

# United Nations Development Programme

Country: South Sudan

## Project Document



**Project Title:** Support to Access to Justice and Rule of Law Programme

**UNDAF Outcome(s):** Access to justice and the rule of law improves

**Executing Entity:** United Nations Development Programme

**Implementing Agency:** United Nations Development Programme

### Brief Description

The UNDP Support to *Access to Justice and Rule of Law programme* aims to contribute to national priorities as articulated in the SSDP Conflict Prevention & Security Pillar. The specific Rule of Law Sector Objective is “to strengthen the Rule of Law in South Sudan by enforcing and maintaining law and order, providing equitable access to justice and a functioning criminal justice system, increasing security in communities, and promoting and protecting human rights for all.” The programme also contributes to the United Nations Development Assistance Framework (UNDAF) Outcome 5: Access to Justice and Rule of Law improves. This programme also aims to support the priorities of the rule of law institutions (Judiciary, Ministry of Justice, Police and Prison) as articulated in their institutional Strategic and/or Action plans. UNDP’s support will contribute to the provision of equitable access to justice, and promote law and order through accountable and transparent formal and informal institutions. The Strategic Objectives of the programme are:

- Increased access to justice through coordinated institutional presence at State and County levels
- Reduction in case backlog
- Mechanisms to address prolonged and arbitrary detention established in Rule of Law Institutions
- Policy framework for the harmonization of the administration of traditional with the formal justice sector put in place
- Capacity development and institutional strengthening

Programme Period:	2013-2017
Key Result Area (Strategic Plan)	_____
Atlas Award ID:	00064390
Start date:	October 2013
End Date	March 2017
PAC Meeting Date	_____
Management Arrangements	_____

Total resources required	<b>USD 10,779,543</b>
Total allocated resources:	Nil
•Regular	_____
•Other:	
○ Donor	_____
○ Donor	_____
○ Donor	_____
○ Government	_____
Unfunded budget:	<b>USD: 10,779,543</b>

Agreed by (Government)

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Agreed by (UNDP):

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## 1. SITUATION ANALYSIS

The South Sudan Development Plan (SSDP) 2011-2012 “presents [the] aspirations [of] a new nation, following a long struggle for the freedom of the people of South Sudan. It provides a roadmap for [the] future, setting out ... priorities and the actions necessary to achieve rapid, inclusive and sustainable development.”<sup>1</sup> The SSDP provides the framework to “realis[e] Freedom, Equality, Justice, Peace and Prosperity for all”. Underpinning this aspiration is the recognition that building an effective and capable State driven by private sector-led economic growth are necessary to contribute to poverty reduction. Furthermore, the SSDP recognises that the maintenance of peace and security are critical to ensure the requisite policy environment for durable poverty reduction, peace and development.

The Republic of South Sudan (GRSS), a self-described fragile State, remains characterized by deep-rooted ethnic and resource competition that continues to drive conflicts and the proliferation of small arms often used to settle disputes. As noted in the SSDP, “[r]ule by the force of a gun has replaced rule by respect for values and by the decree of those in authority, whether it is the judge, the chief, the parents or the policeman or woman.”<sup>2</sup> The insufficient extension of state authority by justice, law and order institutions has diminished reliance on the formal and/or customary systems of justice and instead tended to normalize a culture of violence and lawlessness.

At County and *Payam* level, where statutory justice, law and order services are scarce, access to justice is often limited to customary law mechanisms to settle disputes. The Customary Courts, recognized through the Constitution, provide easy access to dispute resolution mechanisms to resolve civil matters and less serious crimes and used widely in South Sudan. In many instances, however, the adjudication of cases and detention and/or imprisonment of citizens are not in alignment with the South Sudan Bill of Rights or international norm and standards.

Meanwhile, in urban and *peri*-urban areas the statutory justice system remains overwhelmed with case backlogs, offenders held arbitrarily or in prolonged detention, insufficient institutional capacity and ineffective intra-sectoral coordination mechanisms. In addition, the proliferation of small arms and long-standing inter-communal conflicts make it more difficult to reinstate law and order in the context of compromised safety and security. Exacerbated by limited economic opportunities, these factors drive a culture of conflict, crime and lawlessness.

Development experience demonstrates that a ‘*state building*’ oriented programme, which is defined by the Organization for Economic Cooperation and Development (OECD) as a process to enhance capacity, institutions and legitimacy of the state driven by state society relations is fundamental for the reinstatement of the rule of law as a foundation to sustainable development. Key aspects of “*state building*” include enhancing “*the capacity of the state to provide security through rule of law; containment, channeling and resolving conflict in society.*”<sup>3</sup>

The UNDP *Access to Justice and Rule of Law Programme (A2JROL)* aims to support the GRSS to achieve the state building objectives in the SSDP 2011-2016. The programme will provide, to the Ministry of Justice – Prosecution and Legal Aid departments, Ministry of Interior – Police and Prisons and the Judiciary *technical advice* for policy and organizational development; *institutional capacity development* through training; and for the *extension of justice services* through pilot initiatives. The programme intends to support an increase equitable access to justice, promote law and order and increasingly accountable and transparent statutory and customary institutions.

The prison system is a key component of the criminal justice system responsible for the custody of persons who are in conflict with the law. The majority of the prison officers are, however, ex-

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<sup>1</sup> South Sudan Development Plan, 2011, p.10

<sup>2</sup> Ibid., p. 30

<sup>3</sup> Ibid., p. 35

combatants from the SPLA (Sudan People’s Liberation Army) or OAG (Other Armed Groups) and a substantial number have yet to undergo any formal training on the treatment of offenders. Moreover, most of the prisons located in counties are rudimentary structures or huts constructed with inadequate materials and basic amenities for inmates.

In addition to the infrastructure and personnel challenges, the Prisons service has had difficulty mobilizing resources to effectively house and rehabilitate offenders while the number of inmates has steadily increased burdening an already constrained institution. As a result, the Prison Service faces challenges in providing inmate care in line with expected norms and standards. A *Rapid Assessment Survey* in 2012<sup>4</sup> indicated that prisons face serious capacity challenges including access to healthcare, potable water and rehabilitation facilities. Since the assessment, there has been little improvement with an increasing amount of detainees housed in overcrowded and dilapidated structures. (See Table 1):<sup>5</sup>

**Table 1:**

Name of Prison	Approved Capacity	Current/Actual Number of Detainees on 24 May 2013	% Over Population
Juba Prison	500	1,150	130%
Wau Prison	200	574	187%
Aweil Prison	150	486	224%
Bentiu Prison	40	250	525%

In particular, the programme will assist the National Prison Service (NPSSS) to address a wide range of challenges including dilapidated infrastructure with minor renovations, poor rehabilitation facilities through pilot vocational programmes, and training of personnel to scale up the capacity to deliver effective and efficient prison administration.

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## 2. UNDP ACCESS TO JUSTICE AND RULE OF LAW PROGRAMME<sup>6</sup>

### 2.1 Progress

**Advisory Support at state level:** According to the independent review of the Rapid Capacity Placement Initiative RCPI approach in 2012, state government officials noted the significant contribution of UNDP in training traditional authorities and raising awareness on rule of law. Specialists deployed at state level also facilitated 15 Rule of Law forums in seven states, supporting coordination and networking among rule of law and justice sector actors. The Forums have proved effective in generating attention towards localised problems and generating solutions. For example, in Western Equatoria State arbitrary detention of juveniles was reduced by 70%, from 37 to 11 inmates, based on the recommendations made during a Forum.

**Customary law:** With the support of the Government of Canada - DFAIT, UNDP also completed the construction and handover of the Customary Law Centre in Rumbek to serve as a repository of knowledge on customary practice and operate as a training centre for traditional authorities. As a complement, in support of the Ministry of Justice a *Customary Law Ascertainment Study* across 14 communities in five states was also completed contributing to documentation on customary law and will inform policy on customary law reform; and training provided on human rights standards for chiefs and traditional authorities.

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<sup>4</sup>National Prisons Service of South Sudan, Rapid Prison Assessment Report (2012) to be launched in August 2013

<sup>5</sup> Figures have been compiled from UNMISS ROLSISO/CAS and UNDP officers at State level (As of 24 May 2013).

<sup>6</sup>[http://www.ss.undp.org/content/south\\_sudan/en/home/operations/projects/rule-of-law/access\\_to\\_justice.html](http://www.ss.undp.org/content/south_sudan/en/home/operations/projects/rule-of-law/access_to_justice.html)

**Legal Information and Awareness:** UNDP has also worked with civil society organizations to establish six Justice and Confidence Centres across the country to provide legal information, monitor proceedings in customary courts and train paralegals to serve as the entry points for citizens' to access justice.

**Institutional Capacity Building Support to Police & Prisons Services:** The establishment of the police and prisons services was through large-scale transfers/relocation of ex-combatants with no system in place to ascertain the functional working strength of the services. The lack of information on personnel details affected administration and created the risk of an unaccountable force. UNDP, in partnership with UNPOL, supported the establishment of *Personnel Registration Database Units* PRDUs at national and state level for police and prisons to record details of all service personnel and to support training of personnel. In 2011, 57 personnel received basic training in the registration system, and a further 69 received advanced training in 2012. The results include completion of the registration process in two stages with 47,707 (95%) police personnel out of estimated 52,000 were registered; and 6,000 (30%) prison personnel out of estimated 20,000.

*Logistics Management Units (LMUs):* There was no effective system in place to maintain systematic records and manage assets, leading to mismanagement, non-accounting of resources and fostering mistrust with donors. Police and prisons lacked logistics and asset management procedures and policies. UNDP, in partnership with UNPOL, supported the establishment of 17 LMUs for Police and Prisons at national and state level to facilitate and train personnel recording of assets through a management system. To date, fifty-seven personnel have received advanced training in logistics and asset management.

*Forensic Investigation Units (FIUs):* The development of skills of police personnel for securing crime scenes is essential in ensuring evidence-based investigations. UNDP, in partnership with UNPOL, established 11 Mobile Forensic Units, 1 national and 10 at state level and supported advanced training of 40 police personnel on the scientific approach of investigations using basic gazettes.

*Crime Statistics:* Prior to December 2011, there was no efficient mechanism for the collection of crime data, leading to ineffective planning, monitoring and eventual prevention of crimes. Beginning in 2012, UNDP supported the SSNPS in the collection of crime statistics to help build an evidence base to inform policy, guide decisions and measure the impact of policing initiatives, which is particularly useful where resources are limited. UNDP, in partnership with UNPOL, helped establish a system for the collection and compilation of crime statistics from police stations to county, state and national levels and supported analysis of the collected data to identify crime trends and patterns. The crime statistics have been useful in informing policing strategy. For example, following the identification of high crime rates in Juba in the first quarterly report SPSS divided Juba County into five zones and deployed specialized units to each zone to augment community police. In October 2012, quarterly crime statistics reports were published for the periods December 2011 to February 2012 and March to May 2012. The publications for Q4 2012 and Q1 2013 are forthcoming.

**Community Based Support to Police Service:** Establishing efficient and transparent policing norms was imperative to the transformation of the South Sudan Police from a 'force' to a 'service', sensitive to the protection of basic human rights. This included developing strong, mutually respectful and beneficial relationships between police and the community. However, colonial-era and "garrison-style" police attitudes, combined with the military orientation that pervades the current police landscape in South Sudan, has made improving community-police relations a challenge, inhibiting efforts at reducing civilian control of arms and controlling violence and criminality. Considering the importance of community policing to security and secure development, UNDP supported the establishment of a three-tiered Community Based Policing Model at national, state and county levels. To date, 72 Police Community Relationship Committees (PCRC) - 23 at county level and 48 at *payam* level - and four state Community Policing Boards are in place.

The overall impact has been strengthening the Police and Prisons services. South Sudan's police institution is better poised to provide services based on clear command and control structures throughout the country, including on-going training on effective personnel and logistics management frameworks; and has seen encouraging improvements in discipline and a police culture holding the promise for more accountable policing and respect for the rights of citizens. The increased effectiveness in administrative and operational procedures of both the police and prisons institutions will contribute to effective collaboration among key Criminal Justice System institutions throughout the country.

**Extension of State Authority:** Physical access of citizens to formal justice institutions has also improved through UNDP-supported construction of police facilities including three female dormitories at the John Garang National Police Training Centre and five Special Protection Units (SPUs) for gender and juvenile-sensitive policing. The NPSSS is fully functional in 10 state prisons and 78 county prisons housing approximately 7,200 inmates.<sup>7</sup> With funding and technical support from UNDP, the Prisons Service conducted a comprehensive Nationwide *Rapid Prison Assessment* exercise in 9 states and 22 county prisons to assess infrastructure and support service needs. The Assessment Report aims to mobilize resources to improve the capacity of the Prisons Service to comply with the international standard minimum rules for treatment of offenders and advocate for prisoner rehabilitation programmes. In 2012, UNDP completed renovation and handover of prisons in Juba, Rumbek and Torit.

## 2.2 Challenges and Lessons Learned

**Lesson 1: Extension of State Authority** - In 2012, the Access to Justice and Rule of Law programme constructed or renovated nearly 40 police and prisons facilities. With the implementation of an austerity budget in 2012, however, the effective utilization of these and other facilities to improve citizens' access to justice was limited. Without operational budgets, the physical extension of state authority is insufficient to yield results. Access to justice includes **availability** of services and not only infrastructure development.

