



*Empowered lives.  
Resilient nations.*

*UNDP Global Programme on Strengthening the Rule of Law and Human Rights for Sustaining Peace and Fostering Development*

### **Pipeline Funding Request Form**

Project title:	Apoio ao Processo de Reforma do Sector da Justica
Requesting Country/Regional Office:	PNUD São Tomé and Príncipe
Country/Regional Office focal point:	Katarzyna Wawiernia
Amount requested:	200 000 USD

#### **1. Country context**

Please give a short overview of the political context, including present (or possible) instability, fragility, or opportunity to further prevention efforts.

São Tomé and Príncipe faces a number of related challenges. Despite average GDP growth of over 4 per cent since 2012, poverty has not declined significantly. Around two thirds of the adult population live below the national poverty line – 71.3 per cent of women and 63.4 per cent of men. Access to economic opportunities is skewed, as shown by the unemployment rates of 19.7 per cent for women and 9.3 per cent for men, and the economic activity rate of 51 per cent for women and 75 per cent for men. The unemployment rate among young people aged 15-24 is 23 per cent, compared to the global average of 13 per cent in 2015.

Employment figures are low due to poor economic diversification – for instance, cocoa exports contribute 95 per cent of a trade balance always in deficit. Many citizens have benefited minimally or not at all from the country's development, and environmental vulnerability has exacerbated poverty in certain regions. These issues are compounded by inadequate social protection. The deficient rule of law impedes economic growth, resource mobilization and development management. The justice system is weak and largely inaccessible for vulnerable groups, particularly women and poor people. The uneven income distribution leads to variable economic growth. Although the 2015 Mo Ibrahim Governance Index ranked the country 13 out of 54 African countries, public finance management is not fully transparent, and the lack of citizen involvement impedes improvements to information and service access. These issues are directly related to the inequitable distribution of the country's economic infrastructure. Principal obstacles to establishing the rule of law are impunity for crimes and a weak justice system. The Transformation Agenda 2030 for São Tomé and Príncipe is based on the country's 'Vision São Tomé and Príncipe 2030: The country we need to build'. It aims to boost good governance and public sector reform; promote sustainable and inclusive growth; strengthen human capital and social services delivery; and bolster social cohesion and social protection. To promote rapid economic growth and equitable development, the Government has prioritized (a) consolidating the rule of law and deepening democracy; (b) achieving sustainable growth; (c)

promoting human development; and (d) fostering positive values and behaviours nationwide to promote successful development.

In the current context, the modernization and strengthening of the justice system is of particular importance and in itself constitutes one of the vectors of the economic transformation and development agenda. It has been emphasized by national authorities that the international recognition and prestige of the Democratic State of Sao Tome and Principe depends to a large extent on the normal functioning of the justice system and democratic institutions, which is essential to respect and fulfill the principles embodied in the Universal Declaration of Human Rights and the African Charter of Human Rights.

## **2. Overview of project and the purpose of the funds**

Please give a brief overview of the project for which these funds are requested, including how this targeted action will address the elements of the political context outlined above.

The legal system in Sao Tome and Principe is in a deep crisis, with a tendency to worsen and spread to other sectors in the country. The justice sector crisis has been described as an obstacle to the consolidation of the Rule of Law and to the progress and development of the Country. As a consequence, the Government considers a reform of this sector as a priority, insisting on the importance of strengthening citizens' legitimacy and confidence at all levels of the judicial system.

This project aims to support the Government of Sao tome e Principe in the implementation of its justice sector reform strategy. It is aligned with the global strategy defined and adopted by the Government for the Justice Reform Program and, follows the guidelines of the Strategic Plan of the Ministry of Justice adopted for the period 2018-2022. The initiatives developed in the Justice Sector Reform Action Plan aim to lead to a profound transformation in the rule of law, in order to effectively respond to the needs of all citizens, in particular, the most vulnerable groups groups including women and youth.

