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**‘Assisting the Process of Prison Reform
in Southern Sudan (Phase III)’**

SDNX06
South Sudan

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CONTENTS

	<i>Page</i>
Executive summary	v
Summary matrix of findings, evidence and recommendations.....	ix
I. Introduction.....	1
Background and context	1
Evaluation methodology	5
II. Evaluation findings	8
Design	8
Relevance.....	10
Efficiency.....	11
Partnerships and cooperation	19
Effectiveness.....	21
Impact	24
Sustainability	26
Human rights and gender.....	27
III. Conclusions.....	30
IV. Recommendations.....	32
V. Lessons learned.....	34
<i>Annexes</i>	
I. Terms of reference of the evaluation	36
II. Meeting schedule	53
III. Desk review list.....	54
IV. Overview training activities.....	58

ACRONYMS

AIDS	Acquired Immunodeficiency Syndrome
CLO	Court Liaison Officer
CPA	Comprehensive Peace Agreement
DDR	Disarmament, Demobilization and Reintegration
DFAIT	Department of Foreign Affairs and International Trade (Government of Canada)
DPKO	Department of Peacekeeping Operations (United Nations)
GoSS	Government of Southern Sudan
GRSS	Government of the Republic of South Sudan
HIV	Human Immunodeficiency Virus
ICCLR	International Centre for Criminal Law Reform and Criminal Justice Policy
INL	Bureau for International Narcotics and Law Enforcement Affairs (Government of the United States of America)
MDTF	Multi-donor Trust Fund (administered by the UNDP)
NPSSS	National Prisons Service South Sudan
ROMENA	Regional Office for the Middle East and North Africa
SSPS	Southern Sudan Prison Service
SPLA	Sudanese People's Liberation Army
NPSSS	National Prison Service of South Sudan
UNDP	United Nations Development Fund
UNMIS	United Nations Mission in Sudan
UNMISS	United Nations Mission in South Sudan
UNODC	United Nations Office on Drugs and Crime
UNOPS	UN Office for Project Services
UNSMR	UN Standard Minimum Rules for the Treatment of Prisoners

EXECUTIVE SUMMARY

Establishing an effective criminal justice system is only one of the numerous challenges that the Government of the Republic of South Sudan (GRSS) continued to face after it gained independence from Sudan on 9 July 2011. The third phase of the UNODC project ‘Assisting the Process of Prison Reform in Southern Sudan’ (SDNX06) aimed to address one part of the criminal justice chain by strengthening the penitentiary system in South Sudan in the period leading up to and following its independence. The project was implemented in close collaboration with the South Sudan Prison Service (SSPS)/National Prison Service of South Sudan (NPSSS) and the United Nations Mission in Sudan (UNMIS)/United Nations Mission in South Sudan (UNMISS). This report gives the key findings, good practices, lessons learned and recommendations of the independent end-of-project evaluation of this particular phase. The evaluation was conducted from December, 2013 to March, 2014, which is a more extended period than initially planned for as the nascent state experienced another period of political turmoil and violence from mid December onwards.

The project harmonized the objectives of the earlier two phases and sought to implement strategic priorities to ensure sustainable reform of the penitentiary system. The project started in June 2010, and was completed in December 2013. The five components concerned the legal and policy framework, the capacity of the NPSSS Training Academy at Lologo, the health care service in state prisons, and the court liaison and probation and aftercare functions of the NPSSS. The project duration was initially 1,5 years, but was in the end implemented during a 3,5 year period due to various political and administrative reasons, and the receipt of extra financial assistance. The UNODC received funding from INL (the USA government), DFAIT (the Canadian government) and UN Women’s Guild amounting to a total budget of USD 4,382,959.

The design of the project has been comprehensive. The planning process was guided by the recommendations of the independent evaluation of the first two phases identifying further needs of the NPSSS, and the high-level planning meeting with key project partners undertaken in November 2010. The design also showed sufficient flexibility to adapt to extra donor funding (and – as a result - additional project components), and developments on the ground. Key changes were accounted for in concerned project documentation. The setting up and use of a full-fledged monitoring system, including the development of verifiable indicators and clear targets, could also have been useful for accountability purposes. Furthermore, despite the limited capacity of the NPSSS, more attention could have been given to the obligations of the GRSS, and the NPSSS in the field of sustainability at the onset of the project.

The project’s third phase has obviously been highly relevant as it addressed the needs of the NPSSS, aimed to alleviate the situation of prisoners, and complemented other activities undertaken in support of the penitentiary sector in South Sudan. The focus of the project was reflected in the interim constitution, the NPSSS Strategic Plan 2006-2011, and in the objectives for penitentiary reform set out in the South Sudan Development Plan (SSDP) 2011-2013. The project was further in line with the UNDAF strategic priorities in the field of rule of law, and the regional programme of UNODC ROMENA (medium-term regional strategy 2008-2011, and the

Programme on Drug Control, Crime Prevention and Criminal Justice Reforms in Arab States 2011-2015 – until South Sudan gained independence in July 2011).

The efficiency gives a more mixed picture, which is partially to be expected when implementing a project in a still fragile country. The operational context has been volatile (with the referendum and the signing of the declaration of independence of South Sudan in 2011). In addition, regular personnel changes in the government, limited absorption capacity among the different actors of the criminal justice chain, in combination with ambitious planning, lengthy administrative discussions about contractual extensions between UNODC and one of the implementing partners and the small UNODC team on the ground in 2013 caused several delays to the project. Many of these have been outside the direct influence sphere of the implementing agency. These notwithstanding, the project has been cost-efficient, and completed the majority of required outputs due to the long term, excellent working relations between the agency and the main counterpart, as well as the unique partnership between UNODC and UNMISS.

The level of efficiency also offers an explanation for the effectiveness of the project. The third phase of the UNODC project ‘Assisting the Process of Prison Reform in South Sudan’ has to a great extent been effective. Three of the five outcomes have been achieved. The facilities of the Training Academy have been improved and expanded, the organizational structure of the Academy has been revised to strengthen its functioning, and a selected group of twelve fulltime in-house trainers have received intensive training to further built their capacity. Since the beginning of 2012, the Academy has been organizing and conducting training for NPSSS staff. Although at a basic level, health care services in selected prisons have improved, and the probation function has expanded due to which more attention has been given to imprisoned juveniles, which - in some cases - facilitated their release from prison. The expected outcomes with respect to the application of the legal and policy framework and a more effective criminal justice system (that is, the court liaison function) in South Sudan could only to some degree be achieved. Although prison regulations were developed under the project, these are still waiting to be enacted. The project’s objective has been achieved in light of the contribution of the above-mentioned outcomes.

The impact of the project’s third phase will be most profound as a result of the strengthened NPSSS Training Academy, the built clinic in Torit state prison and the provision of diagnostic equipment to the medical services in ten state prisons, the strengthened legal framework with the (forthcoming) approval of the prison regulations which will prepare the stage to further develop and/or revise the existing Standing Orders, and the expanded probation and aftercare function. Yet the extent to which the impact can be noted in the long-term is directly correlated with the level of sustainability of these outputs, and the continued dedication to increasingly own and incorporate these functions into government budgeting and programming, and adhere to the UN Standard Minimum Rules for the Treatment of Prisoners (UNSMR). Some concern exists in this regard because of the still limited financial resources and technical, human and material capacity of the NPSSS.

The project could not have been implemented without the partnership between UNODC and the NPSSS, UNMISS, ICCLR, the United Nations Office for Project Services (UNOPS), the Ministry of Justice, and other government counterparts. Coordination with the NPSSS took place at different levels – bilaterally, on site and through the weekly prison coordination meetings at the NPSSS headquarters chaired by the Director General of the Service. UNODC also established and/or built on and cultivated its relationships with other government actors, especially those of the criminal justice sector, as well as with other criminal justice actors/networks regionally and in

West Africa (Ghana). The implementation structure was also built around the unique and effective collaboration between UNODC and UNMISS, which has frequently been referred to as 'best practice'. Collaboration with other UN agencies was done through various channels in order to avoid duplication and support ongoing efforts in the rule of law sector. The knowledge and insights gained through planning and implementing the project has been shared through different channels, including the weekly coordination meetings held by the NPSSS. Donor reporting has been done in accordance with agreed on templates and schedules.

The project has mainstreamed human rights norms during its implementation. The Prisons Service Act, which has largely incorporated the rules laid out in the UNSMR, was further operationalized in the Prison Regulations. Training modules and concept notes addressed relevant standards, such as in the field of health care, probation and alternative sentencing. The work of probation officers was a step in the right direction to bring the plight of juvenile prisoners more out into the open, raise awareness on the legal norms applicable to this particular group of prisoners, and address issues which might alleviate their situation and facilitate return to their families and communities. Also gender has been mainstreamed in training courses and curricula, in the field of health care, and probation and aftercare. Gender has however sometimes been understood as a focus on women-only activities, whereas human rights/gender analysis could have benefited some areas, including the possible impact of civil works on a community located near the NPSSS Training Academy.

In conclusion, the achievements in the field of legislative reform, capacity building, health care, and probation, of which the latter has resulted in a more effective response to the situation of juvenile detainees caught up in prisons and police stations, are a step in the right direction of transforming the NPSSS into an institution which is able to govern a prison system with respect for human rights and in accordance with the UNSMR. The fact that the NPSSS carries the burden of other still fledging links of the criminal justice system must not be forgotten, and concerted effort must be undertaken to find entry points to effectively deal with these in order to support the human rights of all prisoners, including with respect to access to a fair trial and a conviction which is in congruence with the type of crime committed.

Recommendations concern the further needs of the NPSSS, especially those with a link to the components of the project's third phase, and the possible role of UNODC – in close collaboration with UNMISS - in addressing these in the near future. The main recommendations are as follows: Earmark more resources for the NPSSS; Examine different options to reduce the overcrowding in prisons, and explore the best avenues for further action to strengthen the linkages between the different criminal justice actors; Examine ways to set up functioning juvenile detention review boards in all states; Enact the Prison Regulations, set up a working group for revising/developing the Standing Orders, and organize training on the legislative framework to NPSSS staff and other actors; Provide further training to the instructors of the Academy to enhance their capacity in various fields; If possible, reserve more budget for stationary, petrol for vehicles, medical material and equipment and so on in order to allow specialized (and other) officers to perform their duties; Assess the most urgent needs of the medical service, and the overall situation of prisoners in the state and country prisons, and find ways to adequately respond to these needs in order to meet the UNSMR; Examine the conditions necessary to increase the effectiveness of the court liaison function; Expand the probation and aftercare function by increasing the number of officers, expanding the geographical coverage at the county level, and encompassing other groups of prisoners in addition to juveniles if capacity permits for the widening of the scope; Set up a mentoring system for new probation officers; Review the legislative framework for probation,

and strengthen this in accordance with the recommendations; Advocate on the legislative and policy framework of probation and aftercare to other criminal justice actors and civil society, including traditional and community leaders.

The main lessons learned of the project's third phase are as follows: Ambitious planning sets a clear direction and aims for a rapid implementation of project activities in a fragile context, but could pose a risk to the credibility of the implementing organization at the same time; Providing that capacity is available, participatory planning meetings of all stakeholders in the beginning of the project, and in the beginning of particular activities such as civil works, must be undertaken in order to ensure that all agree on the same objectives, standards and outputs; The development of indicators and targets for a project must be in line with the operational context and institutional capacity in the field, and indicators must be measurable, realistic and specific; A comprehensive monitoring system must be set up in the beginning of a project in order to ensure a proper tracking of all activities, inputs, outputs and outcomes; Project documents appear to be de-linked from annual or more long-term planning of the national counterpart, which must be reviewed in order to present a more comprehensive documents; The donation of office equipment and means of transport to the national counterpart could be necessary to give specialized staff the appropriate status and means to fulfil their responsibilities; And, the daunting task of reforming the prison system in South Sudan requires a great deal of effort, resources, patience, flexibility and a long-term perspective, as well as sustained involvement of the NPSSS, donors and implementing agencies in order to bring the system in line with the UNSMR and other available human rights instruments.

SUMMARY MATRIX OF FINDINGS, EVIDENCE AND RECOMMENDATIONS

Findings ¹	Evidence (sources that substantiate findings)	Recommendations
Key recommendations		
<p>1. The legislative framework for the NPSSS and prisoners must be further strengthened. This includes adopting the prison regulations, reviewing/adapting the standing orders, and reviewing the Prisons Service Act, penal code and code of criminal procedures to establish a legal basis for alternative punishments and probation.</p>	<p>UNODC project documents, (bi-) annual progress reports, secondary sources, interviews with UNODC and UNMISS officials</p>	<p>-Approve the Prison Regulations;</p> <p>-Review/adapt the Standing Orders, and subsequently approve these;</p> <p>-Provide training to all prison staff regarding the legislative framework;</p> <p>-Review the Prisons Service Act, penal Code and Code of criminal procedures to establish a legal basis for probation and alternative punishment.</p> <p><i>To:</i> <i>GRSS/NPSSS/UNODC/UNMISS/donor agencies</i></p>
<p>2. There is an increase in overcrowding of prisons during the past couple of years caused by the improved efficiency of the police and judiciary as a result of more donor and government investments in these two areas. A proportion of prisoners is incarcerated because of limited to no access to due process. The court liaison function has not been functioning well.</p>	<p>UNODC project documents, (bi) annual progress reports, secondary sources, interviews with UNODC and UNMISS officials.</p>	<p>-Examine cost-efficient options to reduce the overcrowding in prisons (see recommendations in other sections about probation);</p> <p>-Review domestic law in order to bring it in line with international law in the field of criminal justice;</p> <p>-Examine the conditions necessary for a more effective court liaison function;</p> <p>-Enhance information sharing/collaboration among criminal justice actors.</p> <p><i>To:</i> <i>GRSS/NPSSS/UNMISS/UNODC/other implementing partners/donor agencies</i></p>
<p>3. Lack of resources in general, including for the NPSSS.</p>	<p>Secondary sources, interviews</p>	<p>- Earmark more resources for the NPSSS in order to address the most basic needs of prisoners, and support the functioning of the prison service.</p> <p><i>To: GRSS/donor agencies</i></p>

¹ A finding uses evidence from data collection to allow for a factual statement.