Way forward - Construction and renovation of justice sector facilities physical **accessibility** in a post conflict environment and the extension of state authority. There is need, however, to address economic access and the acceptability of services. On the supply-side commitments for the deployment of human and financial resources during project, planning to ensure functionality and programmes reviewed to keep both elements well synchronized. On the demand side – there is need for access to legal aid including information, mediation and human rights awareness.

**Lesson 2: A Focus on Demand** – Where there is access to justice services, the quality of services requires continuous strengthening to ensure they are **acceptable**, and **adaptable** to community needs. A structured process of feedback from communities on the quality of justice services can assist to address immediate challenges, as well as inform overall policy.

Way forward - The Rule of Law forums are an integral part of the UNDP A2JROL programme as they provide a platform for dialogue between GRSS and communities and the programme proposes to scale up the forums to culminate in an annual strategy level platform.

**Lesson 3: Sector Coordination** – Multiple development actors provide infrastructure, policy and capacity development in the rule of law sector to the various levels of government. Without coordination, however, the aggregate benefit to sector reform and improvement of services is difficult to ascertain. There is a risk of poor development results where support is not coordinated to

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<sup>7</sup> UNMISS Corrections Advisory Section

ensure sustainable results. UNDP has chaired/co-chaired several sector coordination groups including for the development of the aid financing strategy for budget planning.

Way Forward - Going forward UNDP will support sector coordination through continued participation in the rule of law working and aid financing groups; encourage formation of technical advisory groups through our co-located technical advisors; and focus our programming on strategic objectives at sector level.

**Lesson 4: Quality programme implementation** – Due to resource constraints, the UNDP A2JROL programme has had challenges maintaining oversight of programme implementation to ensure results-based management and oversight. With support from UNDP HQ, the programme has now received limited funding to maintain field and country office staff to strengthen our programme delivery. The A2JROL is now in a position to provide upstream policy advice through high-level day-to-day working relationships in the Ministry of Interior, Ministry of Justice, and the Judiciary, as well as our state level presence.

Way forward – While overall funding support from UNDP HQ has been reduced, the programme will have strong human resources to focus on high quality implementation and ensure results to support resource mobilization from voluntary contributions. Going forward, the linkages between the policy support from technical advisors and capacity development through our law enforcement and rule of law officers will be strengthened. Furthermore, the country office has now recruited an M & E officer to provide quality assurance for results reporting.

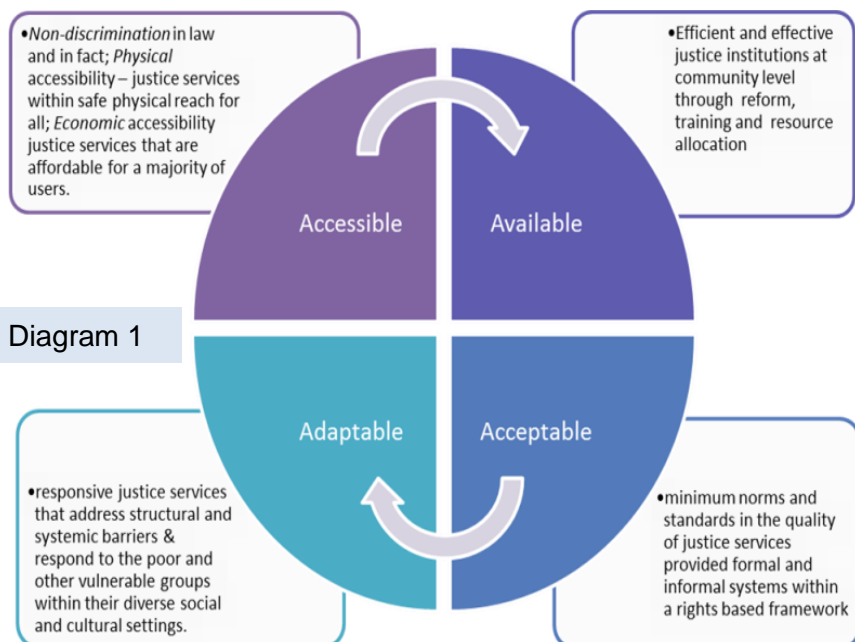
### 3. STRATEGY

#### 3.1 Programme Approach

##### 3.1.1 A Sector-wide Approach

The concept of justice (read *fairness, equity, reason, validity, integrity*), particularly in a common law regime, is often contextual and subjective and needs to be accepted not just by those who dispense it, but those who are subject to it. Hence the need to balance institutional justice sector reforms between the needs of the state to maintain law and order and promote the rule of law – the supply side; and the affirmation of citizens that their rights are protected and enforceable – the demand side.

The proposed A2JROL programme is consolidating current UNDP projects supporting discrete rule of law institutions and community level interventions into a holistic programme designed to increase the availability, affordability, adaptability and acceptability<sup>8</sup> of justice services in South Sudan (see **Diagram 1**). UNDP aims to consolidate our programme by focusing on five strategic objectives that address constraints to access to justice across the criminal justice chain and implement activities that enable coherence across institutional focus.



<sup>8</sup> See Diagram 1

A “**sector-wide approach**” is aimed at increasing overall access to justice from “entry to exit” within the justice system; and is focused on both the structural and procedural impediments to access. Structural and procedural changes, however, such as establishing appellate and case referral systems or defining the jurisdiction of customary courts are unlikely to result in any meaningful change in the acceptability and adaptability of access to justice at the grassroots without the full support of traditional leaders. This is especially true for South Sudan, which has a rich mosaic of widely divergent and constitutionally protected customs and traditions, as sources of law. As such, the programme will also include consultations with traditional authorities about harmonization; and human rights training and awareness amongst communities through rule of law fora and the Customary Law Centre at Rumbek.

As an integral part of the justice chain, support to the Prisons and Police Services and Ministry of Justice and Judiciary through effective case management will assist to reduce prison overcrowding and prolonged pre-trial and arbitrary detention by providing a mechanism to track the progression of criminal cases from arrest through to prosecution and adjudication and imprisonment. In addition, inclusion of rehabilitation programmes and improving basic welfare in the Prisons will contribute to a reduction in recidivism rates. These may include vocational training for prisoners, and of prison personnel on inmate care including for vulnerable detainees (women, juveniles and the mentally ill) and small-scale renovation to prison infrastructure to enhance protection of human rights.

### 3.1.2 Gender Mainstreaming

In South Sudan, gender disparities in the access to public services including justice, and to economic empowerment are severe. The GRSS has acknowledged the importance of gender equality and women’s empowerment in the state-building process. Towards this end, the Transitional Constitution of the Republic of South Sudan (TCRSS) stipulates, “*All levels of government shall promote women participation in public life and their representation in the legislation and executive organs by at least 25% as an affirmative action to redress the imbalances created by history, customs and traditions.*”<sup>9</sup> The government’s commitment to gender equality is also manifest through the establishment of the Ministry of Gender, Child and Social Welfare and gender focal point system in line Ministries. The national gender machinery, however, remains weak and under-funded requiring considerable support to realize the national commitment to promoting gender equality and women’s empowerment.

Cultural norms and institutional constraints continue to deny women equal opportunity for development including constraining access to justice. In particular, evidence suggests, “*the influence of customary law and norms in the dispensation of justice provides for the proliferation of undocumented and informal ways of resolving conflict amongst communities*”.<sup>10</sup> The *South Sudan National Police Service in its Quarterly Crime Statistics Report* (March-May 2012) estimated that 85%<sup>11</sup> of disputes are resolved through traditional or customary courts. Women and girls often cannot afford payment of fines, increasingly used as remedies in traditional courts and are, therefore, particularly at risk of arbitrary or prolonged detention due to their economic and social marginalisation. In certain circumstances, the customary law system penalises women for reporting gender-related crimes. Women and girls often face detention through discriminatory laws and cultural practices that contradict statutory law. For instance, women who report rape are at real risk of being charged and detained for the crime of adultery, further exacerbating the injustice.

Furthermore, the *Comprehensive Country Gender Assessment* conducted by the Ministry of Gender, Child and Social Welfare noted, “*legal aid services are very limited. There are few lawyers... There are*

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<sup>9</sup> Transitional Constitution of the Republic of South Sudan, Article 16.4. (a)

<sup>10</sup> *Ibid.* p. 27

<sup>11</sup> South Sudan National Police Service, *Quarterly Crime Statistics*, March-May 2012.



even fewer women lawyers, reportedly less than 100.<sup>12</sup> In the statutory courts, where women are unable to pay for a legal representation, or where legal processes are extremely slow, they may spend longer in pre-trial detention than the penalty for the crime itself.

In detention, women (sometimes with children) are often subject to inhumane living conditions. There is chronic underfunding of the prison service and insufficiently trained prisons personnel while the prison population has grown significantly since independence. Prisons countrywide are characterised by over-crowding, inadequate food, shelter and ill treatment of detainees. Women in detention, especially mothers, have specific physical, vocational, legal, and psychological needs differentiated from men and boys. The particular stigmatisation of female offenders, the tendency towards females as primary caregiver for children and the low capacity to engage in economic livelihoods unfavourably positions a woman's development prospects upon release. Without gender responsive detention and rehabilitation whilst in prison – female offenders are particularly vulnerable to a cycle of reoffending and endemic poverty for want of skills to earn a living.

The A2JRoL programme aims to mainstream gender considerations by

- Incorporating gender analysis and implementing specific training activities on gender and access to justice ;
- Ensure gender disaggregated data and analysis in capacity building initiatives to facilitate targeting of women beneficiaries;
- Support the lobby for gender equity in recruitment and training of civil servants in the rule of law of law sector;
- Facilitate gender sensitive rule of law forum discussion
- Include gender issues in project publications and public information activities; and
- Ensuring the integration of gender sensitive results and indicators in programme analysis, monitoring and evaluation

### 3.1.3 Complementarity with Existing Programmes

The programme also aims to ensure complementarity with existing programmes of other actors<sup>13</sup>. Within the UN family, UNDP intends to collaborate with the United Nations Mission in South Sudan (UNMISS) Corrections, Justice Advisory and Police sections. This will include joint human rights awareness and training for communities and customary leaders; continued support for the collection of crime statistics; development of a case management system in the Directorate of Public Prosecutions – Ministry of Justice and conducting rule of law forums at state level.

In addition, UNDP will work with UN Women on specific training programmes focused on gender sensitive policing and SGBV and training customary leaders on women's rights. Similarly, through technical advisors in the Ministry of Justice, Ministry of Interior and Judiciary of South Sudan, UNDP will collaborate with existing development partner programmes<sup>14</sup>. This includes coordination with the USAID PROGRESS project on case management and legal aid in the Ministry of Interior; and contribution to the development of a curriculum for the Legal Training Institute supported by the EU through IDLO. At this time, UNDP with development partners, UN agencies, donors, CSOs and CBOs meet monthly at the national Rule of Law Working Group which is a coordination and information sharing forum.

With the exception of a technical advisor of the Ministry of Interior, the proposed programme does not include a similar scale of support for discrete policing support. This is in recognition of the existing initiatives including:

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<sup>12</sup> Comprehensive Country Gender Assessment conducted by the Ministry of Gender, Child and Social Welfare, p, 48 (April 2012).

<sup>13</sup> See Annex I: Donor Mapping in Access to Justice and Rule of Law programming

<sup>14</sup> See Annex I: Donor Mapping in Access to Justice and Rule of Law Area programming

- *Support* the transformation of SSNPS into a fully functional professional police service (UK SAJP); Training of police personnel through the South African Police Service (South Africa, Norway); Training on Information Led Policing in pilot programs located in key areas (USAID);
- Training of police forces in human rights by French Police (France);
- Support for the establishment of and equip radio communication centers (Germany GIZ, Canada DFAIT); *and*
- *Training* for staff in radio communication centers (*Germany – GIZ*).

The UNDP Technical Advisor will work with UNPOL under the auspices of the Global Focal Point on Rule of Law on establishing an evidence base through the analysis of crime statistics; overarching policing reform exercise; and provision of technical advice through membership on the Training and Development Committee. Further, the technical advisor will participate as part of the Prisons Advisory Committee<sup>15</sup> to ensure coordination on the proposed prisoner rehabilitation activities; development of a detainee case management system; and the development of legislation. The A2JRoL programme is implementing a Judiciary of South Sudan component with funding from the Government of Japan (2012 – 2013). The programme key result areas are:

- Provide JoSS with a Technical Advisor on Court Management and Administration
- Dissemination of key legal documents across courts in South Sudan
- Capacity building of judges focusing on new laws, English language, court management, and case administration
- Capacity building of court staff to support Judges to carry out their core functions.

As such, this proposal intends to support the implementation of the case management system through data collection and analysis at state level (KRA1); phased implementation of the *Mobile Court Initiative* (KRA2 & KRA3); dialogue on traditional and formal justice sectors and the continuous Ascertainment Study on Customary Law (KRA4) in year 1 forward (July to December 2013). In year 2 forward the programme will also include; and Asset Management Units, Quarterly Case Statistics, and publishing of Judicial Opinions (KRA5).

