

DEX QUARTERLY REPORTS

Reporting Period: April – June 2015

Country Office:

Sierra Leone Country Office

Annual Blanket Authority:

Yes

Project Specific Authority

No

Project Title	<i>Improving the Rule of Law and Access to Justice in Sierra Leone</i>
Accomplishment	<p><b>Background</b></p> <p>Since 2009 the Rule of Law and Access to Justice Programme (A2J) worked to support the consolidation of peace and stability through ensuring that justice institutions and human rights oversight mechanisms are easily accessible to all Sierra Leoneans. The focus of the project cycle 2013-2014 was to build the capacity of justice institutions and CSOs, with a particular focus on access to justice for survivors of sexual and gender based violence.</p> <p>The Ebola Virus Disease (EVD) broke out in West Africa in early 2014 and Sierra Leone registered its first case on 17 May 2014. The situation quickly developed into an unprecedented health crisis resulting in the President declaring a state of public health emergency in July. Redirection of resources to combat the spread of the virus and the restrictions placed on movement and other freedoms under the state of emergency had a serious impact on several sectors, including justice and security.</p> <p>Given the severity of the outbreak and its secondary implications, A2J reprogrammed some of its support in order to assist government in adequately responding to the crisis. For instance, the Human Rights Commission of Sierra Leone was supported to provide oversight of the response and the extensive civil society network ensured that destitute and remote communities were empowered with adequate knowledge and equipment to protect themselves against EVD.</p> <p>Due to the effect of the EVD crisis on all partner institutions and planned activities, as well as the postponement of the Country Office’s Country Programme Document (CPD), the A2J programme received a no-cost extension from its main donor – Irish Aid – covering the first two quarters of 2015.</p> <p>The first half of 2015 has seen a decrease in the magnitude of the EVD outbreak and an active push towards early recovery of the most affected sectors. The A2J programme is therefore currently focused on reactivating justice services and reducing case backlog while also continuing to engage CSOs and the Human Rights Commission to assist in the EVD response. The programme team has also been working</p>

on the strategy of support to the sector for the next five years, beyond Ebola and early recovery and taking all the lessons learned into consideration.

The information below primarily details progress of the components of the project that are funded by TRAC and BPPS, but these are carried out in synergy with all other activities, and therefore these are briefly summarized where relevant:

### **Achievements and Contribution (based on planned outputs, indicators and targets)**

The project seeks to achieve the following outputs of the A2J programme:

#### **Output 1: Targeted state institutions and constitutional bodies are able to provide effective justice and security services in an accountable manner at national and local levels**

Thus far in 2015, the activities under this output have been with a view to reactivating justice services and also to ensure that Sierra Leone's Early Recovery Strategy includes interventions to boost the sector. UNDP is the focal UN agency for early recovery and the A2J team has provided key inputs into the Country Office's EVD recovery strategy as well as briefing other donors and development partners.

#### ***Legislative guidance notes operationalized in MDAs, plus Annual Law report***

The LOA from 2014 is still in the process of being closed and therefore no new activities have started for 2015.

#### ***Itinerant courts and SGBV performance enhanced and SGBV Saturday Courts functioning effectively in Freetown, Bo and Kenema***

The EVD crisis in Sierra Leone has had negative impacts on access to justice. Due to the escalation on the outbreak, some judicial staff did not return to their postings after holidays abroad, Mobile Courts were sitting less frequently or stopped and adjournments increased - partially due to restrictions of movement under the state of emergency. In addition, the then Chief Justice issued an instruction to decongest the courts countrywide which also grossly reduced court sittings.

On 6 February 2015 the new Acting Chief Justice resumed office upon the retirement of the former Chief Justice. The new Chief Justice immediately began to engage UNDP on possible assistance for reactivating the Courts and to reduce the case backlog, which had been exacerbated by the crisis.

Already before the Ebola crisis, the judiciary was facing several challenges that in turn inhibited the overall functioning of the Courts. These included but were not limited to insufficient numbers of Judges (21) and Magistrates (25) and a lack of support to judicial personnel to ensure for the effective running of the courts. Worth mentioning is the fact that the conditions of service, including salary available makes it difficult to attract and retain qualified personnel within the Judiciary. Despite the highlighted achievements and development within the past six years, insufficient human and financial resources still remain a continual challenge that impedes the

effective functioning of the Judiciary.

In an effort to reactivate justice services UNDP entered into a new agreement with the judiciary on 6 May focusing on support to extra sittings of the High Court and Magistrates' Courts in Freetown and the High Courts in Port Loko and Moyamba. In Port Loko, 42 cases were waiting to be heard by the High Court and two thirds of these were all cases committed in 2014 – indicating that the Court had not been on circuit to the district for the majority of 2014 and not before UNDP's support in 2015. Seventeen of these cases were completed during the special session; eight were partly heard and adjourned to next session in June 2015. The remaining cases lacked indictments and witnesses had not been summoned. In Moyamba, out of 36 cases assigned for trial, 24 cases were completed. The remaining cases could not be completed due to lack of witnesses/evidence and absence of the accused persons.

In Freetown where both the High Court and Magistrates' Court were supported, the High Court data is still incomplete (the team is following up) but during the twenty-one days in which the Magistrates' Court sat, forty cases were heard in total with the outcome of 17 judgements, seven committals, nine discharges, four cases thrown out of court and three adjournments.

