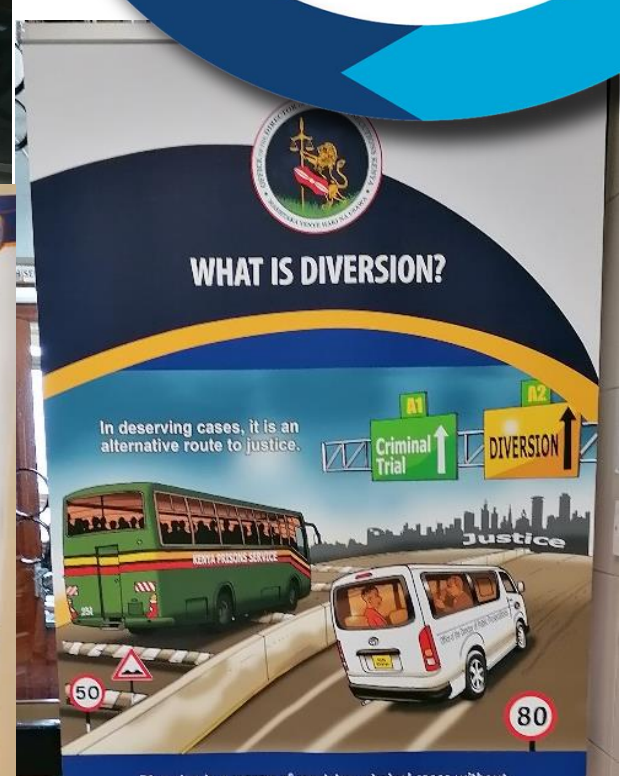
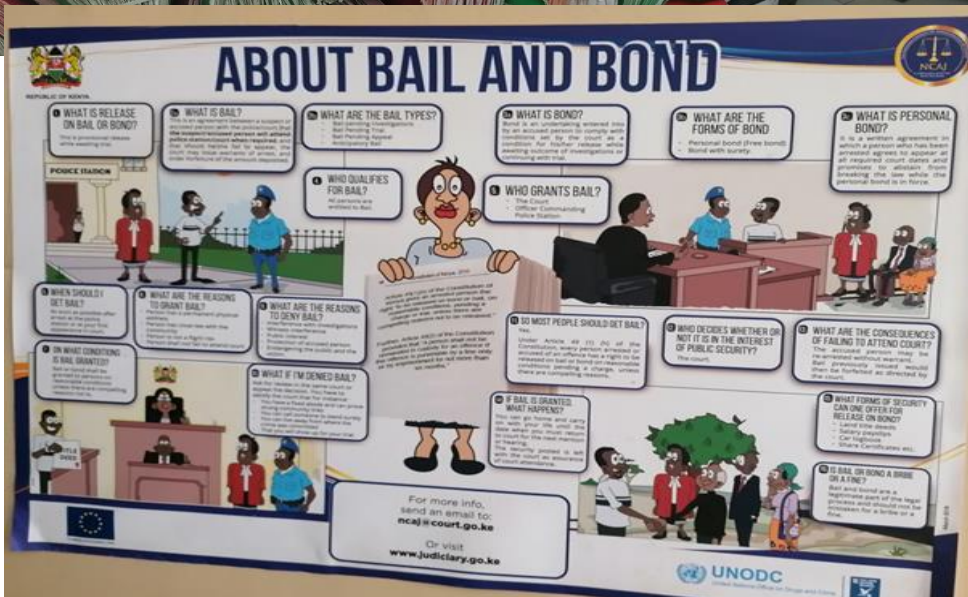


FINAL INDEPENDENT IN-DEPTH EVALUATION

STRENGTHENING THE ADMINISTRATION OF JUSTICE AND OPERATIONALIZING ALTERNATIVES TO IMPRISONMENT IN KENYA

KENW58
April 2023



This independent evaluation report was prepared by an evaluation team consisting of Ms Sofia Guillot de la Puente (Lead Evaluator), Dr Mark Brown (Criminal Justice Expert) and Mr Mikewa Ogada (National Expert). The Independent Evaluation Section (IES) of the United Nations Office on Drugs and Crime (UNODC) provides normative tools, guidelines, and templates to be used in the evaluation process of projects.

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This publication has not been formally edited.

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ABBREVIATIONS AND ACRONYMS

Abbreviation or Acronym	Full name	Abbreviation or Acronym	Full name
ACM	Active Case Management	ODPP	Office of the Director of Public Prosecutions
ADR	Alternative Dispute Resolution	OECD DAC	Organization for Economic Cooperation and Development/Development Assistance Committee
AJS	Alternative Justice Systems	PACS	Probations and Aftercare Services
APPR	Annual Project Progress Report	PO	Probation Officer
ASAL	Arid and Semi-Arid Lands	PTI	Prosecutorial Training Institute
CJ	Criminal Justice	PWD	Persons with Disability
CJS	Criminal Justice System	PLEAD	Program for Legal Empowerment and Aid Delivery
CSO	Community Service Order	RBM	Results Based Management
CSO	Civil Society Organization		
CPV	Community Probation Volunteer	ROEA	Regional Office for East Africa
CUC	Court Users Committee	SGBV	Sexual and Gender-Based Violence
DCS	Directorate of Children's Services	SDG	Sustainable Development Goal
EU	European Union	TOR	Terms of Reference
HRG+	Human Rights, Gender Equality, Disability inclusion and leaving no one behind	UNCT	UN Country Team

Abbreviation or Acronym	Full name	Abbreviation or Acronym	Full name
IES	Independent Evaluation Section	UNDAF	UN Development Assistance Framework
KJA	Kenya Judiciary Academy	UNDP	United Nations Development Programme
KPS	Kenya Prisons Service	UNODC	United Nations Office for Drugs and Crime
NCAJ	National Council on Administration of Justice	UNSDCF	UN Sustainable Development Cooperation Framework
NCCJR	National Committee on Criminal Justice Reforms	WPA	Witness Protection Agency
NLAS	National Legal Aid Service		
NPS	National Police Service		

NARRATIVE

UNODC ROEA's Crime Prevention and Criminal Justice Programme (CPCJ) is pleased to provide this management response to the in-depth Evaluation Report of KENW58 "Programme for Legal Empowerment and Aid Delivery (PLEAD I) in Kenya". PLEAD I is the largest EU investment in the justice sector south of the Sahara. PLEAD I was implemented at an important time in Kenya's history, between two general elections and at a time when Kenya was experiencing progressive changes in the justice sector.

The independent in-depth evaluation comes at a pivotal time, at the end of the first phase of the PLEAD programme and during the development of the second phase (PLEAD II). The evaluation was also preceded by a mid-term review of the programme. CPCJ therefore welcomes the evaluation and recommendations which augment the programme's assessment of its achievements, best practices and lessons learnt throughout the implementation of PLEAD I. Many of the findings made resonate with the programme's self-assessment and with the adjustments and improvements that were already under way in the design of PLEAD II.

Notably, PLEAD II has incorporated an inception phase that takes into account many of the recommendations made in the evaluation report, particularly those pertaining to enhanced evidence-based programming, results-based management and a cohesive approach to implementation with the implementing partner – the United Nations Development Programme (UNDP).

More specifically CPCJ welcomes the findings that PLEAD was on the whole relevant, efficient, effective and responsive to the needs of the justice sector. PLEAD II builds on this experience and lessons learnt to ensure an inclusive, participatory and evidence-based design process. Recognizing that justice programming is highly context specific, the inception phase will involve a baseline assessment to establish new baseline and target data points to support evidence-based interventions. It will also result in a Monitoring and Evaluation (M&E) framework and implementation strategy, to continuously measure progress against these established thresholds and the impact of the programme.

CPCJ also welcomes and accepts the recommendation that greater coordination with UNDP is required for more coherent and impactful outcomes in PLEAD II. This collaboration shall begin right from the inception of PLEAD II, including in the undertaking of the baseline assessment, the development of the M&E strategy and the development of a joint workplan. Both project teams will identify areas of mutual and complementary implementation. This coordination shall be reiterated during implementation through project governance structures such as the Project Steering Committee (PSC) and Project Technical Committee (PTC), as well as through frequent coordination meetings.

CPCJ also appreciates the recommendation related to achieving higher level impact and sustainability, which the evaluators recommend can be enhanced through among other strategies, a well-developed theory of change. The inception phase shall include a review of PLEAD II's project document to enhance the theory of change and logframe. The programme will also incorporate wider justice sector assessments and research, planned during the implementation period.

Sustainability and ownership of the programme are key to effective aid delivery and will be emphasized during project implementation, taking into consideration the priorities of the justice sector partners and by developing more inclusive partnerships. In doing so, it shall adhere to the sustainability strategy outlined in the PLEAD II project document including in its approach to support for training, communication and the use and harnessing of technology for more sustainable outcomes in the justice sector. The Programme Steering Committee and Programme Technical Committee will ensure stronger leadership of the partners in strengthening the justice sector institutions.

The recommendation on incorporating HRG+ needs in the design for PLEAD II is welcomed and has been incorporated. PLEAD II will mainstream HRG+ groups in all interventions as envisaged in the project design, as well as through the monitoring and measurement of results.

These among the other recommendations made will be implemented by the PLEAD II project team, in tandem with further assessments to be undertaken during the inception phase of PLEAD II. CPCJ also remains cognizant of the emerging priorities and human and financial capabilities required to progressively realize the recommendations.

We value the input of the evaluation team in documenting PLEAD’s good practices, lessons learnt and in making recommendations that enhance UNODC-ROEA’s impact in building effective, accountable and inclusive justice sector institutions within the region. The management and project team therefore sincerely thank the evaluation team for their timely contribution and dedication to the enhancement of the PLEAD programme.

INDIVIDUAL RESPONSE

Recommendations ¹	Management Response ²
<p>1. Results based management: Provide appropriate resources to support theory of change supported by evidence-based programming, RBM and internal monitoring and evaluation, including dedicated staffing of the latter function.</p> <p>Recipient: UNODC Plead Programme Managers.</p>	<p>Accepted</p>
<p>2. Sustainability plan: More vigorous attention should be given to the sustainability aspects and hand over of the budgeting arrangements and programme activities to the Government of Kenya.</p> <p>Recipient: UNODC ROEA and UNODC Plead Programme Managers.</p>	<p>Accepted</p>

¹ This is just a short synopsis of the recommendation, please refer to the respective chapter in the main body of the report for the full recommendation.

² Accepted/partially accepted or rejected for each recommendation. For any recommendation that is partially accepted or rejected, a short justification is to be added.

Recommendations ¹	Management Response ²
<p>3. Coordination among the criminal justice institutions: Continue strengthening the coordination role of NCAJ and CUCs.</p> <p>Recipient: UNODC ROEA</p>	Accepted
<p>4. Coordination with UNDP: Strengthen coordination and create more working synergies with UNDP to bring CSO interventions closer to UNODC's support to government justice institutions.</p> <p>Recipient: UNODC ROEA, and Plead Programme Managers</p>	Accepted
<p>5. Technology uptake: Provide an IT enabling framework for a digitized and automated criminal justice system.</p> <p>Recipient: UNODC ROEA.</p>	Accepted
<p>6. Inclusion of NPS and KPS: Integrate all justice actors in the programme including NPS and KPS.</p> <p>Recipient: UNODC ROEA.</p>	Accepted
<p>7. Communication strategy: Provide a broader mandate in visibility and communication work to broaden the scope, reach and format of communication efforts and reach different demographics, literacy levels at the community level.</p> <p>Recipient: UNODC ROEA.</p>	Accepted
<p>8. Balance among counties: Broaden the geographical coverage of the programme, especially with the ASAL counties.</p> <p>Recipient: UNODC ROEA.</p>	Accepted
<p>9. Cross-cutting priorities: HRG+: Provide sufficient technical resources to support the integration of human rights-based approaches, gender equality, disability inclusion, and no one left behind considerations, in programme design and programme implementation.</p> <p>Recipient: UNODC ROEA.</p>	Accepted

INTRODUCTION

PROJECT DESCRIPTION AND OBJECTIVES

The Programme for *Legal Empowerment and Aid Delivery in Kenya (PLEAD)* (CRIS number: KE/FED/037-676) is financed under the 11th European Development Fund (EDF), with the main component delivered by UNODC Regional Office in Eastern Africa (ROEA) under KENW58: Strengthening the Administration of Justice and Operationalising Alternatives to Imprisonment in Kenya. PLEAD was formally launched on 9 March 2018 by the Government of Kenya, the European Union (EU) and the programme's two international implementing partners, UNDP and UNODC. PLEAD was implemented by five Kenyan national partners, including the National Council on Administration of Justice (NCAJ), the Judiciary, the Office of the Director of Public Prosecutions (ODPP), Probations and Aftercare Services (PACS), and the Witness Protection Agency (WPA).

The In-depth Project Evaluation of KENW58 was carried out between September 2022 and January 2023 as part of UNODC's commitment to independent evaluation mandated in the UNODC Strategy 2021-25 and ahead of a second programme cycle of PLEAD. Following early consultations between the UNODC PLEAD management team, the UNODC Independent Evaluation Section (IES), and the evaluation team, the evaluation was upgraded to an in-depth evaluation to reflect the scope and scale of the PLEAD programme. Programming under evaluation here included a significant period during which Covid-19 affected programmatic activities and the administration of justice in Kenya more widely. Programme revisions were made to reflect this, and the evaluation included these within its scope. Overall, three main pillars, or sub-programmes, made up KENW58: **Outcome 1:** Strengthened court administration and case management, **Outcome 2:** Quality and efficiency in select criminal justice system institutions increased, with a focus on the Office of the Director of Public Prosecutions (ODPP), the Probation and Aftercare Service (PACS), and the Witness Protection Agency (WPA). **Outcome 3:** Coherence, cooperation and collaboration within the justice sector improved. A further outcome area, focusing on access to legal aid and assistance, was delivered by UNDP and is not under evaluation here.

Between 2017 and November 2022, inclusive, KENW58 expenditures were **\$18,094,219.803**. In total, almost half of the funds (47%) were expended within Outcome 2, 29% were expended in Outcome 3 while 24% were expended in Outcome 1. The year of major expenditure was 2021 which can be related to some execution delays caused by Covid-19 in 2020.

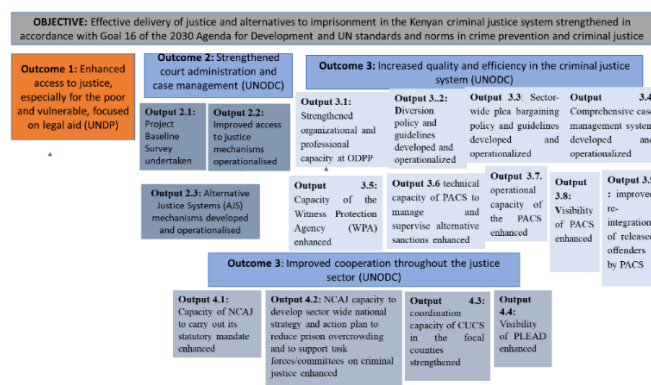
PURPOSE, SCOPE AND METHODOLOGY OF EVALUATION

The purposes of this evaluation are fourfold: 1) to identify and record lessons learned during the implementation of the programme (Dec 2017—Dec 2022); 2) to identify gaps for the benefit of national partners as well as the donor community; 3) to assess the impact the project has had on stakeholders; and 4) to inform the design of activities for the planned second phase of the programme. KENW58 operated in 12 focal counties in Kenya. These were Garissa, Isiolo, Kisumu, Lamu, Mandera, Marsabit, Mombasa, Nairobi, Nakuru, Tana River, Uasin Gishu and Wajir, and each are included in the evaluation.

The evaluation was **summative** covering the period from the **end of 2017 to the end of 2022**. Additionally, the evaluation was **formative**, making use of the findings and conclusions as well as identified lessons learned and best practices to formulate forward-looking conclusions and recommendations. The evaluation used a **theory-based approach** which was based on a careful articulation of the programme theory or models and the use of these theories/models as a guiding framework for evaluation. It set out the theoretical assumptions

³ With the PSC to UNODC the total is USD 19,360,815.19.

underlying an intervention in terms of a phased sequence of causes and effects—a program theory⁴ and emphasised the importance of evidence-based practice. The full articulation of the PLEAD logic model is presented below:⁵



The evaluation was aligned with United Nations Evaluation Group (UNEG) norms and standards and the UNODC Evaluation Guidelines, including the UNODC Evaluation Handbook. The process used followed the evaluation criteria defined by the OECD Development Assistance Committee (DAC): **relevance, efficiency, effectiveness, coherence, impact, and sustainability** of KENW58. In addition, criteria used by UNODC concerning **human rights and gender mainstreaming, disability inclusion as well as leaving no one behind**, lessons learned, and best practices were added. The evaluation applied a **mixed methods approach**, making use of document review, semi-structured, interviews, focus groups and a survey. A total of **181 documents** related to KENW58 were reviewed and **278 people** participated in the evaluation, 46% of whom were female while 54% of participants were male. The evaluators visited **8 out of the 12 PLEAD counties**, which reflects two-thirds of the program counties. 5 of the visited counties are classified as urban (Nairobi, Nakuru, Kisumu, Mombasa and Uasin Gishu) and 3 are marginalized counties (Garissa, Lamu and Wajir). The evaluation aimed to be **gender-sensitive and integrate human rights aspects** by including a wide range of different stakeholders through interviews and surveys, by maintaining a gender balance in the sampling of interviewees and by including specific criteria and questions on human rights and gender equality in the context of KENW58.

The information obtained was **triangulated** to validate information from different sources. This led to the formulation of findings under each evaluation criterion, addressing evaluation questions. Conclusions were based on findings, and recommendations were developed accordingly to address main issues in a forward-looking manner to serve the formulation of a potential successor programme. The evaluation team comprised three independent evaluators, i.e., a lead evaluator, specialized in gender and evaluations, an international criminal justice expert and a national expert specialized in field of justice and human rights.

MAIN FINDINGS

Relevance: PLEAD directly addressed the needs of the national partners although important CJ actors such as NPS and KPS were not included in its design as primary partners (but still were supported via their membership of the NCAJ and CUCs). The design was closely aligned to national partners’ strategic plans and policies as well as the overall reform vision for the Criminal Justice System (CJS). Design processes were inclusive, participatory, and backed by extensive background research and a sound analysis of the pressures inequality and vulnerability exert on the enjoyment of right to access to justice in Kenya. Critical design weaknesses included an apparent failure to elaborate a ToC (recommended by UNODC standards and guidance) and to justify selected interventions with evidence-based lessons.

⁴ 2013. AM Nkwake, *Working with Assumptions in International Development Program Evaluation*, p. 71. Springer.

⁵ PLEAD programme has 4 outcomes including the one managed by UNDP (Outcome 1). However, all UNODC documentation, including the programme log frame, numbers UNODC’s outcomes 1, 2 and 3. To maintain consistency with the programme’s self-description, the outcomes through this report are numbered following the UNODC numbering system

Efficiency: Documents analysed and interviews conducted suggested the PLEAD programme had demonstrated a capacity for timely, efficient, and flexible delivery of technical assistance, equipment, construction and trainings, despite some delays. The evaluation found evidence of admirable flexibility and creativeness of both the programme team and national counterparts to adapt ways and means to support efficient justice practices under the Covid-19 Pandemic lockdown and social distancing constraints. Trainings were perceived as well-organized although some documents and interviews suggest that those trainings were not yet been fully deployed at the county level, especially those that were non-PLEAD counties. The increase of use of technology facilitated by the programme made the institutions more efficient considering that the equipment and laptops facilitated their work. Challenges remained on the capacity of adequately use these ICTs, connectivity problems, unreliable power supply and some IT imbalances among institutions. Evidence from interviews conducted and document review also suggested that the technological transition requires a coordinated change management strategy that includes new policy, legislative, institutional, and technical requirements to support new digital technologies. No evidence was found of an internal monitoring and evaluation function to facilitate data-driven programming adaptations and internal learning. These gaps hindered the programme’s ability and implementing partners ability to make use of results-based management techniques, and the evaluators’ ability to precisely determine results.

Coherence: The evaluation found that there is more scope for UNODC and UNDP to work more closely together to bring the work of civil society organisations closer to UNODC's support to government justice institutions. The donor coordination role played by the NCAJ and chaired by UNODC made it possible to pool donor efforts and avoid duplication among them. Despite this, there was a recognized need for greater impetus and more frequent and active participation in donor coordination working groups. There was no substantial involvement of CSOs in the components implemented by UNODC, even though it was recognized that their participation would have contributed to fostering better public understanding of the alternatives to imprisonment.

Effectiveness: There was strong evidence of effectiveness across PLEAD’s three outcomes in assisting Kenyan criminal justice agencies in developing the long-term building blocks for success. These included the areas of strategic planning, development of policy frameworks and documents, practice guidelines, and establishing pathways for Kenyans to access alternative justice mechanisms. Evidence of higher-level outcome effectiveness was more difficult to find, which may reflect the long-term nature of some of the changes anticipated, but also in some areas the lack of evidence supporting the effectiveness of chosen intervention approaches, as well as scope for clearer, better targeted and more appropriate outcome-level measures.

Impact: PLEAD has delivered visible and widely recognised impacts in supporting Kenya’s National Council on the Administration of Justice (NCAJ) and furthering coherence and collaboration among justice system actors and activities. Transformations in attitudes and culture among actors were noted even though some key informants identify that a broader mandate for visibility and communication work could be considered. Impacts on the higher-level goal of reducing prison population have not been achieved, for either sentenced or unsentenced prisoners, which may be attributable to a lack of tight focus on evidence-based approaches to this difficult but by no means intractable problem.

Sustainability: The implementation of policies and guidelines supported by the project depend on how well CJ personnel is trained to understand and use them. PLEAD implemented a large capacity building strategy that was challenged by the high frequency of the transfer of government staff. The sustainability of PLEAD’s higher-level objectives – reducing prison overcrowding and overall numbers of both sentenced and remand prisoners – was not supported by a clearly articulated evidence base. It was also not accompanied by the development and implementation of a National Strategy and Action Plan for the Reduction of Prison Overcrowding at the national level. PLEAD's support for strengthening the NCAJ and the CUCs was key to further promoting greater coordination and synergies among criminal justice institutions even though the question remains as to whether the independence of the NCAJ could be strengthened to enhance its coordinating role and make it more sustainable. The sustainability of the technological equipment received by the programme was not guaranteed since there is not enough dedicated government funding and capacity

to maintain and update delivered equipment. Despite the plan to increase the judiciary's annual budget, stakeholders are sceptical about the effective sustainability of the program.

Human Rights, Gender Equality, Disability Inclusion and Leaving No One Behind: Human rights, gender equality, disability inclusion, and leaving no one behind (addressed in PLEAD via a focus on vulnerability) was clearly present in background research for the programme but was less visible in the programme design and measurement. In practice, the evaluation found clear evidence of attention to these matters in programmatic activity and support for national counterparts’ policy work. However, the programming approach tended to be less systematic than would be ideal, and together with a renewed focus on measurement and monitoring of programme effects in these domains, this should be addressed in planning for PLEAD II. Inequality among non-PLEAD and PLEAD counties remains, especially, considering the lack of digitization of non-PLEAD counties, which requires further coordination with the Government of Kenya to ensure that its budget appropriately balances shares of funding between PLEAD and non-PLEAD counties to increase the programme’s impact and address risks of some counties falling behind.

MAIN CONCLUSIONS

The evaluation report contains **eight conclusions**, based on the findings mentioned above. **1)** PLEAD was designed using a participatory, consultative, and inclusive process that resulted in clear evidence-based programme targets that were aligned with Kenyan national strategies and the country's constitution. **2)** Programme implementation was efficient through the technical assistance, delivery of equipment and construction support provided which was highly appreciated by beneficiaries, despite some delays. **3)** The programme demonstrated great flexibility in adapting ways and means to support efficient justice practices under Covid 19. It also contributed to increasing access to and use of technology to improve the efficiency of institutions, although challenges remain, including the need for a concerted change management strategy within the e-justice ecosystem. **4)** The implementation of the programme was not accompanied by clear coordination or joint work between UNDP and UNODC. They worked in a rather siloed manner and there were no clear interactions identified between them. **5)** UNODC played a role in promoting coordination and creating synergies among donors through NCAJ although there was a recognized need for greater impetus and more frequent and active participation of donor coordination working groups. **6)** While the programme was notable for its wide-ranging and high-quality delivery activities, overall, the links between programme targets and selected interventions was uneven. Considerable strength was visible in foundation/ building-blocks type activities (eg, institutional strategic plans, national policies, coordination mechanisms). Weakness was also apparent in the lack of a clearly articulated theory of change - including a visible evidence base for some of the key interventions and a lack of anticipation of weak assumptions (eg, regarding transfer of training; prison decongestion via uptake of alternative sanctions) - as well as there being room for improvement in the programme's RBM. **7)** PLEAD played an important role in facilitating and developing transformative policies that contributed to a shift towards less emphasis on criminalization and greater use of alternative measures. These policies were accompanied by trainings to ensure that CJ personnel could understand and make an effective use of them. However, lack of knowledge about the impact of these trainings and high staff turnover jeopardized sustainability effects. Sustainability was also compromised when the program took over some government functions, such as the provision of technological equipment, without a clear government plan for maintenance and renewal and without the higher-level objectives of PLEAD-reducing prison overcrowding and overall inmate numbers-being supported by evidence-based and clearly articulated programming approaches. **8)** HRG+ and leaving-no-one-behind principles and considerations underpinned programme design and strategy but were not methodically applied to conceptualize interventions and develop the programme’s results framework and monitoring processes. Nevertheless, HRG and vulnerable groups such as children, persons with disability, and intersex people were mainstreamed in programme implementation. Decisions to mainstream HRG+ were presumably influenced by the supportive, progressive constitutional and legal regime and the well-documented, steady concern within CJ institutions, about the impact of inequality and vulnerability on the right to access to justice. There is, however, still a lot of work to be done to decisively **improve gender equality and conditions in the CJS for all the vulnerable groups** that the programme targeted. It is very likely that a much broader set of vulnerable groups with special needs in the CJS would have been

defined and targeted by the programme if preparatory stakeholder analysis and background research had paid attention to the concept of vulnerability.

MAIN RECOMMENDATIONS

UNODC ROEA and UNODC Plead Programme Managers should provide appropriate and sufficient resources to support articulation of an evidence-based ToC, RBM and internal monitoring and evaluation, including in dedicated staffing of the latter function. More vigorous attention should be given to the sustainability aspects and hand over of the budgeting arrangements and programme activities to the GoK. It is also important to continue strengthening the coordination role of NCAJ and CUCs as well as strengthen coordination and create more working synergies with UNDP to strengthen project management arrangements and implementation mechanisms and also bring CSO interventions closer to UNODC's support to government justice institutions. The programme should provide an IT enabling framework for a digitized and automated criminal justice system including linking key systems for enhanced efficiency, such as prosecutorial and judicial. It should also integrate all justice actors in the programme including National Police Service (NPS) and Kenya Prison Service (KPS) and the Directorate of Childrens Services (DCS) and those that can affect programme objectives and ensure appropriate national strategies are in place, including a National Strategy and Action Plan on Reduction of Prison Overcrowding, and ensure evidence-based programming is prioritised. It is also important to provide a broader mandate in visibility and communication work to broaden the scope, reach and format of communication efforts and reach different demographics, literacy levels, etc., at the community level. More importance should be given to providing greater geographic coverage of the program, especially with the ASAL counties (arid and semi-arid lands). Moreover, provide sufficient technical resources to support the integration of human rights-based approaches, gender equality, disability inclusion, and no one left behind considerations, in programme design and programme implementation.

MAIN LESSONS LEARNED AND BEST PRACTICE

There are five lessons learned identified in the main body of the report that are synthesized here: **1)** The strengthening and close collaboration of the programme with NCAJ and the CUCs has been key to improve the coordination among the CJ institutions. Working through, fostering and strengthening the NCAJ and CUCs proved to be an effective mechanism for addressing criminal justice policy issues and promoting coordination, collaboration, communication, problem solving and conflict resolution across the sector. **2)** A theory of change analysis is necessary to identify the best and evidence-based strategies to contribute to the long-term objectives. **3)** The use of alternative methods and non-custodial measures should be accompanied by an outreach strategy to the public that emphasizes the value and benefits of alternative and non-custodial measures over incarceration. **4)** The scope of a programme evaluation should include the whole programme even though it is implemented by two different UN agencies. **5)** The closeness of the mandate between UNODC and UNDP makes it necessary to improve coordination and their ability to work in partnership, together with other partners also working under Sustainable Development Goal 16 on promoting peaceful and inclusive societies.