<p>4. The NPSSS Training Academy has been strengthened in terms of its infrastructure and capacity, but several needs have remained unaddressed (e.g. dormitory for women), or will be addressed during the project's fourth phase. The training capacity could be further strengthened, training modules can be further developed/adapted, and resources can be increased to organize training at state level.</p>	<p>Project document/revisions, (bi-) annual progress reports, interviews</p>	<p>- Provide further support in the field of infrastructural development, capacity enhancement and resources to the NPSSS Training Academy, and state level training.</p> <p><i>To: GRSS/NPSSS/UNMISS/UNODC/other implementing partners/donor agencies</i></p>
<p>5. The probation function has expanded, and the situation of juveniles in prison has received more attention. Probation officers however experience continued restraints in their work because of gaps in the legislative framework, and limited resources and capacity.</p>	<p>Project document, (bi-) annual progress reports, interviews</p>	<p>-Expand the probation and aftercare function (number of officers, counties with a probation officer, more target groups if capacity permits);</p> <p>-Set up a comprehensive mentoring system for probation officers;</p> <p>-Offer support at different levels to this function.</p> <p><i>To: GRSS/NPSSS/UNMISS/UNODC/other implementing agencies /donor agencies</i></p>
<p>6. The Juvenile Detention Review Board in Juba has proven to be a useful board to bring representatives of different justice actors together. Several problems related to time, resources etc. caused the board to dissolve, but the objectives and structure of the board have been instrumental to ameliorate the situation of a number of juveniles, including their release from prison.</p>	<p>(Bi) annual project progress reports, interviews</p>	<p>-Explore with UNMISS and UNICEF the possibilities to set up Juvenile Detention Review Boards in different states in South Sudan.</p> <p><i>To: GRSS/NPSSS/UNMISS/UNODC/ UNICEF/donor agencies</i></p>
<p>Important recommendations</p>		
<p>7. There is still limited support for the use of alternative sanctions and probation among criminal justice actors and civil society.</p>	<p>(Bi-)annual progress reports, other project documentation, interviews</p>	<p>-Expand activities to advocate probation and aftercare to other criminal justice actors and civil society, including community and traditional leaders.</p> <p><i>To: GRSS/NPSSS/UNMISS/UNODC/other implementing partners/donor agencies</i></p>
<p>8. The design has been comprehensive, flexible and participatory to a great extent. More attention could be given to developing verifiable indicators (and identifying baseline data and targets) accompanied with a monitoring system involving partners for accountability purposes as well as the sustainability of project</p>	<p>Project document/revisions, (bi-) annual progress reports, interviews</p>	<p>-Develop verifiable indicators at the output, outcome and objective level;</p> <p>-Develop a data collection system for monitoring purposes involving project partners.</p> <p>-Include an analysis of the expected sustainability of outputs, and possible conditions which must be put in place</p>

activities.		in order to achieve this, in relevant project documents. <i>To: NPSSS/UNMISS/UNODC</i>
9. The long-term involvement and good working relations of UNODC with UNMISS and the national counterpart have underpinned the success of the project. More attention could be given to a strong management team to ensure continuity on the ground.	Project document/revisions, (bi-) annual progress reports, interviews	-Ensure that the project management team has at least two international staff; -Review current recruitment procedures to allow for a faster recruitment process. <i>To: UNODC</i>
10. Different reasons underlie the extended period of project implementation, especially for civil works and obtaining equipment and supplies. A review on planning for such activities, and expected outputs, is useful to get realistic schedules of delivery and output quality	Project document/revisions, (bi-) annual progress reports, interviews	-Review of planning and delivery conditions and mechanisms to give more realistic planning schedules, consequences and quality of expected outputs for all beneficiaries. <i>To: NPSSS/UNMISS/UNODC/other implementing partners/donor agencies</i>

I. INTRODUCTION

Background and context

With over half of its population living below the poverty line, getting a more effective criminal justice system is only one of the numerous challenges the Government of the Republic of South Sudan (GRSS) is facing at this point in time. Over twenty years of civil strife came to an end with the Comprehensive Peace Agreement (CPA) signed by the Sudan People's Liberation Army (SPLA) and the Government of Sudan in 2005.² During the referendum held in January 2011, the overwhelming majority of the population (98 percent) voted for independence, and on 9 July 2011 the country declared its independence from Sudan. Since the signing of the CPA, the government has worked hard to strengthen justice and security institutions, but considering its legacy this is a daunting task.³ Much has been achieved with respect to establishing and strengthening a police service, courts, and a prison service, passing new legislation and establishing the physical foundations (e.g. buildings etc.) in support of these entities. However, the high number of (often illiterate) staff with limited expertise in their respective functional areas, the complexities resulting from the plural legal system, the uneven spread of courts and police stations beyond the ten state capitals, and scarce resources continue to remain profound weaknesses of the system.⁴

In South Sudan, the weaknesses in other links of the criminal justice system negatively impact on the penitentiary system, which further compounds the difficulties experienced by the prison service which is a relatively new institution with its own set of challenges. In 2007, the South Sudan Prison Service (SSPS) comprised approximately 17,000 officers. The majority were former SPLA soldiers and guerrilla fighters with neither formal education nor prior knowledge of prison work.⁵ Only a small number of staff has a background in the management and operations of prisons. In 2012 the prison service was renamed into the National Prison Service South Sudan (NPSSS), and one of the priorities has been to 'right-size' the service.⁶ The ongoing registration of prison staff will prepare the foundation for the disarmament, demobilization and reintegration (DDR) exercise to reduce the actual staffing figures.⁷ Till date, most of the prison budget is spent

² The regional government of Southern Sudan changed into the government of the Republic of South Sudan when independence was declared on 9 July, 2011. See Human Rights Watch (2012: ii)

³ In the South Sudan Development Plan 2011-2013 the new government confirmed this strategic orientation when it stated that 'Improving access to justice and ensuring a well-functioning criminal justice system are intrinsically linked to peace-building and providing alternative options to redress disputes without recourse to conflict. There will be a strengthened criminal justice system that treats the human rights of every individual correctly while applying the legal framework to justice for all' (GRSS, 2011: xix)

⁴ See Human Rights Watch (2012: 22)

⁵ An estimated 90 percent of prison officers were previously personnel of the SPLA. (Pedersen and Muntingh, 2010: 21)

⁶ UNMISS, 2013

⁷ The NPSSS will initially be downsized to approximately 12,000 personnel, which is still a relatively high number considering the number of prisoners. The results of the registration exercise will be published in the near future

on salaries.⁸ These expenditures negatively impact on the availability of funds to adequately take care of prisoners' needs, a situation which was further aggravated by the austerity measures put in place by the new government since the beginning of 2012 following the shut down of the oil fields in response to a dispute with Sudan over several post-independence issues.⁹

Very few prison facilities survived the impact of the war, and the overwhelming majority of prisons (five central prisons, five state prisons, 78 county prisons) were still in very poor condition mid 2011, despite efforts to improve the prison infrastructure in selected areas.¹⁰ In the words of the SSPS, '[t]he country is generally characterized by an extreme absence or deterioration of the most basic physical infrastructure and operational equipment, including transport and communications'.¹¹ The limited resources also impact negatively on for instance the availability of stationary, petrol and maintenance services, which in turn affects the systematic collection of data, and as a consequence informed decision-making concerning the provision of services to different groups of prisoners.¹²

In the beginning of November 2011 there were 5767 prisoners¹³, and in the beginning of December 2013, this number had increased to approx. 7300 prisoners.¹⁴ The reason for this higher figure could be the more effective functioning of the national police force. An estimated 30 percent of prisoners were on remand, awaiting the completion of police investigations or trials.¹⁵ The overwhelming majority of prisoners are male. Of the 2011 figure, only seven percent were female prisoners. Further, 168 were children (163 boys and five girls) accused or convicted of a crime, and 55 children were accompanying their mothers in prison.¹⁶ The most common crimes that prisoners are accused of or convicted for are murder, theft, debt and adultery¹⁷, with a relatively high proportion of female prisoners charged with or convicted for sexual-related offences.¹⁸

(communication with UNMISS official, February 2014).

8 In 2011 the Prisons Service used 93 percent of its annual budget for this purpose, which left only limited funds for infrastructural and institutional development, maintenance, and taking care of the basic needs of prisoners (Human Rights Watch, 2012: 32)

9 World Bank, 2013

10 These figures were given in 2010 (UNMIS/UNODC, 2010: 3). The SSDP (2012: 112-113) gives a total of 78 secure prisons with adequate resources and trained personnel as target figure for 2013. A UNMISS official however notes that although there are 82 counties in South Sudan, the exact number of county prisons is not known as prisons in some counties are sometimes not even buildings or huts (Interview UNMISS official, February, 2014). UNODC referred to ten state prisons in available project documentation.

11 Department of Prisons/MoI/GoSS, 2010: 4

12 See Human Rights Watch (2012: 30-1) and US State Dept (2013: 6) for more information about documentation and data collection in prisons in South Sudan.

13 Human Rights Watch, 2012: 30. The US State Dept notes a figure of 6,027 prisoners and detainees at the end of 2011.

14 Many prisoners were however released during the conflict which began on 15 December, 2013 (Interview UNMISS official, February, 2014)

15 US State Dept, 2012: 5; Human Rights Watch, 2012: 30

16 Human Rights Watch, 2012: 30-1, 69

17 A survey conducted in 2008 noted that over one third of crimes prisoners were accused of or convicted for concerned alleged murder (38 percent), and another one third theft crimes (35.7 percent). For debt and adultery were the charges of respectively 10.9 and 8.7 percent (Human Rights Watch, 2012: 31).

18 Human Rights Watch, 2012: 55

Prisons are often overcrowded, as the number of prisoners is much higher than the available capacity, with examples of twice as much (or more) prisoners in comparison to actual prison capacity.¹⁹ Prison conditions are below international and domestic standards, and at times life threatening with inadequate health care, sanitation and access to food and potable water.²⁰ Generally male and female inmates are kept in distinct areas, although no separation takes place between juveniles and adults, and pre-trial detainees and convicted inmates. Prisoners are permitted to take part in religious observances, and to a certain extent allowed to meet visitors. They have the right to submit complaints to judicial authorities without censorship, and to request for the investigation of allegations of inhuman conditions. However, despite the follow-up by prison authorities in the case of reports of abuse by prison guards, action has been rarely taken based on the recommendations of conducted investigations.²¹

The domestic legislative framework of the prison regime in South Sudan has been strengthened during the last couple of years. The Prisons Service Act was enacted in July, 2011, with almost complete adherence to the rules laid out in the United Nations Standard Minimum Rules for the Treatment of Prisoners (UNSMR). Prison regulations have been developed during the project's third phase, although these are still awaiting enactment. Further, Standing Orders have been developed on the basis of the draft Prisons Service Provisional Order in 2009-2010 to provide direct operational guidance to prison staff. Other laws, such as the 2008 Child's Act (which prohibits the imprisonment of any child below the age of sixteen years) and the Code of Criminal Procedures, also give rights to prisoners, including with respect to due process.²² The GRSS further permits and encourages visits by independent human rights observers, such as UNMISS human rights officers and independent international NGOs such as the Human Rights Watch.²³

In 2006, the Corrections Advisory Unit of the United Nations Mission in Sudan (UNMIS) invited the United Nations Office on Drugs and Crimes (UNODC) and the International Center for Criminal Law Reform and Criminal Justice Policy (ICCLR) to undertake a joint assessment of the prison system. This initiative was in response to a request from the government of Southern Sudan for more systematic support in this field, including assistance to facilitate the transformation of a military-based organization into one with a civilian orientation.²⁴ Following this activity, UNODC implemented two phases of its prison reform programme in South Sudan from respectively December 2007 to October 2008 and August 2008 to August 2010. UNODC established an office on the ground in Juba in 2008, and from the very beginning a solid working relationship has been built with the Corrections Advisory Section of the United Nations Department for Peace-Keeping Operations (DPKO) mission (since 10 July 2011 the United Nations Mission of South Sudan, UNMISS)²⁵, the NPSSS and other government representatives of the GRSS.

The first two project phases focused on developing the capacity of the Southern Sudan Prisons Service to implement broad ranging reforms. This included leadership development, building capacity to manage information and data on the prison population, and strengthening the

19 See Human Rights Watch (2012), and US State Dept (2012: 4) for some statistics on the level of overcrowding.

20 See US State Dept (2012: 4; 2013: 6) and Human Rights Watch (2012) for further information.

21 US State Dept, 2012: 4-5; US State Dept, 2013: 4-6

22 See Human Rights Watch, 2012 for an analysis of due process.

23 US State Dept, 2012: 4-5; US State Dept, 2013: 4-6

24 Pedersen and Muntingh, 2010: 8

25 Following South Sudan's independence, the United Nations Security Council established a new mission on 8 July 2011 as per UNSCR 1996.

legislative framework by means of drafting the Prisons Service Act and Standing Orders (the latter offered for the first time a regulatory framework for staff working in the prison service), improving the well-being of vulnerable groups of prisoners and improving prison conditions and the health of prisoners. A total of 2088 NPSSS staff (1053 managers, 299 supervisors and 736 specialized staff) were trained during the first two phases. The work in the field of promoting alternatives to sentencing led to the creation of the Probation Directorate and the court liaison function in the NPSSS, as well as the establishment of a working group on mental health by the Ministry of Health (MoH).²⁶

The third phase of the project ‘Assisting the Process of Prison Reform in Southern Sudan’ (SDNX06) harmonized the objectives of the earlier phases and sought to implement strategies to ensure sustainable reform of the penitentiary system with strengthened linkages with other criminal justice actors. The project started in June 2010 (launched on 1 September, 2010²⁷), and was completed in December 2013. The five envisaged outcomes of the third phase of the programme were as follows:

- Strengthened legal and policy framework (with prison regulations, revised standing orders and training for prison staff);
- Established, functional and self-sustaining NPSSS training center at Lologo;
- Improved health in prisons;
- Expanded probation function in the prison system;
- Enhanced linkages in the criminal justice system.

