

**PROJECT TO SUPPORT THE JUSTICE  
SECTOR REFORM 2017-2021**



**FINAL CONSULTING REPORT**

**FINAL EVALUATION OF THE PROJECT'S PERFORMANCE  
AND RESULTS**

**CONSULTANT:** *Agostinho Fernandes (Jurist)*

**DATE:** *April 12th 2021*

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## EXECUTIVE SUMMARY

The Government of São Tomé and Príncipe adopted its justice sector reform programme in 2017, with the aim of making the services provided to the population by the organs of the judiciary and the auxiliary entities of the justice system more modern and accessible. The reform of the Courts, the Public Prosecutor's Office, the Criminal Investigation Police, the Prison and Social Reintegration Services as well as other auxiliary services was set as a priority, both for the socio-economic development of the country and to safeguard the Rule of Law.

Four central axes were defined as the sine qua non condition for the transformation of a justice system suffering from a profound crisis of credibility and performance into a dignified and reliable system for citizens, providing fair, swift and credible justice. Thus, (1) the computerization of the justice sector, (2) the modernization and adaptation of its legislative arsenal, (3) the adoption of alternative conflict resolution mechanisms and (4) the training and capacity building of the system's agents, were considered to be the objectives of the Project to Support the Implementation of the Justice Sector Reform Programme, financed by UNDP and other development partners.

The Justice Sector Reform Strategy was prepared for a 5-year period (2017-2021), during which qualitative transformations were expected in the justice sector, through changes in paradigms, attitudes and behaviours that could lead to an overall improvement in the performance of the system and, consequently, better user satisfaction. The Project under consideration, which served as its financial support, based its result indicators on an essentially quantitative perspective, measured through the number of items achieved in each of the four objectives.

From this perspective, the final evaluation of the project translates into the measurement of the following result indicators, in light of the activities undertaken:  
Number of computer, technical and technological means installed;

Number of personnel trained in ICTs;  
Number of proposals for updating laws drawn up;  
Number of technical assistance seminars held for the creation of alternative conflict resolution mechanisms;  
Number of alternative conflict resolution mechanisms created;  
Information and legal consultation office established;  
Number of judicial and auxiliary justice officials trained.

While it is true that, from a quantitative point of view, the Project has achieved the results it set out to achieve thanks to the activities carried out, providing the system with more computer, technical and technological means, a greater number of laws drafted and/or approved, more magistrates, officials and auxiliary agents trained, it is no less true that none of this has generated changes of transformation and significant change in the performance of the system, its credibility and the quality of service provided to citizens, as was the purpose of the Strategy adopted in 2017.

Since the reform intended and designed in the framework of the Justice Sector Reform Strategy was a process of transformation and not a mere process of accumulation (more does not necessarily mean better), the analysis of the level of effectiveness of the project should also include the assessment of its impact on the transformation of the justice system in place in 2017.

From this perspective, the present evaluation leads to a mitigated conclusion. While it is true that, in light of the project's results, it is acceptable to consider it to have had a sufficiently high level of effectiveness, in terms of its impact on the system, the conclusion is a certain ineffectiveness, with everything remaining practically the same in qualitative terms.

# INTRODUCTORY NOTE

## - CONTEXTUALIZATION

1. Sao Tome and Principe is an archipelago covering 1001 Km<sup>2</sup> and with a population of about 200,000 inhabitants. It is made up of two islands located in the Gulf of Guinea, just over 250 km from the African mainland. In 1990, the country embraced a multi-party democracy system and a semi-presidentialist political regime, with its political power organized based on the interdependence of the Executive, Legislative and Judicial branches.
2. Within the country's constitutional framework, Laws are passed by the National Assembly (Parliament), promulgated by the President of the Republic and their effective enforcement is safeguarded by the Courts. The Courts are sovereign bodies, with competence to administer justice on behalf of the people, thus ensuring the defence of the legally protected rights and interests of citizens, settling public and private conflicts of interest and repressing the violation of laws. Within the judicial power, the Public Prosecutor's Office has, in turn, the task of supervising legality, representing the public and social interest in court, and is the holder of the criminal action.
3. The Government is the entity with the constitutional power to administer the State. The general orientation of the State's policy is usually embodied in the programs of the Government in office, which are essentially based on the strategic plans for national development, as the main guiding instruments of public policies.
4. The XVI Constitutional Government adopted the 2030 Agenda for Transformation, in which it established as one of its priorities the consolidation of the Rule of Law, by improving the provision of public services, strengthening social cohesion and protection, and reforming the public sector, with special emphasis on the justice sector. It was within this framework that the referred



Government elected the Reform of Justice as one of its governance priorities, having drafted a strategic Reform Program, based on the desire to transform the justice system, currently characterized by serious and severe problems. These problems translate, among others, into an alleged deficit of modernity, credibility, accessibility and capacity to ensure the prevention and combat of criminality.

5. From the perspective of the then Government, based on the generalized feeling of citizens, in 2017 the justice system was immersed in a deep crisis, preventing the consolidation of the Rule of Law and the economic and social development of the country, with a tendency to worsen and spread to other sectors of national life. Amongst the obvious signs of this crisis were (1) the inefficiency of the justice system, (2) the lack of dignity of its agents, (3) the inability to combat corruption, (4) the slowness of procedures, (5) the lack of confidence and disbelief of citizens in justice.
6. The intended transformation with the Justice Reform aimed at modernizing and improving the accessibility of the Courts, the Public Prosecution Service and the Criminal Investigation Police. Taking into account, among other things, the State's technical and financial difficulties, UNDP was prepared to support the Government in implementing its strategic programme for reforming the justice sector, by providing technical and financial assistance to strengthen the capacities of the justice sector and human rights institutions, so as to enable them to provide quality services and uphold the rule of law.
7. This project was first implemented by the XVI Constitutional Government (Jan 2017 - Dec 2018). Given the normal alternation of power in the democratic system of the country and the sacrosanct principle of continuity of the State, the XVII Constitutional Government that succeeded it continued the implementation of the project (Dec 2018-Apr 2020).

## - JUSTIFICATION

8. The successive Governments of the Democratic Republic of Sao Tome and Principe have made Justice Reform one of their priorities. This is due, among other reasons, to the fact that for several years now there has been a consistent degradation of the justice system. The various diagnoses that have been prepared point to a deep crisis in the justice system, characterized by a lack of credibility, independence and functionality. The specific problems and challenges to be overcome include the issue of the accessibility of citizens, particularly the most vulnerable, to judicial services and legal assistance, impunity, transparency, technical and logistical incapacity, and the inadequacy of the legal framework given the current reality and concerns of the country.
9. To respond to the challenges of the system, the Strategic Programme for the Reform of the Justice Sector, elaborated in 2017, defined as main axes of reform (1) the independence and transparency of the judiciary, (2) the effectiveness of the judiciary, including the fight against impunity, (3) access to rights and justice, (4) the strengthening of human and material capacities and (5) the reform of the legal framework.
10. It is in this context that the project entitled "Support to the Justice Sector Reform Process" has arisen, the main objective of which is to support the Government of the Democratic Republic of São Tomé and Príncipe in the implementation of its Justice Sector Reform Programme, with the aim of modernizing and improving the Courts, the Public Prosecutor's Office and the Criminal Investigation Police, making justice services more accessible to citizens and strengthening Human Rights institutions.
11. Based on an estimated financial envelope of USD 1,000,000 (One Million Dollars), this project, financed by UNDP with the support of other development partners and implemented by the Ministry of Justice, has a duration of 5 years (January 2017 to December 2021) and covers various components.

12. Within the framework of its different components, the project essentially aims at the following:
- A. Computerization of the judicial system;
  - B. Legislative review and drafting of new laws;
  - C. Creation of alternative conflict resolution mechanisms and an Office for legal information and consultation.
  - D. Training and capacity building for magistrates, court officials and auxiliary justice agents.
13. Since 2017, numerous actions have been carried out in order to achieve the reform intentions set out in the Strategic Programme for Reform of the Justice Sector, with the technical, administrative, logistical and financial support of the Justice Reform Process Support Project. Four years after the start of its implementation, a final evaluation of the project is required.
14. The general objective of this consultancy is therefore to evaluate the performance of the project in achieving its results, drawing lessons that can be used to improve the sustainability of the project benefits as well as the overall programming of UNDP.
15. Thus, the present consultancy has as specific objectives
- 1. To assess whether the project objectives were achieved;
  - 2. To consider the factors that contributed to achieve or hinder the achievement of the envisaged results;
  - 3. To consider the factors that contributed to the effectiveness or ineffectiveness of the project, in particular the added value of the consultative process and synergies with other projects/programmes;
  - 4. Assess the effectiveness of the partnership strategy;
  - 5. Assess the sustainability of the project's impact;
  - 6. To assess how effective equality and the gender perspective have been incorporated in the development and implementation of the project's actions.

## - METHODOLOGY

16. With a view to producing and presenting a Final Evaluation of the Project to Support the Justice Sector Reform Process 2017-2021, including recommendations regarding the improvement of (1) the sustainability of the project benefits and (2) the overall programming of UNDP, the present consultancy followed the following work methodology, which was based on the following main phases:

- **Phase 1:** Preliminary contacts and collection of relevant documentation aimed at identifying the main objectives, actors and the comprehensive analysis of their respective competencies within the framework of the actual implementation of the project components;
- **Phase 2:** Elaboration of a questionnaire addressed to the main actors identified (Ministry of Justice, Courts of Justice, Public Prosecution Service, Judiciary Police, among others) and holding interviews and hearings.
- **Phase 3:** Processing of the information collected, in-depth analysis of the legal framework and production of the final documents, namely the Final Evaluation Report;
- **Phase 4:** Sharing of the preliminary conclusions of the consultancy and presentation of the Final Report.

17. The comprehensive survey of the implementation reports and other relevant documentation, as well as the interviews and hearings held aimed, among other things, to assess the degree of achievement of each of the project objectives and their impact on the change and improvement of the system, allowing the following aspects to be questioned:

- a) Within the legislative framework, what new policy options were considered to achieve the intended objectives? To what extent are the current policies on the justice sector (legal framework, organization and governance) contributing to the promotion of credible justice that serves citizens?

- b) What improvements have been made, in order to guarantee greater coherence and effectiveness of the system? To what extent do the current governance scheme and the functioning of the global and specific management mechanisms of the justice sector ensure policy coherence and effectiveness?
- c) Does the current system for managing justice sector policies ensure maximum cost effectiveness and guarantee that the best use is made of opportunities in terms of cost savings and revenue generation that can contribute to the strengthening and effectiveness of a modern, operational and self-sustainable justice system in STP?
- d) What has failed in the implementation of the project to the extent that the justice system may not be producing the maximum expected results, and what improvements could have been made to make the project more effective?
- e) If and how did the possible corrective measures of organizational and legal policy effectively contribute to the massive production of impact at the level of the justice sector?
- f) To what extent is the alternative system of organization and financing of the justice sector guaranteeing a sufficiently high degree of perennality, such that the political alternations and governmental options of circumstances do not have a significant impact in terms of the structure and system of governance and functionality in the justice sector?
- g) To what extent has the justice system achieved greater institutional independence and greater availability in terms of technical and technological resources, thanks to which it has guaranteed, in concrete terms, the continuous and visible improvement of its results, especially in terms of reversing its accentuated level of degradation?

- h) To what extent has training and capacity-building contributed towards improving the current level of appropriation by the different intervening parties in the justice system of their competences and attributions, as well as their specialized technical knowledge, enabling them to better perform their tasks.
- i) What alternative dispute resolution mechanisms have been noted and what impact have they had on mitigating the problems of access to justice and judicial pendency?
- j) To what extent have the project implementation mechanisms, as well as the results arising from their implementation, allowed for the improvement of gender equality and the empowerment of women?

