

**JOINT PROJECT DOCUMENT**

The Gambia

**Project Title:** Strengthening Rule of Law and Enhancing Justice and Security Service Delivery in The Gambia

**Project Number:**

**Implementing Partner:**

**Start Date:** 1 October 2017  
September 27, 2017

**End Date:** 30 June 2020

**C Meeting date:**

**Brief Description**

Building an inclusive and effective justice system based on rule of law and human rights is a key element for stable democracy and sustaining peace in The Gambia. Reform and capacity building of the justice system is imperative to re-establish standards and procedures and to enhance the capacity, accountability and oversight of the judiciary and justice institutions. Inclusive and effective justice and security institutions are also a precondition to ensure fair justice and security service delivery to all Gambians, women and children in particular, and to deal with the past and provide redress for grievances; and prepare the future building a democracy based on rule of law and human rights.

The UN joint project takes a holistic, child-centered and rights-based approach and brings together justice and security sector interventions under one framework, enhances coordination to identify shared priorities to ensure equal access to justice for all, including the most marginalised, particularly women, children and victims of serious human rights violations that occurred under the former regime. Response mechanisms for improved access to justice will be piloted at regional level; capacities of key justice actors will be strengthened and coordination mechanisms will be put in place to ensure sector-wide planning of the reform process; strengthening the rule of law and justice service delivery to all Gambians. The proposed project will be implemented in Greater Banjul and three pilot regions over a period of three years.

**Indicative Outputs:**

1. Access to justice and justice service delivery improved, especially for women, children and victims of serious human rights violations under the former administration
2. Skills and competencies of actors in the justice sector enhanced
3. Justice and security sector coordination and governance enhanced
4. Police capacities strengthened and community security improved in pilot regions
5. Institutional capacity of Gambia Prisons Service are improved to ensure welfare and rehabilitation of inmates in accordance with human rights standards.

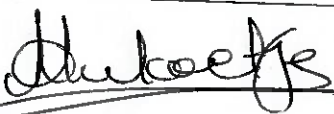

The UNDP-UNICEF joint project is designed to build on and complement the interventions of the Peacebuilding Fund (PBF) Phase 1 Project Documents on Transitional Justice and Security Sector Reforms and the proposal on supporting national capacities for conflict prevention and social cohesion in The Gambia.



Contributing Outcome (UNDAF/CPD, RPD or GPD):  
 UNDAF Outcome 1.2. Institutional reforms implemented to ensure rule of law and guarantee the protection of the human rights of all, including access to justice, gender equality, access to basic services, and democratic participation in decision-making processes.  
 CPD Output 2.2 of the UNDP CPD: Enhanced institutional capacity of the justice system to deliver accessible, efficient and accountable justice to all, especially women and vulnerable groups.  
 CPD Output 4 of the UNICEF CPD:  
 4.1 The child protection institutional framework is strengthened, including through increased budgetary allocations.  
 4.2 Prevention and response services are enhanced to provide equitable and quality protection services to all children.  
 4.3 Families and communities reduce the incidence of violence and harmful traditional practices affecting children.

<b>Total resources required:</b>	
<b>Total resources allocated:</b>	<b>UNDP TRAC:</b>
	<b>Donor:</b>
	<b>Donor:</b>
	<b>Government:</b>
	<b>In-Kind:</b>
<b>Unfunded:</b>	

Agreed by (signatures)<sup>1</sup>:

Government	UNDP and other agencies	Implementing Partner
Print Name:		
Date:	Print Name: Ade Lekoetje Date: 04/12/2017	Print Name: CHERNO MARENGAH Date: 04/12/17



  
 13/12/17

<sup>1</sup> Note: Adjust signatures as needed

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## **LIST OF ABBREVIATIONS**

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- Alternative Dispute Resolution (ADR)
- Alternative Dispute Resolution Secretariat (ADRS)
- Community Child Protection Committee (CCPC)
- Child Protection Alliance (CPA)
- Child Rights Unit (CRU) at MOJ
- The African Police Civilian Oversight Forum (APCOF)
- Female Genital Mutilation (FGM)
- Female Lawyers Association Gambia (FLAG)
- The Gambia bar Association (GBA)
- Gender Based Violence (GBV)
- Global Focal Point for Police, Justice and Corrections (GFP)
- GPF (Gambia Police Force)
- The Gambia Law School (GLS)
- Legal Aid Act of 2008 (LAA 2008)
- Ministry of Interior (MOI)
- Ministry of Justice (MOJ)
- National Agency for Legal Aid (NALA)
- The Network against Gender Based Violence (NGBV)
- Programme for accelerated growth and employment (PAGE)
- The Peacebuilding Fund (PBF)
- Think Young Women (TYW)
- The University of the Gambia Faculty of Law (UTGFL)

## I. DEVELOPMENT CHALLENGE

### Background:

In The Gambia, during the past 22 years of authoritarian regime, justice institutions were systematically manipulated to preserve the oppressive regime in power. There was constant interference and arbitrary removal of independent-minded judges by the Executive. Consequently, there is limited public confidence in the judiciary, as former President Jammeh dispensed crude justice by imprisoning opponents, and often determining publicly their sentences. The perception of the judiciary was further worsened by its role played in trying to extend the President's tenure after he rejected the 2016 presidential election result. Whilst there is an established justice system, the effectiveness of this system and its institutions has been undermined under the past regime.<sup>2</sup>

The new Government is under pressure to urgently meet the aspirations of the Gambian people for justice. At the same time, the justice sector is underfunded and suffering from a lack of physical facilities and human resources.<sup>3</sup> Justice delivery has been slow and there has been a lack of confidence in the system, and consequently, there has been a marked deficit in access to justice for the population. Very limited state support mechanisms or legal aid services are available for victims, and defendants.

The former regime built an abusive state security apparatus as a means for repression, undermining the role of the Gambia Police Force (GPF) in charge of internal security service and as a key institution of the criminal justice system. As a result, GPF lacks adequate quantity and quality of human resources as well as scientific training and equipment for criminal investigation, which is a major impediment to access to fair justice service delivery.

Building an inclusive and effective justice system based on the rule of law and human rights is requisite for a stable democracy and sustaining peace in The Gambia – and the realization of Sustainable Development Goal 16 - promoting a peaceful and inclusive society for sustainable development, providing access to justice for all and build effective, accountable and inclusive institutions at all levels. Legal reform as well as reform and capacity building of the justice system is imperative to re-establish standards and procedures, entrench human rights values and principles, to enhance the capacity, accountability and oversight of the judiciary and justice institutions in line with basic principles of independence of the judiciary, to ensure fair justice service delivery to all Gambians, in particular women and children, and to deal with the past and address grievances and prepare the future to build democracy based on rule of law and human rights.

### Situation analysis:

#### *Tripartite Justice System*

The Gambia's legal system is based on a tripartite system: (1) English law, including the common law and principles of equity and statute law; (2) customary law, which is administered by district tribunals; and (3) Islamic/Sharia law on matters relating to marriage, divorce and inheritance, which is administered by a Cadi Court system. The latter two systems apply only to Gambians and/or Muslims.

The customary justice system is reportedly used by most Gambians at the initial stages of handling disputes at community level. The primary method of mediating disputes is conciliation exercised first

<sup>2</sup> Report of United Nations Inter-Agency Mission to The Gambia, 12-21 February, 2017

<sup>3</sup> EU Technical Assistance to the Access to Justice and Legal Education Component of the Governance Programme in The Gambia, Draft Final Report, 2012

through the extended family, then through the Kabilo<sup>4</sup>, and then refer to the primary village mediator, the Alkalo. Once a dispute is declared as one to be formally litigated, the complaining party may choose an originating entry point into the justice system among the District Tribunal of the customary justice system, Cadi Court of the sharia' justice system, or the Magistrates or High Court of the conventional justice system.<sup>5</sup>

The Tripartite System offers all disputants in The Gambia the opportunity to draw from the advantages of the indigenous customary system of Alternative Dispute Resolution (ADR) by conciliation, and then to choose among several jurisdictions to formalize the dispute in the District Tribunal, Cadi Court or the Magistrates/High Court.<sup>6</sup>

With regards to children, defined as persons under the age of 18, international law requires separate, child friendly, services and infrastructure to ensure a child's entry into the justice system takes into account the needs and welfare of the child and is in the child's best interests. The Children's Act 2005 established the child justice system and purports to protect the rights and welfare of children covering all situations in which children come into contact with justice and related systems - as victims, witnesses, persons in need of care and protection as well as (alleged) offenders. The legislation aims to promote restorative justice and alternatives to the arrest or detention of children and the protection, rehabilitation and sentencing of children who are already in conflict with the justice system.<sup>7</sup> It establishes separate Children's Courts, provides for diversion from the criminal justice system, requires detention to be used as a last resort and provisions for the protection of child offenders, both alleged and convicted.

### **Access to Justice**

Access to justice requires the ability to seek and obtain remedies for wrongs through institutions of justice, formal or informal, in conformity with human rights standards. It is essential for the protection and promotion of all other human rights.

While most Gambians use the indigenous customary system of alternative dispute resolution by conciliation as described above, an institutionalised ADR system was introduced in 2005<sup>8</sup> that provides mediation and arbitration as a government service under the supervision and control of the Ministry of Justice.

The **Alternative Dispute Resolution Secretariat (ADRS)** is charged with administering the resolution of disputes comprising of conciliation, mediation and arbitration as an alternative to court litigation. The ADRS is headed by the ADR Secretary who is appointed by the President upon recommendation by the Minister of Justice. The Alternative Dispute Resolution Act 2005, established the Alternative Dispute Resolution Secretariat, which became operational in 2008. Under the ADR Act an arbitral award shall be recognized as binding on application in writing to the court, and shall be enforced by entry as a judgment. An element of the work of the ADRS includes mediation; to assist parties in a disagreement to hear one another, to minimise the harm that can come from disagreement thereby maximize areas of agreement, and finding ways of preventing the areas of disagreement from

<sup>4</sup> The Mandinka (tribe in The Gambia) word Kabilo refers to the traditional, highly organized social structure. Each community is home to several Kabilos, with the leaders making up a council of elders and each Kabilo providing support and guidance to its members.

<sup>5</sup> EU Technical Assistance to the Access to Justice and Legal Education Component of the Governance Programme in The Gambia, Draft Final Report, 2012

<sup>6</sup> EU Technical Assistance to the Access to Justice and Legal Education Component of the Governance Programme in The Gambia, Draft Final Report, 2012

<sup>7</sup> UNICEF/MOJ Rapid Assessment of the Child Justice System of The Gambia, February 2017

<sup>8</sup> Alternative Dispute Resolution Act 2005

interfering with the process of seeking a compromise or mutually agreed outcome. As a government agency under the Ministry of Justice, the ADRS has been operating through a main office in Banjul, an office in Basse in the Upper River Region and one in Farafenni in the North Bank Region.<sup>9</sup> ADRS has also been supported by UNDP and EU projects.

According to the 2017 UNICEF/MOJ Rapid Assessment of the Child Justice System in The Gambia (hereafter: UNICEF assessment on child justice), there is no indication that ADRS has been used for crimes involving children, nor does it appear to have jurisdiction for such cases. Further, there is minimal knowledge of the ADRS services within the communities. Indications are that ADRS has positive impact on the pace at which disputes and litigation are resolved<sup>10</sup>, however the system needs to be inclusive of children and should be decentralised to all regions.

The Legal Aid Act of 2008 (LAA 2008)<sup>11</sup> establishes a **National Agency for Legal Aid (NALA)** tasked with the management and administration of the legal aid system in The Gambia. The agency was formally established in 2010 with UNDP support and its duties include receiving and reviewing applications for legal aid, administering the Legal Aid Fund as well as assigning, monitoring and remuneration of lawyers who are willing to participate in the NALA legal aid scheme.<sup>12</sup>

The LAA 2008 provides for legal aid for persons including children in conflict with the law and persons charged with capital offences punishable with death and life imprisonment, and legal aid to persons who earn not more than such minimum wage (to be specified by the State). But, NALA currently has limited resources and capacity with only four lawyers for the whole country, most of whom are not very experienced. Therefore, the agency currently prioritises providing services only to defendants accused of capital offences<sup>13</sup>, and sporadically requests lawyers from the Gambia Bar Association (GBA) for support. Moreover, there is a role that the GBA could play in enhancing access to justice by handling *pro bono* cases managed by NALA.<sup>14</sup>

Legal aid for children is a right guaranteed by the Children's Act 2005. NALA's limited staff and resources renders it difficult, if not impossible, to provide legal representation to all alleged child offenders. Child justice personnel reports that lack of timely access to legal aid is a significant cause of delays during trial, and a number of children interviewed by UNICEF mentioned that there was a shortage of lawyers to attend their cases on time, further delaying their hearings. Where a child is provided with a lawyer, the children reported that they rarely meet with the lawyer to discuss their case and that on occasion the lawyers have failed to appear in court.<sup>15</sup> According to one of the Children's Court Chairpersons, "the offences of rape and murder are capital offences and in most cases, child offenders are not able to secure the services of a lawyer".<sup>16</sup>

Additionally, many people in the community are unaware of the existence of NALA. According to the UNICEF assessment on child justice, a number of community members cited examples where they

<sup>9</sup> EU Technical Assistance to the Access to Justice and Legal Education Component of the Governance Programme in The Gambia, Draft Final Report, 2012

<sup>10</sup> Amie Bensouda & Co, <http://www.amiebensoudaco.net/the-gambia-legal-system>

<sup>11</sup> Legal aid in the Gambia, an introduction to law and practice. Institute for Human Rights and Development in Africa, 2012

<sup>12</sup> Legal aid in the Gambia, an introduction to law and practice. Institute for Human Rights and Development in Africa, 2012

<sup>13</sup> Capital offences are crimes whose penalty is life imprisonment or death – Criminal Code

<sup>14</sup> EU Technical Assistance to the Access to Justice and Legal Education Component of the Governance Programme in The Gambia, Draft Final Report, 2012

<sup>15</sup> UNICEF/MOJ Rapid Assessment of the Child Justice System of The Gambia, February 2017

<sup>16</sup> Ibid



intervened at police station level to try to assist on minor cases that could have been settled through mediation in the best interest of the child, had the child had legal representation.

UNDP has supported NALA to implement mobile legal aid clinics in the Upper River Region and North Bank Region; however, most of the legal aid services provision is concentrated in the greater Banjul area and the West Coast region. The Legal Aid Clinic of the Law Faculty in Banjul is currently being re-established.

Because of the extremely limited capacity of NALA, there is no state legal aid system in place which provides services across the whole country. Neither is there an established system to regulate and coordinate legal aid service delivery of all providers or a referral system between paralegal and community based services to NALA, other legal aid service providers and GBA.

Protection and promotion of human rights was routinely ignored and circumvented in the previous regime. The new Government has committed to establishing a more robust system for the protection and promotion of human rights in the Gambia. The UN, under the leadership of OHCHR has supported the drafting of a Paris Principles compliant Bill for the establishment of a National Human Rights institution in the Gambia. Expectations are high that this Bill will be forwarded to the National Assembly in the shortest possible time. Currently it is only the the Office of the Ombudsman that plays a limited role in the promotion good governance through access to justice, promotion of the rule of law and protection of human rights. The Government is undertaking a holistic review of the sector to determine to role of an Ombudsman in relation to the planned National Human Rights Institutions.

Civil society organisations, such as the Female Lawyers Association of The Gambia (FLAG), provide pro-bono legal support to women and children, however their capacity is limited. Their primary focus is on civil and child abuse cases, forced/child marriage, inheritance and child maintenance. It is understood that they do provide some limited pro bono support to child defendants, although the number of cases they have taken on is unknown.

No legal aid services are provided by the state to victims of non-capital crimes and for civil matters. So far no legal aid services have been provided to victims of serious human rights violations that occurred under the former regime.

Overall state institutions and personnel involved in ensuring access to justice, especially in the criminal justice sector have been compromised. The focus within the current transition period is to reform of the justice delivery system by creating very strong, independent and robust institutions responsible for the administration of justice. The focus of the reforms will be various institutions directly involved in the criminal justice delivery system including **law enforcement agencies, prosecutors, prison authorities and the judiciary**. The need for capacity development of actors in the sector is critical. The Ministry of Justice in its strategic plan has highlighted the need for capacity building interventions across the criminal justice sector to strengthen access to justice.

### ***Access to justice for women and children***

Under the former regime, progress was made in establishing a legal framework to promote women's and children's rights, protect women and children from violence, exploitation and abuse and ensure access to justice. Notably the following acts were adopted in accordance with international standards and norms the Tourism Offences Act 2003, Children's Act 2005, Trafficking In Persons Act 2007, Labour Act 2007, Women's Act 2010, Sexual Offence Act 2013, Domestic Violence Act 2013, Amendment to Women's Act prohibiting Female Genital Mutilation (FGM) in 2015, and the prohibition of child marriage in 2016. The Constitution guarantees certain fundamental rights to all persons, including women and children, although it does not specifically recognise the best interests of the child principle. In relation to children, it guarantees their right to know and be cared for by

their parents and to an education. It also states that children in detention should be kept separately from adults. More generally, the Constitution establishes the court system and police force, as well as the right to a fair trial, to privacy and freedom from torture and inhuman treatment. Section 7 of the Women's Act guarantees equality and justice before the law for every woman. The Government is obliged to provide legal aid support; ensure law enforcement organs are equipped to efficiently interpret and enforce gender equality rights; ensure women are equitably presented in the judiciary and take adequate steps for reform of discriminatory laws.<sup>17</sup>

The Juvenile Justice system in The Gambia is primarily governed by the Children's Act 2005. This Act purports to domesticate The Gambia's obligations under the UN Convention on the Rights of the Child (CRC) and the African Charter on the Rights and Welfare of the Child (ACRWC). It applies to all children in The Gambia, and covers four main areas:

- the rights of the child, including the requirement that decisions be made in their best interest;
- crimes against children, such as child marriage, exploitation, trafficking, abuse and certain forms of labour;
- child protection, including children in need of care and protection, adoption, residential facilities, and custody and maintenance;
- juvenile justice, including the creation of children's courts, arrest, trial, sentencing and punishment procedures.

The Children's Act establishes the systems, services and processes applicable to children who come into conflict with the law. Incorporating international standards for the administration of child justice, the intention was to create a 'child-friendly' justice system designed to protect the best interest of the child in all its stages.<sup>18</sup> Under the Children's Act, child justice actors must be sensitive to the special needs and issues that might have caused children to come into contact with the criminal or civil justice system. It establishes a police Child Welfare Unit, confers responsibilities on social workers and establishes the Children's Courts with jurisdiction for the determination of criminal charges against children. The Act also guarantees certain rights for children in conflict with the law throughout the criminal processes, such as the right to legal aid and representation, privacy and a speedy trial.