The third phase of the project was initially planned for 1,5 years, but the project duration was extended three times to adequately respond to different developments on the ground. UNODC received funding from the Bureau for International Narcotics and Law Enforcement Affairs (INL) of the USA government, the Department of Foreign Affairs and International Trade (DFAIT) of the Canadian government and the UN Women’s Guild (see table 1) amounting to a total approved budget of USD 4,405,059.

²⁶ Pedersen and Muntingh, 2010: 13-17

²⁷ Pedersen and Muntingh, 2010: 5

Table 1. Distribution of funds²⁸

<i>Donor</i>	<i>Amount</i>	<i>Type of donation</i>	<i>Use of donation</i>
INL/US Government	USD 2,409,938	Funds	Training academy, health care
DFAIT/Government of Canada	USD 1,964,731	Funds	Legal framework, probation function, court liaison function
UN Women's Guild	USD 8,290	Funds	Humanitarian assistance female prisoners
Total	USD 4,382,959		

While the third phase was still being implemented, a fourth phase of the project was started in April 2012. With the assistance of INL, which had funded some of the completed buildings of the previous phase and was keen to continue giving support to the NPSSS Training Academy and the probation and aftercare function, activities were started. Other components, namely the legal and policy framework, the court liaison function and health and hygiene remain unfunded till date. This phase has however been temporarily suspended by the UNODC because of the suspension of donor funds following the outbreak of violence in December 2013.

Scope of the evaluation

In order to provide an overview of the results of the third phase of the project 'Assisting the Process of Prison Reform in Southern Sudan' for this independent end-of-project evaluation, the overall performance of the project and its outcomes will be assessed by analyzing the following evaluation criteria: relevance, design, efficiency, effectiveness, impact, partnerships and cooperation, sustainability and human rights and gender mainstreaming. Recommendations and lessons learned will be derived from the analysis of the main achievements of the project.

The evaluation was initially planned to take place in December, 2013 and January, 2014, with a field mission in the third week of December. Because of unforeseen circumstances, which will be explained below, the evaluation was put on hold for several weeks, and the time frame has been prolonged until mid March, 2014. The evaluation has been undertaken by a senior evaluator experienced in evaluating rule of law projects in fragile contexts.

Evaluation Methodology

The evaluation methodology comprises a desk review of different types of documents and semi-structured interviews, and triangulation methods for the analysis. The desk review has been done on the basis of an analysis of reports and other documents prepared by the GRSS, UNODC, UNMISS and other sources given in Annex III.

²⁸ The INL funding includes all contributions given during the third phase as well as the left-over funds of the second phase. The left over funds of the third phase, which have been carried over to the fourth phase have been deducted, and are not included in this amount. The funds left over of the DFAIT contribution are still included in this amount, but have been returned to the Canadian government.

A field mission was undertaken from 15 to 20 December, 2013. Several hours after the arrival of the evaluator in Juba, intense fighting began unexpectedly in the capital of South Sudan.²⁹ The planned interviews and the visual inspection of project outputs for the independent project evaluation of the third phase of the project ‘Assisting the Process of Prison Reform in Southern Sudan’ could therefore not take place. In order to complete the evaluation, UNODC ROMENA requested the evaluator to conduct interviews via skype and telephone in February, 2014, as an improvement in the security situation in South Sudan to the extent to which travel of non-essential staff and consultants would be permitted was still not foreseen at that time. Semi-structured interviews were consequently held with representatives of the NPSSS, UNODC, UNMISS, INL, the UN Office for Project Services (UNOPS), and the ICCLR by phone or skype.

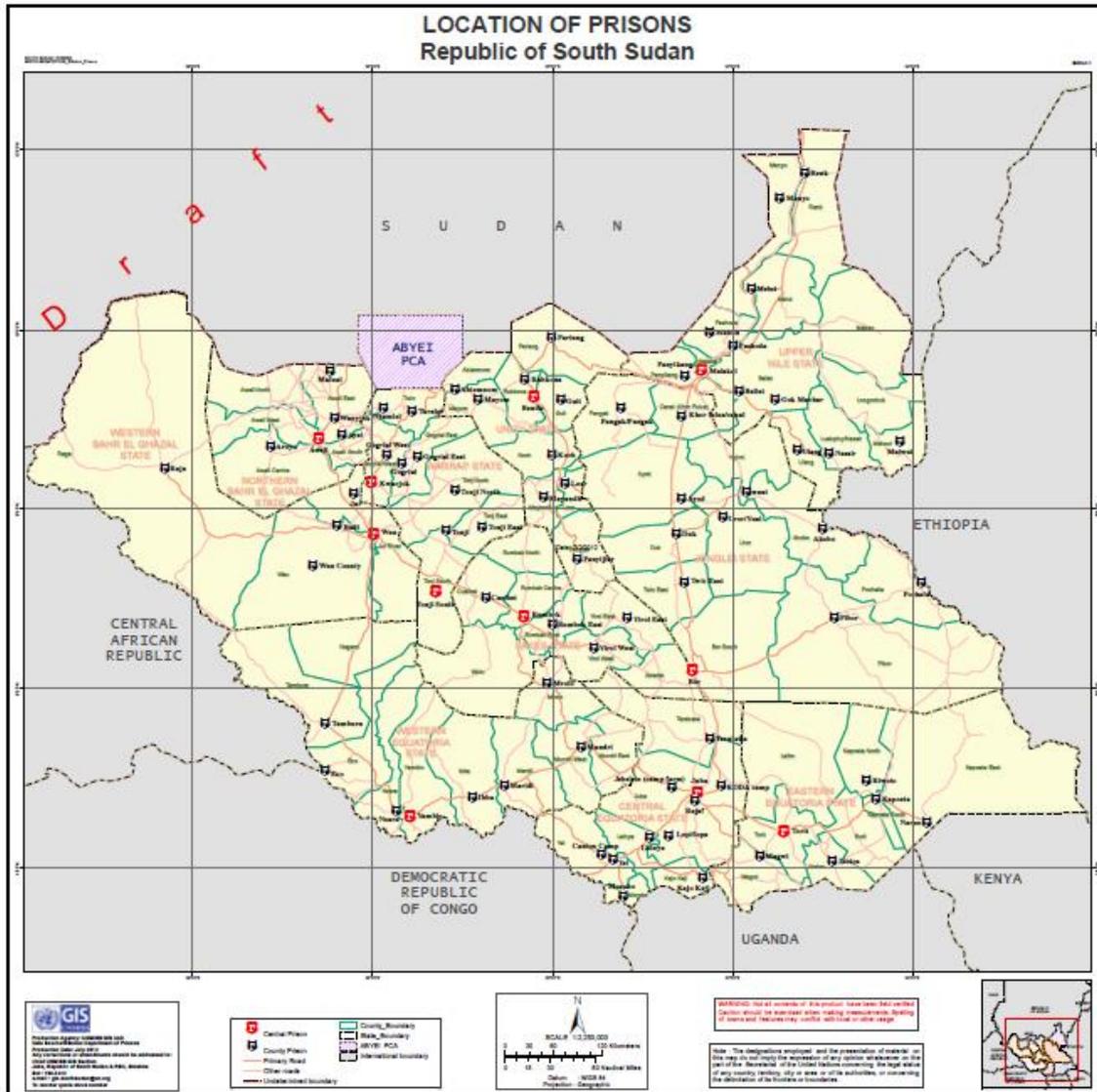
The analysis of the key findings of this independent evaluation has been done by means of triangulation, which facilitates the validation of data through cross-verification from at least two sources. Furthermore, whenever statistical data were available, quantitative analysis has been undertaken. Insights obtained during interviews, available documentation of the project (including photographs) and secondary sources have been triangulated in an effort to make up for the lack of visual examination of infrastructure built during this phase, and the overall condition of prisons and inmates in South Sudan.

The evaluation aimed to be participatory in nature in order to build ownership of the process, findings and recommendations. During the evaluation exercise, inputs were sought from all stakeholders involved in the project, and the draft report has been shared with UNODC South Sudan, ROMENA and headquarters staff to verify the key findings of the evaluation, and build ownership for future activities and a possible change in processes when designing such projects in fragile areas.

The evaluation was met with various obstacles. As mentioned above, due to the sudden deterioration of the security situation in Juba, no meetings and other ways to collect information could take place during the field mission. The subsequent phone interviews were sometimes hindered because of poor connections in South Sudan. Whereas other communication means used during the evaluation have successfully contributed towards establishing the achievements of the project, this will of course never fully replace on-site observation as well as personal interaction possible during face-to-face interviews.

²⁹ The origin of the violence, and the reasons for its spread towards other parts of the country remain deeply contested, although there is no doubt that gross humanitarian and human rights violations took place since the violence erupted on 15 December. See for further information about the origins of the conflict, UNMISS, 2014: 5-6

Map 1: Prisons in South Sudan



II. EVALUATION FINDINGS

Design

The design of the project has been comprehensive, logical and flexible in response to changes in the environment, and the immediate needs of the prison service. The design has been guided by the recommendations of the independent evaluation of the first two phases identifying further needs of the NPSSS, assessments conducted during the second phase of the project (e.g. the report ‘Vulnerable Groups in Southern Sudan Prisons’ published in 2009³⁰), the high-level planning meeting with key project partners held in November 2010 (with participation of the SSPS, UNODC, UNMIS and ICCLR), the consideration of activities in the field of penitentiary reform by other agencies and of donor interests, and adherence to the logical framework in the project document and subsequent revisions.

The findings of the evaluation of the first two phases of the project showed that UNODC’s interventions are highly relevant and respond to the needs and aspirations expressed by the – at that time still - Government of South Sudan. Concerns about the sustainability of some of the results, especially those with respect to the material conditions of detentions (such as in the field of healthcare, which continues to focus on curative care, whereas also preventive health care must be addressed to improve the hygienic situation³¹), have been reflected in the recommendations of the evaluation.³² The project’s third phase has to a large extent been built on these recommendations, and have been reflected in components such as enhancing the training capacity and strategy as a vehicle for the dissemination of knowledge and skills, strengthening regulations and standing orders following the enactment of the prisons bill, expand and accelerate cooperation in the criminal justice sector to promote lawful detention and the use of alternatives to imprisonment, fostering linkages with African regional structures and mechanisms, and strengthening management and strategic planning.³³

Whereas different starting dates of the project have been given in the project document and subsequent revisions, a key event which ushered in the third phase was the high-level planning meeting in November 2010 in which the SSPS, UNODC, UNMISS and ICCLR took part to agree on the direction, activities and results of the project.³⁴ This resulted in a common understanding of the course of action of this phase, and supported a sense of ownership of all those involved in the project. At the field level, some concerns were expressed that the national counterpart could

30 Pedersen and Munting, 2010: 15

31 Pedersen and Muntingh, 2010: 19

32 Pedersen and Muntingh, 2010: 9

33 Other recommendations have either been taken on board by the NPSSS and/or by other agencies or have not been followed up on due to the austerity measures put in place in 2012 and 2013 and/or because of the magnitude of the needs (such as in the field of health, mental health and girls’ education). It is however worth mentioning that during the project’s third phase the NPSSS has recruited one inspection officer, which is the first step towards establishing an internal monitoring and inspection function.

34 UNMIS/UNODC, 2010b; 2010c

also have been more involved in the initial planning of the construction work for the Lologo Training Academy, although insufficient capacity might have hindered this at that time.³⁵

Changes in the design of the project have been the consequence of delays in project activities due to political developments, administrative bottlenecks, changes in activities to avoid the duplication of efforts, and additional funding received from DFAIT/Canada in the beginning of 2011, INL/USA in 2012 and the UN Women's Guild – also in 2012 (see also the section on efficiency and partnerships and cooperation). For instance, the initial project duration of sixteen months became in the end three and a half years, and with the DFAIT funding three extra project components could be implemented (legislative reform, the court liaison and the probation function), and with the UN Women's Guild support additional activities in the field of health care for female prisoners have been organized. Further, instead of the rehabilitation of three health facilities at Torit, Bentiu and Kwacjok prisons, UNODC funds were consolidated in support of the rehabilitation of the health facility at Torit prison as the President of South Sudan had ordered a 100 day action plan for the construction of two new prisons in Kwacjok and Bentiu. In order to better equip the Training Academy, in September 2011 the following activities funded by INL were also incorporated under outcome 1: a) the development of an infrastructure and site plan for the Training Academy at Lologo; b) erecting a perimeter fence to enclose the training site and drilling a borehole to ensure water access for the local community; and c) the construction and refurbishment of a resource centre.³⁶

The above-mentioned changes were accounted for in the five revisions of the original project document. The original project document was signed on 15 August 2010, and was revised five times (December 2010, September 2011, January 2012, February 2013 and November 2013). The first project revision of June 2011 is the most profound one, as it extended the number of project outcomes from two to five to accommodate the extra funds given by the Canadian donor, elaborates on the narrative given in the first project document, and gives a comprehensive overview of the main outcomes, outputs, activities, project structure, risks and challenges. This project document actually presents a comprehensive project document with a strong rationale for the different components and activities, and an overview of the planned activities, outputs and outcomes and objective. Indicators and sources of information have been given for the different outputs in accordance with the UNODC log frame format. A hierarchy of objectives, a problem tree and a results tree were not given in the original project document and the five revisions, but the rationale of the project has been adequately explained in the narrative of the project document, and especially in its first revision. The methods for data collection have to some degree been given in the log frame and for instance the use of pre and post capacity tests for the Lologo tutor training in 2011 introduced during project implementation can be considered a good practice.³⁷

The indicators have only to some extent been verifiable because of the absence of baseline data, at times the unavailability of targets and sometimes the gap between indicator and the operational environment, especially in consideration of the (initial) limited time-frame of the project and the available capacity of the national counterpart.³⁸ The limitations of the NPSSS in the field of financial, human and material resources also pose constraints on the availability of data (e.g. the indicator referring to a reduction of juvenile detainees to measure the fifth outcome). At the same time more attention could have been given to determining methods and finding alternative data-

35 UNODC, 2011g

36 UNODC, 2011e

37 UNMIS, 2011: 2

38 Pedersen and Muntingh, 2010: 28; UNODC/UNMIS, 2010c; 2

sets to support the monitoring of the activities, such as linking the indicators to the UNMIS/SSPS activity to using 160 indicators during a comprehensive assessment carried out in May 2010 regarding the situation in the main state prisons, setting targets for the expected number, location and profiles of beneficiaries (e.g. in the case of supplementary feeding, the distribution of blankets and so on).