18. In order to better understand the competencies, attributions and motivation of the main actors involved in the project, both as executors and beneficiaries, as well as to better assess the real impact of the project in the daily life of the institutions and users of the justice sector, the most relevant institutional actors were interviewed, namely:

- Ministry of Justice
- Supreme Court of Justice
- Constitutional Court
- Audit Court
- Office of the Public Prosecutor <sup>1</sup>
- Judicial Police
- Prison Services and Social Reintegration
- Bar Association
- UNDP

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<sup>1</sup> Did not grant the interview due to COVID-19 nor answer the questionnaire

19. The interviews and hearings, supported by the collection of documents that could be gathered, allowed for a possible assessment of the effective degree of achievement of the project's objectives, as well as its real impact on the functioning of the prison system.
  
20. The presentation of the Preliminary Report, which was attended by UNDP, the Ministry of Justice, the Constitutional Court and the Office of the Attorney General of the Republic, and the discussions that took place there, essentially allowed for the clarification of the nature, amount and purpose of some expenses incurred within the scope of the Project.

## I. ANALYSIS AND EVALUATION OF THE DEGREE OF ACHIEVEMENT OF THE PROJECT'S OBJECTIVES

21. Within the framework of the project under consideration, four objectives were defined, to be achieved by the end of 2021, namely:

- **By 2021**, the country's judicial system will have installed technical and technological IT means to improve its performance;
- **By 2021**, the laws on structural, organic and statutory reform of the judicial system will be updated;
- **By 2021**, due diligence is done and alternative dispute resolution mechanisms will be in place in the country;
- **By 2021**, judicial officers and auxiliary justice agents will be trained.

22. Taking into consideration the fact that the present project was prepared with the objective of supporting the Government of São Tomé and Príncipe in the implementation of its reform programme for the justice sector, set out in the Strategic Plan 2017-2021 of the then Ministry of Justice, Public Administration and Human Rights, it is important to analyse and evaluate the degree of achievement of each of the 4 objectives, not only according to the result indicators established in each of the Project items, but also in light of the Government's purposes and strategic objectives for the justice sector.



## **1.1 OBJECTIVE 1: INSTALLATION OF IT, TECHNICAL AND TECHNOLOGICAL MEANS TO IMPROVE THE PERFORMANCE OF THE JUDICIAL SYSTEM**

23. The installation of IT, technical and technological means was aimed at ensuring the "computerization of the courts and all the judicial services, using service simplifying programmes, with a view to optimizing management based on IT devices, ensuring the interconnection and monitoring of cases until the sentence is served or the case is closed, and creating a service for procedural statistics and the systematic dissemination of sentences and judgements”.

### ***1.1.1 Activities programmed in the Justice Reform Strategic Plan***

24. **With regard to the installation of technical and technological IT means**, the 2017-2021 Strategic Plan for the reform of the justice sector considered the following activities to be appropriate and necessary to produce results in terms of improving the performance of the system:

- a) Prepare the diagnostic study and strategic plan for the computerization of the Ministry of Justice, the Courts and the Public Ministry;
- b) Improving coordination between the sector's institutions in the provision of infrastructures, including multi-purpose resources;
- c) Modernize procedures and use new computer technologies to reduce procedures, debureaucratise, simplify, speed up and provide quality service to citizens;
- d) Develop computer and communication infrastructures and logistical support that facilitate the management of processes, data and the interconnection between sectors;
- e) Organizing and empowering the ICT services, establishing ICT units in each justice institution to guarantee more effective support;

- f) Establishing effective case management systems based on the needs of the functioning of the Courts, the Public Prosecutor's Office, the Criminal Investigation Police, the Directorate-General of Registry and Notary Services, the Directorate-General of Prison Services and Social Reintegration, with the necessary connections and management programmes and crime statistics
- g) Increasing the availability of statistical information on the justice sector;
- h) Installing a computer support that speeds up the progress of the services, which enables access and a greater control of the processes, which enables a greater dissemination of the acts and productivity control;
- i) To create a Data Center of the Ministry of Justice;
- j) Train staff in programme management and its development;
- k) Training Judicial Magistrates and Public Prosecutors, as well as court clerks;
- l) Creating an electronic site (a Justice Portal) containing information about the Ministry of Justice, and using social networks for dissemination and information.

### ***1.1.2 Activities planned to be funded under the Project to support the implementation of the Justice Reform Strategy 2017-2021***

25. In the framework of the Project under consideration, the following activities aimed at installing technical and technological IT means were considered:

- a) Support for contracting professional services for the computerisation of the sector;
- b) Support for acquiring and installing new technical and technological means in the judicial system;
- c) Support for carrying out training and capacity building for the judiciary staff to deal with the new technical and technological means.

### ***1.1.3 Level of implementation of the Activities programmed within the framework of the Project to support the implementation of the Justice Reform Strategy 2017-2021***

**Table 1: Implementation of objectives**

	Activity	Level of implementation
1	Support for contracting professional services for the computerisation of the sector;	✓
2	Support for the acquisition and installation of new technical and technological means in the judicial system;	✓
3	Support for the implementation of training and capacity building of the judiciary staff to deal with new technical and technological means.	✓

**Table 2: Main Activities Funded<sup>2</sup>**

ACTIVITIES FINANCED IN THE FIELD OF COMPUTERISATION			
N°	ACTIVITIES	INSTITUTION	DATE
1	Purchase of 5 laptops, 1 printer and overhead projector	Supreme Court of Justice	2019
2	Laptops, multifunction printer and projector	Ministry of Justice	2019
3	Computerisation and modernisation of the System	PGR	2019
4	Purchase of 7 laptops	Constitutional Court	2019
5	Sound system	Supreme Court of Justice	2020
6	Data Centre Acquisition	"Justice System"	2021

**Table 3: Planned results/achievements<sup>3</sup>**

	EXPECTED RESULTS	RESULT INDICATORS	RESULT
1	The country's judicial system will have installed computer, technical and technological means to improve its performance	The judicial system has new technical and technological means in place	YES
		Number of staff trained	N/D

<sup>2</sup> Annex 1 contains a more exhaustive list of the purchases made

<sup>3</sup> The Project Coordination did not provide information regarding the exact number of staff trained in ICT.

## **1.2 OBJECTIVE NO.2: UPDATING OF THE LAWS ON STRUCTURAL, ORGANIC AND STATUTORY REFORM OF THE JUDICIAL SYSTEM**

26. The updating of the laws on structural, organic and statutory reform of the judicial system had the essential aim of ensuring the revision of "criminal legislation to expressly prohibit practices which violate human rights; creating mechanisms to combat criminality; creating stricter and more effective norms to combat organized crime, including in its financial aspect; reform of criminal procedural legislation, enabling a more coherent progress of the process and revision of the execution of sentences, enabling a greater use of alternative ways of serving sentences.
27. Likewise, the aforementioned update envisaged the review of civil legislation, modernizing the solutions currently adopted, mainly in family and juvenile matters; modifying civil procedural legislation with the aim of reducing the average length of a judicial process.
28. Finally, it aimed to ensure the speedy drafting and approval of the diplomas envisaged in the Government's legislative program, as well as creating or revising other diplomas that were deemed urgent to meet the immediate needs of the justice sector.

### ***1.2.1 Activities programmed in the Justice Reform Strategic Plan***

29. ***With regard to the adoption and updating of the laws for the structural, organic and statutory reform of the justice system***, the 2017-2021 Strategic Plan for the reform of the justice sector considered several activities to be appropriate and necessary to produce results in terms of improving the performance of the system.
30. The legislative reforms programmed in the Strategic Programme for Justice Reform were essentially aimed at four strategic outcomes, namely (1) strengthening the judiciary, (2) preventing and combating crime, (3) improving

the business environment and (4) protecting and promoting the family, women and children. Thus, the adoption and/or revision of the following legal instruments were programmed:

- Civil Procedure Code;
- Commercial Registration Code
- Building Registration Code
- Notary Code;
- Administrative Code;
- Law creating the Constitutional Court;
- Nationality Act;
- Access to Law and Courts Act;
- Statute of victims of violence;
- Procedural Costs Regulation, respective tables and regulation;
- Statutes of Judicial Magistrates and Public Prosecutors and their Councils;
- Basic Law of the Judicial System;
- Law on the Organization of the Secretariats of the Courts and Public Prosecution Service;
- Regulation of Law no. 10/2006 that approves the Statute of the Bar Association;
- Criminal Code
- Civil Code;
- Law on criminal accountability of public and political offices and the fight against corruption;
- Law on the Management and Supervision of Court Coffers;
- Regulation of Law no. 3/2003 on community service provision;
- Statute of Prison Guards;
- General Justice Coffers Management Act;
- Computer Crimes Act;
- Court of Auditors Act;
- Family Law;
- Laws on the protection of minors;
- Special legislation with rules for treatment of prisoners;

- Specific legislation for assets allocated to the commission of drug trafficking crimes and their disposal;
- Special regime for juveniles in conflict with the law;
- Jurisdictional statute of the minor;
- Framework law on criminal policy;
- Criminal Investigation Act;
- Witness and Whistleblower Protection Act;
- Law on the establishment of the Judiciary Police;
- Administrative procedure code
- Commercial Code and Commercial Companies Code;
- Law on the procedure of the Court of Auditors and the Constitutional Court.

### ***1.2.2 Activities scheduled to be funded under the Project***

#### ***to support the implementation of the Justice Reform Strategy 2017-2021***

31. In the framework of the Project under consideration, only the following activities aimed at the adoption and updating of the laws for the structural, organic and statutory reform of the judicial system were considered:

- Support for revision of the Basic Law of the judiciary system;
- Support for the implementation of the organic and structural legislative amendment of the judiciary;
- Support for reviewing the Statute of Judicial Magistrates and Public Prosecutors;
- Support for reviewing the Code of Judicial Costs;
- Support for reviewing the organic law of the judicial secretariats;
- Support for reviewing the Law reforming the Penal Code;
- Support for reviewing the Internal Regulations for Justice Inspection.

32. However, given the purposes, priorities and urgency of the XVI Constitutional Government in strengthening the judicial system, preventing and combating

criminality, improving the business environment and promoting and protecting the family, women and minors, the financial support of the project was used to carry out a legislative reform process that was more comprehensive than initially designed in the framework of the referred project, but more in line with the purposes of the Reform Strategy. Thus, for each axis considered, several legal diplomas were drafted and/or approved, as set out below.

### 1.1.2.1 Strengthening the judicial system

33. In order to strengthen the judicial system, the adoption/revision of the following legal diplomas was considered a priority:

- A. **Organic Law of the Constitutional Court**, aiming at (1) creating and implementing an autonomous Constitutional Court with its own rules of composition, competence, functioning and financial regime, as a mechanism to strengthen the democratic state and guarantee the constitutionality and legality of normative acts and judicial decisions, and (2) autonomizing the legal body competent for political and electoral matters.
- B. **Law on the Secretariat of the Constitutional Court**, as a necessary Diploma for the functioning of the said Court, which creates the services of the Secretariat and defines its organization and regulates the regime of technical advisory services.
- C. **Law on Constitutional Court Fees**, aimed at regulating the system of costs of the respective Court.
- D. **Procedural Costs Code**, with the purpose of (1) reviewing the judicial costs system in force under Decree-Law no. 53/94, in order to make it more consistent with the legal costs system. 53/94, in order to bring it up to date with the new challenges of procedural simplification, the use of new technologies and the fight against delays; (2) adopting a mechanism of single payment of a justice fee and submitting the payment of the fee to the procedural impulse of each one of the parties; (3) making the procedural costs

to be calculated by the value of the initial request, and no longer represent an obstacle to the access to justice, with the reduction of the respective amount and clarification of the exemption regime, thus guaranteeing social justice.

