

UNITED NATIONS DEVELOPMENT PROGRAMME



PROJECT DOCUMENT
UNDP Pacific Office - Fiji

Project Title: Fiji Access to Justice Project
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Brief Description

The development challenge that the Fiji Access to Justice Project seeks to address comprises two symbiotic components. First, the need to enhance the empowerment of impoverished and vulnerable rights holders to access legal rights and services through the relevant key justice institutions to obtain access to justice. Second, the need to strengthen key justice institutions duty bearers to realise and protect the legal rights and provide service delivery to impoverished and vulnerable groups to deliver access to justice. The Fiji Government has endorsed the Sustainable Development Goals which highlight the importance of access to justice as both an enabler for development and an outcome of development in its own right, and more specifically at Goal 16 there is commitment to promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels, and at Goal 5 there is commitment to achieving gender equality and empowerment of all women and girls. The Theory of Change for the Fiji Access to Justice Project is that, in support of the enhancement of overall governance systems in Fiji, Access to Justice in Fiji for impoverished and vulnerable groups will be improved through empowering people to access legal rights and services through the relevant key justice institutions, in conjunction with strengthening those key justice institutions to undertake improved service delivery. The Legal Aid Commission and the Judicial Department have been identified as the two key justice institutions entry points for access to justice, along with links to other institutions, and will be strengthened under this project. Non-governmental organisations will also be strengthened under this project to deliver accompaniment access to justice services, particularly for impoverished and vulnerable groups.

Contributing Outcome: Fiji UNDAF Results Matrix 2013-2017: Outcome 5.1: National, local, and traditional governance systems uphold human rights, especially women's rights in line with international standards.

Indicative Outputs:

1. Enhanced Institutional Capacity of Legal Aid Commission to deliver access to justice for impoverished and vulnerable groups.
2. Enhanced Institutional Capacity of Judicial Department and other institutions to deliver access to justice for impoverished and vulnerable groups.
3. Strengthened delivery of access to justice services to impoverished and vulnerable groups.
4. Strengthened capacity of non-governmental organisations to deliver accompaniment access to justice services for impoverished and vulnerable groups.
5. Effective Project Management.

Gender Marker: 2 - Promotes Gender Equality in a significant and consistent way

Agreed by:

Judicial Department

Name: ANTHONY GATES
Date: 07 JULY 2016

Legal Aid Commission

Name: SHARVADA SHARMA
Date: 08 JULY 2016
Print Name: AKIKO FUJII
Date: 07 JULY 2016

Total resources required:	USD 9,217,687
Total resources allocated:	Donor EU: 8,367,347
Unfunded:	850,340

I. DEVELOPMENT CHALLENGE

The development challenge that the Fiji Access to Justice Project seeks to address comprises two symbiotic components. First, the need to enhance the empowerment of impoverished and vulnerable rights holders to access legal rights and services through the relevant key justice institutions to obtain access to justice. Second, the need to strengthen key justice institution duty bearers to realise and protect legal rights and provide service delivery to impoverished and vulnerable groups to deliver access to justice.

Within the context following the democratic elections in 2014 and the reestablishment of parliament, the development challenge that the Fiji Access to Justice Project seeks to address was identified through consultations with key stakeholders over a period of over twelve months using a human rights based approach to access to justice.¹ The human rights based approach is a conceptual framework for the process of human development that is normatively based on international human rights standards and operationally directed to promoting and protecting human rights. This human rights based approach identifies rights holders and their entitlements and corresponding duty bearers and their obligations, and seeks to analyse inequalities which lie at the heart of development problems. The identification of the development challenge was further augmented through a problem solving and service delivery perspective to analyse the justice services points of delivery where interactions between duty bearers and rights holders occurs, with the focus on the justice experiences of the impoverished and vulnerable groups.²

The legal rights and service delivery identified above are founded in the Constitution of the Republic of Fiji (Constitution), which came into force on 7 September 2013, and states at Chapter 1 that the Republic of Fiji is a sovereign democratic State founded on the values of –

- a) common and equal citizenry and national unity;
- b) respect for human rights, freedom and the rule of law;
- c) an independent, impartial, competent and accessible system of justice;
- d) equality for all and care for the less fortunate based on the values inherent in this section and in the Bill of Rights contained in Chapter 2;
- e) human dignity, respect for the individual, personal integrity and responsibility, civic involvement and mutual support;
- f) good governance, including the limitation and separation of powers;
- g) transparency and accountability; and
- h) a prudent, efficient and sustainable relationship with nature.

The Constitution lays out the basic law of the state, with which all other subsidiary laws and administration acts must conform; empowers and enables state institutions but also limits their action to what is authorized in the Constitution; and describes the space and relationship, the social contract, between the state and the people of Fiji, most importantly by including an extensive Bill of Rights at Chapter 2.

This development challenge is relevant to national priorities as articulated in the Fiji Roadmap for Democracy and Sustainable Socio-Economic Development 2010-2014 'Build a Better Fiji for All', which was aimed at achieving good and just governance and socio-economic well-being for all Fijians. Under the governance strategic pillar, the strengthening of law and justice and reforms to the public sector to improve its efficiency, effectiveness and overall service delivery were prioritised. In 2016 a new Fiji National Development Plan is expected to be finalised which will set out national broad outcomes, goals and strategies for the next five and twenty years; and identify

¹ UNDP, Programming for Justice: Access for All. A Practitioners Guide to a Human Rights-Based Approach to Access to Justice, 2005

² EC, Support to Justice and the Rule of Law: Review of past experience and guidance for future EU development cooperation programmes, 2012

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and address key challenges, opportunities and resources for realising this vision. The desire to 'live in a Fiji where democracy is well respected, their families are safe and secure and opportunities are available to them to improve their standard of living ... bringing services closer to the people' was identified by Fijians as priority for the new National Development Plan.³ Importantly related to gender equality and empowerment is the 2014 Fiji National Gender Policy and also the national priorities identified in the Fiji Government Women's Plan of Action 2010-2019 where three of the five key thematic areas are Women and the Law, Access to Services and Elimination of Violence against women and children. The development challenge is also indirectly linked to other national priorities such as the 2014 National Green Growth Framework which aims for sustainable development, economic growth and resilience to the anticipated adverse effects of climate change, noting that as a small island developing state Fiji is at the forefront of the adverse impacts of climate change and has adopted an integrated response to climate change and disaster risk management.

The development challenge has also been identified and is informed by the Human Rights Universal Periodic Review recommendations to Fiji⁴ and conventions (and recommendations from any related reviews) ratified by Fiji such as the Convention on the elimination of all forms of discrimination against women (CEDAW), Convention on the Rights of the Child (CRC), Convention on the elimination of racial discrimination (CERD) and the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT). Fiji has signed the Convention on the rights of persons living with disabilities (CRPD) and in June 2016 the Standing Committee on Foreign Affairs and Defence has recommended that it be ratified without reservations.⁵

This development challenge is also relevant to global development priorities most recently articulated in the Sustainable Development Goals (SDGs) which have been endorsed by the Fiji Government. The SDGs are a universal set of development goals to frame development agendas and policies over the next 15 years, representing a shared vision of humanity and a social contract between the world's leaders and people, emphasising that no one should be left behind. Under SDG 16 there is the commitment to promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels. SDG 16, with its emphasis on inclusion and accountability, recognises the nexus of politics and institutions and that on these twin pillars rest the prospects for stability, economic growth, and the ability to deliver on the expectations of ordinary citizens. Under SDG 5 there is a commitment to achieving gender equality and empowerment of all women and girls.

In September 2012, Member States in the General Assembly of the United Nations reaffirmed that the rule of law is critical for sustainable development stating that it is 'beyond question that improving safety for individuals and communities, and providing access to fair and well-functioning legal systems that adhere to international human rights standards, are necessary to promote economic investment, prevent violence and conflict, encourage inclusive growth and eradicate poverty'. Strengthened access to justice, that generates social cohesion and solid interactions and processes between groups in society, provides the foundations for both institutions and people to more effectively contribute towards the overall social contract between the state and society and through this promote a resilient, peaceful and inclusive society for sustainable development. Access to justice has been identified as among the most pressing concerns of the impoverished and vulnerable, and essential for poverty eradication and addressing inequality and exclusion.⁶ Impoverished and vulnerable groups suffer from discrimination and often fall victim to

³ Fiji Attorney General, Budget Address in Parliament, 2015

⁴ There were recommendations made in October 2014 by the Working Group on the Universal Periodic Review of Fiji, operating under the auspices of the Human Rights Council resolution, which included recommendations on independence of the judiciary, separation of powers, training of lawyers and judges, violence against women and the Fiji Human Rights and Anti-Discrimination Commission. Some of the recommendations were already implemented or in the process of implementation, and others accepted for implementation.

⁵ Standing Committee on Foreign Affairs and Defence Report, Parliamentary Paper No 62 of 2016, June 2016.

⁶ Research and statistical data provided in the World Bank Voices of the Poor, 2000; UNDP Human Development

criminal and illegal acts, including human rights violations, or may be driven to undertake such acts. Crime and illegality are likely to have a greater impact on impoverished and vulnerable people's lives, as it is harder for them to obtain redress and consequently they may fall further into poverty. Fair and effective justice systems are also considered to be integral to reduce the risks associated with violent conflict noting that the elimination of impunity can deter people from committing further injustices, or from taking justice into their own hands through illegal or violent means. Access to justice, as a component of a functioning justice system is also an important part of a capable and accountable state, which can create opportunities for impoverished people, provide better services, and improve development outcomes. The provision of legal aid is considered a foundational right for access to justice.⁷

This development challenge is also linked to addressing priorities for gender equality and women's empowerment identified by the Government of Fiji,⁸ the European Union⁹ and UNDP¹⁰ where gender equality is reaffirmed as a matter of human rights, the foundation of democracy and good governance, and the cornerstone of inclusive, sustainable development. As identified by the European Union 'gender equality and girls' and women's empowerment ... is a driver of development that addresses poverty, reduces inequalities and improves development outcomes ... strengthening women's voice and participation at all levels of society can have significant positive impacts ... it can facilitate peace, reconstruction and state building processes.'¹¹

Challenges in accessing justice

The primary justice needs of rights holders, including impoverished and vulnerable people, and the obstacles they encounter in accessing justice are identified below. The evidence and analysis on all of these comes from a wide range of sources both objective and subjective, utilising qualitative and quantitative data,¹² however in conducting research for this project it was clearly evident that there is a need for significantly improved independent, empirical and current evidence on access to justice in Fiji. The challenge of the lack of current information is particularly relevant given the significant progress made over the past two years on a range of access to justice issues.

A key foundational issue is that given the relatively 'newness' of the Constitution people lack awareness of their rights and how to access.¹³ This is particular relevant for access to justice as

⁷ Report, 1994; World Bank World Development Report, 2011.

⁸ Member States of the United Nations have recognized the importance of legal aid. In its resolution 67/1, the General Assembly (GA) emphasized the importance of "the right of equal access to justice for all, including members of vulnerable groups, and the importance of awareness-raising concerning legal rights," affirming a commitment "to taking all necessary steps to provide fair, transparent, effective, non-discriminatory and accountable services that promote access to justice for all, including legal aid." In its resolution 67/187 the GA adopted the 2012 United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems, the first normative instrument exclusively focusing on legal aid and providing detailed guidance on practical approaches to its delivery. Most recently, UNODC and UNDP jointly developed the Handbook on Early access to legal aid in criminal investigations and proceedings, a practical guide to developing and implementing policies and programmes to ensure early access to legal aid.

⁹ Fiji Government Women's Plan of Action 2010-2019

⁹ EU, Gender Equality and Women's Empowerment: Transforming the Lives of Girls and Women through EU External Relations 2016-2020', September 2015.

¹⁰ UNDP, UNDP Gender Equality Strategy 2014-2017, 2014.

¹¹ EU, Gender Equality and Women's Empowerment: Transforming the Lives of Girls and Women through EU External Relations 2016-2020', 2015.

¹² Data was obtained from stakeholder consultations, stakeholder reports (such as NGO research and UPR reporting), government reports (including UPR and treaty reporting, Budget Addresses, reports referring to progress under the MDGs), government institutional data and reports and external international reports (such as the World Bank Worldwide Governance Indicators, and the Global Gender Gap Report 2014). There have also been other general reports produced (United States Department of State, Country Reports on Human Rights Practices for 2015, Fiji) and also other internal reports produced by groups that may not be available to a broader audience.

¹³ In 2014 the Citizens Constitutional Forum undertook a country-wide perception study on the Constitution, and noted that knowledge about the details of the constitution and understanding of its basic concepts was rather low. CCF, Fiji in Transition: Towards a Sustainable Constitutional Democracy, 2014.

the Constitution, through the Bill of Rights, provides for an extensive range of rights including the rights of arrested and detained persons, of accused persons, of access to courts and tribunal, rights to executive and administrative justice and for those who cannot afford a lawyer that they can generally benefit from free assistance from the Legal Aid Commission. The Constitution also establishes the principle that every Fijian is equal and bestows the title of 'Fijian' on every citizen while equally recognising their different cultures.¹⁴ Unlike previous Constitutions, it does not define or divide Fijians by ethnicity which is considered important noting the past history of ethnic divisions since Fiji's independence from the United Kingdom in 1970, and which has previously impacted on peace and stability. Demographically the population of Fiji is very young, with around 45 percent of the population under the age of 25, so knowledge of rights and obligations and how to access services is considered potentially very limited.¹⁵

Whilst access to justice is a key enabler for economic growth and to decreasing in poverty, people living in poverty face potential challenges in accessing such justice. Fiji is amongst the largest and most developed of the Pacific island economies and identified as a middle income country with an annual per capita income of USD 4,200. Fiji's economic growth rate for 2016 was forecast in the budget at 3.7 percent, but has more recently been revised down to 2.2 percent due to the predicted potential longer term impact of Tropical Cyclone Winston. Fiji's human development indicators are relatively strong being in the high human development category, for instance the 2014 Human Development Index of 0.727 places Fiji at the rank of 90 out of 188 countries assessed.¹⁶ Fiji has achieved broad coverage in provision of basic services and social protection schemes,¹⁷ and there have been long-term positive trends on many fronts such as literacy and access to health-care. Declining overall poverty levels have been reported,¹⁸ however the overall progress in poverty reduction with has been slow with relatively high inequality for some particular groups, such as rural women and men. Consequently, some groups of people in Fiji do not have the information, ability, confidence, or financial means to resort to the law to solve their problems.

There are access to justice development challenges to be addressed that arise both from remoteness and also increasing urbanisation with people in different geographical areas having different challenges of being able to understand their rights and accessing justice. The complexities of these geographical challenges for accessing justice are further compounded by intersecting with other issues such as gender, youth and ethnicity. Fiji's population was estimated in 2015 as 869,458 (with 49% female; 46% of the total below the age of 29; 57% iTaukei, 37% Indo Fijians and 6% Others; and with 51% of the total living in urban areas)¹⁹ and is spread over 322 islands, with approximately 100 of these islands inhabited. Awareness of, access to and delivery of services is challenging for those living in remote rural areas and Maritime Zones based on both the location and the lack of finances to travel to areas where service delivery is accessible, although currently there is no data on the precise nature and extent of this challenge. For those

¹⁴ The Preamble to the Constitution contains an important reference to the four distinct groups or communities with together make up 'the people of Fiji' and emphasizes these are 'Fijians united by common and equal citizenry' while at the same time recognizing the culture, customs, traditions and languages of these communities.

¹⁵ For example, as a result of the youthfulness of the population, it was estimated that about 46 percent of voters registered for the 2014 elections were under the age of 29 and voted for the first time in their lives, with no experience of living as adults in a democratic system.

¹⁶ The Human Development Index (HDI) is a summary measure for assessing long-term progress in three basic dimensions of human development: a long and healthy life, access to knowledge and a decent standard of living. The HDI is based primarily on international data from the United Nations Population Division, the United Nations Educational, Scientific and Cultural Organization Institute for Statistics and the World Bank.

¹⁷ The social protection system in Fiji is one of the most developed in the Pacific region including the 2012 introduction of a poverty benefit scheme targeting the poorest 10 percent of the population and a social pension scheme for people aged over 70 (in June 2016 aged eligibility criteria will become from aged over 68) with the Ministry of Women, Children and Poverty Alleviation undertaking awareness raising across Fiji to alert people to their rights under these schemes.

¹⁸ The 2008-2009 Household Income and Expenditure Survey showed the national incidence of poverty in Fiji at 31%, with the 2012-14 figures still being finalized, and noted that Fiji did not meet the target under the Millennium Development Goals, for halving the number of people living in poverty. Fiji Attorney General, Budget Address in Parliament, 2015.

¹⁹ Fiji Islands Bureau of Statistics, information on website (accessed 18 May 2016) and also their 2007 Census of Population and Housing.

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living in remote areas there are also emerging issues that may require accessing legal rights, such as responding to natural disasters and impacts of climate change, both which potentially raise issues in relation to land and potential internal migration, and both being potential drivers of conflict.

There is also a tendency towards increasing urbanization with estimates that the main island of Viti Levu hosts 80% of Fiji's population. Particular legal issues are confronted for those that have 'drifted' to the urban areas given that the majority do not have ancestral links to Viti Levu, so a portion of this population are landless and make informal arrangements with traditional landowners to establish adequate housing needs or live in informal settlements, giving rise to potential legal issues. This rapid trend towards urbanization, which potentially could be exacerbated following Tropical Cyclone Winston in February 2016, also places a growing strain on access to and delivery of services. People living in informal settlements are often essentially in a 'pocket of poverty' with often having limited financial means; only basic education; poor access to running water, sanitation or electricity at times; and limited opportunities to understand their legal rights, to exercise those rights and to subsequently access justice.

Whilst much has been achieved and is currently being implemented in Fiji for gender equality, women face particular issues in accessing justice. Women across the different communities in Fiji are recognized as a vulnerable group, in a society which some consider remains 'patriarchal and traditional, and with discrimination practices deeply rooted within the society'. The Constitution has an equality provision which includes protection from discrimination on the basis of gender and there are equal rights, responsibilities and opportunities to be afforded for women and men, and girls and boys. The government promotes the development of women's human rights in accordance with Fiji's obligations under CEDAW and all other conventions and international laws relevant to women, with the State Party report for CEDAW submitted in July 2016.²⁰ There are also plans by the Ministry of Women, Children and Poverty Alleviation to launch a domestic violence helpline for a counselling service and work also being undertaken to develop a Gender Based Service Delivery Protocol to link current health, women's service and the police.

In relation to gender gaps and disparities the World Economic Forum 2015 Global Gender Gap Report; which has indicators related to economic participation and opportunity, educational attainment, health and survival and political empowerment; places Fiji as 121 out of 145 countries (towards the lower end of the scale for gender equality) with a score of 0.645 where 0 equals inequality and 1 equals equality. There are low levels of women representation in leadership positions, with women making up about 50% of the civil service but are only represented in 18.8% of senior management positions; with only 16% of the 50 parliamentarians being women and women are being similarly underrepresented in local governance systems.²¹ The Asian Development Bank compiles gender statistics measuring labour force participation, using the non-agricultural sector as its measure for gender equality, because it is normally only these jobs that have regular wages and provide paid leave and other benefits. In Fiji women's share of wage employment in the non-agriculture sector was reported at 33%.²² There is no data available to measure the amount or extent of unpaid work that women carry out in the home.

Also, discrimination against women in Fiji is often compounded by intersecting factors that affect some women to a different degree or in different ways than men and other women. This intersectional or compounded discrimination may include ethnicity, socio-economic status, religion

²⁰ The State Party Report was due in July 2014. The Minister of Women, Children and Poverty Alleviation recently advised that the State Party report for CEDAW was expected to be finalized soon (Minister of Women, Children and Poverty Alleviation, Speaker of Parliament Debate, 9 May 2016) and subsequently submitted in July 2016.

²¹ The Asian Development Bank reports that in Fiji 32% of managerial positions (defined as politicians, senior government officials and corporate and general managers, who play an important role in shaping how the public and private sectors operate) are held by women (Asian Development Bank, Gender Statistics: The Pacific and Timor-Leste, 2016; utilizing 2010-2011 Labor Force Survey data).

²² Asian Development Bank, Gender Statistics: The Pacific and Timor-Leste, 2016; utilizing 2007 data.

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or belief, marital and or maternal status, age, urban or rural location, disability, health status, and being lesbian, bisexual, transgender women or intersex persons. These intersecting factors make it even more difficult for people from those groups to gain access to justice and also people belonging to particular groups often do not report violations of their rights to the authorities as such reporting is frowned upon by the local community, or for fear that they will be humiliated, stigmatized or have violence inflicted upon them.

Violence against women and children in Fiji is identified as a major concern, with the government labelling Fiji's crisis of violence against women as a national shame, with the topic being much discussed and highly visible in public discussions and media.²³ A 2011 survey of 3000 households, undertaken by the Fiji Women's Crisis Centre in cooperation with the Fiji Islands Bureau of Statistics, found that 64% of Fijian women who had ever been in an intimate relationship had experienced physical and or sexual violence by a husband or intimate partner in their lifetime and that there are also high rates of non-partner violence against women and girls with 31% subjected to physical and or sexual assault since the age of 15 by someone other than their husbands and partners.²⁴ The survey found that violence was considerably higher in rural areas and with those experiencing violence only 24% have ever gone to an agency or formal authority for help. The report also notes that 'the complex web of control, intimidation, humiliation and multiple forms of violence ... prevents women and girls from finding out about their legal and human rights and the services available to help them. It prevents them from reporting the violence to authorities and getting the help they need.'²⁵ The survey also found that prevalence of violence was considerably higher in rural areas; all forms of violence were lower than the national average for Indo-Fijian women and substantially higher for iTaukei women; Indo-Fijian women are more likely to seek help than iTaukei women; and Indo-Fijian seek help from police, courts, and seek legal advice whereas iTaukei women go to hospital or religious leader. Further the survey found that the use of violence as a form of punishment and discipline is accepted within many families and communities and considered normal; and tolerance for men's violence against women and unequal gender power relations remain entrenched in social norms and in the belief systems of some women. The survey results clearly indicate the extent and complexity of this issue in Fiji and the need for well-considered, evidence based targeted responses for particular groups.

Lesbian, gay, bisexual, transgender, queer and intersex people are reported to be 'victims of stigma, violence and discrimination, often specifically because of their sexual orientation and gender identity ... and there are also marginalized groups of women such as young women, lesbians, bisexual women, trans*women, trans-masculine/non gender-conforming people, for whom justice is undeliverable or severely constrained.'²⁶ The NGO Haus of Khameleon has raised the issues of challenges for the trans-gender community and identified the need to 'shift the narrative on trans-gender community.'²⁷

Children (every person under the age of 18) face particular issues in accessing justice. In Fiji 'various legislative and policy mechanisms have been enacted in order to holistically protect the rights of the child and provide children with access to justice in a safe and protective environment'.²⁸ There is a comprehensive framework to protect children, including the rights

²³ There are regular articles in the newspapers, strong advocacy by NGOs such as Fiji Women's Crisis Centre, Parliamentary Speaker's Debates and every month the Office of the Director of Public Prosecutions releases data on the number of formal indictments filed in the courts by the DPP for incidents of serious sexual offences, as part of raising awareness of this issue. (For example for the month of April 2016, there were 57 incidents as follows: rape 41, attempted rape 2, defilement 1, and sexual assault 13).

²⁴ FWCC, *Somebody's Life, Everybody's Business: National Research on Women's Health and Life Experiences in Fiji, (2010 / 2011): A Survey Exploring the Prevalence, Incidence and Attitudes to Intimate Partner Violence in Fiji*, 2013.

²⁵ *Ibid*, page 3.

²⁶ Fiji Women's Right Movement, 'Balance: helping to balance the scales' journal, 2015.

²⁷ Haus of Khameleon, 12 May 2016.

²⁸ Fiji Attorney General, Fiji Sun newspaper 18 February 2016, page 36.

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within the Constitution, ratification of the CRC and subsequent reporting,²⁹ laws to provide children with various rights to and protection of children³⁰, work being undertaken in relation to child labour³¹, capacity development initiatives and awareness raising on child protection,³² and a National Coordinating Committee on Children established to coordinate the implementation of the articles of the CRC.³³ The Ministry of Women, Children and Poverty Alleviation has undertaken programmes of awareness raising for children's rights³⁴ and in 2015 established a Child Hotline, in now in operation 24 hours a day, and managed by Medical Services Pacific, which during a period of nine months in 2015 identified and referred 544 cases in need of child protection service.

Recent research on social protection for children noted that a high proportion of children live in families experiencing income poverty and that 61% of children either live in or are vulnerable to poverty as they could at any point in time drop under the poverty line.³⁵ Children in specific areas in Fiji are particularly disadvantaged, including those in informal settlements, low quality urban housing, rural areas and the northern region. Child protection is also a concern in Fiji with cases of physical, sexual and emotional abuse routinely reported. Cases of abuse are most often perpetrated by a trusted adult including family members and with 72% of children having experienced physical punishment and or psychological aggression in the home.³⁶ Data from service providers in Fiji show that sexual abuse is one of the most common forms of abuse of

²⁹ The most recent CRC-report (13 October 2014) includes the following observations with regard to the administration of juvenile justice in general and recommendations with regard to alternative measures for children in conflict with the law in particular: Observation 71: "The Committee is seriously concerned about the situation of children in conflict with the law. In particular, the Committee regrets: (a) The minimum age of criminal responsibility being as low as 10 years of age; (b) Suva being the only city with a special juvenile court; (c) Life sentences being imposed on juvenile offenders; (d) The particularly poor conditions of prisons inconsistent with international standards, in particular overcrowding, deteriorating infrastructure and a lack of delivery of essential services." Recommendation 72: "The Committee urges the State party to: ... (d) Promote alternative measures to detention, such as diversion, probation, mediation, counselling or community service, wherever possible, and ensure that detention is used as a last resort and for the shortest possible period of time, and that it is reviewed on a regular basis with a view to withdrawing it."

³⁰ A National Child Protection Policy has been submitted to Cabinet and there is further legislation under development such as the Adoption Bill currently before Parliament and the development of Decrees related to Juvenile Justice and Child Welfare.

³¹ The International Labour Organization (ILO) has worked with trade unions in Fiji in the fight against child labour through intensive campaigns to eliminate child labour which have involved institutional strengthening mechanisms, capacity building initiatives, support services frameworks and situational surveys in Fiji, and included awareness raising and production of a booklet 'A Trade Union Guide for Eliminating Child Labour in Fiji' in 2015 (the latter supported by the EU funding to combat child labour in Fiji through the Tackling Child Labour through Education Project). ILO has also undertaken training of the justice sector on international labour standards in March 2016.

³² UNICEF support to development of health worker guidelines for recognizing, responding to and referring child protection cases; Police Standard Operating Procedures on investigation of sexual offences, registering of children and diversion options for youth; Child Protection Policy in schools rolled out to all primary and secondary schools, with expansion ongoing to early childhood centers; and a community facilitation package with Ministry of Women, Children and Poverty Alleviation (refer below) and adaptation into Fijian with iTaukei Affairs.

³³ The National Coordinating Committee on Children (NCCC) was formed to implement the articles of the CRC and to coordinate the operations of the Fiji Government, NGOs, CSOs and donors in order to create a protective environment for all the children of Fiji and progressively realise their rights and responsibilities outlined in the CRC. In 2015 the NCCC developed InterAgency Guidelines on Child Abuse and Neglect guidelines as a tool to aid the implementation of the CRC by better addressing child abuse and neglect cases. The Guidelines are for coordination of the five Agencies directly responsible for responding to victims of child abuse and neglect which include Fiji Police Force; Ministry of Health and Medical Services; Ministry of Education, Heritage and Arts; Ministry of Women, Children and Poverty Alleviation; and Ministry of Employment, Productivity and Industrial Relations.

³⁴ UNICEF supported the implementation of a community facilitation package to increase awareness of children's protection issues in Fijian villages. An educational resource package 'Children are a Gift from God' was utilised which promotes alternative ways to the traditional and cultural ideas of raising children with a focus on protection of children against abuse, exploitation and neglect.