Despite these efforts, implementation of these laws remains weak. There are currently no well-established Civil Society Organizations (CSOs) that specifically assist or advocate for children in conflict with the law. The majority focus on children who are victims of crime or in need of care and protection. Members of FLAG have represented children in conflict with the law from time to time. FLAG also provides various training, advocacy, sensitization on the respective laws, legal clinics and awareness campaigns on different issues relating to women and their legal rights. Think Young Women (TYW) is an NGO that is led by a female lecturer of the Faculty of Law and aims to address issues affecting young women by building their skills, strengthening their voices to create more impact and support to achieve women's rights. The Child Protection Alliance (CPA) and others raise awareness on issues of children with a view to influencing policy, laws, attitudes on enforcement and protection of child rights. They strengthen capacities of organisations, including providing training and sensitisation on international and domestic laws and policies. They train police, security forces, justice actors and judiciary, community leaders and religious leaders, youth and children. These organisations generally have very little funding.

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<sup>17</sup> Third Period Report of The Gambia on the solemn declaration of gender equality in Africa 2012-2015

<sup>18</sup> "A child shall not be subjected to the criminal justice process or to criminal sanctions for adults, but a child alleged to have committed an act which would constitute a criminal offence if he or she were an adult shall be subjected only to the child justice system and processes set out in this Act"; section 204

Prosecution of cases affecting children is generally handled by the Child Rights Unit (CRU) under the Director of Public Prosecutions at MOJ. The unit work closely with the Police Child Welfare Unit, DSW and other relevant institutions. The CRU is understaffed and under resourced and coordination between the unit and police and DSW is informal.

However, no specific legal aid services for women or children is provided by the state. No convictions are reported based on prohibition of FGM, though two convictions were made. The Network against Gender Based Violence (NGBV) works with partners including police, the Women's Bureau and the Department of Social Welfare. The One Stop Centre provide services to female victims of violence in Banjul. The GPF has a Gender and Child Welfare Unit which only operates at HQ and to which cases of violence against children and women are referred to from all regions but has limited material and human capacities, as discussed in more detail below.

### ***Victim and Witness Support/Protection***

With regard to dealing with the past and transitional justice, a victim's committee called "Committee of Victims of Jammeh Atrocities" was recently established, and has yet to be registered as an NGO. The Committee's objective is to support victims and advocate for truth, justice and reparation for the victims of human rights violations under the former regime, including children.

To date, no other victim or witness support mechanisms exist in The Gambia and victims have not received any legal, psycho-social or economic support. No victim or witness protection system exist.

### ***Legal Reform***

The law making process is essential to the reform agenda and the consolidation of rule of law and human rights in the Gambia. Years of authoritarian rule has meant a lack of clear policy guidance and direction on the process; limited capacity of key actors; to ensure that laws formulated meet clear national defined benchmarks and based on international standards and good practices and are the result of a transparent, participatory and rigorous process. These are all underlying causes that led to abuse of fundamental and basic human rights the process of law-making in The Gambia did not guarantee that the interest of the majority..

Principal actors in the process include the National Assembly, the Ministry of Justice, and the Law Reform Commission. To ensure that each actor in the process plays its role, there is the need for effective coordination amongst them. The Ministry of Justice anticipates the establishment of A Law Reform and Constitutional Review Unit (LRCRU) under the direct supervision of the Solicitor General within the ministry to provide logistical and other support to the various entities entrusted with the legal reform in the country.

### ***The judiciary***

Although the Constitution provides for the independent judiciary, the President has the authority to select and dismiss judges. Under the former regime, frequent unexplained dismissals of judicial officers without due process were reported, a practice which constitutes an interference with the judiciary on the part of the executive. Four Chief Justices and many other judges and magistrates have been unduly dismissed since 2006. Judicial officers have also been under executive pressure to rule in the regime's favour and hand out stiff prison sentences and exorbitant fines.<sup>19</sup> Due to large capacity gaps, courts appointed large number of judges from neighbouring commonwealth countries

<sup>19</sup> Global Integrity Report 2014, available at [http://aii.globalintegrity.org/indicator details?country=gambia&num=2&year=2014](http://aii.globalintegrity.org/indicator%20details?country=gambia&num=2&year=2014).

such as Nigeria, Ghana and Sierra- Leone have been appointed to the courts, many of whom were seen by the population to be “mercenaries” for the Jammeh government.<sup>20</sup> The re-appointment of some of these judges under local contracts under the new Government has led to protests by the GBA that has been boycotting the High Court. Furthermore, the Supreme Court has not sat for two years and has just one member, the Chief Justice, at present.

The lower courts - District Courts/Cadi Courts/Magistrate Courts - are operating **with limited resources, infrastructure and equipment**. Most of the better equipped justice institutions are centralized in the Greater Banjul area which limits the provision of legal services vis-à-vis the majority of Gambians living in rural areas<sup>21</sup>, especially marginalized women and children and the poor. An inefficient enforcement of judgments, poor case management, and cumbersome rules of procedure are contributing to delays in court proceedings.

Currently, three Children’s Courts have been established in Kanifing, Brikama and Basse respectively, and the Courts have jurisdiction to hear both civil and criminal matters of children. As per the Children’s Act, seven courts are to be established in total. The other four courts are yet to be established, despite the Children’s Act being in place for over eleven years. Each is presided over by a panel, including a Magistrate, two lay members and a social worker. It is not clear whether the Magistrates have had specialised training in child justice.

All criminal cases where a child is the defendant must be heard in the Children’s Court, except in cases of treason and where the child’s co-accused is an adult. There is a right of appeal from all Children’s Courts to the High Court. When it comes to trial, the Children’s Act guarantees the right to privacy, legal representation and a speedy trial yet these rights are often infringed as the Children’s Courts are co-located with adult courts, making it difficult to protect the identity and privacy of the children attending court hearings. Alleged child offenders are transported to court in the same vehicle as adults, and are handcuffed during transport and at the court itself. A lack of resources or legal representation mean that trials can last more than twelve months, in some cases leaving children languishing on remand for four times the legal time limit.

Both the Children’s Act and the Court Rules call on the court to act in a child friendly manner and ensure the best interests and welfare of the child are considered.<sup>22</sup> However where a child is jointly charged or tried with an adult, the trial will take place in the High Court. If and when the offence is proven, the child’s case is referred to the Children’s Court for sentencing. The CRC states that formal arrest and detention must only be used as a last resort and for as short a time as possible. A judge or other competent official should also, without delay, consider the issue of release.<sup>23</sup> While detention is to be used as a last resort, courts are often unable to order alternatives as community rehabilitation, community service and counselling, along with other alternatives are not readily available. They may be re-traumatised by their encounters with the justice system and vulnerable to abuse and harm if and when they are convicted and sentenced.

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<sup>20</sup> Musa Saidykhan: “Let’s Revolt against Nigerian Judges”, in Kairo News, 22 July 2016, available at <http://www.kaironews.com/lets-revolt-against-nigerian-judges/>, accessed on 20 February 2017. See also Nicholas Ibekwe, “Gambian Lawyers Accuse ‘Mercenary’ Nigerian Judges of Backing Jammeh”, Premium Times of 10 January 2017, available at <http://www.premiumtimesng.com/news/headlines/220039-gambian-lawyers-accuse-mercenary-nigerian-judges-backing-jammeh.html>, accessed on 20 February 2017.

<sup>21</sup> Background note on the judiciary, European Union, 2009 (unpublished)

<sup>22</sup> Section 215 (1) of the Children’s Act

<sup>23</sup> Article 10, Beijing Rules

Ex-child offenders, community members and personnel from the courts were asked about the functioning of the court systems. The personnel from the Children's Courts reported that they handle cases with care and maximum consideration in the best interest of the child. They use friendly language and procedures and conduct the hearings in camera to ensure confidentiality of information relating to child cases. This view was confirmed by ex-child offenders who were also interviewed by UNICEF during the assessment. However, the experience is not always positive. Despite measures to render the Children's Court child friendly, both ex-child offenders and victims said the court environment in The Gambia is 'very scary' for children. Members of the Community Child Protection Committees (CCPCs) also stated the Children's Court fails to provide a child friendly environment, as one of the children interviewed by UNICEF stated that: "Court environment is not friendly as many people stared at us as accused child offenders."

A **Strategic Plan of the Judiciary** in The Gambia from 2009-2012 was elaborated with international support; however, implementation of the plan was reportedly limited. There has not been a plan in place since then guiding the longer-term development of the judiciary. Going forward a sector-wide plan to guide longer-term development will be required.

### ***Legal education***

The two primary institutions of legal education in the Gambia are the **University of the Gambia Faculty of Law (UTGFL)** and the **Gambia Law School (GLS)**. The UTGFL opened in 2006, and its first class graduated in 2011. The UTGFL prepares students for admission to the GLS which prepares and certifies students for admission to the Gambia Bar. The GLS offers a one-year program that qualifies graduates to become practicing attorney in the Gambia upon successful completion of its program. The first graduating class have completed their final examinations in 2012. The GBA is the professional association for Gambia lawyers. Membership in the GBA is mandatory.

The EU project has supported the development of a Newly Revised Curriculum for the UTGFL and a Toolkit for Curriculum Development and Bar Final Examinations for the GLS. However, more efforts are needed to ensure sustainability in the implementation of the new curricula and close collaboration and coordination between the UTGFL, the GLS and the GBA, possibly through a Memorandum of Understanding.

Regarding transitional justice, capacity building of lawyers is needed to deal with cases of international crimes to ensure legal support for victims and defendants of international crimes.

### ***Judicial Education***

Because of the **absence of an adequate judicial training system** and lack of avenues for continuous professional development, adequately qualified and/or experienced people to take up judicial office and provide legal services. The high attrition rate, which affects both legal personnel and support staff, has led to heavy dependency on foreign technical assistance. The lack of qualified personnel leads to insufficient planning and inadequate personnel and resource management in all branches of the judiciary, further worsening the problems which the sector faces. While no exact data exist, a case backlog and the slow pace of litigation, weak case management, the manual recording of court proceedings, the lack of stenographers, and cumbersome rules of procedure are the major reported factors contributing to delays in court proceedings.<sup>24</sup>

<sup>24</sup> Background note on the judiciary, European Union, 2009 (unpublished)

The EU Project Technical Assistance for Access to Justice and Legal Education in The Gambia (November 2014-July 2017) conducted a training needs assessment and formulated a training plan and curriculum and provided some training sessions. However, in order to build a sustainable judicial training system, the **Judicial Training Institute** needs to be fully established and capacitated and a clear human resources and merit-based career development plan for the judiciary needs to be developed and implemented. The inclusivity and representation of women as well as of all ethnic groups in the judiciary is of utmost importance to provide equal justice service delivery to all, as key factor for stable democracy and sustained peace in The Gambia. Furthermore, regarding transitional justice, in order to prosecute serious human rights violations occurred under the former regime, the judges' and prosecutors' capacity and expertise to process international crimes needs to be built.

The judiciary can contribute to truth-seeking efforts in the transitional justice strategy by working to establish the circumstances of crimes; the identity of victims; and perhaps most importantly, the responsibility of perpetrators beyond a reasonable doubt through legal due process. Judges ascertain the facts of each case by assessing eyewitness, survivor, and defendant testimonies, forensic and documentary evidence, and other information that could bring to light the truth.

### ***Gambia Police Force***

According to judicial actors, the lack of capacity of the Gambian Police Force is often described as an obstacle to the functioning of the administration of justice. The lack of law enforcement capacities at local level is a great impediment to access to justice. Criminal cases require proper criminal investigations, which in turn require a skilled and equipped police force that collaborates with the prosecution services. Regarding transitional justice, law enforcement officers also need special expertise on investigation of serious human rights violations, including dealing with mass graves, an appropriate victim and witness protection.

Because of inappropriate infrastructure of police stations and lack of police holding cells, in many police stations male adults, women and child detainees are not detained in separate cells. Record keeping and production of statistics is underdeveloped. As the department most likely to be in contact with children at this time, the Beijing Rules call for police that are involved in child justice to be specially trained and instructed. Hence, the police Child Welfare Unit was established under the Children's Act and is responsible for the prevention of and response to crimes involving children, arrest of child offenders, investigation of child related crimes and other related duties conferred on it by the Act. The UNICEF assessment on child justice found that there were insufficient specialist officers to deal with all cases involving children. Most police stations visited only had one child rights officer and some had none at all, as officers were transferred without providing a replacement. In practice, therefore, the security forces cannot guarantee that a child will be dealt with by an officer specifically trained in child justice principles. In most police stations, at least half the time, children will be handled by the regular police officers.

The Children's Act allows officers to keep a child in custody for up to 72 hours, or until the child is taken before the Court, whichever is sooner.<sup>25</sup> The length of time becomes concerning when one takes into account the fact that the majority of police stations do not have separate facilities for the detention of children. Children are therefore kept behind the counter, or in cells with adults, in clear breach of the Children's Act, the Constitution and the CRC.

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<sup>25</sup> Section 210(5), Children's Act section 210(5)

Despite political interference in the work of security forces under the previous regime, the Gambia Police Force reported some positive development since 2010; for example, the recruitment of university graduates and the increased length of education course of cadets at the Police Academy from 8 to 10 months. The curriculum at the Academy includes modules on child protection and gender mainstreaming and a new manual on human rights has recently been produced with support of international partners. Officers of the Police Academy and the Human Rights Unit were trained as co-trainers to deliver a series of child trafficking and child protection training to over 350 law enforcement and justice personnel, social workers, CSOs and members of the CCPCs organized by ChildFund in 2013. The handbook and manual produced for these basic and follow-up trainings, with a focus on prevention and response mechanisms and child-friendly investigations and interviewing techniques, are still being used at the Policy Academy. However, no specialization courses exist at the Policy Academy and its infrastructures are limited and will not be sufficient should additional training courses be needed as part of police reform, and integration of staff from other security institutions in the Gambia Police Force.

There is a Compliance and Discipline Unit, community policing was introduced and a Human Rights Unit was created; however these need to be effectively operationalised. However, these are not provided for in the current Police Act which would define the specific mandate and functions. The revision of the Police Act is a key priority for police reform as part of the larger security sector reform process that is being supported through the PBF Phase 1 Project on Strategic advice and support to the security sector reform and governance in The Gambia.

#### ***Governance of the justice and security sector***

As a result of the 22-year long authoritarian regime, in addition to the limited capacity and resources, the justice and security sector also suffers from weak capacities for long-term planning, coordination and oversight. This has a negative impact on the overall performance of the sectors, and raises concern regarding the long-term development vision for the sector, its performance and accountability. Under the new Government, no mechanisms that bring together institutions across the justice and security sectors have been put in place yet to facilitate planning and coordination for security and access to justice reforms.

The recent hasty arrests of alleged perpetrators of serious human rights violations under the previous regime and exhumations of remains of the victims, without any coordination between the Ministry of Interior and the Ministry of Justice have shown the need for coordination of the criminal justice chain.<sup>26</sup> The lack of coordination impacts negatively on criminal investigations, due process in court and overall administration of justice. This lack of coordination results in slow processes and limits the possibility of overall oversight, both within the respective branches as well as from external actors, such as the parliament and civil society.

An adequate **national coordination mechanism and policy** is needed to ensure a coherent, balanced overall direction in the institutional development of the various independent entities that make up the justice system, so that the all institutions that make up the justice system can make progress in a coordinated manner backed by a shared sector vision in the medium to long term. Furthermore, The Gambia needs a **coherent framework for mobilizing and coordinating international donor assistance** to help to carry out a reform and development strategy for the justice sector.

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<sup>26</sup> This needs a reference.

### **Prison System**

The Gambian prison system has suffered from years of neglect and under-investment. Conditions of detention are poor and overcrowded whereas during the previous government, the prison system suffered from a poor reputation with allegations of human rights abuses committed. Citizens spend prolonged periods in pre-trial detention with some individuals there up to five (5) years awaiting trial. According to current records, 225 out of 700 inmates are on remand. There are also outdated legal frameworks for the Prison Service with insufficient options for alternatives to imprisonment or rehabilitation of convicted prisoners. The Prison authorities advised that during the previous government a number of individuals were promoted arbitrarily and summarily dismissed under the previous government.

The new Government has advised that training curriculums for staff require updating to include modules on human rights. Detention conditions require improvement whereas rehabilitation programmes should be introduced, as per existing legislation and policies. More robust oversight is required both internally by the Ministry of Interior but also from external factors including the ICRC. The Government stated they would welcome this support given the ICRC were not allowed access during the previous government. Given the high number of remand cases it is recommended that a panel be constituted to review remand cases: a process that could be repeated on a regular basis. In the long-term the Government should explore alternatives to imprisonment particularly for minor offenders as well as updating the legal frameworks given the current Prison Act was developed in 1953.

In relation to children, the Constitution states that children in detention should be kept separately from adults,<sup>27</sup> however anecdotal evidence suggests that children are kept in places alongside adults and have their privacy breached. Children in contact or conflict with the law often lack access to basic services for their recovery from the trauma gained as a result of the abuse they suffered and their introduction to the criminal justice system. The presence of only one detention centre for boys means children are far from their parents and girls are housed in a shelter for children, together with child victims of crimes such as trafficked children or children on the move. The centre itself is unable, due to lack of funding, to provide the necessary vocational, educational and life-skills training and there is no counselling available.

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## **II. STRATEGY**

### **Strategy**

This proposal is grounded on the result of the discussions of a consultative process undertaken by the SURGE Team in March-April 2017 supported by the Global Focal Point arrangements on Police, Justice and Corrections (GFP) with the main national authorities of the sector, the Minister of Justice, the Chief Justice, the Minister of Interior, the Permanent Secretary of the Ministry of Interior, the Inspector General and Deputy Inspector General of the Police, NALA, ADRS, the Chief of Defence Staff, GBA, the judiciary and legal professionals, international partners and CSOs, to name only some.

The Project falls under the identified national priorities of the PAGE<sup>28</sup>, Pillar Two: Strengthening the Public Sector, Section on Justice, Human Rights, Anti-Corruption and Legal Framework Reforms. It

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<sup>27</sup> Section 29(3), Constitution of The Gambia 2002

<sup>28</sup> [http://eeas.europa.eu/archives/delegations/gambia/documents/about\\_us/page\\_2012\\_2015\\_en.pdf](http://eeas.europa.eu/archives/delegations/gambia/documents/about_us/page_2012_2015_en.pdf)



also aligns itself to the Strategic Plan of the Ministry of Justice 2017 -2020.

The Project also critically builds on and complements the PBF Phase 1 Project Documents on (1) Transitional Justice which will provide for development of a strategy and process and development of a national human rights institution and (2) Security Sector Reform which will support a nationally led security sector review and development of a comprehensive strategy. Moreover, the support to police and prison reform under this project will be reviewed and aligned with the new security sector reform strategy to ensure sustained and coordinated support to the security sector.

Aiming at building partnership with other donors/development partner, the Project will also complement efforts made by the EU funded project on Access to Justice and Legal Education (2015-2017) which focuses on improving access to legal services in three selected communities, improving legal education and research and case management in order to further reduce the backlog of cases in the magistrates courts. The project will continue to adopt a collaborative and open approach, working together with potential donors/development partners in the rule of law to ensure complementarity of initiatives.