#### *3.1.4 Alignment with GRSS Programmes*

The UNDP programme aligns with the overall SSDP Justice Sector objective, in particular, to the justice sector institutional missions, illustrated below in **Diagram 2**:

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<sup>15</sup> Current membership includes UNMISS Corrections Advisory section, UNODC, US INL

Mission	– Vision –	Strategic Objectives
<p><b>SSDP Rule of Law Sector Mission</b> To strengthen the Rule of Law in South Sudan by enforcing and maintaining law and order, providing equitable access to justice and a functioning criminal justice system, increasing security in communities, and promoting and protecting human rights for all.<sup>16</sup></p>	<p><b>Judiciary of South Sudan:</b> An independent and transparent Judiciary staffed by judges and support staff with high professional and ethical standards whose performance is enhanced by continuing education and evaluation</p> <p><b>Ministry of Justice:</b> “To provide legal services and promote justice for all people of South Sudan in partnership with other rule of law institutions”</p> <p><b>South Sudan Police Service:</b> To transform the South Sudan National Police Service (SSNPS) into a democratically oriented, fully functional professional police service, sensitive to human rights, gender and age.</p> <p><b>Sudan National Prisons Service:</b> “To enhance community safety by providing secure and humane containment and detention services and providing functional and secure prisons at national, state and county levels providing coherent and humane treatment of prisoners.”</p>	<p><b>Strategic Objective 1:</b> Increased access to justice through coordinated institutional presence at State and County levels</p> <p><b>Strategic Objective 2:</b> Reduction in case backlog</p> <p><b>Strategic Objective 3:</b> Mechanisms to address prolonged and arbitrary detention established in Rule of Law Institutions</p> <p><b>Strategic Objective 4:</b> Policy framework for the harmonization of Traditional with Formal Justice Sector</p> <p><b>Strategic Objective 5:</b> Capacity Development and Institutional Strengthening</p>

### 3.1.5 An Evidence-based Approach

The programme approach also includes the use of quantitative and qualitative evidence to improve our understanding of the context and barriers to access to justice and to inform review of programme activities for responsiveness and effectiveness. The proposed activities benefit from the analysis of available data. This includes the *Quarterly Crime statistics* commenced in December 2011, which demonstrate high prevalence of reported serious offences particularly in Central Equatoria State validating the need to focus on access to legal aid and the mobile court initiative pilot in Juba; and the *Rapid Prisons Assessment* completed in April 2012, which confirmed high levels of overcrowding and poor living conditions. Going forward, the *Access to Justice Perception Survey* completed in June 2013, aimed at assessing public opinion on the quality, effectiveness and efficiency of justice services is intended to support a drive towards a Sectoral approach focused on overall improvement of service delivery across the criminal justice chain in the customary and formal institutions.

Through the programme period, UNDP intends to develop a robust Monitoring and Evaluation framework both for performance management and reporting at project level; and to support GRSS to better prioritize development inputs.

<sup>16</sup>South Sudan Development Plan, 2011-2013, p.135-6

### 3.2 Programme Framework<sup>27</sup>

The programme framework in **Diagram 3** below illustrates the relationship between the Strategic Objectives 1 – 5 to the Key Result Areas (KRAs) 1 – 5.

Diagram 3

#### South Sudan Development Plan

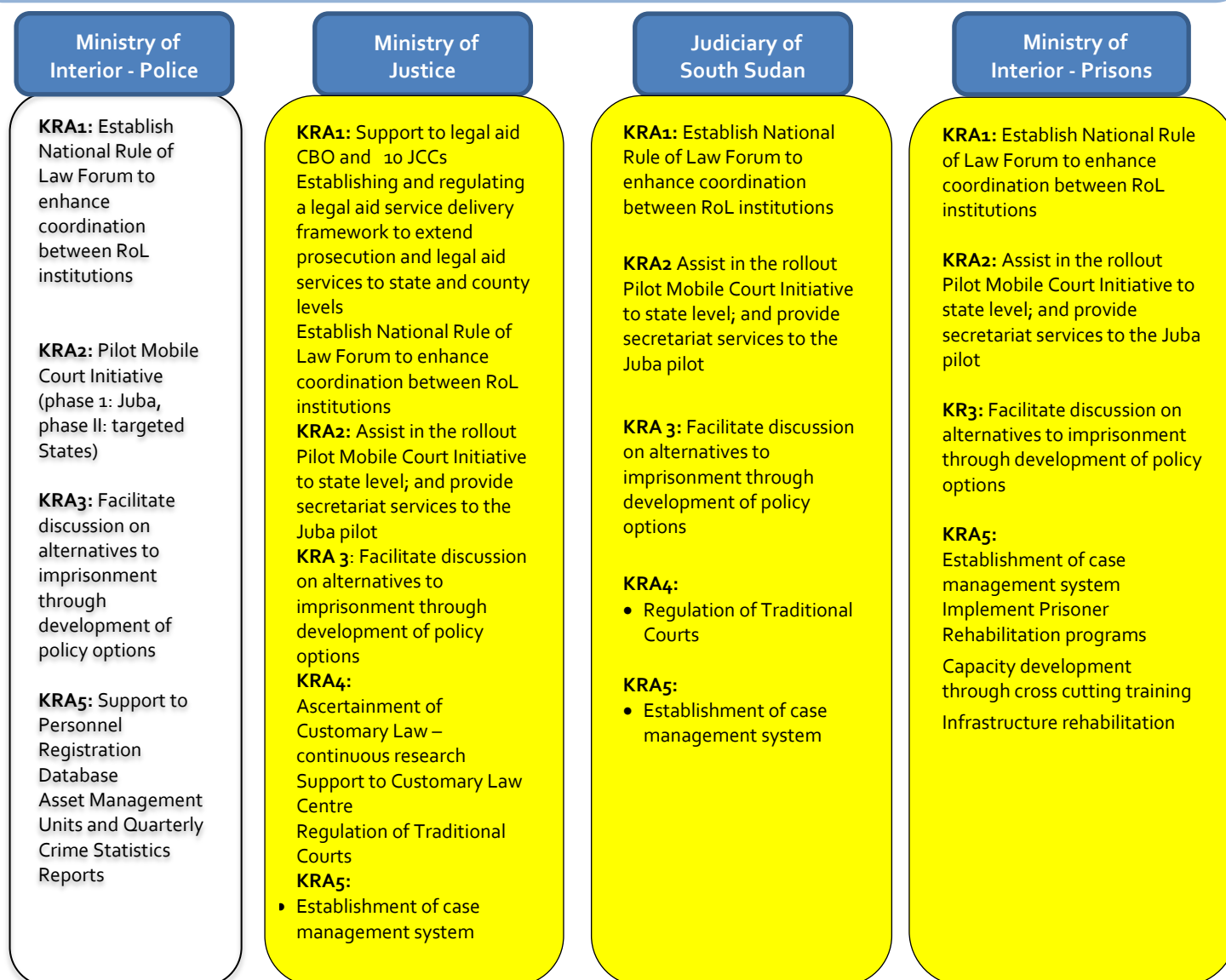
The SSDP identifies national development policy goals, with twenty priorities across four pillars: (1) Governance (2) Economic Development (3) Social and Human Development (4) Conflict Prevention and Security

#### South Sudan Development Plan – Justice Sector Policy Objectives

To strengthen the rule of law in South Sudan by enforcing and maintaining law and order, providing equitable access to justice and a functioning criminal justice system, increasing security in communities and promoting and protecting human rights for all

#### Strategic Objectives (SOs)

- **Strategic Objective 1:** Increased access to justice through coordinated institutional presence at State and County levels
- **Strategic Objective 2:** Reduction in case backlog
- **Strategic Objective 3:** Mechanisms to address prolonged and arbitrary detention established in Rule of Law Institutions
- **Strategic Objective 4:** Policy framework for the harmonization of Traditional with Formal Justice Sector put in place
- **Strategic Objective 5:** Capacity Development and Institutional Strengthening



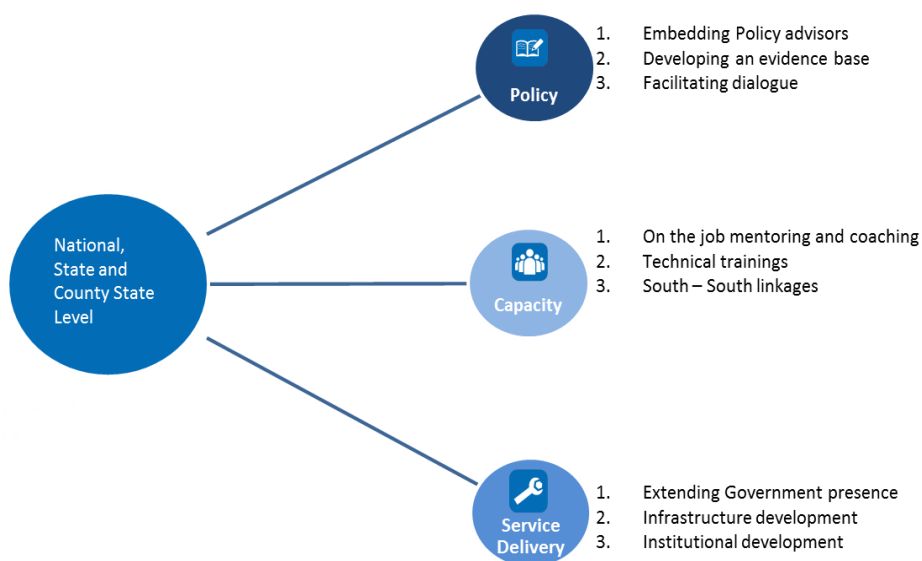
<sup>27</sup> Support is requested for the highlighted institutions

### 3.3 Implementation Methodology

The objective of the A2JROL programme is *an increase in access to justice, and strengthened rule of law through equitable, accountable and effective service delivery through justice sector institutions and customary mechanisms*. UNDP has staff co-located with Rule of Law institutions at the National and State levels. The project staff at state level engages at the county level with respect to police community relations committees, prison monitoring and training of traditional leaders in cooperation with UNWOMEN and UNMISS. As illustrated in **Diagram 4** below, UNDP programmes are delivered through three programme approaches at three levels:

## 3 : Levels & Approaches

Diagram 4



#### 3.3.1 Staffing

The A2JRoL project is ready to implement at the start of the programme period with staff co-located with national and state institutions in 9 out of 10 states.

**Policy Support** - the A2JROL programme is staffed with three chief technical advisors co-located at national level with the Ministries of Interior and Justice, and Judiciary, respectively. Their terms of reference stipulate that they are to support sector coordination. They will convene multi-institutional dialogue on sector-wide issues such as prolonged pre-trial detention and case backlog, which are a result of constraints in multiple institutions. In addition to providing institution based policy advisory support focussed on crosscutting issues. For example, all three advisors will support their respective institutions to develop case management systems

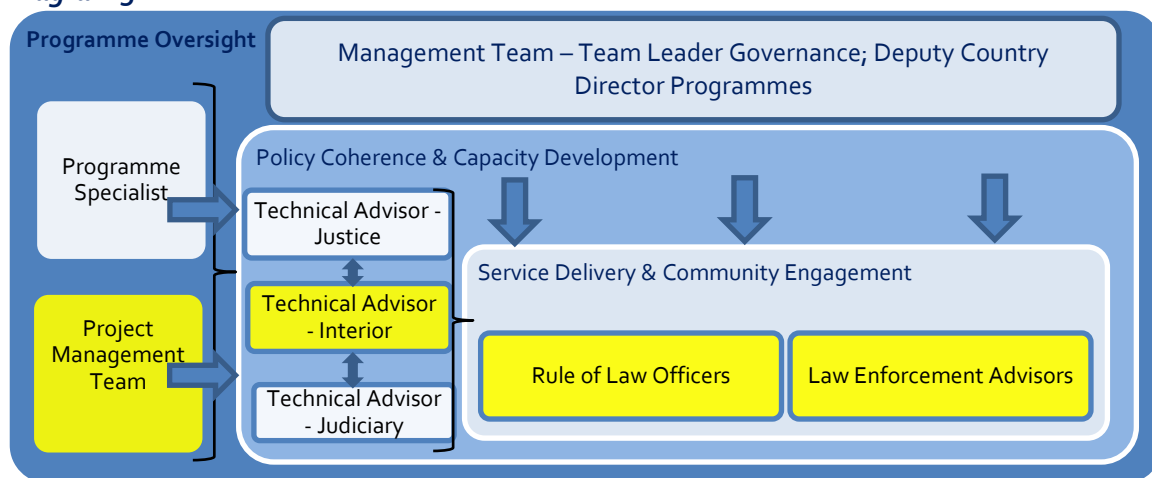
**Capacity development** - The technical advisors also provide specific training and shared learning such as a recent legal aid workshop in which the Justice and Judiciary advisors shared technical information on institutional framework in other jurisdictions. They will also hold joint trainings where feasible on crosscutting issues such as case management.

**Service Delivery and Training** – Under the guidance of the Technical advisors, the Law Enforcement and Rule of Law (LEAs) provide day-to-day coaching and mentoring to their line institutions

supporting them to provide efficient and effective services based on GRSS policy<sup>18</sup> issued from the national level. Twinned with the ministries responsible of the administration of justice at state level, and the state Police Commissioner, the officers provide advice on specific cases arising; assist to convene rule of law forums to promote inter-institutional dialogue and community engagement; and the collection of crime statistics.