³⁵ UNICEF Pacific and Ministry of Women, Children and Poverty Alleviation, Child-Sensitive Social Protection in Fiji: Assessment of the Care and Protection Allowance report, 2015. Analysis is based on Household Income and Expenditure Survey 2008 & 2009 data. The report includes significant detail on the situation of children in Fiji and an analysis of the challenges faced by some of the poorest children in Fiji. The report includes the recommendation for the expansion of the Care and Protection Allowance to provide effective protection and support for the most vulnerable and to improve the standard of living of many children while considerably strengthening the social contract between the government and its citizens.

³⁶ UNICEF and AusAID, Protect me with love and care: A Baseline Report for creating a future free from violence, abuse and exploitation of girls and boys in Fiji, 2009.

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children in the country³⁷ and with cases of commercial and sexual exploitation of minors and trafficking. Children's experiences with the justice system, whether as victims or witnesses or in conflict with the law, indicate that children experience a range of challenges in accessing justice. These include for example not being taken seriously, long delays with investigations and court processes, lack of respect for privacy, lack of empathy, feeling unsafe if perpetrator remains in the community, and lack of understanding of court processes. The lack of data in this areas means it is not possible to know the full extent of the challenge.

People with disabilities also face challenges in access to justice although there is a lack of available data to know the full extent of the challenge. People with disabilities are 'largely invisible and disadvantaged in terms of access to education, health services, employment, livelihood opportunities and support services ... (and) due to a lack of awareness and understanding of disability in the wider community, discrimination against those living with disabilities is widespread'.³⁸

Another potential challenge for accessing justice is where customary laws and traditional dispute resolution practices potentially conflict with rights under the Constitution,³⁹ such as the misuse of the traditional practice known as '*bulubulu*', under which a traditional apology is used when a law is broken.⁴⁰ Further, the Government and other key stakeholders have recently condemned the traditional leaders' acts of pardoning people who have committed serious crimes through this practice noting that traditional leaders cannot use '*bulubulu*' to overrule the law.⁴¹

Key justice sector stakeholders have identified a challenge for accessing justice for arrested and detained persons who may not be fully aware of their right to counsel from the outset (often referred to as 'early access to legal aid'), may be waiving the right to counsel without really understanding what the right entails, may lack an understanding of the right to remain silent,⁴² or may be subjected to duress. This also generates problems further along the 'justice chain' when the case is prepared for or comes to court and there are then submissions over the admissibility of any statements or confession made by that arrested or detained person.⁴³ The lack of early access to legal aid ('first hour procedure') is being addressed by stakeholders noting it is a critical issue for consideration given that 'prompt access to legal advice and assistance is the key to guaranteeing a fair trial and the rule of law ... to ensure that rights are respected, improves the efficiency and fairness of the criminal justice system and represents an important safeguard against torture and other forms of ill-treatment ... has the potential to reduce costs, both for the system overall and for the individual and families concerned.'⁴⁴ Justice sector stakeholders are focussed on implementation of the 'first hour procedure' with links to Fiji's ratification of UNCAT and also initiatives related to the video recording of evidence.

³⁷ Of the 612 cases of child abuse reported by the National Coordination Committee on Children (between January and August 2015) there were 117 cases sexual abuse, 88 cases of physical abuse and 97 cases of child neglect.

³⁸ Fiji National Council for Disabled Persons, A survey on people with disabilities, 2010.

³⁹ The 1997 Constitution had included a clause requiring the application of customary laws and dispute resolution in accordance with traditional Fijian processes, but this was omitted in the 2013 Constitution.

⁴⁰ In Fijian culture, *bulubulu* is reported as an essential part of traditional village life. Disputes were settled with the offer of a whale's tooth, a gift or compensation, and asking for forgiveness. There is social pressure to accept this apology because the historic outcome of accepting *bulubulu* was to break the cycle of vengeance. The offer is directed to the senior male member of the family but generally not the victim.' International Center for Advocates Against Discrimination, The Role of Culture in Shaping Judicial Opinions on Sexual and Gender Based Violence Cases: Fiji Case Law Survey, 2014.

⁴¹ Fiji Sun newspaper, 3 April 2016, page 15.

⁴² Constitution, section 13.

⁴³ For example, on 10 May 2016 the Director of Public Prosecutions discontinued murder charges against four men because of concerns their confessions were obtained under duress at the time of their caution interview whilst in police custody, and there was no admissible evidence against the accused other than the confession statements.

⁴⁴ UNODC & UNDP, Handbook on Early access to legal aid in criminal justice processes, 2014.

Challenges in service delivery of justice

The human rights based approach to access to justice also looks to the duty bearers, the key justice sector institutions, and the challenges faced in the delivery of justice outcomes. Whilst there are range of stakeholders across the 'justice chain' that have a role in the service delivery of justice; including the Police, Office of the Director of Public Prosecutions and the Correctional Service; for the purposes of this project though the focus of the challenges in service delivery of justice will be identified below for the Legal Aid Commission,⁴⁵ because this is a key entry point for access to justice for impoverished and vulnerable groups, and the Judicial Department,⁴⁶ as a key institution that delivers justice outcomes for impoverished and vulnerable groups. Through a focus on these two institutions the most strategic challenges, which if addressed are considered to have the greatest potential for catalytic impact to generate transformational results, are identified.

For both the Judicial Department and the Legal Aid Commission there is the ongoing challenge of raising awareness of the services they provide to assist people realise their rights. For the Judicial Department there is the issue of when people come to a court they need to understand the processes, and whilst information is currently provided, there are identified needs for improvements. For the Legal Aid Commission there is the challenge of people being aware of their right to legal aid, and whilst programmes of outreach and awareness raising have commenced,⁴⁷ there is significantly more to be done, and cognisant that the Legal Aid Commission is mandated by the Legal Aid Act 1996 to undertake legal awareness raising. The additional benefits of raising awareness of processes and services is that information on activities of the Judicial Department and the Legal Aid Commission can also be provided. This affords an opportunity for an enhanced level of transparency with the potential to increase confidence and trust in these institutions, which would further promote people accessing these institutions.

For both the Judicial Department and the Legal Aid Commission there is the challenge of providing services over such a vast geographical area. As indicated in the map below (and at Annex 6) there are 14 locations in Fiji⁴⁸ with both Judicial Department and Legal Aid Commission full time services. There are six other locations areas including maritime communities⁴⁹ serviced by monthly or quarterly or twice yearly Judicial Department sittings, and for the Legal Aid Commission where there are either plans to establish new Legal Aid Commission offices or Legal Aid Commission representation providing to support the Judicial Department sittings. In late 2015 the Judicial Department opened the Mediation Centre in Suva with three cases initiated and all settled in 2015. For 2016 (up to May) there 17 cases initiated and 5 settled with 12 pending. There is currently no easily available data to indicate length of time or delay in having cases heard in remote areas.

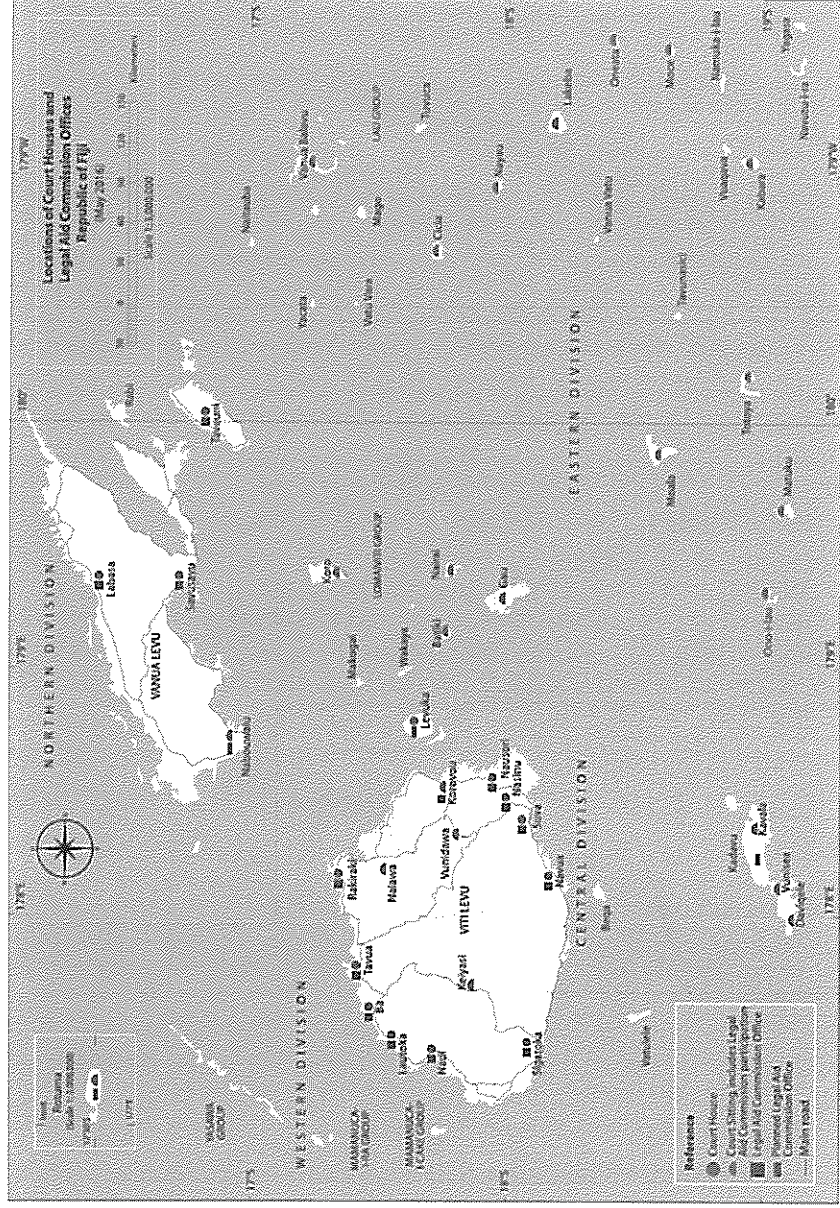
⁴⁵ Whilst legal aid services have been provided since July 1998, the Legal Aid Commission was first given recognition under the Constitution (section 118) in 2013. The Legal Aid Commission has its budget allocated yearly by Parliament and then independently manages this budget.

⁴⁶ The Judicial Department is made up of the Judiciary, the Magistracy, various Tribunals including the Small Claims Tribunal and Court Support Staff. The Judicial Department has its budget allocated yearly by Parliament and then independently manages this budget.

⁴⁷ Through one project, the Legal Aid Commission raised awareness through radio programmes, information booths at public events and mobile clinics reaching 1,859 Fijians (1,334 women, 569 men and 156 children) with a focus on the very remote communities in Vanua Levu.

⁴⁸ Suva, Nausori, Labasa, Nadi, Ba, Rakiraki, Sigatoka, Nasinu, Savusavu, Tavua, Korovou, Navua, Taveuni and Lautoka.

⁴⁹ Levuka, Kadavu, Rotuma, Nabuwawalu, Vunidawa and Maritime Areas Eastern Division.



For both the Judicial Department and the Legal Aid Commission there is the challenge of the delivery of justice without unreasonable delay for criminal matters⁵⁰ and within a reasonable time for civil matters.⁵¹ This challenge exists due to a range of factors, with the key factors being an ongoing backlog from the past eight years, a continually increasing demand for services, resource (in particular staff) constraints and institutional technical and administrative capacity constraints.

The Legal Aid Act⁵² and the Legal Aid Policy Guidelines 2010 enable the Legal Aid Commission to have a broad remit. The Commission applies the principle that no person should ever be turned away or referred to another agency or nongovernment organisation without first being provided with some initial advisory assistance, representing a significant benefit for access to justice. Legal aid assistance may be given in respect of criminal law, family law and limited categories of civil law. This inclusion of civil law services has been identified as significantly benefitting impoverished persons.⁵³ There is a means test as part of the application for legal aid assistance which is currently set at FJD 15 000 (and may be increased to FJD 16 000), with this waived for remand prisoners until they are released on bail after which the means test is applied. Whilst there is a merits test applied in family and civil law matters, in November 2012 the merits test to access legal aid in criminal matters was removed resulting in increased workload.

The Legal Aid Commission aims to operate in alignment with the United Nations Principles and Guidelines on Access to Justice in Criminal Justice Systems⁵⁴ which identifies that legal aid is a

⁵⁰ Constitution 14. (2). (g)

⁵¹ Constitution 15. (3)

⁵² Legal Aid Act No.10 of 1996

⁵³ This significant benefit to impoverished persons was identified in the Legal Aid Commission 2016 Budget Submission for where the civil law services provided are listed as including deed poll, non-contentious probate, letters of administration matters, drafting of Wills, Fiji National Provident Fund applications in the absence of valid nominations, and transmission of death matters.

⁵⁴ UN Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems (A/RES/67/187), 2012. Member States of the United Nations have also recognized the importance of legal aid. In its resolution 67/1, the General Assembly (GA) emphasized the importance of “the right of equal access to justice for all, including members of vulnerable groups, and the importance of awareness-raising concerning legal rights,” affirming a commitment “to taking

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foundational right for access to justice, and should be accessible at all stages of the criminal justice process and in all matters involving vulnerable groups such as women, children and rural people, and non-discriminatory; sustainable in that legal aid is funded by the state; affordable in that use is made of all resources by engaging in partnerships with law clinics, paralegals and non-governmental organisations; credible because legal aid providers have their independence guaranteed and are properly trained; and accountable in that complaints against legal aid providers are dealt with promptly; undertake public legal aware awareness should be conducted to make people aware of their rights.

In January 2016 the Legal Aid Commission had 125 positions (comprising lawyers, client information officers and support staff) with 88% of the positions occupied (67 women 61% and 43 men 39%) and 12% of these positions vacant. Approximately 50% of these total Legal Aid Commission positions are lawyers (62 lawyer positions), with 80% occupied (29 women 58% and 21 men 42%) and 20% of these lawyer positions vacant. These figures do not include the staffing planned for the new offices to be opened in 2016 and 2017.

In 2015 the Legal Aid Commission provided 16,813 advisory services, which represents an increase of 51% from the advisory services provided in 2014. In addition to this, in 2015 there were 12,300 (4,185 women 34% and 8,115 men 66%) new applications for legal aid, which represents an increase of 66% from new applications for legal aid submitted in 2014. When applicants are accepted for legal aid they are classified as clients. In 2015 34% of legal aid clients were women with the breakdown between caseload of the women clients as follows: family matters 60%, civil matters 48% and criminal matters 17.5%. From these 2015 new clients, some of the matters proceeded to court, and when combined with clients whose cases have continued on from 2014 (the previous year), in 2015 there were 13,501 clients (4,672 women 35% and 8,829 men 65%) represented in court with the breakdown in type of matter being 57% criminal cases, 31.5% family law cases, and 11.5% civil matters. Juveniles were 1.6% of these clients represented in court in criminal matters (10 women and 201 men).

During 2015 the disposal rate of cases (as a ratio of files opened to files closed) was approximately 71%, which can also be used indicatively to measure the residual case load and potential backlog. Also from the new applications in 2015 some of the matters are 'briefed out' to private lawyers in situations when there is potential for a conflict of interest.⁵⁵ In 2015 there were 1,232 matters briefed out, which represents an increase of 100% from the 2014 matters briefed out. Despite the briefing out of cases, the workload for the available staff resources remains significant.

Whilst there exists in Fiji a legal practitioners private bar (association), comprising 343 (149 women 43% and 194 men 57%) practicing private lawyers, from the data available the level of pro bono work undertaken appears relatively low and there is no practitioner annual registration requirement for pro bono work. For example, under the Duty Solicitor's Scheme of assistance to the unrepresented in court, in the majority cases it is only the Legal Aid Commission lawyers providing support, who in 2015 rendered 5,323 duty solicitor services,⁵⁶ representing a 115% increase from the 2014 duty solicitor services provided. In the majority (estimated at around 85%) of criminal matters before the court the Legal Aid Commission is providing the representation.

all necessary steps to provide fair, transparent, effective, non-discriminatory and accountable services that promote access to justice for all, including legal aid." In its resolution 67/187 the GA adopted the United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems, the first normative instrument exclusively focusing on legal aid and providing detailed guidance on practical approaches to its delivery. Most recently, UNODC and UNDP jointly developed the Handbook on Early access to legal aid in criminal investigations and proceedings, a practical guide to developing and implementing policies and programmes to ensure early access to legal aid.

⁵⁵ For instance, where both parties to a proceeding are eligible for Legal Aid Commission assistance, then the Legal Aid Commission is prevented under the Legal Aid Practitioners Decree 2009 to act for both parties in the same proceeding.

⁵⁶ The Duty Solicitors provide assistance in cases of immediate need, such as where help is needed for hearings scheduled on the same day or with issues such as Domestic Violence Restraining Orders that need to be issued on the same day.

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The Legal Aid Commission is essentially the only option for those in need of free legal assistance, which further compounds the challenges for the Legal Aid Commission in service delivery.

In January 2016 the Judicial Department had 740 positions (comprising judges, magistrates, legal and support staff) with 93% occupied (351 women 51% and 338 49% men) and 7% of these positions vacant. Approximately 10% of these total Judicial Department positions are Judiciary positions (73 Judges, Magistrates, Chief Registrar, Master), with 79% occupied (11 women 19% and 46 men 81%) and 21% of these Judiciary positions vacant. Approximately 51% of these total Judicial Department positions are lawyer positions (373 lawyers, deputy registrar and court officers), with 88% occupied (170 women 52% and 157 men 48%) and 12% of these lawyer positions vacant.

Information on court statistics provides some indicative information on court workload and backlog. In 2015 in the Supreme Court, Court of Appeal, High Courts, Magistrates Courts and Family Court there were 91,229 cases initiated, 100,392 cases disposed and 125,738 classified as pending. Some of these pending cases dated back up 8 to 12 years.

There are a range of administrative and technical challenges identified by the Judicial Department and the Legal Aid Commission which impact on service delivery. Both the Judicial Department and the Legal Aid Commission have identified that improved service delivery could be achieved through enhanced institutional technical capacity. The current judges, magistrates, and lawyers have the required qualifications and experience and there is already a training programme (for example for the Judicial Department this is managed by the National Judicial Education Committee) that is implemented throughout the year. However, there is also an identified need for enhanced of knowledge and skills in relation to changes in statutes and new precedents, 'issue areas' specially identified (such the special needs of women and children in the courts, human rights and courts, judicial ethics, court room management, gender and justice and international labour standards), and trainings aligned to emerging areas of law (such as related to climate change and internal or cross border migration, and also disaster-induced cross-border displacement under the Nansen Initiative 2011). Enhanced skills for administrative and support staff would also support improved service delivery.

Both the Judicial Department and the Legal Aid Commission have also identified that improved service delivery could be achieved through enhanced institutional planning and administrative capacities. There are no current assessments or knowledge products or surveys available that identify access to justice needs and expectations, no information on whether these needs are being met adequately, and no data available on the perceptions of those who are currently accessing the justice services. There is a lack of accessible user friendly client feedback and complaint mechanisms on the quality of services provided. The lack of such information hinders effective planning processes and the development of longer term reforms. There are no current corporate documents from which to guide future planning and to be utilised to enhance transparency. There are currently limited resources available from which to inform case preparation, assist decision making and foster transparency, with access to precedents from the Fiji Law Reports only available for a limited range of years,⁵⁷ and other limitations in relation to availability of reference books and research databases. The current case management databases that are being utilised by the Judicial Department and the Legal Aid Commission have both been identified as insufficient to meet current and future demands, and needing to be modernised and transitioned to case management systems to provide platforms for more effective case flow management in order to deliver more efficient, predictable and transparent processes which will result in an enhanced level of justice services.

⁵⁷ Aside from 2012, the Fiji Law Reports (annual reports with up to 100 selected cases) have not been published consistently since 2002. The existing Fiji Law Reports are being produced by the Judicial Department through a combination of internal resources and a specialised legal research and publishing company. For years 2002 and 2003 the Judicial Department are currently having these reports produced. For years 2004, 2005, 2006, 2007 and 2008 the selection of the cases for these reports have been undertaken and they are ready for the next stage of production of headnotes and / or printing.

The Judicial Department and Legal Aid Commission are already delivering services related to both women's and children's rights, however both have identified areas for improvement for service delivery to women and children. For instance, whilst there are strong existing networks between key stakeholders in relation to children's access to justice, some challenges have been identified including the need for specialised technical expertise to assist with court bench books; further trainings to enhance child friendly court procedures and processes; provision of screens in court to protect traumatised children when giving evidence; and also specific awareness raising programmes to target children. The Fiji Women's Rights Movement has been providing some support to the Family Court and recently undertook a small scoping study with women who had been involved in matters before the Family Court, to identify the challenges women face in accessing justice.

Analysis has been undertaken by the International Center for Advocates Against Discrimination of sentencing decisions in domestic violence, sexual assault and gender violence cases, for during the periods 1977 to 2013⁵⁸ and 2005 to 2014⁵⁹, on whether certain factors with embedded gender discrimination, such as customary forms of reconciliation,⁶⁰ gender stereotypes and rape myths,⁶¹ were considered in sentence mitigation and the subsequent effect on sentence length. The analysis was grounded in the hypothesis that where such matters are taken into account this allows perpetrators to escape accountability for their crimes and women are left disempowered, vulnerable, and with little faith in a justice system that should be protecting them. For Fiji, in the 2005 to 2015 analysis, 145 cases were reviewed which indicated that in 48% of cases these factors were raised in court and then led to an actual reduction in sentence in 33% of the cases. The researchers note a range of limitations of the study in the Fiji context, however the overall analysis does provide some useful recommendations and identification of areas for future research.

There are also other Constitutional bodies⁶² that contribute, and have obligations, to improve access to justice which also currently, or are expected, to face similar challenges being experienced by the Judicial Department and Legal Aid Commission such as the need for awareness raising, challenges in service delivery to remote areas, case backlogs, and needs for strengthened institutional capacity (both technical and administrative). For example the Fiji Human Rights and Anti-Discrimination Commission (FHRADC) is responsible to 'take steps to secure appropriate redress if human rights have been violated, including making applications to court for redress or for other forms of relief or remedies'.⁶³ With the appointment of the FHRADC Commissioners in 2015 and the appointment of the FHRADC Director in 2016, the processes of identifying challenges and immediate strategic priorities for the re-invigoration of the FHRADC has commenced.

⁵⁸ International Center for Advocates Against Discrimination, *The Role of Culture in Shaping Judicial Opinions on Sexual and Gender-Based Violence Cases: Fiji Case Law Survey, 1977 to 2013*.

⁵⁹ International Center for Advocates Against Discrimination, *An Analysis of Judicial Sentencing Practices in Sexual and Gender-Based Violence Cases in the Pacific Island Region, 2005 to 2014*.

⁶⁰ Example being apology or forgiveness such as *bulubulu*. Advocates from Fijian Women's Crisis Center argue that the current practice of *bulubulu* in violence against women cases is an affront to the traditional practice of *bulubulu* ... and has been manipulated by perpetrators of SGBV to get sexual assault and domestic violence cases dropped by police officers, receive reduced court sentences, and deny redress to survivors.

⁶¹ Examples being the perpetrator was the bread-winner and need to be at home to provide, the victim / survivor had provoked the perpetrator, taking into account the sexual history of the victim / survivor, the fact that the victim did not appear upset, that the victim / survivor behaved at the time in a way that led the perpetrator to believe she would be a willing participant, and that the victim / survivor was of 'loose' morals.

⁶² These are the Fiji Elections office and Election Commission, who may challenge in court decisions affecting disenfranchised citizens, the Human Rights and Anti-Discrimination Commission, whose role is to support citizens whose human rights have been violated, the Transparency and Accountability Commission which, although not established yet, is expected to assist Fijians in their dealing with maladministration and, the Fiji Independent Commission against Corruption which focus on prevention of corruption, education, investigation and prosecution.

⁶³ Constitution 45(4)(e)

Additionally there are a number of non-governmental organisations⁶⁴ and other bodies⁶⁵ that provide advice and assistance in particular areas related to access to justice, whom also face potential challenges from the growing demands. For example, the Fiji Women's Crisis Centre has a 24 hour confidential line for counselling, support and information, and in 2014 provided counselling services to 1,957 new clients, and 3,153 repeat clients, and also assisted 52 women with accommodation needs.

II. STRATEGY

This project will address the Development Challenge identified above through a strategy founded on the project 'Theory of Change'.⁶⁶ A Theory of Change is an articulation of how and why a given intervention will lead to a specific change, provides clarity by making underlying intentions and assumptions explicit, and helps to develop a common understanding. A Theory of Change promotes effectiveness through envisaging 'change pathways' to inform planning with evidence of what has worked based on available knowledge and helps think about longer term changes, even longer than project duration, to embed sustainability within the project. A Theory of Change brings focus and more insights into who and what is necessary to bring about change.

The beginning of the design for the Fiji Access to Justice Project was undertaken following the adoption of a new Constitution in 2013, democratic elections in 2014 and then the reestablishment of parliament, when all key stakeholders engaged in discussions, research and analysis on potential areas of support for reform in Fiji. On 16 June 2015 the Fiji Government and the European Union signed the National Indicative Programme 2014 – 2020 under the 11th European Development Fund which identified public administration reform and governance as a focus area to contribute to fostering democracy, governance and political stability. Following this the European Union engaged in further consultations with a broad range of stakeholders and identified improving the functioning of the justice system and facilitating better access to justice for the underprivileged as a priority area. These broad based consultations ensured strong national ownership and include engagement with targeted groups that will be affected by the project. The European Union noted that: 'while needs of the justice sector are numerous, the Action will only cover specific technical assistance and capacity building of selected public institutions and provide support to the NGOs to implement communication and accompaniment services with a particular focus on vulnerable population, women, youth and people in informal settlement areas. The Legal Aid Commission and the Judiciary will be the entry points through which other legal and judicial institutions will benefit from the Action.' The European Union also identified the implementation mode of UNDP implementation justified on four key reasons. 'First, harmonisation between Development Partners with UNDP providing a single conduit for implementation of UNDP support, EU support and potentially other donor support as they come in the future. Second, improved and coordinated policy dialogue led by the EU together with UNDP providing the space for improved policy dialogue in the justice sector. Third, effective and efficient use of joint resources allowing the EU to focus on substantive sector policy dialogue rather than administrative programme management. Fourth, complementarities between the EU and UNDP by putting together their experience in access to justice for the benefits of the citizens of Fiji.'⁶⁷

⁶⁴ These include the Fiji Women's Right Movement, Fiji Women's Crisis Centre, FemLINKPACIFIC, Haus of Khameleon, Diverse Voices and Action for Equality, NGO Coalition of Human rights (comprises ten non-governmental organisations representing various areas of human rights including democratic rights, gender equality, rights of the child, labour rights, land rights and religious freedoms)

⁶⁵ For example the Consumer Council, on consumers issues, the University of South Pacific which has operated law clinics, Transparency International which provide legal advice to those affected by corruption, Fiji Women' Crisis Center which provides legal support to female survivors of domestic violence.

⁶⁶ UNDP, A Guide to the Application of Theories of Change to UNDP Programmes and Projects, 2016

⁶⁷ European Union Action Document for FED/2015/38-560 – Fiji Access to Justice and Integrated Technical Assistance Support Programme.

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On this basis, and with the strategy for the entry points to address the Development Challenge already determined, the next stage of the more detailed Project Design was undertaken by UNDP during the period October 2015 to April 2016 also in conjunction with a broad range of stakeholders, further ensuring strong national ownership and engagement with targeted groups that will be affected by the project. Insights on the particular needs of the impoverished and vulnerable groups in remote locations was obtained during outreach activities involving 1,490 people (51% women, 38% men and 11% children) during the period July to December 2015 where overall there were needs identified for increased legal awareness of rights and information on how to access services, and further that within these groups 23% (comprised of 61% men and 39% women) identified a need for immediate legal aid services (which they were then provided). Insights on the institutional capacity needs of the Legal Aid Commission were obtained through workshops (over nine days) and discussions during the period December 2015 to April 2016 in the development of the draft Legal Aid Commission Strategic Plan 2016 to 2020 and Functional Review.⁶⁸ Insights on the institutional capacity needs of the Judicial Department and other organisations were undertaken through series of individual meetings and consultations during the period December 2015 to April 2016.

Theory of Change

The current state of the problem that the project is seeking to influence has been identified in the previous section on the Development Challenge and informed by the earlier consultations that identified access to justice as a priority area. The Fiji Access to Justice Project Theory of Change is that Access to Justice in Fiji for impoverished and vulnerable groups will be improved through empowering people to access legal rights and services delivered by the relevant key justice institutions, in conjunction with strengthening those key justice institutions to undertake improved service delivery. Founded on the combination of the rights identified in the Constitution and the articulated development priorities of the Fiji Government, combined with best international practice, this Theory of Change and the Project Design has been developed utilising four complimentary approaches.