The project will contribute to the implementation of UNDAF outcome 1.2. Institutional reforms implemented to ensure rule of law and guarantee the protection of the human rights of all, including access to justice, gender equality, access to basic services, and democratic participation in decision-making processes. Building on UNDP's programming and lessons learned on access to justice from the 2012-2016 cycle, the project will contribute to Output 2.2 of the UNDP CPD: Enhanced institutional capacity of the justice system to deliver accessible, efficient and accountable justice to all, especially women and vulnerable groups. With regard to the promotion and protection children's rights, the project will contribute to UNICEF CPD Output 4 to strengthen the child protection institutional framework, including through increased budgetary allocations, enhancing prevention and response services to provide equitable and quality protection services to all children, and a reduction of incidence of violence and harmful traditional practices affecting children by families and communities.

The Project will focus on access to justice, capacity development and systematic training of justice actors, and improving the civilian governance of the justice and security sector. Following this analysis, striving towards the overall objective of strengthening rule of law through justice and security, the project has five key expected results:

- 1. Access to justice and justice service delivery at regional level improved, especially for women, children and victims of serious human rights violations;**
- 2. Skills and competencies of actors in the justice sector enhanced;**
- 3. Justice and security sector coordination and governance enhanced;**
- 4. Capacities of police strengthened and community security improved;**
- 5. Institutional capacity of Gambia Prisons Service is improved to ensure welfare and rehabilitation of inmates in accordance with human rights standards.**

The Project will use a combined approach of selected pilot regions and respective sectors, especially for output 1 and will precede its implementation by launching immediate assessments, especially a **perception survey on justice and security**, which will support more informed programmatic decisions based on justice perceptions and access to justice needs of target groups and for

geographical location of the pilots. These studies will also allow for collecting of baselines and development of contextualized indicators to actual monitor progress and impact of the project.

The project will also have physical presence in the selected regions collocated close to lower courts with project staff. This staff will support logistical and operational issues, provide legal background information and monitor implementation of activities.

### ***Theory of Change***

Building an inclusive and effective justice system based on rule of law and human rights is a key element for stable democracy, sustaining peace and realisation of *SDG 16 - promoting a peaceful and inclusive society for sustainable development, providing access to justice for all and build effective, accountable and inclusive institutions at all levels* – in The Gambia.

Catalytic initiatives in the short-to-medium-term should help create and sustain sufficient momentum that people feel an immediate change in accessing justice services, and at the same time, prepare longer term reforms. Thus, these initiatives should focus on developing solutions and models at local/regional level and put structures for sustainable capacity building and coordinated and sector-wide reforms in place at central level.

The strategy is predicated on a theory of change that, if solutions for improved access to justice are piloted at regional level, they will inform policy development at national level. Furthermore, if capacities of key justice and security actors are strengthened and if coordination mechanisms are put in place, and the public views of their justice needs are harnessed, this will help to identify entry points for a sector-wide planning of responsive and relevant reform process and strengthening the rule of law and justice service delivery to all Gambians.

The strategy is also predicated on a theory of change by increasing access to fair and efficient justice and security services through state and customary mechanisms to victims of injustices occurred under the past regime and to the most vulnerable and marginalised including the most remote areas of the country will contribute to addressing the underlying causes of social exclusion and poverty. In combination with initiatives under the project on conflict prevention and social cohesion, these efforts will help to address and mitigate the existing and emerging tensions and contribute to sustaining peace and development in The Gambia.

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## **III. RESULTS AND PARTNERSHIPS**

### **1. Results**

**Output 1: Access to Justice and Justice Service Delivery improved, especially for women and children, and victims of serious human rights violations under the previous administration**

The activities under this output are designed for two principal purposes; to improve the quality and quantity of cases handled by the lower courts and the three Children's Courts, and to improve peoples' access to a justice and a remedy for grievances from human rights violations occurred under the past regime. The approach under this output aims at the broader sense of access to justice encompassing fair and non-discriminative application of the law; information and civic education about laws, legal procedures and policies; as well as access to the tripartite justice system at the local level.

This approach is sustained by the regional and international legal framework<sup>29</sup> as well as domestic laws and policies. The Constitution guarantees certain fundamental rights to all persons, including children, and the Constitution establishes the court system and police force, as well as the right to a fair trial, to privacy and freedom from torture and inhuman treatment. However it does not specifically recognise the best interests of the child principle. Furthermore, the LAA 2008<sup>30</sup> regulates the legal aid scheme and children have a right to legal aid under the Children's Act 2005. However, as stated above, in practice only very limited legal aid services are available.

The Project will build on the results achieved and recommendations made by UNDP's and the EU's previous projects on access to justice. For this purpose, the output 1, has two sub-outputs, described and summarized below:

### ***1.1 Legal aid and victim support mechanisms, with special focus on women and victims of serious human rights violations are in place***

The project will support a coordinated legal aid system by designing a referral system from the customary justice system at community level with ADRS, NALA, the GBA in close cooperation with existing CCPCs. are community structures set up by DSW, Child Protection Alliance, UNICEF and ChildFund to advocate for child rights and child protection at community level; raise communities' awareness on child rights and child protection issues; report cases of child abuse and exploitation taking place in communities to authorities and mediate in minor cases involving children such as child/forced marriage, disputes between children and their parents or teachers. Furthermore, the project will support NALA, the GBA, the UTGFL I clinic and CSOs in providing coordinated legal aid services at community and regional levels. The referral system will first be implemented in three pilot regions.

The project will build on existing structures and adequate organizations working at community level and assist them in engaging in awareness raising activities and in providing information on laws, access to justice and legal aid and the work of NALA and ADRS. CCPCs comprise of personnel of the police, immigration, health centers, schools and CBOs, as well as alkalos, community elders, parents and children. Members have been trained on children's and women's rights, case recording and referral of cases to the police and/or DSW and follow up and monitoring of cases. Establishing a cooperative arrangement between actors at community level will ensure provision of legal information on access to justice and the legal process, advice and assistance in all stages of criminal and civil procedures and at the different points of the process (Alkalolu, Police, Lower Courts and Children's Courts/High Courts, and detention). The model will ensure provision of basic legal information, advice and assistance to inform people about the justice system and procedures and will include provision of legal advice and assistance at the police station (Child Welfare Units for cases involving children), in pre-trial detention, in court and for convicted prisoners. This should lead to an increase of marginalised women and children using legal aid services in the courts and dispute resolution at community levels.

This design of the model will be preceded by a justice perception survey assessing peoples' justice needs at community level to ensure that justice solutions are in line with peoples' justice needs. The

<sup>29</sup> Kampala Declaration on Prison conditions in Africa (1996); Dakar Declaration on the Right to a Fair Trial and Legal Assistance in Africa (1999); ACHPR Principles and Guidelines on the Right to a Fair Trial and Legal Assistance in Africa (2001); Ouagadougou Declaration on Accelerating Prison and Penal reform in Africa (2002); Lilongwe Declaration on Accessing Legal Aid in the Criminal Justice System in Africa (2004), International Covenant on Civil and Political Rights (CCPR), International Covenant on Economic, Social and Cultural Rights (CESCR), CRC, ACRWC

<sup>30</sup> Legal aid in the Gambia, an introduction to law and practice. Institute for Human Rights and Development in Africa, 2012

project will give special attention to victims of serious human rights violations that occurred during the former regime (including children). Under the scope of the perception survey, a needs assessment will be carried out on children's access to justice, access to legal aid, quality of services, duration of process/cases from start to completion and use of alternatives to detention (for child victims, witnesses and offenders). Technical expertise of the OHCHR will be tapped into during this process.

Furthermore, at central level, specific support will be provided to strengthen the capacity of NALA to better implement its mandate under the LAA 2008 through the support of an international UNV to be based at NALA for the initial two years of the project, and the employment of four additional lawyers to support clients at the lower courts and Children's Courts. The capacity of ADRS staff and access to ADR services will be improved based on the outcomes of the assessments undertaken by the EU on Transitional Justice and UNICEF/MOJ of the child justice system in The Gambia. Additionally, complementary to the Transitional Justice project, under this project, support will be provided to the establishment of state-supported victim support services for victims of serious human rights violations which occurred during the former regime, including children.

### ***1.2 Capacities of courts to administer justice in the regions, including three Children's Courts, and communities are strengthened***

As noted above, under this output, the project focus on three pilot regions. The lower courts - District Courts/Cadi Courts/Magistrate Courts – as well as the Children's Courts are operating with limited staff capacity, resources, infrastructure and equipment. The Children's Courts suffer from a lack of resources, including, logistical and legal materials and children's rights are often infringed as the Children's Courts are co-located with adult courts. Most of the better equipped justice institutions are centralized in the Greater Banjul area which limit the provision of legal services vis-à-vis the majority of Gambians (especially the poor) living in rural areas.<sup>31</sup>

In accordance with the provisions in the Children's Act 2005, UNICEF will support the Children's Courts to be housed in a separate building and in a separate location from the adult courts; where possible limited infrastructural investment will be considered. Building on promising practices of UNICEF's work in Myanmar and Swaziland, UNICEF will support the rehabilitation/construction and equipment of child-friendly Children's Courts, including child-friendly meeting rooms, chambers and access to video link for victims and witnesses. Additionally, a vehicle will be purchased for each of the three Courts to transport (alleged) child offenders, victims and witnesses to Court in a separate vehicle (from adults).

The project will invest in infrastructure, construction and equipping courts structures where necessary, to ensure that facilities exist for the effective administration of justice. The project will analyse needs for improving case management and operational bottlenecks within the selected jurisdictions and in the chain, including the three Children's Courts, leading to an increase of court hearings at lower courts and Children's Courts with professional legal representation present. In combination with capacity building of justice actors at national level, particularly the Judicial Training Institute, on the job training to justice actors will be provided. Human rights training and mentoring will be a key component of the national level training and on the job mentoring as a main objective, to include a separate human rights module UNICEF will hire an international UNV to join the project team and provide capacity building, training and technical assistance on child rights and child justice to judiciary and support staff at three Children's Courts for three years.

<sup>31</sup> Background note on the judiciary, European Union, 2009 (unpublished)

### ***1.3 Protection of people's rights and security strengthened through enhanced capacities for law enforcement and criminal investigation***

The project will also support with necessary equipment and training on investigation and prosecution techniques, legal training of the police and police-prosecution-court relations. Training for the Ministry of Justice prosecution unit will also be undertaken to ensure resident capacities within the Ministry. Overall the training will be consistent with Gambia's human rights obligations and standards. Human rights training will be included and a training module developed. The deployment of the UN Police Advisors through the Global Focal Point arrangements on Police, Justice and Corrections who will provide more operational capacity support, is an important aspect of this work. Linked to the support to the establishment of victim support services, the project will focus on building the capacity of the police to provide adequate services and support to victims and witnesses, including of serious human rights violations occurred under the previous regime. Two trainings will be organized in each of the three regions, with two separate additional trainings for all GPF staff specifically on child rights and child justice. The modules will include children's rights and child justice international and domestic legal and policy framework, child friendly interviewing techniques, identification of (child) victims, investigations, and handling cases of (child) offenders, based on existing training materials on child protection and child trafficking at the Police Training school. Child Welfare Officers and Training School staff will co-deliver to trainings, supported by international law enforcement expert on investigations of crimes against children and crimes committed by children.

Successful delivery of Output 1 requires physical presence of the project at regional level. For this purpose, project/field office will be established in the regional capitals outside of Banjul. The permanent presence of project staff will ensure effective day-to-day support to justice actors and communities, while also improving support to local and regional authorities and coordination with partners.

### **1.4 Comprehensive review of all existing criminal justice legislation undertaken**

The project will support the Ministry of Justice and the Law Reform Commission to ensure that all legislation are consistent with the letter and spirit of the constitution and are in line with international best practices and minimum standards on the exercise of fundamental rights and freedoms. Support will be provided for the restructuring of the existing Law Reform Commission under the Ministry of Justice and the development of a law reform guidance and policy. The Gambia Bar Association is seen as a critical partner in the law reform process and as such their participation in the process will be supported.

## **Output 2 - Skills and competencies of actors in justice sector enhanced**

This second output will seek to enhance the skills and competencies of actors in the justice sector through support to the set-up of sustainable systems for judicial and legal education. The output has some sub-outputs, each described and summarized below:

### ***2.1 Judicial Training Institute functioning and providing certified training and judicial education to all justice actors***

The problems associated with limited capacities in the justice sector related mainly to the absence of an adequate judicial training system and lack of avenues for continuous professional development. Furthermore, the attrition of justice actors by the influence of the former regime and

use of foreign judges has also resulted in low levels of training as well as lack of exposure of Gambian judicial professionals to other practices in the region or at global level.

While capacity building initiatives have been introduced, mainly with support of the EU project, the lack of a long-term strategy, absence of a national curricula and the omission of the former regime to provide systematic, structured and contextualized training and on-the-job mentoring to newly appointed staff, are some reasons for limited impact so far.

Building on the efforts of the EU project, this project will seek to empower national actors to develop and implement long-term training policy, regulations and programmes for justice actors. This will primarily be achieved through the support of the National Judicial Training Institute, which needs to be strengthened to function as the main institution judicial training. Such an Institute can take responsibility for the development of training strategies, national curricula and other capacity development activities. In addition to training and mentoring of new intakes of judicial professionals, through this component, the project will also ensure complementary and refresher courses and on the job coaching to the judges already in office and placed in the selected lower courts. Training for defence counsel, especially in criminal cases, to ensure that indigent cases have access to legal representation will be incorporated.

This process will require a coordinated effort from national authorities to regulate new intakes of law graduates and access to judicial careers and other legal professions conditioned by a one to one and a half year's compulsory, standardized, professional training programme for magistrates and panel members, followed possibly by a probation period in one of the the judicial institutions. Two UNICEF UNVs supporting the Children's Courts and NALA will provide guidance to develop and support the curricula and the training programme, including a module on human rights, child rights and child justice component, and on the job mentoring to magistrates and support staff on these issues.

## **2.2. Strategic Reform Plan of the Judiciary developed**

The project will also support prioritised and sequenced long-term development and reform planning of the judicial system in The Gambia. It will support the assessment of the implementation of the previous strategic plans of the judiciary and support the inclusive and participative developed of a new strategic reform plan of the judiciary under the new democratic administration. The experiences of support to courts in the pilot regions under Output 1 will inform the design and development of the strategic plan. The development this strategy will be informed by a needs assessment of the judiciary that would be conducted as part of the broader SSR assessment which is envisaged and complemented by a needs assessment of the judiciary at the Children's courts and lower courts and children's access to justice using Participatory Action Research. It is also recommended that perception surveys be also conducted which would identify citizens' priorities and their issues which could then be prioritised as part of the subsequent strategy.

A stakeholder workshop will be organized to gather information to develop policy and guidelines for the administration of (child) justice and support the development of a new strategic plan for the judiciary, including the Children's Courts.

With regard to children, UNICEF will support the Government with the development of a national policy on child justice to define the national goal, strategies and programmes for child justice administration, the drafting of policy guidelines for the management of child justice cases in each

institution, create rules for the early conditional release of children from detention and the treatment of children who are under the age of criminal responsibility. Guidelines will also be developed with for probation of children in conflict with the law in accordance with the Children's Act, and a pilot probation scheme will be set up to enforce children's court orders for non-custodial sentences. Probation officers will be recruited and their capacities built by a child psychologist who will lead a team to provide counselling to child victims, witnesses and offenders and support their rehabilitation in three regions, working in partnership with MOJ and DSW.

### ***2.3 Sustainable and coordinated legal education system established***

Building on the achievement of the EU project in the design of new curricula for the UTGFL and GLS, the project will also support a systemised and coordinated approach to legal education and facilitate coordination between the UTGFL, the GLS and the BBA, possibly through a Memorandum of Understanding to enhance the legal education system in The Gambia.

UNICEF and OHCHR will support the development of modules and/or a specialization course on human rights; child rights and child justice for the Faculty of Law, and support the dissemination of copied of relevant laws and policies.

### **Output 3 - Justice and Security Sector Coordination and Governance Strengthened**

The third output will seek to enhance coordination, planning and oversight of the justice and security sectors. This will be achieved through the following sub-outputs:

#### ***3.1 Capacities for policy-making, strategic planning and accountability in the justice and security sector improved***

A key factor for good administration of justice and service delivery is strong coordination of the main pillars that govern the sector – executive (represented by the Ministry of Justice and Ministry of Interior), judicial, prosecutorial and police. These four pillars need to plan in coordination, seek common solutions and decide together to achieve a balanced and coherent sector-wide development.

Naturally such functional and policy level coordination is a means of inter-institutional collaboration between judiciary, the prosecution or the police. However, without a common vision and strategy, these pillars can often move in opposite directions that will not favour a cohesive development of the justice system much needed in the new democratic context of The Gambia.

Currently, there is no functional coordinating body to steer development of the sectors. The Ministry of Justice is mandated to ensure policy development and administration of justice whereas the Ministry of Interior oversees the Police and Prisons. While bilateral consultation with the other institutions on issues that affect each institution such as the arrests and prosecution of alleged perpetrators of serious human rights violations under the previous regime are reportedly taking place, there is no institutionalized forum where these authorities can meet on a more regular basis to discuss problems and propose solutions together and where a longer-term vision can be developed. From other countries practices, the existence of this type of fora has contributed to policy development, prioritization and donor coordination and to overcoming very simple and practical constraints that can often be addressed based on inter-institutional collaboration.

The project will support the establishment of a justice sector coordination forum, with a permanent secretariat support and policy advisory service through the justice sector coordination forum and the secretariat, support will be provided to the development of sector-wide reform strategy. The PBF

Project on security sector reform will support the same in the security sector. It will be important for the Justice sector to coordinate closely with the security institutions particularly the Police and Prisons (overseen the Ministry of Interior) on strategic and operational issues as they concern the criminal justice sector. In particular, the justice sector institutions will support the assessment of the security sector and development of the national security sector reform strategy, and thereafter ensure that strategic and operational issues relating to the administration of justice are aligned to it. The same institutions should also be included as members in any justice sector coordination group which is set up given the important role they play in the criminal justice chain. The project will support training to justice sector actors on systems, procedures and management.

UNICEF and DSW have established a Child Justice Committee, and a CCPC Committee was also established but this Committee has been dormant. Both Committees will be provided with technical guidance and support to meet regularly and to feed into the justice sector coordination forum. Both agencies will work in partnership to support the establishment of the inter-agency Child Protection Information Management System (CPIMS)<sup>32</sup> to strengthen case management and the referral system, data collection and recording, monitoring and coordination across all stakeholders dealing with child protection and child justice cases. Under the CPIMS, social workers, legal professionals, the judiciary, police and members of the CCPCs in the three regions will be trained and their capacities built to prevent and respond to child protection and child justice cases in accordance with international and ethical standards and norms.

The process of carrying out systematic reform is often as important as the result, and a carefully sequenced and prioritised sector-wide reform strategy plan will provide a framework for a structured approach to address short-term and long-term priorities and to ensure that these are linked to strong budget and aid coordination frameworks to actualise them. Specific attention will be given to ensure an inclusive process in developing the strategy, with strong participation of women and all ethnic groups, and a focus on children.

