

## Annual Project Report (APR)

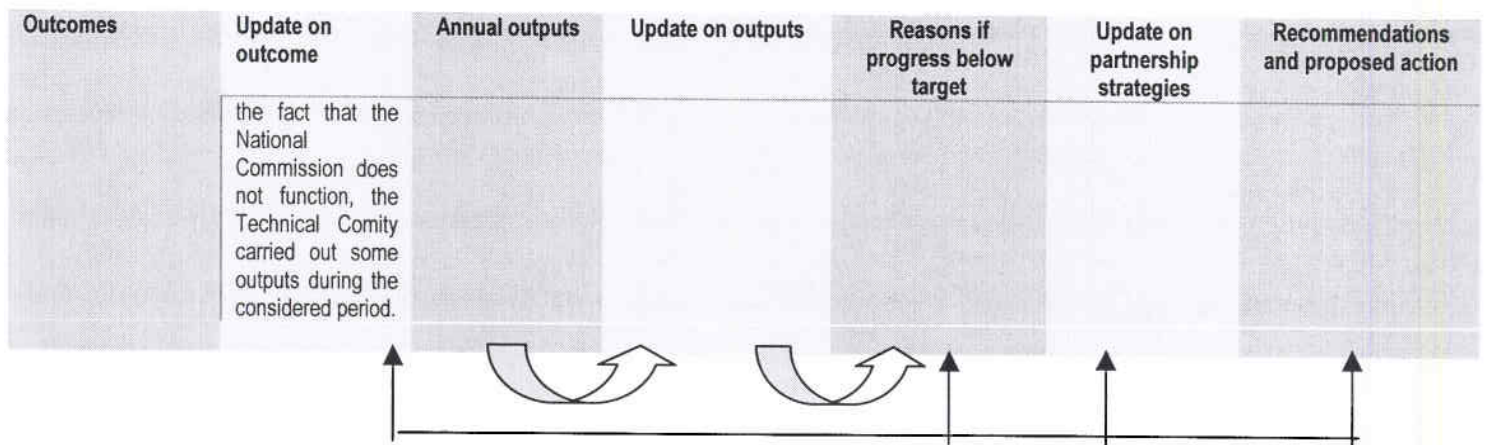
**For project:** HAI/02/M01 – Reform of the Penal and Criminal Procedure Codes

**Period covered:** January 2003 to December 31<sup>st</sup> 2003

### PROJECT PERFORMANCE—CONTRIBUTION TO THE SRF GOALS

SRF Goal: [imported from SRF]		SRF Sub Goal: [imported from SRF]		Strategic Area of Support: [from SRF]		
Outcomes	Update on outcome	Annual outputs	Update on outputs	Reasons if progress below target	Update on partnership strategies	Recommendations and proposed action
Building upon the legacy of successive UN peacekeeping missions in Haiti, the rule of law consolidated and key democratic institutions strengthened, through participatory justice reform and strengthening of law enforcement, security, human rights institutions.	From the MYFF Progress Report: Based on the outcome targets set in the SRF and regarding the specific project HAI/02/M/1, one can state that progress made in the past in the context of the Reform of the Penal and Criminal procedure Codes (nomination of the members of the National Commission of Haitian Codes Reform by a Head of State Act, formal establishment of the Technical Comity in charge of assisting the said Commission) did not lead to a sustainable reform movement. So far, the National Commission is not functional (one formal meeting with the members of the Technical Comity). According to the Minister of Justice, the reason is that the National Commission has not room where its members can meet. In spite of	SRF output targets 2003:  1. Organization by the Technical Comity of work groups through the country in order to share with the judicial personnel and to make aware the said personnel to its works regarding the Haitian Criminal Procedure Reform.  2. Drafting of the main principles of the Criminal Procedure Code with respect to the International Human Rights Conventions and to the Haitian 1987 Constitution.  3. Drafting of the Criminal Procedure Code plan.  4. Drafting of the first Part of the Criminal Procedure Code.  P.s The Technical Comity planned to submit its works to the National Commission when it will be functional.	Update on 2003 SRF output targets:  Partly achieved : Review of the criminal Procedure Code	The National Commission of Haitian Codes Reform is not functional. According to the Ministry of Justice, president of the said Commission according to the law, this is due to the lack of a working room where the members can meet. In order to address this issue, UNDP mobilized funds to assist the government (fit out a room within the Ministry of Justice and Public Security). The UNDP assistance does not success because of the inertia of the or/and the lack of political will of the national partner.	The key partnership for the above project is the Ministry of Justice and Public Security. Regrettably, it was not consolidated during the considered period because of the inertia or/and the lack of political will. In fact, the National Commission of Haitian Codes Reform is not functional because of the above reasons.	It is highly recommended to cancel the project in abeyance of a clear expression of the political will from the government.