In addition, methods to monitor the dissemination and use of items, and methods to measure the enhanced capacity of trainees (e.g. through developing pre/post capacity tests for training activities (especially in light of the limited material capacity to use sometimes the knowledge gained during these sessions) would have supported getting information on tangible results, the identification of possible problems therein, and thereby adhering to accountability principles.³⁹ In light of the limited capabilities of the NPSSS, the reporting of UNMISS correction officers in the different states on the basis of similar data-sets could have dealt with this issue (see also partnerships and cooperation). With the move of the programme development function from UNODC headquarters to the regional office in Cairo, and the more recent shift of the UNODC programme monitoring system towards the use of the indicators in reporting, this issue have to some degree already been addressed for future programming activities.

During the high-level planning meeting in November 2010 also the issue of sustainability came to the fore, but a further discussion on the conditions and inputs necessary for the sustainability of expected outputs was not incorporated in any of the project documents.⁴⁰ Neither at this meeting nor in project or other documents any obligations of the GoSS, the MoI and the NPSSS have been discussed in the field of maintenance, the provision of material, the use of outputs and so on, and related to a realistic assessment of the resource and capacity opportunities and constraints of the NPSSS.

Relevance

The project ‘Assisting the process of prison reform in Southern Sudan (phase III)’ is highly relevant as it addresses the needs of the NPSSS, responds to the dire situation prisoners find themselves in, and complements other activities undertaken in support of the penitentiary reform sector in South Sudan (see the section on cooperation and partnerships). The project’s objective is reflected in the interim constitution and the NPSSS Strategic Plan 2006-2011, which were the main reference documents at the design stage.⁴¹ The aim of the project is also in line with the objectives for penitentiary reform set out in the South Sudan Development Plan (SSDP) 2011-2013, which was published in August 2011 by the GRSS. The United Nations Development Assistance Framework (UNDAF) lists UNODC as an agency contributing to the SSDP pillar conflict prevention and security.⁴²

³⁹ Some results remain unclear as the selection process of beneficiaries, and the number and profile of actual beneficiaries are unknown. No information is for instance available about the receipt and use of medical equipment by all state prisons (it was noted that the equipment was handed over to the prison service in Juba), the selection process, receipt and use of the 240 blankets for female prisoners and their children (which would exclude some of this group if considering the 2011 estimate of female prisoners given in chapter 1, although it is largely in accordance with the figure given in the application form of the UN Women’s Guild), the use of the ingredients of the supplementary feeding by the target group in all identified locations (as in some cases the items were given to the prison administration).

⁴⁰ UNMIS/UNODC, 2010c: 2

⁴¹ Pedersen and Muntingh, 2010: 12

⁴² UNODC, 2012i

Based on the theme ‘realising freedom, equality, justice, peace and prosperity for all’, the SSDP 2011-2013 is a 437 page document which notes that penitentiary reform is an integral part of the fourth pillar of conflict prevention and security. The SSPS is mentioned as a lead agency for DDR, and is referred to as one of the responsible agencies for improving community security and strengthening the criminal justice system. The agency specific outcome is that ‘By 2013 the Prison Service will provide secure and humane incarceration and detention services via functional and secure prisons at national, state and county levels providing coherent and humane treatment of prisoners, with all prisons being secure and with humane treatment of prisoners.’⁴³ The SSDP further recognizes that ‘The prison service and the fire brigade need adequate funds or they will continue to have only a limited capability in their critical safety and security roles and responsibilities.’⁴⁴

Furthermore, the project has generally been in accordance with UNODC ROMENA’s Regional Programme. The project’s third phase was designed within the framework of the medium term regional strategy 2008-2011, and the Programme on Drug Control, Crime Prevention and Criminal Justice Reforms in Arab States 2011-2015 – until South Sudan gained independence in August 2011. With respect to the medium term strategy 2008-2011, the project was in line with sub programme 2 ‘Integrity and Building Justice Outcome-Prison Reforms and Alternatives to Imprisonment’, respectively result areas 1.3 and 3.6.⁴⁵ Subsequently, the project was part of sub-programme 4 and 5 on respectively justice and health and livelihoods of the Programme on Drug Control, Crime Prevention and Criminal Justice Reforms in Arab States 2011-2015. Whereas the relevance in terms of objectives has remained the same following the independence of South Sudan in 2011, the new state cannot be considered to be part of the Arab region any longer, and a new regional categorization must therefore be considered to do justice to its location and position in the wider geographical context.

Efficiency

The project ‘Assisting the Process of Prison Reform in Southern Sudan’ has been efficient to some extent only. As will be explained below, most outputs were achieved although with several delays during implementation. In addition, some activities could not be implemented despite the extension of the project on three different occasions in response to delays resulting from political, administrative, management and other factors.

Table 2. Project budget and expenditure

<i>Overall Budget</i>	<i>Total Approved Budget</i>	<i>Expenditure</i>	<i>Expenditure in %</i>
USD 4,382,959	USD 4,405,059	USD 4,161,244	95%

43 See SSDP (2011: 242- 243) for a table with further details about targets, activities and budget.

44 SSDP, 2011: 115

45 Result area 1.3 which makes provision for the Office to provide support for the enhancement of criminal justice capacity in post-conflict and transitional societies. Strategic theme 3: Prevention, treatment and reintegration, and alternative development. Result area 3.6 Prison reform. Result 3.6.1. Wide application of international standards and norms on the treatment of prisoners.

The project had a total expenditure of 95 percent of its total budget, with the highest proportion of disbursements in 2011 in accordance with the pace of implementation and the type of results achieved during the project period (respectively 6, 43, 27 and an anticipated 24 percent of expenditures during these four years). Overall, the project stayed well within the budget, and only in a few instances (for instance with respect to the Torit clinic and master plan) did the costs turn out to be higher than anticipated. The leftover funds of DFAIT/Canada were returned to the donor at the end of the project. In addition, in agreement with the donor and the national counterpart, the activity of the construction of a one-storey interim administration building under the first component was transferred to the fourth phase, and expanded to a two-storey administration building, including a resource center. The INL funds for this particular activity were carried over to the next project phase.⁴⁶

The implementation has been cost-efficient through the usage of UNMISS capacity, expertise and equipment for transport (see section on partnerships), usage of UNMISS office space and because initially UNODC offices and staff accommodation were both located in the UNMISS compound of Tomping (resulting in lower petrol costs). Furthermore, the selection of UNOPS as the manager for larger infrastructural projects was decided on the basis of its capacity and cost-efficiency in the beginning and during the project's third phase.⁴⁷ The formal competitive bidding procedures of UNDP and UNOPS were adhered to for the selection of contractors, and local market surveys were conducted by UNMISS correction officials for materials for construction and supplementary feeding as this was the most efficient use of funds as it avoided transport costs and the risk of perishing before consumption. Because of the cost-efficient use of the available budget for the construction of the dormitories and the health clinic at Torit, a generator for the academy and a chimney for the kitchen at Torit prison could respectively be purchased and constructed.⁴⁸ Also extra staffing costs for the first half of 2013 could be covered due to savings under outcome 1, although the fact that in the end a higher proportion of the budget went to cover expenditures for staffing could be viewed critically. The staffing costs for the second half of 2013 were covered by the fourth phase of the project.⁴⁹

The infrastructure of the Lologo training academy ([output 1.1.](#)) was finished during the project's third phase. The two dormitories and lavatories were completed and furnished at the end of 2011, and started to be used in January, 2012.⁵⁰ In 2012, a generator was also provided, a generator

43 UNODC, 2013a

47 With the changing landscape of the construction sector in South Sudan, UNOPS was during the course of the implementation of the project's third phase no longer seen as the most cost-efficient option available because of the high overhead costs. After a review of intergovernmental agencies, and local, regional and international private construction companies, the best value for money option available to UNODC was considered to be a collaboration between UNMISS and one of the numerous experienced private construction companies available in Juba using a turnkey solution instead of the conventional construction process. An UNMISS architect, the UNMISS procurement section and the work of local NPSSS staff (the 'artisans') or locally-based private construction companies selected through a competitive bidding process. See Mueller, 2013

48 INL representatives visited the site, and during their visit requested that the kitchen in Torit Prison—which was newly built by UNDP, but is not functional due to lack of a chimney—be fixed using any funds remaining from the medical room.

49 In the fourth project extension document at the beginning of 2013 it was noted that the extra staffing costs will be covered by savings made during the duration of the project, mainly from those stemming for the construction of dormitories, during the first half year, and from additional funding from the new INL contribution for the latter half of 2013.

50 The two separate 16-room shared accommodation structures can accommodate a maximum of 128 persons – 64 per structure, the centre accommodations are furnished with beds (2-4 room), desks, chairs, functional toilets/sinks and showers to service the accommodation.

house was constructed, and existing classrooms furnished and equipped with chairs, desks, whiteboards, stationary and training materials. The buildings used as dormitories showed some physical weaknesses (e.g. not all windows were able to close), but reportedly no observation about these issues were done at the time of handover of the dormitories in October, 2012, and could partially be explained by the fact that electrical fixtures and tiling of the concrete floor had not been part of the construction plan.⁵¹ Based on the aspirations of the NPSSS, a master plan for the site of the academy was completed in February 2013, which presented a phased approach to new capital investments for construction purposes for a five to seven year period. A fence around the academy grounds was completed in July 2013, and instead of a borehole in the community a connection was made to a water pipe line owned by the nearby brewery and a storage tanks was provided to give the community a reliable water source with treated water. The existing kitchen facility was further expanded with a semi-detached annex in July 2013, and kitchen equipment was delivered in May and November 2013.

The management and training capacity of the Lologo training academy has been strengthened (output 1.2) by means of the organizational chart and job descriptions, and the subsequent revised management structure of the training center. Prior to this change process, candidates with an academic or other high-level degree were selected to take part in two instructor's training programmes which took place in May and October 2011.⁵² This was followed by an exposure to a functioning Prisons Staff College in Ghana. A further two week training programme on the art of teaching was held from 13-24 February in 2012 to consolidate and streamline the skills of 23 tutors working at the academy and state training centers. At the end of 2012, twelve permanent teachers had been posted to the Academy.

The health care situation in the prisons has to some degree been improved as a result of project activities. Prison health and hygiene has been improved (output 2.1)⁵³ through the organization of a five day 'trainer of trainers (ToT)' workshop on hygiene and a clean prison environment conducted for 30 prison staff accompanied by medical officers.⁵⁴ In 2011, three further training courses were conducted for prison officers in this field, with the last one only for female prison officers. In these two years, a total of 115 officers from all ten states had benefited from these courses. NPSSS medical officers confirmed the positive response of the participants, and that upon return they began requesting for materials (wheel barrows, disinfectants and garbage bins) to support their work in this field. In June 2013, an additional three day ToT for ten female officers responsible for the health and hygiene of women and children in ten state prisons was conducted. The female sections of these prisons were also provided with basic cleaning products and disinfectants, and a total of 240 blankets were provided to women and female juveniles in state prisons. One of the health and hygiene training activities given to 26 female officers (in 2011) had the additional objective to facilitate sewing activities among female inmates by giving material for making uniforms/girls' dresses (in addition to sanitary napkins) in support of their life skills development and rehabilitation (see also section on sustainability, and human rights and gender).

51 Mueller, 2013: 4

52 Those officers who participated in the UNODC/UNMISS training programme but who were not selected to serve the Academy have been deployed to State Training Centres to serve as instructors.

53 In 2011, the output 2.1 was merged with output 2.3 in order to better streamline activities.

54 Workshop facilitators included the UNMIS Corrections medical adviser, a prison doctor, a prison medical assistant and the UNMIS HIV/AIDS expert.

Basic medical supplies (basic equipment for diagnosis, and material for wound dressing and medicines) have been distributed to ten state prisons and five county prisons in 2012, and the health facility in Torit state prison in Eastern Equatoria State (with a daily prison population of approximately 130) was constructed in 2013 ([output 2.2](#)). The NPSSS, UNODC, INL and UNMISS decided that the original building proposed was too poorly constructed for renovation, and therefore new space was identified for the new prison clinic. The construction of the clinic, which comprises two rooms, was started in May 2013, and completed in August 2013.⁵⁵ An UNMISS report prepared in August 2013 noted the completion of the clinic, and the transfer of the medical equipment to the treatment facility.⁵⁶

Supplementary feeding and other necessary goods were distributed to female prisoners, their children and other groups (juveniles, mentally ill persons) to ten prison sites across ten states in 2012 ([output 2.4](#)).⁵⁷ The total number of beneficiaries was not available at the time of the evaluation. A related activity in support of better nutrition in prison settings was the organization of the conference ‘Prison Industry and Agriculture as the Backbone of Prisoner Rehabilitation’ in 2012, of which the outcome is of relevance for the project’s fourth phase which will strengthen prison farms in order to improve nutrition for prisoners.