### ***3.2 National Assembly capacities for oversight of the justice and security sector (including the SSR process) strengthened***

An important aspect of ensuring democratic governance and oversight of the security sector is to ensure that the legislative branch can perform its oversight functions over the justice and security sector. With a new National Assembly in place, the momentum is appropriate to strengthen its capacities for democratic oversight of the justice and security sector and strengthen the capacity to contribute to legislative reforms necessary to enhance the efficiency and adequate justice and security service delivery.

The project will support strengthening the capacity of the parliamentarians, National Assembly administration, specialized commissions to adequately debate, legislate, and oversee security and justice sector reform plans, in a more inclusive and participative manner, including with a focus on gender-, child- and conflict-sensitive approach. The project will also support re-activation of the parliamentary committee for security and defence, which reportedly has been dormant under the former regime.

### **Output 4 – Strengthened capacities of the police, security service delivery and community security improved in pilot regions**

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<sup>32</sup> [www.cpims.org](http://www.cpims.org)



#### ***4.1 Community policing strategy developed and community policing piloted in 3 regions***

Community policing is an effective and efficient way to build trust in the relations between the population and the police and to ensure a participatory approach to security service delivery, which is an important element to strengthen social cohesion and reconciliation. Community policing can also enhance public awareness on the roles and responsibilities of the police, which is a key issue in the Gambian context where the security sector was misused for repression of the population during the 22-year authoritarian regime.

The project will support the development of a doctrine for community policing in The Gambia and support the elaboration of the necessary legal framework for the introduction of community police within the framework of the comprehensive security sector reform strategy. The project will also introduce pilot police stations in the three pilot regions which will test the implementation of community policing. This will include the rehabilitation of police stations, with a separate child friendly space for children so that they can be held separately from adults, and provide specific training on community policing; including human rights training; to the police officers based in the pilot region/pilot police stations. Officials who are in contact with children will be trained in child justice principles and child friendly investigations and interviewing, with support from Child Welfare Officers at the police. Necessary platforms for a participatory and inclusive approach to security service delivery with an appropriate strategy of awareness raising of the local population will be developed. The CPIMS will be established at the pilot police stations in the three regions to support record keeping, data collection and management with regard to children in accordance with international standards. The police will work in close collaboration with the CCPCs at the community level and data will be shared with the CCPC Committee and the Child Justice Committee, enhancing the referral system.

At the outset of implementation of the project, UNDP, OHCHR and UNICEF will consider human rights risks of engaging with security forces, in particular the Police by applying the Human Rights Due Diligence Policy (Policy Committee Decision 2013/110). To this end, UNDP and UNICEF will conduct risk assessments on whether the security institutions receiving support might commit grave violations; provide support only when risks of grave violations do not exist or are mitigated through the adoption of specific measures; establish procedures for monitoring the conduct of recipient entities during the time support is provided; and bring allegations of grave violations to the attention of national authorities with a view to bringing them to an end, should they be committed during the period of support.

#### ***4.2 Legal framework and capacities of Human Rights Unit strengthened***

The project will also strengthen the human rights unit of the police and contribute to preparation of an adequate legal framework specifying its functions. This will include a decentralisation strategy of the human rights unit and further specialised training (content and methodology), including child justice, in collaboration with the Police Academy as well as on the-job training in the pilot regions. Furthermore, the project will help to assess the needs and possible format of a complaints unit or complaints board, with the powers to investigate allegations of human rights violations committed by police officers.

#### ***4.3 Capacities of Standard Police Training School strengthened and courses for specialisation introduced***

Strengthening the capacities of the Standard Police Training School is a key element to ensure professionalization of the Gambia Police Force and to strengthen its role as a primary security

service provides in a democratic state. This project will assist in designing a strategic plan of the Standard Police Training School, which will draw a road map towards the establishment of a full-fledged Police Academy; create a curriculum development unit and a pool of trainers. Furthermore, based on a needs assessment, and in view of the security sector reform strategy, the project will support the development and introduction of specialized courses (criminal investigations, serious crimes, drugs, firearms, anti-terrorism and a specialization course on child rights and child justice).

#### **4.4 Gender and child-sensitive police reform prepared and implemented**

In order to prepare a gender-sensitive police reform, to increase representation of women in the Gambia police forces and to ensure strengthened police response to sexual and gender based violence and violence against children, the project will support the introduction of a Gender Directorate in the Gambia Police Force. It will support the Directorate in helping to design a gender- and child-sensitive police reform with strategies to enhance recruitment, retention and promotion of female police officers in mid- and high ranking positions. This will also be critical to strengthening the police' response to SGBV and violence against women and children.

#### **4.5. Capacities for oversight of the Police are improved**

The Police have established a complaints and discipline section which acts as the main internal oversight mechanism to regulate and investigate misconduct within the Gambia Police, including cases involving children. No effective mechanism exists to do so at the Ministry of Interior nor externally. The Project will support operationalisation of the Complaints and discipline section. This will be preceded by a complaints audit to determine the number and type of complaints being received and thereafter technical support including training, mentoring and logistical help. This will be complemented at the Ministry of Interior.

In parallel, UNDP and UNICEF will support a process to strengthen accountability and civilian oversight working with regional organisations including the African Police Civilian Oversight Forum (APCOF) and will explore options for strengthening civilian oversight including examining how other countries in the region have dealt with this including independent police oversight bodies, the role of human rights institutions and over oversight institutions.

#### **4.6 Capacities of the Human rights institutions strengthened**

Catalytic Support to the operationalization of the National Human Rights Institutions; once established will form a critical component of this project in coordination with the on-going transitional justice project. Some limited support to the role of the office of the Ombudsman will be provided in the short terms whilst the NHRI establishment processes are ongoing to development of national capacities in the area of human rights investigation and complaint handling process.

### **Output 5: Institutional capacity of Gambia Prisons Service is improved to ensure welfare and rehabilitation of inmates in accordance with human rights standards**

#### **5.1. Strategic Reform Plan of the Prisons developed**

The Mandela Rules, formally the standard minimum rules for treatment of prisoners set out what is good practice in treatment of prisoners and management of institutions. The project will train senior officers and Ministry of Interior Officials on the rules and support them to conduct an audit of the Prison Service and identify areas for attention and improvement. This will form the basis for *long-term* development and reform planning of the prison system in The Gambia and will support the development of a strategic plan as well as reviewing the 1953 Prisons Act which will require updating.

Children continue to be placed in detention and diversion mechanisms are not necessarily utilised. They may be re-traumatised by their encounters with the justice system and vulnerable to abuse and harm if and when they are convicted and sentenced. Under the Beijing Rules, law enforcement officials must manage such contact in a way that respects the legal status of the child, promotes their well-being and does not harm the child. UNICEF will conduct a baseline study on children in detention and, based on the outcome, develop guidelines on detention centres for children and Standard Operating Procedures (SOPs) for staff dealing with children in detention.

This activity will benefit from south-south cooperation. For example Kenya has recently undertaken this audit and have been able to institute low cost reforms as a result. Similarly Sierra Leone is currently doing the same, has developed a new Corrections Law and is in the process of transitioning to a Corrections Department, a process that the Gambian Prisons Service would like to follow. Several of the management staff and Ministry of Interior will be supported to visit these locations to observe pilot sites to see what can be achieved as well as to meet with senior prison officers and ministry officials.

### ***5.2. Capacities of Prison Officers is strengthened***

Based on the audit and baseline study conducted in activity 2.1, remedial training will be designed for existing staff including the newly developed guidelines and SOPs. The current training curriculum for new recruits will also be reviewed and redesigned, including a strong component on human rights. Modules will be developed which also take into account modern prison practices focused on rehabilitation of offenders and their long

### ***5.3. Rehabilitation programme for prisoners are developed to ensure reintegration into society***

A key component of rehabilitation should be to provide inmates with marketable skills and job training to support them on release and avoid recidivism, including detention centres for children. After some initial start-up money to purchase equipment, prison industries should be financially self-sufficient and make a return on investment. UNDP, UNODC and UNICEF will support dialogue between Prisons and Private Sector to identify trades where there is a demand as well as provision of supplies in exchange for labour and products. Once the above information is gathered, UNDP, UNODC and UNICEF will support the Prison Service to develop an industries plan with a view to expansion and eventual self-sufficiency. The industries plan will also include an earning scheme for inmates, to ensure that they are being paid fairly for their labour and that they have the opportunity to build some financial security for themselves when they are released. This will also help to decrease recidivism.

The project will also initiate discussions between the Ministry of Interior and Prisons on establishment of a Prisons Farm. This could provide for all the Prisons Needs for food a cash crop to earn income as well as providing work for minimum security prisoners.

To ensure effective rehabilitation of inmates, it is recommended that a structured programme be in place to deliver to inmates, including children. Ideally these should be delivered through social workers or councillors but can alternatively be delivered to selected prison officials in areas such as substance abuse, anger management, life skills, domestic violence and pre-release preparation.

UNICEF will support the refurbishment and equipment of a child-friendly facility for girl offenders in the Greater Banjul area, as no separate facility is currently available and so girl offenders are housed at the shelter for children under the authority of DSW, together with child victims of crimes and children on the move. Through the project, rehabilitation, vocational, life and livelihood, and social programmes for boys and girls at the detention centres will be provided and a programme for

counseling will be developed by the child psychologist so that staff will have the capacity to provide counselling services to child offenders and their families.

The presence of only one detention centre for boys and girls at the shelter in the Greater Banjul area means that the majority of children are far from their parents. The three vehicles that will be provided to transport children to the Children's Courts will be made available for a visiting scheme for parents.

#### ***5.4. Prisons are decongested through bail and case reviews and introduction of legal aid schemes***

Currently around 30% of those in prison are in pre-trial detention. A panel will be constituted to review remand cases: a process that will be repeated on a regular basis. The panel will look at options for expediting cases and granting bail. At the request of offenders, legal aid providers will contact family members, friends, employers etc. with a view to having such persons stand bail for offenders. Where bail has been arbitrarily refused then the decision will be reviewed by another magistrate or justice with assistance from legal aid providers. Legal aid providers will also review the cases of those convicted to determine which may be eligible for appeal. Those who are coming to the end of their sentences should be supported by the Prison Service, based on good conduct to apply for remission of sentences.

While detention of children is to be used as a last resort, courts are often unable to order alternatives as community rehabilitation, community service and counselling, along with other alternatives are not readily available. Under outputs 1 and 2, UNICEF will support justice actors to ensure children will be represented by lawyers through the provision of legal aid, ADR will be provided to children at community levels and a pilot scheme for probation will be introduced as an alternative to detention.

#### ***5.5. Oversight of Prisons is enhanced***

As described in activity 5.1, training will be provided to senior Prison HQ Staff as well as relevant MOI Officials on the Mandela Rules to better understand best practices concerning treatment of offenders and prison conditions. This will also serve as the basis for an internal regimen for oversight of the Prison system comprising regular inspections and a forum to discuss how best to resolve issues identified. Paralegals, legal aid partners and CSO's working in prisons will be included in this group as will the Ombudsman Office and at a later date once established the Human Rights Commission both of whom will be tasked with external oversight of Prisons.

## **2. Guiding Principles and Cross-Cutting Issues**

The project will use the following guiding principles in the implementation and monitoring of the project to ensure approaches across the sub-outputs are directed in a common manner.

- A. **Ensuring interventions do no harm and are conflict sensitive:** The project will ensure in all its interventions that it does not contribute or aggravate existing tensions and cleavages. The project will assess the priority groups to be targeted in terms of service delivery, will build the capacity of key implementing partners to comply with the 'Do No Harm principles', promote equal representation of all groups in justice and security institutions and equal access to justice services and opportunities, ensure affirmative action where needed and support mainstreaming of elements for social cohesion and increased equality. Child protection includes protection against both intentional and unintentional harm arising out of practices and situations such as neglect, sexual exploitation, harmful traditional practices, child marriage, trafficking, detention and physical and psychological abuse. Children in conflict with the law are particularly vulnerable to such abuse and should be targeted in any child protection and child justice systems and programmes.

- B. Evidence based programming and measuring and capturing results:** The project will monitor results and demonstrate progress, and will embed systematic M&E approaches into all aspects of programming (e.g. baseline assessments, capacity assessments of institutions, justice and security perception survey etc.). Given that different project outputs reinforce each other, the project will work with national and local authorities, customary leaders, civil society partners and development partners on drawing and analysing data and assessing progress and impact.
- C. Development and Sustainability:** All activities undertaken under this project will be rooted in the need to ensure sustainability. Through the support of establishment of coordination mechanisms, and design of strategic and sector-wide plan, the project aims for a sustainable development of the sector. This includes building national capacities, ensuring institutionalised capacity building and training, and that assistance is solidly institutionalized in broader national structures and planning processes. The Project Board will also review project implementation and discuss emerging issues of sustainability as a standing Board agenda item to ensure that project activities are seamless integrated within existing national frameworks and capacities.
- D. Flexibility:** While the project aims to support the creation of an environment that is conducive to more integrated and sector approaches to justice service delivery it must ensure flexibility in sequencing and transition phases according to the national context absorption capacity. Accordingly, project outputs and suggested activities will be adapted, as necessary, to adjust to changes affecting the achievement of overall goals. A thorough risk log will also be maintained and updated, and mitigation measures adopted as necessary (see annex).
- E. Introducing an area-based programming and evidence based-approach:** Though the Project places a strong focus at institutional policy changes at central and national level, the intervention will also provide targeted integrated support across the whole criminal justice chain to test innovative and low cost/no cost initiatives for improving the administration of criminal justice process in selected areas and support an environment where incentives for reform are realised – based on practical experience from the selected pilot regions. It is expected that successfully demonstrated innovations and lessons learned from these areas will inform policy and actions at the national level for further scale-up and/or institutionalization of initiatives to improve performance and protection rights in the criminal justice arena. The Project will promote a more systematic use of information, data and analysis as evidence to inform policy making and management and enhance transparency and public understanding of the work and results of the justice sector, thereby potentially contributing to public confidence.

Within the specific focus areas of the project, certain cross-cutting issues will be mainstreamed, including:

a) Gender equality, women and child empowerment

A gender equality perspective will be mainstreamed throughout the project, through ensuring the collection and interpretation of sex / age disaggregated data and conducting gender analysis to better inform project design and implementation. The project will prioritize in particular, women's and children's access to justice services and women's participation and role (including decision making) in the rule of law architecture. It will specifically address:

- Ensure that gender equality and child protection issues are incorporated into all relevant policies and legislation, and that justice institutions and processes are equal and fair to both women and men.
- Advocate for increased participation of women, children and youth in the justice sector and in social integration policy-making and actions at the institutional level and support their active engagement through civil society.
- Ensure that policy and planning processes are consultative, participatory and actively encourage the involvement and decision making role of women and youth as well as marginalized and vulnerable groups, and that plans and services are sensitive to their specific needs.
- Conduct sensitization on women's rights, children's rights and participation in the public sphere, especially aimed at justice and security officials.
- Ensure gender and child issues are fully incorporated in curricula and training materials that are developed.
- Prioritize all actions at national and sub national level to ensure justice service delivery on violence against women and children.
- Ensure close co-ordination and collaboration with other UNDP and UN activities related to specific aspects of women's empowerment and gender issues in the justice and security sector.
- Prioritize capacity building for judges, prosecutors and lawyers and support networks/platforms for their engagement in coordination mechanisms for handling gender/youthchildren related issues.
- Promote the active involvement and participation of women and women's organizations in social integration and reconciliation actions, and target skills development and training activities for women and women's organizations in these areas.
- Promote the active involvement and participation of children and child rights organizations, including the CCPCs in social integration and reconciliation actions, and target skills development and training activities for children and children's rights organizations in these areas.

b) Human rights including children's rights

In addition to ensuring that the project itself is executed in full conformity with the international human rights standards, the project will actively promote human rights as a cross-cutting approach as well as undertake all efforts to support state capacity to deliver on human rights obligations:

- Support state capacity to ensure that policies, laws and by-laws promote equality and are non-discriminatory and contain positive measures (affirmative action) where considered critical.
- Monitor and advocate and monitor that justice and security services being available, affordable, accessible and acceptable for all.
- Advocate voluntary, meaningful and effective participation and inclusion of, and outreach to minority and marginalized groups in the sector, including staffing and other forms of engagement.
- As with gender, advocate for human rights, including children's rights, to be incorporated in legal curricula and training materials, as well as civic education initiatives.

- Develop the capacity of citizens groups, special measures for marginalized groups and minorities as well as women in the justice and security sector, merit-based recruitment systems and coaching.
- Advocate land and property rights, namely security of tenure, especially for women
- Apply the UN Human Rights Due Diligence Policy (HRDDP) – the risk assessment will be started in preparation of the complementary project on SSR (PBF).

### **3. Key stakeholders and partners**

#### ***National stakeholders and partners***

The project will seek active partnerships with key Ministries, UN agencies, CSOs, CBOs, and other relevant stakeholders at the national and local level (e.g. representatives of the respective regions and districts) as part of its implementation strategy. It is anticipated that the following stakeholders will be involved in implementation:

- Ministry of Justice (including Child Rights Unit)
- Ministry of Interior
- Ministry of Lands and Local Government
- Department of Social Welfare (including shelter for children and CCPCs)
- Gambia Police Force (including Child Welfare Units)
- Gambia Prison Service (including Juvenile Wing)
- National Assembly
- Women's Bureau
- Gambia Bar Association
- National Agency for Legal Aid
- Alternative Dispute Resolution Secretariat
- The Association of Non-Governmental Organisations in Gambia and other CSOs
- Gambia Law School
- University of The Gambia Faculty of Law
- Religious and traditional leadership
- Judiciary/ Judicial Services Commission
- Human Rights Commission (once established)
- The Ombudsman Office

#### ***UN partners***

UNDP and UNICEF intend to address the country's national priorities in the sector in a coherent, holistic and effective manner by ensuring synergies, strong cooperation and coordination, including joint intervention with all the UN partners, notably UNODC, UNWOMEN, UNFPA, OHCHR as well as the UNOWA enabling entities to deliver as one to support Gambia's share rule of law vision. This will help to ensure that we build on the comparative advantage of each agency to maximize development impact. Improved access to justice and human rights protection mechanisms of women, children and other vulnerable groups, are a clear objective of the Project. The intervention will support efforts to mainstream gender equality and equity through activities under the outputs and implement gender-specific activities, in stronger cooperation with UNWOMEN, including through policy-actions and making in the criminal justice and legal aid sector, institutional mechanisms and public awareness campaigns. This will include: prioritising women, especially victims of domestic and Gender-based Violence, for legal aid services and access to justice initiatives; entering into partnership with well reputed women organizations of the justice and human

rights sector to increase support to women and other vulnerable groups; promoting gender sensitivity and mainstreaming across criminal justice and legal aid policies, programs and processes of justice institutions; ensuring gender responsive policies and initiatives will be adopted with the support of the Project laws at national and local levels; promoting policies, training and leadership programs to support women, including lawyers association, in taking on decision-making roles in justice institutions; supporting further research on women rights and access to justice to increase knowledge and evidence-based development planning.

The country office has also been involved in conflict resolution work including community mediation funded by the EU.