#### RESOURCES USED IN THE REPORTING PERIOD

A. Human Resources: One (1) International, One (1) Administrative Assistant.

B. Financial Resources: 214,767\$ charged through FIM before 31 December 2002, and 29, 925\$ expended in 2002 but not entered in FIM before close of budgetary year.

#### PROJECT PERFORMANCE—IMPLEMENTATION ISSUES

List the three main challenges (at most, if any) experienced during implementation and propose a way forward. Note any steps already taken to solve the problems.

Because the main obstacle to the functioning of the Commission was, according to the Minister of Justice and Public Security, absence of a working office, the UNDP took some actions in order to address the issue :

- At the request of the Minister of Justice and Public Security, the Chief Technical Adviser met several times with the Minister Advisers in order to find together the best way to address the working office issue. It appears that the location of a room could solve momentarily the problem. This solution did not satisfy the members of the Commission who insisted to work in an official and permanent room;
- After the fail of this step, the Chief Technical Adviser planned several meetings between the UNDP Resident Representative and the Minister of Justice and Public Security. The later asked the UNDP Resident Representative to support financially his efforts to fit out a working room within the Ministry of Justice and Public Security. This request had been agreed and the Project was asked to ensure the follow up.
- Funds have been mobilized by the UNDP in that context. Unfortunately, the Ministry of Justice and Public Security, did not respond to the UNDP procedures in the matter of job offer.

#### RATING ON PROGRESS TOWARDS RESULTS

[If the CO has decided to use "rating of progress" as a tool, the Project Manager indicates his/her rating of progress for outputs. Subsequently the Programme Manager indicates agreement (or rates differently) and rates progress towards the outcome. These ratings may be used by the country office and/or Headquarters for the ROAR analysis, as well as for input to evaluations and other purposes for results validation.]

For outcomes:

- Positive change** (determined by evidence of movement from the baseline towards the end-SRF target measured by an outcome indicator)
- Negative change** (reversal to a level below the baseline measured by an outcome indicator)
- Unchanged**

For outputs: Applied to each output target [This is for the strategic outputs only. If the parties want rating of all outputs, the ones not in the SRF would be based on the project document, work plans or any other agreement on expected results.]

- No** (not achieved)
- Partial** (only if two-thirds or more of a quantitative target is achieved)
- Yes** (achieved)

## **SOFT ASSISTANCE NOT PROVIDED THROUGH PROJECTS OR PROGRAMMES**

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[Soft assistance contributes to the outcome and/or outputs. This section asks the Project Manager to provide information about any activities conducted that were **not** envisaged in the work plan or have yet to produce concrete results. It aims to identify additional or specific activities that are required to ensure progress towards the outcome. This section of the APR could contribute to the reporting section in the ROAR regarding narrative on "advocacy and policy dialogue". It allows the country office and the project to work in the same direction in advocacy and dialogue. If soft assistance is not an issue for the project or too sensitive to address, this section may be left empty.]

What are the key activities (if any) of soft assistance undertaken by the project?

As far as the UNDP policy in the matter of support to the Justice Reform, notably the criminal procedure reform is to assist the both Civil Society efforts (Forum Citoyen) and the institutional process through the National Commission of Haitian Codes Reform is to facilitate, on time, the link between the both processes in order to ensure the effectiveness of the reform, the Technical Comity met with Forum Citoyen (Comité Coordonnateur) and provided technical assistance to the Forum Citoyen Technical Comity.

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## **WAYS IN WHICH DGTF-FUNDED ACTIVITIES WERE CATALYTIC OR INNOVATIVE**

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Because of the withdrawal of bilateral donors from the Justice Sector, UNDP occupies at present, a key position in support of national efforts for the justice sector. In particular as regards the penal reform, UNDP has been the first to engage with key actors, promoting a process that is considered to be key for the modernization of justice in Haiti. Given the difficult political context, innovative approaches have been sought, in particular through engaging civil society in judicial reform through a component of the overall justice project (funded by Canada and the EU).

## **LESSONS LEARNED**

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Describe briefly key lessons learned during the year:

One cannot success in assisting an institution when there is not a minima of political will from the authorities or/and when the government has to deal with political issues. In this case, priorities change.

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