KENW58 has demonstrated several best practices worth highlighting: **1)** Bringing equipment directly to the user in the field (rather than having it distributed by headquarters) proved to be a good practice to ensure delivery efficiency and to reach remote areas. **2)** UNODC and the EU's flexibility and adaptability during the pandemic provided an unexpected but welcome opportunity to speed up digitization and IT upgrades in the CJ sector. **3)** The support provided and strengthening of NCAJ and CUCs that brings together different CJ agencies proved to be very effective and stakeholders at all levels were satisfied with this. This model could usefully be applied by UNODC in other countries. **4)** The support provided to strategic planning and development of policies and practice guidelines enhanced the programme's relevance and the sustainability of its interventions by directly and strategically engaging key criminal justice reform initiatives within specific CJS institutions, strengthening interagency cooperation, and broadening inclusion. UNODC could further test the approach to refine it for replication in future justice sector programming in Kenya. **5)** The support provided by expert consultants with specialized expertise was well targeted, high quality, and significantly enhanced UNODC's programme delivery capacity.

SUMMARY MATRIX OF FINDINGS, EVIDENCE AND RECOMMENDATIONS

Findings	Evidence ⁶	Recommendations ⁷
<ul style="list-style-type: none"> • Critical design weaknesses included an apparent failure to elaborate a ToC (recommended by UNODC standards and guidance) and to justify selected interventions with evidence-based lessons. No evidence was found of an internal monitoring and evaluation function to facilitate data-driven programming adaptations and internal learning. These gaps hindered the programme’s ability to make use of results-based management techniques, and the evaluators’ ability to precisely determine results. • Evidence of higher-level outcome effectiveness is more difficult to find, which may reflect the long-term nature of some of the changes anticipated, but also in some areas the lack of evidence supporting the effectiveness of chosen intervention approaches, as well as scope for clearer, better targeted, and more appropriate outcome-level measures. • The evaluation found clear evidence of attention to Human rights, gender equality, disability inclusion and leaving no one behind in programmatic activity and support for national counterparts’ policy work and training. However, the inclusion of these considerations in the programming approach tended to be less systematic than would be ideal, and together with a renewed focus on measurement and monitoring of programme effects in these domains, this should be addressed in planning for PLEAD II • Impacts on the higher-level goal of reducing prison population have not been achieved, for either sentenced or unsentenced prisoners, which may be attributable to a lack of tight focus on evidence-based approaches to this difficult but by no means intractable problem. 	<p>Desk review of annual reports and other internal documents, national policies and guidelines; Interviews with UNODC ROEA staff, CJ Personnel, UNDP, NGO’s, donor; and Survey to CJ personnel trained.</p>	<p>1. Results based management: Provide appropriate and sufficient resources to support articulation of an evidence-based ToC and the strengthening of RBM and internal M&E systems, including dedicated staffing of the latter function.</p> <p>Recipient: UNODC Plead Programme Managers.</p>

⁶ General sources that substantiate the findings.

⁷ Should include the specific target group of implementing recipient(s) at UNODC.

Findings	Evidence ⁶	Recommendations ⁷
<ul style="list-style-type: none"> The implementation of policies and guidelines supported by the project depend on how well CJ personnel is trained to understand and use them. PLEAD implemented a large capacity building strategy that was challenged by the high frequency of the transfer of government staff. The sustainability of PLEAD’s higher-level objectives – reducing prison overcrowding and overall numbers of both sentenced and remand prisoners – was not supported by a clearly articulated evidence base and important work to develop appropriate national-level strategic, policy and practice via a National Strategy and Action Plan on Reduction of Prison Overcrowding did not proceed. PLEAD’s support for strengthening the NCAJ and the CUCs was key to further promoting greater coordination and synergies among criminal justice institutions even though the question remains as to whether the independence of the NCAJ could be strengthened to enhance its coordinating role and make it more sustainable. The sustainability of the technological equipment received by the programme was not guaranteed since there is not enough dedicated government funding and capacity to maintain and update delivered equipment. Despite the plan to increase the judiciary’s annual budget, stakeholders are sceptical about the effective sustainability of the program. 	<p>Desk review of annual reports and other internal documents, national policies, and guidelines; Interviews with UNODC ROEA staff, CJ Personnel, UNDP, NGO’s, donor; and Survey to CJ personnel trained.</p>	<p>2. Sustainability plan: More vigorous attention should be given to the sustainability aspects and hand over of the budgeting arrangements and programme activities to the Government of Kenya.</p> <p>Recipient: UNODC ROEA and UNODC Plead Programme Managers.</p>

Findings	Evidence ⁶	Recommendations ⁷
<ul style="list-style-type: none"> • There is strong evidence of effectiveness across PLEAD’s three outcomes in assisting Kenyan criminal justice agencies in developing the long-term building blocks for success. These include the areas of strategic planning, development of policy frameworks and documents, practice guidelines, and establishing pathways for Kenyans to access alternative justice mechanisms • PLEAD has delivered visible and widely recognised impacts in supporting Kenya’s National Council on the Administration of Justice (NCAJ) and furthering coherence and collaboration among justice system actors and activities. Transformations in attitudes and culture among actors were widely noted. • The donor coordination role played by the NCAJ and chaired by UNODC has made it possible to pool donor efforts and avoid duplication among donors. Despite this, there was a recognized need for greater impetus and more frequent and active participation in donor coordination working groups. • PLEAD's support for strengthening the NCAJ and the CUCs was key to further promoting greater coordination and synergies among criminal justice institutions even though the question remains as to whether the independence of the NCAJ could be strengthened to enhance its coordinating role and make it more sustainable. 	<p>Desk review of annual reports and other internal documents, national policies, and guidelines; Interviews with UNODC ROEA staff, CJ Personnel, UNDP, NGO’s, donor; and Survey to CJ personnel trained.</p>	<p>3. Coordination among the Criminal justice institutions: Continue strengthening the coordination role of NCAJ and CUCs.</p> <p>Recipient: UNODC ROEA</p>
<ul style="list-style-type: none"> • Different stakeholders recognized that there is more scope for UNODC and UNDP to work more closely together to bring the work of civil society organizations closer to UNODC's support to government justice institutions. There was no substantial involvement of CSOs in the components implemented by UNODC, even though it was recognized that their participation would have contributed to fostering better public understanding of alternatives to imprisonment. 	<p>Desk review of annual reports and other internal documents, national policies, and guidelines; Interviews with UNODC ROEA staff, CJ Personnel, UNDP, NGO’s, donor; and Survey to CJ personnel trained.</p>	<p>4. Coordination with UNDP: Strengthen coordination and create more working synergies with UNDP to strengthen project management arrangements and implementation mechanisms and also bring CSO interventions closer to UNODC's support to government justice institutions.</p> <p>Recipient: UNODC ROEA, and Plead Programme Managers</p>

Findings	Evidence ⁶	Recommendations ⁷
<ul style="list-style-type: none"> The programme directly addressed the needs of the national partners although important CJ actors as NPS and KPS were not included in its main design (but still were supported via their membership of the NCAJ and CUCs). Impacts on the higher-level goal of reducing prison population have not been achieved, for either sentenced or unsentenced prisoners, which may be attributable to a lack of tight focus on evidence-based approaches to this difficult but by no means intractable problem. The sustainability of PLEAD’s higher-level objectives – reducing prison overcrowding and overall numbers of both sentenced and remand prisoners – was not supported by a clearly articulated evidence base and important work to develop appropriate national-level strategic, policy and practice via a National Strategy and Action Plan on Reduction of Prison Overcrowding did not proceed 	<p>Desk review of annual reports and other internal documents, national policies, and guidelines; Interviews with UNODC ROEA staff, CJ Personnel, UNDP, NGO’s, donor; and Survey to CJ personnel trained.</p>	<p>5. Technology uptake: Provide an IT enabling framework for a digitized and automated criminal justice system including linking key systems for enhanced efficiency, such as prosecutorial and judicial.</p> <p>Recipient: UNODC ROEA.</p>
<ul style="list-style-type: none"> The programme directly addressed the needs of the national partners although important CJ actors as NPS and KPS were not included in its main design (but still were supported via their membership of the NCAJ and CUCs). Human rights, gender equality, disability inclusion, and leaving no one behind (addressed in PLEAD via a focus on vulnerability) considerations were clearly present in background research for the programme but is less visible in the programme design and measurement. In practice, the evaluation found clear evidence of attention to these matters in programmatic activity and support for national counterparts’ policy work and training. However, the inclusion of these considerations in the programming approach tended to be less systematic than would be ideal, and together with a renewed focus on measurement and monitoring of programme effects in these domains, this should be addressed in planning for PLEAD II. 	<p>Desk review of annual reports and other internal documents, national policies, and guidelines; Interviews with UNODC ROEA staff, CJ Personnel, UNDP, NGO’s, donor; and Survey to CJ personnel trained.</p>	<p>6. Integrate all justice actors in the programme including NPS and KPS. and Directorate of Childrens Services and those that can affect programme objectives and ensure appropriate national strategies are in place, including a National Strategy and Action Plan on Reduction of Prison Overcrowding, and ensure evidence-based programming is prioritised.</p> <p>Recipient: UNODC ROEA.</p>

Findings	Evidence ⁶	Recommendations ⁷
<ul style="list-style-type: none"> There is strong evidence of effectiveness across PLEAD’s three outcomes in assisting Kenyan criminal justice agencies in developing the long-term building blocks for success. These include the areas of strategic planning, development of policy frameworks and documents, practice guidelines, and establishing pathways for Kenyans to access alternative justice mechanisms. Evidence of higher-level outcome effectiveness is more difficult to find, which may reflect the long-term nature of some of the changes anticipated, but also in some areas the lack of evidence supporting the effectiveness of chosen intervention approaches, as well as scope for clearer, better targeted, and more appropriate outcome-level measures PLEAD has delivered visible and widely recognised impacts in supporting Kenya’s National Council on the Administration of Justice (NCAJ) and furthering coherence and collaboration among justice system actors and activities. Transformations in attitudes and culture among actors were noted even though some key informants identify that a broader mandate for visibility and communication work could be considered. Impacts on the higher-level goal of reducing prison population have not been achieved, for either sentenced or unsentenced prisoners, which may be attributable to a lack of tight focus on evidence-based approaches to this difficult but by no means intractable problem. 	<p>Desk review of annual reports and other internal documents, national policies, and guidelines; Interviews with UNODC ROEA staff, CJ Personnel, UNDP, NGO’s, donor; and Survey to CJ personnel trained</p>	<p>7. Communication strategy: Provide a broader mandate in visibility and communication work to broaden the scope, reach and format of communication efforts and reach different demographics, literacy levels at the community level.</p> <p>Recipient: UNODC ROEA.</p>
<ul style="list-style-type: none"> The sustainability of the technological equipment received by the programme was not guaranteed since there is not enough capacity in the justice sector institutions to maintain and update delivered equipment. Despite the plan to increase the judiciary's annual budget, stakeholders are sceptical about the effective sustainability of the program. Inequality among non-PLEAD and PLEAD counties remains, especially, considering the lack of digitization of non-PLEAD counties, which requires further coordination with the Government of Kenya to ensure that its budget appropriately balances shares of funding between PLEAD and non-PLEAD counties to increase the programme’s impact and address risks of some counties falling behind. 	<p>Desk review of annual reports and other internal documents, national policies, and guidelines; Interviews with UNODC ROEA staff, CJ Personnel, UNDP, NGO’s, donor; and Survey to CJ personnel trained</p>	<p>8. Balance among counties: Broaden the geographical coverage of the programme, especially with the ASAL counties.</p> <p>Recipient: UNODC ROEA.</p>

Findings	Evidence ⁶	Recommendations ⁷
<ul style="list-style-type: none"> Human rights, gender equality, disability inclusion, and leaving no one behind (addressed in PLEAD via a focus on vulnerability) considerations were clearly present in background research for the programme but is less visible in the programme design and measurement. In practice, the evaluation found clear evidence of attention to these matters in programmatic activity and support for national counterparts’ policy work and training. However, the inclusion of these considerations in the programming approach tended to be less systematic than would be ideal, and together with a renewed focus on measurement and monitoring of programme effects in these domains, this should be addressed in planning for PLEAD II. 	<p>Desk review of annual reports and other internal documents, national policies and guidelines; Interviews with UNODC ROEA staff, CJ Personnel, UNDP, NGO’s, donor; and, Survey to CJ personnel trained</p>	<p>9. Cross-cutting priorities: HRG+: Provide sufficient technical resources to support the integration of human rights-based approaches, gender equality, disability inclusion, and no one left behind considerations, in programme design and programme implementation.</p> <p>Recipient: UNODC ROEA.</p>

BACKGROUND AND CONTEXT

OVERALL CONCEPT AND DESIGN

Formally launched on 9 March 2018, the Programme for Legal Empowerment and Aid Delivery in Kenya (PLEAD) (CRIS number: KE/FED/037-676) coincided with the emergent commitment within the state leadership and criminal justice system (CJS) institutions to enact the justice sector reforms envisioned in the democratic 2010 Constitution of Kenya. Whilst important reforms were initiated before and during PLEAD's implementation, key historical access to justice challenges persisted during the programme cycle (and will likely define the criminal justice context for foreseeable future). Since 2010, observers have continued to express concern about the pace and quality of CJS reforms and services, highlighting the problem of case backlogs, inefficient methods of investigation, prosecution, and adjudication, as well as human rights abuses, corruption, selective application of the law, and the mistreatment of poor and vulnerable. Whilst Kenya's prisoner population rate has remained low, averaging about 120 out of every 100,000 citizens each year since 2010, prisons have nevertheless remained overcrowded, poorly resourced, and ill-equipped to perform correctional rehabilitation.⁸ Equally concerning is that, on average, around 50% of people incarcerated each year over the past five years have been unsentenced prisoners held in pre-trial detention. A decade of research conducted by PLEAD and other actors suggests that poor and vulnerable people experience routine denial of their right to access to justice and are more likely to be incarcerated because they cannot afford fees for legal counsel or fines or bail and bond. These trends seem to suggest that punitiveness is still the dominant philosophy in criminal justice in Kenya, even though there is increasing use of probation supervision and other non-custodial alternatives.

In response to this context, the Government of Kenya (GoK) and the European Union (EU) partnered in 2017 to formulate and implement PLEAD. Financed under the 11th European Development Fund (EDF), PLEAD stands out as one of the largest international justice sector support programmes rolled out in Kenya and the African region. It was implemented by UNODC Regional Office in Eastern Africa (ROEA) and UNDP Kenya, with the main component being delivered by UNODC ROEA's under the project '*KENW58: Strengthening the Administration of Justice and Operationalising Alternatives to Imprisonment in Kenya*'. [In line with Kenya's governance reform priorities, and the broader framework of UN standards⁹ and norms in crime prevention and criminal justice](#), PLEAD's overall goal was support for expanded access to justice, especially for the poor, as well as the promotion of the use of non-custodial measures. It targeted five key beneficiaries (Kenyan national partners), among them—the National Council on Administration of Justice (NCAJ), the Judiciary, the Office of the Director of Public Prosecutions (ODPP), Probation and Aftercare Service (PACS), and the Witness Protection Agency (WPA). Overall, three main pillars, or sub-programmes, make up KENW58:

Outcome 1: Strengthened court administration and case management

⁸ Prison Population Rate in Kenya 1972-2016 at p.5' in Jacobson, J., Heard, C. & Fair, H. (2017). *Prison: Evidence of its Use and Over-Use from Around the World* (Institute for Criminal Policy Research); See also "Incarceration Rates Per County 2023" <https://worldpopulationreview.com/country-rankings/incarceration-rates-by-country>; NCAJ Datasheet on Prisoner Population 2018-2022.

⁹ See generally: UNODC, *Compendium of United Nations Standards and Norms in Crime Prevention and Criminal Justice* (New York, 2006).

Outcome 2 Quality and efficiency in select criminal justice system institutions increased, which a focus on the Office of the Director of Public Prosecutions (ODPP), the Probation and Aftercare Service (PACS), and the Witness Protection Agency (WPA).

Outcome 3: Coherence, cooperation, and collaboration within the justice sector improved.

A further outcome area, focusing on access to legal aid and assistance, is delivered by UNDP and is not under evaluation here. In the development of policies and design of activities, a critical component of the Programme has been consideration of their impact on women and men as well as boys and girls. The programme also mainstreams human rights principles and practices in its design. Special consideration has been given, where possible, to other vulnerable groups including the marginalized as well as people living with disabilities and their interactions with the criminal justice system.

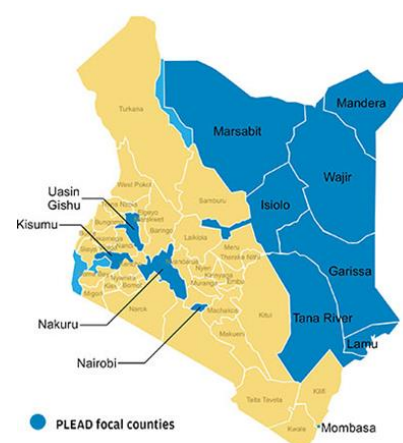
PURPOSE AND SCOPE

The Independent In-depth Evaluation of KENW58 was carried out between September 2022 and January 2023 as part of UNODC’s commitment to independent evaluation mandated in the UNODC Strategy 2021-25 and ahead of a second programme cycle. Following early consultations between the UNODC PLEAD management team, IES, and the consultants, the evaluation was upgraded to an in-depth evaluation to reflect the scope and scale of the PLEAD programme. The purposes of the present evaluation are fourfold: 1) to identify and record lessons learned during the implementation of the programme (Dec 2017—Dec 2022); 2) to identify gaps for the benefit of national partners, as well as the donor community; 3) to assess the impact the project has had on stakeholders; and 4) to inform the design of the planned second phase of the PLEAD programme. The evaluation covers the period 2018-2022 and also covers the 12 focal counties in Kenya that have been supported by the project: Garissa, Isiolo, Kisumu, Lamu, Mandera, Marsabit, Mombasa, Nairobi, Nakuru, Tana River, Uasin Gishu and Wajir. The main users of the evaluation will be UNODC ROEA, the European Union (donor), the different partners of the project and the different stakeholders of the CJS. It is important to note that there was a significant period during which Covid-19 affected programmatic activities and the administration of justice in Kenya more widely. Project revisions were made to reflect this, and the evaluation will include these within its scope.

THE COMPOSITION OF THE EVALUATION TEAM

The evaluation team was comprised of three independent evaluators, one female and two males i.e., a lead evaluator, specialised in sustainable development and evaluations, with more than 15 years of work experience implementing projects with various international organizations, bilateral cooperation agencies, and private sector organizations, and an international criminal justice expert with over 30 years of experience in the criminal justice sector, including in providing technical and evaluation assistance, and a national expert with over 20 years of work experience in the field of justice and human rights.

MAP OF PROJECT COUNTIES



Source: PLEAD Map

EVALUATION METHODOLOGY

The evaluation was **summative** covering the period from the **end of 2018 to the end of 2022**. Additionally, the evaluation was formative, making use of the findings and conclusions as well as identified lessons learned and best practices to formulate forward-looking conclusions and recommendations.

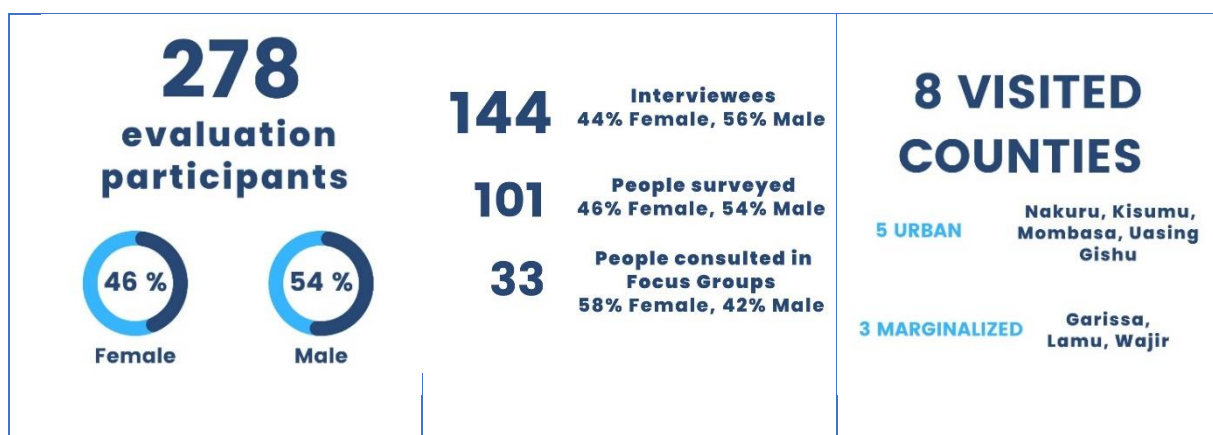
The evaluation used a **theory-based approach** as a guiding framework for evaluation. Under this approach, the evaluation tries to set out the theoretical assumptions underlying an intervention in terms of a phased sequence of causes and effects—a program theory¹⁰ and emphasises the importance of evidence-based practice. The evaluation is aligned with United Nations Evaluation Group (UNEG) norms and standards and the UNODC Evaluation Policy. The process used followed the evaluation criteria defined by the OECD Development Assistance Committee (DAC): relevance, coherence, efficiency, effectiveness, impact, and sustainability of KENW58. In addition, criteria and UN SWAP requirements used by UNODC concerning human rights, gender mainstreaming and disability as well as leaving no one behind, lessons learned, and best practices were added. The wide range of different stakeholders interviewed and surveyed in the evaluation of KENW58, and the specific criteria and questions posed responded to the needs and requirements defined by the UNEG Guidance on Integrating Human Rights, Disability inclusion and Gender in Evaluations. The evaluation aimed to be gender-sensitive and integrate human rights aspects by including a wide range of different stakeholders through interviews and surveys, and by maintaining a gender balance in the sampling of interviewees. Additionally, the evaluation includes specific criteria and questions on human rights and gender equality in the context of KENW58.

Under each criterion, specific evaluation questions and indicators were developed to guide the evaluation exercise. Evaluation criteria, questions, indicators, and related data sources were compiled into an evaluation matrix that served as the key guiding instrument throughout the evaluation.

Data collection

The evaluation applied a **mixed methods approach**, making use of document review, semi-structured, interviews, focus groups and a survey. A total of **278 people** participated in the evaluation, 46% of whom were female while 54% of participants were male. The evaluators visited **8 out of the 12 PLEAD counties**, which reflects two-thirds of the program counties. 5 of the visited counties are classified as urban (Nakuru, Kisumu, Mombasa and Uasin Gishu) and 3 are marginalized counties (Garissa, Lamu and Wajir).

Statistics on data collection



Source: Evaluation team

- a) **Desk review of relevant documents** and data provided by UNODC Regional Office for Eastern Africa (ROEA) and obtained through research undertaken by the evaluators.

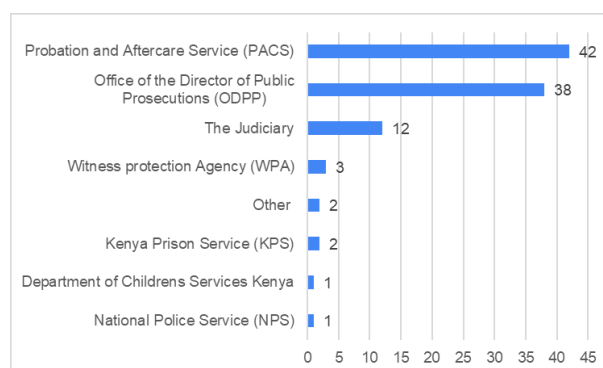
¹⁰ 2013. AM Nkwake, *Working with Assumptions in International Development Program Evaluation*, p.71. Springer.

- In total **181 documents** related to KENW58 were reviewed (**131 external documents and 50 internal documents**)¹¹. Internal documents were annual programme reports, programme revision documents, budgeting, and staffing data, PLEAD Annual Reports, and different guidelines, among others. It also included the Baseline study published in 2018 and an unpublished Mid Term Review conducted during the pandemic and completed in 2021. External documents were relevant policy documents, reports, statistical collections and internal monitoring and evaluation results of the PLEAD national counterpart Kenyan institutions.
- Relevant UNODC handbooks and guidance notes, for example on human rights and gender mainstreaming or UNODC, results-based management and the SDGs. Relevant quantitative and qualitative information from these documents was extracted and organized according to the evaluation criteria and questions included in the evaluation matrix.

a) **Online surveys with CJ personnel trained by PLEAD.** The online survey was set up in Google Forms and the link was sent by email to 436 criminal justice personnel trained by the PLEAD programme, of **whom 101 responded** (23.1 % of the total). The survey (Annex II) consisted of 13 questions related to the trainings conducted according to some of the evaluation criteria (relevance, effectiveness, sustainability, and HR and leave no one behind). Survey responses were collected from November 18th 2022 until 3rd December 2022.

Almost half of the CJ personnel surveyed were female (46%) and the other were male (55%). Most respondents were from PACS (42%) and OPDD (38%) and only 12% from the Judiciary. The breakdown is shown in Figure 1.

Figure 1: Type of organization to which survey respondents belong



Source: Evaluation team

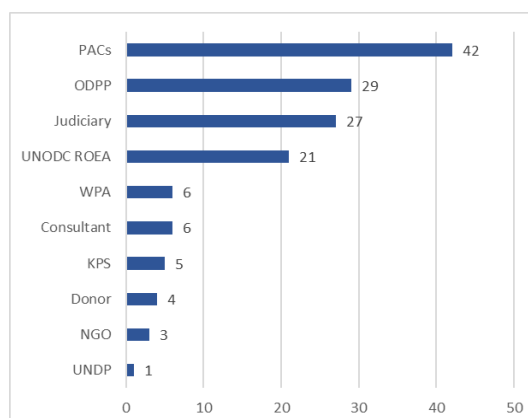
b) **Semi-structured interviews with UNODC ROEA Staff, CJ Personnel, NGOs, UN agencies and Donor.** In total 51 semi-structured interviews were conducted with 144 interviewees (most were individual interviews; some were conducted with more than 2 participants). The interviews were conducted with 56% male and 44% female respondents. They were done during field visits in selected counties and remotely through online calls. To conduct the group interviews, consultants moderated the discussions selecting the most relevant questions in the interview guide (Annex II) and trying to generate discussion among the participants. The institution with the highest number of interviewees was PACs (42 interviewees), followed by ODPP (29) and the Judiciary (27) (which includes staff from NCAJ). Only 6 people from WPA were interviewed, 5 from Kenya Prison Service (KPS). The other interviewees were UNODC ROEA staff (21 people), the donor (4 people), 3 people from NGOs and 1 from UNDP.

¹¹ The full list can be found in Annex III.

Figure 2: Number of interviewees by gender



Figure 3: Number of interviewees per stakeholder type



Source: Evaluation team

Source: Evaluation team

- c) **Focus Groups.** A total of 3 focus groups were conducted with CUC members in Kisumu, Nairobi and Nakuru counties where a total of 33 people participated (58% female and 42% male). They were done during field visits in those counties. To conduct the focus groups, consultants moderated the discussions selecting the most relevant questions of the focus group guide¹² and trying to generate discussion among the participants.

Data analysis and triangulation

For the survey, the quantitative and qualitative data collected were extracted from Google Forms in Excel files for further processing and analysis. The respective data have been organized according to the evaluation criteria and questions included in the evaluation matrix.

For the interviews, evaluators took detailed notes while conducting the interviews, and most were also recorded with the consent of interviewees. This approach allowed for a thorough data cleaning and processing through which all information had been introduced into a data processing template in Excel format. This allowed for aggregation of quantitative information as well as comparison and aggregation of information from qualitative answers. The qualitative analysis was done manually by screening the recorded answers of interviewees for common topics and issues that were raised, and systematically compiling and organizing them according to the evaluation criteria and questions.