The officers also serve as the focal points for the Justice and Confidence Centres and assist in the organisation of human rights awareness training for communities and traditional authorities; and support the implementation of agreed work plans for the provision of legal information and mediation services. It is expected that the Technical Advisors will carry out field missions regularly to provide training, address programme implementation challenges and discuss feedback from communities and government counterparts. **Diagram 5** below illustrates the inter relationship between the Programme and the UNDP country office (*highlighted posts are to be funded through this proposal*).

**Diagram 5**



### 3.3.2 Sustainability

The results of the A2JROL project activities are sustainable because they are aligned with the policy and strategic priorities owned by national and sub-national rule of law institutions indicated in the institutional plans. The focus on capacity development and development of procedures and management systems will also serve to entrench the gains in the institutional and organisational design. Furthermore, the co-location of our staff with government counterparts provides long term coaching and mentoring support, which will ensure that the project implementation is in collaboration with counterparts rather than through parallel structures. UNDP, through its capacity building initiatives focuses on 1) developing and strengthening relevant institutions' systems and procedures that are sustainable beyond the life of the project; and 2) recruiting and placing rule of law officers and law enforcement advisors to twin with their respective government counterparts to transfer skills and knowledge. This transfer of knowledge through co-located staff in turn helps sustain the institutions' systems and procedures established.

The participatory approach of the project aims to enable the government achieve ownership and sustainable programme through the active involvement of the rule of law institutions in setting priorities, designing, implementing and monitoring projects. The project provides initial logistics and capacity support to assist the institutions to perform their mandated functions. As the austerity context improves, UNDP anticipates that allocations to the rule of law institutions will also increase. Generally, sustainability will be considered in all planning, implementation, monitoring and

<sup>18</sup> Please note that the criminal justice system maintains a national character – with the National Ministries of Interior and Justice and the Judiciary remaining centralized at policy level.

evaluation processes of the project. UNDP supports fora at the state and county level in cooperation with UNWOMEN and UNMISS that aim to 1) raise awareness of legal rights and empowerment at county level and 2) provide a platform for improved coordination among rule of law institutions at state level. Awareness raising campaigns for community members will be carried out by partner CBOs/JCCs and UNDP staff in partnership with UNMISS and UNWOMEN.

### 3.3.3 Environmental Considerations

The SSDP states, "Protection of the environment during rapid economic, agricultural and urban growth is a key policy and the GoSS has a responsibility to reflect this fact in legislation as well as in policy development and implementation." The programme is not likely to have any direct environmental impact, given the absence of large-scale civil works. The small-scale renovations will, however, be supervised by qualified engineers to ensure adherence to international standards, including the use of solar energy where feasible.

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## 4. DESCRIPTION OF PROJECT OBJECTIVES AND INDICATIVE ACTIVITIES

### 4.1 Objective

#### 4.1.1 Increased access to justice through coordinated institutional presence at State & County levels

There is a significant void in the capacity of both Government and NGOs/CBOs<sup>19</sup> to provide legal aid<sup>20</sup> services to indigent and vulnerable populations across South Sudan. This limited capacity is due, in part, to both the limited availability of frontline services, and the absence of an agreed policy framework, law and regulations to ensure an effective service delivery mechanism.

**Addressing the Service Delivery Gap** - The programme aims to provide funding support to legal aid CBOs to enable legal information, mediation and human rights awareness services at community level to contribute to addressing this service delivery gap. In 2012, the A2JRoL project provided grants to seven CBOs in seven states to provide legal aid information and mediation services. Beginning in 2013, the programme proposes to support an additional three CBOs in the remaining states. In addition, funding is proposed for an NGO/CBO comprised of South Sudanese lawyers to provide legal representation in criminal matters to clients through the Pilot Mobile Court Initiative. This group of lawyers will work through Mobile Legal Aid Clinics at the State level to provide representation for indigent and vulnerable groups.

**Establishing and Regulating a Legal Aid Service Delivery Framework** – The Ministry of Justice adopted a *Legal Aid Strategy* in July 2011 to implement the obligations to provide legal aid under the Constitution and relevant law. The strategy requires the Ministry of Justice's legal aid and prosecutions offices to deploy prosecution counsel to progress cases and refer matters requiring legal aid and the legal aid office to provide defense counsel. To date there has been little progress on the key issues pending including the definition of "serious offences" as stipulated under the Constitution; and establishment of a mechanism to refer cases, assign counsel and fund the representation.

Through the UNDP Technical Advisor to the Ministry of Justice, the programme will assist the Ministry of Justice to develop and implement an action plan for the restructuring and planning for the extension of prosecution and legal aid services to state and county levels. In collaboration with existing technical advisors,<sup>21</sup> he will assist in drafting legislation for legal aid; establishing an oversight mechanism and to manage a legal aid fund; and formulating procedures for registration and assignment of cases to counsel in the Ministry and the private bar. The technical advisor is also

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<sup>19</sup> Non-governmental Organisations and Community Based Organisations

<sup>20</sup> Legal aid is understood to include - Legal information, mediation and representation

<sup>21</sup> Deloitte PROGRESS project

tasked with supporting the establishment of a case management system to track cases scheduled for prosecution and identify those that qualify for legal aid. This will include development of registration forms for legal aid cases for distribution to police and courts; and to agree procedures for the administration of such cases.

At state level, 10 UNDP Rule of Law officers will continue co-location with the Ministry of Justice and provide day to day coaching and mentoring on the legal aid administration system; and will facilitate the collection, analysis and reporting on its cases.

**Coordination of Rule of Law Institutions** – The impediments to access to justice are often a result of lack of coordination between rule of law institutions, which can result, for example, in delays in hearings leading to lengthy pre-trial period. The Rule of Law Fora, which have been in place since 2008, provide a platform for government – community dialogue on justice and security issues and are convened by the relevant ministry or the Office of the Governor.

UNDP intends to continue its funding for this monthly dialogue mechanism to facilitate this community level dialogue between service providers and the community to address immediate access to justice issues. This may include issues like the treatment of female and juvenile offenders, arbitrary arrest and prolonged detention and the overall quality of justice services. In prior years, the forums have been successful in generating policy directives from the Ministry of Justice clarifying the law on arrest. At local level, a Rule of Law Forum discussion successfully caused a review and consequent release of prisoners including juveniles in prolonged detention.

In addition to the monthly Rule of Law Forum at State level, the programme intends to facilitate the establishment of an Annual Rule of Law Forum bringing together key interlocutors to consider the key issues raised at State level and consider policy changes required to improve service delivery. UNDP anticipates that the *Access to Justice Perception Survey* will contribute to establishing benchmarks for monitoring improvements in service delivery. Indicative activities under this strategic objective include:

- Addressing the Service Delivery Gap through funding to
  - a legal aid CBO to provide legal representation for criminal matters in Juba through the mobile court pilot initiative
  - Establish a Mobile Legal Aid Clinic based in Juba with reach in 10 states to address priority cases (determined in coordination with RoL institutions) which includes, but is not limited to, “Serious Offenses” under the South Sudan Penal Code, such as: murder, bodily harm, rape, etc.
  - Establishment of three additional Justice and Confidence Centers (JCCs) to provide mediation and referral services; and continue support to seven JCCs.
- Establishing and Regulating a Legal Aid Service Delivery Framework by developing and implementing an action plan for the restructuring and planning for the extension of prosecution and legal aid services to state and county levels including a case management system
- Establish National Rule of Law Forum to enhance coordination between RoL institutions

#### *4.1.2 Reduction of Case backlog & Addressing Prolonged and Arbitrary detention<sup>22</sup>*

Access to justice is also constrained by significant case backlog from delayed hearings and prolonged and/or arbitrary detention. Underpinning these challenges is inadequate coordination and cooperation between the Judiciary of South Sudan (JoSS), Ministry of Justice (MoJ), South Sudan National Police Services (SSNPS), and the National Prisons Service of South Sudan (NPSSS). In the past Mobile Courts provided coordinated criminal justice sessions with participation of the

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<sup>22</sup> Strategic Objectives and Key Result Areas 2 and 3 are consolidated



police, judiciary, prosecution and prisons services to ensure timely hearings; clear backlog, identify, and address improper arrest and detention.

**Piloting Mobile Courts** - On 29 October 2012, his Lordship, the Chief Justice convened a High Level Panel comprised of each of the justice sector institutions including the military and national security to consider reinstatement of the Mobile Court mechanism. Recent activities include deployment of judges and state attorneys to Juba Central Prison to review cases as a means of reduction of time spent on pre-trial detention and to address overcrowding. UNDP requested for Secretariat support to the technical committee. The project proposes additional support to the Juba-based pilot and expansion to state level. Following the pilot in Juba, a second phase is proposed for roll out to other areas with acute case backlog and high incidence of prolonged and/or arbitrary detention. With logistics support from UNMISS to transport the Mobile Court participants, UNDP will continue its Secretariat work for case listing<sup>23</sup> procedures. Through Rule of Law and Law Enforcement Officers, UNDP will also support the identification of priority States for rollout; and facilitate the establishment of a monitoring and reporting process on progress.

**Developing Alternatives to Imprisonment** – Clearing case backlog and cases of improper detention provides a short-term solution to a larger policy issue. The programme intends to facilitate discussion on issues such as sentencing policy on the criminal procedure code; the implementation of the Child Act; treatment of the mentally ill; and the options for non-custodial sentences such as community service for lesser offences as a means of providing long-term solutions to prison overcrowding and case backlog. Indicative activity includes:

- Assist in the rollout Pilot Mobile Court Initiative to state level; and provide secretariat services to the Juba pilot
- Facilitate discussion on alternatives to imprisonment through development of policy options

#### *4.1.3 Support Harmonization of Traditional with the Formal Justice Sector*

Customary law is recognized as a valid source of law in South Sudan; and traditional authorities are empowered to dispense justice through customary courts. It is believed that up to 80% of people access justice through these mechanisms. As such, the effort to increase access to justice requires engagement with the traditional justice processes. The United Nations South Sudan *Peace-building Support Plan*<sup>24</sup> seeks to ensure the establishment of Councils of Traditional Authority Leaders (COTALs) for resolving inter-communal disputes in all ten states. Some development partners are also working on organizing COTAL, but there remains insufficient training on human rights, gender and rule of law to improve capacity and ensure disputes are resolved in line with national and international law.

**Ascertainment of Customary Law** - In February of 2012, in behalf of the Ministry of Justice, the UNDP A2JRoL programme commenced an Ascertainment Study on Customary Law in 14 communities in South Sudan<sup>25</sup>. The *Ascertainment of Customary Law* study has three broad objectives:

- To document current customary law practices across communities with respect to family law; law of wrongs and obligation; inheritance and succession; and land law; and
- To harmonize the different customary laws of different communities so as to ultimately have in place a coherent customary law regime in South Sudan; and

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<sup>23</sup> Cause listing is the compilation of a schedule of cases for hearing on a specific date

<sup>24</sup> endorsed by GRSS in 2012

<sup>25</sup> "In Search of a Working System of Justice for a New Nation: the Ascertainment of Customary Law in 14 Communities of South Sudan (The Customary Laws of the Toposa, Lopit, Lango, Lotuko, Azande, Jur-bel, Avukaya, Moru, Ndogo, Mundari, Wadi, Balanda Bivri, Baka and Bongo)."

- To propose and recommend reforms necessary for achieving a customary law regime, which is in alignment with international norms and standards, statutory law and the Transitional Constitution of South Sudan.

The study is an important step forward in better understanding the application of customary law in South Sudan and identify inconsistencies and opportunities for alignment the South Sudan Bill of Rights, the Statutory Courts and international human rights standard. Understanding customary law and its relationship to the community and formal justice sector is fundamental to achieve harmonization of these systems. UNDP proposes to continue the ascertainment process through continued funding to research and documentation. The Ascertainment Study will be published in 3 volumes and provided to the Customary Law Center in Rumbek as well as made available to government counterparts and development partners.

**Support to the Customary Law Centre** – Funded by DFAIT<sup>26</sup> Canada, in September of 2012, the A2J project formally handed over the newly constructed Customary Law Center in Rumbek. At the launch, the County Commissioner, Rumbek County noted, *“three-quarters of our population are not aware of laws, national or customary, and this centre will help bring civic education to the citizens of South Sudan.”*<sup>27</sup> The Center is an institution solely devoted to matters of customary law; and is intended to:

- Facilitate coordination between all governmental stakeholders, in particular the co-ordination between the Local Government Board and the Ministry of Justice;
- Advise the National, State and Local Governments on Matters of Customary Law;
- Coordinate research, home-grown research as well as other research; and serve as the repository for all customary law relevant materials, such as case records;
- Train Customary and Statutory Actors and Key Stakeholders on the interface between customary and the statutory law.

The Centre is government owned and driven reference point for research, and an important interface between cultures, customs and statutory law. On a quarterly basis, UNDP will work with traditional leaders, the Ministry of Justice and development partners to organize Customary Law Forums where papers and issues related to legal regulatory frameworks, gender considerations, children in conflict with the law, etc., can be presented, discussed and recommendations for the way forward agreed upon.