First, a human rights based approach to development, which pays particular attention to the voice of disadvantaged and marginalized people. Through utilising a human rights based approach for access to justice the focus is placed on ensuring that impoverished and vulnerable people are empowered to utilise the institutions that are most relevant for them in obtaining justice, while at the same time stressing the importance of strengthening the capacity of those relevant institutions to deliver justice; facilitating a convergence between popular expectations and institutional capacities to respond, aiming to deepen the social contract.

Second, a service delivery and problem solving focussed approach has been utilised. This is to identify the key entry points and also specific activities that are targeted to enable the Judicial Department and Legal Aid Commission improved capacity to deliver services efficiently and effectively and respond to particular priority issues. For the Legal Aid Commission this also includes further strengthening the links with non-governmental organisations who will deliver accompaniment access to justice services for impoverished and vulnerable groups to facilitate a more nuanced and rapid approach to justice focussed change. The most strategic activities have been prioritised for implementation in this project to promote and stimulate change to enable the most catalytic impact.

Third, in addressing and prioritising the particular needs of women's access to justice, an approach is in line with recommendations of the Committee on the Elimination of All Forms of Discrimination against Women - General recommendation number 33 on women's access to

⁶⁸ The needs of groups in remote locations and the development on the draft Legal Aid Commission Strategic plan were undertaken under the auspices of the Fiji Rights, Empowerment and Cohesion (REACH) for rural and urban Fijians Project being implemented by UNDP.

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justice July 2015.⁶⁹ It is important to note that following stakeholder discussions these comprehensive recommendations are considered relevant and appropriate to be utilised as guidelines in Fiji for the development of this project in order to frame the provision of support to women's access to justice. In the CEDAW July 2015 document the general issues and recommendations on women's access to justice are detailed in six areas. First, that justiciability, availability, accessibility, good-quality, accountability of justice systems, and the provision of remedies for victims are necessary to ensure access to justice. Second, 'ensure that the principle of equality before the law is given effect by taking steps to abolish any existing laws, procedures, regulations, jurisprudence, customs and practices that directly or indirectly discriminate against women especially in their access to justice, and to abolish discriminatory barriers to access to justice'. Third, undertake measures, including awareness-raising and capacity-building for all actions of justice systems and other key stakeholders to 'eliminate gender stereotyping and incorporate a gender perspective in all aspects of the justice system'. Fourth, the provision of education to a broad audience from a gender perspective on human rights and the availability of mechanisms for access to justice and awareness-raising on women's right to access justice and to dismantling cultural stereotypes. Fifth, ensuring access to free legal-aid, advice and representation with legal aid that is accessible, sustainable and responsive to the needs of women, with services provided in a timely, continuous and effective manner. Sixth, provision of highly qualified human resources combined with adequate technical and financial resources to the justice system to ensure justiciability, availability, accessibility, good-quality, accountability of justice systems and the provision of remedies for victims.

Fourth, a political economy approach to change has also been utilised acknowledging that the project Theory of Change must be both technically sound and also grounded in a clear understanding of the enabling environment within the justice sector and in Fiji overall.⁷⁰ This more granular view of the political economy of change in Fiji has been undertaken during the consultations and analysis in late 2014 and early 2015 and informed the selection of the entry points for access to justice for the impoverished and vulnerable through the Legal Aid Commission and Judicial Department.

In the development of the project strategy any potential environmental adverse impacts that could be caused by this project were considered and it was found that none of the activities to be conducted under this project will cause any adverse impacts on the environment. The Social and Environmental Screening Procedure (SESP) was conducted to identify potential social and environmental impacts and risks, with the project assessed as no risks. The SESP report is attached at Annex 2.

Change Pathway

The project will commence with a six month Inception Phase (July to December 2016) where some key priority activities will commence, importantly including the Access to Justice Assessment

⁶⁹ The General recommendation is founded on notions of inclusiveness and comprehensiveness, stressing the importance of women's access to justice in diverse legal systems and all areas of law for all women, irrespective of economic or social status, political background, geographical location, disability, sexual orientation or gender identity. It encompasses all justice settings (formal, informal or semi-formal), sources of law (common law, civil law, religious law, customary law or mixed legal systems) and the full range of legal domains (criminal, civil, family, administrative and constitutional). Whilst there are a wealth of global gender analysis reports and making links to access to justice; for example, the 2012 World Development Report which recognizes that justice systems play a critical role in making rights effective for women noting that even when laws exist, women's demand for justice may be constrained by factors such as lack of rights awareness, social norms, or bias in service provision; the CEDAW July 2015 recommendations are considered most appropriate in the Fiji context.

⁷⁰ UNDP, Institutional and Context Analysis Guidance Note, 2012 -- 'Institutional and Context Analysis refers to analyses that focus on political and institutional factors, as well as processes concerning the use of national and external resources in a given setting and how these have an impact on the implementation of UNDP programmes and policy advice'. ODI Toolkit, using political economy analysis in conflict, security and justice programmes, 2016 - 'Political economy analysis is concerned with the interaction of political and economic processes in a society; including the distribution of power and wealth between groups and individuals and the processes that create, sustain and transform these relationships over time'.

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to establish the baselines (with disaggregated data and a participatory gender analysis) and provide information to inform selection of particular priority issues for activities linked to service delivery and non-governmental organisation delivery of accompaniment services. The Theory of Change will also be validated following the analysis of the Access to Justice Assessment.

The long-term, transformational nature of the intended change is acknowledged in the project design, with an emphasis placed on identifying short-term achievements (at the Activity Results and Output Levels), mid-term achievements (at the Outcome Level) that over time will collectively contribute to the longer term change, as identified in Sections III, V and Annex 7. Based on the European Union identified overall objective to contribute to the enhancement of governance systems in Fiji, with a particular focus on facilitation better access to justice for all citizens; and the specific objectives to improve access to justice in Fiji, particularly for poor and vulnerable citizens; to increase the efficiency and quality of justice provided by the Legal Aid Commission, courts and other institutions; and to increase the capacity of the Legal Aid Commission, courts and other institutions; the Fiji Access to Justice Project intended outcome is: Fijians empowered for access to justice and Fijian key justice sector institutions strengthened to deliver access to justice, particularly for impoverished and vulnerable groups. The monitoring and evaluation approach, outlined at section VI, will support this including knowledge generated through research.

The Legal Aid Commission is the main entry point for the provision of advice on legal rights to all Fijians and for impoverished citizens to be able to effectively exercise their legal rights and also to raise awareness of legal rights. The project will provide support to the Legal Aid Commission to deliver access to justice in its mission 'to provide access to justice through professional, efficient and quality legal aid service'. Support is therefore required to ensure that the Legal Aid Commission manages its resources efficiently, both human and financial. Training of lawyers and staff and the provision of resource materials such as law reports and legal references will enable a higher level of professionalism, contribute to the improvement of the efficiency and further assist the institution manage the increasing demand. This will support the improvement in the quality of services provided and help reduce backlog case rates. Support for the establishment of case management system (which commences with a review of administration / client case processes) will be undertaken which will improve efficiency in the provision of services; and also provide a system for monitoring, evaluation and reporting to improve accountability and transparency; generating a higher level of efficiency for the Legal Aid Commission to deliver access to justice. In empowering Fijians for access to justice support will be provided to expand the reach of the Legal Aid Commission to particular locations and particular groups to raise awareness and undertake service delivery, which will be further facilitated through the establishment of a helpline.

The project will provide support to the Judicial Department in support of the 'independent and impartial judicial system' and its mission 'to ensure a judicial system that is accessible, efficient, effective and transparent'. Support will be provided for planning, including strategic planning. Training of the judiciary and staff and the provision of resource materials such as law reports and legal references will enable a higher level of professionalism and contribute to the improvement of the efficiency. This will support the improvement in the justice services provided and help reduce backlog case rates. Support for the establishment of case management system (which commences with a review of court administration / case flow processes) will be undertaken which will improve efficiency in the administration of justice; and also provide a system for monitoring, evaluation and reporting to improve accountability and transparency; generating a higher level of efficiency for the Judicial Department to deliver access to justice. In empowering Fijians for access to justice support will be provided for Judicial Department outreach, which will be further facilitated through the establishment of court information centres.

For both the Judicial Department and Legal Aid Commission exposure to international best practice will be undertaken to inform potential reform initiatives related to their ability to deliver access to justice, particularly for impoverished and vulnerable groups. Noting there are similar challenges confronting the Legal Aid Commission and Judicial Department there is cost effectiveness in this project response in relation to common activities such as case management

systems, institutional planning, law library support, networking and training activities. Additionally in order to foster an overall justice sector approach, during the implementation of project activities coordination will be undertaken with key partners such as the prosecution services.

To further facilitate access to justice, capacity building and technical assistance will be provided to selected institutions in particular circumstances and where related to access to justice with this potentially including the Human Rights and Anti-Discrimination Commission⁷¹, Fiji Elections Office and Election Commission, Fiji Independent Commission Against Corruption, and Transparency and Accountability Commission (when established). Importantly, non-government organisations will be instrumental in supporting the efforts of the Legal Aid Commission on access to justice and are important partners that form a natural bridge between official institutions and marginalised populations. Non-government organisations will be supported under the project to deliver accompaniment access to justice services for impoverished and vulnerable groups. The precise nature (priority focus areas) of these accompaniment services will be determined following the Access to Justice Assessment and analysis of the priority justice needs for empowering Fijians for access to justice.

Evidence

The evidence to support the approach for the Theory of Change is outlined below. There are numerous international strategies, reports and studies that have been undertaken over the past years in relation to Development Partners support to aid and in particular to justice programming. These include reports undertaken by Development Partners⁷² and United Nations in relation to global initiatives⁷³, Regional Reports⁷⁴ and a Fiji case study⁷⁵. The most relevant and key conclusions for this project and in the Fiji context from these reports in relation to the approach (and strategy) adopted for the Theory of Change are:

⁷¹ The Human Rights and Anti-Discrimination Commission (HRADC) is the predominant enforcement body for the Bill of Rights guaranteed under the Constitution. A functioning and effective HRADC requires that human rights information is accessible to the public and there is also knowledge of the processes. Achieving this requires interaction and building relationships between HRADC and different groups in society such as government, parliament, judiciary, civil society and the public. (UNDP and OHCHR, Toolkit for Collaboration with National Human Rights Institutions, 2010). The expected initial support to HRADC would be linked to the first stages of the implementation of their Strategic Plan and in areas related to access to justice.

⁷² EC, Support for justice reform in ACP countries, September 2010; EC, Support to Justice and the Rule of Law: Review of past experience and guidance for future EU development cooperation programmes, 2012; ICAI, Independent Commission for Aid Impact, Review of UK Development Assistance for Security and Justice, March 2015; OECD, Improving security and justice programming in fragile situations: better political engagement, more change management, March 2016; ODI, Using political economy analysis in conflict, security and justice programmes, Toolkit, March 2016; The World Bank, New Directions in Justice Reform. Paper No. 70640. Washington, DC: Legal Vice Presidency, 2012; and ODI, working paper 432, Sustaining public sector capability in developing countries, December 2015; EU, Gender Equality and Women's Empowerment: Transforming the Lives of Girls and Women through EU External Relations 2016-2020', September 2015.

⁷³ UNDP, a transparent and accountable judiciary to deliver justice for all, April 2016; UNDP & UNODC, Global Study of Legal Aid, April 2016; INPROL, International Network to promote the rule of law, A Guide to Change and Change Management for Rule of Law Practitioners, January 2015; and UN Women, Progress of the World's Women, In Pursuit of Justice, 2011; UNDP, Programming for Justice: Access for All. A Practitioners Guide to a Human Rights-Based Approach to Access to Justice, 2006; UNDP, UNDP Gender Equality Strategy 2014-2017, 2014; UN Women, A Framework to Underpin Action to Prevent Violence Against Women, 2015 and UNDP, Background Notes -- Theory of Change for Outcomes 2, 3 and 4, 2013.

⁷⁴ Porter, Douglas; Isser, Deborah; Venning, Philippa. Toward more effective and legitimate institutions to handle problems of justice in Solomon Islands. Justice for the poor. Washington, DC: World Bank Group, 2015; Pacific Women, Pacific Women Shaping Pacific Development First Progress Report 2012-2015, November 2015; Australian Government, DFAT, Pacific Women First Progress Report 2012-2015, November 2015; AusAID, Building on Local Strengths: Evaluation of Australian Law and Justice Assistance, December 2012; and Pacific Judicial Development Programme, 2010-2015 Completion Report, June 2015.; International Center for Advocates Against Discrimination, An Analysis of Judicial Sentencing Practices in Sexual and Gender-Based Violence Cases in the Pacific Island Region, December 2015

⁷⁵ UNICEF, Child Protection Case Study: Tapping into community values to support child protection in Fiji "Children are a Precious Gift from God". Community-Based Facilitation Manual, 2014.

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- While capacity building continues to be perceived and applied as a catch-all solution that can build effective and accountable security and justice institutions focus is gradually shifting to seeing the delivery of security and justice as a service.
- This perspective of service delivery requires addressing specific user needs and problems.
- Provision of support needs to explicitly serve the impoverished and marginalized, and outcomes should be targeted in terms of equity, inclusion, and accountability, which are more closely linked to progress in terms of substantive justice.
- Whilst the focus of justice reform on issues of efficiency and effectiveness of the court system should continue to be prioritized, there is also a need to focus on addressing specific challenges in particular locations or for particular groups of intended beneficiaries.
- Strengthening capacity to build and maintain organisational structures can be very different from capacity to address needs and problems so important to link capacity building and material inputs to specific performance and service improvements.
- The need to address the immediate justice related needs of the marginalised through best fit rather than simply just best practice initiatives or some ideal justice system model.
- Applying an empirically based approach to justice reform anchored in the needs of end users, with a need to address the scarcity of reliable information (including women's) on access to justice to understand both the problem as well as the potential effectiveness of a range of solutions, noting there are gaps in understanding of what works to support change for women in the Pacific.
- Important that if there has been no recent history of development partner support to stakeholders, commence project implementation with an inception period, ensure the gathering of sound and robust analysis and data, and then during the inception period refine and adjust if necessary the change pathway.
- Adopt more modest, specific and locally relevant goals, and avoid the promotion of idealised institutional forms and standardised packages of support.
- Project needs to be of sufficient duration to achieve the type of change sought.
- Project design to be based on an adequate understanding and appreciation of the political feasibility of the change sought.
- Attempting to have one overall programme covering the entire sector is often overly ambitious and may paralyse action, rather best to address entry points that are politically feasible and from there, they can scale up and build linkages with other sub-systems of the justice sector.
- Important to sequence reforms in an incremental fashion that allows achievable but meaningful project results.
- Build demand for reform among stakeholders as a key to motivating improved performance.
- Projects need to be more opportunistic regarding entry points, and maintain an ability to experiment and build on critical linkages when it becomes possible.
- Projects need to operate in an adjustable, flexible manner, and provide for a permissive space for experimentation, learning and adjustment.
- The need to continually recheck and validate the Theory of Change and have a joint or regular monitoring system in place.
- Justice Sector has a role to play in the prevention of violence against women through laying the foundations for prevention given the prosecution of alleged perpetrators, promoting accountability and ensuring effective access to remedies for victims.
- Important to strengthen and promote non-governmental organisations who can play a key role in connecting the State and the citizen.
- When justice is accessible and responsive to all people, the level of participation in other development processes increases, conflicts between people are reduced and the sense of security and stability improves significantly.

The project rests on the following key assumptions. That the Government of Fiji will continue to promote the rule of law and seek to strengthen access to justice of all Fijians. As a result, the

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Judicial Department and Legal Aid Commission will continue to receive sufficient financial and technical support from the government in order to discharge its mandate and key duties to uphold the rule of law. That the Judicial Department and Legal Aid Commission will maintain its commitment to continual improvement of its capacities and to making its services more accessible to the impoverished and members of vulnerable groups. That the Legal Aid Commission will continue to work with other stakeholders such as non-governmental organisations in providing services to impoverished and vulnerable citizens, that government will continue to appreciate the importance of non-governmental organisations in relation to access to justice and that non-governmental organisations will continue to recognise the government intentions to work with them productively. That individuals (rights holders and duty bearers) are willing to engage and embrace positive change.⁷⁶ That individuals, particularly impoverished and vulnerable groups, when made aware of their rights and the process on how to access, will be empowered to exercise their rights. That individuals; when aware of strengthened key justice sector institutions that have improved services, efficiency, effectiveness, transparency and accountability; will be further empowered to access those services. That justice systems that treat the most vulnerable members of society fairly and provide services that meet the needs of the most impoverished and vulnerable are also likely to provide the same benefits to those who are wealthier and less vulnerable. That there will be ongoing support to obtain empirical data and then analyse and utilise such data to inform decision making. That any reform initiatives introduced during the project, such as case management system, will be embraced and maintained by the relevant stakeholders.

The project will contribute to the Fiji United Nations Development Assistance Framework (UNDAF) Outcome 5.1, which states 'National, local, and traditional governance systems uphold human rights, especially women's rights in line with international standards', through the national governance systems related to access to justice upholding human rights, especially women's rights in line with international standards. The Fiji UNDAF concludes in 2017, and this project will be considered under the new UNDAF with the aim to include related outputs.

III. RESULTS AND PARTNERSHIPS

Expected Results

Based on the European Union identified overall objective to contribute to the enhancement of governance systems in Fiji, with a particular focus on facilitation better access to justice for all citizens; and the specific objectives to improve access to justice in Fiji, particularly for poor and vulnerable citizens; to increase the efficiency and quality of justice provided by the Legal Aid Commission, courts and other institutions; and to increase the capacity of the Legal Aid Commission, courts and other institutions; the Fiji Access to Justice Project intended outcome is: Fijians empowered for access to justice and Fijian key justice sector institutions strengthened to deliver access to justice, particularly for impoverished and vulnerable groups.

The expected results will be delivered according to the Results Framework which lists the 'activities' and the pathway to the 'activity result' and then to the 'output' to contribute towards the 'outcome', shown also at Annex 7. These activities have been identified as best suited to achieve the intended results. The change we expect to see that will be attributable to the project is

⁷⁶ In conjunction with the project Theory of Change it is also considered important to have a macro theory of change, essentially an overarching set of beliefs about how change occurs. At the core of change are people, people who need to think and act differently for change to be successful and for institutions, systems and societies to change for the positive. The Project will promote elements of a relevant change management strategy which includes building trust with stakeholders; identifying change agents and early adapters; establishing change networks; and aiming for inclusive participation. INPROL, International Network to promote the rule of law, A Guide to Change and Change Management for Rule of Law Practitioners, January 2015

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identified in the outputs with specified targets aligned to the identified indicators. The achievement of these outputs will contribute towards achievement of the outcome.

Output 1

Enhanced Institutional Capacity of Legal Aid Commission to deliver access to justice for impoverished and vulnerable groups. (Gender Marker 2: The output promotes gender equality in a significant and consistent way)

Activity Result 1.1:

Legal Aid Commission (LAC) able to effectively measure and analyse its data through the establishment of a case management system to enable improved service delivery and facilitate responsiveness to the justice needs of impoverished and vulnerable groups.

Activity 1.1.1: The procurement, installation and training for the operationalization of two servers to bolster LAC's ICT infrastructure.

Activity 1.1.2: The creation of a pilot case management system for LAC and training for its utilization, including on data analysis, with a focus on data disaggregated by sex and population group.

Activity 1.1.3: The revision and finalization of the overall case management system in accordance with the results of the pilot programme and needs analysis, including lessons learned workshop.

Activity 1.1.4: Assistance in the production of reports and recommendations based on the analysis of the data.

Activity Result 1.2:

The capacity of the LAC is strengthened to enable improved service delivery and responsiveness to priority areas identified by the Access to Justice Assessment.

Activity 1.2.1: The conduct of a 2016 Fiji Access to Justice Assessment to identify the justice needs of impoverished and vulnerable groups; including development of baselines and perception surveys, generation of disaggregated data, broad stakeholder discussions; with the analysis of findings to further inform project activities.

Activity 1.2.2: The provision of support, technical and workshops, to the LAC in the finalization of its five year strategy, functional review, annual corporate plans, including financial and human resource management manuals.

Activity 1.2.3: The provision of technical support to LAC to develop quality monitoring policies and procedures, criteria for evaluating the quality of assistance provided and other tools.

Activity 1.2.4: Support to the LAC in accessing and hosting international and regional knowledge networks in relation to access to justice.

Activity 1.2.5: Support to the LAC in the production and implementation of a training plan and train the trainer programme, and the evaluation of its subsequent impact; with the design of the training plan to be responsive to priority areas identified by the Access to Justice Assessment.

Activity 1.2.6: The conduct of a 2020 Fiji Access to Justice Assessment, including lessons learned workshop, and analysis.

Activity Result 1.3:

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The LAC able to accurately access and invoke the relevant law in the provision of its services through the updating of the LAC's library.

Activity 1.3.1: Obtaining and making available at least two major law reports from countries used as comparative sources of law by Fijian lawyers and courts (such as Australia, New Zealand and England and Wales).

Output 2

Enhanced Institutional Capacity of Judicial Department and other institutions to deliver access to justice for impoverished and vulnerable groups. (Gender Marker 2: The output promotes gender equality in a significant and consistent way)

Activity Result 2.1:

The Judicial Department able to effectively measure and analyse its data through the establishment of a case management system to enable improved service delivery and facilitate responsiveness to the justice needs of impoverished and vulnerable groups.

Activity 2.1.1: The creation of a pilot case management system for the judiciary and training for its utilization, including on data analysis, with a focus on data disaggregated by sex and population group.

Activity 2.1.2: The revision and finalization of the overall case management system in accordance with the results of the pilot programme and needs analysis, including lessons learned workshop.

Activity 2.1.3: Assistance in the production of reports and recommendations based on the analysis of the data.

Activity Result 2.2:

The capacity of the Judicial Department is strengthened to enable improved service delivery and responsiveness to priority areas identified by the Access to Justice Assessment.

Activity 2.2.1: The conduct of a 2016 Fiji Access to Justice Assessment to identify the justice needs of impoverished and vulnerable groups; including development of baselines and perception surveys, generation of disaggregated data, broad stakeholder discussions; with the analysis of findings to further inform project activities.

Activity 2.2.2: The provision of support, technical and for workshops, to the Judicial Department in the production of its strategy, functional review, annual corporate plans and implementation plan for a five-year period.

Activity 2.2.3: Support to the Judicial Department in accessing and hosting international and regional knowledge networks in relation to access to justice.

Activity 2.2.4: Support to the Judicial Department in the production and implementation of a training plan and train the trainer programme, and the evaluation of its subsequent impact; with the design of the training plan to be responsive to priority areas identified by the Access to Justice Assessment.

Activity 2.2.5: Support to the Judicial Department in the production of a feasibility study on the creation of a judicial training institute.

Activity 2.2.6: The conduct of a 2020 Fiji Access to Justice Assessment, including lessons learned workshop, and analysis.

Activity Result 2.3:

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The Judicial Department able to accurately access and invoke the relevant law in the provision of its services through support to the production of the Fiji Law Reports and updating the Judicial Department library.

Activity 2.3.1: Producing outstanding Fiji Law Reports (2004-2011; 2013-onwards) with copies to also be provided to the LAC Offices.

Activity 2.3.2: Obtaining and making available at least two major law reports from countries used as comparative sources of law by Fijian lawyers and courts (such as Australia, New Zealand and England and Wales).

Activity Result 2.4:

Other Constitutional bodies have enhanced capacities to deliver access to justice.

Activity 2.4.1: Informed by the Access to Justice Assessment, support to the Human Rights & Anti-Discrimination Commission (HRADC) for selected activities related to access to justice (to also be further determined following finalisation of HRADC Strategic Plan and stakeholder consultations).

Activity 2.4.2: Informed by the Access to Justice Assessment, support to other Constitutional bodies for selected activities related to access to justice.

Output 3

Strengthened delivery of access to justice services to impoverished and vulnerable groups. (Gender Marker 2: The output promotes gender equality in a significant and consistent way)

Activity Result 3.1:

Expanding the delivery of legal aid for impoverished and vulnerable groups through supporting the establishment of four offices of LAC across Fiji.

Activity 3.1.1: Procurement of furniture and equipment to support the functioning of four legal aid offices outside of the capital Suva.

Activity Result 3.2:

Expanding the delivery of access to justice for impoverished and vulnerable groups through supporting the establishment of a toll-free helpline at the LAC.

Activity 3.2.1: Development of concept note, and implementation, reporting, monitoring and evaluation plans for the helpline, based on priorities identified by the Access to Justice Assessment.

Activity 3.2.2: Support to the implementation plan for the helpline, including training LAC staff as required, and establishment of reporting, monitoring and evaluation mechanisms.

Activity 3.2.3 Procurement of furniture and equipment to support the functioning of a helpline.

Activity Result 3.3:

Increasing the availability of services for impoverished and vulnerable groups through supporting the establishment of three information centers in courthouses across Fiji.

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Activity 3.3.1: Development of concept note, and implementation, reporting, monitoring and evaluation plans for the three information centres.

Activity 3.3.2: Support to the implementation plan for the information centres, including training court staff as required, and establishment of reporting, monitoring and evaluation mechanisms.

Activity 3.3.3: Procurement of furniture and equipment to support the functioning of information centres.

Activity Result 3.4:

Increasing impoverished and vulnerable group's awareness on accessing legal rights and services.

Activity 3.4.1: Informed by priorities identified in the 2016 Access to Justice Assessment, and mapping and lessons learned of other access to justice awareness raising activities, development of a concept note, and implementation, reporting, monitoring and evaluation plans for awareness-raising campaigns.

Activity 3.4.2: Support to the implementation plan for awareness-raising campaigns including training, support for presentation materials and establishment of a reporting, monitoring and evaluation mechanisms.

Output 4

Strengthened capacity of NGOs to deliver accompaniment access to justice services to impoverished and vulnerable groups. (Gender Marker 2: The output promotes gender equality in a significant and consistent way) (Depending on outcome of 2016 Fiji Access to Justice Assessment, potentially Gender Marker 3)

Activity Result 4.1

The development of a model and implementation plan for a network of community advocates to deliver accompaniment access to justice services.

Activity 4.1.1: The conduct of a 2016 Fiji Access to Justice Assessment to identify the justice needs of impoverished and vulnerable groups; including development of baselines and perception surveys, generation of disaggregated data, broad stakeholder discussions; with the analysis of findings to further inform project activities.

Activity 4.1.2: Informed by the Access to Justice Assessment, development of concept note, and implementation, reporting, monitoring and evaluation plans to establish the model for a network of community advocates to deliver selected accompaniment to LAC access to justice services including stakeholder workshop.

Activity 4.1.3: The conduct of a 2020 Fiji Access to Justice Assessment, including lessons learned workshop, and analysis.

Activity Result 4.2:

Establishment of and support to the network of community advocates to deliver accompaniment access to justice services.

Activity 4.2.1: Informed by the implementation plan developed at Activity 4.1.2, provision of support and undertake training and train the trainer programme, to establish a pilot for the network of community advocates, including support to raise awareness of the network, and to monitor, evaluate and report on the accompaniment access to justice services undertaken.

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Activity 4.2.2: Analysis and stakeholder workshop on the pilot and lessons learned to inform future operations of the network and ascertain feasibility of expansion of the network of community advocates.

Activity 4.2.3: Informed by the analysis of the pilot, support to ongoing accompaniment access to justice services.

Output 5

Effective Project Management. (Gender Marker 2: The output promotes gender equality in a significant and consistent way)

Activity Result 5.1

Project is managed effectively and key results achieved and reported.

Activity 5.1.1: Project managed in accordance with UNDP Programme and Operations Policies and Procedures.

Activity 5.1.2: Project Board is updated on the progress of the project.

Activity 5.1.3: Inception Report, Progress Reports, EU Reports and Final Report produced on time.

Activity 5.1.4: Communications and Visibility undertaken through implementation of Communication and Visibility Plan and reporting on implementation and results.

Activity Result 5.2:

Independent Project Evaluations.

Activity 5.2.1: Mid-Term Evaluation is conducted and results shared with stakeholders.