- E. **Regulation of the Court Cash Services and the Court Vault**, with the purpose of defining the criteria for depositing money, the documents and means of payment for the accounts and the Court vault, as well as integrating the use of computer tools in the functioning and management of the secretariats and adopting control mechanisms. Likewise, defining clear rules for the emoluments of judges and clerks.
- F. **Regulation of the Court Cash Account**, with the purpose of defining clear rules on the guardianship, the bodies, the management of the Court Account and Cash Account, the economic and financial management, as well as the regime of supervision, audit and inspection of the Court Cash Account.
- G. **The Law on the Organization of the Functioning of the Judicial Courts (LOFTJ)**, with the fundamental purpose of ensuring that all essential matters related to the judicial system are included in a single legal diploma and are no longer organized autonomously, so that the new judicial organization is able to provide efficient and quality services. In this perspective, the LOFTJ would regulate the matters foreseen in the basic law of the judicial system, encompassing the Courts, the Public Prosecution Service, the services of both institutions and their respective secretaries.
- H. **Judicial Inspection Regime**, with the objective of creating an autonomous, independent, impartial and permanent inspection mechanism of Judges and Magistrates of the Public Prosecution Service, as well as of the employees of the respective magistrates' offices, in order to guarantee the control of their performance and to proceed with the respective classification, watching over the efficiency and effectiveness of the national judicial system.
- I. **The creation of the Justice Institute of Management, Administration and Infrastructures (IGAIJ)**, with the aim of (1) strengthening the capacity of the courts, giving an autonomous institution the competencies to manage and administer the staff, court clerks, assets and the financial management of the infrastructures and technological resources of the Constitutional Court, the



Supreme Court of Justice, the Court of Auditors, the Court of First Instance, of the Public Prosecutor's Office, as well as (2) ensuring the connection, execution and assessment of the computerization plans and projects, in articulation with the other services and organisms of the Ministry of Justice, thus creating the conditions for the Magistrates to dedicate themselves exclusively to their noble task of "saying the law" on behalf of the people, reinforcing the independence of the magistrates and of the courts as sovereign bodies.

- J. **Statute of Judicial Magistrates**, with the aim of revising Law no. 14/2008 in order to strengthen the obligation to judge regardless of the lack, obscurity or ambiguity of the law, or based on insurmountable doubt about the case in dispute, the strengthening of the general principles of the judiciary in the exercise of their function, namely independence, unaccountability, irremovability and guarantees of impartiality. And in the same sense, guaranteeing the quality of magistrates, reviewing the regulation on the respective appointment, training, evaluation, retirement, among others.
- K. **Statute for Judicial Officers**, in order to review Decree-Law 89/96, so as to guarantee a better organization and optimization of staff, a remuneration system that is more appropriate to the specificities of the performance of judicial officers, clarifying the disciplinary statute and the management system for officers.
- L. **Statute of the Magistrates of the Public Prosecution Service**, with the purpose of breaking with the old tradition of the existence of a single diploma governing the rights and duties of magistrates and the rules of operation of the Public Prosecution Service, creating an Organic Law specific to the Public Prosecution Service (MP), to regulate in a detailed manner its structures and the way it operates separately from the Statutes of its agents. With the autonomization of the framework of rules applicable to the Prosecutor's Office agents in the exercise of their functions, strengthening the provisions on guarantees, incompatibilities, rules of appointment, placement, transfer, promotion, suspension, retirement or dismissal.

M. **Organic Law on the Public Prosecutor's Office**, with the aim of revising Law no. 13/2008, with the aim of amending Law no. 13/2008. No. 13/2008, in order to create a legal system applicable to Public Prosecutors in the exercise of their functions and regardless of the situation in which they find themselves, (1) defining the functions, statute and competences of the Public Prosecutor's Office and (2) reinforcing the respective system of representation intervention, both in civil actions and criminal proceedings, (3) establishing the scope of the special representation of the Public Prosecutor's Office in situations of conflict between entities or persons that it must represent and (4) specifying the powers of the Minister of Justice in relation to the Public Prosecutor's Office.

### 1.1.2.2 Axes of Prevention of and Fight against Crime

34. With the aim of preventing and combating crime, the adoption/revision of the following legal diplomas was considered a priority:

- A. **Criminal Policy Framework Law**, with the aim of (1) providing the State with a legal instrument through which to outline the policy and strategy guidelines capable of defining the action of the judiciary and security bodies in promoting crime prevention and the punishment of its perpetrators; (2) identifying the crimes considered as priority combat and allocating the appropriate means for their prevention and punishment; (3) To promote the involvement of all sectors that, within the scope of their competencies, participate in the definition, prevention and combat of crime, including the sovereign bodies, in the reflection on the measures to be taken for the reduction of crime in the country, within the scope of a criminal policy guideline that includes the definition of objectives and priorities concerning crime prevention, criminal investigation, penal action and execution of sentences and security measures.
- B. **The Law on the Organization of Criminal Investigation**, with the purpose of (1) reaffirming the constitutional position of attributing to the judicial authority, mainly the Public Prosecutor's Office, the competence to assess the legality

and to validate the acts of criminal investigation and to recognize the indispensability of the collaboration of the police bodies; (2) clarifying, rationalizing and making criminal investigation operational (3) to delimit the scope of autonomy and the division of competences between the various police structures as well as the creation of mechanisms for the operational coordination of criminal investigation and (4) to enshrine the organizational structure of the whole system, in accordance with the requirements of criminal investigation and with an operational practice that is increasingly cooperative and profitable.

- C. **Law on Cyber-Crime**, aimed at regulating illicit acts committed through the internet or with the use of the computer or any other electronic device, which leave the virtual sphere and cause damage in the legal sphere, thus defining and typifying cyber-crimes and the respective penalties, determining the procedural provisions, as well as the international cooperation mechanisms for their prevention and combat.
- D. **Judiciary Police** aiming at reforming the transition from the Criminal Investigation Police to the Judiciary Police, with the purpose of (1) strengthening the capacity and skills of the Police in the discovery of the material truth in the investigation process, in preventing and fighting crime, (2) framing, through clear rules, the functional regime of the criminal investigation police, its powers regarding investigation and criminal prevention, the specific rights and duties of officers and endowing it with a more organized and functional structure, by creating the Office of Internal Affairs, redefining the framework of the leading investigative and auxiliary staff, training inspectors, subjecting officers to evaluation, extending the special rights and duties of officers, creating the Criminal Investigation Support Department and the Administrative and Financial Department, creating a coordination structure between the bodies, providing them with the means for action and adopting supervisory rules.
- E. **Law Against Terrorism and its Financing**, with the objective of (1) accommodating the standards adopted internationally in the Combating of Money Laundering and Terrorist Financing, in particular the revised 2012

Recommendations of the Financial Action Task Force ("FATF"), as well as, incorporating Resolutions No. 1267 (1999) and 1373 (2000), which were adopted by the Financial Action Task Force ("FATF"). No. 1267 (1999) and 1373 (2001) of the United Nations Security Council into the national legal framework and (2) effect the consequent strengthening of the provisions of Law No. 8/2013, of 15 October, the Law on Preventing and Combating Money Laundering and the Financing of Terrorism.

- F. **Penal Code and other legal diplomas**, with the fundamental objective of providing the judiciary system with normative mechanisms to address the mutation and complexity of criminality, especially with regard to gender-based violence, sexual abuse of minors, juvenile violence, etc.

### 1.1.2.3 Business Environment Improvement

35. In order to improve the business environment, the adoption/revision of the following legal diplomas was considered a priority:

- A. **Notary Code**, with the intention of providing the country with a modern, practical legal instrument that makes it possible to confer celerity and efficiency in the practice of notary acts, without foregoing the desired legal security, through (1) the simplification of the procedures inherent in the performance of notary acts and the level of formalism required, (2) the introduction of norms of greater rigour and transparency in notary practice, (3) the rationalisation of the exercise of the notary function, (4) the streamlining of legal commerce and (5) the computerisation of services.
- B. **Commercial Registration Code**, aiming at the modernization and simplification of procedures, guaranteeing the reinforcement of security in legal commerce and the adequacy of its institutes to the current socio-economic circumstances.
- C. **Land Registration Code**, with the aim of adopting a different systemic arrangement from the previous one and purging some institutes or regimes,

adopting innovative principles aimed at responding to the new reality, providing for the use of new technologies, providing its registration system with more modern and faster instruments and providing citizens with higher quality legal-registral services.

- D. **The Law on the Granting of Authorizations for the Setting Up of Arbitration Centres**, which is intended to regulate the system of granting authorization to certain entities to organize institutionalized voluntary arbitration, defining the parameters and formalities of the administrative authorizations for the setting up of these arbitration institutions, ensuring the necessary conditions for their operation, specifying the objective elements determining the possible revocation of the authorizations granted, the penalties for the unlawful exercise of the activity and the way in which they are to be controlled and supervised.

#### 1.1.2.4 Protection and promotion of the family, women and children

36. In order to protect and promote the family, women and children, the adoption/revision of the following legal diplomas was considered a priority:

- A. **Family Code**, with the aim of (1) making the changes considered pertinent in view of the changes noted in the family and (2) protecting some rights and imposing some obligations by introducing new institutes, namely equality between men and women in the family, in society and in the State, enjoying the same rights and the same duties:
- the right to freely found a family
  - the right to decide on their own reproductive role
  - the right to reciprocal respect between spouses in all aspects of personal and family life
  - the duty of cooperation and assistance between household members;
  - the equality of children before the law, born inside and outside marriage
  - the right to identity and the establishment of parenthood;
  - the recognition of de facto unions as a form of family constitution;
  - the right of the child to be informed and heard in cases which concern them.

B. **Law for the Protection of Minors**, with the aim of defining a legal regime for the promotion of the rights and protection of children and young people at risk, in order to guarantee their well-being and full development, structured according to two aspects that, communicating with each other, organize the system of tutelary protection intervention and the system of tutelary educational intervention, differentiated by the respective legitimating factors, by the purposes they pursue and by the responses they enshrine.

### ***1.2.3 Level of implementation of the Activities programmed in the framework of the Project to support the implementation of the Justice Reform Strategy 2017-2021***

#### **1.2.3.1 Strengthening the Judicial System**

37. In terms of **strengthening the judicial system**, only a few diplomas were actually adopted, while others remained unapproved or in the approval process. Thus, the following diplomas were approved:

- **Organic Law of the Constitutional Court**, with the approval of Law No. 19/2017.
- **Law on the Office of the Constitutional Court**, with the approval of Law No. 20/2017.
- **Constitutional Court Fees Act**, with the approval of Law No. 21/2017.
- **Code of Procedural Costs**, with the approval of Decree-Law No. 11/2017.
- **Regulation of the Court Cash Account**, with the approval of Decree-Law No. 9/2017.
- **Regulation of the Court Treasury Services**, with the approval of Decree-Law No. 10/2017.

38. The following legal diplomas, considered fundamental for a better organization and management of the justice system, remained to be approved:

- **Law on the Organisation and Functioning of the Judicial Courts (LOFTJ),**
- **Judicial Inspection Regime.**
- **Statute of Judicial Magistrates.**
- **Statute of Judicial Officers.**
- **Statute of Public Prosecutors.**
- **Organic Law of the Public Prosecutor's Office.**

### **1.2.3.2 Preventing and fighting crime**

39. Regarding **prevention and combating of crime**, with the exception of the Criminal Code and Criminal Procedure, all other diplomas were effectively adopted:

- Criminal Policy Framework Law, with the approval of Law No. 18/2017.
- Law on the Organization of Criminal Investigation, with the approval of Law No. 22/2017.
- Law on Cybercrime, with the approval of Law No. 15/2017.
- Law on Internal Security, with the approval of Law No. 16/2017.
- Organic Law of the Judiciary Police, with the approval of Law no. 1/2018.
- Law against Terrorism and its Funding, with the approval of Law no. 3/2018.

### **1.2.3.3 Improvement of business environment**

40. Regarding the **improvement of the business environment**, all the diplomas were effectively adopted:

- Notary Code, with the approval of Law no. 14/2018
- Commercial Registration Code, with the approval of Law no. 13/2018
- Property Registration Code, with the approval of Law no. 12/2018
- Regime for Granting Authorization for the Creation of Arbitration Centres, with the approval of Decree-Law no. 5/2017.

### 1.2.3.4 Protection and promotion of the family, women and children

41. Regarding the protection and promotion of the family, women and children, all the diplomas were effectively adopted:

- Family Code, with the approval of Law no. 19/2018.
- Code of the tutelary organization of minors, with the approval of Law no. 20/2018.