**Regulation of Traditional Courts:** A key component of the regulation of traditional authorities and their role within the formal justice sector is the need to reconcile conflicting legislation. The current *Judiciary Act, 2008* and the *Local Government Act, 2009* are in conflict in key areas of scope and authority to appoint and regulate traditional authorities. While traditional justice remains essential at the county, *payam* and *boma* levels, the detentions and mediations/judgments issued by traditional authorities requires oversight to ensure consistency and compliance with norms and standards and provide appellate options to the formal justice sector. Reconciling the relevant statutory law and proposing reforms to ensure that justice is accessible, consistent and fair at all levels is essential to an effective legal justice system. The project endeavors to support reconciliation and consistency through the implementation of the following indicative activities:

- Ascertainment of Customary Law through continuous research
- Establishing a functional Customary Law Centre through funding for training and human rights awareness of traditional authorities; commence research and publication on customary law in South Sudan for the repository

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<sup>26</sup> Department for Foreign Affairs and International Trade

<sup>27</sup> Mr. Malual Dut Arop, County Commissioner, Rumbek County, Lakes State, at the launch of the first Customary Law Centre in Africa, 30 August 2012

- Provide support toward the regulation of Traditional Courts through the review of relevant law for the harmonization of traditional and formal justice systems.

#### *4.1.4 Capacity development and Institutional strengthening*

The substantive extension of state authority remains a fundamental challenge for the Government despite initiatives funded through the Multi-Donor Trust Fund (MDTF) (2008 – 2011), UNDP Strategic Partnership of Governance and Rule of Law (2007 – 2011), South Sudan Recovery Fund (2007 – to date) and bi-lateral engagements emphasizing stabilization through development of infrastructure. Further support is required to address the systemic impediments to the efficient functioning of Government, and between the national and state levels. Administrative policies and procedures, an effective and operational case/detainee management system, personnel registration databases, and asset management units are critical for any rule of law institution to operate effectively.

**Establishing case management systems** - The programme will support the development and implementation of case management systems for the Judiciary of South Sudan and the Ministry of Justice and the Police. First, the UNDP Technical advisors will assess the existing mechanisms for maintaining case records; define the gaps that contribute to delays in hearing; and develop forms and procedures for a manual and later a computerized system at state and national level. A detainee tracking system for the Prisons Service will also be developed to assist in the tracking of prolonged pre-trial and arbitrary detention. UNDP will support a case management study tour for the Judiciary of South Sudan to learn and understand the systems already functional in Kenya and Uganda. The project will support completion of the SSNPS personnel registration process. This, together with support to the asset management units will ensure proper use of assets purchased for the systems and improve administration. GRSS will be encouraged to utilize the case/detainee management systems, which will in turn produce reports on case backlogs and on prolonged & arbitrary detention to provide a basis for strategic coordination in the sector. For the Judiciary, institutional capacity and reach will be strengthened through the publishing of Judicial Opinions at National and then State levels. This will provide a base for judges throughout South Sudan to adjudicate cases that are consistent with higher court interpretations of law.

**Implement Prisoner Rehabilitation programs** – The programme will work with the National Prisons Service of South Sudan to support prisoner rehabilitation programs for vulnerable inmate populations (women, juveniles and the mentally ill). The programmes will focus on piloting vocational skills training such as carpentry, masonry, electrical works, tailoring and welding to provide livelihood options upon release and contribute to a decrease in the likelihood of re-offending for economic crimes. Similarly, a literacy program, particularly for juveniles and women, will ensure that this often marginalized and vulnerable population is able to enhance their capacity to find work, become self-sufficient, and mitigate the risk of re-offending. Prison farms projects will be implemented to improve food security, the health and well-being of prisoners, build the capacity and skill of prisoners to farm, and produce food for themselves and their community. Candidates will be selected by the relevant government institutions.

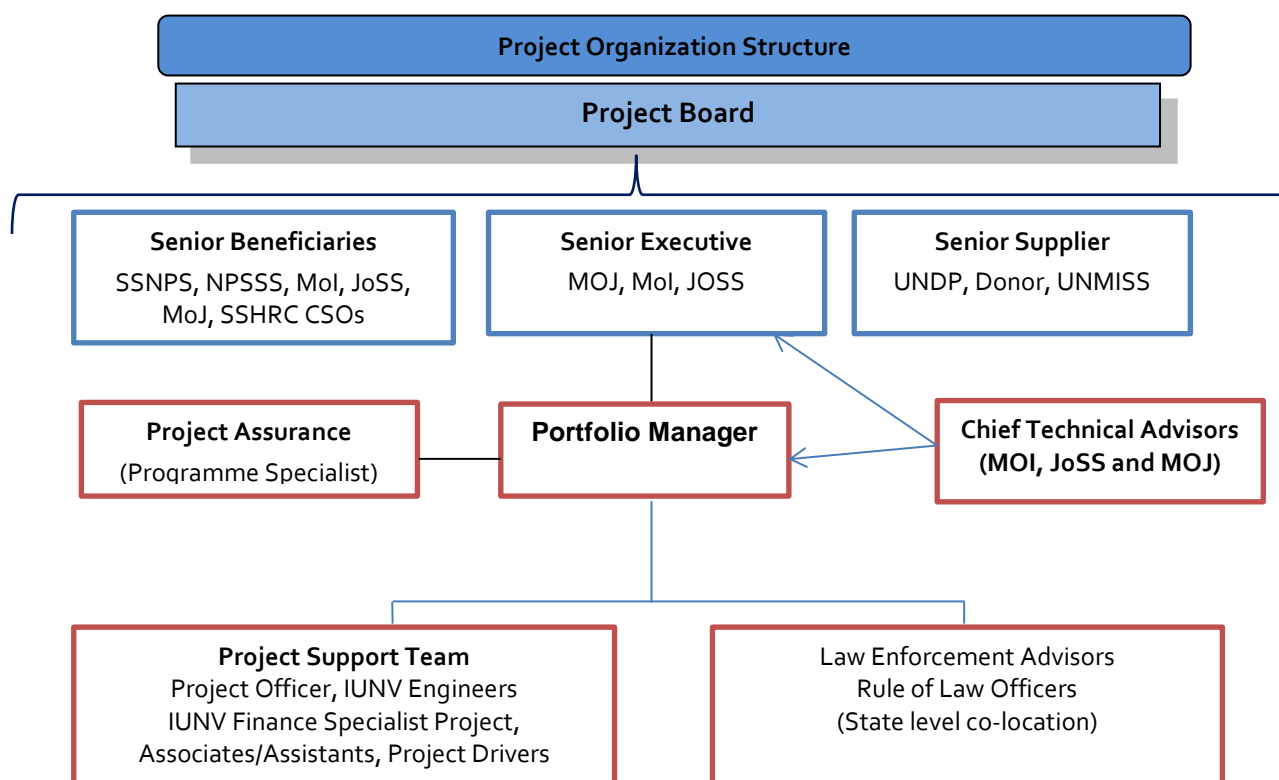
**Capacity Development** – As a complement to training in other key result areas, the programme will provide crosscutting training on specific issues to GRSS and Traditional Authorities on prisoners' rights during arrest and detention; and gender sensitive approaches and human rights awareness and application in the administration of justice.

**Infrastructure Rehabilitation** – Based on the Rapid Assessment report, the programme will assist with modest renovations to prison infrastructure to improve the treatment of offenders. Indicative activities include provision of potable water through sinking boreholes; renovation of detention cells for the segregation of women, juveniles and men; and renovation of sick bays.

- Establishing case management systems by assessing the existing mechanisms for maintaining case records and developing forms and procedures for a manual and later a computerized system
- Implement Prisoner Rehabilitation programs by piloting vocational skills training to provide livelihood options upon release and contribute to a decrease in the likelihood of re-offending
- Provide crosscutting training on specific issues to GRSS and Traditional Authorities on human rights awareness and application in the administration of justice
- Rehabilitation of prison infrastructure to improve the treatment of offenders

## 5. MANAGEMENT ARRANGEMENTS

Under the Direct Implementation Modality (DIM), UNDP will act as the implementation partner for this project. The management structure described in the graphic below is a structure specifically designed to manage the project to its conclusion, and it consists of roles and responsibilities that bring together the various interests and skills involved in, and required by, the project.



### 5.1 The Project Board:

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

Role	Responsibility
Executive Role	MoJ, JoSS, MoI,
Beneficiary Role	JoSS, MoI (SSNPS & NPSSS), MoJ, CSOs
Supplier role	UNDP, Donor Rep., UNMISS

Members of Project Executive Board have quality assurance responsibilities in addition to specific strategic project management decision-making responsibilities. In this respect, the Executive Role has the overall project assurance responsibilities and the Senior Beneficiary Role has project results assurance responsibilities.

**Project Assurance Role:** The Project Assurance Role supports the Project Executive Board and UNDP Programme Management by carrying out objective and independent project oversight, and monitoring function.

**United Nations Development Programme (UNDP):**

UNDP will provide the technical expertise<sup>28</sup> and provide administration including financial and progress reporting for the project.

Project management - A UNDP project manager will be responsible for the day-to-day management, supported by technical staff in the delivery of project outputs. The project team will make quarterly counterpart/field visit to interact with the project beneficiaries in order to ensure quality delivery of project outputs.

Project oversight - The Head of Governance - Rule of Law Unit will provide leadership in the performance of the functions in the Project Assurance Role with support from a Programme Specialist and three Technical Advisors. The UNDP Programme Specialist provides day-to-day oversight and responsibility for producing programme results on behalf of the Project Board and Project Technical Committee. The Senior Programme Specialist will closely coordinate with UNDP country office in ensuring that management systems (finance, procurement, human resources, M & E, etc.) are implemented within the UNDP rules and regulations and act as liaison between UNDP, counterparts, implementing agencies and donors.

Accountability to the Board - The Team Leader, with the Programme Specialist, will be responsible to the Project Board and Project Technical Committee for financial performance and development results as indicated in the Result and Resources Framework (RRF). The project team will also serve as secretariat for the project board. UNDP Senior Management will play a further oversight and quality assurance role and has ultimate accountability for the programme.

**Beneficiaries:**

The GRSS beneficiaries at national and state level provide office space for the project staff that is co-located in their Office/Ministries. The beneficiaries will also provide some funds for incidental expenses during sessions conducted by project staff.

**Donors:**

The Royal Government of the Netherlands funds the project with complementary funding from the *Government of Japan* until end 2013 for the Judiciary component. Donor counterparts are an integral part of the programme planning, implementation and oversight structure; and will thus be substantive members of the PEB and invited to participate in monitoring field visits where possible.

**Audit Arrangement:**

Audit for project accounts will be under UNDP procedures and regulations, including any funds transferred to implementing partners through Letters of Agreements (LOA).

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<sup>28</sup> Please find a detailed description of the programme staffing arrangements in section 3.3

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## 6. PARTNERSHIP AND COLLABORATION

The programme scope complements current work by other UNDP and UN Agencies. Collaboration and partnership with UNMISS relevant division and sections (ROLSISO, CAS, UNPOL) will be actively sought. The project management of related projects will therefore be invited as observers to the project board; and to undertake joint field trips to the states where possible to ensure coordination and synergy in project implementation

The project implementation will be through collaborations with the following organizations in the UN family:

<b>UNWOMEN:</b>
○ Capacity support to South Sudan National Police Service on gender and gender based violence
○ Amendments to the Crime Statistics Reports to better reflect violence against women
○ Support to training for traditional leaders through the Customary Law Center in Rumbek on women's rights and gender mainstreaming of curriculum
<b>UNPOL:</b>
○ Continued support to Personnel Registration Database (Police and Prisons)
○ Continued training support on forensic and criminal investigations (Police)
○ Continued support on collection of data for Crime Statistics Reports (Police)
<b>UNMISS ROLSISO/Corrections Advisor Services and Justice Advisory Services:</b>
○ Cooperation and support to Mobile Legal Court Initiative
○ Cooperation on Rule of Law Forums at State and National level
○ Cooperation and support to Prisons Services on humane treatment of detainees
○ Cooperation and reporting on cases of prolonged and arbitrary detention