Activity 5.2.2: Mid-Term Evaluation Recommendations incorporated into Project Document (Theory of Change and Results Framework).

Activity 5.2.3: Final Evaluation conducted and results shared with stakeholders.

Gender equality is mainstreamed throughout the project outputs and there will be a continual process of assessing the implication for women and men of any planned action, in all areas and at all levels. Gender equality is integrated as a cross-cutting issue by the rationale, activities, indicators and budget associated with each output, and with each output promoting gender equality in a significant and consistent way.

Resources Required to Achieve the Expected Results

The resources required to achieve the expected results include the financial contributions identified in the project document at Section VII; the participation, time and technical inputs of stakeholders and the teams from Judicial Department and Legal Aid Commission; participation, time and technical inputs of non-government organisations involved in the accompaniment services; the cooperation and inputs across the justice sector; the project team both technical and administrative support; UNDP corporate support, human resource and procurement management; engagement of individual contractors or companies to support specialised technical work such as support to the Access to Justice Assessment; information technology for the software and hardware for the case management systems; resources for specialised trainings; and contractual

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arrangements with specialised companies for the printing of Law Reports and access to other legal resources.

Partnerships

UNDP has a clear advantage to implement this project based on global technical expertise in the area of inclusive and effective democratic governance, which includes successful access to justice programming globally and in Fiji; combined with an existing presence in Fiji and existing relationship with Fiji Government in the implementation of a range of activities and projects that contribute towards effective governance. As detailed in Section II during the discussions between the European Union and Fiji Government at the project design stage, the implementation modality was thoroughly considered, and given the development context implementation by UNDP was considered justified.

The project involves the key partnerships with the Judicial Department and the Legal Aid Commission to achieve the expected results. The project will also seek to promote the establishment of a Justice Stakeholders' Forum where all the stakeholders (such as police, prosecution, legal aid, court, and corrections) meet to discuss matters of mutual interest to promote access to justice. These stakeholders will also be involved in expert surveys being used as means of verification for indicators in the Project Results Framework at Section V. The conduct of the Access to Justice Assessment will also be an initial key mechanism through which to promote partnerships, and in addition to the justice sector stakeholders will also include non-governmental organisations and other key institutions that may relate to access to justice. There are also other particular activities, such as the establishment of case management systems, provision of the Law Reports and links to trainings and workshops, where there will be strong linkages with the prosecution services. As part of the project activities of international exchanges the potential links to international or other countries legal sectors, legal professional organisations and associations will be explored and considered by the relevant stakeholders.

There are no other Development Partners currently providing support to the Judicial Department or Legal Aid Commission, other than support being provided by UNDP, funded by Government of Japan and UNDP, to the Legal Aid Commission through the Rights, Empowerment and Cohesion (REACH) for rural and urban Fijians Project (further details below). There are no other Development Partners currently active in broad-scoped justice sector development initiatives in Fiji. There are however ad hoc areas of support that arise such as funded conferences, workshops, ad hoc trainings or meeting opportunities; and the project will undertake close coordination with such initiatives to develop relevant synergies and to avoid any duplications. As such, there is no established Development Partner coordination mechanism for the justice sector although informal donor meetings have taken place regularly since 2014 to discuss overall development aid in Fiji and there are other Development Partner meeting groups such as in relation to human rights. The establishment of a Development Partner coordination mechanism for this sector will be further explored during the project inception period (July to December 2016).

In June 2015 UNDP Pacific Office commenced implementation of the Rights, Empowerment and Cohesion (REACH) for rural and urban Fijians Project, which is contributing towards is 'Effective, accountable and strengthened key government agencies that are promoting peace building, social cohesion, inclusiveness and gender equality through their provision of awareness raising and delivery of services'. The project partners are the Legal Aid Commission and the Ministry of Women, Children and Poverty Alleviation. A key focus of the project has been the formulation of joint teams by the project partners to conduct awareness raising and service delivery across Fiji, with the focus on reaching out to remote areas. Project REACH also has an institutional support component for the Legal Aid Commission of which the results will be closely linked to this project. Project data and lessons learned will be shared between Project REACH and Fiji Access to Justice Project, as will the results of the REACH Project mid-term evaluation planned for December 2016 or January 2017.

There will be close coordination with other UNDP projects that complement this project and contribute to strengthened inclusive and effective democratic governance systems in Fiji that

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uphold human rights, especially women's rights in line with international standards and also engagement with civil society, all supporting the strengthening of the social contract. In May 2013 UNDP Pacific Office commenced implementation of the Strengthening Citizen Engagement in Fiji initiative which aims to strengthen sustainable development in Fiji by enabling citizens to engage in nation-building through community-based activities and improved service delivery. The Strengthening Citizen Engagement in Fiji Initiative is funded by the European Union and concludes in December 2016. In January 2014 UNDP Pacific Office commenced implementation of the Fiji Parliament Support Project which is contributing towards ensuring that the systems and processes are in place to provide for a parliament that can efficiently and effectively undertake its legislative, oversight and representative roles, with a view to strengthening good governance and development outcomes in Fiji. The Fiji Parliament Support Project is funded by New Zealand Ministry of Foreign Affairs and Trade, European Union, Australian Department of Foreign Affairs and Trade and Government of Japan. UNDP is also supporting other democratic governance initiatives in partnership with the Fiji Government such as youth engagement, support to the SDGs processes and security sector governance. There is also the UN Pacific Regional Anti-Corruption Project (2016 to 2020), which is being implemented by UNDP and UNODC, with funding from Australian Department of Foreign Affairs and Trade, which aims to support Pacific Island countries to strengthen their national integrity systems to create an enabling environment for trade, business, investment and sustainable development. Opportunities for potential synergies will be explored and considered by the Project Board, and in addition if support for the Fiji Independent Commission Against Corruption (under Activity 2.4.2) is identified as a priority then close coordination will be undertaken.

The Ministry of Women, Children and Poverty Alleviation is receiving a range of technical and advisory support from Development Partner(s) for the areas of gender mainstreaming, gender justice and gender based violence. The Ministry has also received previous support in relation to child rights programmes and establishment of hotlines for children and potentially in 2016 an additional hotline for gender based violence. The experience and lessons learned of the operation of the hotlines will be discussed between the Ministry and the Legal Aid Commission.⁷⁷

There are also ongoing programmes of support being provided to non-government organisations by a range of Development Partners in areas related to gender based violence, shelters, gender equality, human rights and associated matters of awareness raising and some service delivery. Close coordination will be undertaken with partners supporting and working in these areas. Importantly, and linked to access to justice, are projects being undertaken by non-government organisations that have recently commenced with funding by the European Union. First, 'Balancing the Scales: Improving Fijian Women's Access to Justice' being implemented by the Fiji Women's Rights Movement and FemLINK Pacific, with the overall objective to improve access to justice for women, particularly marginalised and minority groups (young women, rural women, LBT women and trans*masculine people, from marginalised and minority backgrounds including those from high need and poverty backgrounds). The project is for a duration of three years concluding in December 2018. Second, 'Fiji in Transition: Towards a Sustainable Constitutional Democracy' being implemented by the Citizens' Constitutional Forum and Fiji Women's Rights Movement, with the overall objective to progressively realise and strengthen a participatory and inclusive constitutional democracy in Fiji, which includes citizens increased understanding of the HRADC's work and role and supporting civil society engagement with public authorities on human rights and the rule of law. This project is for a duration of three years concluding in 24 January 2019.

The project will also closely coordinate with regional organisations, the private bar and university law schools as required, and through a strategy agreed by the Project Board.

⁷⁷ In addition lessons learned from other government hotlines will be discussed with other groups that have such hotlines including the Fiji Independent Commission Against Corruption hotline and the soon to be established hotline to receive complaints from the public in relation to hospitals and health centres designed to promote accountability and better service delivery.

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UNDP will also closely coordinate with other areas of the UN, including UN Women,⁷⁸ the Office of the United Nations High Commissioner for Human Rights,⁷⁹ United Nations Children's Fund,⁸⁰ Office of the UN High Commissioner for Refugees⁸¹ and International Labour Organisation. The 2016 Access to Justice Assessment will be the initial key instrument for close coordination with other areas of the UN. Coordination has already commenced with UNICEF in relation to a proposed activity related to child justice, with OHCHR in relation to support to the HRADC and human rights matters, with UNHCR in relation to access to legal aid for refugees, asylum seekers, stateless persons, and trafficked persons; and with ILO in relation to trainings on international labour law. Depending on the priority (technical expertise) area identified for the network of community advocates to deliver accompaniment access to justice services under Output 4, coordination will be undertaken with the relevant area (i.e. children, women, SGBV, refugees, labour law for example) of the UN as required. Further, other areas of the UN will be invited to participate in monitoring and evaluation processes.

Risks and Assumptions

Project risks are comprehensively identified at Annex 2. The project assumptions are detailed in Section II of this project document.

Stakeholder Engagement

The key stakeholders for the institutional capacity strengthening components are the Judiciary and Legal Aid Commission. In the formulation phase of this project regular updates and coordination meetings have been undertaken and this modality of stakeholder engagement will continue. The Project Board will also provide a more formal process for engagement. In relation to the legal empowerment support for all Fijians, the Access to Justice Assessment to be undertaken during the project inception will look to identify the best stakeholder engagement strategy for targeted groups. The Access to Justice Assessment will also identify other potentially affected groups and a strategy for engagement to ensure they are aware of mechanisms to submit any concerns about the social and environmental impacts of the project.

South-South and Triangular Cooperation (SSC/TrC)

As part of institutional capacity building for the Judicial Department and Legal Aid Commission the project includes support for international exchanges, which may utilise South-South and Triangular Cooperation, depending on the priority topic and relevant countries identified for the exchange. Regional networking and linkages will also be supported under the project. For example potential networking with the Pacific Judicial Strengthening Initiative (June 2016 to June 2012) with the goal being to build fairer societies by supporting the courts of 14 Pacific Island Countries (not including Fiji) to develop more accessible, just, efficient and responsive justice services; with funding support from Government of New Zealand. Further example potential networking with the Indonesian Government with projects such as Support to Justice Sector Reform in Indonesia (July 2014 to June 2019) with the goal of enhancing public trust in the judicial system through support to the Supreme Court and its subordinate courts in strengthening the rule of law and the specific objective to increase the transparency, integrity and accountability of the judiciary and the quality of justice services delivered to the people; with funding support from the European Union.

⁷⁸ UN Women have the 'Advancing Gender Justice in the Pacific' programme 2013-2017. They have also undertaken recent access to justice assessments in the Pacific including: 'Seeking Redress: Challenges and Recommendations to increase women's access to justice in Solomon Islands' May 2015; and 'Women and Children's Access to the Formal Justice System in Vanuatu', May 2016 (*still to be released*).

⁷⁹ OHCHR, for example in support to the Human Rights and Anti-Discrimination Commission.

⁸⁰ UNICEF, for example in relation to child justice.

⁸¹ UNHCR, for example in relation to access to legal aid for refugees, asylum seekers, stateless persons, and trafficked persons.

Knowledge

The report of the High Level Panel of Experts on the Post-2015 Development Agenda calls for a 'new international initiative to improve the quality of statistics and information available to citizens ... to take advantage of new technology ... to empower people with information on the progress towards targets'.⁸² Additionally, data disaggregation and collection which provides for comparison of different population groups is central to a human rights based approach with a focus on the most disadvantaged or marginalized.

The project will have a four pronged approach to project knowledge products in support of the Theory of Change. First, at the outset 2016 and at the end 2020 the conduct of the Access to Justice Assessments including a participatory gender analysis in 2016. Second, through the establishment of the case management databases for the Judicial Department and Legal Aid Commission, data will be generated with reports and information products by stakeholders developed and looking to link to data across the justice sector. Third, through coordination across the justice sector, the development of macro level knowledge products, such as related to particular training syllabus, train the trainer approaches and awareness raising and outreach materials and toolkits. Fourth, communication and media materials, informed by the project Communications and Visibility Plan.

As there currently is no comprehensive data nor systemic analysis of Access to Justice in Fiji the project includes the conduct of Access to Justice Assessments. Data collection and analysis across the justice sector is the foundation of an evidence-based approach to justice reform and contributes to overall good governance in several ways. Through promoting a culture of accountability and transparency using a systems approach, an Access to Justice Assessment can provide a strong evidence base to inform planning and budget allocation, will enable the interlocking needs and interdependent nature of the parts and stages of the system to be seen as part of a greater whole, and enables the public to understand the 'justice story', including the experiences of impoverished and vulnerable groups. An Access to Justice Assessment can provide a clear understanding of a range of issues, including an understanding of people's justice needs; establishing how people experience the justice system; a view of people's perceptions of justice and fulfilment of their justice needs, or lack thereof; identify existing mechanisms available to meet people's justice needs (formal and informal); gaps in the availability of such mechanisms; gaps in existing mechanisms that are utilised; barriers faced by people in accessing justice and meeting their justice needs; and specific obstacles and barriers faced by special groups of people.⁸³ An Access to Justice Assessment will be conducted using a combination of tools such as broad based public surveys, expert surveys, focus groups discussions, expert group discussions and document reviews to ascertain quantitative and qualitative data. Public surveys and focus groups are particularly effective methods of collecting data to illuminate the needs and opinions of diverse and under-served groups, which includes the impoverished and most vulnerable. A participatory gender analysis will also be incorporated into this process.⁸⁴

⁸² OHCHR, Human Rights-Based Approach to Data: Leaving No One Behind in the 2030 Sustainable Development Agenda: Guidance Note to Data Collection and Disaggregation, February 2016. The guidance note provides a preliminary set of principles, recommendations and good practices in relation to participation, data disaggregation and collection by data group, self-identification, transparency, privacy and accountability.

⁸³ There is a wide range of Access to Justice Assessment tools and experiences available from which the project will be able to select the most feasible and best suited approach for Fiji. Guidance and examples are available in documents such as UNDP, 'Why, What and How to Measure? A user's guide to measuring rule of law, justice and security programmes', 2014; UNDP, 'Access to Justice Assessments in the Asia Pacific: A review of experiences and tools from the region', 2012. DPKO & OHCHR, 'The United Nations Rule of Law Indicators: Implementation Guide and Project Tools', 2011; and American Bar Association, 'Access to Justice Assessment Tool: a guide to analyzing access to justice for civil society organization', 2012. There are also a range of companies providing technical support and tools that have been tested in a range of countries such as HiIL - Justice Needs and Satisfaction method (Legal problems in daily life); Governance and Justice Group – Justice Audit; and Public Justice Indices.

⁸⁴ The gender analysis will be mindful of conclusions and recommendations from the Pacific Gender Research Scoping Study recently conducted (Auckland UniServices Limited, 2016) and discussed at the Advancing Gender Research in

The Access to Justice Assessment will also be utilised to establish baselines, inform and fine tune project activities in the Results Framework and the Multi-Year Work Plan. The Access to Justice Assessment is linked to the Project Outputs 1, 2, and 4, and whilst being a participatory process, the intention is that through a procurement process UNDP will engage an international company to design and implement the assessment. The assessment will be conducted again in 2020, linked to the final project evaluation and to also inform any potential future programming. The Access to Justice Assessment will become a key tool in verifying the expected project results. This specific knowledge product also has the potential to be linked and utilised for designs of other interventions across the sector, such reporting against the Fiji National Development Plan. There is further additional potential to be utilised as part of other reporting such as Fiji's Sustainable Development Goals reporting, in particular SDGs 16 and 5, depending on the final global indicators assigned and Fiji's translation of global targets and indicators to national targets and indicators.

Sustainability and Scaling Up

The Judicial Department and Legal Aid Commission have been very much in the lead and will full ownership of the project design and activities. This high level of ongoing national ownership will be ensured throughout the implementation of the project during the conduct of activities, through coordination meetings and the Project Board. The project is clearly focused on the strengthening of key institutional capacities of the Judicial Department and Legal Aid Commission, with the links of these capacities to service delivery. In relation to capacity assessments, the development challenge identifies key institutional data to indicate current institutional capacity in relation to service delivery. In addition a Functional Review of the Legal Aid Commission has been completed and such a review is planned for the Judicial Department during the project inception period incorporated as part of the Access to Justice Assessment. The Results Framework includes an outcome indicator is linked to institutional capacity, and also provides for the regular collection of data and monitoring in relation to strengthened national capacity.

National systems will be utilized as far as possible. Support related to the case management systems will very much rely on working with the existing management systems and teams, and also looking to develop a justice sector approach. Additionally, the project will look to link closely with the Fiji Government processes of reporting on development results (as identified in Section VI) and against the SDG indicators (once these indicators are determined).

On the completion of the project inception period the Project Board will consider the resource mobilization strategy. On completion of the mid-term evaluation a plan will be developed with key stakeholders in order to sustain or scale up results.

IV. PROJECT MANAGEMENT

Cost Efficiency and Effectiveness

Cost efficiency and effectiveness will be achieved in the project management through the adherence to the UNDP Programme and Operations Policies and Procedures and reviewed regularly through the governance mechanisms of the Fiji United Nations Development Assistance Framework (UNDAF) Annual Review⁸⁵ and the Project Board. In addition, there are specific

the Pacific Workshop conducted in Fiji in June 2016.

⁸⁵ The most recent Fiji UNDAF Annual Review was conducted on 24 March 2015 between the Fiji Government and United Nations to take stock of United Nations contribution to the Fiji Roadmap for Democracy and Sustainable Socio-Economic Development 2010-2014 'Build a Better Fiji for All', to identify any bottlenecks and potential solutions. Some of the key lessons learned were the need for clear understanding of the projects by all stakeholders, need for leadership by stakeholders at all levels of project implementation and the projects to have succession planning.

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measures for ensuring cost-efficient use of resources using a portfolio management approach and also for the Access to Justice Assessment during the project inception period.

UNDP has substantive experience in supporting countries in effective democratic governance and access to justice projects. Within the UNDP Pacific Office, a portfolio management approach will be utilised to improve cost effectiveness by leveraging activities and partnerships with other initiatives and projects in Fiji. In particular, the project will look ensure synergies with the Rights, Empowerment and Cohesion (REACH) for Rural and Urban Fijians Project, which aims to promote peacebuilding, social cohesion and inclusiveness through awareness of rights, access to services, provision of legal advice and institutional capacity building in Fiji; promoting the rights of women, youth and disadvantaged groups. The 2015 to 2018 REACH project is being implemented by UNDP in partnership with the Ministry of Women, Children and Poverty Alleviation and the Legal Aid Commission and supported by the Government of Japan and UNDP. The project has a significant outreach awareness raising component which includes the gathering of data and the design and production of awareness materials. Information, materials and lessons learned from project REACH will be shared and discussed with stakeholders involved in this project. Additionally the UNDP Pacific Office has a range of other projects that are being implemented and where relevant synergies will be established, examples potentially being in relation to community outreach and awareness raising and also emerging areas of legal issues and new laws.⁸⁶

As outlined above the project strategy is designed to deliver maximum results with the available resources through ensuring the design is based on good practices and lessons learned, that activities are specific and clearly linked to the expected outputs, and that there is robust results management and monitoring framework with indicators clearly linked to the Theory of Change. The project aims to ensure cost efficient implementation and value for money without jeopardising the quality and effectiveness of activities through also seeking in-kind contributions from stakeholders where applicable, one example being in-house experts to lead particular trainings and skills development. The Access to Justice Assessment will provide a robust foundation to fine tune and more precisely target the planned activities and will also provide additional data to be able to measure the expected results leading to change. The Access to Justice Assessment will also provide information to inform a range of policy making across the justice sector and also potential to identify key areas for further attention, which if not being addressed under this project, could provide data for other interventions. In relation to capacity development trainings and skills workshops to be implemented during the project, local in-house expertise (both from within the justice sector and also from the UN, including UN Women and OHCHR and UNICEF) will be accessed and for specialised trainings international expertise will be utilised with a training of trainers programme approach developed. In relation to the case management systems for the Judicial Department and Legal Aid Commission synergies will be developed for the development, implementation and maintenance, and where applicable collaboration with other key justice stakeholders undertaken.

Project Management

UNDP is directly implementing the project and is the Responsible Party under the Multi-Year Work Plan July 2016 to December 2020. The Multi-Year Work Plan identifies the technical activities and planned budget at Outputs 1 to 4 and the direct support activities and planned budget at Output 5.

In 2014, UNDP updated its policies on cost-recovery and cost-distribution. A communication on this was issued to Member States Permanent Representatives to the UN in New York in December 2013. The aim of the new policy and guidelines is to reflect in development project budgets the 'true costs' of achieving development results, in line with UNDP principles of full transparency. All anticipated programmatic and operational costs to support this project are

⁸⁶ Fiji Parliament Support Project, Strengthening Youth Participation in the Transition to Democracy, Markets for Change, Pacific Risk Resilience Programme, Pacific Islands Ridge-to-Reef, and Fiji Renewable Energy Power Project.

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identified, estimated, and fully costed in the Multi-Year Work Plan. This includes the costs for activities that relate to technical matters identified at Outputs 1 to 4 and the costs for the direct support the project identified at Output 5.

The project team involved in the Direct Management of the Project will comprise a team of six. The Direct Management of the Project Technical Team will comprise two international contracted staff that will undertake project management, technical advisory, reporting and monitoring, with the costs for these team members incorporated under Outputs 1 to 4. The Direct Management of the Project Support Team will comprise four staff, comprised of one international volunteer and three national staff who will undertake project management support including communications, administrative, financial and procurement tasks, with the costs for these team members identified under Output 5. Some of these project staff will during the first two years of the Fiji Access to Justice Project also contribute to other projects related to access to justice, rule of law and human rights, with only the relevant proportional cost of their costs attributed to the Fiji Access to Justice Project, and this is clearly indicated in the budget notes. As indicated in the table below for the period July 2016 to June 2018 three of the project positions will have costs shared between Fiji Access to Justice Project (70%) and Project REACH (30%), from July 2018 these three positions will have all costs attributed to the Fiji Access to Justice Project (100%) with the overall project team to then be reduced from six to five (reduction of the International UNV position) and the duties of the International UNV absorbed into the remaining five team member positions). The project technical advisory team will have gender expertise and background.

Title of Position	Level of Position	Direct Management of the Project - Key Functions	Allocation of time and costs to Fiji Access to Justice Project					
			Twelve month periods			Six monthly periods		
			Jul 16 to Jun 17	Jul 17 to Jun 18	Jul 18 to Jun 19	Jun 19 to Dec 19	Jul 19 to Jun 20	Jul 20 to Dec 20
Project Manager / Adviser on Access to Justice, Rule of Law and Human Rights	International P4	Provision of full duties of Project Manager and provide high-level technical support for access to justice.	70%	70%	100%	100%	100%	
Access to Justice and Monitoring Specialist	International P3	Provide access to justice specialist technical services and provide access to justice specialist monitoring services.	100%	100%	100%	100%		
Deputy Project Manager	National SC5	Provide specialist project management services and oversight of project support team.	70%	70%	100%	100%	100%	100%
Reporting and Communications Specialist	International UNV	Provide specialist reporting and communications services, including support to Communications and Visibility Plan.	100%	100%				
Project Associate - Finance	National SC4	Provide specialist financial support services in the management and reporting of project finances.	100%	100%	100%	100%		
Project Associate - Administration, Procurement and Finance	National G6	Provide specialist administration support services (workshops, trainings, travel, and logistics) and procurement services.	70%	70%	100%	100%	100%	100%

The project team involved in the Direct Management of the Project will be based in one location in a Project Office in Suva. This Project Office will be located in a dedicated space on Level 7 of the UNDP Pacific Office which will be a total of approximately 51 square meters reducing over time when staff numbers reduce. The location for the Project Office to be in a dedicated space in the UNDP Pacific Office has been undertaken based on two key reasons. Firstly, the Fiji Access to Justice Project will be implemented with two key justice sector institutions who are both independent organisations and independent of each other, so it is not considered appropriate by stakeholders to for the Project Office to be particularly co-located with one of these organisations. Secondly, the accessible location of the UNDP Pacific Office (next door to the 'justice precinct' under three minutes' walk to Judicial Department and Legal Aid Commission), cost efficiency (compared to other potential rental locations in the general area with similar facilities and support services), flexibility (no contract required) and reduced administrative burden of managing a separate location and provision of services, provide strong reasons for the Project Office to be located within the UNDP Pacific Office.

The Project Team will also form part of the Effective Governance Team of the recently realigned UNDP Pacific Office, and ensure the facilitation of linkages and collaboration with other Fiji democratic governance related projects. In particular, the project will continually look for any potential synergies with the Rights, Empowerment and Cohesion (REACH) for Rural and Urban Fijians Project.

Output 5 identifies the direct project costs that will be incurred as part of the Direct Management and Implementation of the Project and can be traced and attributed directly to the management of the project. This includes the proportional costs for the office space to be occupied by the six team members (approximately 51 square meters reduced over time when staff number reduce), and the particular specific dedicated services provided for implementation of the Fiji Access to Justice Project including specific tasks related to activities under the project that require the next step in processing for finance, procurement, human resources, administration, security, travel, assets, information and communications technology, and quality assurance; to enable implementation of project activities. The resources of the UNDP Pacific Office, which includes the Joint Operations Centre and the Integrated Results Management Team, will be utilised for the provision of these services. Only costs for actual services expected to be rendered are included under the planned budget for direct project costs at Output 5, and will only be charged to the project on the basis of 'user pays' utilising prices based on the Universal Price List (UPL) established by UNDP HQ and Local Price List (LPL) established by UNDP Pacific Office and current from 1 March 2016. Financial transactions and financial statements shall be subject to the internal and external auditing procedures laid down in the Financial Regulations, Rules and Directives of the UNDP and the budget allocated for this audit is identified at Output 5.

The Multi-Year Work Plan also includes a General Management Support (GMS) charge that covers the costs for UNDP that are not directly attributable to specific projects or services, but are necessary to fund the corporate structures, management and oversight costs of UNDP. The GMS is applied to all projects funded by Development Partners that are implemented by UNDP around the world. The GMS amount between UNDP and EU is globally set at 7% (seven percent) of the total funds provided for this project by the EU to UNDP.

Intended Outcome:
 Fijians empowered for access to justice and Fijian key justice sector institutions strengthened to deliver access to justice, particularly for impoverished and vulnerable groups.

Outcome indicators:

1. % of Fijians who feel that the Judicial Department and Legal Aid Commission delivery of services have improved.
2. Increased capacity of Judicial Department and Legal Aid Commission to effectively deliver services, particularly for impoverished and vulnerable groups.
3. *Efficiency:* Proportion of all detainees who are not yet sentenced / % of all detainees who have been held in detention for more than 12 months while awaiting sentencing or a final disposition of their case; *Efficiency:* Case management clearance rate - number of cases / legal aid assistance matters finalised as a percentage of total number of cases filed or applications for legal aid approved; *Quality:* % judicial decisions upheld by higher courts; *Gender Equality:* % of Judges / Legal Aid Commission Senior Management & Board who are women; equal application of the law by judges regardless of defendant's or victims' personal or ethnic characteristics; and *Quality:* protection of the rights of defendants and victims.

Baselines, Targets and Means of Verification:

1. Access to Justice Assessment to establish baseline in first six months of project for this composite indicator of qualitative measure of progress which includes measurement of public perceptions whether the Judicial Department and Legal Aid Commission are perceived to be treating people fairly and impartially regardless of their income, race, gender or religion; public perception of court and legal aid efficiency including the issues of undue delay; public perception of the quality of the services provided; and ratio of urban to rural residents who report they have access to courts / legal aid services. Final targets to be developed following baseline measurement. All data to be disaggregated by sex, population group, geographic and user group. Access to Justice Assessment, raw data, all analysis and survey reports are the means of verification. Links to global indicators under SDG16.3, 'proportion of those who have experienced a dispute in the past 12 months who have accesses a formal dispute resolution mechanisms and who feel it was just', and SDG16.6, 'proportion of population satisfied with their last experience of public (justice) services'.
2. Organisational capacity assessment tools including expert surveys to establish baseline in first six months of project and noting links to output indicators. Final target to be development following baseline measurement. All data to be disaggregated by sex, population group, geographic and user group. Organisational capacity assessment tool, raw data, all analysis and survey reports are the means of verification.
3. Further discussion on these quantitative basket of outcome level indicators with stakeholders to identify indicators with the strongest ownership and resonance for how success will be measured and to capture the essence of the change taking place. Links to SDG 16.3.