**Table 4: Implementation of objectives**

	Activity	Level of implementation
1	Support for revision of the Basic Law on the judiciary system;	✓
2	Support for carrying out the organic and structural legislative amendment of the	✓
3	Support for the revision of the Statute of Judicial Magistrates and Public Prosecutors;	✓
4	Support for the revision of the Court Fees Code;	✓
5	Support for the revision of the Organic Law of the Judicial Secretariats;	✓
6	Support for the review of the Penal Code Reform Act;	✓
7	Support for the review of the Internal Regulation of Justice Inspection.	✗



**Table 5: Main Activities Funded**

<b>ACTIVITIES FUNDED UNDER THE LEGISLATIVE REFORM</b>			
<b>N°</b>	<b>ACTIVITIES</b>	<b>INSTITUTION</b>	<b>DATE</b>
1	Consultancy for the Revision of the Penal Code, Penal Procedure Code and Domestic Violence	Consultants OADL Associates	2017
2	Multisectoral Commission for monitoring the process of revision of the Penal Code, Penal Procedure Code and Domestic Violence	Ministry of Justice	2017
3	Technical assistance in the drafting of the law on insolvency and company recovery and the law on movable guarantees	Ministry of Justice	2018
4	Payment to the multi-sector/government team to draft the Statutes of the Prison Service and Social Reintegration Officers	Prison Services and Social Reintegration	2018
5	Payment to the multi-stakeholder/government team to evaluate the Draft Statute of Prison and Probation Officers	Prison Services and Social Reintegration	2018
6	Technical Assistance to finalise the review process for the Family Law and the Law on the Organisation of Guardianship of Minors, as well as the diplomas proposed within the scope of preventing and combating criminality.	Multi-Sectorial Commission	2017-2018
7	Technical Assistance in the Process of reviewing the Notaries' Code, the Commercial Registry Code and the Land Registry Code.	Multi-Sectorial Commission	2017

8	Technical assistance in the revision process of the Regime for Granting Authorisation for the Creation of Arbitration Centres.  Note: financed by ILO".	Multi-Sectorial Commission	2017-2018
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**Table 6: Planned results/achievements<sup>4</sup>**

	EXPECTED RESULTS	RESULT INDICATORS	RESULT
2	The laws on structural, organic and statutory reform of the judicial system are updated	Number of proposals for updating laws drawn up	±20

### **1.3 OBJECTIVE NO.3: CREATION OF ALTERNATIVE MECHANISMS FOR THE RESOLUTION OF CONFLICTS**

42. The creation of alternative mechanisms for conflict resolution aimed to encourage "community participation in the implementation of justice" through the development of "alternative and non-judicial forms of conflict resolution, particularly in commercial matters, encouraging consensual solutions to the detriment of impositive or jurisdictional forms".

#### **1.3.1 Activities programmed in the Justice Reform Strategic Plan**

43. **With regard to the creation of alternative dispute resolution mechanisms,** the 2017-2021 Strategic Plan for the reform of the justice sector considered the

<sup>4</sup> More than twenty legal diplomas were drafted and approved

following activities to be appropriate and necessary to produce results in terms of improving the performance of the system:

- To institute and make effectively operational alternative and extrajudicial mechanisms for the resolution of commercial disputes and the judicial or extrajudicial collection of commercial debts of companies with the creation of Voluntary Arbitration Courts;
- Approve the Decree-Law that allows and regulates the creation of the Arbitration Centres;
- Proceed with the "privatizing" reforms in the area of justice, reforming the public system of conflict resolution, creating and encouraging alternative conflict resolution mechanisms, which privilege more or less spontaneous forms of justice generated within communities;
- Creation and implementation of justice of the peace or other institutes that favour proximity justice.

### ***1.3.2 Activities programmed to be funded in the framework of the Project to support the implementation of the Justice Reform Strategy 2017-2021***

44. In the framework of the Project under consideration, the following activities aimed at the creation of alternative dispute resolution mechanisms have been considered:

- Conducting technical assistance workshops for the creation of alternative dispute resolution mechanisms.
- Creation of various alternative dispute resolution mechanisms.
- Creation of Legal Information and Consultation Office.

**1.3.3 Level of implementation of the Activities programmed in the framework of the Project to support the implementation of the Justice Reform Strategy 2017-2021**

**Table 7: Implementation of objectives**

	Activity	Level of implementation
1	Holding technical assistance seminars for the creation of alternative conflict resolution mechanisms.	✓
2	Creation of various alternative dispute resolution mechanisms.	✓
3	Creation of an Office for Information and Legal Advice.	✓

**Table 8: Main Activities Funded**

<b>ATIVIDADES FINANCIADAS NO ÂMBITO DA CRIAÇÃO DE MECANISMOS ALTERNATIVOS DE RESOLUÇÃO DE CONFLITOS</b>			
<b>N°</b>	<b>ACTIVITIES</b>	<b>INSTITUTION</b>	<b>DATE</b>
1	Laço Verde National Campaign - Alternative Mechanism for Conflict Resolution - Raising public awareness on the non-use of violence as a means of resolving conflicts	Ministry of Justice	2019

**Table 9: Planned results/achievements**

	EXPECTED RESULTS	RESULT INDICATORS	RESULT
3	Demarches are made and alternative dispute resolution mechanisms are created	Technical assistance workshops for the creation of alternative dispute resolution mechanisms held	YES
		Number of alternative dispute resolution mechanisms established	1
		Legal information and consultation office established	YES

#### **1.4 OBJECTIVE 4: TRAINING OF JUDICIAL OFFICERS AND AUXILIARY AGENTS OF JUSTICE**

45. The training of judicial officers and auxiliary agents of justice aimed at "improving human capital through continuous training initiatives for judicial actors, the adequate training of new cadres and the harmonization of training with the current and real needs of the country."

##### **1.4.1 Activities programmed in the Strategic Plan for Justice Reform**

46. **With regard to the training of judicial officers and auxiliary agents of justice**, the 2017-2021 Strategic Plan for the reform of the justice sector considered the following activities to be appropriate and necessary to produce results in terms of improving the performance of the system:

- Initial and continuous training, on a permanent basis of Judges and Public Prosecutors in São Tomé and Príncipe as well as of justice officials, Criminal Police bodies, with particular focus on the area of criminal investigation, Prison Services and Social Reintegration staff.
- Updating and improvement courses for Judges and Prosecutors;
- Training and improvement of the Criminal Investigation Police/Judicial Police;
- Support in the continuous training of Lawyers;
- Training of Prison Guards;
- Training of Judicial Officers;
- Training of Registrars and Notaries;
- Support in the training of members of organizations linked to the Justice sector;
- Creation of a School or the organization of courses in partnership with the Public University of São Tomé and the Centre for Judicial Studies in Portugal or another development partner;
- Definition of training actions to be developed in the country through the definition of a complete programme for all judicial authors;
- Development of a training plan outside the country, which is objective and useful for the administration of justice.


#### ***1.4.2 Activities planned to be funded in the framework of the Project to support the implementation of the Justice Reform Strategy 2017-2021***

47. Within the framework of the Project under consideration, the training of judicial officers and auxiliary justice agents was considered in a generic manner (without a specific definition and determination of its nature and recipient):

- Support for the training of judicial officials and auxiliary agents of justice

### 1.4.3 Level of implementation of the Activities programmed within the framework of the Project to support the implementation of the Justice Reform Strategy 2017-2021

**Table 10: Implementation of objectives**

	Activity	Level of implementation
1	Supporting training for judicial officers and auxiliary justice agents	

**Table 11: Main Activities Funded**

ACTIVIDADES FINANCIADAS NO ÂMBITO DA FORMAÇÃO			
Nº	ACTIVITIES	INSTITUTION	DATE
1	Capacity building training for the Judge-Inspector and the Inspection Secretary in Portugal	Supreme Court of Justice	2019
2	Training of the magistrates of the Criminal Investigation Department (DIAP)	PGR	2019
3	In-job training for the clerks of the Secretary	PGR	2019
4	Training in Portugal for Judges and Clerks of Constitutional Court on Income and Assets Declaration of High Ranking Politicians and Public Officers	Constitucional Court	2019
5	Payment of Training Costs for 7 Magistrates	Supreme Court of Justice	2019

**Table 12: Planned results/  
achievements<sup>5</sup>**

	EXPECTED RESULTS	RESULT INDICATORS	RESULT
4	Trained judicial officers and auxiliary judicial staff	Number of judicial officers and auxiliary judicial staff trained	41

## 1.5 ACTIVITIES FINANCED OUTSIDE THE OBJECTIVES SET FOR THE JUSTICE REFORM SUPPORT PROJECT

48. Although the Justice Sector Reform Process Support Project had been prepared to support the implementation of the Justice Sector Reform Strategy 2017-2021, it was found that it also served (1) to financially support activities to design and draft the new Justice Sector Reform Project 2021-2023, as well as (2) to carry out various activities with no possible or foreseeable impact on the transformation of the justice system, or (3) to finance activities that, although having an impact on the improvement of the system, were not part of the priorities of the 2017-2021 Strategy or the project under consideration, which supported it.

**Table 13: Main Activities Funded<sup>6</sup>**

<sup>5</sup> According to the list provided by the Project Coordination (Annex 4)

<sup>6</sup> The present listing is not exhaustive and is supported by documentation provided by UNDP



## ACTIONS IN FAVOUR OF THE MINISTRY OF JUSTICE

N°	ACTIVITIES	DATE
1	<ul style="list-style-type: none"> <li>• Technical assistance to prepare and implement the national day of reflection on the reform of justice in STP; Project 00082391- Support to the justice reform programme (Consultant 1)</li> </ul>	2020
2	<ul style="list-style-type: none"> <li>• Technical assistance to prepare and implement the national reflection day on the reform of justice in STP; Project 00082391- Support to the justice reform programme (Consultant 2)</li> </ul>	2020
3	<ul style="list-style-type: none"> <li>• Acquisition of LCD Support 37"/70" Vesa 600/400 45kg for Ministry of Justice Public Administration and Human Rights meeting room.</li> <li>• Acquisition of table with 13 seats, 1 laptop with 13 chairs, complete videoconference system, HDMI cable, TV 65", wireless megaphones, to equip the Ministry of Justice Public Administration and Human Rights meeting room</li> </ul>	2019  2020
4	<ul style="list-style-type: none"> <li>• Payment of part of the rent for the Centre for Counselling Against Domestic Violence- (CACVD)</li> </ul>	2020
5	<ul style="list-style-type: none"> <li>• Payment for the supply of 1 rental car to carry out an interview in Caué District, within the scope of the elaboration of the Justice Reform program</li> </ul>	2020
6	<ul style="list-style-type: none"> <li>• Purchase of a retrojet for the preparation and realization of the national day of reflection on the Justice Reform</li> </ul>	2020
7	<ul style="list-style-type: none"> <li>• Purchase of 4 radios/recorders for the preparation and implementation of the national day of reflection on the Justice Reform</li> </ul>	2020
8	<ul style="list-style-type: none"> <li>• Purchase of 1 laptop, 1 printer and 1 toner for the preparation and implementation of the national day of reflection on the Justice Reform</li> </ul>	2020

## ACTIONS IN FAVOUR OF THE STJ AND THE MAGISTRATES' UNION

N°	ACTIVITIES	DATE
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1	<ul style="list-style-type: none"> <li>• Contacting a director for the training centre for magistrates and judicial officers</li> </ul>	2019
2	<ul style="list-style-type: none"> <li>• Printing of 2 stickers at Copinet Solutions</li> <li>• Payment of the printing of 82 invitations and respective envelopes for dinner of the activity of holding the 1st Congress of the Trade Union Association of Judicial Magistrates of STP - 13 March 2020</li> <li>• Payment of printing of 100 invitations, purchase of 100 envelopes and printing of 50 flyers in A4 format for the holding of the 1st Congress of the Trade Union Association of Judicial Magistrates of STP- 13 March 2020</li> <li>• For the purchase of 33 litres of fuel within the logistic works for the realization of the 1st Congress of ASSIMAJUS (Associação Sindical dos Magistrados Judiciais São Tomenses) which will take place on 13th and 14th March 2020</li> <li>• Payment of awards to the 5 moderators who will participate in the 1st Congress of the Syndicate Association of Judicial Magistrates of STP - 13 March 2020 - Project 00082391</li> </ul>	2020