The information obtained through desk review, survey, interviews and FGD was then triangulated to confirm and validate information across different information sources. This process led to the formulation of findings under each evaluation criterion, answering the respective evaluation questions. Conclusions were based on the findings, and recommendations were developed accordingly to address main issues included in the conclusions in a forward-looking manner to serve as actionable recommendations for the formulation of a new PLEAD II programme.

¹² Focus group guide is included in Annex II.

LIMITATIONS TO THE EVALUATION

Limitations	Mitigation measures
<p>Although the purpose of the evaluation is to assess KENW58 project which is managed by UNODC, most of the documents reviewed refer to the “PLEAD programme” which also includes the work conducted by UNDP.</p>	<p>To avoid confusion, the evaluation document refers mainly to the word "programme" rather than "project", although it does occasionally mention specific details of the KENW58 project.</p>
<p>Programme monitoring data are dispersed in narrative PLEAD annual reports and no other format is used to compile and aggregate data in a way to gain a sound overview on indicators, results, and impact over the years under evaluation. There are some indicators that are necessary to measure results that have not been measured. There are also some indicators of the logframe that do not fully inform the achievement of expected results (i.e., do not align with UNODC RBM measurement guidance). This has generated several challenges in measuring/ assessing effectiveness and impact of KENW58.</p>	<p>The evaluators identified the most relevant indicators of the programme and requested the support of the UNODC ROEA to compile the data using a sheet developed by the evaluation team.</p>
<p>The evaluation had no visibility of the UNDP component, even though it should have been tightly coordinated with UNODC PLEAD programming since they both contribute to the overall programme objective and higher-level impact. Considering this, the impact of the programme has been analysed mainly taken into consideration the three outcomes of the KENW58 project.</p>	<p>The evaluators had the chance to interview one UNDP staff and also tried to gather some data about UNDP work during the interviews with different stakeholders. This information has been taken into consideration to measure impact.</p>
<p>A theory of change was not clearly elaborated. An evidence base did support the selected programme targets (often referred to by PLEAD staff as criminal justice ‘bottlenecks’), but selected interventions were not elaborated in relation to clear supporting empirical evidence, which would have then allowed elaboration of evidence-based expected connections between different types and levels of actions, including the sequencing of actions, and the proposed causal pathways moving from baselines, linking activities, and building from outputs to outcomes and thence to wider or longer-term impacts.</p>	<p>Evaluation of the programme was undertaken in relation to the logical framework elaboration, focusing on three outcome levels and addressing specified indicators.</p> <p>Reporting on Effectiveness and Impact (sections below) includes better-practice examples, including discussion and extensive footnoted references to examples of how the large criminal justice reform evidence base could have informed programme design, programme activity and results measurement.</p>
<p>Although ROEA proposed some members of the NPS on the list of stakeholders, the evaluators were unable to interview any NPS staff.</p>	<p>The evaluation sought to include them in the analysis by collecting the perceptions of CJ personnel and UNODC ROEA staff on the involvement of NPS in the programme and also</p>

	<p>by reviewing relevant documentation. The survey also included a response from the NPS</p>
<p>Due to the unavailability of contact emails of the persons trained by the programme the survey was sent only to 436 trained persons even though UNODC trained 2923 persons (from 2019-2021) excluding those trained during 2022. The survey was responded to by 101 people, representing 23% of the responses out of the total number of people to whom the survey was sent. However, they represent only 3.4% of the total number of people who received training.</p>	<p>The sample is extremely small, and we therefore note in the report that caution should be exercised in interpretation of results. However, triangulation checks – ie, comparing survey attitudes with those emerging from analysis of interviews, focus groups, stakeholder reporting and document review – shows broad alignment. Therefore, while the evaluation is unable to ascertain if there was systematic bias in sample selection, survey results are broadly consistent with results obtained via other methods.</p>

II. EVALUATION FINDINGS

RELEVANCE

This section examines the relevance and responsiveness of KENW58 to the needs and priorities of Kenya, the programme's national partner agencies and other stakeholders. It assesses the extent to which programme design and implementation were consultative, inclusive, participatory, based on evidence, and guided by a theory of change. The analysis in this section draws from the desk review and interviews with UNODC PLEAD staff and regional management, Kenyan national counterparts, the programme donor, UNDP programme managers, other local and international actors operating in the Kenyan criminal justice space, and focus group discussions with court user committee members (CUCs).

EVALUATION QUESTIONS:

To what extent has KENW58 been relevant to stakeholders' needs and priorities?

To what extent was KENW58 designed in a results-oriented, inclusive, and participatory manner and was designed based on evidence (research, lessons learned from past programming, evaluations)?

PLEAD RELEVANCE TO STAKEHOLDERS' NEEDS AND PRIORITIES

PLEAD main objective and three linked outcomes were closely aligned with strategic priorities and implementation measures articulated in national partners' strategic plans and policies, some of which were developed with technical and funding support from PLEAD.¹³ The programme directly contributes to SDG Goal 16 which challenges States to "promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels". Evidence from the desk review, and interviews with UNODC PLEAD programme managers and a wide range of criminal justice personnel, established that the **programme directly addressed the needs and priorities of the national partners**.¹⁴ It was firmly embedded in the overall reform agenda of the justice sector articulated in the 2010 constitution and various strategy and policy documents of the national partners.¹⁵

The desk review and interviews also confirmed that **PLEAD was designed in a consultative, inclusive, and participatory process**. The programme was designed based on "A second Chance: A Report on Alternatives to Imprisonment and the Social Reintegration of Offenders in Kenya published in November 2012". The project design was then reviewed based on Baseline Study Conducted in 2018 which took into consideration the views and needs of the partners and their strategic plans. It also provided key inputs to the results framework for PLEAD, particularly in relation to establishment of results baselines and targets. In the design phase, UNODC convened a series of technical planning meetings with representatives of national partner institutions, UNDP, donors, and civil society. Regular consultations and coordination meetings on the strategic direction of the programme were also held with the national partners and various stakeholders, including the PLEAD Steering Committee, other Kenya Government agencies, UNDP, UNICEF, donors, and CSOs.

¹³ See generally NCAJ Strategic Plan 2021-2026; The Judiciary Strategic Plan 2019-2023; NCAJ (2017) Criminal Justice System in Kenya: An Audit; ODPP Strategic Plan 2016-2022; and ODPP National Prosecution Policy.

¹⁴ UNODC (2021) Mid-Term Programme Status Review, p.47; EU (2021) Results Oriented Monitoring Report. Project ref. D-37676.

¹⁵ Constitution of Kenya 2010: Ch. 4 Bill of Rights, Ch. 6 Leadership and Integrity, Ch. 10 Judiciary, Ch. 14 National Security Organs, Ch. 15 Independent Offices and Commission.

There was a process of in-depth background research on the wider Kenyan criminal justice environment, including evidence of how the burdens of inequality and vulnerability fall unevenly on the Kenyan population.¹⁶

This wider, national-level, analysis and attention to relevant research was visible throughout PLEAD documentation and set the context for the broad programme design. It contributed to the relevance of the programme in its capacity to target the individuals, communities, and regions at risk of being left behind. Gender inclusion was prioritized in programme design. The evaluation also found that disability inclusion was considered in the design of physical infrastructure and the production of some of the information materials supported by the programme. More focused institutional-level needs assessments were used systematically to identify equipment, infrastructure, and training needs. This approach helped ensure that regional contexts and dynamics also informed the programme’s understanding of national partners’ needs and priorities. As a CJ personnel described the needs assessment process conducted by UNODC *“At the inception of PLEAD, UNODC sent a team to us to do a needs assessment. The needs assessment process was very rigorous. The county director and some POs were interviewed. UNODC set out to learn what we do and how we do it. They even assessed what it costs to undertake a probation social inquiry. They also visited community service orders work sites.”*

The PLEAD design did not involve KPS and NPS directly as national partners. Although they were involved to some extent in the implementation of the programme, especially after the Covid 19 pandemic, their engagement was peripheral, mainly through their representation in NCAJ’s Council and technical committees and CUCs. UNODC PLEAD programme managers acknowledged this limitation and informed the evaluation that both KPS and NPS will be elevated to the status of national partners in PLEAD II. Other respondents referred to historical funding patterns prior to PLEAD (suggesting that policing and prisons had already received considerable funding); while others pointed to those agencies being perceived as security sector actors, and thus a difficult fit with a criminal justice reform programme; still others pointed to agency resistance to incorporation into a programme that would attempt to reduce siloed approaches (and possibly thus increase dependence and accountability). However, the stated findings regarding could not be triangulated: the origin and reasons for decisions not to include KPS and NPS remain unclear.

RESULTS ORIENTED PROGRAMMING AND THEORY OF CHANGE (TOC)

This evaluation’s theory-based approach attempted to understand PLEAD programme design, programmatic approach, and results in relation to its theory of change (ToC). Unfortunately, the desk review of PLEAD programme documentation found **no elaboration of a ToC in line with either UNODC standards and guidance,**¹⁷ or reflecting learnings from other UNODC offices.¹⁸ Nor did subsequent discussions with programme managers produce a much clearer articulation of a ToC. Despite this, the evaluation has elaborated a graph where the Intervention Logic of the programme is shown based on the programme’s outcomes (including outcome 1 managed by UNDP).¹⁹

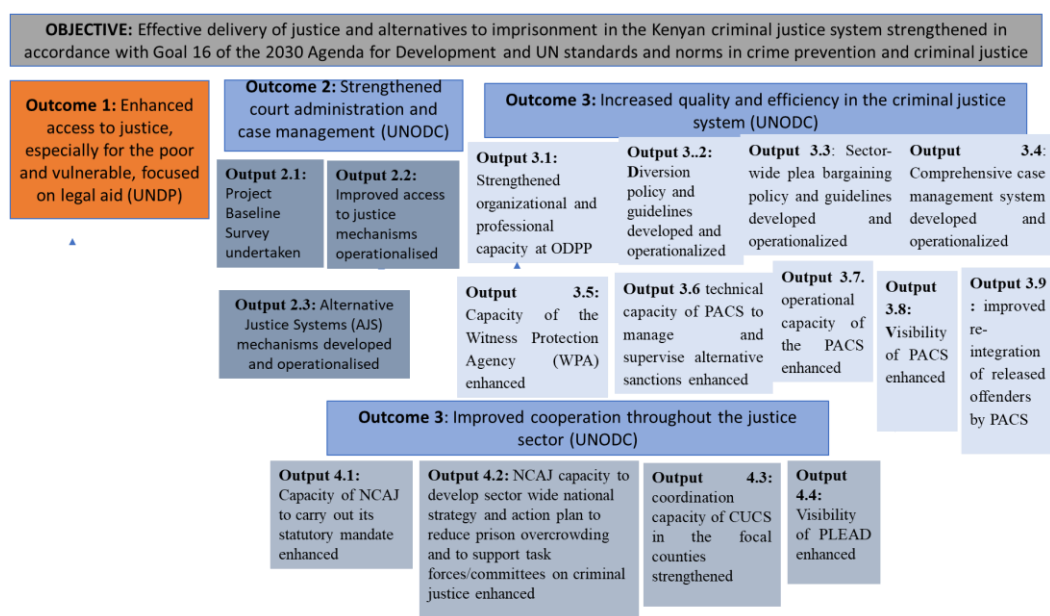
¹⁶ UNODC (2021) Mid-Term Programme Status Review: Strengthening the Administration of Justice and Operationalizing Alternatives to Imprisonment in Kenya; Judiciary of Kenya (2020) Alternative Justice Systems Baseline; UNODC (2018) Baseline Study: Programme for Legal Empowerment and Aid Delivery in Kenya; and NCAJ (2017) Criminal Justice System in Kenya: An Audit.

¹⁷ UNODC (2018) *Results-based Management and the 2030 Agenda for Sustainable Development*.

¹⁸ A recent example is UNODC (2020) *Next Steps and Use of the Theories of Change (ToC) for Future Programming in Southeast Asia and the Pacific (SEAP)*.

¹⁹ UNODC (2017) *Strengthening the Administration of Justice and Operationalising Alternatives to Imprisonment in Kenya*. Project Document (FED/207/390-856). p.27.

Figure 4: Logic model of the PLEAD programme²⁰



Source: Evaluation team

The challenge, and one that should be clearly addressed in preparations for PLEAD II, is as follows. Essentially, and as described below, on the one hand, **PLEAD programming rested on a good, clear, evidence-based analysis of the situation and the problems** (often referred to by programme managers as ‘bottlenecks’) in the Kenyan criminal justice administration. Positively, programme managers also described how interventions would need to be sequenced and prioritised to achieve their desired effects, and the evaluation found clear evidence of that happening in practice.

On the other hand, however, **the evaluation could not find anywhere visible any evidence base for the hypotheses that led to the interventions producing higher level effects and impacts**. For example, it was not possible to find the evidence base (i.e., studies cited in programme documentation) that expanding use of non-custodial sentences (outcome 2, indicator 1) would lead to a reduction in prison population (PLEAD objective)²¹. The same goes for other PLEAD focuses. While it should be recognised that some effects or impacts will develop from a combination of interlocking activities/ strategies, there must nevertheless be some empirical evidence base for these effects, either singularly or together. This absence is all the more stark, given that PLEAD-supported reforms were fairly conventional in nature and that there is a very large base of international literature on what works and what doesn’t, including very often why and how so.²² To take another example, PLEAD programming rested heavily on an assumption of capacity building through sensitisation and training of various actors, which was an element of more than one outcome (eg, judicial officers, probation officers, witness protection officers). Yet there is a large body of empirical evidence in

²⁰ This graph represents the four outcomes PLEAD including the one managed by UNDP (Outcome 1). However, all UNODC documentation, including the programme log frame, numbers UNODC’s outcomes 1, 2 and 3. To maintain consistency with the programme’s self-description, the outcomes through this report are numbered following the UNODC numbering system.

²¹ This analysis is further provided in Impact section.

²² On impacts of training probation officers, police and other criminal justice actors on their actual performance, see footnote 18 below; on the impact of introducing non-custodial sanctions on prison population, see footnote 40 below; on abolishing short sentences of imprisonment, plus reviews of effective strategies to reduce prison populations, including model legislation, see footnote 47; on impact of legal aid to prisoners on prison population, particularly remandees, see footnote 48 below. Looking ahead to PLEAD II, see for example on effective strategies for countering corruption, Mugellini, G., et al. (2021) *Public Sector Reforms and their Impact on the Level of Corruption: A Systematic Review* (Campbell Systematic Reviews. 2021;17:e1173). <https://doi.org/10.1002/cl2.1173>.

criminal justice showing the potentially very limited effects of such interventions, including in the relationship between knowledge/ attitudes and behaviour change, and particularly in relation to the rapid decay of training effects over time (known as training dose and timing effects).²³ A deep exploration of PLEAD materials did reveal recognition of this in some quarters, such as in the high-quality UNODC consultant’s report for PACS on training needs,²⁴ but this understanding should be expected to be much more widely held and reflected in the ToC architecture across all training-based activities, including how mitigation activities would be implemented to address known problems.

A second difficulty faced by this evaluation in determining results is also related to the **lack of clarity on a theory of change and how the latter should be mapped into a system of results-based management (RBM)**. There was a confusion, or at least a systematic lack of distinction made, between programming outputs and programme outcomes. The PLEAD logframe was replete with ‘outputs’ that were in fact outcomes (eg, strengthened capacity) and a systematic reliance upon output indicators to measure outcomes. This problem cuts across the logframe, not only in the area of training, where delivery was inappropriately conflated with capacity development (i.e., change, which needs to be measured separately), but so too in support for development of policy or strategy documentation, which is suggested to indicate enhancement of institutional quality and capacity. Further, and related to the observations above regarding training, many of the PLEAD outcomes could only be measured by proper technical methods and these were on the whole lacking. For example, to illustrate the interconnectedness of the difficulties the evaluation faced in measuring results, the transfer of training to on-the-job performance could only be measured by assessments of those trained probation officers’ on-the-job performance itself (rather than the fact of training being available or delivered). This was recognised by PACS in its PLEAD consultant supported Training and Development Policy²⁵ as necessary but presently beyond capacity, but not in the PLEAD measurement/ indicator design architecture, where it should reasonably have been expected to have been addressed from the programme’s very beginning.

SUMMARY – RELEVANCE

The programme directly addressed the needs of the national partners although important CJ actors as NPS and KPS were not included in its main design (but still were supported via their membership of the NCAJ and CUCs). The design was closely aligned to national partners’ strategic plans and policies as well as the overall reform vision for the CJs. Design processes were inclusive, participatory, and backed by extensive background research and a sound analysis of the pressures inequality and vulnerability exert on the enjoyment of right to access to justice in Kenya. Critical design weaknesses included an apparent failure to elaborate a ToC (required by UNODC standards and guidance) and to justify selected interventions with evidence-based lessons.

²³ For example: Ross (2017) summarises the general training literature going back to the 1980s that concludes: “10% of the money spent on training resulted in transfer [to the workplace] ... about 40% of trainees failed to transfer knowledge and skills immediately after training with as much as 70% failing to transfer after 1 year” (p.24). Two examples, old and new, related to specific PLEAD training objectives include: Wortley & Homel (1995) found most police anti-bias training effects quickly disappeared, being overwhelmed by workplace experiences and norms. More recently, a high-quality experimental evaluation of probation officer training by Bonta et al. (2019) concluded that after six months “The audio recordings [of probation officers working with clients] showed inconsistent changes in officer behaviour and no differences in recidivism between the clients of the experimental and control probation officers” (p.397). See: Bonta, J. et al. (2019) “A conceptual replication of the Strategic Training Initiative in Community Supervision (STICS)”, *Journal of Experimental Criminology*, 15: 397–419; Ross, E. (2107) *An Examination of the Individual and Work Environment Factors Impacting Transfer of Training among North Carolina Probation Officers*. North Carolina State University. Wortley, R. and Homel, R. (1995). “Police Prejudice as a Function of Training and Outgroup Contact: A Longitudinal Investigation”, *Law and Human Behaviour*, 19: 305-317.

²⁴ PACS (2019) *Training Needs Assessment for Probation Officers in Kenya*. Nairobi: PACS.

²⁵ PACS (2022) *Training and Development Policy for the Probation and After Care Service*. Nairobi: PACS.

EFFICIENCY

This section assesses how far KENW58 converted inputs such as funds, expertise, staff time, etc. into outputs in a timely and efficient manner and how flexible was KENW58 to addressing emerging issues like those occasioned during the Covid-19 pandemic. The analysis is based on information from desk review, budgets, and staffing information, KENW58 revisions and annual reports. Additionally, interviews have been conducted with UNODC ROEA staff, donor, and programme partners.

EVALUATION QUESTIONS:

To what extent has the KENW58 delivered outputs in a timely and efficient manner?

How flexible was KENW58 to addressing emerging issues like those occasioned during the Covid-19 pandemic?

PROGRAMME DELIVERY

Documents analysed and interviews conducted suggested the KENW58 had **demonstrated a capacity for timely, efficient, and flexible delivery**, and that its donor, the EU, had also proved to be nimble and flexible during the Covid-19 period. Both the Mid-Term Review²⁶ and the EU Results Oriented Monitoring Review which were conducted in 2021 found strong evidence of efficiency in programme delivery.²⁷ Likewise, the CJ personnel consulted rated very positively the technical support provided, as well as the equipment received by the programme and the construction of some buildings, which they considered adequate for the performance of their duties and of good quality. However, as included in the conflict sensitivity analysis of PLEAD program documentation, the programme delivery with respect to some of the program's marginalized counties was slowed down to ensure the safety of all involved, including PLEAD staff, national partners and the final beneficiaries of the PLEAD programme. In addition, the evaluation found that the supply of equipment and some of the constructions were not always carried out and provided on time, but stakeholders appreciated that the equipment procured by UNDOC takes less time to reach the recipients than that procured by governments. They also appreciated the fact that it was taken directly to the different offices, including those located in the counties, and expressed satisfaction that computers and other materials were delivered specifically for each staff member.

However, the need to have more joint consultations in planning ICT support and office equipment to justice sector actors was mentioned during the interviews. Some criminal justice personnel claimed that some institutions may get certain equipment while others don't receive the same, which can create imbalances in capacity and efficiency. As CJ personnel said, *“You get situations where one court station has excess chairs and desks delivered while in other personnel are sharing desks and taking turns to sit down to work”*. Stakeholders emphasized the need for more consultations on what the needs of different institutions are to promote equity in the provision of equipment. The Mid Term review also remarked the need of national stakeholders to receiving more information about procurement activities²⁸.

Overall, the trainings were perceived as well-organized although some were delayed because of the Covid pandemic. Some stakeholders mentioned that they could be better in terms of informing each institution about the planned trainings in advance and allowing them to provide inputs on who is selected to participate. The evaluation got a general perception of those CJ personnel located in the counties participated less in those trainings than personnel at the HQ offices. The Midterm review, although conducted in 2021, also mentioned that activities such as the development of guidelines, policies, training curricula and manuals were

²⁶ Programme Status Review (Midterm Review) 2021 was conducted by an external consultant hired by UNODC ROEA.

²⁷ EU (2021) Results Oriented Monitoring Report. Project ref. D-37676. p.9.

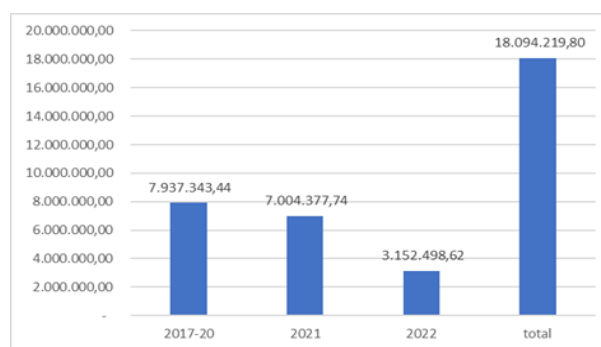
²⁸ Programme Status Review (Midterm Review) 2021, p.9.

essentially of national scope yet were not fully deployed at the county level, especially those that were non-PLEAD counties.²⁹

From both the desk review of documentation and discussion during interviews with various stakeholders, the evaluation noted the **technical capacities of UNODC staff which were generally well recognized**. Most of them have legal backgrounds and have previously worked in some of the partner institutions. The evaluation also noted the high-quality expertise of consultants retained by PLEAD to provide specialist input. This undoubtedly supported the quality and effectiveness of PLEAD programming. From the interviews conducted, there was a widespread recognition of the need for **continued support from external consultants** who provided highly specialized expertise needed to address important issues such as AJS policy design, gender-based violence and child protection, probation officer training, witness protection, and IT.

The expenditures of the KENW58 were implemented as planned despite some execution delays caused by the Covid-19 Pandemic. From 2017 and November 2022, inclusive, KENW58 expenditures were \$18,094,219.8030 as indicated in Figure 5. In total, almost half of the funds (47%) were expended within Outcome 2, 29% were expended in Outcome 3 while 24% were expended in Outcome 1. The year of major expenditure was 2021 which can be related to delays caused in 2020.

Figure 5: Total USD expenditures by year 2017-22 (without PSC to UNODC)



Source: Evaluation team

PLEAD MONITORING AND REPORTING

Third, **PLEAD reporting was different in comparison to other UNODC programmes**, being restricted to a single published, public annual report. There were no standard UNODC reporting documents, such as Annual Programme Progress Report (APPRs). In addition, there was no evidence of a proper internal monitoring and evaluation function or capacity which would evidence close and timely attention to data and a visible process of internal learning and adaptation of programming in response to data, either quantitative or qualitative. The project did not assign any M&E specialized person in charge of compiling the progress of indicators, especially the outcome and impact indicators. This is not to say that such feedback-based flexibility was absent, and indeed the PLEAD annual reports evidence multiple instances of it. PLEAD was primarily activity focused and as a result, it was very difficult to locate information that should have been readily at hand in an organisation working on an evidence and results-based approach, including with clear conceptual and measurement distinctions recognised between outputs, outcomes, and impacts. This problem was also observed in the annual reports provided by the implementing partners which were not results-based but activity-based.

Finally, some of the definitional confusion around outputs, outcomes and impacts was reflected in data submitted to the evaluation as evidence of programme ‘impacts’. Much of this evidence of impacts comprises lists of the ways in which supplied equipment or services were used/ consumed in line with their intended purpose for example computers being used for computing, printers for printing. Similarly, on the services side, training provision producing training and awareness. Using standard UNODC results-based management definitions, these sorts of direct effects should be understood as outputs and not impacts.³¹ The effect of

²⁹ Programme Status Review (Midterm Review) 2021, p. 8.

³⁰ With the PSC to UNODC the total is USD 19,360,815.19

³¹ Defined as: “The changes in skills or abilities, or the availability of new products and services that result from the completion of activities within a specified time period; the tangible results of UNODC interventions, for which

such confusion was to make evidence of actual outcomes and impacts more difficult to establish because reporting practices were not aligned with UNODC institutional definitions and expectations.

The lack of clear impact information is well noted among different stakeholders including some UNODC staff, and also criminal justice personnel, who emphasized the need to have proper measurement tools that bring clear information on results. As one CJ stakeholder mentioned when asked about the impact of the programme “we don’t know how impact looks like; I can only bring you a qualitative answer”.

MANAGEMENT OF EMERGING ISSUES DURING THE COVID PANDEMIC INCLUDING ITS UPTAKE

The key barrier to efficient delivery of PLEAD programming was clearly the Covid-19 pandemic but also the conflict in some programme counties, including Mandera, Isiolo, Wajir, Garissa, and Lamu.³² Despite the pandemic, the evaluation also found that KENW58 **responded flexibly to meet the unanticipated needs of national partners arising from the Covid-19 emergency.**³³ The Covid pandemic was an opportunity to accelerate the use of technology and improve coordination between the different CJ institutions. In this regard, the **PLEAD program was key to accelerating this transition and putting in place the infrastructure, training staff and creating an environment in which justice actors could embrace technology.** In that COVID-19 context, the need to rapidly advance some programme areas, such as in digital/ online provision appeared to have catalysed transformational change at a systemic level across the Kenyan criminal justice system. To help prevent a total shutdown of the justice sector, UNODC and the EU donor revised the work plan and allocated additional funding for the procurement of ICT equipment to facilitate virtual hearings of cases. UNODC also supported the NCAJ Secretariat, including strengthening its overall response planning and coordination mechanisms. During Covid-19 PLEAD support was expanded and this included giving support to a wider group of national counterparts, including particularly the National Police Service (NPS) and Kenyan Prison Service (KPS). The programme provided Personal Protective Equipment (PPEs) for immediate use to KPS facilities and with the UNODC’s Global E-Learning Program, it was able to support the rapid development and roll-out of the first online training on human rights-compliant public order and crowd management for the National Police Service through the NCAJ, online training on the use of force and firearms, SGBV, diversion and bail and bond. PLEAD also helped provide crisis communications for the NCAJ and supported the production of partners’ COVID-19 Information, Education and Communication (IEC) materials.

PLEAD also assisted in creating training programmes for prosecutors, probation officers and community probation volunteers, based on Training Needs Assessments completed in 2019. During Covid, PLEAD support was also important for some institutions, considering that they were facing tax collection gaps that lead to budget cuts for development expenses.

“Without PLEAD support during those difficult times of the Covid Pandemic, some of the institution’s work would have probably come to a halt”.

According to most of the stakeholders consulted, **the use of technology made the institutions more efficient, and the equipment and laptops facilitated their work.** KPS acknowledged that the screens provided by PLEAD allowed them to have virtual court procedures that were very useful and expedited the cases of pre-trial detainees. In addition, mentions, plea-taking, and appeals can now be done virtually. During the pandemic, hearings were done virtually, but now (except for mentions, plea-taking, and appeals) the courts have resumed in-person hearings for trials. PAC officials also stated that through technology they were able to conduct online interviews with probationers and efficiently prepare social inquiry reports.