Instead of health information materials related to HIV, TB and malaria developed by ICCLR experts, the project used material developed for South Sudan by the UNMISS HIV-AIDS unit at no extra cost ([output 2.5](#)). The materials were distributed during the peer educators workshop for male and female prisoners in Juba, as the UNODC realised that staff training was already adequately covered by a programme for all security forces. Furthermore, a handbook on health and hygiene in South Sudan Prisons (‘A practical guide on health and hygiene responses for NPSSS prison officers’) developed by the ICCLR during the second phase of the project, has been used during health and hygiene training, and was completed in November 2011.

The outputs related to the revision of standing orders and prison regulations have only been partially achieved ([output 3.1](#)). The Prisons Service Act was signed by the President of Southern Sudan shortly before the referendum for independence in January 2011. The provisional order officially became the Prisons Service Act on 7 July 2011. Following this event, a working group was set up to draft prison regulations. It comprised representatives of the NPSSS, UNODC and UNMISS and was chaired by a senior prison officer. The initial deadline for the draft prison regulations of August 2011 could not be met due to the temporary suspension of some senior NPSSS officials, and the prison regulations could only be finalized in June 2012. With the

⁵⁵ INL representatives visited the site, and during their visit requested that the kitchen in Torit Prison—which was newly built by UNDP, but is not functional due to lack of a chimney—be fixed using any funds remaining from the medical room.

⁵⁶ UNODC, 2014: 6

⁵⁷ According to the penultimate project revision, food supplies were provided to Juba prison and seven other states on one occasion during the project’s third phase (UNODC, 2013: 3). The three available UNMISS reports (UNMISS Juba, 2012; UNMISS Yambio, 2012 and Daniel and Nyoka, 2012) note that also necessary supplies for babies were donated as well as some other necessary items. A figure of all beneficiaries is not available, but two reports note the following numbers: 69 female and 11 children in Juba prison, and a total of 40 women and 20 children accompanying female prisoners in Warrap state (with the state prison located in Kuajok). For Yambio no figure is available, and in addition to female prisoners and their children also juveniles and mentally ill patients received items (incl. clothing). There was no uniform distribution process – in two instances the items were handed over to the prison authorities in the presence of inmates, who directly received some items during the handover ceremony (that were responsible in one state to also distribute part of the items to the county prisons). In one state the items were directly handed over by UNMISS officials to the beneficiaries in one state prison and three county prison (with prior approval of the concerned authorities) to ensure that all items reached the target population.

participation of senior level NPSSS officials, and representatives of the MoJ and UNMISS, a two-day validation workshop was held at the end of November 2012, and the draft was reportedly brought more in line with the Prisons Act. This 60-page document was subsequently presented to the Minister of Interior, but – till date - is still pending approval. The activity to review the Standing Orders was therefore not started during the project's third phase.

The training activities for heads of operational prisons and officers regarding the new legislation, regulations and standing orders have not taken place because of the delays in finalizing the prison regulation.([Output 3.2](#)) In preparation for this activity, 300 copies of 'Introduction to Criminal Laws of South Sudan, a manual for prison personnel produced by ICCLR in July 2010, were printed to be used as reference material for prison staff and trainers. The annex to the manual is a 569 page hardback book, which contains the Prisons Service Act, the Penal Code, the Criminal Procedure Act and the Child Act.

The Criminal Justice Linkage Committee could not be formally established and strengthened during the third phase of the project.([Output 4.1](#)). High-level government officials expressed an interest in the establishment of the committee, including during the project's second phase, but were unable to commit to meetings, including the high level stakeholder meeting to define roles and responsibilities – not only at the request of UNODC but also at the initiative of other agencies.

The court liaison function has further been developed in accordance with the planned activities ([output 4.2](#)). Training activities were held at the end of 2011 in order to train another 22 court liaison officers of seven states altogether (three states had not send any prison officers to attend the training). The court liaison guidelines produced during the second phase of the project served as the training manual in workshops in Wau and Juba, which strengthened the skills of existing court liaison officers. In 2012, 300 copies of court liaison guidelines were handed over to prison directors of all functional prisons. The guidelines have also been used for court liaison mentoring in six states undertaken by the Academy tutor and the legal officer at the end of June/beginning of July 2012.⁵⁸ Although work has been undertaken to make the courts familiar with the court liaison function, one of the reasons underlying the weak execution of this function was the lack of commitment of the judiciary to review cases brought to the attention of the courts by court liaison officers (see also the section on efficiency). The function however still exists, and as court liaison officers are educated prison staff, they often tend to fulfil a range of tasks outside their originally intended duties.

Non-custodial sanctions as a sentencing option for minor offenders, children in conflict with the law and vulnerable offenders have been successfully promoted during the project's third phase ([output 5.1](#)). As part of the advocacy, a discussion paper on alternative sentencing was disseminated in March 2012, and in December 2011 a one-day meeting was held with the Paramount Chief of Juba County, a senior ICCLR expert, UNODC, UNMISS, and several NPSSS officers to get the views of community representatives on the use of alternatives to imprisonment. At the end of November, 2012, a Prison Development Committee Meeting on 'Strategies to attain a human prison system in South Sudan: The role of paralegals, community service and probation service' sponsored by UNODC and UNMISS was held to seek high-level

⁵⁸ The Academy Tutor visited prisons in Wau (Western Bahr Gazal State), Aweil (Nothern Bahr Gazal State), Kwajok (Warrap State), Bentiu (Unity State) and Yambio (Western Equatoria State). The Prisons Service Legal Officer visited Malakal (Upper Nile State).

political support for the usage of alternatives to imprisonment.⁵⁹ A paper on issues and recommendations was subsequently prepared for the Minister of Interior, and presented to the Council of Ministers which approved a long term programme to address these issues. Further, at the end of 2012, UNODC and three probation officers participated in a two-day conference in Nairobi, Kenya, organized by the Kenya National Association of Probation Officers on ‘Enhancing supervised non-custodial options in the new constitutional dispensation’.

The capacity of probation officers has been successfully built during the project’s third phase (output 5.2). A total of five training courses were held for new and already experienced probation officers, including one ToT in 2011, which included training on legislation, child-friendly interviewing, and different types of reporting formats (including the monitoring through indicators). Nineteen new probation officers were deployed to their states, thereby expanding the probation function. At the end of June and beginning of July 2012, experienced probation officers undertook visits to prisons in all ten States to assess the situation of juveniles in contact with the law in selected States, to mentor new probation officers and introduce the probation function more broadly to all relevant criminal justice stakeholders in the selected states. In addition, probation offices in each of the ten state prisons were equipped, and motor cycles were provided to give probation officers the means to travel to county prisons, courts and other offices. The latter formally handed over in October 2011 – ten motorbikes and helmets, and the former were delivered in June 2012). In May 2011 office equipment was supplied to the Probation Office in Juba Central Prison.

Also the information management of the probation function in the NPSSS has been strengthened during the project’s third phase (output 5.3). ICCLR experts have worked closely with the Director of Probation and his team to review forms which were initially designed for use in the pilot probation programme for juveniles at Juba Prison. A variety of easy-to-use record management forms have been developed to highlight trends in the caseload of probation officers, and also in 2011 a format for monthly reports was agreed on and put to use.

Management

The management of the project has generally been viewed in a positive light, and in particular the excellent working relationships between tUNODC and the NPSSS were repeatedly highlighted by the different interlocutors. These were viewed as a consequence of the agency’s long-term commitment to penitentiary reform in South Sudan, the long-term presence and capacity of its senior staff, and also the unique partnership between UNODC and UNMISS. Some however considered the rest and recuperation (R&R) of the international staff, which resulted in the absence of senior management staff every six weeks, as an explanatory factor for some of the delays of the project’s third phase, especially in the beginning of 2013 when the project coordinator was the only technical officer manning the UNODC office in Juba.

In the beginning of the third phase, in addition to the P4-level project coordinator, also a project manager at the P3 level made up the UNODC project team in Juba together with an associate project coordinator at the P2 level and one driver. In 2011, the composition of the project team

⁵⁹ It was attended and addressed by the Minister of Interior, the President’s adviser on legal Affairs, the Minister of Justice, the Chief Justice, the Special Representative of the Secretary General (SRSG), UNMISS and the Inspector General of the National Police Service of South Sudan. Guest speakers invited by UNODC from the Kenyan Probation Service delivered presentations on probation and community service. Another presentation was held on paralegal advisory service from the Malawi perspective.

was revised when the project manager left in the beginning of the year. At the request of one of the donors, in the beginning of 2013, the post of associate project coordinator was removed and one project officer post at the P3 level (with extensive project management experience) re-established to strengthen the management of the UNODC team in Juba during the fourth phase of the project. The position stayed however vacant until the end of 2013.

The project steering committee, which had been functioning during the first two phases of the project consisting of senior representatives from the NPSSS, UNMIS and UNODC/ICCLR, only met at the beginning of the third phase in 2010. A senior-level planning meeting took place in November 2010 with the participation of all stakeholders, and a review meeting was held in December 2011 with the participation of UNODC, UNMISS and ICCLR. The weekly prison coordination meetings led by the NPSSS in combination with bilateral meetings as well as planning meetings for particular activities were seen as effective venues and occasions to discuss progress, and decide on further action.

The UNODC office in Juba, South Sudan, reports to the UNODC Regional Office for the Middle East and North Africa (ROMENA) in Cairo, Egypt, and the Regional Section for Africa and the Middle East at UNODC headquarters in Vienna. Together, these offices provide overall management to the project, including coordinating backstopping and offering technical, substantial and administrative advice and support throughout all stages of implementation. The position of project development officer was in the beginning of the third phase transferred to UNODC ROMENA which has resulted in a more efficient backstopping from that office to the project, especially as the incumbent of that position is closer to the field of operation and responsible for all project reporting to UNODC headquarters and the donors of the project. Some more backstopping of (and offering feedback to) consultants could have been done by the Juba office to provide up to date information of relevance for – for instance - developing training material.⁶⁰

The reporting of UNODC - within the organization and beyond to donors - has been in accordance with agreed on formats and time-frames. Outside the different reporting requirements, the reporting on activities from the UNODC field office in Juba to its regional office in Cairo was done on a weekly basis, and highly appreciated as the weekly updates kept staff informed about all developments. Further reporting about project progress was done through UNODC ROMENA to its headquarters through quarterly, bi-annual and annual reports. Donor reporting was conducted each quarter on the basis of agreed-on formats with the different donors, and submitted in a timely fashion. The inclusion of data to measure the extent to which outcomes have been achieved in the UNODC reporting would be useful to also provide project evaluations with relevant data-sets to measure the achievements of the project (see section on design).

Efficiency – explanatory factors

The efficiency of the project has been affected by a host of different political, economic and administrative factors of which some were internal and others external in nature.

One decisive political reason for the extended project period has been a consequence of the referendum for independence of South Sudan in the beginning of the project's third phase. The period prior to and between the referendum in January, 2011 and the declaration of independence

⁶⁰ UNMIS/UNODC, 2010c: 4

for South Sudan in July, 2011 has led to several delays in the implementation of activities. This includes those related to training as prison staff was unavailable and/or unable to travel during that period, as they were expected to report for duty in case a security concern would arise, as the prisons service still is an integral part of the government's security service.⁶¹ The numerous changes in different services and departments in the government have regularly resulted in new interlocutors in key positions of relevance for activities in support of strengthening the criminal justice chain. This sometimes resulted in tensions with earlier agreed on priorities, such as in the case of establishing the Criminal Justice Linkage Committee.⁶²

In addition, the planning of the activities under the component which aimed to strengthen the legal and policy framework were too ambitious in the relatively short time frame and a political context in which changes to existing laws and policies take time to be formulated, reviewed, revised, approved and enacted by the different actors.

Sometimes capacity and personnel management issues of the NPSSS and other government institutions also impacted on the availability of officers, and therefore negatively on project progress or outcomes. For instance, mid July 2011 some of the NPSSS officers involved in finalizing the regulations were suspended for an undefined period due to personnel management issues at the level of the MoI and the Office of the President. Furthermore, the construction work of the small group of artisans (NPSSS staff) was temporarily put on hold due to the ongoing NPSSS staff registration exercise. The still military outlook of the NPSSS also sometimes hampered project implementation, as the change management process could only be undertaken on the basis of a common understanding of the future shape and form of the prison service.

Furthermore, the administrative rest and recuperation (R and R) for international staff working for the UN in hardship duty stations implies that international staff is regularly on leave, thereby possibly impacting on programme activities (on top of their regular holidays). As there was only one UNODC international staff member during most of 2013, this impacted on the pace of the implementation of the project.

In addition, with the usage of another UN agency for the procurement of medical equipment and motorbikes which might be overwhelmed with their own activities, and were therefore slow with starting the procurement process, which in turn resulted in delays in delivery.⁶³

Another administrative cause for delayed project implementation was of a different nature, namely the result of extensive discussions between UNODC and UNOPS regarding an amendment of the original contract to construct the fence around the Training Academy, the purchase of the generator (including its storage space) and to give the nearby community a water source. The requested amendment to the February 2011 request for services between UNODC and UNOPS led to the discussion whether this could again be based on the Memorandum of Understanding (MoU) signed in 2003, or whether this had to be in conformity with the MoU signed between the new global UN secretariat and UNOPS in 2008, and the new instructions issued by the UN Office of the Controller.⁶⁴ One point of contest was that the level of management fees UNOPS charged was higher in the most recent MoU. An amendment to the

61 UNODC, 2012d: 10

62 See for instance UNMIS/UNODC, 2010c: 1

63 UNODC, 2011e

64 UNODC, 2013a: 5

existing February 2011 legal request for services with UNOPS was finally concluded after almost a year of discussion in mid-March 2013 based on the 2003 MoU.