<p><b>3</b></p>	<ul style="list-style-type: none"> <li>• Payment of rental car expenses to Cat Car Tour company for the 1st Congress of the Trade Union Association of Judicial Magistrates of STP12 - 13 March 2020.</li> <li>• Payment of 100 lunches to Sta Casa da Misericórdia, for 1st Congress of the Syndicate Association of Judicial Magistrates of STP - 12-13 March 2020.</li> <li>• Cofee Brek payment for the 1st Congress of the Syndicate Association of Judicial Magistrates of STP - 12-13 March 2020. ( Hotel Pestana)</li> <li>• Payment of expenses for 80 dinners within the framework of the 1st Congress of the Trade Union Association of Judicial Magistrates of STP-12- 13 March 2020.</li> <li>• Payment of Prizes to the 7 Speakers who will participate in the 1st Congress of the Trade Union Association of Judicial Magistrates of STP- 13 March 2020</li> <li>• Payment of Prizes to the 7 Moderators who will participate in the 1st Congress of the Trade Union Association of Judicial Magistrates of STP- 13 March 2020</li> </ul>	<p>2020</p>
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4	<ul style="list-style-type: none"> <li>• Payment of the secretarial support team for the 1st Congress of the Trade Union Association of Judicial Magistrates of STP - 13 March 2020</li> <li>• Payment to the protocol team for the activity of the 1st Congress of the Trade Union Association of Judicial Magistrates of STP - 13 March 2020</li> <li>• Payment to the organization team of the 1st Congress of the Trade Union Association of Judicial Magistrates of STP - 13 March 2020</li> <li>• Payment of rental of space for lunch, to be held within the framework of the 1st Congress of the Trade Union Association of Judicial Magistrates of STP- 13 March 2020. (National Assembly of STP)</li> <li>• Payment for renting the space for the Dinner within the scope of the 1st Congress of the Trade Union Association of Judicial Magistrates of STP- 13 March 2020.</li> <li>• Payment of musicians at dinner within the framework of the 1st Congress of the Trade Union Association of Judicial Magistrates of STP - 13 March 2020</li> <li>• Payment of speaker at the 1st Congress of the Trade Union Association of Judicial Magistrates of STP - 13 March 2020</li> </ul>	2020
5	<ul style="list-style-type: none"> <li>• Participation of 3 magistrates in the Global Network of Judicial Integrators Meeting in Doha</li> </ul>	2020
6	<ul style="list-style-type: none"> <li>• Participation of 3 magistrates in the Annual Meeting of UIJLP in Guinea Bissau</li> </ul>	2020
7	<ul style="list-style-type: none"> <li>• Participation of 2 magistrates in the Annual Meeting of the Judges of the CPLP</li> </ul>	2020
<b>ACTIONS IN FAVOUR OF THE COURT OF AUDITORS</b>		
<b>N°</b>	<b>ACTIVITIES</b>	<b>DATE</b>

1	• Payment of a fare to Portugal for a member of staff of the Court of Auditors to train at the "CEJ	2019
2	• Acquisition of various equipment to equip the Audience, Discussion and Judgment Room of the Court of Auditors	2020
3	• Acquisition of 5 portable computers for the Audience Room of the Court of Auditors.	2020
4	• Purchase of 1 black executive chair without wheels to equip the Audience room of the Court of Auditors	2020
5	• Purchase of 53 black fixed chairs to equip the Court of Auditors courtroom.	2020
<b>OTHER PAYMENTS MADE</b>		
1	Payment of the costs of an official's participation in the "Free and Equal Solemn Conference for the Commemoration of the 70th Anniversary of the Universal Declaration of Human Rights", Calouste Gulbenkian Foundation; Lisbon	2018
2	Payment of work on the forensic laboratory of the Public Prosecutor's Office	2018
3	Trip to the RAP - Preparatory work and realization of the National Day of Reflection	2019
4	Acquisition of Four Audio Recorders	2019
5	Acquisition of a Laptop HP I5 15.6 "RS M430/500GB/Win 10	2019
6	Acquisition of an Overhead Projector View Sonic Nu 7105 4K UHD Smart TV HDR Flat Panel 1024 *769 HDMI VSPA 502 X XGA 3500 LUMES PA502X	2019
7	Purchase of one Kyocera M2040 DN Laser A4 Multifunction Printer and 1(one) Kyocera Toner Cartridge ( TK1170) (orig)M2040DN/2540DN (7,2K)	2019
8	Governance Challenges -Terksul for Women in the Instances of Power in Sao Tome and Principe	2019
9	Payment of Training Centre - Gold Consulting international- Training in the area of Development of Competences on Declaration of Income and Assets of High Public and Political Officers for the Judges of the Constitutional Court, the Director of DAF and the Secretary General, in Portugal	2019

<b>10</b>	Payment of netmóvel service for the district commands	2020
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## II. ANALYSIS AND ASSESSMENT OF PROJECT EFFECTIVENESS/INEFFECTIVENESS LEVEL

49. The effectiveness of this project is measured by the effects of the actions (activities) implemented within the project in relation to the pre-established objectives. In other words, to determine to what extent the actions carried out contributed to the achievement of the objectives set. It also involves checking the factors that caused the effectiveness or ineffectiveness.

50. In the opinion of the main actors of the justice system, interviewed in the framework of this consultancy, none of the four objectives set within the scope of this project has been achieved. This perception derives from an evaluation essentially focused on the qualitative aspect of the expected results.

51. However, it is important in this analysis to separate the specific objectives (results) of the project (of a quantitative nature) from the objectives (purposes) of the Reform Strategy (of a qualitative nature), otherwise it may be concluded that the project was completely ineffective, when in practice the majority of its planned actions were implemented.

### 2.1 IMPLEMENTED ACTIONS VS. OBJECTIVES ACHIEVED

52. In February 2021, the following situations can be observed:

- **Objective 1:** Numerous office IT equipment such as laptops and printers have been acquired. However, it is still not possible to consider that the

**judicial system of the country has already installed computer and technological technical means to increase its performance.**

In fact, if we take into consideration the purposes of the computerisation intended under the Strategic Plan 2017-2021 for the justice sector, it must be acknowledged that it is still far short of that desideratum. In fact, the computerization process of the justice sector had a much broader purpose than the mere acquisition of office computer equipment, encompassing and foreseeing, among others, a better coordination between the institutions of the sector in the provision of infrastructures, including a Data Centre of the Ministry of Justice and other multipurpose means; the modernization of processes and the use of new computer technologies to reduce procedures, reduce bureaucracy, simplification and greater celerity and to provide a better quality service to citizens; the development of computer, communication and logistical support infrastructures that facilitate the management of processes, data and guarantee greater interconnection between sectors; organizing and training the ICT services, establishing ICT units in each justice institution to guarantee more effective support; establishing more effective case management systems based on the needs at the level of the functioning of the Courts, Public Prosecutor's Office, Judicial Police, General Directorate of Registry and Notary Services, General Directorate of Prison Services and Social Reintegration with the necessary connections and management programmes and crime statistics; Increasing the availability of statistical information on the justice sector and the installation of an IT support that speeds up the progress of services, enables access and greater control of cases, and allows for greater dissemination of acts and greater control of productivity.

- **Objective 2: Several laws deemed necessary and a priority for the better functioning of the system were approved. However, the laws on structural, organic and statutory reform of the judicial system, which are indispensable for its better organization and functioning, were not updated,**



**nor were the reforms to the Civil, Criminal and Civil and Criminal Procedure Codes approved.**

When considering the Strategic Programme 2017-2021 for the justice sector, adopted by the Government, it is clear that the crucial aspect of the legislative reform capable of providing a real transformation of the current state of functioning, performance and credibility of the justice system is related to the review of the legal bases regarding the functioning of the Courts and the Public Prosecution Service. Thus, on the one hand, the main objective of the reform was to "provide greater control of the jurisdictional activity, monitoring the volume of cases in each of the courts and the productivity of the judicial actors, allowing responsibilities to be assigned and more effective consequences to be drawn in relation to the repeated failure of the judicial actors to meet deadlines", in order to guarantee effective justice. And in the same way, to eliminate incompatibilities at the level of judicial bodies, including the Superior Council of Judges and Prosecutors. On the other hand, the reform aimed to introduce modifications in the system of recruitment, selection and appointment of Judges and Prosecutors and to reform the current model of management and administration of Court and Prosecutorial resources.

The legislative reforms adopted within the framework of the project did not focus on these aspects and therefore did not achieve this goal, which is why the different actors of the system consider that the reforms undertaken did not have a real impact on improving the system. The Supreme Court of Justice is of the opinion that, in some cases, these reforms have made the system even more difficult to operate.

- **Objective 3: Despite some steps taken, especially the approval of Decree-Law No. 5/2017, the functioning of alternative dispute resolution mechanisms is not yet a reality in the country.**

The Strategic Plan for the Reform of the Justice Sector 2017-2021 envisaged, in this framework, a real and not merely formal evolution towards a faster justice, through alternative dispute resolution mechanisms that

would reduce the role of judicial bodies in the composition of disputes, stimulating and favouring consensual and extrajudicial forms of dispute resolution.

- **Objective 4: Some training sessions have been carried out for magistrates, judicial officers and auxiliary justice agents, without producing the desired effects on the quality of performance and service provision in the justice sector.**

From the perspective of the Strategic Plan for the justice sector, the recruitment, training, capacity building and evaluation of magistrates and civil servants was one of the essential pillars for the desired transformation of the justice system in Sao Tome and Principe. More than just sporadic training actions, the aim was to establish a perennial and comprehensive system of continuous training and capacity building for justice system actors, through, among other things, "the creation of a school or the organization of courses in partnership with the Public University of São Tomé and the Centre for Judicial Studies". Tomé and the Centre for Judicial Studies of Portugal or another development partner, by defining training actions to be developed in the country through the establishment of a complete programme for all judicial authors and the establishment of an objective and useful training plan for the administration of justice, to be carried out abroad. In this way, the professional training programs for judicial actors would include the selection, training and updating of members of the Judiciary, Judicial Officials, Prison Guards, members of the Judicial Police and Lawyers.

The list of training activities carried out within the framework of this project did not cover all actors of the system, nor did it follow a perspective of continuity, permanence and consistency. No training school was effectively created for those purposes.

## 2.2 FACTORS INHERENT TO THE EFFECTIVENESS OR INEFFECTIVENESS OF THE PROJECT

53. As seen above, it can be considered that, in a global way, the present project reached the expected level of effectiveness, as most of the programmed activities were fulfilled. However, it is also clear that the majority of the actions undertaken and the respective expenses incurred were not capable of promoting the full attainment of the planned objectives and much less the intended transformation of the justice system in the country, in accordance with the purposes of the Strategic Plan for Reform of the sector 2017-2021.
54. The greatest proof of this situation is the fact that the project was closed even before the deadline for its conclusion, and a new project for the same sector has already been prepared and is in the process of implementation, with the aim of globally achieving the same objectives that have been in perspective since 2017 and which the Project under consideration aimed to achieve.
55. Thus, from the quantitative point of view, measured in light of the project's result indicators, one can consider, based on the information available, that the project revealed a high degree of effectiveness, essentially motivated by the availability of financial resources to materialize the requests.
56. In fact, it was possible to mobilize sufficient resources in time to satisfy most of the project's procurement needs, whether in terms of consultancy services for legal reform and training purposes, or in terms of purchase of computer equipment and payment of training expenses.
57. The financial reports show annual expenditure on the implementation of the different components of the project in the following amounts:
- Jan- Dec 2017: USD 99,323.97
  - Jan - Dec 2018: USD 174,122.85
  - Jan- Dec 2019: USD 180,576.77
  - Jan- May 2020: USD 36,549.26

58. On the other hand, the administrative release mechanisms that facilitated the timely completion of the planned activities were at the basis of this effectiveness.
59. However, if we look at the qualitative results of the Reform Strategy that served as reference for the project under consideration, we must recognise the unequivocal ineffectiveness of the project, since, as we have seen, "more" did not mean or translate into "better". In other words, more investment in the justice sector did not guarantee its transformation into the justice that the country wanted to have in 2021.
60. This relative ineffectiveness of the project (from the qualitative point of view) is based on a series of factors that can be subdivided into two large segments, namely: (1) Project ownership deficit, (2) Project management and monitoring deficit.
61. These two factors acted as a kind of self-destructive spiral, as the lack of project ownership by the main actors involved resulted in an unequivocal management and monitoring deficit, which in turn contributed even more to the ownership deficit.
62. This situation meant that several expenses were made to satisfy casuistic purposes that, without questioning their legitimacy, had nothing to do with the initial purposes of the Justice sector reform strategy prepared for the 2017-2021 period.