Applicable Key Result Area from UNDP Strategic Plan 2014-2017:

Outcome 3: Countries have strengthened institutions to progressively deliver universal access to basic services - Output 3.4. Functions, financing and capacity of rule of law institutions enabled, including to improve access to justice and redress (Outcome Indicator 3: Access to justice services disaggregated by sex and population group)

Outcome 4: Faster progress is achieved in reducing gender inequality and promoting women's empowerment - Output 4.3. Evidence-informed national strategies and partnerships to advance gender equality and women's empowerment (Outcome Indicator 4: Proportion of decision making positions (judicial) occupied by women at national

⁸⁷ References utilized: UNDP, 'Handbook on Planning, Monitoring and Evaluating for Development Results', 2009; DPKO & OHCHR, 'The United Nations Rule of Law Indicators: Implementation Guide and Project Tools', 2011; UNDP, 'Why, What and How to Measure? A user's guide to measuring rule of law, justice and security programmes', 2014; UNDP, 'Goal 16 - The indicators we want: Virtual Network Sourcebook on Measuring Peace, Justice and Effective Institutions', 2015; UN Economic and Social Council, Statistical Commission, 'Report on the Inter-Agency and Expert Group on Sustainable Development Goal Indicators', 8-11 March 2016.

and sub-national levels + Output Indicator 4.2.2: Services in place (including justice) to prevent and address SGBV). New and Emerging Area: Citizen Security
Applicable Outcome from Fiji United Nations Development Assistance Framework: Outcome 5.1: National, local, and traditional governance systems uphold human rights, especially women's rights in line with international standards. (Indicator: The World Bank Worldwide Governance Indicator: Rule of Law)
Applicable Sustainable Development Goals: SDG 16: Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels (Target 16.3: Promote the rule of law at the national and international levels and ensure equal justice for all and Target 16.6: Develop effective, accountable and transparent institutions at all levels). SDG 5: Achieve gender equality and empower all women and girls (Target 5.c: Adopt and strengthen sound policies and enforceable legislation for the promotion of gender equality and the empowerment of all women and girls at all levels).
Project Title and Atlas Project Number: Fill Access to Justice Project

EXPECTED OUTPUTS	OUTPUT INDICATORS	DATA SOURCE	BASELINE		(Cumulative) TARGETS (by frequency of data collection)							METHODS & RISKS			
			Value	Year	Year	Year	Year	Year	Year	Year	Year		Year		
Output 1 Enhanced Institutional Capacity of Legal Aid Commission to deliver access to justice for impoverished and vulnerable groups	1.1 Quality of Legal Aid Commission case management system: rated using a set of key features of case management system and reports from case management system with a four-point scale of very good 4 = 100% for all features, good = 3 for 75 to 99% of all features, poor = 2 for 50 to 74% of all features, very poor = 1 for less than 50% of features, and no existing system = 0.	Field Data and Document Review. Informed by review of case management system routine and special issue reports, data on usage of case management system and disaggregated data available from case management system.	0	0	0	0	1	2	2	3	3	3	4	4	Project Team – field data collection visits, document review and stakeholder consultations.
			0	0	0	0	1	2	2	3	3	3	4	4	Project Team – expert survey, document review

EXPECTED OUTPUTS	OUTPUT INDICATORS	DATA SOURCE	BASELINE		(Cumulative) TARGETS (by frequency of data collection)					METHODS & RISKS
			Year 2015	Year 2016	Year 2017	Year 2018	Year 2019	Year 2020	FINAL	
	Legal Aid Commission: rated using question of 'how would you rate the Legal Aid Commission capacity to plan their operations strategically, to budget efficiently and manage gender equality' using an average score of all relevant experts on a four point scale corresponding to the following four response categories: very good = 4, good = 3, poor = 2, very poor = 1, and not yet assessed = 0.	Informed by number of Legal Aid Commission strategies, plans (including training plans), policies, reports or systems that are gender-responsive and meet human rights standards developed or revised by 2020.								and stakeholder consultations for expert survey and focus groups. Baseline to be established.
	1.3 Competence (skills and knowledge) of Legal Aid Commission staff (lawyers): rated using question 'to what extent do you agree that Legal Aid Commission staff (lawyers) have the professional skills, legal training and knowledge required to effectively undertake their duties' using an average score of all relevant experts and focus groups on a four-point scale corresponding to the following four response categories: full agree = 4, partly agree = 3, disagree = 2, strongly disagree = 1, and not yet assessed = 0.	Expert Survey, Focus Groups and Document Review. Informed by Number of participants supported in international or regional knowledge networks accessed or hosted and Number of participants supported in trainings and workshops (disaggregated by sex, geographic, topic and type of professional such as								Project Team – document review and stakeholder consultations for expert survey and focus groups. Baseline to be established.
			Value	0	0	3	3	3	4	
			Year	2015	2016	2017	2018	2019	2020	

EXPECTED OUTPUTS	OUTPUT INDICATORS	DATA SOURCE	BASELINE	(Cumulative) TARGETS (by frequency of data collection)					DATA COLLECTION METHODS & RISKS	
				Value	Year 2015	Year 2016	Year 2017	Year 2018		Year 2019
<p>1.4 Availability of free legal assistance for impoverished and vulnerable groups; rated using question 'how often do impoverished and vulnerable groups actually receive free legal assistance at all stages of proceedings against them?' using an average score of all relevant experts, focus groups and document review on a four-point scale corresponding to the following four response categories: very often = 4, often = 3, rarely = 2, never = 1, and not yet assessed = 0. (or % of defendants in cases who have legal representation)</p>	<p>lawyer, client officer, support staff etc.) and Availability of law reports.</p>	<p>Expert Survey, Focus Groups and Document Review. Informed by data from case management system including total number of clients / case representation provided by Legal Aid Commission and percentage of criminal cases in which the defendant does not have legal representation in court.</p>	0	0	3	3	4	4	4	<p>Project Team – field visits, document review and stakeholder consultations for expert survey and focus groups. Baseline to be established.</p>

EXPECTED OUTPUTS	OUTPUT INDICATORS	DATA SOURCE	BASELINE		(Cumulative) TARGETS (by frequency of data collection)					METHODS & RISKS			
			Year 2015	Year 2016	Year 2017	Year 2018	Year 2019	Year 2020	FINAL				
Output 2 Enhanced Institutional Capacity of Judicial Department and system and reports from case management system to deliver access to justice for impoverished and vulnerable groups.	2.1 Quality of Judicial Department case management system: rated using a set of key features for case management system and reports from case management system and reports from case management system on usage of disaggregated data available from case management system. 2.2 Strategic planning and budgeting capacity of the Judicial Department: rated using question of how would you rate the Judicial Department (court) capacity to plan their operations strategically, to budget efficiently and manage gender equality using an average score of all relevant experts on a four point scale corresponding to the following four response categories: very good = 4, good = 3, poor = 2, very poor = 1, and not yet assessed = 0.	Field Data and Document Review. Informed by review of case management system routine and special issue reports, data on usage of case management system and disaggregated data available from case management system. Document Review. Informed by number of Judicial Department (including training plans), policies, reports or systems that are gender-responsive and meet standards developed or revised by 2020.	0	0	0	1	2	2	3	3	4	4	4
													Project Team – expert survey, document review and stakeholder consultations for expert survey and focus groups. Project Team – expert survey, document review and stakeholder consultations.

EXPECTED OUTPUTS	OUTPUT INDICATORS	DATA SOURCE	BASELINE		(Cumulative) TARGETS (by frequency of data collection)							METHODS & RISKS
			Value	Year	Year	Year	Year	Year	Year	Year	Year	
			2015	2016	2017	2018	2019	2020	FINAL			
2.3 Competence (skills and knowledge) of Judicial Department staff (Judges); rated using question to what extent do you agree that Judicial Department staff (Judges) have the professional skills, legal training and knowledge required to effectively undertake their duties' using an average score of all relevant experts and focus groups on a four-point scale corresponding to the following four response categories: full agree = 4, partly agree = 3, disagree = 2, strongly disagree = 1, and not yet assessed = 0.	Expert Survey, Focus Groups and Document Review. Informed by Number of participants supported in international or regional knowledge networks accessed or hosted and Number of participants supported in trainings and workshops (disaggregated by sex, geographic, topic and type of professional such as lawyer, client officer, support staff etc.) and availability of law reports.	2.4 Number of Other Constitutional Bodies supported by institution and nature of support. (Specific indicators to be developed when nature of support is further defined, for example for HRADC, Capacity of HRADC strengthened	0	0	3	3	3	3	4	4	4	Project Team – document review and stakeholder consultations for expert survey and focus groups. Baseline to be established.
2.4 Number of Other Constitutional Bodies supported by institution and nature of support. (Specific indicators to be developed when nature of support is further defined, for example for HRADC, Capacity of HRADC strengthened	(Specific data sources to be developed when nature of support is further defined)	0	1	1	1	1	1	1	1	1	1	Project Team – field visits and stakeholder and suppliers consultations.

EXPECTED OUTPUTS	OUTPUT INDICATORS	DATA SOURCE	BASELINE		(Cumulative) TARGETS (by frequency of data collection)						METHODS & RISKS
			Year 2015	Value	Year 2016	Year 2017	Year 2018	Year 2019	Year 2020	FINAL	
Output 3 Strengthened Service Delivery of Legal Aid Commission and Department for impoverished and vulnerable groups.	3.1 % of callers to the toll-free helpline in the Legal Aid Commission indicating that Helpline monitoring report (including client feedback and complaint mechanisms) with disaggregated data, reports and details on subsequent actions.	Administrative and Field Data.	0	0	50%	60%	70%	80%	80%	Project Team – field visits and obtaining administrative data, combined with stakeholder consultations.	
	3.2 % of users of the information centres in courts indicating that services were provided at a satisfactory level.	Administrative and Field Data.	0	0	50%	60%	70%	80%	80%	Project Team – field visits and obtaining administrative data, combined with stakeholder consultations.	
	3.3 Number of people indicating increased understanding and awareness of their rights as a result of awareness mission reports	Administrative and Field Data.	0	1,500	3,000	4,500	6,000	6,000	6,000	Project Team – field visits and obtaining administrative data, combined with stakeholder	

EXPECTED OUTPUTS	OUTPUT INDICATORS	DATA SOURCE	BASELINE		(Cumulative) TARGETS (by frequency of data collection)											
			Value	Year	Year	Year	Year	Year	Year	Year	Year					
Output 4 Strengthened capacity of non-governmental organisations to deliver professional skills, legal training and knowledge of participants required to effectively undertake their duties and address gender equality' using an average score of focus groups on a four-point scale corresponding to the following four response categories: full agree = 4, partly agree = 3, disagree = 2, strongly disagree = 1, and not yet assessed = 0.	campaigns disaggregated by provider, topic, and for people by sex, geographic and population group.	including copy of awareness raising materials, reports, sign in sheets, photographs, and evaluation and feedback reports.	0	Year 2015	0	Year 2016	0	Year 2017	3	Year 2018	3	Year 2019	4	Year 2020	4	FINAL
	4.1 Competence (skills and knowledge) of NGO staff rated using question to what extent do you agree that NGO staff have the professional skills, legal training and knowledge required to effectively undertake their duties and address gender equality' using an average score of focus groups on a four-point scale corresponding to the following four response categories: full agree = 4, partly agree = 3, disagree = 2, strongly disagree = 1, and not yet assessed = 0.	Expert Survey, Focus Groups and Document Review.	Informed by Number of participants supported in trainings and workshops (disaggregated by sex, geographic, topic and type of professional such as lawyer, client officer, support staff etc.).	0	Year 2015	0	Year 2016	0	Year 2017	3	Year 2018	3	Year 2019	4	Year 2020	4
Output 4 Strengthened capacity of non-governmental organisations to deliver professional skills, legal training and knowledge of participants required to effectively undertake their duties and address gender equality' using an average score of focus groups on a four-point scale corresponding to the following four response categories: full agree = 4, partly agree = 3, disagree = 2, strongly disagree = 1, and not yet assessed = 0.	4.2 Number of networks of community advocates established, operational and producing regular monitoring analysis, copy of Copy of reports and Document Review.	Field Data and Document Review.	0	Year 2015	0	Year 2016	1	Year 2017	4	Year 2018	4	Year 2019	4	Year 2020	4	FINAL
	4.2 Number of networks of community advocates established, operational and producing regular monitoring analysis, copy of Copy of reports and Document Review.	Copy of reports and Document Review.	Field Data and Document Review.	0	Year 2015	0	Year 2016	1	Year 2017	4	Year 2018	4	Year 2019	4	Year 2020	4
consultations.	consultations.	consultations.														
	Project Team –document review and stakeholder consultations for expert survey and focus groups. Baseline to be established.	Project Team –document review and stakeholder consultations for expert survey and focus groups. Baseline to be established.	Project Team – field visits, document review and stakeholder and suppliers consultations.													

EXPECTED OUTPUTS	OUTPUT INDICATORS	DATA SOURCE	BASELINE		(Cumulative) TARGETS (by frequency of data collection)						METHODS & RISKS
			Year 2015	Year 2016	Year 2017	Year 2018	Year 2019	Year 2020	FINAL		
Output 5 Effective Project Management	4.3 Number of people indicating increased awareness or satisfaction with services provided by networks of community advocates disaggregated by provider, topic, and for people by sex, geographic and population group. (Specific indicators to be developed when nature of support is further defined)	(Specific data sources to be developed when nature of support is further defined)	0	0	1,500	3,000	4,500	6,000	6,000	6,000	Project Team – field visits and stakeholder and suppliers consultations.
	5.1 Number of Communications and Visibility materials and events conducted in accordance with the agreed communication and Visibility Plan.	Administrative Data and Document Review. Copies of communications materials produced and evidence of where displayed in the media.	Administrative Data	0	4	15	25	40	50	50	Project Team and UNDP Integrated Results Management Team.
Output 5 Effective Project Management	5.2 Number of independent project evaluations with results shared and discussed with Project Board.	Administrative Data. Copy of evaluation reports and evidence of sharing and discussion with Project Board (minutes of meeting).	0	0	0	1	1	2	2	2	Project Team and UNDP Integrated Results Management Team.

VI. MONITORING AND EVALUATION

In accordance with UNDP's programming policies and procedures, the project will be monitored through the following monitoring and evaluation plans:

Monitoring Plan

Monitoring Activity	Purpose	Frequency	Expected Action	Partners (if joint)	Cost (if any)
Inception Report	To report on first six months of project implementation and to provide data and analysis for Project Board to consider and validate the Theory of Change.	Undertaken in 2016, with report to be produced and reviewed by March 2017.	Close review of Inception Report in conjunction with Access to Justice Assessment (including baseline data) and any requisite adjustments to Theory of Change, Results Framework (including monitoring plan), Multi-Year Work Plan and Risk Analysis.	UNDP Project & Report to Project Board	Identified in Multi-Year Work Plan (Outputs 1 to 4 Monitoring)
Track results	Progress data against the results indicators in the Results Framework will be collected through field visits and consultations and reviews with stakeholders and then analysed to assess the progress of the project in achieving the agreed outputs. All data will be disaggregated and gender analysis of data undertaken.	Quarterly, or in the frequency required for each indicator.	Slower than expected progress will be addressed by project management.	Establish joint monitoring mechanism which would also include UNDP Project & Report to Project Board	Identified in Multi-Year Work Plan (Outputs 1 to 4 Monitoring)
Monitor and Manage Risk	Through field visits and consultations and reviews with stakeholders identify specific risks that may threaten achievement of intended results. Identify and monitor risk management actions using the Risk Log at Annex 3. Audits will be conducted in accordance	Quarterly	Risks are identified by project management and actions are taken to manage risk. The Risk Log will be actively maintained to keep track of identified risks and actions taken.	UNDP Project & Report to Project Board	Identified in Multi-Year Work Plan (Outputs 1 to 4 Monitoring and Output 5 Audit Cost)

							with UNDP's audit policy and time lines to manage financial risk.
Learn	Knowledge, good practices and lessons will be captured continuously, as well as actively sourced from other projects and partners and integrated back into the project. Lessons learned workshops and after action reviews after pilots will be undertaken.	At least annually	Relevant lessons are captured by the project team and used to inform management decisions.	UNDP Project & Report to Project Board	Identified in Multi-Year Work Plan (Outputs 1 to 4 Monitoring)		
Annual Project Quality Assurance	The quality of the project will be assessed against UNDP's quality standards (seven quality criteria) to identify project strengths and weaknesses and to inform management decision making to improve the project.	At project commencement (Annex 1), Annually and at end of the project.	Areas of strength and weakness will be reviewed by project management and used to inform decisions to improve project performance.	UNDP Integrated Results Management Team & Report to Project Board	Identified in Multi-Year Work Plan (Outputs 1 to 4 Monitoring and Output 5 Direct Project Costs)		
Review and Make Course Corrections	Internal project review of data and evidence from all monitoring actions to inform decision making.	At least annually	Performance data, risks, lessons and quality will be discussed by the project board and used to make course corrections.	UNDP Project & Report to Project Board	Identified in Multi-Year Work Plan (Outputs 1 to 4 Monitoring)		
Project Report	A progress report will be presented to the Project Board and key stakeholders, consisting of progress data showing the results achieved against pre-defined annual targets at the output level, the annual project quality rating summary, an updated risk log with mitigation measures, and any evaluation or review reports prepared over the period.	Annually, and at the end of the project (Final Project Report)	Any quality concerns or slower than expected progress will be discussed and addressed. Integrated Results Management Team & Report to Project Board	UNDP Integrated Results Management Team & Report to Project Board	Identified in Multi-Year Work Plan (Outputs 1 to 4 Monitoring and Output 5 Direct Project Costs)		
Project Review (Project Board)	The project's governance mechanism (the Project Board) will hold regular project reviews to assess the performance of the project and review the Multi-Year Work Plan to ensure realistic budgeting over the life of the	Six monthly	Any quality concerns or slower than expected progress should be discussed by the Project Board and management actions agreed to address the issues identified.	UNDP Project, Integrated Results Management Team & Project	Identified in Multi-Year Work Plan (Outputs 1 to 4 Monitoring and Output 5 Direct Project Costs)		

<p>project. In the project's final year, the Project Board shall hold an end-of project review to capture lessons learned and discuss opportunities for scaling up and to socialize project results and lessons learned with relevant audiences.</p>			<p>Board</p>	
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Evaluation and Assessment Plan

Evaluation Title	Partners (if joint)	Related Strategic Plan Output	UNDAF/CPD Outcome	Planned Completion Date	Key Evaluation Stakeholders	Cost and Source of Funding
<p>2016 Access to Justice Assessment, including development of baselines and perception surveys, participatory gender analysis, generation of disaggregated data, broad stakeholder discussions, and analysis of findings to further inform project activities.</p>	UNDP	3.4 & 4.3	5.1	March 2017	<p>Overall Justice Sector, including Judicial Department, Legal Aid Commission, NGOs, EU, other UN Agencies and beneficiaries.</p>	<p>Identified in Multi-Year Work Plan (Outputs 1 to 4)</p>
<p>Mid-Term (Gender Responsive) Evaluation including Mid-point data collection and (trend) analysis to compare with baseline data.</p>	UNDP	3.4 & 4.3	5.1	2018	<p>Overall Justice Sector, including Judicial Department, Legal Aid Commission, NGOs, EU, other UN Agencies and beneficiaries.</p>	<p>Identified in Multi-Year Work Plan (Output 5)</p>
<p>2020 Access to Justice Assessment, generation of disaggregated data, broad stakeholder discussions, with the analysis of findings to further inform potential follow on project.</p>	UNDP	3.4 & 4.3	5.1	2020	<p>Overall Justice Sector, including Judicial Department, Legal Aid Commission, NGOs, EU, other UN Agencies and beneficiaries.</p>	<p>Identified in Multi-Year Work Plan (Outputs 1 to 4)</p>
<p>End of Project (Gender Responsive) Evaluation including follow-up data collection and analysis to compare with baseline and mid-point data.</p>	UNDP	3.4 & 4.3	5.1	2020	<p>Overall Justice Sector, including Judicial Department, Legal Aid Commission, NGOs, EU, other UN Agencies and beneficiaries.</p>	<p>Identified in Multi-Year Work Plan (Output 5)</p>

VII. MULTI-YEAR WORK PLAN

Fiji Access to Justice Project - Multi-Year Work Plan - July 2016 to December 2020

EXPECTED OUTPUTS & PLANNED ACTIVITIES		RP	Fund source	Budget Description	Amount (USD)	Jul-16	2017	2018	2019	2020	
<p>Output 1</p> <p>Enhanced Institutional Capacity of Legal Aid Commission (LAC) to deliver access to justice for impoverished and vulnerable groups.</p> <p>Activity Result 1.1: Legal Aid Commission (LAC) able to effectively measure and analyse its data through the establishment of a case management system to enable improved service delivery and facilitate responsiveness to the justice needs of impoverished and vulnerable groups</p> <p>Activity 1.1.1: The procurement, installation and training for the operationalization of two servers to bolster LAC's ICT infrastructure.</p> <p>Activity 1.1.2: The creation of a pilot case management system for LAC and training for its utilization, including on data analysis, with a focus on data disaggregated by sex and population group.</p> <p>Activity 1.1.3: The revision and finalization of the overall case management system in accordance with the results of</p>		UNDP	EU / UNDP	61300 International Professional Staff	175,000	18,000	50,000	50,000	50,000	7,000	
		71200 International Consultants	30,000		15,000		15,000				
		71600 Travel	12,000		6,000		6,000				
		72100 Contractual Services - Companies	120,000		60,000		60,000				
		72800 IT Equipment	430,000		230,000		230,000				
										200,000	
PLANNED BUDGET											
						Planned Budget by Year					

EXPECTED OUTPUTS & PLANNED ACTIVITIES		RP	Fund source	Budget Description	Amount (USD)	Jun-16	2017	2018	2019	2020
PLANNED BUDGET					Amount (USD)	Jun-16	2017	2018	2019	2020
Planned Budget by Year					Amount (USD)	Jun-16	2017	2018	2019	2020
	Activity 1.2.4: Support to the LAC in accessing and hosting international and regional knowledge networks in relation to access to justice.			74200 Audio Visual & Printing Production Costs	40,000	5,000	10,000	10,000	10,000	5,000
	Activity 1.2.5: Support to the LAC in the production and implementation of a training plan and train the trainer programme, and the evaluation of its subsequent impact; with the design of the training plan to be responsive to priority areas identified by the Access to Justice Assessment.									
	Activity 1.2.6: The conduct of a 2020 Fiji Access to Justice Assessment, including lessons learned workshop, and analysis.									
	Sub-total				1,055,400	262,900	192,000	209,500	230,000	161,000
	Activity Result 1.3:	UNDP	EU / UNDP	72100 Contractual Services - Companies	215,000		140,000	40,000	35,000	
	The LAC able to accurately access and invoke the relevant law in the provision of its services through the updating of the LAC's library.									
	Activity 1.3.1: Obtaining and making available at least two major law reports from countries used as comparative sources of law by Fijian lawyers and courts (such as Australia, New Zealand and England and Wales).									
	Sub-total				215,000	-	140,000	40,000	35,000	-
	Monitoring	UNDP	EU / UNDP	61300 International Professional Staff	100,000	10,000	28,000	28,000	30,000	4,000

EXPECTED OUTPUTS & PLANNED ACTIVITIES		RP	Fund source	Budget Description	Amount (USD)	Jul-16	2017	2018	2019	2020
PLANNED BUDGET				Planned Budget by Year						
Sub-Total for Output 1					2,197,400	300,900	736,000	623,500	360,000	177,000
Output 2		UNDP	EU/UNDP							
Enhanced Institutional Capacity of Judicial Department and other institutions to deliver access to justice for impoverished and vulnerable groups.										
Activity Result 2.1:										
<p>The Judicial Department able to effectively measure and analyse its data through the establishment of a case management system to enable improved service delivery and facilitate responsiveness to the justice needs of impoverished and vulnerable groups.</p> <p>Activity 2.1.1: The creation of a pilot case management system for the judiciary and training for its utilization, including on data analysis, with a focus on data disaggregated by sex and population group.</p> <p>Activity 2.1.2: The revision and finalization of the overall case management system in accordance with the results of the pilot programme and needs analysis, including lessons learned workshop.</p> <p>Activity 2.1.3: Assistance in the production of reports and recommendations based on the analysis of the data.</p>										
	61300	International Professional Staff			175,000	18,000	50,000	50,000	50,000	7,000
	71200	International Consultants			30,000		15,000	15,000		
	71600	Travel			12,000		6,000	6,000		
	72100	Contractual Services - Companies			120,000		60,000	60,000		
	72800	IT Equipment			430,000		230,000	200,000		
	75700	Workshop Expenses			40,000	10,000	10,000	10,000	10,000	10,000

EXPECTED OUTPUTS & PLANNED ACTIVITIES		RP	Fund source	Budget Description	Amount (USD)	Jul-16	2017	2018	2019	2020
PLANNED BUDGET					Planned Budget by Year					
Activity 2.2.5: Support to the Judicial Department in the production of a feasibility study on the creation of a judicial training institute.										
Activity 2.2.6: The conduct of a 2020 Fiji Access to Justice Assessment, including lessons learned workshop, and analysis										
Sub-total					1,180,400	282,900	222,000	239,500	260,000	176,000
Activity Result 2.3:		UNDP	EU / UNDP	72100 Contractual Services - Companies	465,000	250,000	140,000	40,000	35,000	
The Judicial Department able to accurately access and invoke the relevant law in the provision of its services through support to the production of the Fiji Law Reports and updating the Judicial Department library.										
Activity 2.3.1: Producing outstanding Fiji Law Reports (2004-2011; 2013-onwards) with copies to also be provided to the LAC Offices.										
Activity 2.3.2: Obtaining and making available at least two major law reports from countries used as comparative sources of law by Fijian lawyers and courts (such as Australia, New Zealand and England and Wales).										
Sub-total					465,000	250,000	140,000	40,000	35,000	-
Activity Result 2.4:		UNDP	EU / UNDP	61300 International Professional Staff	90,000	10,000	20,000	20,000	20,000	20,000

EXPECTED OUTPUTS & PLANNED ACTIVITIES		RP	Fund source	Budget Description	Amount (USD)	Jul-16	2017	2018	2019	2020					
<p><i>Other Constitutional bodies have enhanced capacities to deliver access to justice.</i></p> <p>Activity 2.4.1: Informed by the Access to Justice Assessment, support to the Human Rights & Anti-Discrimination Commission (HRADC) for selected activities related to access to justice (to be determined following finalisation of HRADC Strategic Plan and stakeholder consultations).</p> <p>Activity 2.4.2: Informed by the Access to Justice Assessment, support to other Constitutional bodies for selected activities related to access to justice.</p>															
							71200	International Consultants	80,000		20,000	20,000	20,000	20,000	
							71600	Travel	25,000	5,000	5,000	5,000	5,000	5,000	
							75700	Workshop Expenses	40,000		10,000	10,000	10,000	10,000	
							74200	Audio Visual & Printing Costs	20,000		5,000	5,000	5,000	5,000	
							61300	International Professional Staff	100,000	10,000	28,000	28,000	28,000	4,000	
									255,000	15,000	60,000	60,000	60,000	60,000	
					Sub-total										
					Monitoring	UNDP	EU / UNDP								
					Sub-Total for Output 2				2,827,400	585,900	826,000	713,500	450,000	252,000	
Output 3															
Strengthened delivery of access to justice services to impoverished and vulnerable groups.	UNDP	EU / UNDP		72800	IT Equipment	50,000	25,000	25,000							
Activity Result 3.1:															
PLANNED BUDGET															
Planned Budget by Year															

EXPECTED OUTPUTS & PLANNED ACTIVITIES		RP	Fund source	Budget Description	Amount (USD)	Jul-16	2017	2018	2019	2020	
					Planned Budget by Year						
EXPANDING THE DELIVERY OF FREE LEGAL AID FOR IMPROVED AND VULNERABLE GROUPS THROUGH SUPPORTING THE ESTABLISHMENT OF FOUR OFFICES OF LAC ACROSS FIJI											
Activity 3.1.1: Procurement of furniture and equipment to support the functioning of four legal aid offices opened outside of the capital Suva.											
				72200 Equipment & Furniture	40,000	20,000	20,000				
				72400 Communications & Audio Equipment	10,000	5,000	5,000				
Sub-total					100,000	50,000	50,000				
Activity Result 3.2:											
	UNDP	EU / UNDP		61300 International Professional Staff	14,000	8,000	3,000	3,000			
				72800 IT Equipment	30,000	30,000					
				72200 Equipment & Furniture	25,000	25,000					
				72300 Materials & Goods	25,000	25,000					
				74200 Audio Visual & Printing Costs	25,000	25,000					
Expanding the delivery of access to justice for impoverished and vulnerable groups through supporting the establishment of a toll-free helpline at the LAC.											
Activity 3.2.1: Development of concept note, and implementation, reporting, monitoring and evaluation plans for the helpline, based on priorities identified by the Access to Justice Assessment											
Activity 3.2.2: Support to the implementation plan for the helpline, including training LAC staff as required, and establishment of reporting, monitoring and evaluation mechanisms.											
Activity 3.2.3 Procurement of furniture and equipment to support the functioning of a helpline.											