The decision-making process regarding civil works generally took more time than initially anticipated. Reasons include the fact that the original plan is revised in order to present the best option (e.g. rehabilitation clinic building at Torit prison turned out to be not feasible, and a new building must be constructed), the participatory process in which all stakeholders bring in their technical expertise and priorities (such as the inclusion of the Ministry of Housing in the case of government building), and the lengthy competitive bidding process in order to select a contractor and other agencies.

Partnerships and cooperation

The project could not have been implemented without the partnership between UNODC, the NPSSS, UNMISS, ICCLR, the United Nations Office for Project Services (UNOPS), the Ministry of Justice, and other government counterparts.

The NPSSS is UNODC's counterpart in undertaking prison reform in South Sudan. All stakeholders interviewed for the evaluation pointed out that the long-term partnership and effective working relationships of the UNODC with the NPSSS has been one of the key factors underpinning the project's achievements. Coordination with the NPSSS took place at different levels – bilaterally, on site and through the weekly prison coordination meetings at the NPSSS headquarters chaired by the Director General of the Service. These meetings were indicative of the leadership of the prison service in managing its own reform agenda.⁶⁵

The UNODC also cultivated its relationships with other government actors, especially those of the criminal justice sector. The fourth component of the project aimed to strengthen the link between the prison service and the courts however encountered several obstacles, and for different reasons – both internal and external – strengthening links between criminal justice actors turned out to be a bridge too far except in high-level meetings, such as the Prison Development Committee Meeting held in November, 2012, on 'Strategies to attain a humane prison system in South Sudan: The role of paralegals, community service and probation service' to seek high-level political support for the usage of alternatives to imprisonment.⁶⁶ The paper prepared on the basis of this meeting was subsequently presented to the Council of Ministers. The fact that also the rule of law sector working group (which includes the prison service, the police service, the MoJ and the judiciary), one of the central mechanisms for aid coordination in South Sudan mentioned in the SSDP, does not regularly meet is perhaps indicative to the current situation.⁶⁷

The implementation structure has been built around the unique and effective collaboration between UNODC and UNMISS. Several actors highlighted this partnership as a 'best practice' to

⁶⁵ UNODC, 2012d:10

⁶⁶ It was attended and addressed by the Minister of Interior, the President's adviser on legal Affairs, the Minister of Justice, the Chief Justice, the Special Representative of the Secretary General (SRSG), UNMISS and the Inspector General of the National Police Service of South Sudan. Guest speakers invited by UNODC from the Kenyan Probation Service delivered presentations on probation and community service. Another presentation was held on paralegal advisory service from the Malawi perspective.

⁶⁷ Human Rights Watch, 2012: 96

be used as a model in future peacekeeping missions.⁶⁸ The UNMISS Corrections Advisory Unit offers mentoring, advice and expertise in ten states as well as – in practice - capacity to organize and monitor UNODC-funded activities at that end, such as the purchase and distribution of food items, the distribution of medical equipment, and the distribution of motor cycles and furniture for probation officers. The two UNMISS probation advisers that arrived in the middle of the third phase have played an important role in training and mentoring the probation officers in the different states. In addition, UNMISS cargo flights could be used to transport equipment, and UNMISS engineers took part in developing the drawings and supervising the construction work of the kitchen annex in Lologo and the clinic at Torit. UNODC and the UNMISS also collaborated in other fields, such as sharing the costs for the training of probation officers in May 2012, jointly selecting candidates for the academic tutor positions, holding extensive consultations, such as in the field of building relationships with criminal justice actors, and jointly organizing training activities. As the only formal agreement between UNMISS and UNODC is the 2012 MoU on the co-location of these two entities, the extent of availability of UNMISS services and technical staff capacity could therefore be subject to interpretation of different sections, thereby possibly having an effect of delivery and monitoring, especially outside the capital Juba (see the section on design).

The two main implementing partners during the project's third phase were the ICCLR and UNOPS. The ICCLR was also involved in the first two project phases, and had stepped in to cover some areas of work, such as in probation, in which the UNMISS had no capacity at that time. Considering the characteristics of the construction sector at that time with limited agencies capable to undertake large-scale construction projects, and also as the NPSSS had reportedly been satisfied with UNOPS's earlier work, the agency was the right choice in 2011 to manage the UNODC-funded construction projects. According to the terms of the agreement, UNOPS was responsible for quality oversight and management of the construction work. When also the INL and UNMISS engineers started to monitor the progress of the ongoing construction work at Lologo because of concerns about the quality and speed, tensions arose between the actors, and further guidelines and procedures were put in place to ensure transparency and clarity about roles and responsibilities.⁶⁹

Collaboration with other UN agencies was done through various channels. UNODC took part in UN country team meetings, and in the UNDAF process, especially with respect to the rule of law component. Bilateral meetings were further held with agencies such as UNICEF (in the field of juvenile justice), UNAIDS (in support of activities which would be incorporated in the fourth phase of the project), and UNDP (which was also supporting the NPSSS in various sectors).⁷⁰

The donors of the third phase of the project were kept informed through donor reports which adhered to the specific reporting formats. INL and DFAIT had representatives in Juba who regularly met with the UNODC representative. Furthermore, INL was more directly involved in construction activities, as the INL engineer – together with one of the UNMISS engineers –

⁶⁸ See for further information about the Corrections Advisory Service of UNMISS with 98 correction advisers, <http://unmiss.unmissions.org/Default.aspx?tabid=5442&language=en-US>, consulted 17 December 2012

⁶⁹ UNODC, 2011c; 2011d; 2012d; 2012f

⁷⁰ An agreement was signed between the UN Country Team, UNAIDS and UNODC with the objective to facilitate and increase HIV and TB intervention activities in prison settings. US\$ 21,600 budgeted for this outcome and additional US\$ 30,000 provided by UBRAF will be used to facilitate selected activities, which will be implemented by UNODC with technical support provided by the UNAIDS Secretariat and other co-sponsors based on technical need, including by UNFPA for HIV prevention and UNESCO for material development.

monitored the construction activities at the site of the Loligo Training Academy. INL took part in all weekly prison coordination meetings, and DFAIT in some of these held at the Prisons Service Headquarters. INL had voiced some concern about the speed of implementation of various activities, including the construction of the fence and the kitchen at the Loligo Training Academy (INL had informed all partners in September 2011 that money was given in support of these activities), and the construction of the medical facility at Torit prison, which also put some strain on their relationship with UNODC (see section on efficiency for the causes of the delays).

At the regional level, the project's third phase extended the prison service network regionally to Kenya and Malawi and beyond – to Ghana. The high level conference on alternative sentencing held in November, 2012, had guest speakers from the Kenyan Probation Service and a speaker on the paralegal advisory service from the Malawi perspective. Furthermore, at the end of 2012, the UNODC project coordinator and three probation officers participated in a two-day conference in Nairobi, Kenya on 'Enhancing Supervised Non-Custodial Options in the New Constitutional Dispensation'. The conference was organized by the Kenya National Association of Probation Officers, and heads of probation services from Uganda and Tanzania also attended. As described in the section on efficiency, newly trained lecturers of the NPSSS Training Academy went on training mission to Ghana to learn about the prisons system in this country and how a functional prison staff training institution operates (organized by a former Ghanaian UNMISS Corrections Advisor). Thus, regional and Africa-based networks were strengthened during the project's third phase.

Effectiveness

The third phase of the UNODC project 'Assisting the Process of Prison Reform in South Sudan' has to a large extent been effective, although not all anticipated outcomes have been achieved. Project activities under the three of the five outcomes, namely those to enhance the effectiveness of the NPSS in the area of capacity-building, improving prison health and the expanded probation function within the prisons system were implemented according to the work plan of the overall Phase III programme. The outcomes related to the legal and policy framework and the enhanced effectiveness of the criminal justice system could only be partially achieved because of reasons largely outside the scope of UNODC's influence (see the section on efficiency).

The NPSSS has become more effective to maintain professional correction service officers capable of operating and managing prisons (outcome 1), in the sense that the NPSSS Training Academy has been strengthened. Training capacity has been improved, and a cadre of twelve professional trainers has been developed during the project's third phase. In addition to improved infrastructure to host trainees on the grounds of the academy, and a reportedly more efficient organizational structure, training for correction service officers occupying different levels of the prison hierarchy has been offered to improve their skills in operating and managing prisons. In addition to the professional trainers working fulltime at the academy, also staff with specialized expertise was trained to conduct training activities in the future. An example in this field is the inclusion of medical staff for this purpose in particular training activities.⁷¹ The first training activity organized and facilitated by the Academy was a one month course for 35 middle

71 E.g. the training held in December 2011 on prison health and hygiene, which was organized specifically for female prison officers from all ten States was coordinated by UNODC and a senior ICCLR expert but facilitated by four medical staff from the Prisons Service in conjunction with UNMISS Corrections Advisors and Trainers in order to enable the staff to conduct similar training sessions in the future with minimum supervision.

managers mid March 2012.⁷² The services of the academy have since then been used for training of – among others – 100 new cadets (a batch started on 23 of June 2013 comprising 20 female and 80 male university graduates) and probation officers.⁷³

The health care situation in ten state prisons and five county prisons has improved during the project (outcome 2). The clinic at Torit prison was constructed in 2013, and basic equipment and medical supplies were provided to these fifteen state prisons, thereby increasing access to basic health services for prisoners. Reportedly, the situation improved in the field of hygiene and sanitation following the preventive health training activities and the distribution of advocacy material, and the provision of material (antiseptics, dustbins, sanitary pads, etc.), although additional supplies were not always given on time to sustain these efforts. In one female prison, the provision of material to sew sanitary pads and uniforms has also contributed to mental health/life skills and the rehabilitation of these prisoners as they were able to continue practicing their skills. Additional supplementary feeding and other necessary items were given to female prisoners, their children (and other vulnerable groups) in a selected number of prisons.

An important step has further been made towards contributing to the outcome of enhanced productivity to apply the legal and policy framework (outcome 3). Regulations based on the Prisons Service Act have been developed, and approved by a technical working group. These are still awaiting approval, only after which standing orders can be revised and/or further developed, and training provided to prisons staff.

The training and functioning of court liaison officers has shed further light on the challenges to get a more effective criminal justice system (outcome 4). Initial reports received after the deployment of court liaison officers to the states noted positive results.⁷⁴ However, over time, only in some cases have court liaison officers been able to execute their duties. Although the level of visibility and success differed per state, court liaison officers received other duties and/or experienced obstacles to executing their function, such as the lack of transport, office space or stationary as well as the lack of support from Directors of prisons they were working under, and the limited follow-up to their requests by the judicial system. Moreover, some experienced difficulties in communication with some courts which were only functioning in the Arabic language and/or were apparently not physically located in a prison, which also hampered their work.⁷⁵ The Director General of the NPSSS subsequently issued a directive to all prison directors to request the deployment of trained court liaison officers to their function in their respective prisons, and guidelines were disseminated on reporting progress to NPSSS headquarters in Juba, but ultimately to limited effect.

72 UNODC, 2012g

73 UNODC and UNMISS Corrections Advisors have been assisting the NPSSS in breaking down the prisons service training curriculum into courses for the Academy and State training centres. In July 2011, a post-independence development plan for the Prisons Service Academy 2011-2016 was circulated by the Director of the Training Academy. The plan confirms that the Training Academy will be used for specialist courses, as well as middle and senior management training, while the nine month induction courses for recruits will be handled at the State level.

74 A report received from the visit to Malakal indicate that the officers trained as court liaison officers are actually deployed to that function. The visiting officer took up 44 cases of remands with expired warrants with the President of the High Court who expressed appreciation of the visit and willingness to cooperate with the prisons. During a visit undertaken by the two main donors to Rumbek and Bor prisons in early 2011, the representatives noted that court liaison officers and probation officers acted professionally, appeared to be well trained and seemed to be having a positive influence on juvenile justice processes. (UNODC, 2011a)

75 See the reports prepared by Nicolas (2012) and Moses (2012).

The work to expand the probation function within the prisons system has – in contrast – been more successful (outcome 5), which is a step in the right direction considering that there is no juvenile justice system operating in South Sudan (including the absence of a reformatory school for this particular group).⁷⁶ Although still not widely accepted, one indication that the high level advocacy work on alternative sentencing actually paid off is that authorities used alternatives to incarceration for nonviolence offenders more often in 2012 than in 2011, especially for juveniles awaiting trial.⁷⁷ The function expanded with the training of nineteen new probation officers during the project's third phase,⁷⁸ and the probation function has gradually become more appreciated by fellow prison staff.⁷⁹ Some of the difficulties experienced by probation officers are a consequence of the legal framework (with for instance limited provisions in the Criminal Procedures Code), the weak knowledge of other actors of the criminal justice chain about the probation function, and existing rules and regulations in this field, and the lack of exposure of community leaders and traditional chiefs to this particular function.⁸⁰

The Juvenile Detention Review Board in Juba offered a space with the right set of interlocutors to review and decide on cases of juveniles, and the preparatory work undertaken by the probation officers for these meetings have led to effective meetings. Endorsed by the Director General of Prisons and the Minister of Internal Affairs, the Juvenile Detention Review Board brought together one senior judge, two prosecutors, police investigators, court liaison and probation officers, and personnel from the Ministry of Gender, Child and Social Welfare. From October 2011 onwards the board fell under the coordination of the UNODC after the former coordinator left the country, but it dissolved in 2012 – reportedly because of objections to work on Saturdays (days off), and the absence of any financial benefits to those taking part.⁸¹ Other Juvenile Detention Review Boards have been set up in Malakal, Rumbek and Wau in January, 2013 with the support of INL and UNICEF, although these have most likely been more ad hoc in nature.⁸²

Except for a report of the release of a male and female juvenile from Torit prison late 2011 due to the work of the probation officer there, statistics of the release of juveniles on remand have only been collected for Juba.⁸³ In 2010, at the end of the second phase, eighteen children were reportedly released from prison due to the work of officers of the Probation Service. A review of records in April 2011 revealed that the number of juveniles in Juba Central Prison was 45 on 24 March 2011, which was a reduction of 50 percent in comparison with the 90 children in December 2010.⁸⁴ The work of the Juvenile Detention Review Board lowered the number of

⁷⁶ Sudan Tribune, 2012

⁷⁷ US State Department, 2013

⁷⁸ The Human Rights Watch (2012: 70) observed that 'Where they are present, social workers and probation officers play a positive role in overseeing and advocating on behalf of children in conflict with the law. Yet their numbers are insufficient and the lack of actual programs or facilities for children limits their ability to reduce the number of children living behind bars'.