The Judiciary started to introduce ICT in their systems in 2009 and had also established a Judiciary Transformation Framework-JTF plan 2012-2016. Though there was some virtuality before Covid 19, the

UNODC is exclusively responsible”. UNODC (2018) Results-based Management and the 2030 Agenda for Sustainable Development, p.11.

³² UNODC PLEAD Annual Reports: 2018, 2019, 2021,

³³ UNODC PLEAD 2020 Work Plan for Covid Response; UNODC PLEAD Annual Reports 2020-2021.

pandemic allowed different actors of the CJS to understand better the value of introducing and promoting the use of technology. During Covid, PLEAD also facilitated laptops and screens to the Judiciary in the 12 counties it supports, enabling them to continue their work through virtual hearings. There is proven evidence that court cases are now being processed faster because of the move to virtual court hearings although this has tended to benefit more civil matters³⁴. Technology provided by PLEAD has allowed them to take testimonies of parties (e.g., in succession/probate cases) based abroad efficiently without delay or need for people to travel to Kenya. Security of court documents was also enhanced because of the use of scanning.

Despite the benefits of virtual hearings, there are still challenges as sometimes the public is not well-informed about how to use these ICTs, there are connectivity problems (particularly in remote areas), unreliable power supply and also people lack appropriate devices to engage in such hearings. Virtual hearings can also pose security problems for criminal justice actors when, for example, a prosecutor has to share a camera with the offender and is therefore unable to maintain sufficient distance from him/her. In this regard, a recent report financed by PLEAD stated that this technological transition will take more than just new tech systems and processes to be successful. **The report mentions that the introduction of new policy, legislative, institutional, and technical requirements are critical success factors when change is required in processes or practices to support new digital technologies³⁵.** Also change management would be key to securing the uptake and adoption of technology.

This report also highlights some **IT imbalances among institutions**. Different stakeholders consulted emphasised that the use of, and the investment in, technology in the e-Justice space has focused on the judiciary (particularly in the courts of Nairobi and urban cities). However, key stakeholders in the criminal justice system, such as prisons and the police, didn't enjoy the same focus and they continue to lack the equipment or funding to effectively participate in e-Justice³⁶. Also noted was the need to improve IT coordination and ensure that different justice sector institutions have the same number of screens (with similar specifications) so they can synchronize the conduct of virtual court proceedings. Some of them also emphasized the need to have an integrated ICT system for the entire CJS that can facilitate the use of electronic filing, the electronic exchange of legal documents, and online legislation and case law databases. ICT can be used to enhance efficiency, access, timeliness, transparency, and accountability, thus helping CJ institutions to provide adequate services.

Due to the need of investment to get digital infrastructure and the limited government resources for this, some consulted stakeholders mentioned the possibility partner with the private sector to update and facilitate access to technology and also involve other actors as CSOs. Partnerships with private sector can be an opportunity to ensure human-centred technology (human-centred design) to be able to cater for the needs of vulnerable groups, such as the elderly, women, children, and person with disabilities. According to a recent report, private sector involvement may require the creation of a transparency mechanisms that show where the investments come from³⁷.

³⁴ The support for e-filing of civil cases in the Commercial Division was IDLO supported.

³⁵ Malcolm Lee Kijirah, Legislative, Policy and Institutional Review to Enable Full Automation of Criminal Cases (Draft), 2021.

³⁶ Malcolm Lee Kijirah, Legislative, Policy and Institutional Review to Enable Full Automation of Criminal Cases (Draft), 2021.

³⁷ Malcolm Lee Kijirah, Legislative, Policy and Institutional Review to Enable Full Automation of Criminal Cases (Draft), 2021.

SUMMARY – EFFICIENCY

Documents analysed and interviews conducted suggested the PLEAD programme had **demonstrated a capacity for timely, efficient, and flexible delivery**, despite some delays.

The evaluation found evidence of admirable **flexibility and creativeness** of both the programme team and national counterparts to adapt ways and means to support efficient justice practices under the Covid-19 Pandemic lockdown and social distancing constraints. Trainings were perceived as well-organized despite some delays caused by Covid. Some documents and interviews suggest that those trainings were not yet been fully deployed at the county level, especially those that were non-PLEAD counties.³⁸

The **increase of use of technology** made the institutions more efficient, and the equipment and laptops facilitated their work. Challenges remain on the capacity of adequately use these ICTs, connectivity problems, unreliable power supply and some IT imbalances among institutions. Evidence from interviews conducted and document review suggested that the technological transition requires a coordinated change management strategy that includes new policy, legislative, institutional, and technical requirements to support new digital technologies³⁹.

No evidence was found of an internal **monitoring and evaluation function** to facilitate data-driven programming adaptations and internal learning. These gaps hindered the programme’s and implementing partners ability to make use of results-based management techniques, and the evaluators’ ability to precisely determine results.

COHERENCE

In this section, coherence is assessed in terms of the extent to which KENW58 contributed to relevant coordination and cooperation efforts with other UN agencies, CSOs, other government agencies, and other donors. This section considers the factors that may have hindered or facilitated these efforts to establish such partnerships. The analysis is based on desk review and interviews with UNODC PLEAD staff and regional management, Kenyan national counterparts, the programme donor, UNDP programme managers; other local and international actors operating in the Kenyan criminal justice space; focus group discussions with court user committee members (CUCs). It explores whether existing cooperation was successful and whether all potential partnerships were sufficiently explored, and whether they could be better utilised in the second phase of the programme.

EVALUATION QUESTIONS:

To what extent has the project furthered coordination and partnerships with other UN agencies, CSOs, other government agencies, and other donors, etc.?

As stated in the project document, PLEAD sought to establish synergies with other development partners working in the justice sector with an emphasis on access to justice. It particularly sought to establish synergies with UNDP (a main partner of the programme) which has been supporting the National Legal Aid Service (NLAS) and its CSO partners to enhance legal awareness and access to legal aid⁴⁰, the World Bank’s Judicial Performance Improvement Project and the Judiciary Joint Steering Committee on Judiciary Transformation

³⁸ Programme Status Review (Midterm Review) 2021 p. 8.

³⁹ Malcolm Lee Kijirah, Legislative, Policy and Institutional Review to Enable Full Automation of Criminal Cases (Draft), 2021.

⁴⁰ UNDP and NLAS jointly coordinate implementation of Outcome 1 of PLEAD on legal empowerment and legal aid. NLAS is an agency under the Office of the Attorney General and the Department of Justice.

(JSCJT), which includes decision-makers of the Judiciary and representatives of the lead donors of the sector, including the EU and the International Development Law Organisation (IDLO)⁴¹.

UNDP as main partner also contributed to the same objective of the programme by enhancing access to justice and promotion of rule of law as well as strengthening the capacity of CSO (outcome1). Both UN agencies participate in the annual meetings of the Project Steering Committee (PSC), together with the other PLEAD partners, set up to oversee and validate the overall direction of the programme, coordinate the different outcomes areas, and provide the guidance necessary for the achievement of the programme’s objective. They also participated in joint monitoring and evaluation missions with other NGOs and have had joint communication initiatives such as the *PLEAD Verdict Newsletter*.

Although the evaluation found coordination mechanisms in place, **most partners and even staff of UNODC and UNDP did not perceive this interaction occurring as often as desirable**. Some criminal justice personnel stressed that coordination in the work of these did not find it to be enough. There was a general perception of most of the stakeholders consulted that there is a need for greater visibility and public information on the work that both agencies do. There was a need to better understand how UNDP has been collaborating with NLAS and its CSO partners to deliver Outcome 1, and how its work was coherent with that of UNODC. While UNODC works with duty-bearers and UNDP with rights-holders, but the interrelationships of the two in programme implementation were unclear, given that duty-bearers have obligations and are accountable to rights-holders.

UNODC and UNDP staff also noted that there was room for closer collaboration to bring CSO interventions closer to UNODC’s support to government justice institutions. One of the gaps that emerged during the evaluation was the low level of public understanding (and considerable misunderstanding) about new initiatives such as diversion, plea bargaining and AJS. Several key informants suggested that CSOs needed to be more involved in carrying out this outreach work and promoting greater understanding and use of these initiatives. The EU also identified the need for both UNDP and UNODC to support CSOs to better engage duty-bearers, as they had the potential to inform on issues related to child justice, sexual and gender-based violence. As an example, legal support within WPA (that could be done potentially via UNDP-supported CSOs and NLAS) was not apparent within descriptions of agency remit or activity⁴². Given that the planning process for PLEAD 2 has already started, UNODC and UNDP expressed their willingness to better collaborate on future programme initiatives.

UNODC took up the chair of the donor coordination mechanism in the justice sector and contributed to pooling donor efforts and avoiding duplication among them by strengthening the coordination role of NCAJ. As a result, the NCAJ organised monthly donor coordination meetings involving UN agencies, donor government agencies and NGO’s. However, some stakeholders mentioned that the regularity of these meetings was difficult and that sometimes creating synergies among donors remained a challenge, as some donors still tend to work in silos. From the interviews conducted, the evaluation identified that there is an interest to **prioritize donor coordination meetings** and engage all donor initiatives better. The EU has expressed its interest in holding more regular coordination meetings with the NCAJ that are not only high-level meetings, but also more technical meetings.

UN agencies’ coordination was also done within the UNCT where UNODC was co-chair of the Outcome 1.1 of the recently completed cooperation framework that ended in June 2022. PLEAD promoted coordination actions with other non-partner UN agencies like UN Women, UNFPA and UNICEF. Despite this coordination, the evaluation identified that there was a need to create more synergies among donors when sponsoring similar products. For example, UNODC supported the development of SGBV Rapid Response Guidelines for ODPP around the same time UNFPA supported the development of ODPP’s Standard Operating Procedures (SOPs) and Rapid Reference Guide for the Prosecution of Female Genital Mutilation (FGM). Both products covered similar aspects related to SGBV, were produced for ODPP and were released barely two months apart.

⁴¹ PLEAD Annex 1: Description of the Action 2018-2022.

⁴² This aspect is further analysed in effectiveness section (outcome 2).

While the evaluation noted the inclusion and robust participation of CSOs in the UNDP and NLAS-implemented component of PLEAD on legal empowerment and access to legal aid (Outcome 1), it **found that there was no substantive CSO involvement in the delivery of the UNODC-implemented components** focusing on national partners (Outcomes 2, 3 and 4).⁴³ Other than with Deaf Empowerment Kenya, whom PLEAD partnered with to develop informational materials for the deaf culture, there were no other substantive partnerships with CSOs. (PLEAD’s partnership with Deaf Empowerment Kenya is reviewed in detail in the section on “Human Rights, Gender, Disability Inclusion and Leaving No One Behind”.) Stakeholders felt that national partners’ efforts to build public understanding of alternatives to imprisonment would have been more effective if more CSOs were directly supported to deploy their expansive community outreach networks to widely disseminate PLEAD informational materials.

SUMMARY – COHERENCE

The evaluation found that there is more scope for UNODC and UNDP to work more closely together to bring the work of civil society organisations closer to UNODC’s support to government justice institutions. The donor coordination role played by the NCAJ and chaired by UNODC made it possible to pool donor efforts and avoid duplication among them. Despite this, there was a recognized need for greater impetus and more frequent and active participation in donor coordination working groups.

There was no substantial involvement of CSOs in the components implemented by UNODC, even though it was recognized that their participation would have contributed to fostering better public understanding of alternatives to imprisonment.

EFFECTIVENESS

Effectiveness was evaluated at the outcome level, with reference made to contributing outputs as appropriate. Detailed and enumerated descriptions of output activities (eg, trainings undertaken, office equipment supplied, counterpart activities supported, etc) can be found in the PLEAD Annual Reports, which are publicly available for the relevant years 2018 – 2021 and detailed at length in the PLEAD Mid-Term Programme Review. Findings with respect to PLEAD programme effectiveness and the identification of facilitating or hindering factors were supported by triangulation of findings from desk review (taking in, *inter alia*, the output-level reporting just described); collation of statistical evidence (eg, criminal justice agency data); qualitative perceptual data drawn from interviews with UNODC PLEAD staff and regional management, Kenyan national counterparts, the programme donor, UNDP programme managers; other local and international actors operating in the Kenyan criminal justice space; focus group discussions with court user committee members (CUCs); and results of a survey administered to personnel of national counterpart agencies and CUCs. In this section findings on effectiveness are reported in relation to the three outcomes of UNODC PLEAD programming⁴⁴, but the evaluation was, unfortunately, unable to make more than small references to the linked outcome associated with UNDP’s support for access to justice, including provision of legal aid and work with CSOs, which forms part of the larger PLEAD architecture, and which was beyond the scope of this evaluation. The evaluation addresses PLEAD effectiveness based on the programme logframe, which aligned in its structure with the Regional Programme for East Africa 2016-21. The analysis covered the most recent update of the logframe, which changed over the course of the programme.⁴⁵

⁴³ This evaluation focused on the UNODC component of PLEAD, meaning Outcomes 2, 3 and 4 only. See Final Terms of Reference for PLEAD Evaluation 2022.

⁴⁴ While PLEAD in its entirety has four outcomes, with outcomes 2, 3, and 4 being the remit of UNODC, all UNODC documentation, including the programme logframe, numbers UNODC’s outcomes 1, 2 and 3. To maintain consistency with the programme’s self-description, the outcomes below are numbered following the UNODC numbering system.

⁴⁵ UNODC (2022) Project Revision Document, doc title:

2022.CPCJ.0030_PLEAD.extension_A.1_Project.document_19.04.2022.

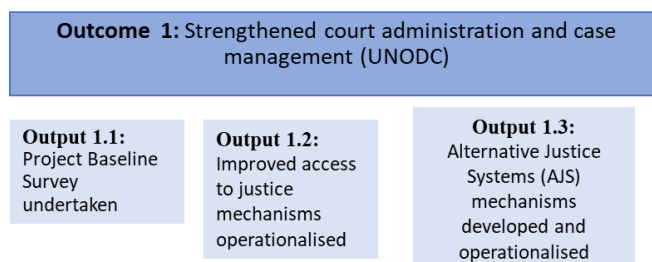
EVALUATION QUESTIONS:

To what extent did KENW58 achieve its intended outcomes and objectives?

What have been the facilitating or hindering factors in achievement of results?

OUTCOME 1: STRENGTHENED COURT ADMINISTRATION AND CASE MANAGEMENT

Figure 6: Outcome 1 of KENW58 (PLEAD)



Source: UNODC PLEAD

PLEAD support for court administration and case management focused on developing and operationalising mechanisms at two levels: first, to improve court administration and, second, to provide a pathway for offenders to access their constitutional entitlement to alternative, or customary, justice (AJS) as provided for under Article 159(2)(c), support for which also explicitly includes mechanisms for better responses to vulnerable groups, including those with a disability, the mentally disordered or impaired, and aged citizens, among others. Unfortunately, the **PLEAD indicators did not align well with these objectives (eg, being output rather than outcome-focused, and at the outcome level providing no indicator of AJS effectiveness) so the evaluation departs from them in the analysis below.** Key to strengthening court-based administration was PLEAD support for a system of active case management (ACM). The success of this would be indicated by the adoption of the ACM system and a subsequent 50% reduction in the backlog (those taking longer than a year to be concluded) of criminal cases by 2022, from a 2018 baseline of 274,773. Data on this indicator are presented in Figure 7. **As illustrated, progress on this headline indicator (backlogs) is not visible: as of 20.12.2021 the backlog stood at 247,204 as against the target of 137,367.⁴⁶**

Figure 7: Kenyan Courts- Case Backlogs

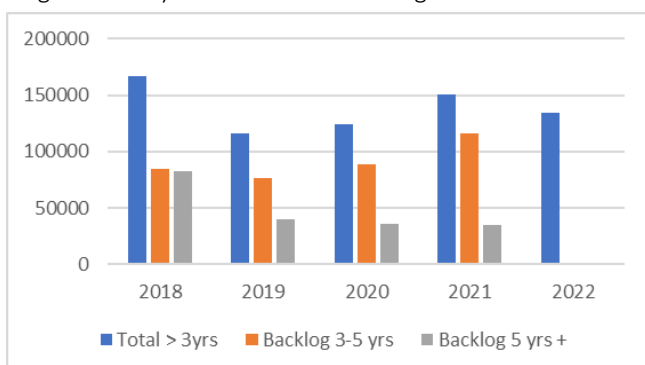


Figure 7 also illustrates how the case backlog, discussed also in the judiciary’s *State of the Judiciary and Administration of Justice (SOJAR)* reports, came down mainly for cases of 5+ years. But the effect of ACM was most likely to be felt in the progress of new cases, as reported in the PLEAD Annual Report above. Indeed, backlog in the 3-5yrs category was rising, but this may also reflect COVID-19 effects. The 5+yrs backlog was a target of World Bank intervention, with a recent impact evaluation attributing the reduction in 5+yrs case numbers from 175,770 in 2017 to 41,248 in 2022 to the Bank’s intervention.⁴⁷

Source: Evaluation team

⁴⁶ UNODC (2022) *PLEAD Annual Report 2021*. Data in the Figure above supplied by UNODC PLEAD, no disaggregated data for 2022 were available for inclusion in this report.

⁴⁷ World Bank (2022). *Implementation Completion and Results Report IDA – 51810 – for Judicial Performance Improvement*. Governance Global Practice, Eastern and Southern Africa Region.

Despite the success of the World Bank project at the tail of the distribution (i.e., the very-long delayed cases of 5yrs+), shifting case backlogs across the whole case-length spectrum is likely a multi-year task. PLEAD efforts – including the system guidelines and manual, an e-learning suite for judges and magistrates, and so on – seemed likely, logically, to contribute to eventual reductions, **but it may be too early in the roll-out to see effectiveness manifest in backlog figures**. More broadly, however, this is an example of the need for programme managers to clearly cite the evidence base for the approaches they have decided to take. Here, the evaluation cannot demonstrate whether no impacts are evident because it’s too early for them to manifest, or because there’s no evidence that doing these things makes any difference, which is why no difference is seen. Looking for triangulated evidence of effectiveness there is a mixed picture beyond the quantitative backlog measure. **Interviews with judges and magistrates found satisfaction with the efforts made by PLEAD, but respondents tended also to highlight a range of constraints that might usefully be considered in preparation for PLEAD II**. One example is the vulnerability of training-focused assistance to the repeated movement of those trained out of station (i.e., staff rotation/ movement on to new positions). On the one hand, this might support more nation-wide diffusion of knowledge beyond the 12 focal counties. But the evaluation also found inefficiencies and dilution effects this produced. Further, **it appeared that while ACM was highly visible within PLEAD, it appeared less so across the judicial system**, with some respondents naming simpler assistance, such as provision of computers, as PLEAD’s main benefit. Notably, SOJAR reports made few mentions of ACM, mainly noting trainings provided, the existence of the manual, but overall, its slow uptake.⁴⁸

Effectiveness of support for improved court administration and case management under Outcome 1 also relied on several connecting supports. These included assistance to strategic planning, production of key documents, such as a Pro Se [self-represented] Litigants Manual, and support for judicial training, where national counterparts reported broad satisfaction with PLEAD. **In response to COVID-19 both UNODC and the donor exhibited considerable flexibility in adapting programming to lock-down conditions**. One factor that was particularly visible during the field visits, emerged clearly from the desk review, and was widely discussed in interviews with PLEAD national counterparts, was the significant investment and behaviour change around virtual courts catalysed during the COVID-19 period. Numerous difficulties remain including not enough trained staff, e.g., the evaluation team visited a prison where only one person knew how to work the e-court system, and that person was on leave for a period of time. **It was also not at all clear how this work intersected with UNDP-led provision of legal aid to prisoners, which should have been closely and rigorously aligned with PLEAD activity**. But overall, at the level of both cultural change (attitudes, acceptance) and practical change (e.g., physical infrastructure, policies, and procedures), the evaluation found, at least in its nascent form, **clear evidence of effectiveness**.

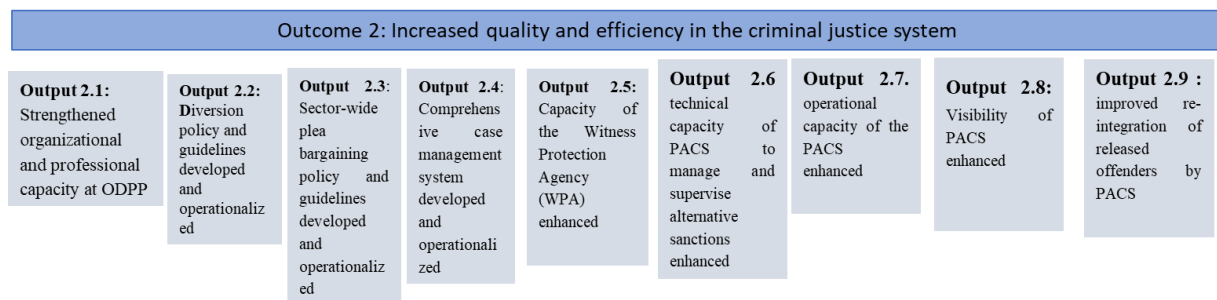
The second main output of Outcome 1 concerns support for GoK’s establishment of an AJS pathway for defendants in criminal matters. As noted above, this policy has many justifications and virtues beyond its contribution to justice system efficiency, most notably that it provides a means for Kenyan citizens to access a constitutional entitlement of culturally appropriate justice (in less serious criminal matters). That would clearly contribute to PLEAD’s higher-level objectives (since all AJS disposals – i.e., case resolutions – will be non-custodial in nature) but, at the same time, it needs to be recognised that creating a plural justice order (combining both court-based and AJS pathways) is a long-term endeavour, the effects of which may be slow to emerge. As a result, it should also be recognised that **AJS’s contribution to the higher, impact-level goals of increased justice system strength and reduced prison population lies somewhere rather far out on the horizon**. Evaluating effectiveness in this context therefore means attending to the foundation stones rather than material outcomes of AJS in the Kenyan justice ecosystem. Nevertheless, the evaluation found clear evidence of progress. The AJS baseline policy and framework are of high quality and were produced through extensive consultation (such as concerning possible AJS models and extant customary practices). The pathway out of formal justice processing and into AJS mechanisms is dealt with below, under Outcome 2, but is noted

⁴⁸ Judiciary of Kenya (2020). *State of the Judiciary and the Administration of Justice, Annual Report 2019-2020*.

here to indicate the strategic coherence of the programming. **Overall, the target of having AJS mechanisms in place by 31.12.2022 has been met.** AJS is being implemented (to begin with) in just three focal counties and the evaluation found evidence for its success there in connection with the diversion policy that provides its pathway out of formal court processing, under Outcome 2 below.

OUTCOME 2: INCREASED QUALITY AND EFFICIENCY IN CRIMINAL JUSTICE INSTITUTIONS

Figure 8: Outcome 1 of KENW58 (PLEAD)



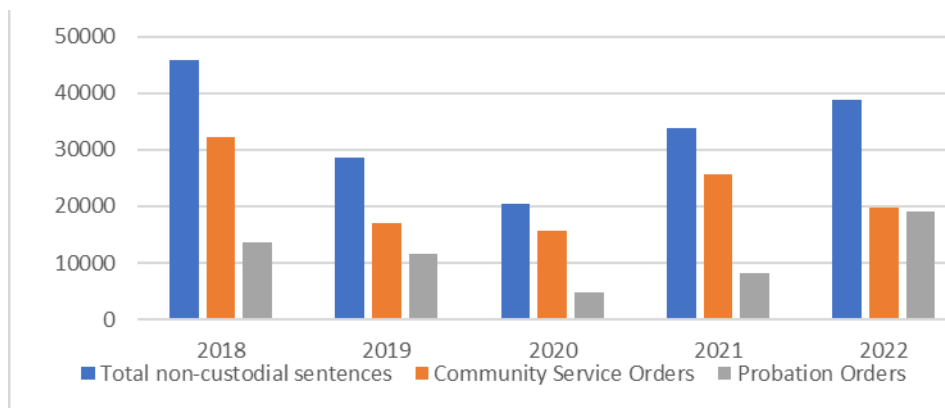
Source: UNODC PLEAD

PLEAD support for improved quality and efficiency in some of Kenya’s key CJS institutions focused attention on the Office of the Director of Public Prosecutions (ODPP), the Witness Protection Agency (WPA), and the Probation and Aftercare Service (PACS). Programming was focused on nine discrete activity areas, but these did not converge clearly in support of this area’s three outcome indicators (see below), and efforts by the evaluators to draw out from the programme management team a Theory of Change was unable to clarify this further, nor was it made clear how these outcome indicators supported PLEAD’s higher level objectives. The main problem, and one that should be addressed in PLEAD II, was the **lack of a visible evidence base supporting the selection of programming approaches (solutions) to the targeted problems** and thus the empirical support (from the extensive research and evaluation literature on criminal justice reform exercises) for their expected impact on higher level objectives, such as prison decongestion. An example in relation to indicator 1 is provided below, which concerns expanding the use of alternatives to imprisonment. The three indicators chosen by PLEAD to evidence the effectiveness of Outcome 2 are as follow: 1) expanded use of alternatives to imprisonment and, specifically, a 30% increase in the use of community service, and probation orders; 2) a simple output measure, being the development and implementation of a system for measuring prosecutors’ performance; and 3), a 30% increase in the number of witnesses receiving protection. The evaluation addressed each in turn and draws also on output objectives to provide a clearer picture of the PLEAD work under this second programme outcome.

The first PLEAD outcome indicator for Outcome 2 is a 30% increased use of non-custodial sentences over a baseline of 40,396 such sentences. It was unclear whether expanded use of non-custodial alternatives was aimed at the higher-level objective of prison decongestion, **but evidence-based programming would suggest against such an aim since the evidence across decades and countries is that the main effect of availability of non-custodial sentences’ is net-widening (ie, it draws in offenders who would otherwise receive less serious punishments, rather than diverting offenders away from imprisonment) and it does little to change re-arrest probabilities for those who would otherwise receive a sentence of imprisonment.**⁴⁹

⁴⁹ For example, examining 29 countries over 20 years, see Aebi, M., Delagrande, N. and Marguet, (2015) ‘Have community sanctions and measures widened the net of the European criminal justice systems?’, *Punishment and Society*, 17: 575-97, demonstrates no reductions in use of imprisonment as ‘alternatives’ expanded in use. For community-based measures to be seen as credible alternatives to imprisonment they frequently must be made more intensive: see Hyatt, J. and Barnes, G. (2017) ‘An experimental evaluation of the impact of intensive supervision on the recidivism of high-risk probationers’, *Crime and Delinquency*, 63: 3-38, showing no impact on

Figure 9: Non-custodial sentencing



Source: UNODC PLEAD

One response to the observation that programming to increase use of alternatives to custody to reduce prison population is not evidence based would be highlight special contextual factors present in Kenya. This would be problematic, however. First and most generally, there are contextual factors in all places. The virtue of large cross-national evidence bases is that a large variety of such factors are present, allowing programme-specific effects to shine through in the evidence. Second, and more specifically, the question would be asked: what contextual factors would be powerful enough to counter such a well-established main effect? Perhaps the strongest of conceivable contextual forces could be a strong culture among sentencers and an acceptance among the population that imprisonment is inappropriate and that community alternatives should be preferred. Yet the data in Kenya in fact point in the other direction (imprisonment is the preferred ‘go to’ punishment of both sentencers and the public). Nevertheless, and importantly, if contextual factors are believed to be present, then they should be clearly described in the programme documentation, noting how despite the programming choice not being supported by empirical evidence, risk mitigation is provided by X or Y specific contextual factor(s). Not only does that increase transparency of the programme logic and theory of change, it also allows for that assumption about putative contextual factors to be tested over the programme cycle.