UNDP will support the Government in modernizing and improving the accessibility to justice for all citizens and the performance of courts, the Attorney General Office and the police, providing technical and financial assistance to strengthen the capacities of the Justice sector and Human Rights institutions to provide services and uphold the rule of law. Through this project, UNDP will provide strategic support for the computerization of the Judiciary. Assessments and structural reviews will be conducted with a view to strengthening the Judiciary's way of working including statutory reviews of legal frameworks concerning personnel and main bodies, as well as the provision of technical assistance related to improving the functioning of legal institutions and justice service delivery. UNDP will provide guidance and capacity-building measures via a series of trainings, namely *on job*, to strengthen inspection mechanisms and assess the performance of rule of law-affiliated agents and staff.

The funds requested for the project will be used to achieve the following strategic results of the justice sector reform (see Justice Sector Reform Action Plan in Annex for details):

- A) Courts Independence and Public Prosecutor's Office autonomy in relation to the other powers of the State are reinforced.
- B) Accountability mechanisms for the Administration of Justice are strengthened.
- C) Transparency and exigence in the recruitment, selection and entry of all justice agents incresead.
- D) Citizens have access to information about the functioning and activity of the Justice System and the laws that govern it.
- E) Information and communication technologies are used as an indispensable tool for the pursuit of their activity, allowing for the gradual dematerialization of courts and public prosecutor services.

- F) Effective mechanisms and quality of service to the public are implemented.
- g) Vulnerable groups and communities living in remote areas have access to justice services.
- H) The laws on structural, organic and statutory reform of the judicial system will be updated.

### **3. Integrated and multidimensional programming**

Please explain how these funds will contribute to advancing integrated programmatic engagement.

This project aims to implement a justice sector reform action plan or Justice Modernization Program (JMP). The new JMP is the result of a high-level meeting held in September 2019, attended by representatives of the Sovereignty bodies, Political Parties, Attorney General and the Special Representative of the United Nations Secretary-General for Central Africa. At this meeting, representatives of the Sovereign Bodies took on the commitment to modernize the rule of law sector.

The JMP is structured around five areas where action-based on international best practice have been considered with a view to promoting synergies between different sectors, namely:

- a) Strengthening the rule of law and the principle of separation of powers;
- b) Transparency and accountability;
- c) Universal access to justice;
- d) Adequate quality and speedy response of the Justice System;
- e) Prioritization of the fight against crime, domestic violence, sexual abuse of minors and corruption, articulating institutional and police cooperation.

Throughout the drafting process of the JMP, the national authorities have benefited from the support of the United Nations System and the technical assistance of the UNDP CO as well as the Portuguese Cooperation.

This initiative is strictly in line with the CO's CPD (2017-2021) including the democratic governance portfolio which put an emphasis on ensuring equitable access to justice and increasing citizen participation in decision-making bodies. The objective highlighted in the CPD includes achieving sustainable development outcomes, addressing socioeconomic vulnerabilities and ensuring that no one is left behind. To further this objective, UNDP will build on capacities in the Ministry of Justice, Parliament, the electoral commission, the Courts, , prosecution services and the Police Crime Investigation unit. The aim is to increase equitable access to justice, facilitate introduction of an alternative dispute resolution mechanism under the broad justice sector reform process, and improve realization of human rights among the population.

### **4. Partnerships**

Please explain the project's strategy for joined up action and strengthening partnership – both within and external to the UN system.

The implementation and success of this project will depend on a variety of partners, with national public and private entities, other agencies of the United Nations System, national and international NGOs, foreign governments, in particular, African governments including lusophone countries via South-South cooperation mechanisms. Various implementation modalities by the national government, NGOs and UNDP or a combination thereof will be used to increase efficiency, flexibility of operations and UNDP's effective contributions to development results.

### **5. Innovation**

Please describe any innovations or new ways of working that these funds will contribute to.

UNDP will set in place new ways of organizing and delivering court services, through 1) the collection and treatment of all the relevant statistical data using IT tools; 2) the establishment of workflows that promote more efficiency, quality and accountability in the justice

system; 3) Support the specialization of justice agents; 4) Reinforce their articulation; and 5) Create a merit oriented work environment in order to motivate justice agents and build trust, among them and the population in general, in the functioning of the justice system.