EXPECTED OUTPUTS & PLANNED ACTIVITIES		RP	Fund source	Budget Description	Amount (USD)	Jul-16	2017	2018	2019	2020
PLANNED BUDGET					Planned Budget by Year					
				72400 Communications & Audio Equipment	50,000		50,000			
Sub-total					-		163,000	3,000	3,000	-
Activity Result 3.3:		UNDP	EU/UNDP	61300 International Professional Staff	14,000		8,000	3,000	3,000	
<i>Increasing the availability of services for impoverished and vulnerable groups through supporting the establishments of three information centers in courthouses across Fiji.</i>				72800 IT Equipment	90,000		90,000			
<i>Activity 3.3.1 Development of concept note, and implementation, reporting, monitoring and evaluation plans for the three information centres.</i>				72200 Equipment & Furniture	90,000		90,000			
<i>Activity 3.3.2: Support to the implementation plan for the information centres, including training court staff as required, and establishment of reporting, monitoring and evaluation mechanisms.</i>				72300 Materials & Goods	30,000		30,000			
<i>Activity 3.3.3: Procurement of furniture and equipment to support the functioning of information centres.</i>				74200 Audio Visual & Printing Production Costs	30,000		30,000			
				72400 Communications & Audio Equipment	30,000		30,000			
Sub-total					284,000	-	278,000	3,000	3,000	-

EXPECTED OUTPUTS & PLANNED ACTIVITIES		RP	Fund source	Budget Description	Amount (USD)	Jul-16	2017	2018	2019	2020
<i>Activity Result 3.4:</i>										
<p><i>Increasing impoverished and vulnerable groups awareness on accessing legal rights and services</i></p> <p>Activity 3.4.1: Informed by priorities identified in the 2016 Access to Justice Assessment, and mapping and lessons learned of other access to justice awareness raising activities, development of a concept note, and implementation, reporting, monitoring and evaluation plans for awareness-raising campaigns.</p> <p>Activity 3.4.2: Support to the implementation plan for awareness-raising campaigns including training, support for presentation materials and establishment of a reporting, monitoring and evaluation mechanisms.</p>					UNDP	EU / UNDP	61300 International Professional Staff			
				71600 Travel	240,000		80,000	80,000	80,000	
				74200 Audio Visual & Printing Production Costs	110,000		50,000	30,000	30,000	
<i>Sub-total</i>										
				61300 International Professional Staff	8,000		2,000	2,000	2,000	
<i>Sub-Total for Output 3</i>										
					932,000		52,000	628,000	126,000	126,000
<i>Output 4</i>										
<p>Strengthened capacity of NGOs to deliver accompaniment access to justice services to impoverished and vulnerable groups.</p>										

Planned Budget by Year

EXPECTED OUTPUTS & PLANNED ACTIVITIES		RP	Fund source	Budget Description	Amount (USD)	Jul-16	2017	2018	2019	2020
PLANNED BUDGET					Amount (USD)	Jul-16	2017	2018	2019	2020
Planned Budget by Year					Amount (USD)	Jul-16	2017	2018	2019	2020
Activity Result 4.2: <i>Establishment of and support to the network of community advocates to deliver accompaniment access to justice services.</i>		UNDP	EU / UNDP	61300 International Professional Staff	214,102		50,000	60,000	53,325	50,777
				71600 Travel	40,000		10,000	10,000	10,000	10,000
Activity 4.2.1: Informed by the implementation plan developed at Activity 4.1.2, provision of support and undertake training and train the trainer programme, to establish a pilot for the network of community advocates, including support to raise awareness of the network, and to monitor, evaluate and report on the accompaniment services undertaken.				72600 Grants	600,000		150,000	150,000	150,000	150,000
				75700 Workshop Expenses	60,000		15,000	15,000	15,000	15,000
Activity 4.2.2: Analysis and stakeholder workshop on the pilot and lessons learned to inform future operations of the network and ascertain feasibility of expansion of the network of community advocates.										
Activity 4.2.3: Informed by the analysis of the pilot, support to ongoing accompaniment access to justice services.										
Activity Result 4.2:		UNDP	EU/UNDP	61300 International Professional Staff	1,459,102	315,000	250,000	260,000	253,325	380,777
Sub-total					914,102	-	225,000	235,000	228,325	225,777
Monitoring					115,000	20,000	25,000	25,000	25,000	20,000
Sub-Total for Output 4					1,459,102	315,000	250,000	260,000	253,325	380,777

EXPECTED OUTPUTS & PLANNED ACTIVITIES		RP	Fund source	Budget Description	Amount (USD)	Jul-16	2017	2018	2019	2020
Output 5	<p>Activity Result 5.1:</p> <p><u>Effective Project Management.</u></p> <p><i>Project is managed effectively and key results achieved and reported</i></p> <p>Activity 5.1.1: Project managed in accordance with UNDP Programme and Operations Policies and Procedures.</p> <p>Activity 5.1.2: Project Board is updated on the progress of the project.</p> <p>Activity 5.1.3: Inception Report, Progress Reports, EU Reports and Final Report produced on time.</p> <p>Activity 5.1.4: Communications and Visibility undertaken through implementation of Communication and Visibility</p>	UNDP	EU / UNDP	71400 & 71500 & 72800 & 72300 Staff (National and UNV) - Administration Team Salary & Costs & Setup (Technical Team Staff Salaries for International Project Manager and International Specialists included in Outputs 1 to 4 above)	604,639	99,652	158,965	146,791	134,617	64,614
				64300 & 74500 Direct Project Costs - Human Resources (estimate)	24,628	11,193	4,429	4,398	3,684	924
				64300 & 74500 Direct Project Costs - Finance Resource Management Services	6,841	835	1,670	1,670	1,670	1,670
PLANNED BUDGET										
						Planned Budget by Year				

EXPECTED OUTPUTS & PLANNED ACTIVITIES		RP	Fund source	Budget Description	Amount (USD)	Jul-16	2017	2018	2019	2020
PLANNED BUDGET										
Plan and reporting on implementation and results.										
				64300 & 74500 Direct Project Costs - Procurement and Travel Services (estimate)	27,807	3,470	6,939	6,939	6,939	3,520
				64300 & 74500 Direct Project Costs - Information Technology (estimate)	681	681				
				64300 & 74500 Direct Project Costs - Registry and Administration Services (estimate)	50	50				
				64300 & 74500 Direct Project Costs - Common Shared Building Operating Expenses (estimate)	122,984	15,204	30,408	31,612	32,815	12,948
Planned Budget by Year										

EXPECTED OUTPUTS & PLANNED ACTIVITIES		RP	Fund source	Budget Description	Amount (USD)	Jul-16	2017	2018	2019	2020	
PLANNED BUDGET				Planned Budget by Year							
				64300 & 74500	109,998	13,750	27,500	27,499	27,499	13,750	
				Assurance (Results Management) (estimate)							
				72800 & 72505	15,628	605	4,415	4,415	4,416	1,777	
				Consumables and Project Office Supplies (Printer Cartridges and Stationary)							
				72100 & 74200	175,500	22,500	45,000	45,000	45,000	18,000	
				Project Communications & Visibility							
				74100	10,000	-	2,500	2,500	2,500	2,500	
				Professional Services (Audit) (estimate)							
			EU / UNDP	71200	80,000	-	-	40,000	-	40,000	
				International Consultants							
				71600 Travel	20,000			10,000		10,000	
Activity Result 5.2:		UNDP	UNDP								
Independent Project Evaluations		Activity 5.2.1: Mid-Term Evaluation is conducted and results shared with stakeholders									
		Activity 5.2.2: Mid-Term Recommendations incorporated into Project Document (Theory of Change and Results Framework).									

EXPECTED OUTPUTS & PLANNED ACTIVITIES		RP	Fund source	Budget Description	Amount (USD)	Jul-16	2017	2018	2019	2020
Activity 5.2.3: Final Evaluation conducted and results shared with stakeholders.										
Sub-Total for Output 5		UNDP	EU / UNDP		1,198,759	167,940	281,826	320,824	259,140	169,029
Sub-Total for Outputs 1 - 5					8,614,661	1,421,740	2,721,826	2,043,824	1,448,465	978,806
General Management Support (GMS) REFER NOTE 1			EU	75000 GMS	603,026	99,522	190,528	143,068	101,392	68,516
Total for Outputs 1 – 5 and GMS					9,217,687	1,521,262	2,912,354	2,186,892	1,549,857	1,047,322
Yearly Budget as % of Total Budget					100%	16%	32%	24%	17%	11%

Planned Budget by Year

PLANNED BUDGET

Activity 5.2.3: Final Evaluation conducted and results shared with stakeholders.

Notes:

1. Indicative UN Operational Rate of Exchange (1 May 16) 1 USD = 0.882 EURO

2. For the purpose of the EU-UNDP agreement, an 'output' is considered a 'budget heading'.

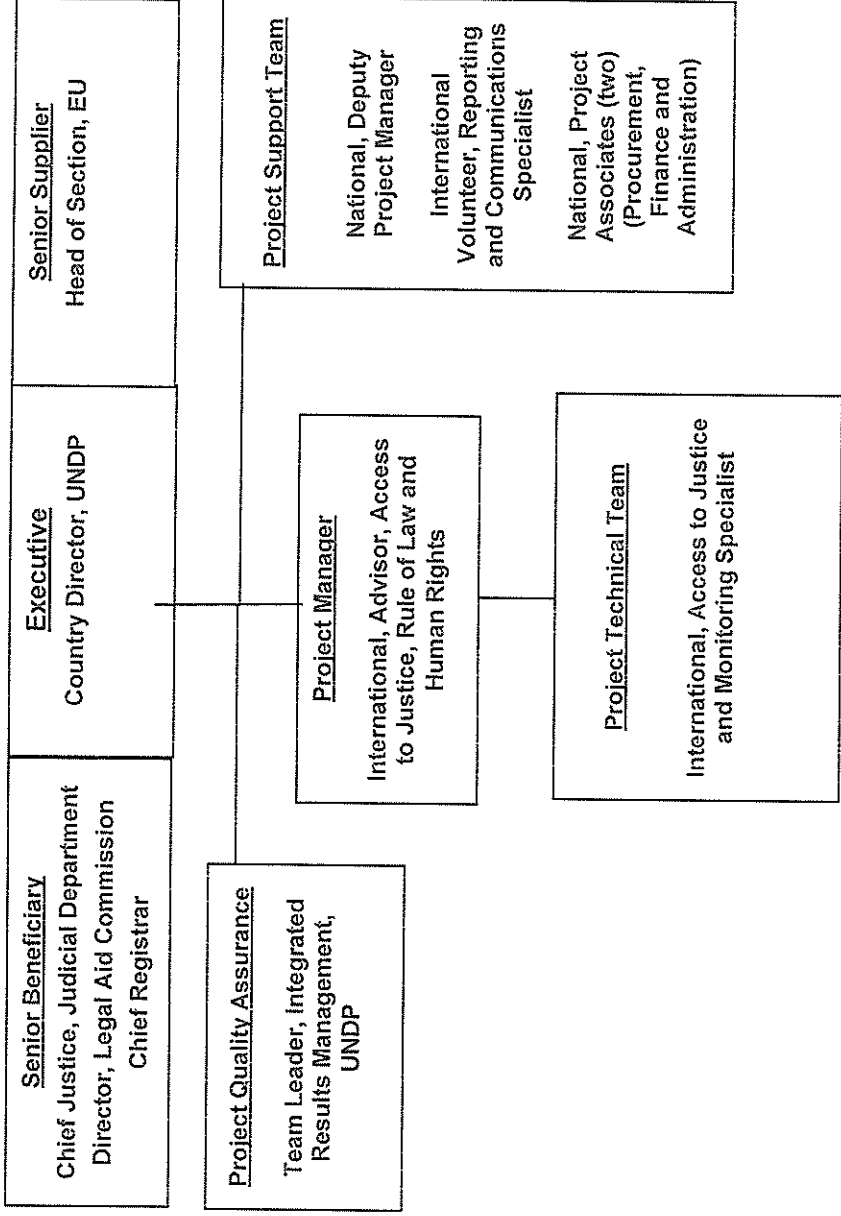
VIII. GOVERNANCE AND MANAGEMENT ARRANGEMENTS

Governance of the project is undertaken through the Project Board which convenes initially every three months, with potential to change later during the project to six months to be decided by the Project Board. The Project Board is the group responsible for making by consensus, management decisions for a project when guidance is required by the Project Manager, including recommendation for approval of project plans and revisions. In order to ensure accountability, Project Board decisions should be made in accordance with standards that shall ensure management for development results, best value money, fairness, integrity, transparency and effective international competition. In case a consensus cannot be reached within the Board, final decision shall rest with UNDP. In addition, the Project Board plays a critical role in UNDP commissioned project evaluations by quality assuring the evaluation process and products, and using evaluations for performance improvement, accountability and learning. The Terms of Reference for the Project Board are at Annex 4.

The composition of the Project Board is indicated in the diagram below. The Beneficiary Representative representing the interests of those who will benefit from the project – Judicial Department and Legal Aid Commission. The Executive representing the project ownership - UNDP. The Senior Supplier representing the interests of the parties concerned which provide funding - EU. The Project Board arrangement also includes the role of Project Assurance. Whilst Project Assurance is the responsibility of each Project Board member, there is also the dedicated role of Project Assurance - UNDP Integrated Results Management Team. Additionally, representatives of other stakeholders, non-governmental organisations implementing in related areas and / or recipients of grants under the project, can be invited to the Project Board Meetings.

The Project Manager has the authority to run the project on a day-to-day basis on behalf of UNDP within the constraints laid down by the Board and in accordance with the UNDP Programme and Operations Policies and Procedures. The Project Manager is responsible for day-to-day management and decision-making for the project. The Project Manager's prime responsibility is to ensure that the project produces the results (outputs) specified in the project document to the required standard of quality and within the specified constraints of time and cost. UNDP appoints the Project Manager, who is different from the UNDP representative on the Project Board.

Project Board (Governance Mechanism)



IX. LEGAL CONTEXT AND RISK MANAGEMENT

The project document shall be the instrument envisaged and defined in the Supplemental Provisions to the Project Document, attached hereto and forming an integral part hereof, as “the Project Document”.

This project will be implemented by the agency UNDP (“Implementing Partner”) in accordance with its financial regulations, rules, practices and procedures only to the extent that they do not contravene the principles of the Financial Regulations and Rules of UNDP. Where the financial governance of an Implementing Partner does not provide the required guidance to ensure best value for money, fairness, integrity, transparency, and effective international competition, the financial governance of UNDP shall apply.

UNDP as the Implementing Partner shall comply with the policies, procedures and practices of the United Nations Security Management System (UNSMS).

UNDP agrees to undertake all reasonable efforts to ensure that none of the project funds are used to provide support to individuals or entities associated with terrorism and that the recipients of any amounts provided by UNDP hereunder do not appear on the list maintained by the Security Council Committee established pursuant to resolution 1267 (1999). The list can be accessed via <https://www.un.org/sc/suborg/en/sanctions/un-sc-consolidated-list>. This provision must be included in all sub-contracts or sub-agreements entered into under this Project Document.

Consistent with UNDP’s Programme and Operations Policies and Procedures, social and environmental sustainability will be enhanced through application of the UNDP Social and Environmental Standards (<http://www.undp.org/ees>) and related Accountability Mechanism (<http://www.undp.org/secu-srm>).

The Implementing Partner shall: (a) conduct project and programme-related activities in a manner consistent with the UNDP Social and Environmental Standards, (b) implement any management or mitigation plan prepared for the project or programme to comply with such standards, and (c) engage in a constructive and timely manner to address any concerns and complaints raised through the Accountability Mechanism. UNDP will seek to ensure that communities and other project stakeholders are informed of and have access to the Accountability Mechanism.

All signatories to the Project Document shall cooperate in good faith with any exercise to evaluate any programme or project-related commitments or compliance with the UNDP Social and Environmental Standards. This includes providing access to project sites, relevant personnel, information, and documentation.

X. ANNEXES

1. Project Quality Assurance Report
2. Social and Environmental Screening
3. Risk Analysis
4. Project Board Terms of Reference
5. Supplemental Provisions to the Project Document
6. Fiji Map - Locations of Court Houses and Legal Aid Commission Offices
7. Theory of Change – ‘Change Pathway’ Diagram

Design & Appraisal Stage Quality Assurance Report

Overall Project Rating: Exemplary

Decision: Approve: The project is of sufficient quality to continue as planned. Any management actions must be addressed in a timely manner.

Project Number: 00092247

Project Title: Fijians empowered for access to justice and Fijian key justice sector institutions strengthened to deliver access to justice, particularly for impoverished and vulnerable groups.

Project Date: 04-Jul-2016

Strategic Quality Rating: Exemplary

1. Does the project's Theory of Change specify how it will contribute to higher level change? (Select the option from 1-3 that best reflects the project)

3: *The project has a theory of change with explicit assumptions and clear change pathway describing how the project will contribute to outcome level change as specified in the programme/CPD, backed by credible evidence of what works effectively in this context. The project document clearly describes why the project's strategy is the best approach at this point in time.*

2: The project has a theory of change. It has an explicit change pathway that explains how the project intends to contribute to outcome-level change and why the project strategy is the best approach at this point in time, but is backed by limited evidence.

1: The project does not have a theory of change, but the project document may describe in generic terms how the project will contribute to development results, without specifying the key assumptions. It does not make an explicit link to the programme/CPD's theory of change.

Evidence

Refer Attachments

Management Response

2. Is the project aligned with the thematic focus of the UNDP Strategic Plan? (select the option from 1-3 that best reflects the project)

3: *The project responds to one of the three areas of development work as specified in the Strategic Plan; it addresses at least one of the proposed new and emerging areas; an issues-based analysis has been incorporated into the project design; and the project's RRF includes all the relevant SP output indicators. (all must be true to select this option)*

2: The project responds to one of the three areas of development work as specified in the Strategic Plan. The project's RRF includes at least one SP output indicator, if relevant. (both must be true to select this option)

1: While the project may respond to one of the three areas of development work as specified in the Strategic Plan, it is based on a sectoral approach without addressing the complexity of the development issue. None of the relevant SP indicators are included in the RRF. This answer is also selected if the project does not respond to any of the three areas of development work in the Strategic Plan.

Evidence

Refer Attachments

Relevant

Quality Rating: Highly Satisfactory

3. Does the project have strategies to effectively identify, engage and ensure the meaningful participation of targeted groups/geographic areas with a priority focus on the excluded and marginalized? (select the option from 1-3 that best reflects this project)

• 3: *The target groups/geographic areas are appropriately specified, prioritising the excluded and/or marginalised. Beneficiaries will be identified through a rigorous process based on evidence (if applicable.)The project has an explicit strategy to identify, engage and ensure the meaningful participation of specified target groups/geographic areas throughout the project, including through monitoring and decision-making (such as representation on the project board) (all must be true to select this option)*

2: The target groups/geographic areas are appropriately specified, prioritising the excluded and/or marginalised. The project document states how beneficiaries will be identified, engaged and how meaningful participation will be ensured throughout the project. (both must be true to select this option)

1: The target groups/geographic areas are not specified, or do not prioritize excluded and/or marginalised populations. The project does not have a written strategy to identify or engage or ensure the meaningful participation of the target groups/geographic areas throughout the project.

Not Applicable

Evidence

Refer Attachments

Management Response

4. Have knowledge, good practices, and past lessons learned of UNDP and others informed the project design? (select the option from 1-3 that best reflects this project)

• 3: *Knowledge and lessons learned (gained e.g. through peer assist sessions) backed by credible evidence from evaluation, corporate policies/strategies, and monitoring have been explicitly used, with appropriate referencing, to develop the project's theory of change and justify the approach used by the project over alternatives.*

2: The project design mentions knowledge and lessons learned backed by evidence/sources, which inform the project's theory of change but have not been used/are not sufficient to justify the approach selected over alternatives.

1: There is only scant or no mention of knowledge and lessons learned informing the project design. Any references that are made are not backed by evidence.

Evidence

Refer Attachments

Management Response

5. Does the project use gender analysis in the project design and does the project respond to this gender analysis with concrete measures to address gender inequities and empower women? (select the option from 1-3 that best reflects this project)

3: A participatory gender analysis on the project has been conducted. This analysis reflects on the different needs, roles and access to/control over resources of women and men, and it is fully integrated into the project document. The project establishes concrete priorities to address gender inequalities in its strategy. The results framework includes outputs and activities that specifically respond to this gender analysis, with indicators that measure and monitor results contributing to gender equality. (all must be true to select this option)

• 2: *A gender analysis on the project has been conducted. This analysis reflects on the different needs, roles and access to/control over resources of women and men. Gender concerns are integrated in the development challenge and strategy sections of the project document. The results framework includes outputs and activities that specifically respond to this gender analysis, with indicators that measure and monitor results contributing to gender equality. (all must be true to select this option)*

1: The project design may or may not mention information and/or data on the differential impact of the project's development situation on gender relations, women and men, but the constraints have not been clearly identified and interventions have not been considered.

Evidence

Refer Attachments

Management Response

6. Does UNDP have a clear advantage to engage in the role envisioned by the project vis-à-vis national partners, other development partners, and other actors? (select the option from 1-3 that best reflects this project)

3: *An analysis has been conducted on the role of other partners in the area where the project intends to work, and credible evidence supports the proposed engagement of UNDP and partners through the project. It is clear how results achieved by relevant partners will contribute to outcome level change complementing the project's intended results. If relevant, options for south-south and triangular cooperation have been considered, as appropriate. (all must be true to select this option)*

2: Some analysis has been conducted on the role of other partners where the project intends to work, and relatively limited evidence supports the proposed engagement of and division of labour between UNDP and partners through the project. Options for south-south and triangular cooperation may not have not been fully developed during project design, even if relevant opportunities have been identified.

1: No clear analysis has been conducted on the role of other partners in the area that the project intends to work, and relatively limited evidence supports the proposed engagement of UNDP and partners through the project. There is risk that the project overlaps and/or does not coordinate with partners' interventions in this area. Options for south-south and triangular cooperation have not been considered, despite its potential relevance.

Evidence

Management Response

Refer Attachments

Social & Environmental Standards

Quality Rating:

7. Does the project seek to further the realization of human rights using a human rights based approach? (select from options 1-3 that best reflects this project)

3: *Credible evidence that the project aims to further the realization of human rights, upholding the relevant international and national laws and standards in the area of the project. Any potential adverse impacts on enjoyment of human rights were rigorously identified and assessed as relevant, with appropriate mitigation and management measures incorporated into project design and budget. (all must be true to select this option)*

2: Some evidence that the project aims to further the realization of human rights. Potential adverse impacts on enjoyment of human rights were identified and assessed as relevant, and appropriate mitigation and management measures incorporated into the project design and budget.

1: No evidence that the project aims to further the realization of human rights. Limited or no evidence that potential adverse impacts on enjoyment of human rights were considered.

Evidence

Management Response

Refer Attachments

8. Did the project consider potential environmental opportunities and adverse impacts, applying a precautionary approach? (select from options 1-3 that best reflects this project)

3: Credible evidence that opportunities to enhance environmental sustainability and integrate poverty-environment linkages were fully considered as relevant, and integrated in project strategy and design. Credible evidence that potential adverse environmental impacts have been identified and rigorously assessed with appropriate management and mitigation measures incorporated into project design and budget. (all must be true to select this option).

2: *No evidence that opportunities to strengthen environmental sustainability and poverty-environment linkages were considered. Credible evidence that potential adverse environmental impacts have been identified and assessed, if relevant, and appropriate management and mitigation measures incorporated into project design and budget.*

1: No evidence that opportunities to strengthen environmental sustainability and poverty-environment linkages were considered. Limited or no evidence that potential adverse environmental impacts were adequately considered.

Evidence

Management Response

Refer Attachments

9. Has the Social and Environmental Screening Procedure (SESP) been conducted to identify potential social and environmental impacts and risks? The SESP is not required for projects in which UNDP is Administrative Agent only and/or projects comprised solely of reports, coordination of events, trainings, workshops, meetings, conferences and/or communication materials and information dissemination. [If yes, upload the completed checklist. If SESP is not required, provide the reason for the exemption in the evidence section.]

Yes

No

SESP not required

Evidence

Refer Attachments

List of Uploaded Documents

File Name	Modified By	Modified
2.Social and Environmental Screening - Fiji Access to Justice Project (signed).pdf	christine.fowler@undp.org	6/29/2016 5:28:23 AM
Social and Environmental Screening - Fiji Access to Justice Project (signed).pdf	christine.fowler@undp.org	6/23/2016 9:38:56 PM

Management & Monitoring

Quality Rating: Exemplary

10. Does the project have a strong results framework? (select from options 1-3 that best reflects this project)

- 1: *The project's selection of outputs and activities are at an appropriate level and relate in a clear way to the project's theory of change. Outputs are accompanied by SMART, results-oriented indicators that measure all of the key expected changes identified in the theory of change, each with credible data sources, and populated baselines and targets, including gender sensitive, sex-disaggregated indicators where appropriate. (all must be true to select this option)*
- 2: *The project's selection of outputs and activities are at an appropriate level, but may not cover all aspects of the project's theory of change. Outputs are accompanied by SMART, results-oriented indicators, but baselines, targets and data sources may not yet be fully specified. Some use of gender sensitive, sex-disaggregated indicators, as appropriate. (all must be true to select this option)*
- 3: *The project's selection of outputs and activities are at an appropriate level and relate in a clear way to the project's theory of change. Outputs are accompanied by SMART, results-oriented indicators that measure all of the key expected changes identified in the theory of change, each with credible data sources, and populated baselines and targets, including gender sensitive, sex-disaggregated indicators where appropriate. (all must be true to select this option)*

11. Is there a comprehensive and costed M&E plan with specified data collection sources and methods to support evidence-based management, monitoring and evaluation of the project?

Evidence

Management Response

Refer

Attachments

Yes

No

Evidence

Refer Attachments

12. Is the project's governance mechanism clearly defined in the project document, including planned composition of the project board? (select from options 1-3 that best reflects this project)

3: The project's governance mechanism is fully defined in the project document. Individuals have been specified for each position in the governance mechanism (especially all members of the project board.) Project Board members have agreed on their roles and responsibilities as specified in the terms of reference. The ToR of the project board has been attached to the project document. (all must be true to select this option).

2: The project's governance mechanism is defined in the project document; specific institutions are noted as holding key governance roles, but individuals may not have been specified yet. The prodoc lists the most important responsibilities of the project board, project director/manager and quality assurance roles. (all must be true to select this option)

1: The project's governance mechanism is loosely defined in the project document, only mentioning key roles that will need to be filled at a later date. No information on the responsibilities of key positions in the governance mechanism is provided.

Evidence

Refer

Attachments. The specific titles of the positions who will be the Project Board members has been provided, if necessary the actual names of the individuals can be included.

Management Response

13. Have the project risks been identified with clear plans stated to manage and mitigate each risks? (select from options 1-3 that best reflects this project)

3: Project risks related to the achievement of results are fully described in the project risk log, based on comprehensive analysis drawing on the theory of change, Social and Environmental Standards and screening, situation analysis, capacity assessments and other analysis. Clear and complete plan in place to manage and mitigate each risk. (both must be true to select this option)

2: Project risks related to the achievement of results identified in the initial project risk log with mitigation measures identified for each risk.

1: Some risks may be identified in the initial project risk log, but no evidence of analysis and no clear risk mitigation measures identified. This option is also selected if risks are not clearly identified and no initial risk log is included with the project document.