⁷⁹ The number of probation officers tends to fluctuate a little. In December 2013 20 new probation officers were at the Lologo Training Academy, which brings the total number of probation officers to 55 persons (interview UNMISS official, February, 2014)

⁸⁰ See ICCLR, 2012c; 2012d

⁸¹ Communication UNODC official, February 2014

⁸² UN Security Council, 2013a: 11; Communication UNODC official, April 2014.

⁸³ Due to the work of the probation officer at Torit, a ten year old boy who was sentenced to six months in prison and obliged to pay compensation by a court sitting in Kapoeta county, was released by a higher court in Torit on grounds of the age of criminal responsibility under the Child Act. A fourteen year old girl who was also found in prison in December was released, whereas the case of her brother was still under consideration.(UNODC, 2011j)

⁸⁴ UNODC, 2012d: 9

pre-trial juvenile detainees with approximately 85 percent.⁸⁵ In 2012, approximately half of the reviewed cases by the Juvenile Detention Review Board resulted in the release of the child from prison custody.⁸⁶ The extent to which some of these juveniles were on probation has been viewed differently by different sources, but it is certain that the proportion of releases of juveniles on remand in Juba can be partially attributed to the work of the probation officers there.⁸⁷

The outcomes have contributed to the objective ‘Professional Correctional System developed by lending support to the efforts of the Prisons Service leadership to become a role model of institutional reform and capacity building in Southern Sudan by: (a) developing the capacity of the Prisons Service to implement broad reforms; (b) building institutional capacity and addressing the needs of the NPSSS; and (c) addressing the need for leadership development and skills training within the NPSSS’. The intervention has been effective to this end with a strengthened Prison Service with a stronger legislative framework (especially once the prison regulations will be adopted), a functioning Training Academy with a fulltime cadre of expert trainers, a stronger focus on preventive health care and a strengthened medical service in state prisons, and an expanded probation and aftercare system (with a focus on imprisoned juveniles). Based on legal framework which is increasingly strengthened and resulting from a gradual acceptance of alternative sentencing, a major part of the third phase has been on offering assistance and support to vulnerable groups, and strengthening the training function in the NPSSS to underpin current and future change management efforts and bring the operations of the prison service more in line with the UNSMR.

Impact

The impact of the third phase of the project ‘Assisting the process of prison reform in Southern Sudan’ will most probably be profound in the field of the operations of the strengthened NPSSS Training Academy, the improved health and hygiene capacity in prisons, the (forthcoming) enactment of the prison regulations which will prepare the stage to further develop and/or revise the standing orders, and the expanded probation and aftercare function, with a focus on advancing juvenile justice. The extent to which the impact can be noted in the long-term is directly correlated with the level of sustainability of these outputs, and the continued dedication to increasingly own and incorporate these functions into government planning, budgeting and implementation.

⁸⁵ The source for this figure was UNMISS (US State Dept, 2013 page 6)

⁸⁶ One of these cases concerned a sixteen year old boy who was sentenced to death for murder in October 2010. The probation officers had taken his case to be reviewed by the higher courts in January 2011, and he was consequently released and reunited with his family in February 2012. Another case was of a nine-year old girl who was accused of murder. She was in August 2012 released on bail due to the intervention of probation officers. She had allegedly slapped a seven year old girl, who had fallen ill and died in hospital. It is not clear if the slap was the cause of the girl’s death. Although the relatives of the deceased initially agreed with the girl being released on bail when they met with the probation officers, the girl had to return to prison for her own safety as they later withdrew their assent despite the fact that the Attorney had granted bail to the girl on request of probation officers, including under the condition that she had to keep her distance from the family of the deceased and that probation officers had to visit her three times a week. This was the first time that a juvenile offender was put under the supervision of probation officers under conditions imposed by a government agency (UNODC, 2012 annual report: 14).

⁸⁷ According to one report, the Probation and Aftercare Unit of the NPSSS is not supervising any child offenders on probation as no such probation order has been made by the courts (UNODC, 2012d: 14). Another view is given by one respondent during the research of Human Rights Watch in February 2012 – he mentioned that in Juba three juvenile inmates were on probation – they were living with their parents, attended school, and passed by the prison on a weekly basis for registration (Human Rights Watch, 2012: 70: note 264).

In addition to these planned and foreseen results, some of the unplanned achievements of the project can be found in the following areas:

- Although the focus of the probation officers would initially be on juveniles, the attention given to the situation of this particular group in prison settings is worth highlighting. It not only led to some of the successes given in the previous section, but also to individual support for juveniles as social workers of the Ministry of Gender, Child and Social Welfare are overwhelmed, and lack sufficient capacity. In addition, the function of probation officer has included some of the functions of the court liaison officer. Until courts become more familiar with probation as a form of alternative sentencing, the role of probation officers will continue to be partially a court liaison/public defender one to link with the courts, and to explain the Child's Act to judges, rather than one solely focusing on probation and aftercare.⁸⁸ In Juba probation officers have also extended the scope of their working environment to include juveniles held in police stations⁸⁹, and taken on other roles, such as addressing the needs of juveniles by enabling them to undertake vocational training.⁹⁰
- In the field of preventive health care, the training given to prison staff has increased their knowledge in this field to the benefit of prisoners but also to their communities;
- The provision of material to the female prisoners in Juba prison to give them the opportunity to practice their sewing and tailoring skills (see section on human rights and gender);
- Although no comprehensive overview can be made, the project has contributed to the local economy through the implementation of infrastructural projects (e.g. Torit health clinic cost 64,272 South Sudanese pounds of material and meals for the NPSSS workers), the purchase of food, clothes, and equipment (medical, furniture, motor cycles, etc.), and the provision of a permanent water source to the community adjacent to the Lologo Training Academy. Medical equipment was imported from India;
- The capacity of the NPSSS in the field of construction and maintenance has been strengthened as approx. fifteen workers have been able to use their skills during the construction of the kitchen annex at the Lologo Training Academy site, and the medical facility at Torit.

⁸⁸ UNODC, 2013a: 14

⁸⁹ Furthermore, in addition to their regular duties, the probation officers of Juba prison visit each morning three police stations in Juba town before going to work to follow up on cases held in police custody. The probation officers are recognized at these police stations (UNODC, 2013a: 14).

⁹⁰ This can for instance be seen in Juba, where thanks to the probation officers and social welfare workers, twenty-six sentenced male juveniles at Juba Prison are participating in vocational training, including computer skills, tailoring, motor mechanics and masonry. The juveniles are every day escorted to the St Vincent de Paul, a catholic centre, where they take part in the vocational training for a period of nine months. According to Human Rights Watch (2012: 73) this activity began in April, 2012.

Sustainability

Dependent on the nature of the results, and the availability of financial resources, capacity and political will, the achievements of the project's third phase can be sustainable. A general observation is that these can be sustainable providing that the NPSSS (with support of the GRSS) is able to set aside funds and strengthens its capacity to support, use, maintain and/or further develop particular outputs. The first two phases have reportedly been considerably successful in building the capacity of the NPSSS to manage its reform process, and this will hopefully also have a positive effect on the sustainability of outputs completed during the third phase.

The regulations accompanying the Prisons Service Act must still be enacted, after which the existing Standing Orders can be revised and/or further developed to bring these in line with the regulations and prisons act. Only then can training curricula be further developed, and training organized for high, middle and lower level prison officers as well as others working the criminal justice sector. This can only be achieved with political will of the GRSS in order to continue to push for these activities to materialize in the near future. The functioning NPSSS Training Academy has a key role to play in the application of the regulations related to the Prisons Act, and the fact that this institute had been strengthened during the third phase increases confidence in future efforts to build capacity, and bring operations more in line with the UNSMR (and other relevant legislation).

With the gradual strengthening of the NPSSS Training Academy at Lologo, the agency has become increasingly capable to develop its own annual training plan, schedules and courses, and has been used since the beginning of 2012 for the organizing and conduct of training courses for different groups of trainees. On 24 June 2013, 'the first comprehensive prison cadet training course started at the Prison Academy, in which 100 cadets are undergoing training for one year to become fully qualified prison officers'.⁹¹ Although UNMISS and other organizations have up till now continued to pay for their participants during courses, it is hoped that the academy will also become financially independent in the near future, and that this is accompanied with a proper maintenance service to keep the facilities up to standard. Further attention in the short-term could be given to additional training courses to continue developing the skills of the professional trainers attached to the academy, and the development, updating and contextualizing (to the South Sudanese context) of UNMISS/UNODC developed course curricula and if deemed necessary. A review of curricula of all phases could be necessary in order to include new developments, such as establishing a clearer link with rehabilitation and reintegration in for instance the 2010 publication 'Recruit induction/basic prison duties NCO/career advancement/cadet, middle and senior management training curriculum'.

The results of the health component give a diverse picture when considering these from the angle of sustainability. The clinic is reportedly being used by the Torit prison medical service, although similar concerns with respect to the maintenance of this building exist as given above regarding the facilities established at the Lologo Training academy. Supplementary feeding for female prisoners, their infants and other vulnerable groups was only done during a relatively short period, and only offered a temporary solution for a profound problem of the NPSSS. The donated equipment and material in support of the medical service in fifteen prisons also requires sufficient budget to pay for repairs and buy new supplies when necessary. The same concerns the availability of cleaning and sanitary materials to maintain personal hygiene and a clean environment in prisons. Facilitating training activities for the trainers who took part in the ToTs

⁹¹ UNMISS, 2013c: 10

on preventive health care in 2012 and 2013 – if this has not yet already been done – will only be to the greatest extent effective if also necessary supplies are made available to those concerned.

The Probation and Aftercare Function as well as the Court Liaison Function, which were introduced in phase II, require sustained efforts to strengthen these functions, and give the officers the status and legitimacy to undertake their work. As the court liaison function has encountered many obstacles during implementation, a review to explore the conditions necessary to support these officers would be a necessary step in order to reap what was sowed during the third phase.

The probation and aftercare function has clearly expanded during the third phase, and become one of the already funded key components of the project's fourth phase. Despite (or perhaps because) the work of the probation officers has not solely been on probation and aftercare considering the restricted legal framework, the work of the probation unit has been viewed as one of the successful outcomes. In addition, the donation of office furniture and a motorcycle to the ten probation officers working in the state prisons contributed to their legitimacy and status. However, often limited funds were available to purchase stationary and petrol, and allegedly some officers have used their own means to purchase petrol in order to be able to visit police stations, courts and county prisons. The reporting formats developed for the officers have therefore not been used to their full potential, although these allegedly offered guidance on the collection of data during the execution of their function. Thus, in addition to the necessary budget to buy petrol and the necessary supplies (which might not be available at this stage), also high level commitment and sufficient knowledge of the different actors working in the criminal justice sector, including of the NPSSS, is needed to sustain the work achieved, and to build on investments made earlier in strengthening the capacity of officers occupying these functions in the prison service.

Some of the work of the UNODC on the promotion of alternative sentencing in 2012 has contributed to the approval of the Council of Ministers on 26 April, 2013 of far-reaching measures to reform the prison system, including alternatives to imprisonment.⁹² In addition, more efforts to reach out to judges and community leaders at state and county levels to advocate on the purposes and benefits of probation would also be necessary in order to build support for this function in order to enable probation officers to gradually shift their attention fully to probation only.

Human rights and gender

The project 'Assisting the Process of Prison Reform in Southern Sudan' has mainstreamed human rights norms during its implementation. The Prisons Service Act, which had incorporated most rules laid out in the UNSMR, was further operationalized in the draft Prison Regulations developed during the project's third phase. Whereas the Prisons Service Act gives the basic rights of prisoners in the field of housing, food, water, health care, education/vocational training and so on, the NPSSS has still faced many difficulties in addressing these to the benefit of prisoners. The project has positively contributed to some of these, although the project focused in the end on effectively strengthening structures in the field of capacity-building and probation to support the NPSSS to improve its future operations. Training has received much attention, and although an assessment of each module was not possible during this evaluation, reportedly training curricula

92 UN Security Council, 2013b: 10

in the field of probation, court liaison, preventive health care and ToTs for the trainers of the Academy are grounded in human rights in general, and the UNSMR in particular.

The Handbook on Health and Hygiene in South Sudan Prisons contains a section on international instruments, and the training curriculum used during the five day ToT given in 2010 the participants were urged to use their positions in the NPSSS to enforce the South Sudan Standing Orders concerning health.⁹³ Furthermore, in order to improve the health situation of prisoners, material and equipment was given to existing health clinics in selected prisons in order to improve their diagnostic capacity and response, and knowledge on preventive health care was improved through training. In addition, supplementary feeding (and clothing and supplies to ensure a more hygienic and clean prison environment) was provided to those with special needs, such as mothers with infants, children as well as juveniles and mentally ill persons.