## 7. RESULTS AND RESOURCES FRAMEWORK

<b>UNDAF Governance Outcome:</b> Access to justice and the rule of law improves					
<b>CPD Output:</b> Access to justice and rule of law institutions strengthened					
<b>Partnership Strategy:</b> The programme scope complements current work by other UN Agencies and the UN Mission. UNDP will work with UNMISS Rule of Law, UNPOL, Human Rights and UN Women under the auspices of the Global Focal Point for Rule of Law to implement programme activities. Technical Advisors, Rule of Law, and Law Enforcement Officers will be co-located with the Judiciary and Ministries of Justice and Interior at national and state levels and provide day-to-day implementation and policy advisory support. Wherever feasible, the project will collaborate with other development actors – particularly in the development of policy frameworks and capacity development initiatives.					
<b>Project title and ID (ATLAS Award ID):</b> Support to Access to Justice and Rule of Law Project (00064390)					
INTENDED OUTPUTS	OUTPUT TARGETS FOR (YEARS)	INDICATIVE ACTIVITIES	Assumptions	RESPONSIBLE PARTIES	AMOUNT (USD)
<p><b>Output 1: Increased access to justice through coordinated institutional presence at State level</b></p> <p><b>Baseline:</b></p> <ul style="list-style-type: none"> <li>Weak case management systems</li> <li>8 Rule of Law coordination forums in 8 states</li> </ul> <p><b>Indicators:</b></p> <ul style="list-style-type: none"> <li>Functional sex disaggregated case management system in place with quarterly reports</li> <li># National and State rule of law coordination forum in place</li> <li># of CBOs capacity assessment conducted</li> </ul>	<p><b>Targets (October -December 2013)</b></p> <ul style="list-style-type: none"> <li>8 rule of law coordination forums at state levels</li> </ul> <p><b>Targets (2014)</b></p> <ul style="list-style-type: none"> <li>4 case management system at national and state levels established</li> <li>1 rule of law coordination forum at national and 10 at state levels</li> <li>4 CBO capacity assessment completed</li> </ul> <p><b>Targets (2015)</b></p> <ul style="list-style-type: none"> <li>4 case management system at national and state levels</li> <li>1 rule of law coordination forums at national and 10 at state levels</li> </ul> <p><b>Targets (2016)</b></p> <ul style="list-style-type: none"> <li>4 case management system at national and state levels</li> <li>1 rule of law coordination forums at national and 10 at</li> </ul>	<p>Key Result Area 1.1: A legal aid CBO to provide legal representation for criminal matters in Juba through the mobile court pilot initiative</p> <p>Key Result Area 1.2: Establish a Mobile Legal Aid Clinic based in Juba with reach in 10 states to address priority cases</p> <p>Key Result Area 1.3: Establishment of three additional Justice and Confidence Centres (JCCs) to provide mediation and referral services; and continue support to seven JCCs.</p> <p>Key Result Area 1.4: Establishing and Regulating a Legal Aid Service Delivery Framework by developing and implementing an action plan for the restructuring and planning for the extension of prosecution and legal aid services to state and county levels including a case management system</p> <p>Key Result Area 1.5 Establish National Rule of Law Forum to enhance coordination between RoL institutions</p>	<ul style="list-style-type: none"> <li>South Sudan remains peaceful and stable, allowing accessibility to implement activities throughout the country.</li> <li>Required funding is mobilized</li> <li>The relevant rule of law institutions support the establishment and operationalization of the case management system at all levels.</li> </ul>	<p>UNDP in support of JoSS, MOJ, MoI</p>	<p><b>\$1,520,577.00</b></p>

	<p>state levels</p> <p><b>Targets (January to March 2017)</b></p> <ul style="list-style-type: none"> <li>• Publishing of Q1 2017 MoJ Report</li> <li>• 8 rule of law coordination forums at state levels</li> </ul>				
<p><b>Outputs 2: Clearance of case backlog and prolonged and arbitrary detention addressed</b></p> <p><b>Baseline:</b></p> <ul style="list-style-type: none"> <li>• TBC</li> </ul> <p><b>Indicators:</b></p> <ul style="list-style-type: none"> <li>• # of backlogged cases processed through pilot mobile court initiative</li> <li>• % of detainees released from arbitrary and prolonged detention</li> <li>• Functional inmate/detainee database established for prisons at national and priority states</li> </ul>	<p><b>Targets (October-December 2013)</b></p> <ul style="list-style-type: none"> <li>• 7 states provided with UNDP co-located staff</li> </ul> <p><b>Targets (2014)</b></p> <ul style="list-style-type: none"> <li>• 25% reduction in backlog</li> <li>• 20% release of detainees from arbitrary and prolonged detention</li> </ul> <p><b>Targets (2015)</b></p> <ul style="list-style-type: none"> <li>• 25% reduction in backlog</li> <li>• 20% release of detainees from arbitrary and prolonged detention</li> </ul> <p><b>Targets (2016)</b></p> <ul style="list-style-type: none"> <li>• 25% reduction in backlog</li> <li>• 20% release of detainees from arbitrary and prolonged detention</li> </ul> <p><b>Targets (January to March 2017)</b></p> <ul style="list-style-type: none"> <li>• No Target</li> </ul>	<p>Key Result Area 2:1: Assist in the rollout Pilot Mobile Court Initiative to state level; and provide secretariat services to the Juba pilot</p> <p>Key Result Area 2.2: Facilitate discussion on alternatives to imprisonment through development of policy options</p>	<ul style="list-style-type: none"> <li>• South Sudan remains peaceful and stable, allowing accessibility to implement activities throughout the country.</li> <li>• Required funding is mobilized</li> <li>• Government operationalizes the mobile court and addresses case backlog and prolonged and arbitrary detention.</li> </ul>	<p>UNDP in support of JoSS, MOJ, Mol</p>	<p><b>\$1,706,008.00</b></p>
<p><b>Output 3: Support harmonization of traditional with formal justice sector</b></p> <p><b>Baseline:</b></p> <ul style="list-style-type: none"> <li>• 1 Center established</li> </ul>	<p><b>Targets (October-December 2013)</b></p> <ul style="list-style-type: none"> <li>• Publishing of Traditional Leaders Training Manual</li> </ul> <p><b>Targets (2014)</b></p>	<p>Key Result Area 3.1: Ascertainment of Customary Law through continuous research</p> <p>Key Result Area 3.2: Establishing a functional Customary Law Centre through funding for training and human rights awareness of traditional authorities; commence research and publication on customary law in South Sudan for the repository</p>	<ul style="list-style-type: none"> <li>• South Sudan remains peaceful and stable, allowing accessibility to implement activities throughout the country.</li> <li>• Required funding is mobilized</li> <li>• That Ministry of Justice will allocate funds for the running of</li> </ul>	<p>UNDP in support of JoSS, MOJ, Mol</p>	<p><b>\$690,150.00</b></p>



<p>but not functional</p> <p><b>Indicators</b></p> <ul style="list-style-type: none"> <li>• Functional Customary Law Centre serving a body of learning and research in customary justice with attention to women's rights and access to justice under customary law.</li> <li>• # of customary law forums held</li> </ul>	<ul style="list-style-type: none"> <li>• 2 Customary Law Forums organized by the Center</li> </ul> <p><b>Targets (2015)</b></p> <ul style="list-style-type: none"> <li>• Customary law study at community level completed.</li> </ul> <p><b>Targets (2016)</b></p> <ul style="list-style-type: none"> <li>• 4 Customary Law Forums organized by the Center</li> </ul> <p><b>Targets (January to March 2017)</b></p> <ul style="list-style-type: none"> <li>• Dissemination of materials related to customary law</li> <li>• Quarterly Forum for traditional leaders</li> </ul>	<p>Key Result Area 3.3: Regulation of Traditional Courts through the review of relevant law for the harmonization of traditional and formal justice systems</p>	<p>the Customary Law Center</p>		
<p><b>Output 4: Capacity development and Institutional strengthening</b></p> <p><b>Baseline:</b></p> <ul style="list-style-type: none"> <li>• 30% prison personnel registered</li> </ul> <p><b>Indicators</b></p> <ul style="list-style-type: none"> <li>• Sex disaggregated Personnel Registration process completed for existing personnel, ongoing for new staff</li> <li>• # of Prison facilities renovated</li> <li>• # of prisoners who complete vocational training</li> <li>• Inmate database operational at</li> </ul>	<p><b>Targets (October-December 2013)</b></p> <ul style="list-style-type: none"> <li>• 50% prisons personnel registration completed</li> </ul> <p><b>Targets (2014)</b></p> <ul style="list-style-type: none"> <li>• 90% prison personnel ID cards issued and new staff registered</li> <li>• 2 selected prisons renovated</li> <li>• 75 prisoners trained in 3 states</li> </ul> <p><b>Targets (2015)</b></p> <ul style="list-style-type: none"> <li>• 2 selected prisons renovated</li> <li>• 150 prisoners in 5 states trained</li> </ul> <p><b>Targets (2016)</b></p> <ul style="list-style-type: none"> <li>• 1 selected prisons renovated</li> <li>• 200 prisoners trained in 2 states</li> </ul> <p><b>Targets (January to March 2017)</b></p> <ul style="list-style-type: none"> <li>• Publishing of Quarterly Report</li> </ul>	<p>Key Result Area 4.1: Establishing case management systems by assessing the existing mechanisms for maintaining case records and developing forms and procedures for a manual and later a computerized system</p> <p>Key Result Area 4.2: Implement Prisoner Rehabilitation programs by piloting vocational skills training to provide livelihood options upon release and contribute to a decrease the likelihood of re-offending</p> <p>Key Result Area 4.3: Provide crosscutting training on specific issues to GRSS and Traditional Authorities on human rights awareness and application in the administration of justice</p> <p>Key Result Area 4.4: Rehabilitation of prison Infrastructure to improve the treatment of offenders</p>	<ul style="list-style-type: none"> <li>• South Sudan remains peaceful and stable, allowing accessibility to implement activities throughout the country.</li> <li>• Required funding is mobilized</li> <li>• Government increasingly uses data and evidence base to budget, plan, and train personnel</li> </ul>	<p>UNDP in support of JoSS, MOJ, MoI</p>	<p><b>\$4,686,496.83</b></p>

National level					
<b>Output 5: Project Management</b>		<p>Support to Access to Justice and Rule of Law Project properly Managed</p> <p>Project Manager (100%)  Finance Specialist (35%)  Project Driver</p> <p>Organize project Board meetings, Conduct Monitoring Vis and Prepare and submit report.  Conduct Mid –term and final evaluation and dissemination Including Auditing</p>	<ul style="list-style-type: none"> <li>• South Sudan remains peaceful and stable, allowing accessibility to implement activities throughout the country.</li> <li>• Required funding is mobilized</li> <li>• Required staff recruited on time and deployed</li> </ul>		<b>\$2,176,311.17</b>
TOTAL					<b>USD 10,779,543.00</b>

## 8. MULTI-YEAR ANNUAL WORK PLAN

Year: July 2013- March December 2017

EXPECTED OUTPUTS <i>And baseline, indicators including annual targets</i>	PLANNED ACTIVITIES <i>List Key Result Areas and associated actions</i>	Year														RESPON-SIBLE PARTY	Funding Source	Budget Description	PLANNED BUDGET (US\$)					Total	
		2013	2014				2015				2016				2017				Year						
		Q 4	Q 1	Q 2	Q 3	Q 4	Q 1	Q 2	Q 3	Q 4	Q 1	Q 2	Q 3	Q 4	Q 1				2013	2014	2015	2016	2017		
<b>Output 1:</b> Increased access to justice through coordinated institutional presence at State level	<b>Key Result Area 1.1: A legal aid CBO to provide legal representation for criminal matters in Juba through the mobile court pilot initiative</b>																								
<b>Baseline:</b> • Weak case management systems • 8 Rule of Law coordination forums in 8 states	Complete assessments and provide training on financial reporting, management and activity reporting for Legal Aid CBO	x	x	x	x	x	x	x	x	x							UNDP	Netherlands	75700 Workshop 72500 Supplies 71600 Travel	0.00	8,250.00	8,250.00	0.00	0.00	16,500.00
<b>Indicators:</b> • Functional sex disaggregated case management system in place with quarterly reports • # National and State rule of law coordination forum in	Monitor case processing through deployment of LEA and RoLs		x	x	x	x	x	x	x	x	x	x	x	x			UNDP	Netherlands	72200 Equipment 72500 Supplies	0.00	50,000.00	24,500.00	5,000.00	0.00	79,500.00
	Pilot legal aid and case management system through Mobile Legal Court Initiative at national level		x	x	x	x	x	x	x	x	x	x	x				UNDP	Netherlands	74100 Professional Services	0.00	3,500.00	3,500.00	3,500.00	0.00	10,500.00
	<b>Key Result Area 1.2: Establish a Mobile Legal Aid Clinic based in Juba with reach in 10 states to address priority cases</b>																								
	Provide operational, logistical and case management support to CBO		x	x	x	x	x	x	x	x	x	x	x				UNDP	Netherlands	72600 Grants	0.00	14,400.00	28,800.00	48,000.00	0.00	91,200.00
	<b>Key Result Area 1.3: Establishment of three additional Justice and Confidence Centers (JCCs) to provide mediation and referral services; and continue support to seven JCCs.</b>																								
	Complete assessments and provide financial, management and reporting training		x	x	x	x											UNDP	Netherlands	75700 Workshop 72500 Supplies 71600 Travel	0.00	18,000.00	0.00	0.00	0.00	18,000.00

