents (Policy doc, ADR manual, ADR forms)		X			Judicial Service	UNDP	Consultancy	50,000
<b>Output 2:</b> Improve access to justice to the grassroots	<b>Public Education and Engagement</b> Annual Chief Justice's Forum to engage not less than 300 participants. Judicial Outreach Forum in a selected District.			X	X	Judicial Service	UNDP	Consultancy Logistics Conference Pack DSA Travel	10,000 20,000 <u>80,000</u>
<b>GHANA PRISONS SERVICE</b>									
Indicator 1.1 Increased ability to provide quality services to inmates	Establishment of Wide Area Network (4 Stations)		X	X		Ghana Prisons Service	UNDP	Service Contract Company	60,000
Indicator 1.3 GPS record keeping system improved	Establishment of a Diagnostic Centre for the reception of convicts		X	X		Ghana Prisons Service	UNDP	Office Equipment and Furniture Consultancy Conference Pack DSA Travel	30,000 <u>90,000</u>
<b>SUB-TOTAL</b>									

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PROJECT MANAGEMENT										
	Monitoring and Evaluation	X	X	X	X	X	X		UNDP	10,000
	Management/Capacity Development	X	X	X	X	X	X		UNDP	25,000
	Advocacy and Communication	X	X	X	X	X	X		UNDP	5,000
	AWP reviews and planning for 2010		X	X	X	X	X		UNDP	10,000
	AUDIT						X		UNDP	5,000
	<b>SUB-TOTAL</b>									<u>55,000</u>
	<b>TOTAL</b>									1,368,500
	ISS (5%)	X	X	X	X	X	X			68,425
	<b>GRAND TOTAL</b>									<u>1,436,925</u>

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# Minutes of Governance Partners LPAC Meeting held in UNDP Conference Room

16 February 2010

## Participants (attached)

### Introduction

UNDP and Ministry of Finance and Economic Planning gave brief statements of introduction and opened the meeting for presentations of the AWP.

### Summary of Discussions

The Governance Head of Unit gave a brief background of the governance projects including lessons learned and programme strategy for 2010.

The first presentation was made by the Ministry of Interior for the Conflict Transformation and Small Arms Control AWP, followed by Representation and Participation by Electoral Commission. The Rights and Access to Justice partners concluded the presentations with individual presentations by Ministry of Justice, Ghana Prisons Service, CHRAJ, Judicial Service, Legal Aid Scheme and Constitutional Review Commission.

The three AWP were discussed simultaneously. Serve for minor technical issues and clarifications, the AWP were approved in principle, pending attention to the following:

- Inconsistencies in some of the budget calculations should be reviewed. AWP that consist of multiple partners have to maintain one lead IP as per UNDP rules and guidelines. This has no implication on the constitutional mandate of the other Responsible partners and no bearing on direct disbursement of funds for implementation to the RPs.
- The Access to Justice institutions took a big step forward at a High Level Dialogue convened last year. The institutions signed an MOU committing to deliver as one so progress should be made quite easily in having one lead IP.
- The Steering Committees this year must play an important role in reporting on activities and utilized funds since the issue was raised that sometimes IPs are simply not aware of reporting lines.
- The timing of some activities need to be streamlined realistically per quarter while other activities need a bit more clarity. Activities must be aligned to available budget and avoid recurrent expenditures as much as possible.
- GPS needs to review costs of WAN vis-à-vis LAN to allow for realistic budget allocation.
- Most of the budgets lack funds for communication and advocacy. This is necessary to showcase achievements.
- The vehicle replacement request for Small Arms needs to be discussed with budget availability and overall priorities in view. The response to this was that the vehicle is critical to the basic functions of the Commission and for attainment of their objectives . There will be further discussions looking at all options and priority requirements as well as alternate ways of addressing the issue.

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- The late signing of AWP's last year came with many constraints to implementation. This year, activities will take off early therefore partners were advised to pace implementation effectively to be almost complete by end of third quarter. Residual activities and mopping up can then be done easily in the last quarter. This was endorsed by MOFEP.
- MOFEP proposed a start-up/inception workshop bringing together all the partners. This will enable UNDP take the Partners through the necessary UNDP procedures and guidelines. This should happen soon after AWP's are signed.
- MOFEP will write to heads of the various Institutions to nominate high level representatives to the Steering Committees. This will facilitate decision-making.

These notes would be appended to the AWP's as part of the final approval process. The revised AWP's must be submitted by Friday, 19 February.

The meeting ended at 3.15pm.

### LIST OF PARTICIPANTS

Kamil Kamaluddeen	-	UNDP	Mary-Anne Addo	-	MOFEP
Shigeki Komatsubara	-	UNDP	Stella Williams	-	MOFEP
Clever Nyathi	-	UNDP	Seth Odoi	-	MOFEP
Daniel Andoh	-	UNDP	Godwin E. Ameyaw	-	MOFEP
Eric Opoku	-	UNDP	Dennis Apraku	-	MOFEP
Hilda Mensah	-	UNDP	Nana Yaw Yankay	-	MOFEP
Pa Lamin Beyai	-	UNDP	Joana Boateng	-	MOFEP
Evans Gyampoh	-	UNDP	Samuel Cudjoe	-	NAPRM-GC
Charlotte Bernklau	-	UNDP	Kofi Kye Duodu	-	EC
Emma Oduro-Boakye	-	UNDP	Rhoda Appiah	-	PPA
Myra Togobo	-	UN/RC	Dorothy Onny	-	MOWAC
Paschal Was Lumor	-	UNDP	Irene Oppong	-	DOVVSU
Coretta Jonah	-	UNDP	Isaac Annan	-	CHRAJ
Raymond Attuguba	-	CRC	Gloria Gyedu	-	CHRAJ
Baaba Amoah	-	CRC	Jones Applerh	-	GNACSA
Noreen Norkor Nortey	-	CRC	Duut Bonchel Abdulai	-	NCPD

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Edward Ashun	-	Ghana Prisons Service
S.Y. Seini	-	Legal Aid Scheme
Ruby Aryeetey	-	Judicial Service
Gloria Gyedu	-	CHRAJ
Samuel Akuamoah	-	NCCE
Kojo Tito	-	NCCE
Sandra Arthur	-	GACC
Bernard A. Henebeng	-	GACC