#### **6. Catalytic impact and complementarity**

A. Briefly explain how the requested funds will either: a) help accelerate or amplify the project's impact, or b) help attract additional resources to amplify impact.

Through this project, UNDP will provide technical, administrative and logistical support to the Government for the implementation of its Justice Reform Program. It will operate as a catalyst within the donor and international partners community and promote joint engagement to enable co-financing of the Government's justice strategy. UNDP CO has already been reaching out to a wide range of partners including the World Bank and the European Union who have expressed interest in supporting justice service delivery and partnering on this initiative.

Given the lack of confidence in the sector both from within (judges, prosecutors, etc/) as from the population it will be essential to achieve some "quick wins" to keep the momentum and galvanize enthusiasm from all the actors, consensus and trust in the reform process and the actors leading it, which will facilitate sustainability in the long term. In view of achieving some quick wins in the justice sector, to further promote long-term commitment to reform and benefitting from the current momentum the following priorities shall be determined and its implementation followed:

- **Specific measures to immediate give better conditions for the judiciary to assert its independence** - details are given in the Justice Sector Reform Action Plan in Annex as pre-conditions that need to be met to improve the courts status so that more rigor and efficiency can then be demanded from the courts. Issues related to the statistical data and organization of the Courts administrative sections, specialization of judges to deal with the backlog cases. The same for basic conditions to house the magistrates in Principe as it isn't acceptable that Principe has a Court house and no staff at all in the region.
- **Training and capacity building** – possibly in parallel and as an immediate follow up to the inspection process, that should, in a first stage, be essentially pedagogical. Successes and results on training and capacity building would instill much trust and enthusiasm in all personnel from the judiciary in the reform process.
- **Access to justice and bringing justice closer to the population:**  
Support the ministry of justice spaces or opportunities where populations can obtain legal aid and information about their legal and human rights from lawyers or paralegals, and which actively raise awareness on rights. The spaces could be set up in local existing government or regional centers.  
This can be done through promoting an access to justice/needs assessment by the population, dialogues about appropriate models for STP, or other.  
It can and should be done in partnership with the bar association, universities and civil society. Successes and results on access to justice at the local level and in communities would instill trust within the population that the government is providing services. This would thus potentially be an incentive for the government to stay committed in the long term to the NJP.

B. Please describe the project sustainability plan, including how the funds will complement other funding streams

UNDP CO has already allocated already 250 000USD of TRAC for 2020 for implementation but another 200 000 USD is requested to reach the targeted budget of +/- 450 000USD for 2020.

#### **7. Quality assurance**

Checking this box verifies that this project has been (or will be) developed according to the following principles:

- Demonstrates strong national ownership, and is in line with country priorities/CPD
- Targets populations and communities that are most vulnerable
- Adheres the [UNDP corporate Quality Standards and Assurance](#)
- When appropriate, promotes use of South-South and triangular cooperation
- Meets the minimum threshold of 15% of total resources dedicated to gender-related activities

**8. Indicate which RoLSHR Global Programme outputs this project aligns to**

1. A political environment that strengthens rule of law and human rights is further enabled.	<input checked="" type="checkbox"/>
2. Capable justice and security institutions are established and strengthened to increase and improve service delivery in crisis-affected and transitional settings.	<input checked="" type="checkbox"/>
3. Comprehensive community security approaches are developed, strengthened and/or applied.	<input type="checkbox"/>
4. National human rights institutions are strengthened and made more effective in promoting and protecting human rights.	<input type="checkbox"/>
5. Access to justice for all is increased – particularly for vulnerable and marginalized groups, including minorities – and discrimination, exclusion and other drivers of fragility are reduced.	<input checked="" type="checkbox"/>
6. Transitional justice processes and/or mechanisms are promoted in conflict-affected contexts.	<input type="checkbox"/>
7. Human rights, access to justice, and security for women and girls are increased.	<input checked="" type="checkbox"/>