Notably, however, there may be other reasons why non-custodial alternatives may be implemented which do not rest on assumptions about diversionary impact and resultant prison decongestion, such as around rule of law goals or objectives.⁵⁰ Yet, either way, it is clear that **the target was missed by a large margin**, with non-custodial sentences being lower in every year since 2018, as illustrated in Figure 6 above (note: increased use from 2019 and 2020 is apparent in 2021 and 2022).⁵¹

Looking at the activities directed towards PACS, the majority aimed to support what was referred to above in relation to AJS as foundation stones, in this case, of a high-quality and efficient probation and aftercare service. These included supports for organisational change and development, production of important organisational documents, including policy and strategy documents and curricula supporting training of

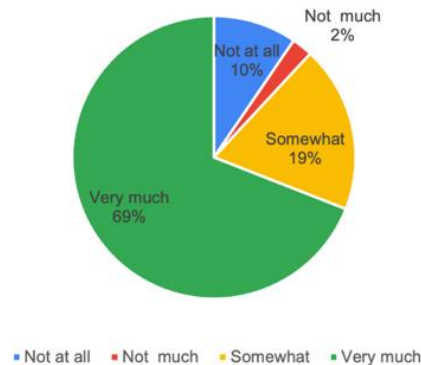
reoffending. These are longstanding established facts: see for example Bray, R. (1990) *The Use of Custodial Sentences and Alternatives to Custody by NSW Magistrates*. Sydney: Judicial Commission of New South Wales, showing use of imprisonment and non-custodial alternatives both rising in tandem across a full decade following introduction of these ‘alternatives’, and concluding their main effect was net-widening (ie, allowing magistrates to give more punitive sentences to a wider group than they previously would have): “The study of individual case files revealed a tendency for recipients of alternative options to resemble more closely recipients of fines or bonds than people sentenced to full-time custody” (p.13).

⁵⁰ For example, in support of UNODC’s normative goals reflected in the *United Nations Standard Minimum Rules for Non-custodial Measures* (The Tokyo Rules); or in support of rule of law principles, such as proportional sentencing, where a lack of suitably gradated sentencing options (to reflect differences in offence severity) might be argued to result in unjust sentencing practice; or as options to support abolition of short sentences of imprisonment (see full discussion and footnotes in relation to this in the Impact section below).

⁵¹ Source of data: UNODC PLEAD.

probation officers (both staff and voluntary). PACS staff satisfaction with some of that output level support (training) is reflected in Figure 7, though some caution should be exercised in drawing strong conclusions from these data, given the particularly small number of respondents.⁵²

Figure 10: Survey response “To what extent has the training received enabled you to improve your own work practices, increase knowledge, raise awareness, and raise sensitivity (human rights, gender issues) PACS (n=42)



Source: Evaluation team

Overall, there was strong evidence of effective output-level support for these critical organisational building blocks that, over time, should increase quality and efficiency of probation and aftercare services (i.e., at the outcome, rather than simply output level).

It should also be noted, in respect of measuring and interpreting results regarding improved quality and efficiency, that high-quality provision (e.g., pre-sentence reports to court) may in practice be slow, and therefore not be efficient. And that the opposite is also the case: i.e., that what is efficient may not be high-quality, thus suggesting the need for a clearer teasing out of what precisely is meant and aimed for in respect of efforts to ‘improve’ these two highly flexible terms/ criteria. In this case, it is clear how the outcome indicator (30% increase in use of community service and probation orders) might measure efficiency, but there was no evidence found of quality of outcomes being measured, such as in assessment of training outcomes (eg, expert review of probation officers’ report-quality six months after training; audio recordings of probation officers’ interactions with their clients; comparison of recidivism outcomes of clients of trained vs untrained probation officers, etc). Indicator 1 for Output 2.7 – Improved quality of reports by probation officers submitted to courts – had the potential, but in fact none of the means of verification were assessments of actual report quality. Notwithstanding these problems, **the evaluation heard widespread positive comments on PLEAD support for PACS, though judicial officers were more likely to understand and comment on this as enhancing non-custodial measures’ purpose as a prison decongestion measure.** Within PACS satisfaction with PLEAD support was very high, ranging from trainees’ perceptions of training quality and contribution to improvement of their work-practice (see Figure above), to recognition of the maturing of PACS as a professional service under PLEAD support, to substantial notice of the importance of PLEAD material support (e.g., computers, printers, vehicles), to increasing sense of professional self-efficacy in front line workers. Documents prepared with PLEAD support, including those supported by consultants, were of high quality and appropriate to task, given the stage of PACS as a transforming organisation. Satisfaction and perception data from the survey also revealed, however, somewhat countervailing views: on the one hand, there was the high satisfaction with training noted above, on the other, almost all of those trained suggested there was scope for improvement and a wide variety of suggestions were made. PLEAD II programming would profit from revisiting this in a more systematic manner than was possible in the short timeframe of the present evaluation.

One vitally important area in which PLEAD aimed to support PACS (and potentially also the Kenyan Prison Service in its prisoner rehabilitation and reintegration function) and which would clearly feed into the higher-level objectives of not only system quality and efficiency but also prison decongestion, was development of a

⁵² Data source: evaluation survey data.

Kenyan National Policy on Reintegration of Offenders. Here, a strong evidence-base exists for such a policy, and associated reforms and training, making important contributions to PLEAD objectives. **Unfortunately, it appears little headway was made.** The evaluation was unable to determine exactly why that was so, though interviews with both PLEAD personnel and national counterparts pointed to inter-agency conflicts that remained unresolved by NCAJ coordination structures (see Outcome 3 below). Nevertheless, important work in relation to special classes of offenders, such as violent extremist offenders, was done and produced visible results, including a dedicated risk assessment tool and offender management guidance. Finally, it was observed in relation to PACS support, but the point applies to other national counterparts also, that effectiveness rested heavily upon PLEAD financial provision for goods (e.g., computers, vehicles, boats) or services (eg, training, or training costs) that ought properly to fall within GoK budgetary provision. National ownership and sustainability are addressed separately below, but the point concerning the sustainability of results is worthwhile emphasising here also. **Overall, the evaluation found mixed evidence of effectiveness in relation to PACS, being quite strong in relation to certain elements of building the foundations of an effective service, but no progress at all at a higher level in the key outcome indicator.**

PLEAD support for and work with the Office of the Director of Public Prosecutions (ODPP) was wide ranging and, importantly, intersected directly with the AJS processes described under Outcome 1. The outcome indicator here – in fact, an output indicator measuring the development and implementation of a prosecutors’ work performance appraisal – was poorly aligned with activities undertaken with the ODPP. These were fourfold but can be understood as being of two types. First, efforts to improve internal ODPP capacities through prosecutorial training and performance appraisal; and Office-level efficiency improvement through the development of a case management system. Second, through provision of ODPP support for wider criminal justice innovations, being, in this case, diversion of offenders pre- or post-charge, which provides a pathway for offenders into AJS processes, and development and implementation of plea bargaining. With respect to the key outcome indicator, it appeared in fact that little work was undertaken: human resources support aligning with the organisation’s Excellence Charter was provided, but ODPP outsourced the activity to another provider/donor. At the output level, dealing with diversion first, since it was an element of the crucial AJS policy, there was widespread support for it, in principle, among all classes of criminal justice actors met and interviewed for this evaluation. It was properly supported, at output level, by high-quality supporting policy and practice documentation, and was being trialled in three counties. The data here are slim, amounting to just 280 cases that had been processed via diversion into an AJS pathway over a maximum of 10 months in 2022 (ie, in some counties the process had operated for less than 10 months). All cases must be referred back to court for adoption (a safeguard relating to constitutional protections for human rights, gender principles and the like). There appears to be some variation in capacity between counties to resolve cases in a manner satisfactory to the court, which might warrant early attention in PLEAD II, **but generally it was too early to draw conclusions other than to conclude that the fledgling steps in an important PLEAD-supported AJS mechanism seemed to have been successfully taken.** Similarly small steps were taken in practice with plea bargaining. In both cases – diversion and plea bargaining –both PLEAD personnel and national counterparts commented that such policies faced resistance from some parts of the Kenyan population. Partly, it was said, this relates to the well-recognised, entrenched, corruption and lack of confidence that alternative pathways are not the result of bribery of officials. Other sources of opposition were said to include punitive tendencies in attitudes to wrong doers.

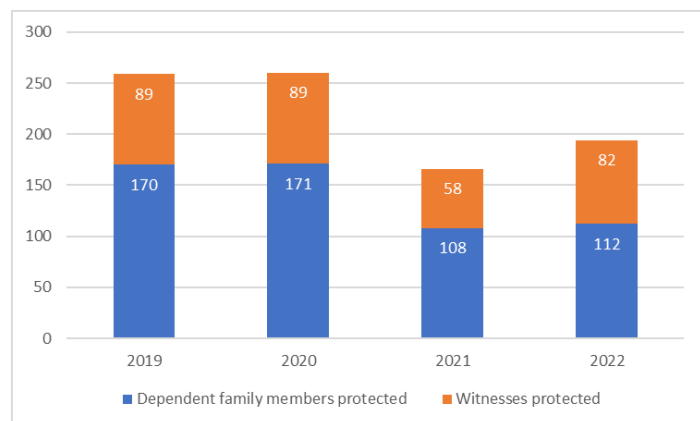
PLEAD contained a visibility/ communications component and efforts to communicate to a wider audience on work done were clearly visible and appeared to be of high quality. The evaluation was unable, however, to find evidence of effectiveness in terms of outcomes rather than simply outputs. Given the real need for reform efforts to engage with the public in cases where, as here, there appeared to be deep-seated worries or antithetical views (e.g., punitiveness), PLEAD II might consider a wider brief for visibility and communications work, such as (as pointed out to us by respondents) in efforts to work in various vernacular languages and ways that connect with different demographics, literacy levels, and so on, and with a focus on measurement of their outcomes at the community level. Progress on what was named the ODPP’s Uadilifu case management system has included rollout to regional offices and 30 ODPP stations, and while some IT issues have hampered uptake in Nairobi, they will be resolved and this appears to be a project success. Several ODPP respondents

spoke positively of it and emphasised its real potential to transform their work. This was one element within a wider change management process supported by PLEAD. In this respect, the evaluation received evidence of some cultural barriers to change within the Office, with some individuals observed to be working as spoilers to change processes aiming to support its otherwise high-calibre staff. **Overall, PLEAD support for ODPP evidenced considerable effectiveness in some areas, particularly the diversion policy and practice and its role in the Kenyan AJS model, with rather more unevenness in others, and clear shortcomings in terms of effective results-based measurement at the outcome level.**

The third output of PLEAD’s Outcome 2 focused on Kenya’s Witness Protection Agency (WPA). This is a smaller programme of work and was led by an expert consultant. It primarily involved development of key documentation aligned to international standards (e.g., standard operating procedures) and a certain amount of staff training. Responses to our training survey, though few, revealed positive views on the quality of this training, and its relevance and capacity to improve trainees’ professional performance. Alongside this, PLEAD support involved substantial financial commitment to material items like witness protection boxes, voice distortion equipment, vehicles, and safe housing. Effectiveness of PLEAD support was measured against a target of 30% more witnesses receiving WPA protection from a baseline of 100. But this was a rather crude measure which could potentially be achieved even in the context of low-quality protection.

As it stands, in relation to the indicator, presented in Figure 11, the data indicated no progress over the five-year term of support, with protection numbers essentially flat at best (from 89 in 2019 to 82 in 2022). Figure 11 also presented in time series the number of family members of witnesses to whom protection was also extended.⁵³ From the document review and interviews conducted, evidence shows that the WPA had potentially limitless financial needs and it was not clear the agency was cognisant of the viability of their material assistance requests for PLEAD, or indeed the GoK budget.

Figure 11: Witness Protection Agency: Number of Protection Cases



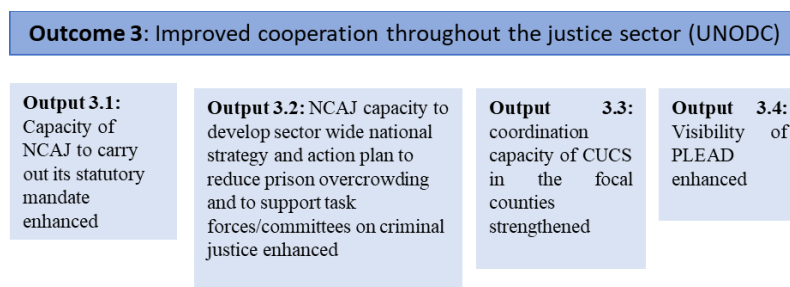
Source: UNODC PLEAD

This is in fact part of a more general observation, which is that the WPA appeared more focused on material support than benchmarking to international best practice standards. The evaluation did not find, for example, internally generated evidence of protection quality, as distinct from the existence of protected witnesses who could be counted. **Protection appeared to be delivered in isolation from a more wrap-around vision of care, even to the extent that legal support (potentially via UNDP-supported CSOs) was not apparent within descriptions of agency remit or activity.** WPA thus remains rather isolated, and as a number of respondents also noted, secretive agency, meaning that WPA is not well integrated into either the wider PLEAD architecture (including the UNDP-led component) or with other NCAJ-coordinated agencies. **Overall, the evaluation found, at best, mixed evidence for the effectiveness of PLEAD support for WPA,** suggesting a need for reflection on how support might be most effectively profiled against best practice in balance with the agency’s perceived needs during PLEAD II.

OUTCOME 3: IMPROVED COHERENCE AND COOPERATION THROUGHOUT THE JUSTICE SECTOR

⁵³ Source of data: UNODC PLEAD.

Figure 5: Outcome 3 of KENW58 (PLEAD)



Source: UNODC PLEAD

PLEAD activity under Outcome 3 had initially focused on support for Kenya’s National Council on the Administration of Justice (NCAJ) and Court Users Committees (CUCs) but was expanded during the time of COVID-19, to include support for a wider group of national counterparts, including particularly the Kenyan Police Service and Kenyan Prison Service. Outcome 3 indicators focused on just two areas: 1) evidence of NCAJ developing into an independent agency; and 2) evidence of the CUCs’ integration into NCAJ deliberations, which might be interpreted more broadly as evidence of both CUC functionality and interagency cooperation within the Kenyan justice system. These indicators seemed reasonable at first glance, but in fact were both rather slim as measures of outcome and don’t follow clearly from the much wider array of activities undertaken under this Outcome, which included five output areas, only two of which are reflected in these outcome indicators.

Nevertheless, what the NCAJ and CUCs represented were two levels at which the overarching objective of Outcome 3 – increasing system coherence and coordination – will operate: the NCAJ as a high-level interagency coordination platform on the national stage, and the CUCs bringing together relevant agencies at the level of individual court jurisdiction. Outcome-level goals were the discussion of at least five CUC-submitted matters at NCAJ meetings per year. Presumably, this is envisaged as a qualitative proxy measure of engagement between these two levels of system-coordination bodies. As such, as a starting point in a long-term change process it seemed reasonable, at least for the first year (effectively, 2019). Data indicate it was met across the period: 2019: 5 CUC reports raised in NCAJ; 2020: 10 matters; 2021: 6 matters; 2022: 6 matters. As programming evolves into PLEAD II it would be expected that outcome indicators will evolve in terms of both ambition and complexity. More broadly, triangulated data support three key findings.

First, the evaluation found **widespread strong support for both mechanisms – NCAJ and CUCs – as tools for addressing longstanding problems of siloed thinking and practice among Kenyan justice system actors.** Both institutions appeared well grounded in policy and strategic senses, though questions remained as to whether the NCAJ’s independence could be improved both in terms of resources (an independent funding stream) and visibly (reducing perceived leadership by the judiciary). Importantly, the NCAJ was also a forum where actors/agencies not included within PLEAD were indirectly drawn into the reformed justice architecture it supports.

Second, **there was both strong evidence of the effects of increased communication and coordination at both NCAJ and CUC levels, and equally strong evidence that there remains scope for further improvement both in terms of coordination (see further below) and the awareness of or visibility of some agencies.** Here, for example, considerable evidence was found of the need to continue nurturing and giving visibility to PACS as it takes an increasingly important role in the Kenyan criminal justice system, as well as evidence of the need to draw the WPA into closer coordination with other agencies.

Third, as might be expected in a still-evolving system, the evaluation received evidence of **areas that would benefit from increased attention.** These were numerous, but three common themes have been identified: 1) a mismatch between the multi-institution design of the NCAJ and the more limited scope of PLEAD, meaning, as one example, that the widely lauded PLEAD support for electronic case management did not integrate all key actors, of which police (where a case begins) and prisons (where for many it ends) were glaringly absent; 2) that coherence and coordination – the key outcome level objective – remained elusive in a number of areas

despite the high-level agency representation in the NCAJ and its specialist committees designed to work at thematic practice levels. Many examples were given, but one illustrative case was continued confusion between ODPP and PACS over interpretation of PACS obligations to support ODPP report-requests under the diversion policy, while the evaluation itself was unable to clarify how one of the key multi-stakeholder outputs of this part of PLEAD – development and adoption of a National Strategy and Action Plan on Reduction of Prison Overcrowding – had failed to emerge; and finally, 3) the mandate of UNODC to provide visibility and public communications in support of PLEAD was reflected in materials of high quality, but as PLEAD II planning is further refined it might benefit from discussion about widening the scope, reach and format of communication efforts (e.g., as discussed above, into working in vernacular languages, additional formats). Overall, **the evaluation found strong evidence of effectiveness in relation to Outcome 3, while at the same time noting the above observations that point to scope for continuing improvement.**

SUMMARY – EFFECTIVENESS

There was strong evidence of effectiveness across PLEAD’s three outcomes in assisting Kenyan criminal justice agencies in developing the long-term building blocks for success. These included the areas of strategic planning, development of policy frameworks and documents, practice guidelines, and establishing pathways for Kenyans to access alternative justice mechanisms. Evidence of higher-level outcome effectiveness was more difficult to find, which may reflect the long-term nature of some of the changes anticipated, but also in some areas the lack of evidence supporting the effectiveness of chosen intervention approaches, as well as scope for clearer, better targeted, and more appropriate outcome-level measures.

IMPACT

The programme’s impact is understood in terms of how it produces long-term benefits at the levels of institutional, policy and social change. These are captured in the overall objective around which PLEAD was designed: Effective delivery of justice and alternatives to imprisonment in the Kenyan criminal justice system strengthened in accordance with Goal 16 of the 2030 Agenda for Sustainable Development and UN standards and norms in crime prevention and criminal justice.

EVALUATION QUESTIONS:

To what extent has KENW58 contributed to improving the expeditious delivery of justice, through an integrated approach at central and local level, particularly in high-risk counties?

To what extent has KENW58 generated or is expected to generate significant positive or negative, intended, or unintended, higher-level effects?

The PLEAD results-based architecture identified three indicators that should evidence the effective delivery of justice and alternatives to imprisonment in the Kenyan criminal justice system, which would be strengthened in accordance with Goal 16 of the 2030 Agenda for Sustainable Development and UN standards and norms in crime prevention and criminal justice. This section considers these first, before evaluating broader aspects of impactful change, achieved or potential, that appeared attributable to PLEAD. However, the evaluation notes at the outset that the selected indicators were not well aligned with the objective in the sense that (1) it is less than clear how they reflect longer term effectiveness or transformational change; (2) alternatives to imprisonment, which are at the heart of the objectives of PLEAD are not measured, although what might be termed assumed-impacts (on imprisonment) are; and (3) relevant elements of SDG16 are not measured (and indeed are not visible as distinct (as opposed to general – ie, anything to do with justice reflects SDG16 somehow) targets of the PLEAD programming. In what follows below, therefore, the section draws in other relevant impact indicators where they were available to the evaluators.

FINAL IN-DEPTH EVALUATION OF “STRENGTHENING THE ADMINISTRATION OF JUSTICE AND OPERATIONALIZING ALTERNATIVES TO IMPRISONMENT IN KENYA” (KENW58)

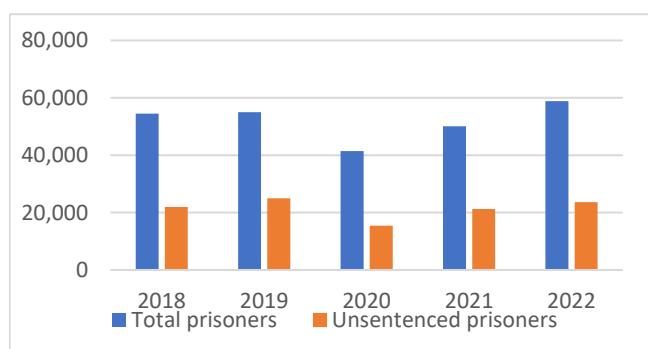
Table 1: Summary of impact indicator data

	2018	2019	2020	2021	2022
Indicator 1: % decrease of prison population	54,518 (21,994 unsentenced)	55,000 (25k unsentenced)	44,000 (SOJAR; 41,448) (15,428 unsentenced)	50,100 (21,267 unsentenced)	58,840 (23,649 unsentenced)
Indicator 2: Periodic NCAJ meetings at national level and CUC meetings at county level:	Garissa: CUC meetings conducted quarterly; Nairobi, Milimani Law and Criminal Court: Held regular CUC meetings; Tamu Law Court: Held quarterly meetings	3 NCAJ Technical Committee Meetings; 2 NCAJ Council Meetings; 1st NCCJR Conference; 2 Meetings of the NCAJ Special Working Committee; 1 Sensitization Workshop for CUCS	10 NCAJ Council Meetings and related consultative meetings; CUC meetings were impacted by the pandemic; Bail and Bond High Level Dialogue and Launch of Work outputs of the Bail and Bond Implementation Committee	4 NCAJ Council Meetings and related consultative meetings; CUC meetings were held on a quarterly basis	2 NCAJ Council Meetings
Indicator 3: Revised statutes and number of policies and guidelines developed	Drafting Diversion Policy, Bail and Bond Supervision Policy, Intensive Supervision Policy; PLEAD Baseline Study; PLEAD launched	6 policies/ guidelines / strategies: 4 training manuals 3 Policy Reports,	1 statute developed; 8 policies/guidelines / strategies: 4 training manuals 3 Policy Reports	2 statutes revised: 17 policies/guidelines/ strategies developed: 2 training manuals: (xx) Policy Reports	4 statutes: 8 Policies/ Guidelines: 6 training manuals/ guides; 1 Policy Report

Source: UNODC PLEAD

PLEAD’s first indicator of its overarching objective and impact is to have achieved a reduction in Kenya’s prison population from a baseline of 52,833 over five years, comprising decreases specifically of sentenced inmates by 10% and unsentenced (remand) inmates by 30%. Unfortunately, as illustrated in the Figure below, **this objective was not met, although in relation to the impact of PLEAD on the high-risk counties, the evaluation did not receive disaggregated data that would allow assessment of these regions.** Considering the national-level data, both total prisoners and unsentenced prisoner numbers are higher in 2022 than when PLEAD began. There is a question here of the appropriateness/ fit between programming (in 12 focal counties) and indicator (national-level data).

Figure 13: Number of Prisoners 2018-2022



Source: UNODC PLEAD

That being as it is, two further observations are in order. First, and as illustrated, **prisoner numbers dropped sharply during COVID-19 because of specific decongestion practices involving prisoner file reviews and release of suitably low-risk individuals.** Since 2020, despite PLEAD-supported initiatives, the judiciary’s imprisonment practices reverted to norm.

This in turn illustrates two things: a) that the ‘natural experiment’ of COVID-19’s crisis response demonstrated that imprisonment rates can be brought down, and can be done so quickly and safely; and b) that the key challenge facing the Kenyan justice system is less the availability of alternatives than the norms and behaviour of judicial officers who continue either to prefer, or to accept recommendations (e.g., from police, prosecutors), to imprison offenders who (the evidence from 2020 shows) could safely be dealt with otherwise.

Secondly, the evaluation also noted that as a higher-level objective, **these imprisonment measures rested on a series of not well-articulated theory of change assumptions about what should contribute to quick reductions in prison population**, i.e., over the five-year time frame envisaged in the logframe, and as presented schematically in the PLEAD prodoc. Reducing prison population over the short term did have an evidence base, but those strategies most strongly supported by evidence were not well reflected in the choice of strategies pursued by PLEAD (examples include changes to bail legislation to severely restrict custodial remand, mainly to only serious offences/ offenders; elimination of short sentences of imprisonment, generally, less than six months; enhancing remissions of sentence, generally to be automatic and at much earlier points; introduction of early release on parole for longer sentence prisoners, generally at either ½ or 2/3 of sentence; and the like).⁵⁴ This is not to say that PLEAD activities were entirely unsupported by evidence. Efforts to decriminalise trivial ‘crimes of poverty’ type offences, for example, were supported by PLEAD in amendments to the Penal Code (Amendment) (No.2) Bill 2021. But, generally, **PLEAD strategies intended to impact prison population needed to be more clearly supported by evidence and refined in terms of their intended impact on either sentencing or use of custodial remand**. In respect of the latter, for example, there is extensive evidence and experience, including successful examples from Kenya’s neighbours, of effectively and substantially reducing prison population quickly through provision of paralegals aimed specifically at reducing unsentenced (remand) prisoner numbers.⁵⁵ While this currently lies within the UNDP component of PLEAD, UNODC has experience with such programming elsewhere, such as in Pakistan (PAKW51), and gathering all components together would have substantially increased the coherence and likely also effectiveness of prison population-reduction focused programming.

Second, evidence of PLEAD’s impact on improved justice system coordination should be indicated by at least once-per-year meetings of the National Council on Administration of Justice (NCAJ), and quarterly gatherings of Court User Committees in the PLEAD focal counties. **This objective was achieved and certainly in the case of the NCAJ there was strong triangulated evidence of increased confidence in this institution among criminal justice actors**, although questions continue to be raised about its independence from the judiciary. Developing further such independence via statutory provision and a stand-alone budget would solidify this important institution that contributes clearly and materially to effective delivery of justice in Kenya. Here, therefore, PLEAD’s impacts were easily visible, and the potential for the NCAJ to catalyse further change and transformation in the Kenyan criminal justice system was particularly clear.

Third, PLEAD planning identified implementation of statutes and new or revised policies or guidelines as a high-level indicator of programme impact. **Results were mixed regarding statutes, but the indicator was less than ideal since it measured outputs rather than more clearly outcomes or higher-level objectives and impacts**. At the same time, it is possible to see certain statutory amendments as logically and potentially contributing in an important way to higher-level objectives of prison decongestion (generally) and reductions in un-sentenced prisoners (specifically). One example is the decriminalisation of trivial offences mentioned in the discussion of the imprisonment indicator above. Another is the Criminal Procedure Amendment Bill 2020,

⁵⁴ Evidence for the impact on prison populations of abolishing short sentences, constraining or incentivising discretionary decision makers (at each of the police, prosecutorial and judicial stages), and other models of practice are widely available, see for example a selection, including references contained therein: Lind, B & Eyeland, S. (2002) *The Impact of Abolishing Short Prison Sentences*. Crime and Justice Bulletin, No.73. Sydney: BOCSAR; Mills, H. (2019) *‘Stopping short?’ Sentencing Reform and Short Prison Sentences*. London: Centre for Crime and Justice Studies; Raghavan, P. (2018) *Criminal Justice Solutions: Model Legislation*. New York: Brennan Centre for Justice. Another, older, discussion of evidence-based approaches, with examples from successful jurisdictions, is Tonry, M. (2003) “How to Reduce the Prison Population”, in M. Tonry (ed) *Confronting Crime*. London: Routledge.

⁵⁵ For example, effects of paralegals include, in Malawi unsentenced prisoners fell from 50% of prison population in 2000 to 30% in 2005, 22% in 2010 and remained low at 18% in 2018; in Uganda effects were significant – c.20% reductions - but lower. For a review of evidence, including cost-benefit analysis, see Manuel, C., Manuel, M. and Stewart, S. (2021) *Advancing SDG16.3.2 by Investing in Prison Paralegals to Cut the Number of Unsentenced Detainees in Low Income Countries*. ODI Policy Brief. London: ODI. See also: Open Society Justice Initiative (2012) *Improving Pretrial Justice: The Roles of Lawyers and Paralegals*. New York: Open Society Foundation, including references and country examples therein.

which aims to remove police discretion to hold an accused person in custody beyond 24hrs, directing police to make recourse to PLEAD-supported bond and bail procedures instead. This amendment was, as was commented by different stakeholders, drafted with assistance of IDLO with assistance from PLEAD in organising important consultations in respect of both it and a Penal Code amendment. **Considerable progress was made with respect to policies and guidelines**, which this report dealt with in detail under the Effectiveness section above. Examined at the level of impact, it’s clear that any kind of justice system transformation requires a secure footing in agency strategy, policy and practice guidance. PLEAD did considerable work supporting Kenyan justice actors in implementing these foundation stones of justice transformation, although as noted earlier, there were important gaps, particularly in respect of police and prisons. International evidence makes clear that these are necessary conditions for systemic change and, as such, they can be expected to deliver benefits into the longer term. It is also important to highlight that the evaluation team heard from almost every quarter concern that PLEAD’s focus on just 12 focal counties could relatively impoverish development in those counties not supported. However, this important work done by PLEAD to support statutory and policy change places supports under the whole Kenyan justice system, meaning the results will not be restricted to certain counties and will benefit all Kenyans.