EU has also funded a project on Access to Justice and Legal Education (2015-2017) which focused on improving access to legal services in three selected communities, improving legal education and research and case management in order to further reduce the backlog of cases in the magistrates courts.

Since the election, to the existing capacity within UNDP's Gambia's Country on governance and human rights, support has been provided by the OHCHR Office for West Africa, a Human Rights Officer and a Rule of Law Advisor deployed by DPA and UNDP as part of the surge capacity team to provide temporarily support to the UNCT in The Gambia in delivering support on rule of law, justice, security and human rights, including transitional justice. The Peacebuilding Fund (PBF) have now approved two projects over the next 18 months on SSR and transitional Justice. The SSR Project will support the authorities to launch a national security design process led by a senior SSR Advisor and a small team of experts. This will support a nationally led security sector assessment and development of a national policy and coordination mechanism. The transitional justice project will support development of a national strategy on transitional justice and capacity building of institutions to support this process. In the longer-term it will provide for establishment of a national human rights institution (NHRI).

The Project will also draw upon expertise from UNDP, particularly the Regional Service Centre for Africa, based in Addis Ababa, Ethiopia; as well as UNICEF Country Offices and UNICEF Regional Office for West and Central Africa based in Dakar, Senegal.

The project also leverage its will benefit from support from HQ/DPKO, particularly through the deployment UN Police Advisors through the Standing Capacity.

#### **4. Risk and risk management strategy**

The current fragile political, socio-economic environment in The Gambia, the risk of sudden changes in the Government, disagreement of priorities for the sector among the Government partners and lack of proper sequencing of reforms may present a risk to the smooth implementation of the project. The absorption capacity of national counterparts in implementing the project might be another risk. In order to mitigate these risks, project staff will be co-located with justice institutions at local and central levels. Results may take longer to be visible, but the project must have clear baselines and an M&E strategy that will support measuring of progress.

The UN will use a Project Steering Committee as a central element in its risk management strategy. Meetings of the Committee will not just cover technical reviews of project implementation, but also provide a forum for sustaining consensus among members on the overall rationale and direction of



the project. Should political circumstances lead to significant divergence among the government partners and other stakeholders, the meetings could provide an opportunity to facilitate consensus, at least, as far as the content of the programme is concerned.

The UNDP, UNICEF and UN partners' absorption and implementation capacities can be a further challenge to smooth implementation. A strong project management unit and support staff will be established and recruited for the project implementation. A detailed risk log is in the annex

## **5. Monitoring and evaluation**

The UN, in close collaboration with implementing partners, will be responsible for monitoring the implementation of the proposed project. The UN will be responsible for producing regular performance reports in accordance with UN reporting requirements. The reports will comprise of a monthly financial report, a monthly update on project issues and progress, a quarterly technical report and an annual progress and financial report, to be presented to UN. The reports will contain a summary of activities supported by the project, their contribution to desired outcomes/outputs; information on progress achieved, constraints encountered and action taken to address them.

Annual project reviews shall be conducted during the fourth quarter of each year of the project to assess the performance of the project and propose the Annual Work Plan (AWP) for the following year. A mid-year and mid-term review will be undertaken with a view to monitoring progress and the strategic direction of the project, as well as ensuring alignment of project outputs and outcomes with the priorities outlined in the project strategy. Within the annual cycle of the project, its project manager shall ensure the creation of an issues log, a risk log, lessons learnt, and a monitoring schedule plan to track key management actions and events.

#### IV. PROPOSED RESULTS AND RESOURCES FRAMEWORK

Intended Outputs	Output Targets per year	Indicative Activities	Budget Description	Responsible Parties
<p>Output 1: Access to justice and justice service delivery improved, especially for women and children, and victims of serious human rights violations under previous administration</p> <p><b>Baseline:</b> Existing legal aid framework, but no effective coordinated legal aid service delivery across the country</p> <p>Legal aid services predominately in Greater Banjul area</p> <p>Limited information available on access to justice and justice services for children</p> <p>Limited legal aid services for children</p> <p>Limited legal aid services available for victims, provided by the state, priority given to</p>	<p>Output 1.1: Legal aid and victim support mechanisms, with special focus on women and children as well as victims of serious human rights violations committed under previous administration are in place</p> <p>Year 1: Comprehensive legal aid services provided in one region</p> <p>Year 2: Comprehensive legal aid services provided in two regions</p> <p>Year 3: Legal aid services in pilot regions in line with international standards and domestic laws and policies</p> <p>Advocacy to increase number of lawyers at NALA to represent marginalized women and children</p> <p>Coordinated legal aid system in place with case</p>	<ul style="list-style-type: none"> <li>Justice and security perception survey in Greater Banjul area and three pilot regions</li> <li>Under the scope of the perception survey, a needs assessment will be carried out on children's access to justice, access to legal aid, quality of services, duration of process/cases from start to completion and use of alternatives to detention (for child victims, witnesses and offenders) Support design of coordinated legal aid system (adequate referral and cooperation between ; legal aid actors)</li> <li>Strengthen capacity of NALA to implement its mandate under the Legal Aid Act of 2008 (LAA 2008)</li> <li>Strengthen capacity of ADRS based on the assessment undertaken by the EU project to provide quality services at community level especially to women and children</li> <li>Establish coordination mechanism between GBA to collaborate with UTGFL, GLS and NALA for civil society organisations in the establishment of community-based legal counselling and</li> </ul>	<ul style="list-style-type: none"> <li>Consultants for implementation justice and security perception survey</li> <li>International and local consultants for needs assessment (Participatory Action research)</li> <li>International and domestic travel</li> <li>Contractual services including local staff</li> <li>Small grants scheme NGOs</li> <li>Supplies, Commodities, Materials</li> </ul> <p><b>500,000 USD UNDP</b></p> <p><b>400,000 USD UNICEF</b></p>	<p>Ministry of Justice</p> <p>NALA</p> <p>ADRS</p> <p>GBA</p> <p>UTGFL</p> <p>CSOs</p>

<p>children accused of capital offences Limited coordination between ADRS, NALA, GLS, UTFGL and GBA</p> <p># number of cases involving women and children handled by legal aid mechanisms in Banjul and pilot regions</p> <p>Lower courts operating with limited resources, infrastructure and equipment</p> <p>Children's courts housed within Magistrate's Courts premises and operating with limited resources, infrastructure and equipment</p> <p><b>Indicators</b></p> <p><i>End of Year 1:</i></p> <p>Legal aid mechanisms in Banjul, pilot regions handled X, Y and Z cases of women and children respectively.</p> <p>Ratio of court hearings at lower courts and Children's Courts where professional legal</p>	<p>management and referral system; cooperation arrangement between legal aid actors</p> <p>NALA receives increased state budget and is able to implement its mandate under the Legal Aid Act of 2008 (LAA 2008)</p> <p>ADR services permanently available in all pilot regions, including for children/Victim and Witness support services available in all pilot regions, including for children</p>	<p>information services supported by CCPCs</p> <ul style="list-style-type: none"> <li>• Support establishment of victim and witness support services with specialized service for children</li> <li>• Capacity building of lawyers on international human rights cases to ensure legal support for victims and defendants of international crimes, including children</li> </ul>	<p>MOJ Judiciary at lower courts and children's courts CCPCs</p>
<p><b>Output 1.2 Capacities of courts to administer justice in the regions and communities are strengthened</b></p> <p>Year 1: Lower courts in one region are equipped and operational</p> <p>Children's Court in one region equipped and operational</p> <p>Year 2: Lower courts in second region are equipped and operational.</p>	<p>Study/assessment of case management procedures for adults and children and operational bottle necks in 3 lower courts</p> <p>Study/ assessment of case management procedures for children and operational bottle necks in 3 Children's Courts</p> <p>Rehabilitation/construction and equipment of lower courts</p> <p>Rehabilitation/construction and equipment of 3 child-friendly Children's Courts</p> <p>Technical assistance for judicial administration in the regional courts</p>	<ul style="list-style-type: none"> <li>• Technical assistance, operations, equipment, infrastructure in 3 lower ,Support government with refurbishment of 3 child-friendly Children's Courts outside Magistrates Courts, technical assistance, operations, equipment, infrastructure</li> <li>• Technical assistance for judicial administration in 3 Children's Courts</li> <li>• Training of support staff</li> <li>• Supplies, Commodities, Materials</li> <li>• Support to CSOs through grants</li> <li>• Contractual services</li> <li>• Domestic travel</li> <li>• International travel</li> </ul>	

<p>representation is present is increased by X%</p> <p>Referral system designed</p> <p>End of Year 2</p> <p>Minimum 50% of cases handled involving women and children receive legal aid</p> <p>Number of cases handled by lower courts and Children's Courts in pilot regions, increased by X%, Y% and Z% respectively</p>	<p>Children's Court in second region equipped and operational</p> <p>Year 3: Lower courts in three locations process cases that are in line with international legal standards</p> <p>Children's Courts' procedures in three locations are in line with international and domestic legal standards and procedures</p>	<ul style="list-style-type: none"> <li>• Technical assistance for judicial administration in the 3 Children's Courts</li> <li>• Training on child rights and child justice for support staff including 3 drivers</li> <li>• Awareness-raising at the community level of rights and basic functions of the legal system, including child rights and child justice administration with support from CCPCs</li> </ul>	<p><b>800,000 USD UNDP</b></p> <p><b>800,000 USD UNICEF</b></p>	
<p>Legal aid mechanisms in Banjul, pilot regions handled X, Y and Z cases of women and children respectively.</p> <p>Ratio of court hearings at lower courts and Children's Courts where professional legal representation is present is increased by X%</p> <p>Referral system implemented in one region</p> <p>End of Year 3:</p>	<p><b>Output 1.3 Protection of people's rights and security strengthened through enhanced capacities for law enforcement and criminal investigation</b></p> <p>Year 1: Police in two regions have basic capacities to undertake criminal investigations, including cases involving children</p> <p>Cooperation between police and prosecution, lower courts and Children's Courts strengthened in two regions</p>	<ul style="list-style-type: none"> <li>• Build the capacity of police in the regions on (child-friendly) investigation and legal and policy framework</li> <li>• Build the capacity of solicitor general's office in prosecution</li> <li>• Provide equipment for investigations and support the procurement of equipment necessary for criminal investigations</li> <li>• Build the capacity of the police, including all Child Welfare Officers, to provide adequate services and support to (child) victims and (child) offenders</li> <li>• Capacity building of law enforcement officers on investigation of international crimes, including dealing with mass graves, training and</li> </ul>	<ul style="list-style-type: none"> <li>• Two trainings per region in three regions (costs for venue, transport administration)</li> <li>• Two separate additional trainings for all GPF staff in three regions on child rights and child justice, co-delivered by Child Welfare Officers.</li> <li>• Equipment</li> <li>• Deployment Police Advisors</li> <li>• International consultant (law enforcement trainer specialised in child rights and child justice)</li> <li>• International and Domestic Travel</li> </ul> <p><b>300,000 USD UNDP</b></p> <p><b>40,000 USD UNICEF</b></p>	<p>GPF</p>

<p>Minimum 50% of cases handled thorough legal aid mechanisms are cases related to women and children</p> <p>Number of cases handled by lower courts and Children's Courts in pilot regions, increased by X%, Y% and Z% respectively</p> <p>Legal aid mechanisms in Banjul, pilot regions handled X, Y and Z cases of women and children respectively.</p> <p>Ratio of court hearings at lower courts and Children's Courts where professional legal representation is present is increased by X% Referral system implemented in three regions region</p>	<p><b>Year 2:</b> Police in two regions have basic capacities to undertake criminal investigation, including cases involving children</p> <p><b>Year 3:</b> Popular confidence in the police for the provision of security and investigation of cases, including cases involving children, is improved</p> <p><b>Output 1.4 Legal Reform</b> <b>Year 1</b> Law Reform Commission and A Law Reform and Constitutional Review Unit (LRCRU) under the direct supervision of the Solicitor General established</p> <p><b>Year 2</b> <b>Review of relevant laws in line with international treaties</b></p> <p><b>Year 3</b> <b>Key elements of legal framework revised</b></p>	<ul style="list-style-type: none"> <li>experience sharing on victim and witness protection.</li> <li>Facilitate and strengthening of police-prosecution-court collaboration</li> </ul> <ul style="list-style-type: none"> <li>Build capacity of LRC and MoJ</li> <li>Support to Gambia Bar Association</li> <li>Expert technical and advisory support</li> <li>Facilitate LRC-MOJ-National Assembly collaboration on legal reform</li> </ul>	<p><b>Total Output 1:</b> <b>1,600,000 USD UNDP</b> <b>1,240,000 USD UNICEF</b> <b>2,840,000 USD</b></p>	<p>MOJ MOI JTI</p> <ul style="list-style-type: none"> <li>Rehabilitation and equipment; Supplies, Commodities, Materials</li> <li>Training expert /IC -contractual services</li> </ul>
<p><b>Output 2</b> <b>Skills and competencies of actors in justice</b></p>	<p><b>2.1 Judicial Training Institute functioning and providing certified training and judicial</b></p>	<ul style="list-style-type: none"> <li>Rehabilitation and equipping of National JTI</li> <li>Establishment of pool of trainers and mentors at the JTI,</li> </ul>		

<p><b>sector enhanced</b></p> <p><b>Baseline:</b></p> <p>Limited capacity within National Judicial Training Institute</p> <p>Limited resources of National Judicial Training Institute</p> <p>Curricula developed for magistrates and judges with support of EU, but training not institutionalized</p> <p>No pool of trainers</p> <p>New curricula for the UGTF and GLS designed, but not institutionalized</p> <p>No probation services available</p> <p><b>Indicators</b></p> <p>X% of judicial actors having received training through the training centre</p> <p>X% satisfied with quality of training received</p> <p>X% of judges and prosecutors having</p>	<p><b>education to all justice actors</b></p> <p>Year 1: NJTI operational</p> <p>1st certified training course for access to the career launched for judges, including children's rights and child justice</p> <p>1st certified training course for access to the career launched for magistrates and panel members, including children's rights and child justice</p> <p>Year 2: 1st certified course completed with 60% success rate and</p> <p>Continued legal education trainings institutionalized.</p> <p>Year 3: Judges (30% women) are appointed in line with systematic training, and selection processes are based on successful completion of certified courses</p>	<p>including on child rights and child justice</p> <ul style="list-style-type: none"> <li>Support to the review, implementation of the training curricula and include child rights and child justice in curricula</li> <li>Provision of on-the-job mentoring through international and national mentors in lower courts in three regions</li> <li>Provision of on-the-job mentoring through international and national mentors in Children's Courts in three regions</li> <li>Support regulation of new intake of law graduates and standardized, professional training programme followed possibly by a probationary period in the judicial institutions.</li> <li>Capacity building of judges and prosecutors to process international crimes/Rome statute crimes, including crimes against children</li> </ul>	<ul style="list-style-type: none"> <li>Retainer contracts for national trainers</li> <li>Incorporate child rights and child justice in training curricula</li> <li>Organising training</li> </ul> <p><b>500,000 USD UNDP</b></p> <p><b>5,000 USD UNICEF</b></p>	<p>Judiciary</p> <p>UGTF</p> <p>GLS</p>
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<p>received on-the-job mentoring in their work place</p> <p>Judicial actors render more decisions that are in line with international and national standards</p> <p>New strategic plan of the judiciary developed and launched</p> <p>New strategic plan of judiciary at three Children's Courts developed and launched</p> <p>National policy on child justice developed and implemented</p> <p>Policy guidelines drafted and implemented for the management of child justice cases in each institution and rules created for early conditional release of children from detention</p> <p>Guidelines on probation services developed and implemented</p> <p>Probation services established in three pilot regions</p> <p>Section X of Children's Act 2005 amended</p>	<p><b>2.2. Strategic Plan of the Judiciary developed</b></p> <p>Year 1: Implementation of the previous strategic plans of the judiciary assessed &amp; public perception surveys undertaken in parallel with baseline assessments, including three Children's Courts, to be undertaken by the Judicial Services Council</p> <p>Workshop for stakeholders in justice sector held</p> <p>National policy on child justice developed</p> <p>Policy guidelines for the management of child justice cases drafted</p> <p>Guidelines drafted on the treatment of children who are under the age of criminal responsibility (12) who commit an act that, were they an adult, would amount to a criminal offence</p> <p>Advocacy to ensure all persons who commit an</p>	<ul style="list-style-type: none"> <li>• Assessment of implementation of previous strategic plans</li> <li>• Needs assessments of judiciary at Children's Courts and judiciary dealing with children's cases at lower courts</li> <li>• Organise stakeholder workshop to collect information to develop policy and guidelines on child justice administration</li> <li>• Support development of new strategic plan of judiciary, including based on experiences in pilot regions</li> <li>• Support development of new strategic plan of judiciary at three Children's Courts</li> <li>• Support the development of a national policy on child justice to define the national goal, strategies and programmes for child justice administration</li> <li>• Support the drafting of policy guidelines for the management of child justice cases in each institution and create rules for the early conditional release of children from detention</li> <li>• Support the drafting of guidelines on the treatment of children who are under the age of criminal responsibility (12) who commit an act that, were they an adult, would amount to a criminal offence</li> <li>• Support the development of guidelines for probation of children in conflict with the law</li> </ul>	<ul style="list-style-type: none"> <li>• International consultant/national consultant</li> <li>• Contractual services</li> <li>• Venue for workshop</li> <li>• Supplies, Commodities, Materials</li> <li>• Domestic travel</li> <li>• International travel</li> </ul> <p>Probation pilot:</p> <ul style="list-style-type: none"> <li>• Development of guidelines, training and capacity building of staff to supervise and counsel children in conflict and contact with the law</li> </ul> <p>Recruitment of 15 local staff (5 in each region), office equipment, materials</p> <p><b>150,000 USD UNDP</b> <b>100,000 USD UNICEF</b></p>	<p>MOI JTI CJ</p>
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<p>MOU between UTGFL, GLS, GBA on legal education system</p>	<p>offence when between the ages of 12 and 18 are dealt with in the juvenile justice system, rather than the adult criminal justice system, regardless of the crime, including treason, or the age of co-offenders</p> <ul style="list-style-type: none"> <li>MOU drafted and signed</li> </ul> <p>Year 2: Through inclusive and participative process new strategic plan of the judiciary developed</p> <p>Through inclusive and participative process new strategic plan of the judiciary at the three Children's Courts developed</p> <p>National policy on child justice adopted</p> <p>Policy guidelines for the management of child justice cases adopted</p> <p>Guidelines adopted on the treatment of children who are under the age of criminal responsibility (12) who commit an act that, were they an adult, would amount to a criminal offence</p>	<ul style="list-style-type: none"> <li>Develop pilot probation scheme for children in conflict with the law including those under the age of 12 (criminal responsibility) to enforce children's court orders for non custodial sentences, help rehabilitate, provide life skills and counseling in three regions</li> <li>Advocacy to amend the Children's Act to ensure all persons who commit an offence when between the ages of 12 and 18 are dealt with in the juvenile justice system, rather than the adult criminal justice system, regardless of the crime, including treason, or the age of co-offenders</li> </ul>	
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	<p>Advocacy to ensure all persons who commit an offence when between the ages of 12 and 18 are dealt with in the juvenile justice system, rather than the adult criminal justice system, regardless of the crime, including treason, or the age of co-offenders</p> <p>Year 3: Implementation of strategic plan for judiciary launched</p> <p>Implementation of strategic plan for judiciary at three Children's Courts launched</p> <p>National policy on child justice implemented</p> <p>Policy guidelines for the management of child justice cases implemented</p> <p>Guidelines on probation implemented</p> <p>Guidelines implemented on the treatment of children who are under the age of criminal responsibility (12) who commit an act that, were</p>			
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	<p>they an adult, would amount to a criminal offence</p> <p><b>2.3 Sustainable and coordinated legal education system established</b></p> <p>Module/specialization course on child rights/child justice developed and implemented</p>	<ul style="list-style-type: none"> <li>Support systemized and coordinated approach to legal education and facilitate coordination between the UTGFL, the GLS and the Gambia Bar Association</li> <li>Develop module/specialization course on child rights and child justice for Faculty of Law</li> <li>Print and provide relevant copies of legislation and policies</li> </ul>	<ul style="list-style-type: none"> <li>Domestic travel</li> <li>National Consultant – Contractual Services</li> </ul> <p><b>50,000 USD UNDP</b> <b>5,000 USD UNICEF</b></p> <p><b>Total Output 2:</b> <b>700,000 USD UNDP</b> <b>110,000 USD UNICEF</b> <b>810,000 USD</b></p>	<p>UTGFL, GLS, GBA</p>
<p><b>Output 3</b> <b>Justice and security sector coordination and governance enhanced</b></p> <p><b>Baseline:</b> No formalized coordination mechanism for justice sector</p> <p>Child Justice Committee exists but limited funding</p> <p>No planning mechanism for justice sector - no long-term strategy in</p>	<p><b>3.1 Capacities for policy-making, strategic planning and accountability in the justice sector improved</b></p> <p>Year 1: Justice Sector Coordination Forum established</p> <p>Child Justice Committee functioning</p> <p>CCPC Committee re-activated and functioning</p> <p>Inter-agency Child Protection Information</p>	<ul style="list-style-type: none"> <li>Support establishment of a justice sector coordination forum, with a permanent secretariat support and policy advisory service</li> <li>Support the functioning of the Child Justice Committee chaired by DSW</li> <li>Support the re-activation of the CCPC Committee chaired by DSW</li> <li>Support development of sector-wide reform strategy</li> <li>Provision of training on systems, procedures and management for the justice sector</li> <li>Support the establishment of the inter-agency Child Protection Information</li> </ul>	<ul style="list-style-type: none"> <li>National Consultant</li> <li>Domestic travel</li> <li>Documents/material</li> <li>Equipment</li> <li>Start-up of the CPIMS including materials/equipment</li> <li>System administrator</li> <li>Technical mission to support implementation of CPIMS and training of stakeholders</li> <li>Venue for workshop to train stakeholders, and two follow up trainings of all stakeholders</li> <li>Materials, transport</li> <li>International travel</li> </ul> <p><b>150,000 USD UNDP</b></p>	<p>MOJ GPF DSW Judiciary CCPCs</p>