Evidence

Refer Attachments

Management Response

Efficient

Quality Rating: Exemplary

14. Have specific measures for ensuring cost-efficient use of resources been explicitly mentioned as part of the project design? This can include: i) using the theory of change analysis to explore different options of achieving the maximum results with the resources available; ii) using a portfolio management approach to improve cost effectiveness through synergies with other interventions; iii) through joint operations (e.g., monitoring or procurement) with other partners.

- Yes
- No

Evidence
Refer
Attachments

15. Are explicit plans in place to ensure the project links up with other relevant on-going projects and initiatives, whether led by UNDP, national or other partners, to achieve more efficient results (including, for example, through sharing resources or coordinating delivery?)

- Yes
- No

Evidence
Refer
Attachments

16. Is the budget justified and supported with valid estimates?

- 3: *The project's budget is at the activity level with funding sources, and is specified for the duration of the project period in a multi-year budget. Costs are supported with valid estimates using benchmarks from similar projects or activities. Cost implications from inflation and foreign exchange exposure have been estimated and incorporated in the budget.*
- 2: *The project's budget is at the activity level with funding sources, when possible, and is specified for the duration of the project in a multi-year budget. Costs are supported with valid estimates based on prevailing rates.*
- 1: *The project's budget is not specified at the activity level, and/or may not be captured in a multi-year budget.*

Evidence
Refer
Attachments

17. Is the Country Office fully recovering the costs involved with project implementation?

- 3: *The budget fully covers all direct project costs that are directly attributable to the project, including programme management and development effectiveness services related to strategic country programme planning, quality assurance, pipeline development, policy advocacy services, finance, procurement, human resources, administration, issuance of contracts, security, travel, assets, general services, information and communications based on full costing in accordance with prevailing UNDP policies (i.e., UPL, LPL.)*
- 2: *The budget covers significant direct project costs that are directly attributable to the project based on prevailing UNDP policies (i.e., UPL, LPL) as relevant.*
- 1: *The budget does not reimburse UNDP for direct project costs. UNDP is cross-subsidizing the project and the office should advocate for the inclusion of DPC in any project budget revisions.*

Evidence
Refer
Attachments

Management Response

Effective

Quality Rating: Highly Satisfactory

18. Is the chosen implementation modality most appropriate? (select from options 1-3 that best reflects this project)

3: The required implementing partner assessments (capacity assessment, HACT micro assessment) have been conducted, and there is evidence that options for implementation modalities have been thoroughly considered. There is a strong justification for choosing the selected modality, based on the development context. (both must be true to select this option)

2: The required implementing partner assessments (capacity assessment, HACT micro assessment) have been conducted and the implementation modality chosen is consistent with the results of the assessments.

1: The required assessments have not been conducted, but there may be evidence that options for implementation modalities have been considered.

Evidence

Refer Attachments

Management Response

19. Have targeted groups, prioritizing marginalized and excluded populations that will be affected by the project, been engaged in the design of the project in a way that addresses any underlying causes of exclusion and discrimination?

3: Credible evidence that all targeted groups, prioritising marginalized and excluded populations that will be involved in or affected by the project, have been actively engaged in the design of the project. Their views, rights and any constraints have been analysed and incorporated into the root cause analysis of the theory of change which seeks to address any underlying causes of exclusion and discrimination and the selection of project interventions.

2: Some evidence that key targeted groups, prioritising marginalized and excluded populations that will be involved in the project, have been engaged in the design of the project. Some evidence that their views, rights and any constraints have been analysed and incorporated into the root cause analysis of the theory of change and the selection of project interventions.

1: No evidence of engagement with marginalized and excluded populations that will be involved in the project during project design. No evidence that the views, rights and constraints of populations have been incorporated into the project.

Not Applicable

Evidence

Refer Attachments

20. Does the project conduct regular monitoring activities, have explicit plans for evaluation, and include other lesson learning (e.g. through After Action Reviews or Lessons Learned Workshops), timed to inform course corrections if needed during project implementation?

Yes

No

Evidence

Refer Attachments

21. The gender marker for all project outputs are scored at GEN2 or GEN3, indicating that gender has been fully mainstreamed into all project outputs at a minimum.

Yes

No

Evidence	Management Response
Refer Attachments	
<p>22. Is there a realistic multi-year work plan and budget to ensure outputs are delivered on time and within allotted resources? (select from options 1-3 that best reflects this project)</p>	<ul style="list-style-type: none"> • 3: The project has a realistic work plan & budget covering the duration of the project at the activity level to ensure outputs are delivered on time and within the allotted resources. • 2: The project has a work plan & budget covering the duration of the project at the output level. • 1: The project does not yet have a work plan & budget covering the duration of the project.
Evidence	
Refer Attachments	
Sustainability & National Ownership	Quality Rating: Exemplary
23. Have national partners led, or proactively engaged in, the design of the project?	<ul style="list-style-type: none"> • 3: National partners have full ownership of the project and led the process of the development of the project jointly with UNDP. • 2: The project has been developed by UNDP in close consultation with national partners. • 1: The project has been developed by UNDP with limited or no engagement with national partners.
Not Applicable	
Evidence	
Refer Attachments	
24. Are key institutions and systems identified, and is there a strategy for strengthening specific/ comprehensive capacities based on capacity assessments conducted? (select from options 0-4 that best reflects this project):	<ul style="list-style-type: none"> • 3: The project has a comprehensive strategy for strengthening specific capacities of national institutions based on a systematic and detailed capacity assessment that has been completed. This strategy includes an approach to regularly monitor national capacities using clear indicators and rigorous methods of data collection, and adjust the strategy to strengthen national capacities accordingly. • 2.5: A capacity assessment has been completed. The project document has identified activities that will be undertaken to strengthen capacity of national institutions, but these activities are not part of a comprehensive strategy to monitor and strengthen national capacities. • 2: A capacity assessment is planned after the start of the project. There are plans to develop a strategy to strengthen specific capacities of national institutions based on the results of the capacity assessment. • 1.5: There is mention in the project document of capacities of national institutions to be strengthened through the project, but no capacity assessments or specific strategy development are planned. • 1: Capacity assessments have not been carried out and are not foreseen. There is no strategy for strengthening specific capacities of national institutions.
Not Applicable	

Evidence
 Refer
 Attachments

25. Is there is a clear strategy embedded in the project specifying how the project will use national systems (i.e., procurement, monitoring, evaluations, etc.,) to the extent possible?

- Yes
- No
- Not Applicable

Evidence
 Refer
 Attachments

26. Is there a clear transition arrangement/ phase-out plan developed with key stakeholders in order to sustain or scale up results (including resource mobilisation strategy)?

- Yes
- No

Evidence
 Refer
 Attachments

Quality Assurance Summary/PAC Comments

List of Uploaded Documents

File Name	Modified By	Modified
iii. Access to Justice Project - Project QA Assessment (23 Jun 16).pptx	christine.fowler@undp.org	6/28/2016 11:16:48 AM
Annex 3 Risk Log.pdf	christine.fowler@undp.org	6/30/2016 12:31:23 AM
Annex 5 Supplemental Provisions to the Project Document.pdf	christine.fowler@undp.org	6/30/2016 12:32:06 AM
iii. Access to Justice Project - Internal Review - 25 May 16 - Signature Page.pdf	christine.fowler@undp.org	6/30/2016 12:30:08 AM
Annex 4 Project Board Terms of Reference.pdf	christine.fowler@undp.org	6/30/2016 12:31:48 AM
iii. Access to Justice Project - Internal Review - 25 May 16 - Minutes.pdf	christine.fowler@undp.org	6/30/2016 12:29:45 AM

[iij Access to Justice Project - Pre-PAC Internal Review Actions \(23 Jun 16\).doc](#)

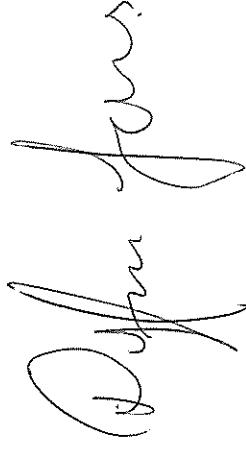
christine.fowler@undp.org

6/28/2016
11:03:50 AM

[iij Access to Justice Project - Project Document for PAC.PDF](#)

christine.fowler@undp.org

6/30/2016
12:30:58 AM



(DYFAN JONES)

TEAM LEADER
EFFECTIVE GOVERNANCE

and

PROJECT QUALITY
ASSURANCE ASSESSOR

Annex 2. Social and Environmental Screening Template

The completed template, which constitutes the Social and Environmental Screening Report, must be included as an annex to the Project Document. Please refer to the Social and Environmental Screening Procedure and Toolkit for guidance on how to answer the 6 questions.

Project Information

Project Information	
1. Project Title	Fiji! Access to Justice Project
2. Project Number	Award: Project:
3. Location	Fiji!

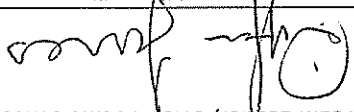
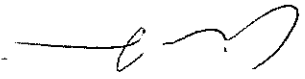
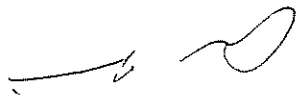
Part A. Integrating Overarching Principles to Strengthen Social and Environmental Sustainability

QUESTION 1: How Does the Project Integrate the Overarching Principles in order to Strengthen Social and Environmental Sustainability?
<i>Briefly describe in the space below how the Project mainstreams the human-rights based approach</i>
The Project Design includes measures to assist the Fiji Government to realize (respect, protect and fulfill) and implement human rights as identified under the Constitution of the Republic of Fiji (Bill of Rights). The Project enhances the availability, accessibility and quality of access to justice for potentially marginalized individuals and groups through support to the Judicial Department and the Legal Aid Commission. The Project supports meaningful participation and inclusion of all stakeholders (duty-bearers and rights-holders) in processes that may impact them and also provides meaningful means for beneficiaries to raise concerns. The Project contributes to the development of the capacities of duty-bearers to meet their obligations and of rights-holders to claim their rights.
<i>Briefly describe in the space below how the Project is likely to improve gender equality and women's empowerment</i>
The Project Design benefits from gender analysis and applies a meaningful participatory process for engaging women's voices. The Project incorporates sex-disaggregated data and gender statistics and specific, measurable indicators related to gender equality and empowerment; with the Results Framework including outputs and indicators to address gender inequality issues. The Project is designed to score 2 as the ATLAS Gender Marker – Gender Equality is a significant objective.
<i>Briefly describe in the space below how the Project mainstreams environmental sustainability</i>
The Project Design has no negative environmental effects.

Part B. Identifying and Managing Social and Environmental Risks

<p>QUESTION 2: What are the Potential Social and Environmental Risks? Note: Describe briefly potential social and environmental risks identified in Attachment 1 – Risk Screening Checklist (based on any “Yes” responses). If no risks have been identified in Attachment 1 then note “No Risks Identified” and skip to Question 4 and select “Low Risk”. Questions 5 and 6 not required for Low Risk Projects.</p>		<p>Risk Description</p>	
<p>QUESTION 3: What is the level of significance of the potential social and environmental risks? Note: Respond to Questions 4 and 5 below before proceeding to Question 6</p>		<p>Impact and Probability (1-5)</p>	<p>Significance (Low, Moderate, High)</p>
<p>QUESTION 6: What social and environmental assessment and management measures have been conducted and/or are required to address potential risks (for Risks with Moderate and High Significance)?</p>		<p>Description of assessment and management measures as reflected in the Project design. If ESIA or SESA is required note that the assessment should consider all potential impacts and risks.</p>	<p>Comments</p>
<p>QUESTION 4: What is the overall Project risk categorization?</p>			
<p>Select one (see SESP for guidance)</p>		<p><input checked="" type="checkbox"/> Low Risk</p> <p><input type="checkbox"/> Moderate Risk</p> <p><input type="checkbox"/> High Risk</p>	<p>Comments This Project includes activities with no risks of adverse social or environmental impacts.</p>
<p>QUESTION 5: Based on the identified risks and risk categorization, what requirements of the SES are relevant?</p>			
<p>Check all that apply</p>		<p>Comments No Risks Identified</p>	
<p>Principle 1: Human Rights</p> <p><input type="checkbox"/></p>		<p>Principle 2: Gender Equality and Women's Empowerment</p> <p><input type="checkbox"/></p>	
<p>1. Biodiversity Conservation and Natural Resource Management</p> <p><input type="checkbox"/></p>		<p>2. Climate Change Mitigation and Adaptation</p> <p><input type="checkbox"/></p>	
<p>3. Community Health, Safety and Working Conditions</p> <p><input type="checkbox"/></p>		<p>4. Cultural Heritage</p> <p><input type="checkbox"/></p>	
<p>5. Displacement and Resettlement</p> <p><input type="checkbox"/></p>			

Final Sign Off

Signature	Date	Description
 QA Assessor – Dyan Jones, Effective Governance Team Leader, UNDP Pacific Office	25 May 2016	UNDP staff member responsible for the Project, typically a UNDP Programme Officer. Final signature confirms they have “checked” to ensure that the SESP is adequately conducted.
 QA Approver - Akiko Fujii, Country Director and Head of Pacific Programme and Policy Support a.i., UNDP Pacific Office	25 May 2016	UNDP senior manager, typically the UNDP Deputy Country Director (DCD), Country Director (CD), Deputy Resident Representative (DRR), or Resident Representative (RR). The QA Approver cannot also be the QA Assessor. Final signature confirms they have “cleared” the SESP prior to submittal to the PAC.
 PAC Chair – Akiko Fujii, Country Director and Head of Pacific Programme and Policy Support a.i., UNDP Pacific Office	7 July 2016	UNDP chair of the PAC which was held on 4 July 2016. Final signature confirms that the SESP was considered as part of the project appraisal and considered in recommendations of the PAC.

	<input type="checkbox"/>	6. Indigenous Peoples
	<input type="checkbox"/>	7. Pollution Prevention and Resource Efficiency

SESP Attachment 1. Social and Environmental Risk Screening Checklist

Checklist Potential Social and Environmental Risks		Answer (Yes/No)
Principles 1: Human Rights		
1.	Could the Project lead to adverse impacts on enjoyment of the human rights (civil, political, economic, social or cultural) of the affected population and particularly of marginalized groups?	No
2.	Is there a likelihood that the Project would have inequitable or discriminatory adverse impacts on affected populations, particularly people living in poverty or marginalized or excluded individuals or groups? ¹	No
3.	Could the Project potentially restrict availability, quality of and access to resources or basic services, in particular to marginalized individuals or groups?	No
4.	Is there a likelihood that the Project would exclude any potentially affected stakeholders, in particular marginalized groups, from fully participating in decisions that may affect them?	No
5.	Is there a risk that duty-bearers do not have the capacity to meet their obligations in the Project?	No
6.	Is there a risk that rights-holders do not have the capacity to claim their rights?	No
7.	Have local communities or individuals, given the opportunity, raised human rights concerns regarding the Project during the stakeholder engagement process?	No
8.	Is there a risk that the Project would exacerbate conflicts among and/or the risk of violence to project-affected communities and individuals?	No
Principle 2: Gender Equality and Women's Empowerment		
1.	Is there a likelihood that the proposed Project would have adverse impacts on gender equality and/or the situation of women and girls?	No
2.	Would the Project potentially reproduce discriminations against women based on gender, especially regarding participation in design and implementation or access to opportunities and benefits?	No
3.	Have women's groups/leaders raised gender equality concerns regarding the Project during the stakeholder engagement process and has this been included in the overall Project proposal and in the risk assessment?	No
4.	Would the Project potentially limit women's ability to use, develop and protect natural resources, taking into account different roles and positions of women and men in accessing environmental goods and services? <i>For example, activities that could lead to natural resources degradation or depletion in communities who depend on these resources for their livelihoods and well being</i>	No
Principle 3: Environmental Sustainability: Screening questions regarding environmental risks are encompassed by the specific Standard-related questions below		
Standard 1: Biodiversity Conservation and Sustainable Natural Resource Management		
1.1	Would the Project potentially cause adverse impacts to habitats (e.g. modified, natural, and critical habitats) and/or ecosystems and ecosystem services?	No

¹ Prohibited grounds of discrimination include race, ethnicity, gender, age, language, disability, sexual orientation, religion, political or other opinion, national or social or geographical origin, property, birth or other status including as an indigenous person or as a member of a minority. References to "women and men" or similar is understood to include women and men, boys and girls, and other groups discriminated against based on their gender identities, such as transgender people and transsexuals.

	<i>For example, through habitat loss, conversion or degradation, fragmentation, hydrological changes</i>	
1.2	Are any Project activities proposed within or adjacent to critical habitats and/or environmentally sensitive areas, including legally protected areas (e.g. nature reserve, national park), areas proposed for protection, or recognized as such by authoritative sources and/or indigenous peoples or local communities?	No
1.3	Does the Project involve changes to the use of lands and resources that may have adverse impacts on habitats, ecosystems, and/or livelihoods? (Note: if restrictions and/or limitations of access to lands would apply, refer to Standard 5)	No
1.4	Would Project activities pose risks to endangered species?	No
1.5	Would the Project pose a risk of introducing invasive alien species?	No
1.6	Does the Project involve harvesting of natural forests, plantation development, or reforestation?	No
1.7	Does the Project involve the production and/or harvesting of fish populations or other aquatic species?	No
1.8	Does the Project involve significant extraction, diversion or containment of surface or ground water? <i>For example, construction of dams, reservoirs, river basin developments, groundwater extraction</i>	No
1.9	Does the Project involve utilization of genetic resources? (e.g. collection and/or harvesting, commercial development)	No
1.10	Would the Project generate potential adverse transboundary or global environmental concerns?	No
1.11	Would the Project result in secondary or consequential development activities which could lead to adverse social and environmental effects, or would it generate cumulative impacts with other known existing or planned activities in the area? <i>For example, a new road through forested lands will generate direct environmental and social impacts (e.g. felling of trees, earthworks, potential relocation of inhabitants). The new road may also facilitate encroachment on lands by illegal settlers or generate unplanned commercial development along the route, potentially in sensitive areas. These are indirect, secondary, or induced impacts that need to be considered. Also, if similar developments in the same forested area are planned, then cumulative impacts of multiple activities (even if not part of the same Project) need to be considered.</i>	No
Standard 2: Climate Change Mitigation and Adaptation		
2.1	Will the proposed Project result in significant ² greenhouse gas emissions or may exacerbate climate change?	No
2.2	Would the potential outcomes of the Project be sensitive or vulnerable to potential impacts of climate change?	No
2.3	Is the proposed Project likely to directly or indirectly increase social and environmental vulnerability to climate change now or in the future (also known as maladaptive practices)? <i>For example, changes to land use planning may encourage further development of floodplains, potentially increasing the population's vulnerability to climate change, specifically flooding</i>	No
Standard 3: Community Health, Safety and Working Conditions		
3.1	Would elements of Project construction, operation, or decommissioning pose potential safety risks to local communities?	No
3.2	Would the Project pose potential risks to community health and safety due to the transport, storage, and use and/or disposal of hazardous or dangerous materials (e.g. explosives, fuel and other chemicals during construction and operation)?	No

² In regards to CO₂, 'significant emissions' corresponds generally to more than 25,000 tons per year (from both direct and indirect sources). [The Guidance Note on Climate Change Mitigation and Adaptation provides additional information on GHG emissions.]

3.3	Does the Project involve large-scale infrastructure development (e.g. dams, roads, buildings)?	No
3.4	Would failure of structural elements of the Project pose risks to communities? (e.g. collapse of buildings or infrastructure)	No
3.5	Would the proposed Project be susceptible to or lead to increased vulnerability to earthquakes, subsidence, landslides, erosion, flooding or extreme climatic conditions?	No
3.6	Would the Project result in potential increased health risks (e.g. from water-borne or other vector-borne diseases or communicable infections such as HIV/AIDS)?	No
3.7	Does the Project pose potential risks and vulnerabilities related to occupational health and safety due to physical, chemical, biological, and radiological hazards during Project construction, operation, or decommissioning?	No
3.8	Does the Project involve support for employment or livelihoods that may fail to comply with national and international labor standards (i.e. principles and standards of ILO fundamental conventions)?	No
3.9	Does the Project engage security personnel that may pose a potential risk to health and safety of communities and/or individuals (e.g. due to a lack of adequate training or accountability)?	No
Standard 4: Cultural Heritage		
4.1	Will the proposed Project result in interventions that would potentially adversely impact sites, structures, or objects with historical, cultural, artistic, traditional or religious values or intangible forms of culture (e.g. knowledge, innovations, practices)? (Note: Projects intended to protect and conserve Cultural Heritage may also have inadvertent adverse impacts)	No
4.2	Does the Project propose utilizing tangible and/or intangible forms of cultural heritage for commercial or other purposes?	No
Standard 5: Displacement and Resettlement		
5.1	Would the Project potentially involve temporary or permanent and full or partial physical displacement?	No
5.2	Would the Project possibly result in economic displacement (e.g. loss of assets or access to resources due to land acquisition or access restrictions – even in the absence of physical relocation)?	No
5.3	Is there a risk that the Project would lead to forced evictions? ³	No
5.4	Would the proposed Project possibly affect land tenure arrangements and/or community based property rights/customary rights to land, territories and/or resources?	No
Standard 6: Indigenous Peoples		
<p>Note by Project Developer: <i>Standard 6 is included for the case where indigenous people are in the minority in the area where the Project is operating and there is concern for how their rights may be affected. However in Fiji the indigenous people are in the majority (approximately 58%) and fully acknowledged under the Constitution of the Republic of Fiji. The Constitution declares that all the people of Fiji are all Fijians united by common and equal citizenry. The Constitution provides for recognizing the indigenous people or the iTaukei, their ownership of iTaukei lands, their unique culture, customs, traditions and language; recognizing the indigenous people or the Rotuman from the island of Rotuma, their ownership of Rotuman lands, their unique culture, customs, traditions and language; Recognising the descendants of the indentured labourers from British India and the Pacific Islands, their culture, customs, traditions and language; and Recognising the descendants of the settlers and immigrants to Fiji, their culture, customs, traditions and language'. As such the responses in this section are no. (For instance under 6.3 this project is intended to affect the human rights of indigenous peoples, but in a positive manner, so for instance it would not make sense on this basis to classify the project as Moderate or High Risk).</i></p>		

³ Forced evictions include acts and/or omissions involving the coerced or involuntary displacement of individuals, groups, or communities from homes and/or lands and common property resources that were occupied or depended upon, thus eliminating the ability of an individual, group, or community to reside or work in a particular dwelling, residence, or location without the provision of, and access to, appropriate forms of legal or other protections.

6.1	Are indigenous peoples present in the Project area (including Project area of influence)?	No
6.2	Is it likely that the Project or portions of the Project will be located on lands and territories claimed by indigenous peoples?	No
6.3	Would the proposed Project potentially affect the human rights, lands, natural resources, territories, and traditional livelihoods of indigenous peoples (regardless of whether indigenous peoples possess the legal titles to such areas, whether the Project is located within or outside of the lands and territories inhabited by the affected peoples, or whether the indigenous peoples are recognized as indigenous peoples by the country in question)? <i>If the answer to the screening question 6.3 is "yes" the potential risk impacts are considered potentially severe and/or critical and the Project would be categorized as either Moderate or High Risk.</i>	No
6.4	Has there been an absence of culturally appropriate consultations carried out with the objective of achieving FPIC on matters that may affect the rights and interests, lands, resources, territories and traditional livelihoods of the indigenous peoples concerned?	No
6.5	Does the proposed Project involve the utilization and/or commercial development of natural resources on lands and territories claimed by indigenous peoples?	No
6.6	Is there a potential for forced eviction or the whole or partial physical or economic displacement of indigenous peoples, including through access restrictions to lands, territories, and resources?	No
6.7	Would the Project adversely affect the development priorities of indigenous peoples as defined by them?	No
6.8	Would the Project potentially affect the physical and cultural survival of indigenous peoples?	No
6.9	Would the Project potentially affect the Cultural Heritage of indigenous peoples, including through the commercialization or use of their traditional knowledge and practices?	No
Standard 7: Pollution Prevention and Resource Efficiency		
7.1	Would the Project potentially result in the release of pollutants to the environment due to routine or non-routine circumstances with the potential for adverse local, regional, and/or transboundary impacts?	No
7.2	Would the proposed Project potentially result in the generation of waste (both hazardous and non-hazardous)?	No
7.3	Will the proposed Project potentially involve the manufacture, trade, release, and/or use of hazardous chemicals and/or materials? Does the Project propose use of chemicals or materials subject to international bans or phase-outs? <i>For example, DDT, PCBs and other chemicals listed in international conventions such as the Stockholm Conventions on Persistent Organic Pollutants or the Montreal Protocol</i>	No
7.4	Will the proposed Project involve the application of pesticides that may have a negative effect on the environment or human health?	No
7.5	Does the Project include activities that require significant consumption of raw materials, energy, and/or water?	No

RISK LOG

Project Title: Fiji Access to Justice	Award ID: tba	Date: July 2016
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#	Description	Date Identified	Type	Probability & Impact	Countermeasures / Management response	Owner	Submitted by	Last Update	Status
1	Organisational and political environment impacts on project implementation through events such as change of government after elections or leadership change in stakeholder organisations	Jun 16	Political	Probability - 2 - 3 Impact - 3	Build trust through continuous dialogue with government and other stakeholders giving rise to: <ul style="list-style-type: none"> • flexible implementation strategies • strong stakeholder ownership enhanced accountability • processes through oversight by Project Board • build formal and informal networks with a broad spectrum of leaders across and within sector agencies, and with other stakeholders including NGOs. 	UNDP	Project Manager	Jul 16	New / Monitoring
2	Challenges within Legal Aid Commission & Judicial Department to implement and participate in project activities such as absorptive capacity to adopt change or resistance to change or implementation / publication of AZJ Assessment	Jun 16	Operational	Probability - 2 Impact - 2	With stakeholders careful and pragmatic prioritisation, planning and sequencing of project activities with: <ul style="list-style-type: none"> • project activities reflected in stakeholders annual plans • updates to Project Board on potential challenges and mitigation strategies identified early • identify change leaders 	UNDP	Project Manager	Jul 16	New / Monitoring

#	Description	Date Identified	Type	Probability & Impact	Countermeasures / Management response	Owner	Submitted, updated by	Last Update	Status
3	Change in priority areas for stakeholders resulting in lack of priority to implement project activities	Jun 16	Political Organisational Strategic	Probability - 1 Impact - 2	<ul style="list-style-type: none"> • avoid over ambitious scheduling and ensure appropriate pace of implementation to avoid 'project fatigue' and to match to absorptive capacity • ensure scope of activities and terms of references are endorsed by stakeholders 	UNDP	Project Manager	Jul 16	New / Monitoring
4	Lack of sector coordination to enable effective implementation of changes under the project	Jun 16	Strategic Organisational	Probability - 2 Impact - 2	<ul style="list-style-type: none"> • review Project Theory of Change following the six month project inception period and informed by the Access to Justice Assessment • review Project Theory of Change throughout the project some flexibility in project design, for example in selection of training topics • avoid abrupt and unilateral changes adopting a more measured response • identify priorities through annual planning processes along with long term guide points 	UNDP	Project Manager	Jul 16	New / Monitoring

#	Description	Date Identified	Type	Probability & Impact	Countermeasures / Management response	Owner	Submitted, updated by	Last Update	Status
5	Legal Aid Commission & Judicial Department not able to cope with increased demand for services, that in part are a result of project awareness raising activities and then also reflect negatively on stakeholders and project credibility	Jun 16	Organisational	Probability - 2 Impact - 2	<ul style="list-style-type: none"> Project activities designed to support efficiency and effectiveness measures for Legal Aid Commission and Judicial Department to match increasing demands: through Access to Justice Assessment data collection for baseline and ongoing information management support to development of strategic and annual planning documents and associated financial documents that include provision for increased resources prioritise implementation of project activities that relate to efficiency measures such as the case management system support to develop potential strategies for alternative arrangements for service delivery 	UNDP	Project Manager	Jul 16	New / Monitoring
6	Lack of Government funding in budget allocations and distribution to sector insufficient to meet service delivery requirements which impacts on participation in project activities and project credibility	Jun 16	Financial	Probability - 2 Impact - 3	<ul style="list-style-type: none"> Provision of support to Legal Aid Commission and Judicial Department to facilitate budgetary processes support to development of strategic and annual planning documents and associated financial documents that include provision for increased resources support to data collection, analysis and reporting to demonstrate sector results 	UNDP	Project Manager	Jul 16	New / Monitoring

#	Description	Date Identified	Type	Probability & Impact	Countermeasures / Management response	Owner	Submitted, updated by	Last Update	Status
7	Reduction in ownership and engagement by stakeholders in project results in delays or halt to project implementation	Jun 16	Political	Probability - 1 Impact - 3	<ul style="list-style-type: none"> • support to project visibility and communication actions to promote achievements and evidence based results • support to develop potential strategies for alternative arrangements for service delivery • where considered relevant, support for a strategy to increase Development Partners engagement with Legal Aid Commission and Judicial Department 	UNDP	Project Manager	Jul 16	New/Monitoring
8	Inflated level of stakeholder expectations that are not met results in negative perceptions of the project	Jun 16	Strategic	Probability - 1 Impact - 3	<ul style="list-style-type: none"> • ensure project activities remain related to long term organisational plans • ensure active participation and robust dialogue in Project Board Meetings 	UNDP	Project Manager	Jul 16	New / Monitoring
					<ul style="list-style-type: none"> • support to project visibility and communication actions to promote achievements and evidence based results • support to develop potential strategies for alternative arrangements for service delivery • where considered relevant, support for a strategy to increase Development Partners engagement with Legal Aid Commission and Judicial Department 				
					<ul style="list-style-type: none"> • Application of best practice project management and change management skills through: engage in continuous engagement and dialogue and encourage regular review of Project Theory of Change • ensure project activities remain related to long term organisational plans • ensure active participation and robust dialogue in Project Board Meetings 				
					<ul style="list-style-type: none"> • ensure stakeholder understanding of project management tools, including annual work planning processes, corporate procurement practices and timeliness • ensure project is fully staffed and supporting project teams provide effective and timely services 				

#	Description	Date Identified	Type	Probability & Impact	Countermeasures / Management response	Owner	Submitted, updated by	Last Update	Status
					<ul style="list-style-type: none"> Project Board monitoring and oversight 				
9	Natural disasters that impact directly on stakeholder priorities and service delivery and ability to implement and participate in activities under the project	Jun 16	Environmental	Probability - 2 Impact - 1	Ensure flexible schedule for activity implementation to minimise potential impact on outputs and ensure sequenced and timely implementation of project activities, with adjustments made where necessary	UNDP	Project Manager	Jul 16	New / Monitoring
10	Project funds not fully mobilised or expended	Jun 16	Operational	Probability - 1 Impact - 3	Application of monitoring and evaluation processes combined with Project Board oversight and monitoring	UNDP	Project Manager	Jul 16	New / Monitoring
11	Exchange rate fluctuations (EUR to USD, USD to FJD) that result in reduced funds available	Jun 16	Financial	Probability - 2 Impact - 3	Monitor exchange rates over time (for EUR funds this is relevant on the dates of instalment payments), update Project Board and as required undertake changes to multi-year work plans	UNDP	Project Manager	Jul 16	New / Monitoring

ANNEX 4

PROJECT BOARD – TERMS OF REFERENCE

Overall responsibilities

The Project Board is the group responsible for making by consensus management decisions for a project when guidance is required by the Project Manager, including recommendation for UNDP/Implementing Partner approval of project plans and revisions. In order to ensure UNDP's ultimate accountability, Project Board decisions should be made in accordance to standards¹ that shall ensure best value to money, fairness, integrity transparency and effective international competition. In case a consensus cannot be reached, final decision shall rest with the UNDP Programme Manager. Project reviews by this group are made at designated decision points during the running of a project, or as necessary when raised by the Project Manager. This group is consulted by the Project Manager for decisions when PM tolerances (normally in terms of time and budget) have been exceeded.