An additional LOA was signed with the judiciary on 18 June in order to emulate some of the good work outlined above, with a focus now on Kono – one of the most impoverished and poorly serviced districts in Sierra Leone. The extra sessions of both the High Court and Magistrates' Court in Kono will focus on 54 pending cases at the High Court level and over 300 cases at the Magistrates' Court. The initiative will take place in June and July and will be complemented by the provision of legal aid through a CSO partner.

The recent LOAs with the judiciary focus on dealing with some of the systemic problems with the partner (as detailed in the above) and building on the institution's capacity before UNDP embarks on a new extensive project with the judiciary and the US State Department to develop sentencing guidelines for Sierra Leone. So far this year the Acting Chief Justice and senior Supreme Court Justices have all been very engaged in reforming and building the capacity of the Judiciary of Sierra Leone.

#### **Strengthening the Quasi-judicial Mandate of the HRC-SL**

Through support for strengthening the quasi-judicial mandate of the Human Rights Commission of Sierra Leone, UNDP is also helping to bolster the judiciary. Complaints received by the HRCSL, including SGBV cases, are referred to the police and the judiciary via the Commission. The mediation of non-criminal cases by the Commission also helps to avoid some of the backlog experienced by the judiciary.

#### **Output 2: State Institutions and CSOs including women's organizations and networks are better enabled to provide justice services for women including on GBV, family, inheritance, land and property issues in accordance with legal framework**

##### **UNDP-CSOs Support to EVD ongoing interventions**

UNDP's support through its network of CSO implementing partners has continued to stress the important of sustained dissemination of information on EVD prevention and response especially in learning institutions. The initiative designed by UNDP to strengthen the rule of law and combat sexual exploitation, harassment and SGBV in schools, with joint intervention of civil society and the Family Support Unit (FSU) of the Sierra Leone Police has been revised to incorporate an EVD component to strengthen the knowledge of school going children

	<p>on EVD prevention and response especially in the Northern district of Bombali and Port Loko where EVD cases are being reported and also in the South and East regions to ensure that community vigilance is maintained until the eradication of the virus from the country. Out of 5,600 students targeted across the North, South and East from 56 schools, the project has so far covered 3,600 students in 36 schools in Port Loko, Bombali, Bo and Moyamba districts. 3 platforms for information sharing on EVD and SGBV, sexual exploitation and harassment have been established to enable various schools to network on the thematic.</p> <p>In response to the Northern Area EVD Push designed by the National Ebola Response Centre (NERC) aimed at tackling the spread of Ebola in Kambia and Port Loko in the quest to reach zero new infections and remain at that level, UNDP has deployed a network of 10 CSO monitors (5 in Kambia and 5 in Port Loko) with an oversight monitoring team to Kambia and Port Loko. The monitoring team is accessing all quarantined houses and communities daily to monitor the overall quality of all services provided to people quarantined homes and communities, monitor human rights of individuals and families in quarantined houses and communities, assess effectiveness of social mobilization and whether communities are bought in. The holistic monitoring exercise is providing detailed recommendations to the NERC and the District Ebola Response Centre (DERC) on findings and remedial steps to help address identified needs on a daily basis as recorded from the 6 chiefdoms currently recording new cases in Kambia and Port Loko.</p> <p><b>CSOs provide support to 600 SGBV victims including support for at least 120 convictions</b></p> <p>Premised on the findings of a SGBV Prevalence Study conducted by UNDP through one of its CSO implementing partners with support to the Irish Aid, the project provided support to 6 NGOs to provide assistance to victims of sexual and domestic violence and their families and witnesses to enable them to access medical services, police stations for investigations and court sittings for litigation. The initiative has been reduced to selected districts in need of such services that complement Government’s efforts as stated in the Domestic Violence Act, 2007 and the Sexual Offences Act, 2012. So far, the initiative has provided support to 127 victims with 98 women and girls benefitting from urgent medical assistance for sexual violence. 106 family members and witnesses have been supported to assist in court litigation with 73 cases charged to the Magistrates courts for preliminary investigations and 49 committed to the high courts for trial. The initiative is ongoing and 15 convictions have been recorded so far.</p>
<b>Capacity Development</b>	<p>During Q2, the A2J team organized an LOA training for government partners which was hosted at the Judiciary and was extremely well attended. Increasingly the programme staff have been embedded on a part time basis at the institutions with which they have the most interaction. So far this has proved an effective way of building capacity of staff at partner institutions and also better identifying systematic challenges faced by these institutions. In the third quarter, the programme associate is planning more hands-on training with CSO partners in order to support their reporting capacities and avoid delays in disbursements of funds and implementation of activities.</p> <p>A recurrent issue is still the lack of government and donor funding in the sector which also affects capacity, since qualified staff remain difficult to retain due to low salaries and lack of incentives. The A2J team envisages that the next programme period will increasingly focus on supporting partners in achieving both increased funding and also ensuring that the UN Country Team and donor partners can intervene at a higher level in order to advocate for fairer allocation of government funds.</p>
<b>Exit Strategy</b>	<p>The Exit Strategy for each project is clearly defined in the each project document. Where projects emanate from the CPD, exit strategies are clearly defined in the CPD.</p>

	By building the capacities of the institutions and CSOs with whom we work we are ensuring sustainability; however limited Government budget remains a problem.
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