<p>place</p> <p>Instruments for accountability and oversight within justice sector not implemented or non-existing</p> <p>Buy- in for establishment of CPIMS across stakeholders but budgetary constraints</p> <p>New National Assembly with parliamentarians with limited awareness of justice and security planning</p> <p>Parliamentary Committee on Defense and Security exists, but not active under former regime</p> <p><u>Indicators</u></p> <p>Sector-wide reform strategy developed and state budget allocated</p> <p>Active engagement and oversight of National Assembly in security and justice sector reform</p> <p>Respective parliamentary commission fully functional</p>	<p>Management System (CPIMS) established</p> <p>Year 2: Sector-wide reform strategy developed CPIMS functioning</p> <p>Year 3: Justice sector effectively coordinated and operating within long-term strategic framework; budget allocated</p> <p><b>3.2 National Assembly capacities for oversight of the justice and security sector (including the SSR process) strengthened</b></p> <p>Year 1: Members of relevant parliamentary commissions have insight into security and justice sector reform processes, including child justice</p> <p>Year 2: Members of parliament are active in discussions concerning the strategic planning for, and performance of, the justice and security sector</p>	<p>Management System to strengthen case management, data collection, monitoring, coordination as well as ethical standards across all stakeholders</p> <ul style="list-style-type: none"> <li>• Capacity parliamentarians building</li> <li>• Support engagement with constituencies on justice and security sector reform</li> <li>• Support hearings</li> </ul>	<p><b>200,000 USD UNICEF</b></p> <ul style="list-style-type: none"> <li>• National Consultant</li> <li>• Domestic travel</li> <li>• Documents/materials</li> </ul> <p><b>150,000 USD UNDP</b></p>	<p><b>Total Output 3:</b></p>
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<p><b>Output 4 Strengthened capacities of the police, and community security improved in pilot regions</b></p> <p><u>Baseline:</u></p> <p>Lack of appropriate infrastructure of police stations and lack of police holding cells, no separation of detainees (adults and children)</p> <p>Record keeping and production of statistics underdeveloped and records of adults and children in same record book</p> <p>Gender and Child Welfare Unit lacks capacities and is only represented at HQ level in Banjul</p> <p>No courses for specialization exist at the Policy Academy</p> <p>Community policing was introduced, but no legal framework or policy exists</p>	<p>Year 3: Respective parliamentary commission fully functional</p> <p><b>4.1 Community policing doctrine developed and community policing piloted in 3 pilot regions</b></p> <p>Year 1: Rehabilitation of police station including child friendly space according to community policing model in one region</p> <p>Awareness and understanding of stakeholders on community policing increased</p> <p>UN support to non-UN security forces with the UN's purposes and principles is consistent.</p> <p>Year 2: Rehabilitation of police station including child friendly space according community policing model in second region</p> <p>Community policing doctrine elaborated</p>	<ul style="list-style-type: none"> <li>Apply the Human Rights Due Diligence Policy among Security forces and develop mitigating measures</li> <li>Support elaboration of community policing doctrine/policy in The Gambia</li> <li>Support development of legal framework of community policing, including children</li> <li>Support design and rehabilitation of pilot police stations in the three pilot regions with separate child friendly space for children and adults and testing/piloting implementation of community policing</li> <li>Establish the CPIMS at the pilot police stations in the three regions to support record keeping, data collection and sharing with regard to children in accordance with international standards (Child Justice Committee)</li> </ul> <p>Establish the necessary platforms for a participative approach to security service delivery with an appropriate strategy of awareness raising of the local population</p>	<p><b>300,000 USD UNDP</b> <b>200,000 USD UNICEF</b> <b>500,000 USD</b></p> <ul style="list-style-type: none"> <li>International Consultant</li> <li>Travel</li> <li>Documents/material</li> <li>Construction/Equipment</li> <li>Construction/refurbishment of child friendly space in three pilot regions</li> </ul> <p><b>610,000 USD UNDP</b> <b>85,000 USD UNICEF</b></p>	<p>UNDP, UNICEF</p> <p>GFP</p> <p>GPF</p> <p>MOI</p> <p>MOJ</p> <p>National Assembly</p> <p>Alkalo/Kabilo</p> <p>Cos/Cso's</p> <p>APCOF</p>
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<p>Human Rights Unit lacks legal framework</p> <p>Complaints and discipline section established but not effective or functional. No oversight by Ministry of Interior</p> <p>No external oversight of Police exists</p> <p><b>Indicators</b></p> <p>Community policing doctrine elaborated and adopted</p> <p>Draft legal framework for community policing available</p> <p>Adequate draft legal framework of Human Rights Unit available</p> <p>%15 increase of trust of population in police in pilot regions</p> <p>Policy Academy has a functional curriculum development unit and a pool of trainers (with at least 30% women)</p>	<p>Year 3: Rehabilitation of police station including child friendly space according community policing model in third region</p> <p>Draft legal framework for community policing available</p> <p><b>4.2 Legal framework and capacities of Human Rights Unit strengthened</b></p> <p>Year 1: Specialised training on human rights designed, including child rights and child justice</p> <p>Year 2: Specialised training course on human rights, including child rights and child justice, available</p> <p>Decentralisation strategy for human rights unit developed</p> <p>Year 3: Human Rights Unit decentralised in three pilot regions</p> <p>Legal framework for structure and mandate for complaints unit or human</p>	<ul style="list-style-type: none"> <li>• International and national consultants</li> <li>• Travel</li> <li>• Documents/materials/equipment</li> <li>• Training venue</li> </ul> <p><b>150,000 USD UNDP</b></p> <p><b>10,000 USD UNICEF</b></p>	
	<ul style="list-style-type: none"> <li>• Preparation of an adequate legal framework of human rights unit</li> <li>• Develop and implement decentralization strategy of the human rights unit</li> <li>• Develop specialized training on human rights (content and methodology) in collaboration with the Police Academy, include on the-job training in the pilot regions, including child rights and child justice,</li> </ul>		

<p>Gender Directorate and Child Welfare Unit in Police functional</p> <p>Gender-sensitive and child-sensitive police reform strategy adopted</p> <p>Number of women in police increased by 5%</p> <p>Number of women police in mid- and high ranking positions increased by 10%</p> <p>Police complaints and discipline section and MOI providing internal oversight of the Police and options identified for external oversight mechanisms as part of wider reform</p> <p>Policing strategy approved</p>	<p>rights, including child rights, complaints boards available</p> <p><b>4.3 Capacities of Police Academy strengthened and courses for specialisation introduced</b></p> <p>Year 1: Training needs assessment conducted, including child rights and child justice</p> <p>Year 2: Strategic plan for Police Academy designed, including child rights and child justice</p> <p>At least one specialization course available, including child rights and child justice</p> <p>Year 3: Strategic Plan for Police Academy adopted</p> <p>At least two specialization courses available, including child rights and child justice</p> <p>Curriculum development unit and a pool of trainers functional, including on child rights and child justice</p>	<ul style="list-style-type: none"> <li>Assist design a strategic plan for the Police Academy</li> <li>Create a curriculum development unit and a pool of trainers, including on child rights and child justice</li> <li>Needs assessment, and support the development and introduction of courses for specialization (criminal investigations, serious crimes, drugs, firearms, anti-terrorism etc., including children as victims, witnesses and offenders of crimes)</li> </ul>	<ul style="list-style-type: none"> <li>International and national consultants to conduct needs assessment, development specialization course on child rights and child justice, including child protection based on needs assessment outcome, and produce curriculum</li> <li>Travel</li> <li>Documents/material/equipment</li> <li>Training of Trainers</li> </ul> <p><b>150,000 USD UNDP</b> <b>50,000 USD UNICEF</b></p>	
		<ul style="list-style-type: none"> <li>Support introduction of a Gender Directorate</li> <li>Support the design a gender-sensitive and child friendly</li> </ul>	<ul style="list-style-type: none"> <li>International and national consultants (South-South RSSRP)</li> <li>Travel</li> <li>Documents/material/equipment</li> </ul>	

<p><b>4.4 Gender-sensitive police reform prepared and implemented</b></p> <p>Year 1: Draft legal framework for Gender Directorate available</p> <p>Year 2: Gender-sensitive and child friendly police reform designed</p> <p>Year 3: Gender Directorate created and Child Welfare Units functional</p> <p>Implementation of gender-sensitive and child friendly police reform started</p>	<p>police reform with strategies to enhance recruitment, retention and promotion of female police officers in mid- and high ranking positions</p> <ul style="list-style-type: none"> <li>Strengthen the police' capacity to respond to SGBV, VAW and children, including children in contact with the law and in conflict with the law through development of special investigation skills</li> </ul>	<ul style="list-style-type: none"> <li>Capacity building</li> </ul> <p><b>150,000 USD UNDP</b> <b>10,000 USD UNICEF</b></p>	
<p><b>4.5. Capacities for oversight of the Police are approved</b></p> <p>Year 1: Complaints audit completed; training curriculums designed &amp; public perception survey to determine attitudes to perceptions of corruption</p> <p>Year 2: training and capacity building</p>	<ul style="list-style-type: none"> <li>Complaints audit of Police undertaken and public perception survey to determine public attitudes to the Police including corruption</li> <li>Support design of capacity development plan to operationalize the section including essential equipment, training on complaints handling and investigation, including cases of child victims and offenders, CMS to track complaints &amp; communications to inform citizens</li> <li>Consultations undertaken on wider oversight/accountability</li> </ul>	<ul style="list-style-type: none"> <li>International and national consultants (South-South)</li> <li>Travel</li> <li>Documents/material/equipment</li> <li>Capacity development plan including training</li> </ul> <p><b>170,000 USD UNDP</b> <b>10,000 USD UNICEF</b></p>	

<p>undertaken of Complaints and Discipline section &amp; relevant MOI Department; study tour undertaken with options paper thereafter in consultation with the Police, MOI and public on options for rights based policing reform</p>	<p>mechanisms as part of discussion on police reform including legislative reform</p>		
<p>Year 2: Police gain comparative experiences on reform/oversight using south/south experiences with options paper developed</p>			
<p>Year 3: Police Complaints and discipline section functional; option paper feeds into wider Police Strategic plan including review of Police Act 1952</p>			
<p>4.6 Capacities of the national human rights institutions Strengthened</p> <p>Year 1: Seminars and Clinics run role of NHRI and framework of cooperation with other justice actors elaborated</p> <p>Year 3: Short term training and capacity development. Capacity for reporting on human</p>	<p>3 workshops and clinics organized (1 in Banjul and 2 in the regions). Rapid capacity needs assessment undertaken. Study tours conducted; local training undertaken, external training events supported.</p>		
<p><b>Total Output 4:</b>  <b>1,220,000 USD</b>  <b>155,000 USD UNICEF</b>  <b>1,375,000 USD</b></p>			



<p>rights obligation enhanced.</p>	<p>Output 5: Institutional capacity of Gambia Prisons Service is improved to ensure welfare and rehabilitation of inmates in accordance with human rights standards including child rights standards</p>	<p><b>5.1. Strategic Reform Plan of the Prisons</b>  Year 1: baseline audit/assessment conducted, including audit on children in detention  Year 2: development of strategic plan and review of Prisons Act  Year 3: finalise strategic plan and draft Prisons Act</p>	<p>Baseline  No strategic plan and outdated legal frameworks  Prison staff lack capacities for rehabilitation/welfare of prisoners</p>	<ul style="list-style-type: none"> <li>• Baseline &amp; Human Rights Audit conducted and approved by Prisons and MOI</li> <li>• Study Tour conducted to regional country to assess human rights based reform measures &amp; to cement partnership on prison reform</li> <li>• Develop and finalize strategic plan</li> <li>• Develop draft Prisons legislation, including children in conflict with the law</li> <li>• Develop guidelines/SOPs for children in detention including standards and quality of care, based on provisions outlined in Children's Act 2005</li> </ul>	<ul style="list-style-type: none"> <li>• International consultants (South-South and national expert on juvenile justice to conduct baseline study on children in detention and develop guidelines/SOPs for children in detention)</li> <li>• Domestic and international Travel</li> <li>• Documents/materials/equipment</li> </ul> <p><b>120,000 USD UNDP</b>  <b>50,000 USD UNICEF</b></p>	<p>Gambia Service MOI  Legal Aid Partners  Cos/Cso's</p>	<p>Prison</p>
<p><b>5.2. Capacities of Prison Officers is strengthened</b>  Year 1: training needs identified  Year 2 &amp; 3: training developed and delivered with M&amp;E system in place to ensure knowledge been put into practice</p>	<p>No rehabilitation programmes in place  No guidelines/SOPs for children in detention  No separate detention facility for girl offenders (housed in shelter for children together with child victims)</p>	<ul style="list-style-type: none"> <li>• Finalize and approve curriculums and M&amp;E frameworks</li> <li>• Deliver training programmes utilising a ToT modality</li> <li>• Develop training curriculum based on results of human rights audit, baseline study and SOPs</li> </ul>	<ul style="list-style-type: none"> <li>• International Consultant</li> <li>• Domestic Travel</li> <li>• Documents/materials/equipment, transport</li> <li>• Venue for ToT</li> </ul> <p><b>80,000 USD UNDP</b>  <b>10,000 USD UNICEF</b></p>	<ul style="list-style-type: none"> <li>• Documents/material/equipment</li> </ul>	<p>Prison</p>		
<p><b>5.3. Rehabilitation programme for prisoners are developed</b></p>	<p>No effective oversight</p>	<ul style="list-style-type: none"> <li>• Support Prison Service to develop industries plan in consultation with private sector</li> </ul>	<ul style="list-style-type: none"> <li>• Documents/material/equipment</li> </ul>	<p>Prison</p>			

<p>Approx. 35% of prison population on remand, including children</p> <p><b>Indicators</b></p> <p>Prisons have benefited from human rights audit and on the basis of that, strategic plan completed and draft prisons act developed</p> <p>Guidelines/SOPs developed for children in detention, including counseling services</p> <p>Staff/social workers capacitated for reform &amp; rehabilitation of prisons</p> <p>% reduction in prison population as a result of bail/remand reviews and legal aid support to prisoners on appeal</p> <p># of skills facilities in place and # of inmates engaged in rehabilitation programmes, including children</p>	<p><b>to ensure reintegration into society</b></p> <p>Year 1: industries plan produced including options for rehabilitation programmes; equipment provided and training;</p> <p>Detention facility for girl offenders refurbished and equipped</p> <p>Programmes and services developed for boys and girls offenders developed</p> <p>Year 2: rehabilitation programmes launched</p> <p>Programmes and services for boys and girls offenders and their families implemented</p> <p>Year 3: rehabilitation programmes in place with tracking in place for success/profit</p> <p>Programmes and services for boys and girls offenders and their families implemented</p> <p><b>5.4. Prisons are decongested through bail and case reviews and introduction of legal aid schemes</b></p>	<ul style="list-style-type: none"> <li>• Develop Programmes including equipping workshops, training inmates and tracking success</li> <li>• Support refurbishment and equipment of separate detention facility for girl offenders</li> <li>• Provide counselling services to child offenders and their families</li> <li>• Support rehabilitation, educational and vocational programmes for boys at the detention centre</li> <li>• Develop and provide life and livelihood skills training and social activities for girl offenders</li> </ul>	<ul style="list-style-type: none"> <li>• Supplies/commodities</li> <li>• National consultant</li> <li>• Training, development and delivery of programmes led by child psychologist</li> <li>• Refurbish and equip child-friendly facility for girl offenders in Greater Banjul area (premises provided by government – advocacy)</li> </ul> <p><b>180,000 USD UNDP</b></p> <p><b>200,000 USD UNICEF</b></p>	
		<ul style="list-style-type: none"> <li>• Support holding of regular remand case reviews,</li> <li>• Legal aid partners supported to conduct activities in prison including monitoring of prison conditions and representing</li> </ul>	<ul style="list-style-type: none"> <li>• Contracts/micro grants</li> <li>• Training/documents/equipment</li> </ul> <p><b>130,000 USD UNDP</b></p>	