## 2.2.1 PROJECT OWNERSHIP DEFICIT

63. One of the factors at the root of the project's qualitative ineffectiveness is clearly the lack of ownership of the project by its main stakeholders on the national side, particularly after the change of Government that took place in late 2018.
64. As the technical manager and main partner in the implementation of the Project, the Ministry of Justice revealed, and we quote, "not having some information on the project, since the project comes from another management". Likewise, it did not show itself capable of providing, in a timely manner, any relevant information on the implementation of the project to support the present consultancy.
65. The National Project Coordinator was not aware of his function, did not do any day-to-day management of the project, did not chair or participate in any working meetings linked to the implementation of the project, did not have all the project documentation, but only signed a few documents and met sporadically with UNDP.
66. Likewise, the majority of the contacted beneficiary sectors revealed a complete lack of knowledge of the project, its objectives and purposes and its different components, even in situations where they benefited from actions materialized with the financing of the project. By way of example, the Supreme Court of Justice, as the maximum representative of the Courts, one of the main beneficiaries of the project, revealed to be unaware of the project under appraisal, not having been a party in any of its phases. The same was claimed by the Bar Association.
67. This unequivocal lack of knowledge by the authors and beneficiaries in relation to the objectives and purposes of the project meant that many actions and activities were carried out without concern for their effectiveness, in terms of

the objectives of the Project, which, in turn, is based, as we have seen, on the purposes of the Justice Sector Reform Strategy 2017-2021.

68. One of the causes invoked by the Ministry of Justice as being at the origin of its lack of knowledge of the Project is related to the non "passing of portfolios" between the current and previous National Coordinator of the Project. This fact, associated with a notable lack of full ownership of the project and the respective management mechanisms by the current coordinator, once she assumed her functions, led to the Ministry of Justice losing control of the project's execution and the expenditure options made from 2019 onwards.
69. It can be seen, therefore, that the actions carried out under the Project in 2017 and 2018 had a focus both on the objectives of the project and on the objectives of the Strategic Plan that justified it. The activities carried out from 2019 onwards were, for the most part, disconnected from the specific objectives of the project and even more so from the purposes of the Strategic Plan. For example, if until 2018 there was an avalanche of legal diplomas approved under objective 2 of the Project, almost no legal diploma was approved under this framework as of 2019, despite the immensity and importance of the legislative packages still to be approved. Similarly, with very few exceptions, the computerisation process has been nothing more than the acquisition of office equipment.
70. According to the Ministry of Justice, only after the institution became aware that the beneficiary sectors were making direct requests to the UNDP without the Ministry's prior knowledge, was a new internal monitoring mechanism adopted, which required that the requests be previously approved by the Ministry of Justice. However, an adequate mechanism for management and follow-up is expressly provided for in the Project Document (PRODOC), without any real practical application.

## 2.2.2 MANAGEMENT AND MONITORING DEFICIT

71. The Justice Sector Reform Support Project was prepared with the provision for a rigorous management, implementation and monitoring mechanism, based on a partnership strategy and involving, throughout the process, synergies and exchange and teamwork between a Steering Committee, a Legal Reform Monitoring Committee, a National Project Coordinator, a Project Manager and a UNDP Programme Manager. In practice, this was not effectively achieved.
72. The Steering Committee was conceived as the "supreme instance for strategic guidance and coordination of the Project", with the mission, among others, of ensuring results-based management as well as optimal, effective and efficient use of human, material and financial resources. It should include the Ministry of Justice, the Attorney General's Office, the Supreme Court of Justice, the Bar Association, the Court of Auditors, the National Council for Social Concertation, the UNDP and representatives of the other technical and financial partners.
73. The Steering Committee was to hold regular meetings and quarterly and annual reviews of the project as a way of encouraging ownership of the project by all stakeholders. However, the effective functionality of this body was not demonstrated since, on the one hand, its most prominent members were unaware of the existence of both the project itself and the respective Steering Committee and, on the other hand, no minutes proving the holding of its meetings were presented by the Project's coordination.
74. On the other hand, the Monitoring Commission for Legal Reform, as an implementing partner responsible for, among others, planning and coordinating activities and managing human resources, simply does not exist, and the current National Coordination of the Project is not aware that it existed before.

75. Particularly from 2019 onwards, it was not demonstrated that there was sufficient joint working between the National Project Coordination, the project manager and the UNDP Programme Manager as recommended in the Project Document regarding the management of the project.
76. The National Coordination of the Project stated that it only has in its possession some documents of the Project regarding the period 2019 onwards, coinciding with the new government and its new leadership team for the Ministry of Justice. He also stated that for a certain period of time, with one or another exception, the requests for funding to materialize some activities were formulated directly by the beneficiary sectors, without the Ministry of Justice being aware of it, so it was necessary to put an end to this situation.
77. No institution that is part of the Project Steering Committee has shown to have any collection of documentation that proves the execution of the project, nor is it aware of having participated in any working meeting of this project management body.
78. It is important to reinforce, as support for this manifest deficit in management and monitoring, that for the purposes of the present consultancy, the National Coordination of the Project did not provide the consultant with any document, report, minutes or any other documentation that would allow an assessment of the execution of the project, from its beginning until the present date. The only information provided by the project coordination, in response to our questionnaire, for the purpose of producing the Preliminary Report is presented in Annex 2.
79. After the presentation of the Preliminary Report, the Ministry of Justice, through the Project Coordination, attached its report of the Justice Sector Reform Project, containing relevant information regarding the list of activities funded by the project during the period 2017 to 2021. However, as we did not have access to all the documents that prove this information, we have opted to present them as Annex 3.





## III. PROJECT IMPACT ANALYSIS, SUSTAINABILITY AND GENDER MAINSTREAMING

### 3.1 IMPACT ANALYSIS AND SUSTAINABILITY

80. The analysis of the impact of the project on the transformation of the justice sector implies a qualitative and not merely quantitative analysis. In other words, what matters here is not to know how much was done, but whether what was done had the merit of transforming the system that existed in 2017 into the system that one would like to have in 2021.

81. In this context, the question that arises is to what extent the activities and expenses undertaken in this framework, in each of the components (project objectives), succeeded in producing the expected transformations.

82. **In relation to the computerization of the justice system**, the hope was to transform a slow and obscure justice system into a swift and transparent justice system, capable of generating relevant statistical information in real time. This is not yet a reality, and the system is still a long way from using computer devices and programmes that simplify and speed up services, which are capable of optimising management, ensuring the interconnection and monitoring of processes up to the stage when the sentence is served or the case is closed, providing procedural statistics and guaranteeing the systematic dissemination of sentences and judgements.

83. **In terms of updating and legislative reform**, the aim was to transform a disorganized justice system, based on obsolete and inadequate legislation, into an organized and functional justice system, with legal means to prevent and combat criminality, which is more accessible to citizens and with a faster procedural system. From a formal point of view, there is no doubt that the country already has a more robust and adequate legal acquis to prevent and

fight crime. However, in what concerns the judicial organization of the country and the mechanisms to guarantee a more functional and effective judicial system, this is not yet a reality.

84. **With regard to the adoption of alternative mechanisms for conflict resolution**, the aim was to transform a justice system based on exclusive jurisdictional mechanisms for resolving disputes, into a justice system in which alternative mechanisms more suitable for facilitating conflict resolution and reducing the pendency of cases coexist. The use of such mechanisms, with the aim, among others, of reducing the pendency of cases, is not yet a reality, despite the fact that the formal conditions for this have been created.

85. **With regard to training**, what was expected was to transform a justice system characterized by a patent lack of credibility of its actors due to alleged technical incompetence and lack of credibility, into a justice system based on a new paradigm characterized by the availability to provide quality service to citizens and by the effective disciplinary accountability of the agents of the sector. As training is a continuous process, it is not expected that occasional training courses will be sufficient to improve the quality of the services provided by magistrates and other actors in the system. In this perspective, the country and its institutions do not yet recognize an acceptable level of quality in the services provided by the justice system.

86. The assessment of the impact of the project reveals a rather mitigated result. While it is true that funds were spent on activities to benefit the sector, it is also true that these activities were not capable of producing the expected changes and transformative results for the system. This is, in fact, the opinion of the vast majority of actors who, in some cases, even consider that the changes made have had a negative impact on the system.

87. For example, the Supreme Court of Justice believes that the reform of the Court Fees has further reduced the financial capacity of the Courts to meet

their operational needs, while the Judiciary Police believes that its new legislation reveals many aspects that are inadequate to the context and realities of São Tomé and Príncipe, which makes its practical application difficult.

88. The Supreme Court of Justice also understands that the justice reform strategy supported by the present project was not conceived and executed in an inclusive manner, which translated, in its perspective, into an almost null impact at the system level.
89. The Criminal Police recognizes the impact of the project at the level of the respective institution, mainly in the training and capacity building of its staff and agents.
90. The Bar Association did not consider perceptible any real change in the justice system, mainly at the level of the Courts, as a consequence of the implementation of this project of support to the reform of the sector. However it highlighted some visible improvements at the organizational level in the Public Prosecution Service and in the Registry and Notary Services.
91. The Prison Services and Social Reintegration have not felt any impact on the justice system, as a result of the implementation of the project under analysis. On the other hand, they did not have any benefit in terms of computerization or training, having only received financial assistance for the reform of their Statute, which has not yet been approved, and the acquisition of a mobile vehicle for transporting prisoners and detainees.
92. The Constitutional Court acknowledges the positive impact of the project, as it allowed the Court to become institutionalized. It also believes that the impact of the project has been clear, although still insufficient, both in terms of IT and technological equipment and in terms of the training and capacity building that its judges and staff have benefited from.

93. Although the Court of Auditors did not participate directly in the implementation of the Project, despite its formal capacity as a member of the Project Steering Committee, it is the Court's understanding that the project will have had a clearly positive impact on the improvement of the Court's operational conditions, by providing the equipment for its court and judgement room.
94. The Ministry of Justice, for its part, is of the opinion that the project had a very positive impact, based on the reasons invoked in its contribution in Annex 2.
95. The Public Prosecutions Office recognises that the Project had a determinant impact in deeply changing its structure and performance, particularly in the areas of training and computerisation.
96. With regard to the sustainability of the project's impact, the conclusion is that there is a strong probability that the problems and constraints of the past will be perpetuated. In fact, although there has been a certain impact translated into some sectorial improvements in the field of "having" (more laws, more computer equipment, more information through training courses), the expected changes in paradigms, behaviours and attitudes that would enable profound transformations in the "being and doing" of the justice sector have not been registered.
97. To a large extent, the project was limited to covering the financial needs of the sectors affected by the justice system, supporting the acquisition of operational resources and carrying out occasional training sessions, needs that time will take care of renewing if the conditions are not created to enable the transformation and self-sufficiency of the justice sector.
98. As an example, we can cite some recurrent operating expenses that were funded by the project, such as the payment of rent, website construction and hosting, internet payment, training and capacity building, hiring of a Training Centre Director, vehicle rental, etc.