Based on the approved annual work plan (AWP), the Project Board may review and approve project quarterly plans when required and authorizes any major deviation from these agreed quarterly plans. It is the authority that signs off the completion of each quarterly plan as well as authorizes the start of the next quarterly plan. It ensures that required resources are committed and arbitrates on any conflicts within the project or negotiates a solution to any problems between the project and external bodies. In addition, it approves the appointment and responsibilities of the Project Manager and any delegation of its Project Assurance responsibilities.

Composition and organization: This group contains three roles, including:

- 1) An Executive: individual representing the project ownership to chair the group.
- 2) Senior Supplier: individual or group representing the interests of the parties concerned which provide funding and/or technical expertise to the project. The Senior Supplier's primary function within the Board is to provide guidance regarding the technical feasibility of the project.
- 3) Senior Beneficiary: individual or group of individuals representing the interests of those who will ultimately benefit from the project. The Senior Beneficiary's primary function within the Board is to ensure the realization of project results from the perspective of project beneficiaries.

Specific responsibilities

¹ UNDP Financial Rules and Regulations: Chapter E, Regulation 16.05: a) The administration by executing entities or, under the harmonized operational modalities, implementing partners, of resources obtained from or through UNDP shall be carried out under their respective financial regulations, rules, practices and procedures only to the extent that they do not contravene the principles of the Financial Regulations and Rules of UNDP. b) Where the financial governance of an executing entity or, under the harmonized operational modalities, implementing partner, does not provide the required guidance to ensure best value for money, fairness, integrity, transparency, and effective international competition, that of UNDP shall apply.

Initiating a project

- Agree on Project Manager's responsibilities, as well as the responsibilities of the other members of the Project Management team;
- Delegate any Project Assurance function as appropriate;
- Review the Progress Report for the Initiation Stage (if an Initiation Plan was required);
- Review and appraise detailed Project Plan and AWP, including Atlas reports covering activity definition, quality criteria, issue log, updated risk log and the monitoring and communication plan.

Running a project

- Provide overall guidance and direction to the project, ensuring it remains within any specified constraints;
- Address project issues as raised by the Project Manager;
- Provide guidance and agree on possible countermeasures/management actions to address specific risks;
- Agree on Project Manager's tolerances in the Annual Work Plan and quarterly plans when required;
- Conduct regular meetings to review the Project Quarterly Progress Report and provide direction and recommendations to ensure that the agreed deliverables are produced satisfactorily according to plans.
- Review Combined Delivery Reports (CDR) prior to certification by the Implementing Partner;
- Appraise the Project Annual Review Report, make recommendations for the next AWP, and inform the Outcome Board about the results of the review.
- Review and approve end project report, make recommendations for follow-on actions;
- Provide ad-hoc direction and advice for exception situations when project manager's tolerances are exceeded;
- Assess and decide on project changes through revisions;

Closing a project

- Assure that all Project deliverables have been produced satisfactorily;
- Review and approve the Final Project Review Report, including Lessons-learned;
- Make recommendations for follow-on actions to be submitted to the Outcome Board;
- Commission project evaluation (only when required by partnership agreement)
- Notify operational completion of the project to the Outcome Board.

Executive

The Executive is ultimately responsible for the project, supported by the Senior Beneficiary and Senior Supplier. The Executive's role is to ensure that the project is focused throughout its life cycle on achieving its objectives and delivering outputs that will contribute to higher level outcomes. The Executive has to ensure that the project gives value for money, ensuring a cost-conscious approach to the project, balancing the demands of beneficiary and supplier.

Specific Responsibilities (as part of the above responsibilities for the Project Board)

- Ensure that there is a coherent project organisation structure and logical set of plans
- Set tolerances in the AWP and other plans as required for the Project Manager
- Monitor and control the progress of the project at a strategic level
- Ensure that risks are being tracked and mitigated as effectively as possible
- Brief Outcome Board and relevant stakeholders about project progress
- Organise and chair Project Board meetings
- The Executive is responsible for overall assurance of the project as described below. If the project warrants it, the Executive may delegate some responsibility for the project assurance functions.

Senior Beneficiary

The Senior Beneficiary is responsible for validating the needs and for monitoring that the solution will meet those needs within the constraints of the project. The role represents the interests of all those who will benefit from the project, or those for whom the deliverables resulting from activities will achieve specific output targets. The Senior Beneficiary role monitors progress against targets and quality criteria. This role may require more than one person to cover all the beneficiary interests. For the sake of effectiveness the role should not be split between too many people.

Specific Responsibilities (as part of the above responsibilities for the Project Board)

- Ensure the expected output(s) and related activities of the project are well defined
- Make sure that progress towards the outputs required by the beneficiaries remains consistent from the beneficiary perspective
- Promote and maintain focus on the expected project output(s)
- Prioritise and contribute beneficiaries' opinions on Project Board decisions on whether to implement recommendations on proposed changes
- Resolve priority conflicts

The assurance responsibilities of the Senior Beneficiary are to check that:

- Specification of the Beneficiary's needs is accurate, complete and unambiguous
- Implementation of activities at all stages is monitored to ensure that they will meet the beneficiary's needs and are progressing towards that target
- Impact of potential changes is evaluated from the beneficiary point of view
- Risks to the beneficiaries are frequently monitored
- Where the project's size, complexity or importance warrants it, the Senior Beneficiary may delegate the responsibility and authority for some of the assurance responsibilities (see also the section below)

Senior Supplier

The Senior Supplier represents the interests of the parties which provide funding and/or technical expertise to the project (designing, developing, facilitating, procuring, implementing). The Senior Supplier's primary function within the Board is to provide guidance regarding the technical feasibility of the project. The Senior Supplier role must have the authority to commit or acquire

supplier resources required. If necessary, more than one person may be required for this role. Typically, the implementing partner, UNDP and/or donor(s) would be represented under this role.

Specific Responsibilities (as part of the above responsibilities for the Project Board)

- Make sure that progress towards the outputs remains consistent from the supplier perspective
- Promote and maintain focus on the expected project output(s) from the point of view of supplier management
- Ensure that the supplier resources required for the project are made available
- Contribute supplier opinions on Project Board decisions on whether to implement recommendations on proposed changes
- Arbitrate on, and ensure resolution of, any supplier priority or resource conflicts

The supplier assurance role responsibilities are to:

- Advise on the selection of strategy, design and methods to carry out project activities
- Ensure that any standards defined for the project are met and used to good effect
- Monitor potential changes and their impact on the quality of deliverables from a supplier perspective
- Monitor any risks in the implementation aspects of the project
- If warranted, some of this assurance responsibility may be delegated (see also the section below)

Project Assurance

Overall responsibility: Project Assurance is the responsibility of each Project Board member, however the role can be delegated. The Project Assurance role supports the Project Board by carrying out objective and independent project oversight and monitoring functions. This role ensures appropriate project management milestones are managed and completed.

Project Assurance has to be independent of the Project Manager; therefore the Project Board cannot delegate any of its assurance responsibilities to the Project Manager. A UNDP Programme Officer typically holds the Project Assurance role.

The implementation of the assurance responsibilities needs to answer the question “What is to be assured?” The following list includes the key suggested aspects that need to be checked by the Project Assurance throughout the project as part of ensuring that it remains relevant, follows the approved plans and continues to meet the planned targets with quality.

- Maintenance of thorough liaison throughout the project between the members of the Project Board.
- Beneficiary needs and expectations are being met or managed
- Risks are being controlled
- Adherence to the Project Justification (Business Case)
- Projects fit with the overall Country Programme
- The right people are being involved
- An acceptable solution is being developed
- The project remains viable

- The scope of the project is not “creeping upwards” unnoticed
- Internal and external communications are working
- Applicable UNDP rules and regulations are being observed
- Any legislative constraints are being observed
- Adherence to RMG monitoring and reporting requirements and standards
- Quality management procedures are properly followed
- Project Board’s decisions are followed and revisions are managed in line with the required procedures

Specific responsibilities would include:

Initiating a project

- Ensure that project outputs definitions and activity definition including description and quality criteria have been properly recorded in the Atlas Project Management module to facilitate monitoring and reporting;
- Ensure that people concerned are fully informed about the project
- Ensure that all preparatory activities, including training for project staff, logistic supports are timely carried out

Running a project

- Ensure that funds are made available to the project;
- Ensure that risks and issues are properly managed, and that the logs in Atlas are regularly updated;
- Ensure that critical project information is monitored and updated in Atlas, using the Activity Quality log in particular;
- Ensure that Project Quarterly Progress Reports are prepared and submitted on time, and according to standards in terms of format and content quality;
- Ensure that CDRs and FACE are prepared and submitted to the Project Board and Outcome Board;
- Perform oversight activities, such as periodic monitoring visits and “spot checks”.
- Ensure that the Project Data Quality Dashboard remains “green”

Closing a project

- Ensure that the project is operationally closed in Atlas;
- Ensure that all financial transactions are in Atlas based on final accounting of expenditures;
- Ensure that project accounts are closed and status set in Atlas accordingly.

ANNEX 5

Supplemental Provisions to the Project Document

General responsibilities of the Government, UNDP and the executing agency

1. All phases and aspects of UNDP assistance to this project shall be governed by and carried out in accordance with the relevant and applicable resolutions and decisions of the competent United Nations organs and in accordance with UNDP's policies and procedures for such projects, and subject to the requirements of the UNDP Monitoring, Evaluation and Reporting System.
2. The Government shall remain responsible for this UNDP-assisted development project and the realization of its objectives as described in this Project Document.
3. Assistance under this Project Document being provided for the benefit of the Government and the people of Fiji, the Government shall bear all risks of operations in respect of this project.
4. The Government shall provide to the project the national counterpart personnel, training facilities, land, buildings, equipment and other required services and facilities. It shall designate the Government Co-operating Agency named in the cover page of this document (hereinafter referred to as the "Co-operating Agency"), which shall be directly responsible for the implementation of the Government contribution to the project.
5. The UNDP undertakes to complement and supplement the Government participation and will provide through the Executing Agency the required expert services, training, equipment and other services within the funds available to the project.
6. Upon commencement of the project the Executing Agency shall assume primary responsibility for project execution and shall have the status of an independent contractor for this purpose. However, that primary responsibility shall be exercised in consultation with UNDP and in agreement with the Co-operating Agency. Arrangements to this effect shall be stipulated in the Project Document as well as for the transfer of this responsibility to the Government or to an entity designated by the Government during the execution of the project.
7. Part of the Government's participation may take the form of a cash contribution to UNDP. In such cases, the Executing Agency will provide the related services and facilities and will account annually to the UNDP and to the Government for the expenditure incurred.
 - (a) Participation of the Government
 1. The Government shall provide to the project the services, equipment and facilities in the quantities and at the time specified in the Project Document. Budgetary provision, either in kind or in cash, for the Government's participation so specified shall be set forth in the Project Budgets.
 2. The Co-operating Agency shall, as appropriate and in consultation with the Executing Agency, assign a director for the project on a full-time basis. He shall carry out such

responsibilities in the project as are assigned to him by the Co-operating Agency.

3. The estimated cost of items included in the Government contribution, as detailed in the Project Budget, shall be based on the best information available at the time of drafting the project proposal. It is understood that price fluctuations during the period of execution of the project may necessitate an adjustment of said contribution in monetary terms; the latter shall at all times be determined by the value of the services, equipment and facilities required for the proper execution of the project.

4. Within the given number of man-months of personnel services described in the Project Document, minor adjustments of individual assignments of project personnel provided by the Government may be made by the Government in consultation with the Executing Agency, if this is found to be in the best interest of the project. UNDP shall be so informed in all instances where such minor adjustments involve financial implications.

5. The Government shall continue to pay the local salaries and appropriate allowances of national counterpart personnel during the period of their absence from the project while on UNDP fellowships.

6. The Government shall defray any customs duties and other charges related to the clearance of project equipment, its transportation, handling, storage and related expenses within the country. It shall be responsible for its installation and maintenance, insurance, and replacement, if necessary, after delivery to the project site.

7. The Government shall make available to the project - subject to existing security provisions - any published and unpublished reports, maps, records and other data which are considered necessary to the implementation of the project.

8. Patent rights, copyright rights and other similar rights to any discoveries or work resulting from UNDP assistance in respect of this project shall belong to the UNDP. Unless otherwise agreed by the Parties in each case, however, the Government shall have the right to use any such discoveries or work within the country free of royalty and any charge of similar nature.

9. The Government shall assist all project personnel in finding suitable housing accommodation at reasonable rents.

10. The services and facilities specified in the Project Document which are to be provided to the project by the Government by means of a contribution in cash shall be set forth in the Project Budget. Payment of this amount shall be made to the UNDP in accordance with the Schedule of Payments by the Government.

11. Payment of the above-mentioned contribution to the UNDP on or before the dates specified in the Schedule of Payments by the Government is a prerequisite to commencement or continuation of project operations.

(b) Participation of the UNDP and the executing agency

1. The UNDP shall provide to the project through the Executing Agency the services, equipment and facilities described in the Project Document. Budgetary provision for the UNDP contribution as specified shall be set forth in the Project Budget.

2. The Executing Agency shall consult with the Government and UNDP on the candidature of the Project Manager¹ who, under the direction of the Executing Agency, will be responsible in the country for the Executing Agency's participation in the project. The Project Manager shall supervise the experts and other agency personnel assigned to the project, and the on-the-job training of national counterpart personnel. The Project Manager shall be responsible for the management and efficient utilization of all UNDP-financed inputs, including equipment provided to the project.
3. The Executing Agency, in consultation with the Government and UNDP, shall assign international staff and other personnel to the project as specified in the Project Document, select candidates for fellowships and determine standards for the training of national counterpart personnel.
4. Fellowships shall be administered in accordance with the fellowships regulations of the Executing Agency.
5. The Executing Agency may, in agreement with the Government and UNDP, execute part or all of the project by subcontract. The selection of subcontractors shall be made, after consultation with the Government and UNDP, in accordance with the Executing Agency's procedures.
6. All material, equipment and supplies which are purchased from UNDP resources will be used exclusively for the execution of the project, and will remain the property of the UNDP in whose name it will be held by the Executing Agency. Equipment supplied by the UNDP shall be marked with the insignia of the UNDP and of the Executing Agency.
7. Arrangements may be made, if necessary, for a temporary transfer of custody of equipment to local authorities during the life of the project, without prejudice to the final transfer.
8. Prior to completion of UNDP assistance to the project, the Government, the UNDP and the Executing Agency shall consult as to the disposition of all project equipment provided by the UNDP. Title to such equipment shall normally be transferred to the Government, or to an entity nominated by the Government, when it is required for continued operation of the project or for activities following directly therefrom. The UNDP may, however, at its discretion, retain title to part or all of such equipment.
9. At an agreed time after the completion of UNDP assistance to the project, the Government and the UNDP, and if necessary the Executing Agency, shall review the activities continuing from or consequent upon the project with a view to evaluating its results.
10. UNDP may release information relating to any investment oriented project to potential investors, unless and until the Government has requested the UNDP in writing to restrict the release of information relating to such project.

¹ May also be designated Project Co-ordinator or Chief Technical Adviser, as appropriate.

Rights, Facilities, Privileges and Immunities

1. In accordance with the Agreement concluded by the United Nations (UNDP) and the Government concerning the provision of assistance by UNDP, the personnel of UNDP and other United Nations organizations associated with the project shall be accorded rights, facilities, privileges and immunities specified in said Agreement.
2. The Government shall grant UN volunteers, if such services are requested by the Government, the same rights, facilities, privileges and immunities as are granted to the personnel of UNDP.
3. The Executing Agency's contractors and their personnel (except nationals of the host country employed locally) shall:
 - a. Be immune from legal process in respect of all acts performed by them in their official capacity in the execution of the project;
 - b. Be immune from national service obligations;
 - c. Be immune together with their spouses and relatives' dependent on them from immigration restrictions;
 - d. Be accorded the privileges of bringing into the country reasonable amounts of foreign currency for the purposes of the project or for personal use of such personnel, and of withdrawing any such amounts brought into the country, or in accordance with the relevant foreign exchange regulations, such amounts as may be earned therein by such personnel in the execution of the project;
 - e. Be accorded together with their spouses and relatives dependent on them the same repatriation facilities in the event of international crisis as diplomatic envoys.
4. All personnel of the Executing Agency's contractors shall enjoy inviolability for all papers and documents relating to the project.
5. The Government shall either exempt from or bear the cost of any taxes, duties, fees or levies which it may impose on any firm or organization which may be retained by the Executing Agency and on the personnel of any such firm or organization, except for nationals of the host country employed locally, in respect of:
 - a. The salaries or wages earned by such personnel in the execution of the project;
 - b. Any equipment, materials and supplies brought into the country for the purposes of the project or which, after having been brought into the country, may be subsequently withdrawn therefrom;
 - c. Any substantial quantities of equipment, materials and supplies obtained locally for the execution of the project, such as, for example, petrol and spare parts for the operation and maintenance of equipment mentioned under (b), above, with the provision that the types and approximate quantities to be exempted and relevant procedures to be followed shall be agreed upon with the Government and, as appropriate, recorded in the Project Document; and

d. As in the case of concessions currently granted to UNDP and Executing Agency's personnel, any property brought, including one privately owned automobile per employee, by the firm or organization or its personnel for their personal use or consumption or which after having been brought into the country, may subsequently be withdrawn therefrom upon departure of such personnel.

6. The Government shall ensure:

a. prompt clearance of experts and other persons performing services in respect of this project;

and

b. the prompt release from customs of:

(i) equipment, materials and supplies required in connection with this project; and

(ii) property belonging to and intended for the personal use or consumption of the personnel of the UNDP, its Executing Agencies, or other persons performing services on their behalf in respect of this project, except for locally recruited personnel.

7. The privileges and immunities referred to in the paragraphs above, to which such firm or organization and its personnel may be entitled, may be waived by the Executing Agency where, in its opinion or in the opinion of the UNDP, the immunity would impede the course of justice and can be waived without prejudice to the successful completion of the project or to the interest of the UNDP or the Executing Agency.

8. The Executing Agency shall provide the Government through the resident representative with the list of personnel to whom the privileges and immunities enumerated above shall apply.

9. Nothing in this Project Document or Annex shall be construed to limit the rights, facilities, privileges or immunities conferred in any other instrument upon any person, natural or juridical, referred to hereunder.

Suspension or termination of assistance

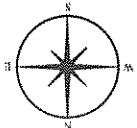
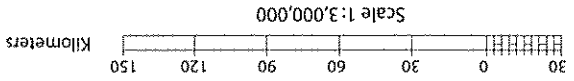
1. The UNDP may by written notice to the Government and to the Executing Agency concerned suspend its assistance to any project if in the judgement of the UNDP any circumstance arises which interferes with or threatens to interfere with the successful completion of the project or the accomplishment of its purposes. The UNDP may, in the same or a subsequent written notice, indicate the conditions under which it is prepared to resume its assistance to the project. Any such suspension shall continue until such time as such conditions are accepted by the Government and as the UNDP shall give written notice to the Government and the Executing Agency that it is prepared to resume its assistance.

2. If any situation referred to in paragraph 1, above, shall continue for a period of fourteen days after notice thereof and of suspension shall have been given by the UNDP to the Government and the Executing Agency, then at any time thereafter during the continuance

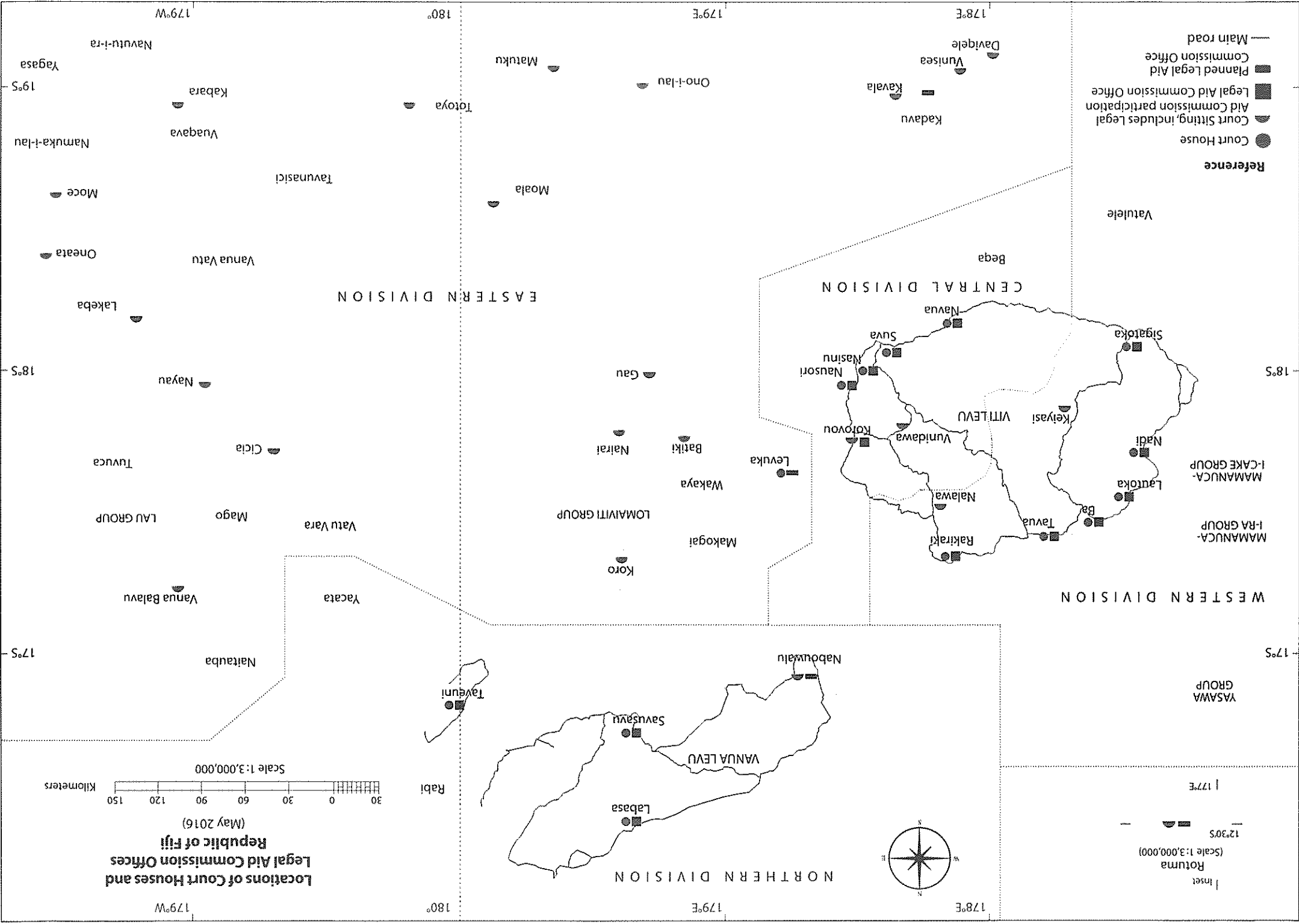
thereof, the UNDP may by written notice to the Government and the Executing Agency terminate the project.

3. The provisions of this paragraph shall be without prejudice to any other rights or remedies the UNDP may have in the circumstances, whether under general principles of law or otherwise.

**Locations of Court Houses and
Legal Aid Commission Offices
Republic of Fiji
(May 2016)**



Rotuma
(Scale 1:3,000,000)
12°30'S
177°E
Inset



FII ACCESS TO JUSTICE PROJECT - CHANGE PATHWAY

Achieve changes for

ACTIVITY RESULTS

- Increased Accessibility
 - Information Desks
 - Helpline
 - NGO accompaniment
 - Special issues such 'early access to justice'
- Increased Professionalism
 - Training plan & trainings
 - Regional and international networks
 - Law Reports
- Increased Efficiency & Effectiveness
 - Case Management
 - Analysis of reports & then improvements
- Increased Transparency
 - Strategic Plans
 - Annual Reports
 - Data reports
 - Sector coordination

Contributes to overall change

OUTPUTS

- Enhanced Institutional Capacity of Legal Aid Commission
- Enhanced Institutional Capacity of Judicial Department and other institutions
- Strengthened Service Delivery of Legal Aid Commission and Judicial Department
- Strengthened capacity of non-governmental organisations

OUTCOME
 Fijians empowered for access to justice and Fijian key justice sector institutions strengthened to deliver access to justice, particularly for impoverished and vulnerable groups.

End of Project Evaluation
 Access to Justice Assessment
 2020

2018 Mid-term Project Evaluation

2016 Project Inception
 Access to Justice Assessment and Gender Analysis

CONTINUALLY TRACKING and MONITORING PROGRESS to deliver RESULTS through:

Project Board Governance, Inception and Annual Reports, Knowledge management, Focus Groups feedback, Expert surveys, Disaggregated data collection, Field visits, Document reviews, Monitor and manage risk, and Annual Project Quality Assurance.