<p>Project Management Operational costs Communication Evaluation</p>	<p>Year 1: remand case reviews introduced, with focus on children</p> <p>Year 2: remand case reviews ongoing and tracking of remand</p> <p>Year 3: remand case reviews ongoing &amp; tracking of remand with % and # reductions</p> <p><b>5.5. Oversight of Prisons is enhanced</b></p> <p>Year 1: prison monitoring group established and training provided comprising prisons, MOI, CSO's &amp; oversight bodies</p> <p>Year 2 &amp; 3: prison monitoring ongoing with tracking of recommendations/decisions taken and implemented</p>	<p>those on remand and appeal, especially children</p> <ul style="list-style-type: none"> <li>• Training provided to prison monitoring group (linked to human rights audit in activity 5.1. and aligned to Mandela Rules)</li> <li>• Support provided to review current CMS and improve to ensure tracking of inmates on remand and appeal takes place</li> </ul>	<ul style="list-style-type: none"> <li>• International and national consultants</li> <li>• Documents/equipment/supplies</li> </ul> <p><b>40,000 USD</b></p> <p><b>Total:</b> <b>540,000 USD UNDP</b> <b>260,000 USD UNICEF</b> <b>800,000 USD</b></p>	
			<p><b>UNDP:</b> CTA/ Project Manager P4/P5 (to oversee whole ROLJSHR portfolio, beyond this project) Project coordinator NOC National specialists (2) SC National Procurement officer</p>	

		<p>International UNV for M&amp;E and Communication</p> <p>500,000 USD per year UNDP  <b>1,500,000 USD for three years UNDP</b></p> <p>UNDP:  1 Driver  2 Cars  Mid-term evaluation  End-term evaluation  Communication, publication, documentation  Staff travel  <b>200,000 USD UNDP</b></p> <p><b>Operations and oversight,</b>  Operations, Procurement, human resources support; Deputy Resident Representative- Operations and Programme: \$50,000 per annum:</p> <p><b>150,000 USD UNDP</b></p> <p><b>Total 2,000,000 USD UNDP</b>  <b>UNICEF:</b></p> <p>Staffing to support programming, International consultants, national consultants, national project staff</p> <p><b>300,000 USD per year</b>  <b>900,000 USD three years (included in programme budget)</b></p> <p><b>UNICEF:</b>  3 drivers  3 cars  MTR including CPIMS</p>	
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		Final evaluation Communication, publication, documentation and learning Staff travel  <b>300,000 USD UNICEF</b>	
		<b>Operations and oversight:</b> Operations, Procurement, human resources support; Deputy Representative- programme management oversight, C4D, Operations and Programme: \$50,000 per annum: <b>150,000 USD UNICEF</b>	
		<b>UNICEF:</b> Outputs incl staff 2,225,000 USD Operations, M&E 450,000 USD Sub-total 2,675,000 USD GMS 7% 187,250 USD <b>Grand total 2,862,250 USD</b>	
<b>SUB-TOTAL UNDP</b>		6,040,000 USD	
<b>GMS (8%) UNDP</b>		483,200 USD	
<b>TOTAL UNDP</b>		6,523,200 USD	
<b>UNICEF GRAND TOTAL incl. 7%</b>		2,862,250 USD	
<b>GRAND TOTAL UNDP and UNICEF</b>		9,385,450 USD	

## V. MONITORING AND EVALUATION

In accordance with both UNDP and UNICEF programming policies and procedures, the project will be monitored through the following monitoring and evaluation plans: *[Note: monitoring and evaluation plans should be adapted to project context, as needed]*

### Monitoring Plan

Monitoring Activity	Purpose	Frequency	Expected Action	Partners (if joint)	Cost (if any)
<b>Track results progress</b>	Progress data against the results indicators in the RRF will be collected and analysed to assess the progress of the project in achieving the agreed outputs.	Quarterly, or in the frequency required for each indicator.	Slower than expected progress will be addressed by project management.		
<b>Monitor and Manage Risk</b>	Identify specific risks that may threaten achievement of intended results. Identify and monitor risk management actions using a risk log. This includes monitoring measures and plans that may have been required as per UNDP's Social and Environmental Standards. Audits will be conducted in accordance with UNDP's audit policy to manage financial risk.	Quarterly	Risks are identified by project management and actions are taken to manage risk. The risk log is actively maintained to keep track of identified risks and actions taken.		
<b>Learn</b>	Knowledge, good practices and lessons will be captured regularly, as well as actively sourced from other projects and partners and integrated back into the project.	At least annually	Relevant lessons are captured by the project team and used to inform management decisions.		
<b>Annual Project Quality Assurance</b>	The quality of the project will be assessed against UNDP's quality standards to identify project strengths and weaknesses and to inform management decision making to improve the project.	Annually	Areas of strength and weakness will be reviewed by project management and used to inform decisions to improve project performance.		

<b>Review and Make Course Corrections</b>	Internal 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.	
<b>Project Report</b>	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 long with mitigation measures, and any evaluation or review reports prepared over the period.	Annually, and at the end of the project (final report)		
<b>Project Review (Project Board)</b>	The project's governance mechanism (i.e., 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 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.	Specify frequency (i.e., at least annually)	Any quality concerns or slower than expected progress should be discussed by the project board and management actions agreed to address the issues identified.	

**Evaluation Plan**<sup>33</sup>

<sup>33</sup> Optional, if needed

Evaluation Title	Partners (if joint)	Related Strategic Plan Output	UNDAF/CPD Outcome	Planned Completion Date	Key Evaluation Stakeholders	Cost and Source of Funding
e.g., Mid-Term Evaluation						





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## VI. LEGAL CONTEXT

*[NOTE: Please choose **one** of the following options, as applicable. Delete all other options from the document]*

### **Option a. Where the country has signed the [Standard Basic Assistance Agreement \(SBAA\)](#)**

This project document shall be the instrument referred to as such in Article 1 of the Standard Basic Assistance Agreement between the Government of (country) and UNDP, signed on (date). All references in the SBAA to “Executing Agency” shall be deemed to refer to “Implementing Partner.”

This project will be implemented by [name of entity] (“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.

### **Option b. Where the country has NOT signed the [Standard Basic Assistance Agreement \(SBAA\)](#)**

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 [name of entity] (“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.

### **Option c. For Global and Regional Projects**

This project forms part of an overall programmatic framework under which several separate associated country level activities will be implemented. When assistance and support services are provided from this Project to the associated country level activities, this document shall be the “Project Document” instrument referred to in: (i) the respective signed SBAs for the specific countries; or (ii) in the [Supplemental Provisions to the Project Document](#) attached to the Project Document in cases where the recipient country has not signed an SBAA with UNDP, attached hereto and forming an integral part hereof. All references in the SBAA to “Executing Agency” shall be deemed to refer to “Implementing Partner.”

This project will be implemented by [name of entity] (“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.

## VII. RISK MANAGEMENT

[NOTE: Please choose **one** of the following options that corresponds to the implementation modality of the Project. Delete all other options.]

### Option a. Government Entity (NIM)

1. Consistent with the Article III of the SBAA *[for the Supplemental Provisions to the Project Document]*, the responsibility for the safety and security of the Implementing Partner and its personnel and property, and of UNDP's property in the Implementing Partner's custody, rests with the Implementing Partner. To this end, the Implementing Partner shall:
  - a) put in place an appropriate security plan and maintain the security plan, taking into account the security situation in the country where the project is being carried;
  - b) Assume all risks and liabilities related to the Implementing Partner's security, and the full implementation of the security plan.
2. UNDP reserves the right to verify whether such a plan is in place, and to suggest modifications to the plan when necessary. Failure to maintain and implement an appropriate security plan as required hereunder shall be deemed a breach of the Implementing Partner's obligations under this Project Document.
3. The Implementing Partner agrees to undertake all reasonable efforts to ensure that no UNDP funds received pursuant to the Project Document are used to provide support to individuals or entities associated with terrorism and that the recipients of any amounts provided by UNDP hereunder do not appear on the list maintained by the Security Council Committee established pursuant to resolution 1267 (1999). The list can be accessed via [http://www.un.org/sc/committees/1267/aq\\_sanctions\\_list.shtml](http://www.un.org/sc/committees/1267/aq_sanctions_list.shtml).
4. Social and environmental sustainability will be enhanced through application of the UNDP Social and Environmental Standards (<http://www.undp.org/ses>) and related Accountability Mechanism (<http://www.undp.org/secu-srm>).
5. 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.
6. 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.
7. The Implementing Partner will take appropriate steps to prevent misuse of funds, fraud or corruption, by its officials, consultants, responsible parties, subcontractors and sub-recipients in implementing the project or using UNDP funds. The Implementing Partner will ensure that its financial management, anti-corruption and anti-fraud policies are in place and enforced for all funding received from or through UNDP.

8. The requirements of the following documents, then in force at the time of signature of the Project Document, apply to the Implementing Partner: (a) UNDP Policy on Fraud and other Corrupt Practices and (b) UNDP Office of Audit and Investigations Investigation Guidelines. The Implementing Partner agrees to the requirements of the above documents, which are an integral part of this Project Document and are available online at [www.undp.org](http://www.undp.org).
9. In the event that an investigation is required, UNDP has the obligation to conduct investigations relating to any aspect of UNDP projects and programmes. The Implementing Partner shall provide its full cooperation, including making available personnel, relevant documentation, and granting access to the Implementing Partner's (and its consultants', responsible parties', subcontractors' and sub-recipients') premises, for such purposes at reasonable times and on reasonable conditions as may be required for the purpose of an investigation. Should there be a limitation in meeting this obligation, UNDP shall consult with the Implementing Partner to find a solution.
10. The signatories to this Project Document will promptly inform one another in case of any incidence of inappropriate use of funds, or credible allegation of fraud or corruption with due confidentiality.

Where the Implementing Partner becomes aware that a UNDP project or activity, in whole or in part, is the focus of investigation for alleged fraud/corruption, the Implementing Partner will inform the UNDP Resident Representative/Head of Office, who will promptly inform UNDP's Office of Audit and Investigations (OAI). The Implementing Partner shall provide regular updates to the head of UNDP in the country and OAI of the status of, and actions relating to, such investigation.

11. *Choose one of the three following options:*

*Option 1:* UNDP shall be entitled to a refund from the Implementing Partner of any funds provided that have been used inappropriately, including through fraud or corruption, or otherwise paid other than in accordance with the terms and conditions of the Project Document. Such amount may be deducted by UNDP from any payment due to the Implementing Partner under this or any other agreement. Recovery of such amount by UNDP shall not diminish or curtail the Implementing Partner's obligations under this Project Document.

*Option 2:* The Implementing Partner agrees that, where applicable, donors to UNDP (including the Government) whose funding is the source, in whole or in part, of the funds for the activities which are the subject of this Project Document, may seek recourse to the Implementing Partner for the recovery of any funds determined by UNDP to have been used inappropriately, including through fraud or corruption, or otherwise paid other than in accordance with the terms and conditions of the Project Document.

*Option 3:* UNDP shall be entitled to a refund from the Implementing Partner of any funds provided that have been used inappropriately, including through fraud or corruption, or otherwise paid other than in accordance with the terms and conditions of the Project Document. Such amount may be deducted by UNDP from any payment due to the Implementing Partner under this or any other agreement.

Where such funds have not been refunded to UNDP, the Implementing Partner agrees that donors to UNDP (including the Government) whose funding is the source, in whole or in part, of the funds for the activities under this Project Document, may seek recourse to the Implementing

Partner for the recovery of any funds determined by UNDP to have been used inappropriately, including through fraud or corruption, or otherwise paid other than in accordance with the terms and conditions of the Project Document.

*Note:* The term "Project Document" as used in this clause shall be deemed to include any relevant subsidiary agreement further to the Project Document, including those with responsible parties, subcontractors and sub-recipients.

12. Each contract issued by the Implementing Partner in connection with this Project Document shall include a provision representing that no fees, gratuities, rebates, gifts, commissions or other payments, other than those shown in the proposal, have been given, received, or promised in connection with the selection process or in contract execution, and that the recipient of funds from the Implementing Partner shall cooperate with any and all investigations and post-payment audits.
13. Should UNDP refer to the relevant national authorities for appropriate legal action any alleged wrongdoing relating to the project, the Government will ensure that the relevant national authorities shall actively investigate the same and take appropriate legal action against all individuals found to have participated in the wrongdoing, recover and return any recovered funds to UNDP?
14. The Implementing Partner shall ensure that all of its obligations set forth under this section entitled "Risk Management" are passed on to each responsible party, subcontractor and sub-recipient and that all the clauses under this section entitled "Risk Management Standard Clauses" are included, *mutatis mutandis*, in all sub-contracts or sub-agreements entered into further to this Project Document.

#### **Option b. UNDP (DIM)**

1. UNDP as the Implementing Partner will comply with the policies, procedures and practices of the United Nations Security Management System (UNSMS.)
2. UNDP as the Implementing Partner will undertake all reasonable efforts to ensure that none of the [project funds]<sup>34</sup> [UNDP funds received pursuant to the Project Document]<sup>35</sup> are used to provide support to individuals or entities associated with terrorism and that the recipients of any amounts provided by UNDP hereunder do not appear on the list maintained by the Security Council Committee established pursuant to resolution 1267 (1999). The list can be accessed via [http://www.un.org/sc/committees/1267/aq\\_sanctions\\_list.shtml](http://www.un.org/sc/committees/1267/aq_sanctions_list.shtml). This provision must be included in all sub-contracts or sub-agreements entered into under this Project Document.
3. Social and environmental sustainability will be enhanced through application of the UNDP Social and Environmental Standards (<http://www.undp.org/ses>) and related Accountability Mechanism (<http://www.undp.org/secu-srm>).
4. UNDP as the Implementing Partner will: (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

<sup>34</sup> To be used where UNDP is the Implementing Partner

<sup>35</sup> To be used where the UN, a UN fund/programme or a specialized agency is the Implementing Partner

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.

5. 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.
6. UNDP as the Implementing Partner will ensure that the following obligations are binding on each responsible party, subcontractor and sub-recipient:
  - a. Consistent with the Article III of the SBAA [*for the Supplemental Provisions to the Project Document*], the responsibility for the safety and security of each responsible party, subcontractor and sub-recipient and its personnel and property, and of UNDP's property in such responsible parties, subcontractor's and sub-recipient's custody, rests with such responsible party, subcontractor and sub-recipient. To this end, each responsible party, subcontractor and sub-recipient shall:
    - i. put in place an appropriate security plan and maintain the security plan, taking into account the security situation in the country where the project is being carried;
    - ii. assume all risks and liabilities related to such responsible party's, subcontractor's and sub-recipient's security, and the full implementation of the security plan.
  - b. UNDP reserves the right to verify whether such a plan is in place, and to suggest modifications to the plan when necessary. Failure to maintain and implement an appropriate security plan as required hereunder shall be deemed a breach of the responsible party's, subcontractor's and sub-recipient's obligations under this Project Document.
  - c. Each responsible party, subcontractor and sub-recipient will take appropriate steps to prevent misuse of funds, fraud or corruption, by its officials, consultants, subcontractors and sub-recipients in implementing the project or programme or using the UNDP funds. It will ensure that its financial management, anti-corruption and anti-fraud policies are in place and enforced for all funding received from or through UNDP.
  - d. The requirements of the following documents, then in force at the time of signature of the Project Document, apply to each responsible party, subcontractor and sub-recipient: (a) UNDP Policy on Fraud and other Corrupt Practices and (b) UNDP Office of Audit and Investigations Investigation Guidelines. Each responsible party, subcontractor and sub-recipient agrees to the requirements of the above documents, which are an integral part of this Project Document and are available online at [www.undp.org](http://www.undp.org).
  - e. In the event that an investigation is required, UNDP will conduct investigations relating to any aspect of UNDP programmes and projects. Each responsible party, subcontractor and sub-recipient will provide its full cooperation, including making available personnel, relevant documentation, and granting access to its (and its consultants', subcontractors' and sub-recipients') premises, for such purposes at reasonable times and on reasonable conditions as may be required for the purpose

of an investigation. Should there be a limitation in meeting this obligation, UNDP shall consult with it to find a solution.

- f. Each responsible party, subcontractor and sub-recipient will promptly inform UNDP as the Implementing Partner in case of any incidence of inappropriate use of funds, or credible allegation of fraud or corruption with due confidentiality.

Where it becomes aware that a UNDP project or activity, in whole or in part, is the focus of investigation for alleged fraud/corruption, each responsible party, subcontractor and sub-recipient will inform the UNDP Resident Representative/Head of Office, who will promptly inform UNDP's Office of Audit and Investigations (OAI). It will provide regular updates to the head of UNDP in the country and OAI of the status of, and actions relating to, such investigation.

- g. *Choose one of the three following options:*

*Option 1:* UNDP will be entitled to a refund from the responsible party, subcontractor or sub-recipient of any funds provided that have been used inappropriately, including through fraud or corruption, or otherwise paid other than in accordance with the terms and conditions of this Project Document. Such amount may be deducted by UNDP from any payment due to the responsible party, subcontractor or sub-recipient under this or any other agreement. Recovery of such amount by UNDP shall not diminish or curtail any responsible party's, subcontractor's or sub-recipient's obligations under this Project Document.

*Option 2:* Each responsible party, subcontractor or sub-recipient agrees that, where applicable, donors to UNDP (including the Government) whose funding is the source, in whole or in part, of the funds for the activities which are the subject of the Project Document, may seek recourse to such responsible party, subcontractor or sub-recipient for the recovery of any funds determined by UNDP to have been used inappropriately, including through fraud or corruption, or otherwise paid other than in accordance with the terms and conditions of the Project Document.

*Option 3:* UNDP will be entitled to a refund from the responsible party, subcontractor or sub-recipient of any funds provided that have been used inappropriately, including through fraud or corruption, or otherwise paid other than in accordance with the terms and conditions of the Project Document. Such amount may be deducted by UNDP from any payment due to the responsible party, subcontractor or sub-recipient under this or any other agreement.

Where such funds have not been refunded to UNDP, the responsible party, subcontractor or sub-recipient agrees that donors to UNDP (including the Government) whose funding is the source, in whole or in part, of the funds for the activities under this Project Document, may seek recourse to such responsible party, subcontractor or sub-recipient for the recovery of any funds determined by UNDP to have been used inappropriately, including through fraud or corruption, or otherwise paid other than in accordance with the terms and conditions of the Project Document.

Note: The term "Project Document" as used in this clause shall be deemed to include any relevant subsidiary agreement further to the Project Document, including those with responsible parties, subcontractors and sub-recipients.

- h. Each contract issued by the responsible party, subcontractor or sub-recipient in connection with this Project Document shall include a provision representing that no fees, gratuities, rebates, gifts, commissions or other payments, other than those shown in the proposal, have been given, received, or promised in connection with the selection process or in contract execution, and that the recipient of funds from it shall cooperate with any and all investigations and post-payment audits.
- i. Should UNDP refer to the relevant national authorities for appropriate legal action any alleged wrongdoing relating to the project or programme, the Government will ensure that the relevant national authorities shall actively investigate the same and take appropriate legal action against all individuals found to have participated in the wrongdoing, recover and return any recovered funds to UNDP.
- j. Each responsible party, subcontractor and sub-recipient shall ensure that all of its obligations set forth under this section entitled "Risk Management" are passed on to its subcontractors and sub-recipients and that all the clauses under this section entitled "Risk Management Standard Clauses" are adequately reflected, *mutatis mutandis*, in all its sub-contracts or sub-agreements entered into further to this Project Document.