<ul style="list-style-type: none"> <li>place of CBO capacity assessment conducted</li> </ul>	to selected JCC CBOs at State level.																							
	Provide training on substantive and procedural law, international human rights, mediation, women's rights and juvenile justice		x	x	x	x	x	x	x	x	x	x	x	x		UNDP	Netherlands	75700 Workshop	0.00	10,800.00	10,800.00	14,400.00	0.00	36,000.00
	<b>Targets (October - December 2013)</b>																							
<ul style="list-style-type: none"> <li>8 rule of law coordination forums at state levels</li> </ul>	Provide grant to CBOs for awareness raising and paralegal/mediation activities		x	x	x	x	x	x	x	x	x	x	x		UNDP	Netherlands	72600 Grants	0.00	60,000.00	70,000.00	40,000.00	0.00	170,000.00	
	<b>Targets (2014)</b>																							
	<ul style="list-style-type: none"> <li>4 case management system at national and state levels established</li> </ul>																							
<b>Key Result Area 1.4: Establishing and Regulating a Legal Aid Service Delivery Framework</b> by developing and implementing an action plan for the restructuring and planning for the extension of prosecution and legal aid services to state and county levels including a case management system																								
<ul style="list-style-type: none"> <li>1 rule of law coordination forum at national and 10 at state levels</li> </ul>	Support establishment of MOJ legal aid offices at State levels through ICT procurement with training for case management system		x	x	x	x	x	x	x	x	x	x	x		UNDP	Netherlands	72800 InfoTech Equip 72200 Equipment	0.00	80,000.00	10,000.00	10,000.00	0.00	100,000.00	
	<b>Targets (2015)</b>																							
	<ul style="list-style-type: none"> <li>4 CBO capacity assessment completed</li> </ul>	Collect, analyse and publish reports on data from MOJ case management system on legal aid on quarterly basis		x	x	x	x	x	x	x	x	x	x	x		UNDP	Netherlands	74200 Printing & Public	0.00	9,600.00	9,600.00	9,600.00	2,400.00	31,200.00
<b>Key Result Area 1.5 Establish National Rule of Law Forum to enhance coordination between RoL institutions</b>																								
<ul style="list-style-type: none"> <li>1 rule of law coordination forums at national and 10 at state levels</li> </ul>	Continue support for monthly Rule of Law Forums in all 10 states through Rule of Law and Law Enforcement Advisors at State levels	x	x	x	x	x	x	x	x	x	x	x	x		UNDP	Netherlands	75700 Workshop	5,850.00	78,000.00	78,000.00	78,000.00	5,850.00	245,700.00	
	<b>Targets (2015)</b>																							

<b>Targets (2016)</b> <ul style="list-style-type: none"> <li>4 case management system at national and state levels</li> <li>1 rule of case coordination forums at national and 10 at state levels</li> </ul>	Implement annual Rule of Law Forum at national level for government counterparts, community members, women, traditional leaders, youth and international community		x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	UNDP	Netherlands	75700 Workshop 74200 Printing & Public	0.00	275,000.00	250,000.00	75,000.00	0.00	600,000.00
<b>Targets (January to March 2017)</b> <ul style="list-style-type: none"> <li>Publishing of Q1 2017 MoJ Report</li> <li>8 rule of law coordination forums at state levels</li> </ul>	Publish Annual Review on Customary Law in South Sudan		x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	UNDP	Netherlands	74200 Printing & Public	0.00	7,500.00	7,500.00	7,500.00	0.00	22,500.00
		<b>Subtotal Output 1</b>		<b>5,850.00</b>	<b>615,050.00</b>	<b>500,950.00</b>	<b>291,000.00</b>	<b>8,250.00</b>	<b>1,421,100.00</b>																				
		<b>GMS (7%)</b>		<b>409.50</b>	<b>43,053.50</b>	<b>35,066.50</b>	<b>20,370.00</b>	<b>577.50</b>	<b>99,477.00</b>																				
		<b>Total output 1</b>		<b>6,259.50</b>	<b>658,103.50</b>	<b>536,016.50</b>	<b>311,370.00</b>	<b>8,827.50</b>	<b>1,520,577.00</b>																				
<b>Related CP outcome:</b> Access to justice and rule of law institutions strengthened																													
<b>Output 2:</b>	<b>Key Result Area 2:1: Assist in the rollout Pilot Mobile Court Initiative to state level; and provide secretariat services to the Juba pilot</b>																												
<b>Clearance of Case Backlog and addressing prolonged and arbitrary detention</b>  <b>Baseline:</b> <ul style="list-style-type: none"> <li>TBA</li> </ul>	Support proper case administration through newly established case/detainee management systems at State level		x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	UNDP	Netherlands	75700 Workshop 72500 Supplies	0.00	16,000.00	12,000.00	12,000.00	0.00	40,000.00
<b>Indicators:</b> <ul style="list-style-type: none"> <li># backlogged cases processed through pilot mobile court initiative</li> </ul>	Monitor case processing through deployment of RoLs		x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	UNDP	Netherlands	71500 International INVs	140,000.00	560,000.00	560,000.00	240,000.00	0.00	1,500,000.00
<ul style="list-style-type: none"> <li>% of detainees</li> </ul>	Collect, analyse and publish		x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	UNDP	Netherlands	74200 Printing & Public	0.00	4,800.00	4,800.00	4,800.00	0.00	14,400.00



detention																							
<b>Targets (January to March 2017)</b>																							
• No Target																							
<b>Related CP outcome:</b> Access to justice and rule of law institutions strengthened																							
<b>Output 3: Support Harmonization of Traditional with Formal Justice Sector</b>	<b>Key Result Area 3.1: Ascertainment of Customary Law through continuous research</b>																						
<b>Baseline:</b>	Provide support through development, packaging and review of training manual	x	x	x	x	x	x	x	x	x	x	x	x	x	UNDP	Netherlands	74200 Printing & Public	2,000.00	4,000.00	4,000.00	4,000.00	2,000.00	16,000.00
• 1 Center established but not functional	Support research through procurement of relevant texts		x	x	x	x									UNDP	Netherlands	72300 Materials	0.00	10,000.00	0.00	0.00	0.00	10,000.00
<b>Indicators:</b>	Support collection, editing and publishing of studies and publishing key stories on application of traditional law		x	x	x	x	x	x	x	x	x	x	x	x	UNDP	Netherlands	74200 Printing & Public	0.00	10,000.00	20,000.00	10,000.00	0.00	40,000.00
• Functional Customary Law Centre serving a body of learning and research in customary justice with attention to women's rights and access to justice under customary law.	Implement Quarterly forums for traditional leaders on customary law issues, with particular attention to women's rights issues		x	x	x	x	x	x	x	x	x	x	x	x	UNDP	Netherlands	75700 Workshop	0.00	20,000.00	20,000.00	20,000.00	5,000.00	65,000.00
• # of customary law forums held	Implement Annual Customary Law forum at Rumbek for traditional leaders,		x	x	x	x	x	x	x	x	x	x	x		UNDP	Netherlands	75700 Workshop 71600 Travel	0.00	140,000.00	150,000.00	130,000.00	0.00	420,000.00
<b>Targets (October - December 2013)</b>																							
• Publishing of																							

<p>Traditional Leaders Training Manual</p> <p><b>Targets (2014)</b></p> <ul style="list-style-type: none"> <li>• 2 Customary Law Forums organized by the Center</li> </ul>	<p>government counterparts, community members, women, youth and international community</p>																	
<p><b>Key Result Area 3:2: Establishing a functional Customary Law Centre through funding for training and human rights awareness of traditional authorities; commence research and publication on customary law in South Sudan for the repository</b></p>																		
<p><b>Targets (2015)</b></p> <ul style="list-style-type: none"> <li>• 3 Customary Law Forums organized by the Center</li> <li>• Customary law study at community level completed.</li> </ul>	<p>Support Dissemination of reformed laws</p>	<p>x</p>	<p>x</p>	<p>x</p>	<p>x</p>					<p>UNDP</p>	<p>Netherlands</p>	<p>74200 Printing &amp; Public</p>	<p>0.00</p>	<p>4,000.00</p>	<p>0.00</p>	<p>0.00</p>	<p>0.00</p>	<p>4,000.00</p>
<p><b>Key Result Area 3.3: Regulation of Traditional Courts through the review of relevant law for the harmonization of traditional and formal justice systems</b></p>																		
<p><b>Targets (2016)</b></p> <ul style="list-style-type: none"> <li>• 4 Customary Law Forums organized by the Center</li> </ul> <p><b>Targets (January - March 2017)</b></p> <ul style="list-style-type: none"> <li>• Dissemination of materials related to customary law</li> <li>• Quarterly Forum for traditional leaders</li> </ul> <p>Related CP outcome: Access to justice and rule of law institutions strengthened</p>	<p>Continue study of customary law at community level to provide a more comprehensive study on its application throughout South Sudan.</p>	<p>x</p>	<p>x</p>	<p>x</p>	<p>x</p>	<p>x</p>	<p>x</p>	<p>x</p>	<p>x</p>	<p>UNDP</p>	<p>Netherlands</p>	<p>71200 Intern Consultat 71600 Travel</p>	<p>0.00</p>	<p>45,000.00</p>	<p>45,000.00</p>	<p>0.00</p>	<p>0.00</p>	<p>90,000.00</p>
<p><b>Subtotal Output 3</b></p>												<p>2,000.00</p>	<p>233,000.00</p>	<p>239,000.00</p>	<p>164,000.00</p>	<p>7,000.00</p>	<p>645,000.00</p>	
<p><b>GMS (7%)</b></p>												<p>140.00</p>	<p>16,310.00</p>	<p>16,730.00</p>	<p>11,480.00</p>	<p>490.00</p>	<p>45,150.00</p>	
<p><b>Total output 3</b></p>												<p>2,140.00</p>	<p>249,310.00</p>	<p>255,730.00</p>	<p>175,480.00</p>	<p>7,490.00</p>	<p>690,150.00</p>	
<p><b>Output 4: Capacity</b></p>												<p><b>Key Result Area 4.1: Establishing case management systems by assessing the existing mechanisms for maintaining case records and developing forms and procedures for a manual and later a computerized system</b></p>						



<b>development and Institutional strengthening</b>  <b>Baseline:</b>  <ul style="list-style-type: none"> <li>30% prisons registered</li> </ul>	Organize visits from Uganda and Kenya to Juba to share experiences on case management systems		x	x	x	x	x	x	x	x	x	x	x	x		UNDP	Netherlands	71600 Travel	0.00	30,000.00	5,000.00	5,000.00	0.00	40,000.00
	<b>Indicators:</b>  <ul style="list-style-type: none"> <li>Sex disaggregated Personnel Registration process completed for existing personnel, on-going for new staff</li> </ul>	Training for support staff on use of case management system Prisons		x	x	x	x	x	x	x	x	x	x	x	x		UNDP	Netherlands	75700 Workshop	0.00	40,000.00	30,000.00	30,000.00	0.00
<ul style="list-style-type: none"> <li># of Prison facilities renovated</li> </ul>	Collection and analysis of data produced from case/detainee management systems	x	x	x	x	x	x	x	x	x	x	x	x			UNDP	Netherlands	71500 International INVs	140,000.00	560,000.00	560,000.00	240,000.00	0.00	1,500,000.00
	<ul style="list-style-type: none"> <li>7 states provided with UNDP co-located staff</li> <li>CTA co-located to Mol</li> </ul>	Publication and dissemination of quarterly reports case and detainee management		x	x	x	x	x	x	x	x	x	x	x	x		UNDP	Netherlands	74200 Printing & Public	0.00	9,600.00	9,600.00	9,600.00	2,400.00
<b>Key Result Area 4.2: Implement Prisoner Rehabilitation programs by piloting vocational skills training to provide livelihood options upon release and contribute to a decrease the likelihood of re-offending</b>																								
<b>Targets (October-December 2013)</b>  <ul style="list-style-type: none"> <li>90% prison personnel ID cards issued and new staff registered</li> <li>2 selected</li> </ul>	Conduct and complete assessment, in partnership with NPSSS and UNMISS CAS on State Prisons that have previously implemented prisoner rehabilitation programs		x	x	x	x										UNDP	Netherlands	71600 Travel	0.00	15,000.00	0.00	0.00	0.00	15,000.00
	Based on assessment, select vocational training program to support prisoner rehabilitation		x	x	x	x	x	x	x	x	x	x	x			UNDP	Netherlands	72100 Subcontract- Training	0.00	362,500.00	500,000.00	187,500.00	0.00	1,050,000.00
<b>Key Result Area 4.3: Provide crosscutting training on specific issues to GRSS and Traditional Authorities on human rights awareness and application in the administration of justice</b>																								
	In collaboration with NPSSS and UNMISS CAS,															UNDP	Netherlands	75700 Workshop	0.00	180,000.00	90,000.00	90,000.00	0.00	360,000.00

prisons renovated • 75 prisoners trained in 2 states trained  <b>Targets (2015)</b> • 2 selected prisons renovated • 150 prisoners in 2 states trained  <b>Targets (2016)</b> • 1 selected prison renovated • 200 prisoners trained in 2 states  <b>Targets (January to March 2017)</b> • CTA co-located to Mol • Q1 Report on Detainee Management  Related CP outcome: Access to justice and rule of law institutions strengthened	provide technical training to prisons personnel on inmate care																			
	In collaboration with NPSSS and UNMISS CAS, provide technical support on administration of prison services including personnel registration, asset management, human resources and financial planning	x	x	x	x															
	Technical advisory support	x	x	x	x	x	x	x	x	x	x	x	x	x	x					
<b>Key Result Area 4.4: Rehabilitation of prison Infrastructure to improve the treatment of offenders</b>																				
	In cooperation with NPSSS and based upon the Prisons Rapid Assessment Report (2012), select prisons at State and County level in need of minor renovation (fencing, minor repair of sanitary and kitchen facilities, etc.)			x	x	x	x	x	x	x	x	x	x	x						
	<b>Subtotal Output 4</b>														228,225.30	1,675,001.19	1,597,501.19	788,550.60	90,625.30	4,379,903.58
	<b>GMS (7%)</b>														15,975.77	117,250.08	111,825.08	55,198.54	6,343.77	306,593.25
	<b>Total output 4</b>														244,201.07	1,792,251.27	1,709,326.27	843,749.14	96,969.07	4,686,496.83
<b>Key Result Area 5.1: Support to Access to Justice and Rule of Law Project properly Managed</b>																				
Project Management	Project Manager, P4 (100%)	x	x	x	x	x	x	x	x	x	x	x	x	x						
	Finance Specialist, P3 (35%)	x	x	x	x	x	x	x	x	x	x	x	x	x						



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## 9. MONITORING AND EVALUATION

In accordance with the programming policies and procedures outlined in the UNDP User Guide, the project will be monitored through the following:

### Within the annual cycle

- On a quarterly basis, a quality assessment shall record progress towards the completion of key results, based on quality criteria and methods captured in the Quality Management table below.
- An Issue Log shall be activated in Atlas and updated by the Project Manager to facilitate tracking and resolution of potential problems or requests for change
- Based on the initial risk analysis submitted (see annex 1), a risk log shall be activated in Atlas and regularly updated by reviewing the external environment that may affect the project implementation
- Based on the above information recorded in Atlas, a Project Progress Reports (PPR) shall be submitted by the Project Manager to the Project Board through Project Assurance, using the standard report format available in the Executive Snapshot.
- A project Lesson-learned log shall be activated and regularly updated to ensure on-going learning and adaptation within the organization, and to facilitate the preparation of the Lessons-learned Report at the end of the project. UNDP will provide the same type of information during the life of the proposed project to relevant stakeholders.
- A Monitoring Schedule Plan shall be activated in Atlas and updated to track key management actions/events
- Quarterly Project Board meetings shall be convened to support and monitor progress. The Project Board is responsible for strategic direction, policy guidance and oversight of the project with a major responsibility to ensure that key lessons learned during implementation inform subsequent activities.