In relation to broad intended impacts, it should be noted that **while PLEAD references SDG16 and UN standards and norms, these were far from visible in the programming architecture**. To avoid repetition and duplication, SDG-related matters are dealt with in the section below on human rights, gender, and other cross cutting issues, including leaving no one behind.

As regards to intended or unintended higher-level effects. The evaluation did not find evidence of any negative effects in this respect. On the positive side, **there was both material evidence and views and perceptions of actors from across the Kenyan justice system that PLEAD programming played an important part in supporting a cultural change in attitudes of two sorts**. First, PLEAD’s strong support for the NCAJ and CUCs was instrumental in breaking down longstanding attitudes and behavioural patterns of agencies that have previously worked in silos. PLEAD-supported structures for inter-agency collaboration, coordination and for resolving inevitable differences of approach, interpretation, and the like will underpin transformational change in the Kenyan criminal justice system over time. Secondly, PLEAD, and particularly its responsiveness during the COVID-19 period, was instrumental in embedding digital transformation in the criminal justice system. Engagement of national counterparts with this has in some places been uneven, and considerable hindering factors remain, in terms of both requisite skilled staff on the one hand and available material infrastructure on the other, but it seems undeniable that acceptance of digitisation has increased and that PLEAD’s work played an important role in supporting and shepherding that.

SUMMARY – IMPACT

PLEAD delivered visible and widely recognised impacts in supporting Kenya’s National Council on the Administration of Justice (NCAJ) and furthering coherence and collaboration among justice system actors and activities. Transformations in attitudes and culture among actors were noted even though some key informants identify that a broader mandate for visibility and communication work could be considered. Impacts on the higher-level goal of reducing prison population were not achieved, for either sentenced or unsentenced prisoners, which may be attributable to a lack of tight focus on evidence-based approaches to this difficult but by no means intractable problem.

SUSTAINABILITY

The analysis of sustainability focuses on whether the benefits of KENW58 are likely to continue, what were the facilitating and hindering factors that impacted sustainability and specifically, and to what extent the KENW58 has generated national ownership. To this end the evaluators analysed and triangulated key findings of the previous sections of the report. Interviews with UNODC ROEA Staff, CR personnel, donor, NGOs, as well as with donors complement the information from desk review.

EVALUATION QUESTIONS:

To what extent are the benefits of the KENW58 likely to continue after it ends?

Has national ownership of KENW58 been generated? In what ways? What factors have hindered or facilitated this ownership?

PLEAD has contributed to criminal justice **reform by supporting the strategic planning within agencies** (e.g., NCAJ Strategic Plan 2021-26), for change management processes to embed sustainable and effective institutional processes and management of human resources (e.g., PACS Change Roadmap Report and PACS training curricula), and for the interlinking, or chaining, of strategic initiatives (e.g., the interagency coordination provided for by the NCAJ’s committees). PLEAD also **fostered sustainability in key systemic-change initiatives with the production of different policies and guidelines** that promote alternatives to imprisonment, with one example being the ODPP Diversion Policy and Diversion Guidelines which, provided a means by which Kenyan citizens may more effectively access their constitutional entitlement to AJS (under Article 159(2)(c)), but which also explicitly included mechanisms for better responses to vulnerable groups, including those with a disability, the mentally disordered or impaired, and aged citizens, among others. **The sustainability of PLEAD’s higher-level objectives – reducing prison overcrowding and overall numbers of both sentenced and remand prisoners – is not supported by a clearly articulated evidence base** and important work to develop appropriate national-level strategic, policy and practice via a National Strategy and Action Plan on Reduction of Prison Overcrowding did not proceed.

PLEAD contributed to strengthening the different institutions of the criminal justice system such as PACS; ODPP and the Judiciary and are helping to change its culture towards less focus on criminalization and greater use of alternative measures. However, the effectiveness of these documents depends on **how well staff are cognisant of these policies and guidelines and how well they are trained to understand and use them**. PLEAD has provided training to 2,923 persons from 2019-21 and has also trained 12,433 police officers who have undergone and completed the NPS eLearning training and obtained certificates of completion. However, as explained in the effectiveness section, there is no assessment of training outcomes provided by the programme that measures the long-lasting benefits of these trainings. Evidence gathered during the evaluation suggest that one of the challenges with trainings is also the frequency of the transfer of government staff around the country that, according to respondents, hinders the continuity of work and the consolidation of results. According to the information gathered, technical capacities gained may be diluted when senior officers are transferred from county to county although it also encourages transfer of knowledge to multiple places. This challenge can be mitigated with continued work of sensitization and trainings of different staff (including the use of ToT), and with the effective involvement and ownership of these trainings by the government institutions, including the police. The evaluation has found that the Judiciary Academy, which is the judicial training institution, has little budget for most of its training programme and thus depends on donors to conduct their own programmes of support for the Academy. On the other hand, PACS’s induction course initiated by UNODC received a learning award and it is nowadays implemented, and the expense was met by the government.

The **strengthening of NCAJ and the CUCs has facilitated a clearer framework through which to promote greater coordination and synergies among CJ institutions and in turn has contributed to changing their mindset**. As mentioned above, the question remains as to whether the independence of the NCAJ could be enhanced both materially (an independent funding stream) and visibly (reducing the perception of leadership by the judiciary) to improve its coordinating role and make it more sustainable. Considerable evidence was found to support the need to further strengthen the NCAJ and use it as a platform to foster coordination and communication, as well as to resolve disputes or misunderstandings between different CJ institutions. It is also recognized that interagency training can be fostered through the NCAJ as an effective tool to further promote inter-institutional collaboration.

As mentioned in previous sections, **PLEAD has also supported the technological acceleration of judicial system processes, which is expected to have lasting positive effects in terms of access to justice and protection of rights**. Most of the institutions supported by the programme received technological equipment: computers,

laptops, screens or printers, but most of them do not have a maintenance plan. According to different actors, the sustainability of this type of support is not guaranteed since there is not enough capacity in the justice sector institutions to own it. The supply of these materials must be accompanied by a strategy that guarantees its sustainability. For example, it should include how this equipment will be maintained and updated (with supplies of toner cartridges, laptop batteries, repair services, software etc.) considering that there seems to be a lack of government resources to assume these types of expenses (some of the beneficiaries are already starting to see the consequences of having an unused printer due to lack of toners). The strategy should also include through which processes they will be maintained, repaired, or upgraded. For example, the repair and maintenance of KPS's technological equipment depend on an external ICT department, which limits its autonomy and capacity to deal with these changes. In addition, the sustainability of this IT equipment must be considered from a context-specific perspective in each region. A laptop in Garissa could deteriorate in two years due to the weather/climate, whereas they might last longer in a better climate such as Nairobi, Nakuru or Uasin Gishu. This strategy should also include continuous and long-term capacity building. The evaluation has observed that some donated virtual screens have not been used by some institutions, due to their lack of knowledge to handle this technology. In this regard, some stakeholders mentioned the possibility to partner with the private sector to get their support on this digitalization process.

All of the computers and printers, as well as the construction activities, vehicles, machines, and boats donated, **are not in essence criminal justice reform activities, but are state functions**. Given that PLEAD is to some extent assuming these functions, it is important to consider within the programme how the government will be incentivized to resume (or in many cases even initiate) funding.

“Most of all our activities are in partnership with a donor, and if we don’t have the donor support it will mean the programme will not take off. We are not independent; we are donor dependent” (CJ Personnel)

The newly elected President has pledged to increase the judiciary's annual budget allocation by 3 billion Kenya Shillings (about 25 million USD) every year for the next five years.⁵⁶ However, consulted stakeholders are sceptical about the effective sustainability of the wider program and believe that now, the government is not capable of taking these interventions and growing them to the next level, which means that donor support remains still critical. Most of these respondents agree that PLEAD should continue, but there is also **the need to have a clearer idea of how support will be withdrawn from the programme** once the second phase ends and how the benefits of the programme will likely continue after it ends.

The sustainability of results also depends on developing a **results-based culture in the PLEAD programme** itself and within the institutions the programme works with. There is a need incorporate evidence-based decision making, although this is increasingly now recognized by both PLEAD programme staff and national counterparts that there is a need for more statistics and more quality data that can reflect how the work of the CJ institutions is impacting Kenyan people. According to some consulted stakeholders, these data also need to be framed properly on the SDGs to also facilitate the monitoring of global indicators.

⁵⁶ Judiciary of the Republic of Kenya. "President William Ruto Appoints Judges in His First Day in Office." News story in media section of the Judiciary website, 13 September 2022. URL <https://www.judiciary.go.ke/president-william-ruto-appoints-judges-on-his-first-day-in-office/>

SUMMARY – SUSTAINABILITY

The implementation of policies and guidelines supported by the programme depend on how well CJ personnel is trained to understand and use them. PLEAD implemented a large capacity building strategy that was challenged by the high frequency of the transfer of government staff. The sustainability of PLEAD’s higher-level objectives – reducing prison overcrowding and overall numbers of both sentenced and remand prisoners – was not supported by a clearly articulated evidence base and important work to develop appropriate national-level strategic, policy and practice via a National Strategy and Action Plan on Reduction of Prison Overcrowding did not proceed. PLEAD’s support for strengthening the NCAJ and the CUCs was key to further promoting greater coordination and synergies among criminal justice institutions even though the question remains as to whether the independence of the NCAJ could be strengthened to enhance its coordinating role and make it more sustainable. The sustainability of the technological equipment received by the programme was not guaranteed since there is not enough dedicated government funding and capacity to maintain and update delivered equipment. Despite the plan to increase the judiciary’s annual budget, stakeholders are sceptical about the effective sustainability of the program.

HUMAN RIGHTS, GENDER EQUALITY, DISABILITY INCLUSION AND LEAVING NO ONE BEHIND

The evaluation looked at cross-cutting topics to analyse to what extent human rights, gender equality, disability inclusion, and leaving no one behind have been integrated into KENW58 design and implementation. This was done through desk review and interviews with UNODC ROEA Staff, CR personnel, donor, NGOs, as well as with donors complement the information from desk review.

EVALUATION QUESTIONS:

To what extent has the KENW58 design fully considered human rights, gender equality as well as marginalised groups, especially the economically vulnerable, children and persons living with disability?

To what extent has KENW58 implementation fully considered human rights, gender equality as well as marginalised groups, especially the economically vulnerable, children and persons living with disability?

HUMAN RIGHTS, GENDER EQUALITY, DISABILITY INCLUSION, AND LEAVING NO ONE BEHIND IN PROGRAMME DESIGN

The evaluation found that PLEAD’s overall design and strategy were explicitly grounded on the need to enforce due process standards and the human rights of offenders in the criminal justice system. Evidence from the desk review and interviews with UNODC PLEAD programme managers and some CJ personnel established that human rights and inclusivity considerations cut across almost all programming rather than being a distinct area of attention. The project document reiterated UNODC’s institutional mandate and purpose of “supporting human rights-compliant penal reform initiatives”, contextualized within the broad corpus of international human rights instruments⁵⁷ relating to the rights and needs of offenders.⁵⁸ It proposed that in delivering PLEAD it will coordinate with other UN agencies that can “contribute their respective skills and expertise to safeguard the implementation of gender and human rights, including child rights and

⁵⁷ Instruments cited included, for example, the UN Standard Minimum Rules for the Treatment of Prisoners - "Nelson Mandela Rules" (2015) and the UN Standard Minimum Rules for Non-custodial Measures - "Tokyo Rules" (1990).

⁵⁸ UNODC (2017). *Strengthening the Administration of Justice and Operationalising Alternatives to Imprisonment in Kenya*. Project Document (FED/207/390-856), p.26.

marginalized groups”. Both the prodoc⁵⁹ and Baseline Study⁶⁰ extensively analysed the impact of inequality and discrimination on access to justice and also linked PLEAD interventions to specific constitutional and human rights protections for offenders such as the right of every person to access courts or alternative justice systems (AJS) as well as the rights to fair trial, legal aid, access to bail or bond, and witness protection.⁶¹ Part of PLEAD’s approach to incorporating vulnerability focused on disability inclusion. The programme also purposefully targeted vulnerable and ‘left behind’ counties, wherein social and institutional development has not matched larger urban counties.

Gender equality figured prominently in background research supporting programme design. This included gendered trends analysis and the use of gender-disaggregated statistics to illustrate the unequal experiences and outcomes for women and men in the formal criminal justice system and under AJS.⁶² Challenges faced by children in conflict with the law arising from their dependent status and lack of standing were also highlighted in the background research and framed under the constitutional and legal framework for the protection of children’s rights.⁶³ Persons with disabilities, persons with mental health issues and illnesses, and intersex people were identified in the background research, though there was barely any analysis of the access to justice challenges they face.⁶⁴ Other vulnerable groups at risk of being left behind, including adolescent girls, indigenous people, ethnic minorities, migrants, the LGBTQ community, persons living with HIV/AIDS, and sex workers, were not considered at all.

While programme documentation specified that there would be monitoring and evaluation of human rights, gender equality, disability inclusion, children in conflict with the law, as well as other vulnerability characteristics, these were not visible in programming.⁶⁵ In fact, **they do not feature in PLEAD’s results framework, nor were they systematically picked up in progress reporting.** This gap, as well as the lack of an explicit ToC, **hindered evaluators’ ability to determine how human rights-based and inclusivity goals and strategies actually shaped programming and produced distinct results** (i.e., outputs, outcomes, and impacts).

Finally, the role of **PLEAD in supporting SDG16 and SDG5 of the UN 2030 Agenda** and its Sustainable Development Goals is noted in the EU Action document but is barely visible in the PLEAD prodoc. SDGs are only mentioned in the context of recognising Kenya’s pledge toward the goals rather than the way programming is designed or shaped to support them. Separately but relatedly, in terms of the visibility of the SDGs in programme planning, the PLEAD 2021 Annual Report describes how PLEAD supported the UNCT in planning for Kenya’s UNSDCF 2022-26. However, **under the previous UNDAF framework (2018-22), PLEAD is not visible.** This is curious, not least because an important SDG16 indicator – 16.3.2: unsentenced detainees as a proportion of overall prison population – (a) also does not figure in the framework when it is a primary goal of a large UNODC work programme; and (b) represents a key target and measure of PLEAD performance. With respect to **reporting, it is also not clear from the PLEAD annual reports that the SDGs have played any direct role in shaping programme design and delivery, or the measurement of outcomes or impacts.** Annual reporting on activities tends only to mention the SDGs in broad framing terms, and where specific outputs or outcomes are linked, they tend simply to note how the area of work falls within the scope of an SDG goal, rather than how the SDG was central to planning the activity, both in specific terms and more broadly in terms of supporting the Government of Kenya’s SDG priorities. It is the same picture with respect to the strategic documents of some national counterpart agencies. For example, SDG16 is only mentioned in the preface of

⁵⁹ Ibid., pp. 8-10, 24-25.

⁶⁰ UNODC (2018). *Baseline Study: Programme for Legal Empowerment and Aid Delivery in Kenya Strengthening Administration of Justice and Operationalizing Use of Alternatives to Imprisonment in Kenya Project*, pp. 12, 14, 24.

⁶¹ Reference: Articles 22, 22(3), 50, 51 and 159 of the Constitution of Kenya 2010.

⁶² UNODC (2017). *Project Document*, pp. 7-8, 17-19; and UNODC (2018). *Baseline Study*, pp. 18-19, 24-25, 39;

⁶³ UNODC (2017). *Project Document*, pp. 9, 18-19; and UNODC (2018). *Baseline Study*, pp.12, 18, 29. The prodoc at p.12 cited the Children’s Act and Article 53(1)(f) of the constitution regarding the right of children not to be detained, except as a measure of last resort.

⁶⁴ UNODC (2018). *Baseline Study*, p.12.

⁶⁵ On M&E arrangements, see UNODC (2017). *Project Document*, p.64.

both the NCAJ Strategic Plan 2021-26 and the AJS Framework Policy, while the Judiciary Strategic Plan 2019-23 does not mention the UN 2030 Agenda or relevant SDGs at all.

HUMAN RIGHTS, GENDER EQUALITY, DISABILITY INCLUSION, AND LEAVING-NO-ONE-BEHIND IN PROGRAMME IMPLEMENTATION

Despite not being explicitly operationalised in programme documents, desk review data and consultations with stakeholders revealed multiple examples of how human rights, gender equality, and the special needs of persons with disability, children, and other vulnerable groups in the CJS were mainstreamed into the implementation of PLEAD interventions. UNODC PLEAD annual reporting consistently shows that significant work was accomplished during the lifetime of the programme to develop and promote policies and guidelines as well as to design and implement training curricula for the national partners that directly engaged HRG+ priorities and principles.

PLEAD support facilitated the policy formulation and sensitization training processes of the Judiciary Alternative Justice System (AJS) Framework Policy and the ODPP Diversion Policy and Guidelines, which both promote human rights as well as the use of non-custodial measures. The AJS Policy, for example, explains that AJS is an ‘important tool for expanding human rights’ that is flexible and “therefore adapts to human rights norms”.⁶⁶ It has strong potential to promote the right to liberty by prescribing non-custodial penalties for either civil or criminal cases and can help promote inclusion by advancing the rights to participate in cultural life (i.e., customary justice systems) and the use of one’s first language in judicial proceedings. On the other hand, the Diversion Policy and Guidelines seek to promote the right to liberty by promoting restitution, reconciliation, mediation, and traditional dispute resolution approaches. It offers a pathway out of formal court processing by providing explicit direction to criminal justice personnel on how to manage and provide the most appropriate pathway for vulnerable groups, particularly children in conflict with the law, as well as offenders accused of petty offenses.

Despite their progressive appearance, **evidence from various documents and stakeholders consulted for this evaluation showed that aspects of the AJS and diversion policy may violate do-no-harm ethics.** For instance, historically, AJS mechanisms have tended to be male-dominated and frequently discriminate against women by blocking their inclusion and participation in decision-making. Convenors of AJS mechanisms have been reported to lack adequate knowledge about the Kenyan constitution and the need to ensure that AJS proceedings and resolutions adhere to the Bill of Rights. In response, UNODC PLEAD programme managers informed the evaluation that PLEAD collaborated closely with the AJS Taskforce to promote the inclusion and participation of more male women’s rights champions in AJS mechanisms to help ensure women’s rights and perspectives were respected. It is also said that the Taskforce stripped jurisdiction from AJS mechanisms to hear cases of SGBV⁶⁷. In the same vein, in relation to access to justice, some stakeholders told the evaluation that they were concerned about false public perceptions of diversion being a form of corrupt collusion between criminal justice personnel and offenders whose aim is to minimize the latter’s punishment at the expense of real justice for victims.

PLEAD also supported the development of the ODPP Plea Bargaining Guidelines, which aim to reduce court case backlog as well as congestion in prisons. Some stakeholders consulted viewed plea bargaining as an important measure that helps promote the right to liberty by speeding up the pace of judicial processes, thereby reducing the time offenders faced in pre-trial and post-trial detention. Other stakeholders, however, suggested plea bargaining is essentially grounded on the need to speed up the delivery of justice. The practice ends up demoralizing victims and prevents justice from being fully served because penalties and sentences for offenders are reduced, sometimes greatly. They argued that offenders’ rights could be imperilled by

66 Judiciary of Kenya (2020). *Alternative Justice Systems Framework Policy: Traditional, Informal and Other Mechanisms Used to Access Justice in Kenya*.

67 Judiciary of Kenya (2020). *Alternative Justice Systems Framework Policy: Traditional, Informal and Other Mechanisms Used to Access Justice in Kenya*.

overzealous or outright unethical prosecutors who coerced or deceived them into pleading guilty. These matters – of both perception and practice – would benefit further attention as PLEAD moves into its second phase.

PLEAD responded to gender inequality in the criminal justice system by **supporting the development and training on the ODPP SGBV Rapid Response Guidelines**. This policy sets a solid foundation for reducing impunity for SGBV by articulating a comprehensive, progressive, victim-centred methodology for efficient prosecution of SGBV cases. Given the high number of cases during the Covid-19 pandemic lockdown, the programme also developed SGBV online training for the police. However, noting the high levels of SGBV and femicide in the country, stakeholders emphasized the need for a more comprehensive, collaborative response from all the justice sector actors including the police and the judiciary to help avoid the re-traumatization of victims. Considering that PLEAD worked with all CJ institutions, some stakeholders proposed that the programme could include more gender awareness (including SGBV) trainings for CJ personnel since there are so many incidents of offenses such as domestic violence and femicide that are not treated as SGBV. This is also important to ensure that there is good monitoring of SGBV offences.

PLEAD responded to the vulnerability of children in conflict with the law by **supporting the development of the PACS Child and Youth Justice Strategy 2021-2025 and the Prosecutor’s Guide to Handling Children within the Criminal Justice System**. It also funded the ODPP to establish child-friendly spaces for child victims and witnesses in six of its stations across the country. Further, a section of Probation Officers reported that the PLEAD-backed review and staff sensitization relating to the PACS Standard Operating Procedures enhanced understanding and mainstreaming of children’s justice, gender, HIV/AIDs, and disability in the agency’s regulations, systems, and practices, even though they were not explicitly mentioned in design documents in relation to the need to strengthen national partners’ capacities to promote inclusivity. There is broad consensus among various stakeholders consulted that the rights and needs of women and children should top of the agenda for the CJS and that much more needs to be done to adequately protect and legally empower them. The general view is that deeper reforms are needed to address the problems affecting these groups and that PLEAD II should specifically support them.

PLEAD also worked to integrate disability into its interventions by supporting Deaf Empowerment Kenya, a national disability advocacy group that the programme learned of through a mutual connection, to translate a simplified version of the Bail and Bond Guidelines into Kenyan Sign Language for dissemination to deaf people. Deaf Empowerment Kenya’s management told the evaluation that it swiftly embraced the partnership because PLEAD provided a hitherto unavailable opportunity to enhance the deaf culture’s limited understanding of the workings of the CJS. The Bail and Bond Guidelines were prioritized based on the organization’s experience of receiving many complaints of deaf people getting arrested and detained for long durations in police jails or remand prisons because they were unaware of the right to access bail or bond. Under the partnership, UNODC PLEAD programme managers left the role of selecting the sign language translation consultant to the organization but backstopped the production process and also the dissemination of the informational materials in Nairobi and neighbouring Machakos County. Deaf Empowerment Kenya managers claimed that they are yet to get feedback from UNODC on the results of the dissemination process. They believe DEK should have managed dissemination because the organization has good networks around the country linking it to the deaf culture at the grassroots. They suggested future dissemination activities ought to be preceded by sensitization training of network leaders on informational materials to help ensure that content is properly understood by targeted audiences.

According to different sources, Kenya’s medical and public health infrastructure for enforcing the right to mental health is highly inadequate.⁶⁸ One analysis suggests that the incidence of mental illness and

⁶⁸ See generally: Republic of Kenya—Office of the Auditor General. (2017). *Performance Audit Report on Provision of Mental Healthcare Services in Kenya.*, Kenya National Commission on Human Rights. (2011). *Silenced Minds: The Systemic Neglect of the Mental Health System in Kenya, A Human Rights Audit of the Mental Health System in Kenya.*

psychosocial problems among offenders is nearly three times higher than it is in the general population.⁶⁹ Probations officers (POs) and prisons personnel consulted seemed to concur, stating that there is a very high, unmet need for professional mental health and psychosocial support services for offenders. Publicly funded services for offenders are almost non-existent, and corrections personnel are not trained to manage the variety of often untreated mental health and emotional problems, including substance abuse disorders, that affect offenders. The overwhelmingly majority of offenders cannot afford private services, and free services given by CSOs such as Psychiatric Development Organization (PDO) and Buddhist International, are usually ad hoc and highly limited in scope. Equally, corrections personnel reported that peers commonly experience mental and emotional stress, and occasionally actual breakdowns, due to their daily engagement with the grim realities surrounding crime and offenders. However, these conditions often go untreated because of the lack of adequate access to professional support services. By way of example, the evaluation heard from a senior probation service official that there is only one government counsellor available to serve public servants in all the 19 counties of the Rift Valley Region. Under such circumstances, POs are forced to improvise with limited techniques such as in-house trauma debriefs.

Finally, PLEAD focuses on 12 of the 47 counties, which, according to some sources consulted by the evaluation, may generate mismatches and inequalities among them. In some areas of work, PLEAD support was national such as in the integration of institutional strategies and policies, provision of training materials or training of trainers. This to some extent ameliorated perceived mismatches between beneficiary and non-beneficiary counties. However, the inequality remains, especially, it was suggested, considering the lack of digitization of non-PLEAD counties. Some concerns were also expressed that measures that improve short-term efficiency, and particularly the use of e-learning and online communications, may reduce efficiency and effectiveness in the longer term, particularly in a country such as Kenya and in its more remote areas where ICT capacity is low, internet usage is not widespread and, where it is unavailable, is of fluctuating quality. In this regard, there remains significant demand from the non-PLEAD counties, which will require coordination with the Government of Kenya to ensure that the government budgeting appropriately balances shares of funding between PLEAD and non-PLEAD counties to increase the programme’s impact and address risks of some counties falling behind.

SUMMARY – HUMAN RIGHTS, GENDER EQUALITY AND LEAVING NO ONE BEHIND

Human rights, gender equality, disability inclusion, and leaving no one behind (addressed in PLEAD via a focus on vulnerability) considerations were clearly present in background research for the programme but is less visible in the programme design and measurement. In practice, the evaluation found clear evidence of attention to these matters in programmatic activity and support for national counterparts’ policy work and training. However, the inclusion of these considerations in the programming approach tended to be less systematic than would be ideal, and together with a renewed focus on measurement and monitoring of programme effects in these domains, this should be addressed in planning for PLEAD II.

Inequality among non-PLEAD and PLEAD counties remains, especially, considering the lack of digitization of non-PLEAD counties, which requires further coordination with the Government of Kenya to ensure that its budget appropriately balances shares of funding between PLEAD and non-PLEAD counties to increase the programme’s impact and address risks of some counties falling behind.

⁶⁹ See Psychiatric Development Organization Website at <https://www.pdokenya.org/pdo-news.html>

II. CONCLUSIONS

CONCLUSION 1 - PLEAD was designed using a participatory, consultative, and inclusive process that resulted in clear evidence-based programme targets (termed criminal justice 'bottlenecks'). It connected well with Kenyan national strategies and the country's constitution and focused closely and appropriately on improving coordination and cooperation among many of the key justice sector agencies.

CONCLUSION 2 - Programme implementation was efficient through the technical support, delivery of equipment and construction support provided which was highly appreciated by beneficiaries, despite some inconsistencies identified with the same training participants and the imbalance of equipment among institutions.

CONCLUSION 3 - The programme demonstrated great flexibility to adapt ways and means to support efficient justice practices under Covid 19 lockdown and social distancing constraints. It also contributed to increasing access to and use of technology to improve the efficiency of institutions, although challenges remain, including the need for a concerted change management strategy within the e-justice ecosystem.

CONCLUSION 4 - The implementation of the programme was not accompanied by clear coordination and joint work between UNDP and UNODC. The roles that both play in the programme were carried out in a rather siloed manner and there were no coordinated interactions between them, particularly in bringing CSO interventions closer to UNODC's support to CJS institutions.

CONCLUSION 5 - UNODC played a role in promoting coordination and creating synergies among donors through supporting the leadership of NCAJ and chairing the donor coordination mechanism. However, there was a recognized need for greater impetus and more frequent and active participation of donor coordination working groups.