**Option c. CSO/NGO/Non-UN or other IGO with no signed SBAA with UNDP**

1. Consistent with the Article III of the SBAA [*for the Supplemental Provisions to the Project Document*], the responsibility for the safety and security of the Implementing Partner and its personnel and property, and of UNDP's property in the Implementing Partner's custody, rests with the Implementing Partner. To this end, the Implementing Partner shall:
  - a) put in place an appropriate security plan and maintain the security plan, taking into account the security situation in the country where the project is being carried;
  - b) assume all risks and liabilities related to the Implementing Partner's security, and the full implementation of the security plan.
2. UNDP reserves the right to verify whether such a plan is in place, and to suggest modifications to the plan when necessary. Failure to maintain and implement an appropriate security plan as required hereunder shall be deemed a breach of the Implementing Partner's obligations under this Project Document and the Project Cooperation Agreement between UNDP and the Implementing Partner<sup>36</sup>.
3. The Implementing Partner agrees to undertake all reasonable efforts to ensure that no UNDP funds received pursuant to the Project Document are used to provide support to individuals or entities associated with terrorism and that the recipients of any amounts provided by UNDP hereunder do not appear on the list maintained by the Security Council Committee established pursuant to resolution 1267 (1999). The list can be accessed via [http://www.un.org/sc/committees/1267/aq\\_sanctions\\_list.shtml](http://www.un.org/sc/committees/1267/aq_sanctions_list.shtml).
4. Social and environmental sustainability will be enhanced through application of the UNDP Social and Environmental Standards (<http://www.undp.org/ses>) and related Accountability Mechanism (<http://www.undp.org/secu-srm>).

<sup>36</sup> Use bracketed text only when IP is an NGO/IGO



5. 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.
6. 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.
7. The Implementing Partner will take appropriate steps to prevent misuse of funds, fraud or corruption, by its officials, consultants, responsible parties, subcontractors and sub-recipients in implementing the project or using the UNDP funds. The Implementing Partner will ensure that its financial management, anti-corruption and anti-fraud policies are in place and enforced for all funding received from or through UNDP.
8. The requirements of the following documents, then in force at the time of signature of the Project Document, apply to the Implementing Partner: (a) UNDP Policy on Fraud and other Corrupt Practices and (b) UNDP Office of Audit and Investigations Investigation Guidelines. The Implementing Partner agrees to the requirements of the above documents, which are an integral part of this Project Document and are available online at [www.undp.org](http://www.undp.org).
9. In the event that an investigation is required, UNDP has the obligation to conduct investigations relating to any aspect of UNDP programmes and projects. The Implementing Partner shall provide its full cooperation, including making available personnel, relevant documentation, and granting access to the Implementing Partner's (and its consultants', responsible parties', subcontractors' and sub-recipients') premises, for such purposes at reasonable times and on reasonable conditions as may be required for the purpose of an investigation. Should there be a limitation in meeting this obligation, UNDP shall consult with the Implementing Partner to find a solution.
10. The Implementing Partner will promptly inform UNDP in case of any incidence of inappropriate use of funds, or credible allegation of fraud or corruption with due confidentiality.

Where the Implementing Partner becomes aware that a UNDP project or activity, in whole or in part, is the focus of investigation for alleged fraud/corruption, the Implementing Partner will inform the UNDP Resident Representative/Head of Office, who will promptly inform UNDP's Office of Audit and Investigations (OAI). The Implementing Partner shall provide regular updates to the head of UNDP in the country and OAI of the status of, and actions relating to, such investigation.

11. *Choose one of the three following options:*

*Option 1:* UNDP shall be entitled to a refund from the Implementing Partner of any funds provided that have been used inappropriately, including through fraud or corruption, or otherwise paid other than in accordance with the terms and conditions of this Project Document. Such amount may be deducted by UNDP from any payment due to the Implementing Partner under this or any other agreement. Recovery of such amount by UNDP shall not diminish or curtail the Implementing Partner's obligations under this Project Document.

*Option 2:* The Implementing Partner agrees that, where applicable, donors to UNDP (including the Government) whose funding is the source, in whole or in part, of the funds for the activities which are the subject of the Project Document, may seek recourse to the Implementing Partner for the recovery of any funds determined by UNDP to have been used inappropriately, including through fraud or corruption, or otherwise paid other than in accordance with the terms and conditions of the Project Document.

*Option 3:* UNDP shall be entitled to a refund from the Implementing Partner of any funds provided that have been used inappropriately, including through fraud or corruption, or otherwise paid other than in accordance with the terms and conditions of the Project Document. Such amount may be deducted by UNDP from any payment due to the Implementing Partner under this or any other agreement.

Where such funds have not been refunded to UNDP, the Implementing Partner agrees that donors to UNDP (including the Government) whose funding is the source, in whole or in part, of the funds for the activities under this Project Document, may seek recourse to the Implementing Partner for the recovery of any funds determined by UNDP to have been used inappropriately, including through fraud or corruption, or otherwise paid other than in accordance with the terms and conditions of the Project Document.

Note: The term "Project Document" as used in this clause shall be deemed to include any relevant subsidiary agreement further to the Project Document, including those with the Implementing Partner, responsible parties, subcontractors and sub-recipients.

12. Each contract issued by the Implementing Partner in connection with this Project Document shall include a provision representing that no fees, gratuities, rebates, gifts, commissions or other payments, other than those shown in the proposal, have been given, received, or promised in connection with the selection process or in contract execution, and that the recipient of funds from the Implementing Partner shall cooperate with any and all investigations and post-payment audits.
13. Should UNDP refer to the relevant national authorities for appropriate legal action any alleged wrongdoing relating to the project, the Government will ensure that the relevant national authorities shall actively investigate the same and take appropriate legal action against all individuals found to have participated in the wrongdoing, recover and return any recovered funds to UNDP.
14. The Implementing Partner shall ensure that all of its obligations set forth under this section entitled "Risk Management Standard Clauses" are passed on to each responsible party, subcontractor and sub-recipient and that all the clauses under this section entitled "Risk Management" are included, *mutatis mutandis*, in all sub-contracts or sub-agreements entered into further to this Project Document.

**Option d. UN Agency other than UNDP, and IGO with signed SBEAA with UNDP**

1. [Name of UN Agency/IGO] as the Implementing Partner will comply with the policies, procedures and practices of the United Nations Security Management System (UNSMS.)

2. [Name of UN Agency/IGO] as the Implementing Partner will ensure that the following obligations are binding on each responsible party, subcontractor and sub-recipient that is not a UN entity:
  - a. Consistent with the Article III of the SBAA *[or the Supplemental Provisions to the Project Document]*, the responsibility for the safety and security of each responsible party, subcontractor and sub-recipient and its personnel and property, and of [Name of UN Agency/IGO]'s property in such responsible party's, subcontractor's and sub-recipient's custody, rests with such responsible party, subcontractor and sub-recipient. To this end, each responsible party, subcontractor and sub-recipient shall:
    - i. put in place an appropriate security plan and maintain the security plan, taking into account the security situation in the country where the project is being carried;
    - ii. assume all risks and liabilities related to such responsible party's, subcontractor's and sub-recipient's security, and the full implementation of the security plan.
  - b. [Name of UN Agency/IGO] reserves the right to verify whether such a plan is in place, and to suggest modifications to the plan when necessary. Failure to maintain and implement an appropriate security plan as required hereunder shall be deemed a breach of the responsible party's, subcontractor's and sub-recipient's obligations under this Project Document.
3. [Name of UN Agency/IGO] agrees to undertake all reasonable efforts to ensure that none of the [project funds]<sup>37</sup> [UNDP funds received pursuant to the Project Document]<sup>38</sup> are used to provide support to individuals or entities associated with terrorism and that the recipients of any amounts provided by UNDP hereunder do not appear on the list maintained by the Security Council Committee established pursuant to resolution 1267 (1999). The list can be accessed via [http://www.un.org/sc/committees/1267/aq\\_sanctions\\_list.shtml](http://www.un.org/sc/committees/1267/aq_sanctions_list.shtml).
4. Social and environmental sustainability will be enhanced through application of the UNDP Social and Environmental Standards (<http://www.undp.org/ses>) and related Accountability Mechanism (<http://www.undp.org/secu-srm>).
5. 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.
6. 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.
7. The Implementing Partner will take appropriate steps to prevent misuse of funds, fraud or corruption, by its officials, consultants, responsible parties, subcontractors and sub-recipients in implementing the project or programme or using the UNDP funds. The Implementing Partner

<sup>37</sup> To be used where UNDP is the Implementing Partner

<sup>38</sup> To be used where the UN, a UN fund/programme or a specialized agency is the Implementing Partner

will ensure that its financial management, anti-corruption and anti-fraud policies are in place and enforced for all funding received from or through UNDP.

8. [*This text should be included when the Implementing Partner is a non-UN IGO:* The requirements of the following documents, then in force at the time of signature of the Project Document, apply to the Implementing Partner: (a) UNDP Policy on Fraud and other Corrupt Practices and (b) UNDP Office of Audit and Investigations Investigation Guidelines. The Implementing Partner agrees to the requirements of the above documents, which are an integral part of this Project Document and are available online at [www.undp.org](http://www.undp.org).]
9. [*This text should be included when the Implementing Partner is a non-UN IGO:* In the event that an investigation is required, UNDP has the obligation to conduct investigations relating to any aspect of UNDP projects or programmes. The Implementing Partner shall provide its full cooperation, including making available personnel, relevant documentation, and granting access to the Implementing Partner's (and its consultants', responsible parties', subcontractors' and sub-recipients') premises, for such purposes at reasonable times and on reasonable conditions as may be required for the purpose of an investigation. Should there be a limitation in meeting this obligation, UNDP shall consult with the Implementing Partner to find a solution.]
10. The Implementing Partner and UNDP will promptly inform one another in case of any incidence of inappropriate use of funds, or credible allegation of fraud or corruption with due confidentiality.

Where the Implementing Partner becomes aware that a UNDP project or activity, in whole or in part, is the focus of investigation for alleged fraud/corruption, the Implementing Partner will inform the UNDP Resident Representative/Head of Office, who will promptly inform UNDP's Office of Audit and Investigations (OAI). The Implementing Partner shall provide regular updates to the head of UNDP in the country and OAI of the status of, and actions relating to, such investigation.

11. *Choose one of the three following options:*

*Option 1:* UNDP shall be entitled to a refund from the Implementing Partner of any funds provided that have been used inappropriately, including through fraud or corruption, or otherwise paid other than in accordance with the terms and conditions of this Project Document. Such amount may be deducted by UNDP from any payment due to the Implementing Partner under this or any other agreement. Recovery of such amount by UNDP shall not diminish or curtail the Implementing Partner's obligations under this Project Document.

*Option 2:* The Implementing Partner agrees that, where applicable, donors to UNDP (including the Government) whose funding is the source, in whole or in part, of the funds for the activities which are the subject of the Project Document, may seek recourse to the Implementing Partner for the recovery of any funds determined by UNDP to have been used inappropriately, including through fraud or corruption, or otherwise paid other than in accordance with the terms and conditions of the Project Document.

*Option 3:* UNDP shall be entitled to a refund from the Implementing Partner of any funds provided that have been used inappropriately, including through fraud or corruption, or otherwise paid other than in accordance with the terms and conditions of the Project Document. Such amount may be deducted by UNDP from any payment due to the Implementing Partner under this or any other agreement.

Where such funds have not been refunded to UNDP, the Implementing Partner agrees that donors to UNDP (including the Government) whose funding is the source, in whole or in part, of the funds for the activities under this Project Document, may seek recourse to the Implementing Partner for the recovery of any funds determined by UNDP to have been used inappropriately, including through fraud or corruption, or otherwise paid other than in accordance with the terms and conditions of the Project Document.

Note: The term "Project Document" as used in this clause shall be deemed to include any relevant subsidiary agreement further to the Project Document, including those with responsible parties, subcontractors and sub-recipients.

12. Each contract issued by the Implementing Partner in connection with this Project Document shall include a provision representing that no fees, gratuities, rebates, gifts, commissions or other payments, other than those shown in the proposal, have been given, received, or promised in connection with the selection process or in contract execution, and that the recipient of funds from the Implementing Partner shall cooperate with any and all investigations and post-payment audits.
13. Should UNDP refer to the relevant national authorities for appropriate legal action any alleged wrongdoing relating to the project, the Government will ensure that the relevant national authorities shall actively investigate the same and take appropriate legal action against all individuals found to have participated in the wrongdoing, recover and return any recovered funds to UNDP.
14. The Implementing Partner shall ensure that all of its obligations set forth under this section entitled "Risk Management Standard Clauses" are passed on to each responsible party, subcontractor and sub-recipient and that all the clauses under this section entitled "Risk Management" are included, *mutatis mutandis*, in all sub-contracts or sub-agreements entered into further to this Project Document.



**Annex: OFFLINE RISK LOG**



<b>Project Title:</b> Strengthening Rule of Law and Enhancing Justice and Security Service Delivery in The Gambia	<b>Date:</b> May 2016
<b>Award ID:</b>	

#	Description	Date Identified	Type	Impact & Probability	Countermeasures / Mngt response	Owner	Submitted, updated by	Last Update	Status
1	Challenges in cooperation and coordination within state institutions and/or between state and public compromise results	May 2017	Strategic & Political	P = 2 I = 4	The Project will regularly involve the different criminal justice institutions and the relevant implementing partners to minimise this risk and ensuring proper collaboration and information sharing and building partnership. A number of justice forums will be supported to facilitate continuous stakeholders' engagement at both institutional level and public level. Incentives for increased coordination will be identified and promoted.	UNDP, UNICEF, MOJ, MOI, DSW CSOs, Police, Prisons			
2	Increased civic engagement and public participation is not translated into more accountable & responsive justice and human rights institutions	May 2017	Strategic	P = 3 I = 4	The Project will advocate for strengthening internal accountability, promoting dialogue between government and civil society and increased public oversight. A Number of accountability mechanisms will be put in place to support more inclusion and responsiveness. However, the Project alone is not able to address the risk if not sustained by more	MOJ,MOI UNDP, UNICEF, DSW CSOs, Police, Prisons			

3	Limited resources allocated in justice and human rights sector sustainable institutional reform	May 2017	Financial	P =4 I = 5	public demand for improved performance of justice institutions and political commitment The project partners will work closely to regularly advocate for adequate budget allocation to the justice, human rights and legal aid sector and to support sustainable legal frameworks.	MOJ, MOI, UNDP, UNICEF, Police, Prisons, DSW							
4	Limited institutional commitment to improve the legal aid framework	May 2017	Political	P=2 I=5	The Project will continue to advocate for changes in the legal aid framework in order to enhance access to justice for vulnerable groups. A number of forums and a widespread awareness campaign will be established during project implementation and a series of thematic debates will organize in partnership with civil society to discuss the need for a state funded legal aid system as pre-requisite for due processes and fulfilment of constitutional rights	MOJ, MOI, DSW, UNDP, UNICEF, Police, Prisons							
5	Breakdown of trust between Government, CHRAGG and civil society and human rights actors	May 2017	Strategic	P=2 I=5	It is projected that the Project will be able to build bridges and enable improved confidence between public and government by establishing regular spaces for civic engagement and public debates on justice and human rights issues. Increased participation of civil society in justice and human rights decision-making is expected to generate more trust in public services.	MOJ, MOI, UNDP, UNICEF, DSW, Police, Prisons							



6	Lack of incentives & vested interests are too strong to nurture a public interest culture and promote change	May 2017	Strategic	P=3 I=4	The Project will work to institutionalise the process for change and where possible, bolster it through proper engagement of multiple drivers of change and generation of incentives	IPs, UNDP, UNICEF		
7	Duplication or unproductive overlap with other initiatives and projects of donors,	May 2017	Strategic	P = 2 I = 3	Institutionalize the tracking of similar projects; regular meetings with partners/ donors working on access to justice & legal aid to maximize impact and avoid duplication of interventions	UNDP, UNICEF		
8	Overlapping mandates and activities of government institutions and no clarity on roles and division of functions	May 2017	Operational	P=2 I=3	In addition to fostering technical level cooperation, the Project will continue to support the government in its efforts to clarify the different functional mandates and roles and promote synergies instead of duplication	MOJ, MOI, UNDP, UNICEF, DSW, Police, Prisons		
9	Lack of commitment to gender mainstreaming and focus on women access to justice	May 2017	Political	P=2 I=5	Mainstreaming gender and supporting specialised justice and legal aid services for women is a clear objective of the intervention. The Project will support this through engagement of champions and drivers for change in order to foster and support gender mainstreaming efforts across all its implementing partners. Synergies with UN and NGOs with a clear mandate on women and justice will be built to generate more commitment	IPs, UNDP, UNICEF		

10	Deep-rooted legal and social discrimination against women	May 2017	Other Social	-	P=3 I=4	<p>The Project will work closely with civil society organizations provided with a strong expertise</p> <p>In developing effective strategies for advancing women's legal aid and access to justice and rights. The Project will assist women's legal aid organisations to provide assistance services and lead grassroots community initiatives to promote increased support for women's rights. These 'bottom-up' approaches will be complemented by support to institutions to ensure that they become more responsive to women's justice and rights, and adopt a rights-based approach to gender equality.</p>	UNDP, UNICEF, IPs		
12	Cumbersome internal support processes, including delayed transfer of resources from Government to partners	May 2017	Operational		P=4 I=4	<p>This risk can be mitigated by proper planning, both internally and with the counterparts, including timely preparation of narrative &amp; financial reports and request for funds disbursement. Operational and financial monitoring will be assisted by UNDP and the Project Board</p>	MOJ, MOI, DSW, UNDP, UNICEF		
13	Lack of reliable data to make informed decisions	May 2017	Operational		P=2 I=3	<p>Improved the availability of data to inform policy decisions is a clear objective of the Project. This risk is expected to be mitigated through the establishment of baselines, improved institutional M&amp;E frameworks and information sharing between justice and human rights actors.</p>	IPs, UNDP, UNICEF		

14	Lack of donor interest & engagement	May 2017	Strategic	P=2 I=4	<p>Data generation is a cross-cutting issues and the building of systems and capacities for data collection and analysis will ensure reliable data and results-based approach to monitoring, evaluating and reporting</p> <p>Engaging the project donors in attempts to attain policy changes and achieve the envisioned results is likely to be more effective than when attempted by the Project alone. The Project will be well-positioned to work from within to bring about policy changes but these efforts require to be joined by consistent messaging from the donor community. The Project is also expected to facilitate donors' direct participation in supported justice and human rights forums and by doing this to promote their engagement</p>	DPs, UNDP, UNICEF			
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