### Annually

- **Annual Progress Report** - An Annual Progress Report will be submitted to the Project Board. As minimum requirement, the Annual Progress Report shall consist of the ATLAS standard format for the Quarterly Progress Report (QPR) covering the whole year with updated information for each above element of the QPR as well as a summary of results achieved against pre-defined annual targets at the output level.
- **Annual Project Review** - Based on the above report, an annual project review shall be conducted during the fourth quarter of the year or soon after, to assess the performance of the project and appraise the Annual Work Plan (AWP) for the following year. In the last year, this review will be a final assessment. This review is driven by the Project Board and may involve other stakeholders, as required. It shall focus on the extent to which progress is being made towards outputs, and that these remain aligned to appropriate outcomes.
- **Mid-term Evaluation** - An independent and external mid-term evaluation of the programme will be conducted in mid-2014 to assess the performance and present recommendations on the way forward. A final evaluation will take place upon completion of the programme. In accordance with UNDP DIM regulation, the programme will be subject to audit.

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## 10. LEGAL CONTEXT

This document together with the Country Programme Action Plan (CPAP) signed by the Government and UNDP, which is incorporated by reference, constitute together a Project Document as referred to in the Standard Basic Assistance Agreement (SBAA) and all CPAP provisions apply to this document.

Consistent with the Article III of the SBAA, 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 will:

- 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 out;
- 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 will 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 Project 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 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 Project Document".

## 11. RISK LOG

Description	Date Identified	Type	Impact & Probability	Countermeasures/Management Response	Owner
Inadequate project funding hampering capacity to respond to increased demand from rule of law institutions	1/01/2013	FINANCIAL	I=3 P=3	Revise project document and target key catalytic interventions which use the minimum number of staff. Consider instead of state co-location to limit to regional co-location and national levels.  Increase advocacy effort to sensitize development partners in support of rule of law programming in a crisis affected and fragile environment.	RoL Programme Team with Project Executive Board
Inadequate infrastructure, particularly in the states could hamper effective project implementation	1/01/2013	OPERATIONAL	I=3 P=3	Given austerity measures and inability of the government to maintain current and new infrastructure, co-located staff will continue to work alongside their counterparts under the same conditions.	Project Manager
Difficulty in coordinating the large number of participating government organizations	1/01/2013	ORGANIZATIONAL	I=2 P=3	Project board to set priorities under the project to support the development of institutional coordination mechanisms. UNDP Rule of Law Programme could also call stakeholders to coordinate support. UNDP currently also co-chairs a national rule of law working group that includes donors, development partners and CSOs/CBOs.	Project Board and RoL Project Management Team
Lack of strong political will and commitment in establishing a strong culture of rule of law that may encourage impunity.	1/01/2013	POLITICAL	I=3 P=4	Co-located Chief Technical Advisors will advocate for procedures, policies and systems to help minimize impunity and insubordination. Utilize the Crime Statistics and other evidence based knowledge products to strengthen and align institutional responses to impunity.	Project Board and Rule of Law Programme

Recurrent tribal clashes/confrontation in some states could significantly slow down project implementation as the leadership of the affected states focus on resolving conflicts	1/01/2013	SECURITY	I=3 P=2	Work closely with UNDSS to monitor security situation and develop contingency plan regarding implementation of project activities. This includes the evacuation of staff, temporary withdrawal or shifting of staff and activities to more secure locations.	Project Executive Board
Environmental factors i.e. inaccessible roads to some project locations will make it difficult to implement project activities.	1/01/2013	ENVIRONMENTAL	I=2 P=3	Contingency plan regarding implementation of affected project activities in affected areas. This includes the evacuation of staff, temporary withdrawal or shifting of staff and activities to more secure locations.	Project Manager

Annex I. Donor Mapping in Access to Justice and Rule of Law Area/s<sup>29</sup>

Justice Sector Priorities	UNMISS Activities	UNCT Activities	Partner Activities
<p>1. Enhance access to justice and respect for human rights across South Sudan (SSDP 8.1.4.1)</p>	<ul style="list-style-type: none"> <li>• <i>Support</i> deployment of qualified prosecutors, magistrates and prison officers in 28 priority counties through provision of air assets and logistic support (ROLSISO, UNPOL)</li> <li>• <i>Strengthen</i> the capacity of the judiciary and prosecution to better address serious crimes and community violence and combat impunity (ROLSISO, JAS)</li> <li>• <i>Sensitize</i> civil society on human rights and access to justice through radio programmes, events, and training (HRD, ROLSISO)</li> <li>• <i>Provide</i> training to traditional authorities on human rights approaches to local justice administration and on their role in the administration of justice (HRD)</li> <li>• <i>Advocate</i> with counterparts on implementing children’s rights (CPU)</li> <li>• <i>Support</i> the Government in ending arbitrary and prolonged detention through the mapping of the detainee population, and technical support to improve detainee access to judges and legal assistance, and improve police and prosecutorial investigative capacities (ROLSISO)</li> </ul>	<ul style="list-style-type: none"> <li>• <i>Support</i> strategy development and planning for a sector-wide approach in the Rule of Law and Justice Sector (UNDP)</li> <li>• <i>Support</i> deployment of prosecutors, magistrates and prison officers in 28 priority counties through the development of infrastructure required at county level (UNDP)</li> <li>• <i>Support</i> the expansion of legal aid and information and mediation services to local levels (UNDP, UNHCR, UN Women)</li> <li>• <i>Provide</i> training on the administration of criminal justice and adherence to human rights through (UNDP)</li> <li>• <i>Provide</i> advice on strengthening restorative justice mechanisms (UNDP, UNICEF)</li> <li>• <i>Support</i> the harmonization of customary law with the statutory system (UNDP, UNICEF, UN Women)</li> <li>• <i>Support</i> the Rumbek Customary Law Centre and provide training for traditional leaders in basic legal principles (UNDP)</li> <li>• <i>Support</i> the Council of Traditional Authority Leaders and provide training to traditional authorities on local justice administration and on their role in the administration of justice (UNDP)</li> </ul>	<ul style="list-style-type: none"> <li>• <i>Support</i> the establishment, and management of the South Sudan Legal Training Institute (EU - IDLO)</li> <li>• <i>Support</i> the University of Juba College of Law including curriculum development and construction of buildings (US INL - UNDP)</li> <li>• <i>Provide</i> training for judges and court staff (EU, Japan – IDLO, UNDP)</li> <li>• <i>Support</i> traditional justice mechanisms and provide training for lawyers, judges, and other justice-related officials (USAID PROGRESS)</li> <li>• <i>Support</i> Councils of Traditional Authority Leaders at state and national levels (Switzerland)</li> <li>• <i>Support</i> construction of infrastructure for the judiciary (EU - IDLO)</li> <li>• <i>Support</i> legal assistance for IDPs and returnees (Norway)</li> <li>• <i>Support</i> remand boards to hear juvenile cases and obtain releases where appropriate (USAID)</li> <li>• <i>Support</i> the distribution of legal documents for courts (Japan)</li> <li>• <i>Support</i> Access to Justice Programs in key areas (US PROGRESS)</li> <li>• <i>Support</i> initiatives that strengthen Rule of Law (Canada - DFID)</li> </ul>
<p>2. Establish a democratically oriented, fully functional</p>	<ul style="list-style-type: none"> <li>• <i>Provide</i> technical assistance to the SSNPS to develop structures, policy, strategy and regulations (UNPOL)</li> </ul>	<ul style="list-style-type: none"> <li>• <i>Support</i> the deployment of a fully functional professional police service, based on modern concepts of international policing,</li> </ul>	<ul style="list-style-type: none"> <li>• <i>Support</i> the transformation of SSNPS into a fully functional professional police service (UK SAJP)</li> <li>• <i>Provide</i> training of police personnel through the</li> </ul>

<sup>29</sup>. South Sudan Peace Building Plan



<p>professional police service, sensitive to human rights, gender and age, adapted towards modern concepts of international policing, and capable of enforcing law and order (SSDP 8.1.4.1)</p>	<ul style="list-style-type: none"> <li>• <i>Provide</i> advice on the transformation of SSNPS into a fully functional professional police service in accordance with international standards (UNPOL)</li> <li>• <i>Support</i> the registration, screening and training of SSNPS personnel (UNPOL)</li> <li>• <i>Conduct</i> training and support deployment in accordance with internationally acceptable standards of policing (UNPOL)</li> <li>• <i>Provide</i> advice on police primacy in the enforcement of law and order and protection of civilians (UNPOL, HRD, PIO, HRD)</li> </ul>	<p>responsive to community needs, and sensitive to human rights and the special protection needs of women and children (UNDP, UNFPA, UNHCR, UNICEF, UNWOMEN)</p> <ul style="list-style-type: none"> <li>• <i>Provide</i> functional literacy training for SSNPS (UNESCO, UNWOMEN)</li> </ul>	<p>South African Police Service ( South Africa, Norway)</p> <ul style="list-style-type: none"> <li>• <i>Provide</i> training on Information Led Policing in pilot programs located in key areas (USAID)</li> <li>• <i>Provide</i> training of police forces in human rights by French Police (France)</li> <li>• <i>Support</i> the establishment of and equip radio communication centers (Germany GIZ, Canada DFAIT)</li> <li>• <i>Provide training</i> for staff in radio communication centers (Germany - GIZ)</li> </ul>
<p>3. Establish functional and secure prisons at National, state and county levels, providing coherent and humane treatment of prisoners (SSDP 8.1.4.1)</p>	<ul style="list-style-type: none"> <li>• <i>Support</i> registration and screening of South Sudan Prison Service personnel (ROLSISO, CAS)</li> <li>• <i>Provide</i> advice on prison system reform and restructuring and conduct training on human rights standards (CAS)</li> </ul>	<ul style="list-style-type: none"> <li>• <i>Support</i> the establishment of functional and secure prisons at national, state and county levels and help promote the rights of prisoners, including women and juvenile detainees (UNDP, UNFPA, UNHCR, UNICEF, UNWOMEN)</li> </ul>	<ul style="list-style-type: none"> <li>• <i>Support</i> the development of the South Sudan Prisons Service Academy (US INL)</li> <li>• <i>Provide</i> technical assistance to the South Sudan Prison Service and support construction of prisons (US INL)</li> <li>• <i>Provide</i> training for prison service personnel through Kenya's Probation and Aftercare Services Department (Kenya)</li> </ul>
<p>4. South Sudan has an essential legal framework befitting an independent country (SSDP 8.1.4.1)</p>	<ul style="list-style-type: none"> <li>• <i>Provide</i> advice to and strengthen the capacity of the Ministry of Justice, Ministry of Interior, and the National Assembly on human rights and harmonization of national legislation with international human rights obligations (ROLSISO, JAS, PAD, HRD)</li> </ul>	<ul style="list-style-type: none"> <li>• <i>Provide</i> advice to and strengthen the capacity of the National Assembly on human rights and harmonization of national legislation with international human rights obligations (UNDP, UNHCR, UNICEF, UNWOMEN)</li> </ul>	<ul style="list-style-type: none"> <li>• <i>Strengthen</i> the capacity of the Ministry of Justice through the South Africa Department of Justice and Constitutional Development (South Africa)</li> <li>• <i>Provide</i> training for judges (EU, US)</li> <li>• <i>Provide</i> advice on the development of federal structures, rule of law and national decentralization policy (Germany GIZ)</li> </ul>