99. Therefore, while the projects are not able to operate a change in paradigms, behaviours and attitudes and operate a true transformation of the justice sector, their impact will lack sustainability, as the justice system will remain inefficient and forever subsidised by project funding to meet the needs of its relative functioning.

### **3.2 DEGREE OF INCORPORATION OF THE GENDER ISSUE**

100. With the perspective of improving gender equality and guaranteeing the empowerment of women, the Support Project for the Reform of the justice sector has as one of its structuring pillars "the guarantee of participation in the community by women, in equal proportions as men, in all planned activities". It also intended that "the capacity building and mobilization actions of social and political actors should always be concerned with "reducing or eliminating gender inequality" and/or "promoting the effective and active participation of women in all planned development efforts".

101. The actors interviewed and the documents consulted did not reveal the existence of a real specific concern with the gender problematic either as a precondition for the development of any activity within the project or as an expected objective of any activity carried out.

102. However, within the objectives of legislative reform (No. 2) and training (No. 4), the following efforts to empower women were noted:

- Adoption of a new family law (Law No. 19/2018 approving the Family Code) which reinforces "the fundamental principles of equality between men and women in the family, society and the State, enjoying the same rights and the same duties" and which submits to the principles embodied in the Convention for the elimination of all forms of discrimination against Women.

- Drawing up a preliminary draft of the revision of the Law no. 11/2008 on domestic violence, in order to better combat this crime which particularly affects women and thus safeguard the situation of these victims of violence.
- Carrying out training actions for magistrates, officials and auxiliary agents of the justice system with a strong female component, revealing a consequence in terms of the need for the professional empowerment of women in the institutions of the justice sector.

## IV. CONCLUSIONS AND RECOMMENDATIONS

103. The assessment of the level of achievement of the project's objectives, the respective inherent factors as well as the level of effectiveness, impact and sustainability of the project allows conclusions and recommendations to be drawn that may contribute to the improvement of the sustainability of the project's benefits and, globally, to the improvement of the new Justice Reform programme.

104. As we are now in 2021, we should ask ourselves whether:

- Has the "computerization" process that has been implemented, the trainings that have taken place, the legislative framework that has been adopted and the new policy options that have been equated allowed to reduce or eliminate the alleged deficit of modernity, credibility, accessibility of the justice system and its capacity to ensure the prevention and fight against criminality?
- Is the justice system effectively at the service of citizens?
- Have improvements been introduced in the organization and operation of the justice system, in such a way that the sector's management system ensures the best use of opportunities in terms of cost saving and revenue generation, which can contribute towards its self-sufficiency, reinforcement and effectiveness?
- Has the justice system achieved greater institutional independence and greater availability in terms of technical and technological resources, thanks to which it can guarantee the continuous and visible improvement of its results?



## 4.1 CONCLUSIONS

105. The Justice Reform Support Project was prepared in a perspective of financial support for the implementation of activities integrated in the 2017-2021 justice sector reform Strategy. However, it was limited to adopting a work plan composed of activities that represent only a part of the actions foreseen in the Strategic Plan of the Ministry of Justice. This fact alone reflected negatively on the potential impact of the project on the transformation of the justice system, in light of the purposes and intentions of that Strategy.

106. The Government Strategy was drawn up in a qualitative perspective of measuring results, while the project based its results indicators in a quantitative perspective, evaluated according to the number of items achieved in each of the axes corresponding to the established objectives. This fact required a different analysis of the project's degree of effectiveness, firstly according to the project's specific result indicators and secondly according to the transformation results intended by the Government Strategy.

107. In the light of its result indicators, the project proved to be fully effective. In terms of the transformation results contained in the Government Strategy, the project was ineffective.

108. The interviews conducted within the framework of this consultancy, as well as the analysis of the arsenal of documentation produced within the framework of the project revealed various shortcomings that contributed to the conclusion that the project was ineffective in the light of the objectives of the reform Strategy that it was intended to support.

109. In spite of the financial sums spent on the materialization of various activities, it was noted that there were no indicators revealing:

- Effective modernization of the justice sector
- Greater capacity to prevent and combat criminality
- Better performance and greater credibility of the justice system

- Improved business environment

110. With regard to project implementation, it was noted that the PRODOC was not fully complied with, and the project was not executed in accordance with the respective provisions for piloting, monitoring and coordination;

111. The majority of the key actors and other stakeholders on the national side showed a total lack of knowledge of the project and its components, and were not able to provide any documentation to facilitate the understanding of the project implementation and its final evaluation.

112. The activities carried out within the scope of objective 1, which refers to equipping the justice system with technical IT and technological means capable of improving its performance, essentially involved the acquisition of desktop computer equipment, such as laptops and printers, rather than the creation of a computer network system for procedural management. Therefore, the country's judicial system still does not have installed computer and technological means capable of guaranteeing an improvement in its performance.

113. The activities carried out within the scope of objective no. 2 concerning legislative reform have enabled the approval of several pieces of legislation relevant to the system, while many others with a particular impact on the organization of the judicial system have not yet been approved.

114. The activities carried out within the scope of objective no. 3, which refers to the creation of alternative mechanisms for the resolution of conflicts, resulted in the adoption of legislation that allows for the use of such mechanisms in the national legal system, with no record to date of the use of such mechanisms as an alternative to traditional jurisdiction.

115. The activities carried out under objective 4, which refers to the training of magistrates, court officials and auxiliary agents of justice, have guaranteed the

participation of various officials in internal and external training activities, without any objective evidence of the impact of this training on improving the productivity of the system.

116. The project was prepared and approved for the period 2017-2021. However, it was "closed" before the deadline. Part of the funds were used to design a new reform project for the same justice sector, as evidenced by the hiring of technical consultants to prepare and carry out the national day of reflection on the justice reform in São Tomé and Príncipe.

117. The project was not able to ensure the desired transformation in terms of overcoming the alleged deficit of modernity, credibility, accessibility and capacity to ensure the prevention and fight against crime that the justice system suffered in 2017.

118. The project has not been able to remove the alleged inefficiency of the justice system, the lack of dignity of its agents, the inability to fight corruption, the lengthy procedures and the citizens' lack of confidence and trust in justice.

119. The project has allowed for the adoption of legal diplomas which have had an impact on the promotion of gender and the safeguarding of the rights of women and children.

## 4.2 RECOMMENDATIONS

120. In order to create a better partnership framework in the future for the implementation of reformist projects of this nature, the following is recommended:

- In future projects, to scrupulously comply with the Project Document (PRODOC), especially regarding the management of the project and the implementation of the activities programmed therein.
- Ensure effective ownership of the project by all beneficiaries and stakeholders, so that they are involved in its design and implementation and are aware of the quantitative and qualitative objectives of the intended reform.
- Create an autonomous project management team that does not depend on political changes, so that the National Coordination of the Project has autonomy and functional independence in relation to the government structures, in order to avoid that, in case of changes of power, the continuity of the project's implementation is compromised or made difficult due to the non-passing of portfolios or transfer of information.
- To strive for an effective and not merely formal coordination of the project, truly capable of organising and preserving the archive of documentation referring to the Project, in all phases of its implementation.
- Establish procedures for UNDP to directly attend to the beneficiaries of the Project, in such a way that the implementation of the Project does not distort its essence and strategic transformation objectives. All requests for implementation of project activities should be centralized in the project coordination team.
- When preparing projects, give priority to result indicators that take into consideration qualitative aspects based on the intended change and transformation purposes and not only quantitative aspects, so that the

evaluation of the project's effectiveness, according to its result indicators, may not bias the evaluation of its effective impact.

- Ensure that every cent spent within the framework of the project has a transformative impact and not merely one of accumulation, doing justice to the principle that "more does not necessarily mean better".

## V. ANNEXES

### ANNEX 1: MAIN ACHIEVEMENTS BY OBJECTIVE

PROJECT OBJECTIVES	2017	2018	2019	2020
1	COMPUTERISATION			
			7 HP 250 G7 I5-8265U 8 GB 1TB 15.6 " HD W 1064 Laptops - <b>STJ</b>	Acquisition of 2 Nikon Kit cameras, 1 HP4 Laserjet Pro MFPDW Multifunction Printer and 4 Toners - <b>Polícia Judiciária</b>
			5 HP 250 G7 I5-8265U 8GB 1TB 15.6 " HD W1064 Notebooks - <b>STJ</b>	Acquisition of 2 HP 250 G7 i3-8130U 15.6 " 4 GB 500 GB W10 PRO 64 and an external disk 1TB 2.5" USB 3. OWD HDD - <b>Polícia Judiciária</b>
			1 View Sonic NU 7105 4K UHD Smart TV HDR Overhead Projector - <b>STJ</b>	Purchase of computer

			1 Kiocera ECOSYS M2040 DN Laser A4 MONO Multifunction Printer - <b>STJ</b>	Purchase Logitech Group Video Conference System and HDMI High Speed Cable AK 330 105-300-S 30Mts - <b>PGR</b>
			2 Kiocera TK 1170 Black toner cartridges - <b>STJ</b>	Construction of the <b>PGR</b> 's web page
			1 Overhead Projector View Sonic Nu 7105 4K UHD Smart TV HDR Flat 1024 *769 HDMI VSPA 502 X XGA 3500 LUMES PA502X -Work for the preparation and implementation of the National Day of Reflection - <b>MJ</b>	Purchase of 55" Smart TV and support for 32"-70" TILT TV - <b>PGR</b>
			Hosting of the Supreme Court of Justice's website - <b>STJ</b>	Acquisition of 7 laptops - Constitutional Court
				Acquisition of 5 laptops to equip the Audience, Discussion and Judgment Room of the Audit Court - <b>Tribunal de Contas</b>
<b>2</b>	<b>LEGAL REFORM</b>			
	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>
	Consultancy for the Revision of the Penal Code, Penal Procedure Code and Domestic Violence	Technical advice on drafting the insolvency and company recovery law and the law on movable guarantees.		

	Multisectoral Commission for monitoring the process of revision of the Penal Code, Penal Procedure Code and Domestic Violence	Payment to the multi-stakeholder/ government team for drawing up the Draft Statute of Prison Service and Social Reintegration Officers".		
		Payment to the Multi-Sector/ Government Team for Evaluation of the Draft Statute of Prison Service and Social Reintegration Officers";		
		Technical Assistance to finalise the review process of the Family Law and the Law on the Organization of Guardianship of Minors, as well as the diplomas proposed within the scope of preventing and combating criminality.		
	Technical assistance in the revision process of the Notaries' Code, Commercial Registry Code and Land Registry Code			
		Technical assistance on the review process of the Authorisation Grant Scheme for the Establishment of Arbitration Centres was funded by the ILO.		
<b>3</b>	<b>CONFLICT RESOLUTION</b>			
	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>

			Laço Verde - National Campaign - Alternative conflict resolution mechanism - Raising awareness among the population on non-use of violence for conflict resolution	
4	TRAINING			
	2017	2018	2019	2020
		Technical Assistance and Capacity Building for Judges and Court Officials of the Constitutional Court <b>Tribunal Constitucional</b>	5 Magistrates trained at the CEJ - Portugal - <b>STJ</b>	Payment of training costs on administrative procedures - project 00082391 - support to the justice reform programme. - <b>MJ</b>
		Technical Assistance by an Inspector of the Portuguese Judicial Police to the Direction of the former Criminal Investigation Police - <b>PJ</b>	2 Judges of the STJ-training for Judicial Inspection - <b>STJ</b>	Acquisition of Books for the Constitutional Court <b>Tribunal Constitucional</b>
		Training course for 12 Chief-Inspectors at the Portuguese Judicial Police School - <b>PJ</b>	Hiring of a director for the training centre for Magistrates and Court clerks - <b>STJ</b>	
		Hiring of two advisors from the Portuguese Public Prosecutor's Office for training and technical assistance to São Tomé's magistrates - <b>PGR</b>	Hiring 2 trainers for the Judicial Magistrates and officials training centre - <b>STJ</b>	



		Mission to Sao Tome of two Portuguese magistrates for capacity building of Public Ministry - <b>PGR</b>	Payment of Expenses with the acquisition of books for the Magistrates and Court Clerks Training Center for Judicial Magistrates and Officials- <b>STJ</b>	
			Payment of Training in Portugal for the Judges, Director of DAF and the Secretary General of the Constitutional Court on Income and Assets Declaration of High Political and Public Office - <b>Tribunal Constitucional</b>	
			Payment of ticket ticket/ Portugal for employee of the Court of Auditors for training in CEJ - Court of Auditors - <b>Tribunal de Contas</b>	

## **ANNEX 2: CONTRIBUTIONS FROM THE MINISTRY OF JUSTICE DATED 02/03/21**

### **What specific activities have been programmed under the project?**

Improvement of the Legal System of the country,

Legislative review and drafting of new updated structural laws, organization and regulation of the Judicial System,

Technical assistance for the creation of alternative dispute resolution mechanisms in the country,

Training for judicial officers and auxiliary justice agents.