CONCLUSION 6 - While the programme was notable for its wide-ranging and high-quality delivery of activities, overall, the links between programme targets and selected interventions was uneven. Considerable strength was visible in foundation/ building-blocks type activities (e.g., institutional strategic plans, national policies, coordination mechanisms). On the other hand, weakness was also apparent in the lack of a clearly articulated theory of change - including a visible evidence base for some of the key interventions and a lack of anticipation of weak assumptions (e.g., regarding transfer of training; prison decongestion via uptake of alternative sanctions) - as well as there being room for improvement in the programme's RBM framework and processes.

CONCLUSION 7 - PLEAD played an important role in facilitating and developing transformative policies that contributed to a shift in the institutional culture of CJS towards less emphasis on criminalization and greater use of alternative measures. These policies were accompanied by trainings to ensure that CJ personnel could understand and make an effective use of them. However, lack of knowledge about the impact of these trainings and high staff turnover jeopardized sustainability effects. Sustainability was also jeopardized when the programme provided technological equipment without enough dedicated government funding and capacity to maintain and update it, and with PLEAD's higher-level objectives - reducing prison overcrowding and the total number of inmates, of both sentenced and remand prisoners – not being supported by evidence-based and clearly articulated programming approaches.

CONCLUSION 8 - HRG+ and leaving-no-one-behind principles and considerations underpinned programme design and strategy but were not methodically applied to conceptualize interventions and develop the programme's results framework and monitoring processes. Nevertheless, HRG and vulnerable groups such as children, persons with disability, and intersex people were mainstreamed in programme implementation. Decisions to mainstream HRG+ in programme implementation were presumably influenced

by the supportive, progressive constitutional and legal regime and the well-documented, steady concern within CJ institutions, especially the NCAJ and the Judiciary, about the impact of inequality and vulnerability on the right to access to justice. There is, however, still a lot of work to be done to decisively improve gender equality and conditions in the CJS for all the vulnerable groups that the programme targeted. It is very likely that a much broader set of vulnerable groups with special needs in the CJS would have been defined and targeted by the programme if preparatory stakeholder analysis and background research had paid attention to the concept of vulnerability.

IV. RECOMMENDATIONS

Based on the findings and conclusions presented, there are 7 recommendations that can be taken in consideration for the second phase of PLEAD:

RECOMMENDATION 1 – RESULTS BASED MANAGEMENT

Provide appropriate and sufficient resources to support articulation of an evidence-based ToC and the strengthening of RBM and internal M&E systems, including in dedicated staffing of the latter function.

Recipient: UNODC Plead Programme Managers.

In that respect, PLEAD II should pay greater attention to evidence-based selection of programming approaches (articulated through a theory of change) The programme can take advantage of being a UNODC Flagship programme in order to engage with HQ experts in criminal justice reform either to identify consultants or to receive substantive support from them. PLEAD should also ensure measurement of outcomes as opposed to evidence of programming activity (outputs), as well as thinking of ways to measure higher level impacts across programme cycles (ie, moving from PLEAD I to PLEAD II and thus building over time). Measurement would benefit evidence-based decision making within the programme, results-based communications and would also benefit from some creative thinking, such as, for example, how differences between PLEAD and non- PLEAD counties might be exploited to evidence certain effects or impacts. It would also help to frame the programme properly on the SDGs to also facilitate the monitoring of global indicators. Strengthening RBM, and monitoring and evaluation and assigning an M&E specialist can also help to strengthen implementing partners capacities for quality monitoring and results-based reporting.

RECOMMENDATION 2 – SUSTAINABILITY PLAN

More vigorous attention should be given to the sustainability aspects and hand over of the budgeting arrangements and programme activities to the GoK.

Recipient: UNODC ROEA and UNODC Plead Programme Managers.

IN Plead II, the sustainability of PLEAD's higher-level objectives - reducing prison overcrowding and the total number of inmates, of both sentenced and remand prisoners - must be supported by clearly articulated evidence-based programming approaches and nationally appropriate strategies, policies and practices through the National Strategy and an Action Plan for the Reduction of Prison Overcrowding. During the implementation of the second phase, other aspects should be considered, such as obtaining government support to provide adequate maintenance and renewal of technological equipment and the continuous training of all justice actors, including those living in remote counties, with the effective participation and ownership of these trainings by government institutions, including the police.

RECOMMENDATION 3 – COORDINATION AMONG THE CRIMINAL JUSTICE INSTITUTIONS

Continue strengthening the coordination role of NCAJ and CUCs.

Recipient: UNODC ROEA

Explore and promote more ways of enhancing collaboration among justice sector actors to and assist in developing tailor-made solutions. NCAJ and CUCs shall continue to be the platform where misunderstandings among CJ institutions are discussed and where the roles of each institution are promoted among the others.

It would be useful for the program to help with sensitization activities targeting CJ institutions to improve their mutual engagement, especially among ODPP and Police and ODPP and PACS. Joint trainings are recognized as an effective tool to improve coordination among all justice sector stakeholders. These trainings can be organized with CUC members to learn and reflect together on the areas of diversion, plea bargaining and AJS. They can also help to identify and know better what the roles of judicial officers, councils of elders and chiefs (local level government administrators) are in these processes.

RECOMMENDATION 4 – COORDINATION WITH UNDP

Strengthen coordination and create more working synergies with UNDP to strengthen project management arrangements and implementation mechanisms and also bring CSO interventions closer to UNODC's support to government justice institutions.

Recipient: UNODC ROEA, and Plead Programme Managers

UNODC promote greater visibility and public information on the work that both agencies do and to identify the interrelationships of their work, given that duty-bearers have obligations and are accountable to rights-holders. UNODC should also promote more collaboration with UNDP which might also bring CSO interventions closer to UNODC's support to government justice institutions. For example, providing paralegals to prisons would quickly reduce unsentenced (remand) prisoner numbers.⁷⁰ Gathering all components together would substantially increase the coherence and likely also effectiveness of prison population-reduction focused programming. It is recommended that future evaluations are conducted in a comprehensive manner involving both UN agencies in order to evaluate the program to its full extent. Joint monitoring and evaluation activities should also enhance this coordination through quarterly joint monitoring between UNDP and UNODC with the objective of visiting jointly implemented activities and assessing and improving the quality of implementation, as well as providing cross-learning.

RECOMMENDATION 5 – TECHNOLOGY UPTAKE

Provide an IT enabling framework for a digitized and automated criminal justice system, including linking key systems for enhanced efficiency, such as prosecutorial and judicial.

Recipient: UNODC ROEA.

To make virtual justice workable and sustainable there will be need for more internal coordination of actors, and a shared policy and strategy of how to integrate each institution's different processes. Sustainability aspects to ensure the maintenance of equipment in each institution should be considered. This can be accompanied by continuous and long-term capacity building to use the equipment for virtual hearings and troubleshoot and address technical problems that might come up. Private sector support could also be explored. In order to improve access to justice, link prosecution and judiciary system, linked digitalization of criminal justice agencies including the prisons will lead to timely production of witnesses and thus faster delivery of judgements leading to prisons decongestion.

⁷⁰ For example, effects of paralegals include, in Malawi unsentenced prisoners fell from 50% of prison population in 2000 to 30% in 2005, 22% in 2010 and remained low at 18% in 2018; in Uganda effects were significant – c.20% reductions - but lower. For a review of evidence, including cost-benefit analysis, see Manuel, C., Manuel, M. and Stewart, S. (2021) *Advancing SDG16.3.2 by Investing in Prison Paralegals to Cut the Number of Unsented Detainees in Low Income Countries*. ODI Policy Brief. London: ODI. See also: Open Society Justice Initiative (2012) *Improving Pretrial Justice: The Roles of Lawyers and Paralegals*. New York: Open Society Foundation, including references and country examples therein.

RECOMMENDATION 6 – INCLUSION OF ALL JUSTICE ACTORS AND ENSURE APPROPRIATE NATIONAL STRATEGIES ON REDUCING PRISON OVERCROWDING

Integrate all justice actors in the programme including NPS, KPS and Directorate of Children’s Services, and those that can affect programme objectives, ensure appropriate national strategies are in place, including a National Strategy and Action Plan on Reduction of Prison Overcrowding, and ensure evidence-based programming is prioritised.

Recipient: UNODC ROEA.

It is widely understood that the programme should work together with NCAJ and the CUCs to further engage the police and prisons to demonstrate to them the benefits for the justice sector of diversion, plea bargaining and AJS. To implement a case management system, there is a need to have a system for engaging with offenders at all levels, and with the different CJ personnel such as the police or ODPP. The Directorate of Childrens services should also be included given the need of much deeper reforms to protect and empower children within CJS.

RECOMMENDATION 7 – COMMUNICATION STRATEGY

Provide a broader mandate in visibility and communication work of PLEAD to broaden the scope, reach and format of communication efforts and reach different demographics, literacy levels, at the community level.

Recipient: UNODC ROEA.

It is recognized that one reason for the slow uptake of alternatives to imprisonment is that the public does not see them as appropriate responses to crime. Thus, the programme should place more emphasis raising awareness among justice seekers and other citizens about the use of technology in the justice sector and the benefits of adopting alternatives to incarceration. To this end, less corporate but more community-driven strategies can be established by reaching out to CSOs and community leaders who can help get the message of alternatives to imprisonment, diversion, plea bargaining and other initiatives across the country with the use of local languages and considering the different demographics and literacy levels. To achieve this, UNODC and UNDP must develop a joint communication and visibility strategy that captures the work that civil society organisations are carrying out in the different counties. Communication products made by PLEAD can also be translated to local languages.

RECOMMENDATION 8 – BALANCE AMONG COUNTIES

Broaden the geographical coverage of the programme, especially with the ASAL counties

Recipient: UNODC ROEA.

PLEAD focuses on 12 of the 47 counties, which may generate mismatches and inequalities among them. The programme should ensure that more ASAL counties (arid and semi-arid lands) are included. Non-PLEAD counties such as Turkana, West Pokot and Elgeyo Marakwet, have been historically deeply affected by widespread poverty, serious armed conflict (including cross-border conflicts with actors in Uganda and Southern Sudan), violent crimes (such as banditry) and backward cultural practices (e.g., early + forced marriage, FGM, etc.) that disempower women and girls. These counties would be left even farther behind (in terms of access to justice, human rights, gender, and various vulnerability factors) if they are not considered in the next program. If there are no possibilities to include more counties, PLEAD at least should support institutional mechanisms, strategies and policies that will ensure provision of training materials or training of trainers to non-leading counties. This also requires UNODC to work with the EU, the Government of Kenya and other UN entities to ensure that the government budgeting shifts those counties’ share of funding to other non-PLEAD counties in order to increase the programme’s impact.

RECOMMENDATION 9 – CROSS-CUTTING PRIORITIES: HRG+

Provide sufficient technical resources to support the integration of human rights-based approaches, gender equality, disability inclusion, and no one left behind considerations, in programme design and programme implementation

Recipient: UNODC ROEA

To ensure that a future programme fully integrates human rights, gender equality, disability inclusion, and the protection and promotion of the rights and needs of all other vulnerable groups (HRG+), programme design should be informed by a vulnerability assessment, guided by human rights principles.⁷¹ This assessment will facilitate a comprehensive mapping of groups at risk of being left behind in terms of access to justice, and help identify the types of data needed to design programme interventions to improve their inclusion.⁷² More specifically, the assessment will map and analyse the special needs and human rights claims of at risk groups, their capacity to claim them, and the factors facilitating/ hindering their realization. Next, it will map and analyse the corresponding obligations of duty bearers (i.e., national partners and other state actors) and assess their capacity to fulfil them. The emerging analysis may inform: (a) development of the programme’s ToC, (b) setting of measurable programme results (outcomes, outputs) and indicators, and (c) formulation of programmatic interventions aimed at enhancing inclusion of at-risk groups and their capacities to claim their human rights in the justice system, while also strengthening duty-bearers’ capacities to fulfil all their obligations in respect to these groups. Programme implementation and monitoring and evaluation of processes and results ought to be guided by human rights principles.

The programme design must also be framed on and facilitate monitoring and reporting on SDG16 indicator 16.3.2 on ‘unsentenced detainees as a proportion of overall prison population’, which is one of the primary goals of PLEAD, and of a key concern of the CJS. In this regard, UNODC may consider conducting a needs assessment of national partners’ capacities to collect and process data of this indicator for use in the Voluntary National Review process. Recommended areas for assessment include: (a) partners’ understanding of the Voluntary National Review process and reporting requirements, (b) statistical systems currently in place for data production in the national partner institutions, (c) techniques and digital technologies in place to facilitate efficient and timely collection and sharing of data, (d) data processing and analysis approaches, and (e) the adequacy of human resources and funding dedicated to data management in these institutions. This work will require partnering with the Kenya National Bureau of Statistics (KNBS)—the focal point agency in the SDGs data ecosystem. UNODC and national partners should also explore ways of interesting KNBS to commit to mainstreaming key access to justice indicators in its routine national socio-economic surveys.

⁷¹ Human rights principles that underpin the Human Rights-Based Approach (HRBA) to development programming include: universality and inalienability; indivisibility; interdependence and inter-relatedness; non-discrimination and equality; participation and inclusion; accountability and the rule of law. Technical guidance for application of HRBA in programme design can be found in available on the UN Sustainable Development Group (UNSDG) site, <https://unsdg.un.org/2030-agenda/universal-values/human-rights-based-approach>; The Universal Human Rights Index (UHRI) of the UN Office of the High Commissioner for Human Rights (OHCHR), <https://uhri.ohchr.org/en/>; and open source materials and tools for vulnerability assessment and management created by international development organizations and research institutions.

⁷² A useful reference and starting point for this mapping exercise is the SDGs-inspired, cutting-edge, mixed methods studies of both the Kenya National Commission on Human Rights and the Kenya National Bureau of Statistics on social and economic vulnerability and marginalization. (See Kenya National Bureau of Statistics. (2018). *Social Assessment Report: Kenya Social and Economic Inclusion Project-KSEIP*).

LESSONS LEARNED AND BEST PRACTICES

LESSONS LEARNED

1. Working through, fostering, and strengthening the NCAJ and CUCs proved to be an effective mechanism for addressing criminal justice policy issues and promoting coordination, collaboration, communication, problem solving and conflict resolution across the sector. They have become effective coordination mechanisms because they promote inclusion and participation, are grounded in law and policy, and enjoy broad acceptance, legitimacy, and trust within the criminal justice system.
2. A theory of change analysis is necessary to identify the best and evidence-based strategies to contribute to the long-term objectives.
3. The use of alternative methods and non-custodial measures should be accompanied by an outreach strategy to the public that emphasizes the value and benefits of alternative and non-custodial measures over incarceration.
4. The closeness of the mandate between UNODC and UNDP makes it necessary to improve coordination and their ability to work in partnership, together with other partners also working under Sustainable Development Goal 16 on promoting peaceful and inclusive societies.

BEST PRACTICES

1. Bringing equipment directly to the user in the field (rather than having it distributed by headquarters) proved to be a good practice to ensure delivery efficiency and to reach remote areas. This demonstrated a good integration of remote counties and an effort to leave no one behind
2. The flexibility and adaptability of the programme team of UNODC and the EU provided new opportunities for digitization and IT upgrades. They took advantage of the pandemic to push forward a process that was already underway but moving slowly.
3. The support provided and strengthening of NCAJ and CUCs that brings together different CJ agencies has proved to be very effective and users at all levels are satisfied with this. The evaluation has provided an evidence based that this model could usefully be applied by UNODC in other countries
4. The support provided to strategic planning and development of policies and practice guidelines enhanced the programme's relevance and the sustainability of its interventions by directly and strategically engaging key criminal justice reform initiatives within specific institutions and across the broader CJS, strengthening interagency cooperation, and broadening inclusion. UNODC could further test the approach to refine it for replication in future justice sector programming in Kenya.
5. The support provided by consultants with specialized expertise was both well targeted and of high quality and significantly supported the capacity of UNODC to deliver more effectively PLEADs mandate.

ANNEX I: TERMS OF REFERENCE

I. BACKGROUND AND CONTEXT

Project duration:	28/12/2017-31/12/2022
Location (Country/ies and sub-national focus areas, if relevant):	Republic of Kenya 12 focal counties (Garissa, Isiolo, Kisumu, Lamu, Mandera, Marsabit, Mombasa, Nairobi, Nakuru, Tana River, Uasin Gishu and Wajir)
Linkages to Country, Regional and Thematic Programmes & UNODC Strategy 2021-2025:	<ul style="list-style-type: none"> a) UNDAF Kenya 2018-2022 Political Pillar b) Regional Programme 2016 – 2021: Promoting the Rule of Law and Human Security in Eastern Africa Pillar IV: Crime Prevention and Criminal Justice c) UNODC Strategy 2021–2025 Thematic area 5: Crime prevention and criminal justice d) UNODC Strategic Vision for Africa Investment Area 5. Making Criminal Justice Systems more effective and accountable
Linkages to the SDG targets to which the project contributes:	<p>16.3 – Promote the rule of law at the national and international levels and ensure equal access to justice for all</p> <p>16.6 – Develop effective, accountable, and transparent institutions at all levels</p> <p>16.a – Strengthen relevant national institutions, including through international cooperation, for building capacity at all levels, in particular in developing countries, to prevent violence and combat terrorism and crime</p> <p>SDG 17, SDG 5 (targets 5.1, 5.2, 5.a and 5.c)</p>
Executing Agency (UNODC office/section/unit):	UNODC ROEA / Crime Prevention and Criminal Justice Programme
Partner Organizations:	National Legal Aid Service UNDP

FINAL IN-DEPTH EVALUATION OF “STRENGTHENING THE ADMINISTRATION OF JUSTICE AND OPERATIONALIZING ALTERNATIVES TO IMPRISONMENT IN KENYA” (KENW58)

Donor(s):	European Union
End Beneficiaries/Recipients:	National Council on the Administration of Justice (NCAJ) Judiciary Office of the Director of Public Prosecutions (ODPP) Probation and After Care Service (PACS) Witness Protection Agency (WPA)
Total Approved Budget (USD):	20,486,775.42
Total Overall Budget (USD):	20,486,775.42
Total Expenditure by date of initiation of evaluation (USD):	USD 17,320,000) / May 2022
Name and title of Project/Programme Manager(s) and implementing UNODC office(s)/section(s)/unit(s):	Charity Kagwi, Head of the Anti- Corruption, Crime Prevention and Criminal Justice Programme, UNODC ROEA Maria Temesvari, PLEAD Project Manager - Crime Prevention and Criminal Justice Programme, UNODC ROEA
Time frame of evaluation: (planned start and end date of the evaluation process)	12/07/2022 – 15/12/2022
Budget for this evaluation in USD:⁷³	75,000
Number of independent evaluators planned for this evaluation:	3
Type and year of past evaluations (if any):	

⁷³ Including fees for evaluation team, travel, printing, editing, translation, interpretation, etc.

PROJECT OVERVIEW

The UNODC project ‘Strengthening the Administration of Justice and operationalising alternatives to imprisonment in Kenya’ (KENW58) aims to support the Government of Kenya to strengthen efficiency in delivery of judicial services, enhance coordination within the criminal justice sector and widen the use and application of alternatives to imprisonment. The project is designed to implement a part of the Programme for Legal Aid and Empowerment in Kenya (PLEAD).

The Programme is funded by the European Union and targets the counties with the five largest urban centres of the country (Kisumu, Mombasa, Nairobi, Nakuru and Uasin Gishu) and seven counties of the most marginalised areas within the country (Garissa, Isiolo, Lamu, Mandera, Marsabit, Tana River and Wajir).

The PLEAD component implemented by UNODC targets support to the following institutions in the justice chain (national partners):

1. The National Council on the Administration of Justice (NCAJ);
2. The Judiciary;
3. The Office of the Director of Public Prosecutions (ODPP);
4. The Kenyan Probation and Aftercare Service (KPAS);
5. The Witness Protection Agency (WPA).

In the development of policies and design of activities, a critical component of the Programme has been consideration of their impact on women and men as well as boys and girls. The programme also mainstreams human rights principles and practices in its design. Special consideration has been given, where possible, to other vulnerable groups including the marginalized as well as people living with disabilities and their interactions with the criminal justice system.

The Project’s Objective:

Efficient delivery of justice and alternatives to imprisonment in the Kenyan criminal justice in accordance with Goal 16 of the 2030 Agenda for Sustainable Development and UN standards and norms in crime prevention and criminal justice.

The Project’s Outcomes:

1	Court administration and case management are strengthened
2	Increased quality and efficiency in the criminal justice system
3	Improved coherence and cooperation within the justice sector

II. PURPOSE AND SCOPE OF THE EVALUATION

Planned utilisation of the evaluation results:	Identifying and recording lessons learned during the implementation of the Programme; identifying gaps for the benefits of national partners as well as the donor community; assessment of the impact the project has had on stakeholders; informing the design of activities for the planned second phase of the Programme
Main users of the evaluation results:	UNODC, national partners, donors, academia, and the broader stakeholders of the criminal justice sector
Unit of analysis (full projects/segment/etc.)	UNODC component of PLEAD (Project KENW58)

Time period covered by the evaluation:	28/12/2017-31/12/2022
Geographical coverage of the evaluation:	Kenya, with a focus on the Programme’s 12 focal counties – namely Garissa, Isiolo, Kisumu, Lamu, Mandera, Marsabit, Mombasa, Nairobi, Nakuru, Tana River, Uasin Gishu and Wajir

All findings and recommendations as well as the management response pertain solely to the UNODC project/programme being evaluated and is not in any way targeted to Member States, implementing partners or other entities that took part in this project/programme.

III. EVALUATION CRITERIA

The evaluation will be conducted based on the below selected relevant DAC criteria⁷⁴. All evaluations must include gender, human rights, disability inclusion and no one left behind. Ideally these are mainstreamed within the evaluation questions. Moreover, the evaluation needs to identify lessons learned⁷⁵ and good practices. The evaluation questions will be further refined by the Evaluation Team in the drafting of the Inception Report.

Criteria	Evaluation question
Relevance: Is the intervention doing the right thing?	To what extent has the project been relevant to stakeholder’s needs and priorities? To what extent was the project designed in a results-oriented, inclusive and participatory manner?
Coherence: How well does the intervention fit?	To what extent has the project furthered coordination and partnerships within the justice sector including with UN agencies, CSOs, other government agencies, etc.?
Efficiency: How well are resources being used?	To what extent has the project delivered outputs in a timely and efficient manner? How flexible was the project to addressing emerging issues like those occasioned during the Covid-19 pandemic?
Effectiveness: Is the intervention achieving its objectives?	To what extent did the project achieve its intended outcomes and objective? What have been the facilitating or hindering factors in achievement of results?
Impact: What difference does the intervention make?	To what extent did the project achieve societal changes? To what extent has the project generated or is expected to generate significant positive or negative, intended or unintended, higher-level effects?

⁷⁴ <https://www.oecd.org/dac/evaluation/daccriteriaforevaluatingdevelopmentassistance.htm>

⁷⁵ Lessons learned concern the learning experiences and insights that were gained throughout the project/ programme.

Criteria	Evaluation question
Sustainability: Will the benefits last?	To what extent are the benefits of the projects likely to continue after it ends?
Human rights, gender equality, disability inclusion and leaving no one behind: Has the intervention been inclusive and human rights based?	To what extent has the project design and implementation fully considered human rights, gender equality as well as marginalised groups, especially the economically vulnerable, children and persons living with disability?

IV. EVALUATION METHODOLOGY

All evaluations of the United Nations system are guided by the principles of human rights, gender equality, disability inclusion and leaving no one behind. Gender-sensitive and disability inclusive evaluation methods and gender-sensitive and disability inclusive data collection techniques are therefore essential to identify key gender issues, address marginalized, disabled, hard-to-reach and vulnerable population.

The methods used to collect and analyse data

While the evaluation team shall fine-tune the methodology for the evaluation in an Inception Report, a **mixed-methods approach of qualitative and quantitative methods** is mandatory due to its appropriateness to ensure that evaluation conclusions, findings, recommendations, and lessons learned are substantiated by evidence and based on sound data analysis and triangulation; as well as a gender-sensitive, inclusive, respectful and participatory approach and methodology to capture disability and gender equality issues. Special attention will be paid to: (i) ensuring that voices and opinions of both men, women and other marginalised groups, such as people with disabilities are heard (including gender related and disaggregated data, (e.g. by age, sex, countries etc.); (ii) ensuring an **unbiased and objective approach and the triangulation of sources, methods, data, and theories**. The limitations to the evaluation need to be identified and discussed by the evaluation team in the Inception Report, e.g. data constraints (such as missing baseline and monitoring data). Potential limitations as well as the chosen mitigating measures should be included. The evaluation team will be asked to present a dedicated methodology in the Inception Report outlining the evaluation criteria, indicators, sources of information and methods of data collection. The evaluation methodology must conform to the United Nations Evaluation Group (UNEG) Norms and Standards as well as the UNODC Evaluation Policy, guidance, tools and templates. The evaluation team is also expected to use interviews, surveys and/or any other relevant quantitative and/or qualitative tools as a means to collect relevant data for the evaluation. While maintaining independence, the evaluation will be carried out based on a participatory approach, which seeks the views and assessments of all parties identified as the stakeholders of the project/ programme.

The final evaluation report will be externally independently assessed (facilitated by IES) and the final rating will be included in the report. Based on this assessment, the report may not be published if it does not meet minimum quality standards.

All tools, norms and templates to be mandatorily used in the evaluation process can be found on the IES website: <https://www.unodc.org/unodc/en/evaluation/guidelines-and-templates.html>

ANNEX II: EVALUATION TOOLS: QUESTIONNAIRES AND INTERVIEW GUIDES

QUESTIONNAIRE TO UNODC ROEA STAFF

Interview introduction

The Independent Evaluation Section of United Nations Office on Drugs and Crime (UNODC) is in the process of undertaking an In depth Evaluation (IDE) of PLEAD Project the PLEAD project "Strengthening the Administration of Justice and Operationalizing Alternatives to Imprisonment in Kenya (KENW58) .

The purpose of the evaluation is to identify and record results achieved and lessons learned during the implementation of the PLEAD Programme, the gaps for the benefits of national partners as well as the donor community and also to assess the impact the project has had on stakeholders. The aim of the evaluation is also to inform the design of activities for the planned second phase of the Programme.

The evaluation is being carried out by a team of three external independent evaluators, Ms. Sofia Guillot de la Puente (Evaluation Expert), Dr Mark Brown (Senior Substantive Expert) and Mr Mikewa Ogada (National Substantive Expert).

As a stakeholder, your views are very important to this evaluation. To this end, the independent evaluation team would appreciate your assistance by completing this short questionnaire.

Confidentiality

Our evaluation approach (and UNODC policy) ensures that the comments you make to us remain confidential. I will be making notes, but my notes will not be available to anyone outside the evaluation team. As importantly, in any oral and written reporting we do for the evaluation any information or commentary you make to us that is used in the report will be anonymous. There will be nothing in the report to identify individual. Our interview notes and all the data you have supplied will be destroyed at the completion of the evaluation.

It is important to the quality of our work that you are able to speak freely to us.

Is that all clear? Are you happy to proceed?

Interviewee name, organization, position	
Interviewer name (s)	
Date, time, method of interview	

Question	Notes on response
1. To what extent the project has been relevant to stakeholders' needs and priorities?	
2. Was the project designed based on evidence (research, lessons learned from past programming, evaluations)? Was the project designed in a results-oriented, inclusive, and participatory manner?	