### **Were the planned activities carried out in full or in part?**

They have been carried out partially, since some of these activities are still underway.

**If partially, what is the percentage of execution?**

85% of the planned activities were carried out.

What factors contributed to the effective implementation of the objective?

The dynamics implemented; the good institutional relationship existing in which the sectors present the activity plan within the framework of the Justice reform project to the MJAPDH, which consequently sends it to the UNDP to evaluate its execution.

**What factors contributed to the ineffectiveness of the execution of the objective?**

- One of the factors was the lack of exchange of information during the change of portfolio from the former national director of the project to the current one;
- The poor allocation of some projects, lack of prior feasibility study for project implementation;
- And the appearance of the COVID-19 pandemic, which has conditioned total compliance with the deadline;

**To what extent has the gender issue been considered in each objective?**

The gender issue was considered systematically at all stages as one of the Government's concerns, specifically equality and equity between the sexes at every stage of the concession and implementation of the project activities or objectives.

**How do you evaluate the effectiveness of the project in relation to the problematic that it intends to solve?**

In general terms, the project has been effective in accordance with its objective. The structures have been created and are being created and adopted according to the sectorial needs; at the moment, in some cases, their concrete application to each problem is missing.

**How was the project implemented and monitored?**

The management of this project was and continues to be the responsibility of the Ministry of Justice, through the National Project Director in the person of the Director of the Office of Her Excellency, the Minister of Justice, through the monitoring of the Legal Reform, in collaboration with UNDP.

**Was the implementation and monitoring strategy effective?**

At first, it was not as effective as intended, as the lack of coordination between MJAPDH and the affected Sectors/Institutions was clearly noticeable.

**To what extent has the project had an impact on the functioning of the justice system?**

Despite some constraints, the Justice Sector Reform Project had a very positive impact on the justice system, as there has been a concrete improvement in the capacity building of its members and their operation, in the electronic and computer equipment in some institutions of this system.

**ANNEX 3: CONTRIBUTIONS FROM THE MINISTRY OF JUSTICE DATED 04/09/21**

<b>Activities funded under the Justice Reform project 2020</b>	
<b>Activities</b>	<b>Date</b>
<b>Equipment for the Judicial Police and CACVD</b>	
HP Color A4 LaserJet Pro MFPM 281 FDW(T6B82A) M281FDW Multifunction Printer	2020
Toner Cartridge Laserjet 203A Pro m254/MFP M280 HPCF 540A Black	2020
Laserjet 203A Pro m254/MFP M280 HPCF 541A Blue Original	2020
Laserjet 203A Pro m254/MFP M280 HPCF 542A Yellow Toner Cartridge	2020
Laserjet 203A Pro m254/MFP M280 HPCF 543A Magnetic Toner Cartridge	2020
Laptop HP 250 G7 i3-8130U 15.6" 4GB 500GB W10 PRO64	2020
WD HDD 1TB 2.5" USB 3.0 External HDD	2020

Camera brand Nikon Kit D5500+ AFSDK 18-55G VR+Box +Book	2020
DELL 21.5" MONITOR Includes - Mouse & Keyboard	2020
DELL LATITUDE 3500 i5-8265U 8GB 1TB15.6 "FHD W10P	2020
Kingston USB3.1/3.0/2.0 USB Flash Drive DT50/16GB	2020
UPS 800VA/850VA 480W/510W Phasak/Eurotech	2020
<b>Court of Auditors</b>	
Payment of expenses for the purchase of one black executive chair without wheels for the Court of Auditors' courtroom	2020
Payment of expenses for the purchase of 53 black fixed chairs to equip the Court of Auditors courtroom	2020
Payment for hosting the Court of Auditors' website	2020
Payment for acquisition of a 19-seat U-shaped wooden table for the Court of Auditors	2020
Acquisition and delivery of several equipments to equip the Audience room of the Court of Auditors Payment of 80% of the Global value (Altic Unipessoal Lda)	2020
Installation of equipments for equipping the Audience Rooms for Discussion and Sentence of the Accounts Court. Payment of 20% of the total value (Altic Unipessoal Lda)	2020
Acquisition of 5 laptops to equip the Audience, Discussion and Judgment Room of the Court of Auditors	2020
<b>Attorney General's Office</b>	
Acquisition of children's furniture to equip a room at the Public Ministry to attend to child victims of abuse and domestic violence. (Integrated Project of Lembá)	2020
Adaptation of the space for installation of audio-visual equipment, review of the electrical system and painting decoration of the room for children victims of abuse and domestic violence. (SMC Service Lda)	2020
Acquisition of a complete camera kit for investigation in the cases of assistance to children victims of abuse and domestic violence. (Midiatel, Lda)	2020
Acquisition of 1 A/C device for conditioning of the room where children victims of abuse and domestic violence are assisted, at Public Prosecutions Office. (Batimat Lda)	2020
Audio-visual equipment/ TV and DVD home cinema. (HB Group)	2020

Acquisition of equipment and installation of CCTV systems for the Public Prosecutor's Office. (Midiatel)	2020
Payment for the construction of the Web Page for Training of the Attorney General's Office. João Noel do Sacramento Djobenon	2020
Payment of expenses with acquisition of 55 Smart TV and support TV for the training room of the Attorney General Office	2020
Payment of expenses with the purchase of 6 tables for the training room of the Attorney General's Office	2020
Payment of expenses with acquisition of 30 chairs with palm rest for Training of the Attorney General Office of the Republic	2020
Payment of expenses with the purchase of Video Conference System Logitech Group and HDMI High Speed Cable AK 330 105-300-S 30MTS	2020
Payment of expenses with the purchase of 2 Nikon kit cameras, 1 HP4 printer Multiplication, 4 Tonners	2020
Payment of two laptop Hp and one external disk	2020
Payment of architectural costs for budget elaboration for the rehabilitation of the Prison Building	2020
<b>Ministry of Justice, Public Administration and Human Rights</b>	
Acquisition of Cellular Car for Ministry of Justice, Public Administration and Human Rights	2020
Acquisition of 13 seats meeting room table to equip the meeting rooms of the Ministry of Justice, Public Administration and Human Rights	2020
One (1) chair base treno (fxa), executive chromed steel tube base to equip the meeting rooms of the Ministry of Justice, Public Administration and Human Rights	2020
12 Fixed chair with chromed arm, high back chrome steel tube base to equip the meeting rooms of the Ministry of Justice, Public Administration and Human Rights	2020
Video conference system, to equip the meeting rooms of the Ministry of Justice, Public Administration and Human Rights	2020
TV 65, to equip the meeting rooms of the Ministry of Justice, Public Administration and Human Rights	2020
Valleman HDMI male cable 2.0 4k 5m, to equip the meeting rooms of the Ministry of Justice, Public Administration and Human Rights	2020

One (1) laptop computer, to equip the meeting rooms of the Ministry of Justice, Public Administration and Human Rights	2020
Wireless megaphones, to equip the meeting rooms of the Ministry of Justice, Public Administration and Human Rights	2020
Acquisition of support LCD37"/70" Vessa 600/40045kg of the Ministry of Justice, Public Administration and Human Rights meeting rooms	2020
<b>Supreme Court of Justice</b>	
Payment of expenses Purchase of books for the Training Centre for Judicial Magistrates and Officials at the Supreme Court of Justice	2020
Payment of expenses for clearance of books for the Training Centre for Judicial Magistrates and Officials at the Supreme Court of Justice	2020
<b>1st Congress of the Trade Union Association of Judicial Magistrates of STP-13 March, 2020</b>	
Payment of coffee break expenses for the 1st Congress of the Association of Judicial Magistrates of STP-13 March 2020. Hotel Pestana	2020
Payment of venue hire for lunch, to be held within the scope of the 1st Congress of the Trade Union Association of Judicial Magistrates on 13 March 2020. (National Assembly of STP)	2020
Printing of 2 stickers to Copinet Solutions	2020
Payment of the printing of 82 invitation and respective envelopes for dinner of the activity of holding the 1st Congress of the Trade Union Association of Judicial Magistrates of STP-13 March 2020	2020
To pay for printing of 100 invitation, purchase of 100 envelopes and printing of 50 flyers in A4 format for holding the 1st Congress of the Trade Union Association of Judicial Magistrates of STP-13 March 2020	2020
For the purchase of 33 litres of fuel for the logistic work for the ASSIMAJUS' first ASSIMAJUS Congress (1st Congress of the Trade Union Association of Judicial Magistrates of STP-13 March 2020)	2020
Payment of awards to the 5 moderators who will participate in the 1st Congress of the Trade Union Association of Judicial Magistrates of STP-13 March 2020) PROJECT 00082391	2020
<b>Constitutional Court</b>	

Fare Payments to STP Airways for a Constitutional Court official to Portugal for training on administrative procedures	2020
75% training allowance for Regina Pires dos Santos, a Constitutional Court official travelling to Portugal for training on administrative procedures	2020
Payment of 38% training cost to Lesdenaide Pereira dos Ramos, Constitutional Court Official to Portugal for training on administrative procedures	2020
Payment of expenses Acquisition of books to set up the Constitutional Court Library	2020
Payment of expenses for customs clearance of books acquired for the Constitutional Court	2020
<b>Domestic Violence Counselling Centre</b>	
Three Computers PC intel i5, 1 TB HDD, CD/ DVD, Wind 10 Pro, Portuguese Keyboard, Mouse and Gigabit-LAN, USB	2020
Three 19.5 inch Monitors	2020
Two Laptops, Intel i5, 8 GB, 1 TB, Wind 10, USB, CD/DVD, Size 15.4, HDMI port, card reader, Gigabit-LAN, webcam, case	2020
Six 16 GB pen drives	2020
Three APC 800 VA UPS	2020
Payment of part of the rent arrears of the Domestic Violence Counselling Centre (João Manuel Amado)	2020
<b>Judiciary Police</b>	
Acquisition of Vehicle for the Judiciary Police (TOYOTA GIBRALTAR STOCKHOLDINGS LDA)	2020
<b>Payment of Netmobile Service to the District Commands 8 (Crime Statistics)</b>	2020
Expenses with Monthly Accommodation corresponding to the months of November and December 2020 for the use of HITEC virtual server	2020
Monthly lodging expenses (October-December 2019 and January-October 2020) of the virtual server for the support of the system developed by HITEC.	2020

## **ANNEX 4: CONTRIBUTIONS FROM THE MINISTRY OF JUSTICE DATED 20/04/21**

List of Judicial Magistrates who have been trained at the training centre paid for by the UNDP (2019-2020)

Dr. Vladir dos Santos Cristo

Dr. Manuel Henrique Ramos

Dr. Edson Jordão da Silva

Dr. Carlos Alexandre C. A. Nascimento

Dr. Leudmila Marisa da Glória Lopes

Edmar D'Alva Viegas

Dr. Hália Cristina de Sousa Bonfim

Dr. Dany Joy Nazaré

### **Public Prosecution Service**

At the level of Magistrates of the Public Prosecution Service, 8 men and 8 women were trained in a total of 16 Magistrates.

At the staff level, 12 men and 13 women were trained out of a total of 25 staff members.

In summary, between Magistrates and Prosecutors, 20 men and 21 women were trained out of a total of 41.