<ul style="list-style-type: none"> • How was the project planned? What was the thinking behind the theory of change? • How did previous evaluations, base lines redirect priorities/ influence the strategic direction of the project, if at all? • Was there a needs assessment done for this project? If yes, how was it conducted and when? If no, why not? Other than government counterparts which other stakeholder’s needs were assessed (beneficiaries, civil society orgs)? • What stakeholders were consulted during the design of the project? <p>How expected results were identified?</p>	
<p>3. To what extent has the project furthered coordination and partnerships including with UN agencies, CSOs, other government agencies, and other donors, etc.?</p> <ul style="list-style-type: none"> • What weaknesses /challenges are there in partnership and cohesion among these institutions – how can cooperation/ partnership be improved through PLEAD? • How has the project complemented interventions in the access to justice space that are supported by other development partners? Were synergies created among them? 	
<p>4. To what extent were the objectives and outcomes stated in project documents achieved?</p> <ul style="list-style-type: none"> • What forms of support did the project provide to strengthen court administration and case management? What have been results of this support? How useful was this support? • What forms of support did the project provide to increase quality and efficiency in the criminal justice system? What have been results of this support? How useful was this support? • What forms of support did the project provide to improve coherence and cooperation within the justice sector? What have been results of this support? How useful was this support? • What other unintended changes (positive or negative) have been caused by project interventions that you know about/participated in? How, where and when did these changes occur? • What capacity building and technical assistance mechanisms were used by the project? How effective were they? What is the evidence? • What were the facilitating and hindering factors in achieving results? Were there any challenges in implementation? Please explain. 	
<p>5. To what extent the project has contributed to improving the expeditious delivery of justice, through an integrated approach at central and local level, particularly in high-risk counties?</p> <ul style="list-style-type: none"> • What are the main benefits and added value of PLEAD? • What are the long-standing benefits for the justice sector that can be attributed to the project? What is the evidence? • What are the long-standing benefits to citizens that can be attributed to project interventions? What is the evidence? • Is there any evidence that there may be unplanned (positive or negative) consequences of the program? Please explain. • Are you aware of any individuals or groups that are doing things differently because of these interventions? Who are they, and what are they doing differently? 	

<ul style="list-style-type: none"> • How did the project interventions you know about/participated in contribute to making these individuals or groups act differently? Do you have any specific examples you can share? 	
<p>6. Were the resources and inputs converted to outputs and outcomes in a timely and cost-effective manner?</p> <ul style="list-style-type: none"> • Has the pace of activity implementation/delivery of outputs been satisfactory? Or have there been any significant delays? • If there were delays in implementation, what caused them, and how have they affected the achievement of results? • What factors contributed to or hindered efficient and timely delivery of outputs? • Did you spend your budgets? Did you try and use tools and systems that encourage cost-effective use of resources? Were there decreases in costs as a result of systems and processes? • What modalities of training delivery were used – do they focus on use of national trainers and provide specific examples of a focus on cost-effectiveness? Are national researchers being used in place of international resources? • Were resources (financial, time, people, and expertise) allocated strategically to achieve HR and/or gender related needs? • Were the roles of the project senior managers, project staff and the project steering committee clearly defined conceptually and practically? • Do you undertake risk analysis, regularly update this analysis, and make specific plans for mitigating identified risks? • What knowledge management systems and approaches were established and used by the project? How effective were they? • Do you have results frameworks, including well-defined indicators? Were results frameworks used in a defined and resourced monitoring system? Do results frameworks inform reporting? Planning? 	
<p>7. How flexible was the project to addressing emerging issues like those occasioned during the Covid-19 pandemic?</p> <ul style="list-style-type: none"> • How the cooperation efforts by UNODC with government PLEAD counterparts worked during the Covid-19 pandemic? • To what extent information technology systems and processes were implemented for more efficient and effective management of the Covid-19 pandemic? 	
<p>8. To what extent are the benefits of the projects likely to continue after it ends?</p> <ul style="list-style-type: none"> • What structures, systems and processes have been established with the support of the project to strengthen court administration and case management? • What structures, systems and processes have been established with the support of the project to increase quality and efficiency in the criminal justice system? • What structures, systems and processes have been established with the support of the project to contribute to enhanced coordination and cooperation within the justice system? 	

<ul style="list-style-type: none"> • What do you see as facilitating and hindering factors for the sustainability of the project or any of its results • How has the project developed national capacity to support sustainability of effort and benefit? • If donor funding was withdrawn, which initiatives and gains would be sustained? Which would be lost? • What are the most important programmatic investments that need to be made to enhance sustainability of achieved results? • 	
<p>9. Has national ownership of the project been generated? In what ways? What factors have hindered or facilitated this ownership?</p> <ul style="list-style-type: none"> • To what extent does the government provide its own funding to maintain the work of the project? • Are there changes in legislation; policy; staffing (recruitment/ rotation/ retention); budget and MoUs/ agreements that can be seen as indicators of ownership? 	
<p>10. To what extent have specific measures been taken to address the needs and priorities of human rights, gender and vulnerable groups during planning of the project?</p> <ul style="list-style-type: none"> • To what extent are HR/G/VG considerations included in project development? • Are HRG and vulnerable group perspectives integrated into the project logical framework? • Is HR/G/VG disaggregated data available? If so, how is it utilised? • To what extent SDGs taken into consideration in the planning process? 	
<p>11. To what extent have specific measures been taken to address the needs and priorities of human rights, gender and vulnerable groups during implementation of the project?</p> <ul style="list-style-type: none"> • Is the way the project is governed and managed facilitating human rights and gender parity and capacity/ HRG mainstreaming, and including some level of representation of vulnerable groups? • Has the project initiated change in reference to the recognition and mainstreaming of HRG issues and the needs of vulnerable groups? If so, how? • What have been the major achievements and major shortcomings in addressing HRG issues/ vulnerable group needs, including any facilitating or hindering factors in this regard? • To what extent SDGs were taken into consideration in the implementation process? 	
<p>12. What lessons have you learned and how can these inform future programming?</p> <ul style="list-style-type: none"> • What good practices have been identified and how can these inform future programming? • Have you documented these lessons and practices? What is the evidence? • What modalities worked? Which ones did not what? What would you do differently next time? 	

QUESTIONNAIRE CJ PERSONNEL

Question	Notes on response
1. To what extent the project has been relevant to stakeholders’ needs and priorities?	
2. To what extent has the project furthered coordination and partnerships including with UN agencies, CSOs, other government agencies, and other donors, etc.?	
<p>3. To what extent were the objectives and outcomes stated in project documents achieved?</p> <ul style="list-style-type: none"> • What forms of support did the project provide to strengthen court administration and case management? What have been results of this support? How useful was this support? • What forms of support did the project provide to increase quality and efficiency in the criminal justice system? What have been results of this support? How useful was this support? • What forms of support did the project provide to improve coherence and cooperation within the justice sector? What have been results of this support? How useful was this support? • What other unintended changes (positive or negative) have been caused by project interventions that you know about/participated in? How, where and when did these changes occur? • What capacity building and technical assistance mechanisms were used by the project? How effective were they? What is the evidence? • What were the facilitating and hindering factors in achieving results? Were there any challenges in implementation? Please explain. 	
<p>4. To what extent the project has contributed to improving the expeditious delivery of justice, through an integrated approach at central and local level, particularly in high-risk counties?</p> <ul style="list-style-type: none"> • What are the main benefits and added value of PLEAD? • What are the long-standing benefits for the justice sector that can be attributed to the project? What is the evidence? • What are the long-standing benefits to citizens that can be attributed to project interventions? What is the evidence? • Is there any evidence that there may be unplanned (positive or negative) consequences of the program? Please explain. • Are you aware of any individuals or groups that are doing things differently because of these interventions? Who are they, and what are they doing differently? • How did the project interventions you know about/participated in contribute to making these individuals or groups act differently? Do you have any specific examples you can share? 	
<p>5. How flexible was the project to addressing emerging issues like those occasioned during the Covid-19 pandemic?</p> <ul style="list-style-type: none"> • To what extent information technology systems and processes were implemented for more efficient and effective management of the Covid-19 pandemic? 	
<p>6. To what extent are the benefits of the projects likely to continue after it ends?</p>	

<ul style="list-style-type: none"> • What structures, systems and processes have been established with the support of the project to strengthen court administration and case management? • What structures, systems and processes have been established with the support of the project to increase quality and efficiency in the criminal justice system? • What structures, systems and processes have been established with the support of the project to contribute to enhanced coordination and cooperation within the justice system? • What do you see as facilitating and hindering factors for the sustainability of the project or any of its results • How has the project developed national capacity to support sustainability of effort and benefit? • Are there changes in legislation; policy; staffing; budget that can be seen as indicators of sustainable results? • If donor funding was withdrawn, which initiatives and gains would be sustained? Which would be lost? • What are the most important programmatic investments that need to be made to enhance sustainability of achieved results? 	
<p>7. Has national ownership of the project been generated? In what ways? What factors have hindered or facilitated this ownership?</p> <ul style="list-style-type: none"> • Are there changes in legislation; policy; staffing (recruitment/ rotation/ retention); budget and MoUs/ agreements that can be seen as indicators of ownership? 	
<p>8. To what extent have specific measures been taken to address the needs and priorities of human rights, gender, and vulnerable groups during implementation of the project?</p> <ul style="list-style-type: none"> • Is the way the project is governed and managed facilitating human rights and gender parity and capacity/ HRG mainstreaming, and including some level of representation of vulnerable groups? • Has the project initiated change in reference to the recognition and mainstreaming of HRG issues and the needs of vulnerable groups? If so, how? • What have been the major achievements and major shortcomings in addressing HRG issues/ vulnerable group needs, including any facilitating or hindering factors in this regard? 	
<p>9. What lessons have you learned and how can these inform future programming?</p> <ul style="list-style-type: none"> • What good practices have been identified and how can these inform future programming? • Have you documented these lessons and practices? What is the evidence? • What modalities worked? Which ones did not what? What would you do differently next time? 	

GUIDE FOR FOCUS GROUP DISCUSSION WITH COURT USER COMMITTEES (CUCS)

Introduction

The Independent Evaluation Section of United Nations Office on Drugs and Crime (UNODC) is in the process of undertaking an In depth Evaluation (IDE) of PLEAD Project the PLEAD project "Strengthening the Administration of Justice and Operationalizing Alternatives to Imprisonment in Kenya (KENW58) .

The purpose of the evaluation is to identify and record results achieved and lessons learned during the implementation of the PLEAD Programme, the gaps for the benefits of national partners as well as the donor community and also to assess the impact the project has had on stakeholders. The aim of the evaluation is also to inform the design of activities for the planned second phase of the Programme.

The evaluation is being carried out by a team of three external independent evaluators, Ms. Sofia Guillot de la Puente (Evaluation Expert), Dr Mark Brown (Senior Substantive Expert) and Mr Mikewa Ogada (National Substantive Expert).

As a stakeholder, your views are very important to this evaluation. To this end, the independent evaluation team would appreciate your assistance by completing this short questionnaire.

Confidentiality

Our evaluation approach (and UNODC policy) ensures that the comments you make to us remain confidential. I will be making notes, but my notes will not be available to anyone outside the evaluation team. As importantly, in any oral and written reporting we do for the evaluation any information or commentary you make to us that is used in the report will be anonymous. There will be nothing in the report to identify individuals. Our interview notes and all the data you have supplied will be destroyed at the completion of the evaluation

The discussion should take approximately 1 hour and 30 minutes to complete. Please keep in mind that there are no “right” or “wrong” answers to any of the questions we will ask. The purpose is to stimulate **conversation and hear the opinions of everyone in the room. We hope you will be comfortable speaking honestly and sharing your ideas with us.**

It is important to the quality of our work that you are able to speak freely to us. Is that all clear? Do you have any questions before we begin? Are you happy to proceed?

Participants names	Position	Organization

Interviewer name(s)	
Date, time, method of interview	

Let us do a quick round of introductions.

Question	Notes on responses
1. What forms of support has the CUC received from the PLEAD project that is being implemented by the National Council of Administration of Justice and UNODC?	
2. Does the support provided by PLEAD reflect the needs and priorities of the CUC? Please explain.	
3. To what extent did PLEAD develop or strengthen and institutionalize the collaboration and cooperation within the justice sector in this jurisdiction? In what ways? What is the evidence?	

<p><u>Probing questions:</u> What weaknesses /challenges are there in partnership and cohesion among these institutions</p>	
<p>4. How has the support provided by the PLEAD project contributed to improving the functioning and operations of the CUC? <u>Probing questions:</u></p> <ul style="list-style-type: none"> • What are the CUC and the different justice sector institutions (Judiciary, ODPP, NPS, WPA, NCAJ) doing differently as a result of the support offered by the PLEAD? • How has this support contributed to strengthening court administration and case management in this jurisdiction? In what ways? • How has this support contributed to increasing quality and efficiency in the criminal justice system in this jurisdiction? In what ways? 	
<p>5. Were project activities involving the CUC implemented in an efficient and timely manner? <u>Probing questions:</u></p> <ul style="list-style-type: none"> • If there were delays in implementation, what caused them, and how have they affected the CUC? <p>6. How flexible was the project to addressing emerging issues like those occasioned during the Covid-19 pandemic and security challenges?</p>	NO
<p>7. What structures, systems and processes have been established with the support of the project to improve the functioning and operations of the CUC? Can these mechanisms be sustained if the support provided by PLEAD is withdrawn?</p>	CUC Guidelines, toolkit, trainings
<p>8. What recommendations can you offer to improve the relevance, effectiveness and overall quality of support that may be provided by a future cycle of the PLEAD project?</p>	

ONLINE SURVEY TO CRIMINAL JUSTICE PERSONNEL TRAINED BY PLEAD

Please answer all questions. Thank you!

<p>1. General information</p>	<p>Pease indicate your gender:</p> <ul style="list-style-type: none"> • Female • Male • Prefer to self-identify (text box for self-identification) • Prefer not to state
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FINAL IN-DEPTH EVALUATION OF “STRENGTHENING THE ADMINISTRATION OF JUSTICE AND OPERATIONALIZING ALTERNATIVES TO IMPRISONMENT IN KENYA” (KENW58)

2. General information	<p>Please indicate your range of age:</p> <ul style="list-style-type: none"> • 20-30 • 30-40 • 40-50 • 50-70 • More than 70
3. General information	<p>Please indicate the organization you work at:</p> <ul style="list-style-type: none"> • Office of the Director of Public Prosecutions (ODPP) • Office of the Director of Public Prosecutions (NCAJ) • The Judiciary • National Police Service (NPS) • Office of the Director of Public Prosecutions (PACS) • Kenya Prison Service (KPS) • Witness protection Agency (WPA) • Other
4. General information	<p>What type of training(s) have you received from the PLEAD project "Strengthening the Administration of Justice and operationalizing alternatives to imprisonment in Kenya (KENW58)?</p> <p>Please only write one topic of the training in answer box e.g. "Diversion Policy". (only one topic per answer box)</p>
5. Relevance	<p>To what extent do you think that the training(s) received by you and provided by the Project responds to the needs and priorities of the institution to which you belong?</p> <ul style="list-style-type: none"> • (4 being 4 to a great extent and 1 not at all) • Explain your answer (optional)
6. Coherence	<p>To what extent has the training(s) received contributed to improve coordination and contributing to creating partnerships within the justice sector?</p> <ul style="list-style-type: none"> • (4 being 4 to a great extent and 1 not at all) • Explain your answer (optional)
7. Effectiveness	<p>With respect to the work of your agency (e.g. Judiciary, ODPP, KPS, PACS, NCAJ, WPA, NPS), to what extent has the training(s) received contributed to:</p> <ul style="list-style-type: none"> • Strengthened administration of justice and management of criminal cases. (4 - to a great extent to 1 - not at all; I don't know) • Increased quality and efficiency of operations and services. (4 - to a great extent to 1 - not at all; I don't know) • Improved cooperation and partnership between your agency and other justice sector agencies and actors. (4 - to a great extent to 1 - not at all; I don't know)
8. Effectiveness	<p>Do you think that PLEAD project has promoted learning among the criminal justice personnel?</p> <ul style="list-style-type: none"> • Very much • Somewhat • Not much

FINAL IN-DEPTH EVALUATION OF “STRENGTHENING THE ADMINISTRATION OF JUSTICE AND OPERATIONALIZING ALTERNATIVES TO IMPRISONMENT IN KENYA” (KENW58)

	<ul style="list-style-type: none"> • Not at all • I don't know
9. Impact	<p>To what extent has the training received enabled you to improve your own work practices, increase knowledge, raise awareness, and/or raise sensitivity (e.g. to HRG+ issues)?</p> <ul style="list-style-type: none"> • (4 being 4 to a great extent and 1 not at all) • Explain your answer (optional)
10. Sustainability	<p>To what extent has the training(s) received enabled you to better develop your work?</p> <ul style="list-style-type: none"> • (4 being 4 to a great extent and 1 not at all) • Explain your answer
11. Sustainability	<p>Do you consider that training(s) needs to be improved?</p> <ul style="list-style-type: none"> • Very much • Somewhat • Not much • Not at all • I don't know <p>If yes, what needs to be improved? Please explain briefly (optional)</p> <p>_____</p>
12. HR, Gender and Leave no one behind	<p>To what extent do you consider that the training(s) received has taken into account the interests, needs and priorities of men and women, recognizing the diversity between different groups of women and men?</p> <ul style="list-style-type: none"> • (4 being very much and 1 being not at all) • Explain your answer
13. Other information	<p>Please add any relevant information you would like to provide regarding the training received through the PLEAD project.</p>
14. Request for your contacts	<p>If you would like to meet with the evaluation team or provide any additional insight for the evaluation, please provide us with your name, mobile number and/or email address. (Optional)</p> <p>Name: _____</p> <p>Mobile: _____</p> <p>Email: _____</p>

ANNEX III: DESK REVIEW LIST

UNODC DOCUMENTS

UNODC STRATEGIC DOCUMENTS

Document – name	Comments, if applicable
2022 Final Terms of Reference for PLEAD Evaluation.	
UNODC (2022). Regional Office for Eastern Africa Programme Document for the Programme for Legal Empowerment and Aid Delivery in Kenya Phase II NDICI 2021/043-204 19 December 2022.	
UNODC (2022). PLEAD Extension Project Document (FED/2017/ 390-856) 2022 “Strengthening the Administration of Justice and Operationalising Alternatives to Imprisonment in Kenya”.	
UN (2022). UN Kenya Sustainable Development Cooperation Framework (UNSDCF) 2022-2026.	
UN (2022). UN Development Assistant Framework-UNDAF Kenya 2018-2022.	
EU (2021). Results Oriented Monitoring (ROM) Report PLEAD 2021 UNODC.	
UNODC (2021). Programme Status Review (Mid-Term). Strengthening the Administration of Justice and Operationalizing Alternatives to Imprisonment in Kenya.	
UNODC (2021). PLEAD Mid-Term Review Recommendations.	
UNODC (2021). Strategy 2021-2025.	
UNOV/UNODC (2021). Strategy for Gender Equality and the Empowerment of Women (2018-2021).	
UNODC (2020). Next Steps and Use of the Theories of Change (ToC) for Future Programming in Southeast Asia and the Pacific (SEAP).	
UNODC (2019). PLEAD Communication & Visibility Strategy 2019-2022.	
UNODC (2018). PLEAD Logical Framework (Annex 3).	
UNODC (2018). Baseline Study: Programme for Legal Empowerment and Aid Delivery in Kenya.	
UNODC (2017). Project Document (FED/207/390-856). Strengthening the Administration of Justice and Operationalising Alternatives to Imprisonment in Kenya.	
EU (2017). Action Document for the Programme for Legal Empowerment and Aid Delivery in Kenya (PLEAD) (including amendment 1).	
EU (2017). EU-Kenya Cooperation: European Union Delegation Agreement. Contract No. FED/2017/ 390-856 (UNODC).	
UNODC (2016). UNODC Regional Programme 2016 – 2021: Promoting the Rule of Law and Human Security in Eastern Africa.	
UNODC (2016). Final In-Depth Evaluation of the Regional Programme for Eastern Africa “Promoting the Rule of Law and Human Security in Eastern Africa” 2009 – 2015 Eastern Africa Region Independent Evaluation Unit 2015 United Nations.	

UNODC/UN Guidance [Documents] on Inclusive Programming. e.g., UNODC Thematic Gender Briefs, Human Rights and Disability.	
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PLEAD PROGRAMMATIC DOCUMENTS

Document – name	Comments, if applicable
ROM Final Report PLEAD UNODC 2022.	
PLEAD Programme Impact Evaluation Questionnaire Witness Protection Agency 2022.	
PLEAD Equipment and Infrastructure Support to National Partner 2022.	
PLEAD Workplan 2022.	
PLEAD/Malcolm Lee Kijirah, Legislative, Policy and Institutional Review to Enable Full Automation of Criminal Cases (Draft) 2021.	
PLEAD Annual Report 2022.	
PLEAD Annual Report 2021.	
PLEAD Workplan 2021.	
PLEAD Workplan 2020.	
PLEAD Annual Report 2020.	
PLEAD Fact Sheet - Supporting the Justice Sector's COVID-19 Pandemic Response 2020.	
PLEAD 2020 Work Plan for Covid Response.	
PLEAD Workplan 2019.	
PLEAD Annual Report 2019.	
PLEAD Annual Report 2019.	
PLEAD Annual Narrative Report 2018 for the European Union (2019).	
PLEAD Programme Impact Questionnaire. Witness Protection Agency.	
PLEAD Evaluation Theory of Change, Intervention Logic and Impact (Undated).	
PLEAD Final Evaluation Document Matrix (Undated).	

PLEAD PUBLIC INFORMATION DOCUMENTS

Document – name	Comments, if applicable
PLEAD II Program At A Glance Brochure 2022.	
PLEAD Verdict Newsletter Issue 8 2022.	
PLEAD Customer Care Fact Sheet 2021.	
PLEAD Verdict Newsletter Issue 7 2021.	
PLEAD Verdict Newsletter Issue 6 2021.	
PLEAD Verdict Newsletter Issue 5 2020.	
PLEAD Verdict Newsletter Issue 2 2019.	

PLEAD Verdict Newsletter Issue 1 2019.	
PLEAD Simplified Visibility Guidelines, 2019.	
PLEAD Brochure 2019.	
PLEAD Visuals 2019.	

Total number of UNODC documents reviewed: 50

EXTERNAL DOCUMENTS

Document – name	Comments, if applicable
United Nations (UN)	
World Bank (2022). Implementation Completion and Results Report IDA – 51810 – for Judicial Performance Improvement. Governance Global Practice, Eastern and Southern Africa Region.	
UNDP & LRF (2021). Influence of the Use of Information Technology in the Judiciary System on Access to Justice in Nairobi County.	
UNEG (2017). Norms and Standards for Evaluation. United Nations Evaluation Group. New York.	
UN Standard Minimum Rules for the Treatment of Prisoners - "Nelson Mandela Rules" 2015.	
UN Standard Minimum Rules for Non-custodial Measures (The Tokyo Rules), 1990.	
National Council on Administration of Justice (NCAJ)	
NCAJ (2022). Administration of Justice in Kenya Annual Report 2021-2022.	
NCAJ (2021). Report of NCAJ Council Retreat. Serena Hotel Mombasa. 27th – 29th October 2021.	
NCAJ (2021). Strategic Plan 2021-26.	
NCAJ (2020). Justice Sector Response to the COVID-19 Pandemic in Kenya.	
NCAJ/NCCJR (2019). National Policy and Action Plan on Criminal Justice.	
NCAJ (2019). Towards Strengthening the Juvenile Justice Information Management System (JJIMS) in Kenya: Report on Needs Assessment and Systems Audit.	
NCAJ (2019). Court Users' Committee Guidelines.	
NCAJ (2019). Status Report on Children in the Justice System in Kenya.	
NCAJ (2017) Criminal Justice System in Kenya: An Audit.	
NCAJ Special Taskforce on Children Matters, Data and M&E Committee.	
NCAJ Reports: Legal, Policy and Institution Review to Enable the Full Automation of Criminal Cases and Advisory Report.	
National Police Service E-Learning Programme.	
Court User Committee Sensitization Toolkit.	
Bail and Bond Implementation Committee End of Term Report.	
Bail and Bond Trainers Manual.	

Bail and Bond Trainees Manual Revised.	
Simplified Version of the Bail and Bond Policy Guidelines.	
Bail and Bond Implementation Committee Monitoring and Evaluation Report.	
Bail and Bond Information Education and Communication Materials.	
Judiciary of the Republic of Kenya	
Effect of Covid-19 Pandemic on Resolution of Cases in Courts: The Kenyan Judiciary 2021.	
Effect of Covid Pandemic on Courts. Judiciary Research Paper No. 1, 2021	
Performance Management Understandings Evaluation Report Judiciary 2020-2021	
Alternative Justice Systems Baseline (August 2020).	
Alternative Justice Systems Framework Policy (August 2020).	
E-filing system at the Commercial and Tax Division 2020.	
The Judiciary Strategic Plan 2019-2023.	
Guidelines for Active Case Management of Criminal Cases in Magistrates Courts and High Courts of Kenya 2019.	
Manual on Active Case Management (ACM) in Criminal Cases in Kenya 2019.	
Mock Case File and Case Study – Active Case Management 2019.	
National Workshop on the Judiciary Data Collection System: Workshop Recommendations and Points of Action 2019.	
National Workshop on the Judiciary Data Collection System: Data Collection Instrument Redesign 2019.	
National Workshop on the Judiciary Data Collection System: Workshop Recommendations and Points of Action 2019.	
Sentencing Policy Guidelines 2016.	
Bail and Bond Policy Guidelines 2015.	
Data Sheet: Data of the Cases Resolved Through AJS Mechanisms in Different Counties. Compiled 2022.	
Datasheet: Cases Addressed Through Diversion and Restorative Justice Process. Compiled 2022.	
Active Case Management E-Module.	
Judicial Service Commission’s Strategic Plan 2021 – 2026.	
State of the Judiciary and the Administration of Justice Annual Report 2020-2021.	
State of the Judiciary and the Administration of Justice Annual Report 2019-2020.	
State of the Judiciary and the Administration of Justice Annual Report 2018-2019	
State of the Judiciary and the Administration of Justice Annual Report 2017-2018.	
State of the Judiciary and the Administration of Justice Annual Report 2016-2017.	
Office of the Director of Public Prosecutions (ODPP)	
ODPP Summary Report on Plea Bargaining and Diverted Cases 2022.	.

ODPP Rapid Reference Guide on the Prosecution of Sexual and Gender-Based Violence Cases in Kenya 2022.	
ODPP Bulletin August 2022.	
ODPP Human Resource Policies and Procedures Manual 2022.	
ODPP Employee Handbook 2022.	
ODPP Final Report on UNODC Change Management Consultancy for the ODPP.	
ODPP Excellence Charter 2020.	
ODPP - A Prosecutor's Guide to Children in the Criminal Justice System 2020.	
ODPP Change Management Consultancy Document Review 22 July 2019.	
ODPP Diversion Policy 2019.	
ODPP Diversion Guidelines and Explanatory Notes 2019.	
ODPP Prosecutors' Training Needs Assessment Report 2019.	
ODPP Curriculum Framework 2019.	
ODPP Plea Bargaining Guidelines 2019.	
ODPP Decision to Charge Forms 2019.	
ODPP Guidelines on the Decision to Charge 2019.	
ODPP National Prosecution Policy 2016.	
ODPP General Prosecution Guidelines 2016.	
ODPP Strategic Plan 2016-2022.	
ODPP Case Management – Institutional Readiness Assessment Report.	
ODPP Prosecution Case Diary (Data Collection Instrument).	
ODPP Guidelines for Prosecution Case Diary.	
ODPP Diploma in Public Prosecutions (Prosecutorial Training Institute-PTI).	
<i>National Legal Aid and Awareness Policy 2017-2022 (Office of the Attorney General).</i>	
Probation and Aftercare Services (PACS)	
PACS Training and Development Policy 2022.	
PACS Child and Youth Justice Strategy 2021-2025.	
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Total number of external documents reviewed: 131

ANNEX IV: STAKEHOLDERS CONTACTED DURING THE EVALUATION

Number of interviewees	Organisation	Type of stakeholder (see note below)	Sex disaggregated data	Country
21	UNODC ROEA	Project/Programme implementer	Male:10 Female:11	Kenya
115	CJ Personnel	Government recipient	Male: 67 Female:48	Kenya
5	Donor-EU/Un agency	Donor	Male:2 Female:3	Kenya
3	NGO	Civil Society Organisation	Male: 2 Female:1	Kenya
33 (focus group)	CUC	Government recipient	Male: 14 Female:19	Kenya
101 (survey)	CJ personnel trained	Government recipient	Male: 55 Female:46	Kenya
Total: 278			Male: 150 Female: 128	
<p>Note: A stakeholder could be a Civil Society Organisation; Project/Programme implementer; Government recipient; Donor; Academia/Research institute; etc.</p>				