Also the training curricula on probation contained references to international human rights standards, especially in the field of probation and child rights (e.g. United Nations Standard Minimum Rules for Non-custodial Measures, the United Nations Standard Minimum Rules for the Administration of Juvenile Justice, the Convention on the Rights of the Child), and to domestic law incorporating these standards (the 2008 Child's Act).⁹⁴ The work of the probation officers, and the setting up and functioning of the Juvenile Detention Review Board in Juba, offers some good practices to be used in other states to promote lawful detention, probation and aftercare in adherence to national and international law, to offer rehabilitation activities such as vocational training to convicted juveniles, and to support them before, during and after their release in order to allow for their return to their families, and their reintegration back into society.

The link with civil works and human rights is often forgotten when implementing infrastructural projects. Several observations in reports were made with respect to the usage of the land of the NPSSS Training Academy by children and adults of the nearby community (as thoroughfare to school, as location for houses, tents and huts, offering access to water through a well and hand pump, and as land used for grazing).⁹⁵ Allegedly a distinction was made by the locals between government and public land, and the NPSSS used this to demarcate the boundary between the grounds of the Academy and the public land. The community was given access to water under the project's third phase, as the perimeter fence was going to bar the community members from the water borehole they used earlier in the compound of the Academy. However, as the extent of the impact of the fence for different groups of inhabitants of that community (including women and children) is not clear, a human rights assessment would have been useful to get a clearer picture of the consequences and the views of this change in access to land and resources.

Also gender has been mainstreamed in the project at different levels and in various ways. Despite the fact that the number of female prison staff are in the minority (and absent in the higher echelons of the prison service structure), with the support of the NPSSS a clear attempt has been made to have female participants in all training sessions, including those with mid-level positions. In the training of the academy tutors one to up to three female prison staff took part in the training sessions (between five to up to 25 percent). In two of the first three health and hygiene training sessions, the number of male and female participants were equal, and in one session female

93 These include the following Standing Orders No13 - Food Service; No18 - Medical Care; No19 - Health and Hygiene; and, No20 - Injury, Serious Illness and Death of a Prisoner.

94 Training manual probation 7 February, 2012; Training module supervision in probation and aftercare, Juba, 29-31 October, 2014.

95 UNODC 2011b; 2011c

participants constituted one third of the total number of trainees. Further, two all-female training sessions were also held on this topic, although in the last one, a ToT, also two men participated (out of a total of twelve trainees). Furthermore, only one out of four court liaison training sessions had two female participants (out of a total of nine trainees) – the remaining three had only male participants. The training session on probation had a higher proportion of female participants (respectively 25, 20 and 21 percent in three training sessions). The ToTs for academy tutors, personnel involved in health and hygiene activities and probation officers all had a minority of female participants, who might in the longer term act as role models in their particular areas of work.

Training curricula, such as those on health and probation, also addressed some of the specific needs of female prisoners, and those on probation also addressed the particular issues female prisoners might face after their release from prison. The guidance given was however of a rather general nature, and when further developing curricula, more attention could be given to translating these principles to the local context, relating these to profile (including age, the type of crimes convicted for, and the profile of the accused) and possible obstacles encountered while implementing activities. It is unclear to what extent and how the work of probation officers has taken a gender perspective into regard in all states, but in Juba the UNODC had for instance established contact with a local NGO which was constructing a half-way house for juvenile girls who did not have a secure living environment.⁹⁶

Specific attention has also been given to improve the health and hygiene situation of female prisoners, their children and other more vulnerable groups through supplementary feeding in ten states (26 prisons), and female sections of the ten state prisons were supplied with blankets, basic cleaning products and disinfectants to improve hygienic conditions, and sanitary napkins were given to female prisoners in Juba state prison. In addition, material was given to give female prisoners in Juba prison the opportunity to practice their sewing skills. Also less gender stereotypical activities could be explored in this regard. This assistance has however all been to address needs for a very limited period of time.

One of the during project implementation added objective of one of the health and hygiene training for female officers was to contribute to enhancing skills and obtaining an income. The report notes that ‘Juba has received enough fabric to make 15 girls’ dresses. The idea is for them to sell them for 10 SSP each, and with the money they make they can then buy more fabric to make more dresses, and build up an account.[...] The idea is to bring in additional funds for the prisons, either to buy supplementary food or other prisoner needs’ (2011: 1). From the available information it is unclear if the earnings are for the prison administration, or if these are for those who produced the dresses, namely the female inmates. In addition to exploring further opportunities for further activities in the field of education and vocational training, the rules given in the UNSMR must be taken into regard, including the right of inmates to be paid for their work.

⁹⁶ UNODC, 2011d

III. CONCLUSIONS

The UNODC project ‘Assisting the Process of Prison Reform in Southern Sudan’ has been successfully completed in a time-frame of over three years, and has supported the NPSSS through the unique UNODC/UNMISS partnership with further strengthening the legislative framework of the prison service and the Training Academy at Lologo in the field of civil works, organizational development and the capacity-building of fulltime trainers, the provision of medical equipment and material to selected medical services at state prisons, the building of the medical service facility at Torit prison, the temporary provision of supplementary feeding to female prisoners and their children, and supporting preventive healthcare activities in ten state prisons.

The expansion of the probation and aftercare function has been one of the successes of this project phase, with an increased number of probation officers successfully mapping the situation of juveniles in prisons, and trying to bring their status to the attention of other actors in the criminal justice sector in order to speed up due process, adhere to international and domestic norms in the field of juvenile justice and find alternatives for their imprisonment. Some successes as a result of the work of probation officers – and the establishment of the Juvenile Review Board in Juba – have been noted to the benefit of imprisoned juveniles. The court liaison function has – in contrast – faced more obstacles, and also the high level Criminal Justice Linkage Committee has not been set up during this project phase due to shifting priorities of concerned officials, thereby offering an example of the numerous challenges the criminal justice sector in South Sudan is still facing.

The achievements of the project have been a consequence of the long-term involvement of UNODC in the prison sector in Southern Sudan, the effective working relations the agency has established with key interlocutors, and its flexibility in responding to an evolving, still fragile, political context with shifting demands and – as one interlocutor put it – a ‘black hole of needs’ of the prison sector. Also the close collaboration between UNODC and UNMISS, and the motivation and interest of the NPSSS to support the change management process at various levels, have without doubt contributed to the project’s positive outcomes.

The relevance of the project is unquestioned, and in addition to the solid working relationship between UNODC and the NPSSS and the unique partnership between the implementing agency and UNMISS, the organization has also maintained good working relations with other South Sudanese government actors, donors, agencies of the UN family and other organizations. The design of the project has been comprehensive, sound, logical and to a large extent participatory, although more attention could have been given to the development of verifiable indicators, and the setting up and use of a proper monitoring system. The project has been cost-efficient, although the planning for and implementation of activities took more time than initially envisaged due to political, management and administrative reasons. The interests and level of capacity of other criminal justice actors, the ambitious nature of the planning for the legislative component and the dire situation of the prison system in South Sudan are some reasons underlying the level of efficiency achieved, and therefore also the effectiveness of the project’s third phase.

Not only through a strengthened Training Academy, but also through implementing ToTs in the area of preventive health care and probation, a structure has been set up (and in the latter case explored) to facilitate further learning and to create the capacity to expand the learning environment beyond those who only took part in training courses. The achievements in the field of legislative reform, capacity building, health care, probation and a stronger response to the situation of juvenile detainees caught up in prisons and police stations are a step forward in the transformation of the NPSSS into an institution which is able to govern a prison system with respect for human rights and in accordance with the UNSMR. The fact that the NPSSS partially carries the burden of other still fledging links of the criminal justice system must not be forgotten. Concerted effort must therefore be undertaken to find entry points to effectively deal with these, including the continued overcrowding of prisons. Respect to due process and a conviction which is in congruence with the type of crime committed are two possible avenues in this regard, which will in turn give more space to adhere to the human rights of all prisoners.

IV. RECOMMENDATIONS

The recommendations given below reflect the continued needs of the NPSSS, and the possible role of UNODC – in close collaboration with UNMISS - in addressing these needs. In addition to recommendations in the field of continued reform of the prison sector in South Sudan, also recommendations will be given to address some of the lessons coming out of this evaluation in the field of planning, administrative processes, human rights and gender mainstreaming.

The following recommendations, with a specific focus on the criminal justice sector, can be given to the GoSS: Earmark more resources for the prison service; Examine different options to reduce the overcrowding in prisons, and explore the best avenues for further action in this field; Examine ways to set up the criminal justice linking committee, or a similar high level committee to strengthen the linkages between the different criminal justice actors; Examine ways to set up juvenile detention review boards in all states; Approve the prison regulations (and the forthcoming revised/newly developed standing orders), and support a review of legislation to strengthen the rules regarding probation and aftercare.

Recommendations to the NPSSS are as follows (based on the outcomes of the project's third phase): Once the prison regulations are enacted, set up a working group to bring the existing standing orders in line with the Prisons Service Act and the regulations accompanying the act; Organize training for all levels of prison staff about the legislative framework; Provide further training to the instructors of the Lologo Training Academy to enhance their capacity in various fields; Consider increasing the number of dormitories at Lologo to accommodate more trainees, and ensure that female trainees have a separate sleeping facility and toilet and washing area; Review the strategy of the Academy, and review, update and expand training curricula; If possible, reserve more budget for stationary, petrol for vehicles, medical material and equipment and so on in order to allow specialized (and other) officers to perform their duties; Assess the most urgent needs of the medical service, and the overall health situation of prisoners in all prisons, and find ways to adequately respond to these needs; Review the court liaison function, and explore conditions necessary to strengthen this function to enhance the linkages with the courts; Expand the probation and aftercare function in terms of number of officers and counties covered; If capacity permits, expand the initial focus of probation officers on juveniles to gradually encompass more groups across the justice system; Offer support at different levels to this function; Advocate among civil society, including community and traditional leaders, about the probation function; Support the establishment and functioning of Juvenile Detention Review Boards in Juba and beyond; Examine how to expand education, vocational training and employment in prison settings to support prisoners in preparing for their reintegration into society; And, further develop the internal monitoring and inspection function.

The NPSSS needs further technical and financial support in a variety of areas in the field of penitentiary reform, and the following recommendations can be given to UNODC to assist the Prison Service: Support the organization of a working group on the revision/development of the Standing Orders in accordance with the prison regulations and the Prisons Service Act; Support the organization of training following the enactment of the Prison Regulations and the Standing

Orders for staff of the NPSSS and of other criminal justice agencies; Continue to support the Training Academy with more infrastructure, including a separate dormitory for women with bathroom facilities and more classrooms; Continue to support the training of trainers to further enhance their skills; Review available training curricula, and offer further support to develop these in accordance with the evolving legislative framework, the local and regional context, and actual training needs; Provide further support to the health care service and the health care of prisoners following the prioritization of needs of prisoners in state and county prisons; Examine to what extent and how the court liaison function can be strengthened (including by giving court liaison officers the equipment to execute their function); Support the extension of the juvenile detention review boards to other states, and review the conditions to re-establish the board in Juba; Continue to support the extension of the probation and aftercare function to the county level, and, whenever feasible, expand the function to include other groups of detained and convicted persons; Provide adequate means to all probation officers so they can fulfil all their responsibilities; Support the probation and court liaison officers by exploring a more full-fledged mentoring system; Consider further support for education, vocational training and employment in order to prepare for their reintegration into society; and, consider further developing an internal monitoring and inspection system of the NPSSS.

In the field of project planning and implementation, UNODC is recommended to always organize a high level planning meeting with all stakeholders at the start of the project, and possibly also organize similar planning meetings for complex activities providing that capacity is available; to develop verifiable indicators and targets to measure the progress of project implementation, outputs and outcomes; to develop and implement a comprehensive monitoring system with appropriate data collection and analysis mechanisms for accountability purposes; to examine – together with UNMISS – how reporting on UNODC activities by the correction advisers in the field can be done to accommodate the need for specific data sets for monitoring and evaluation purposes; to reflect on arrangements with UNMISS in order to get a better understanding of availability of particular technical capacity; to offer more extensive guidance to consultants; to conduct rapid human rights/gender assessments if civil works affect nearby communities in order to examine possible consequences and short and long-term solutions; to have a project management team with at least two professional staff members in hardship duty stations to ensure presence, and continuity in decision-making and supervision; and, to reflect on current recruitment procedures to examine how the organization can implement a faster hiring process for new staff.

V. LESSONS LEARNED

The following lessons learned can be distilled from the planning for and implementation of the third phase of the UNODC's project 'Assisting the Process of Prison Reform in Southern Sudan':

Ambitious planning sets a clear direction and aims for a rapid implementation of project activities in a fragile context, but could pose a risk to the credibility of an organization at the same time;

Providing that capacity is available, participatory planning meetings of all stakeholders in the beginning of the project, and in the beginning of particular activities such as civil works, must be undertaken in order to ensure that all agree on the same objectives, standards and outputs;

The development of indicators and targets for a project must be in line with the operational context and institutional capacity in the field. In other words, the indicators must be SMART (specific, measurable, assignable, realistic and time-bound);

A comprehensive monitoring system must be set up in order to ensure a proper tracking of all activities, inputs, outputs and outcomes;

Project documents appear to be de-linked from annual or more long-term planning of the national counterpart. This tendency might need to be adjusted in order to present a more comprehensive document with adequate attention given to the area of relevance;

The UNODC/UNMISS partnership has been of crucial importance and benefiting the activities of both agencies and the NPSSS. Some of the challenges concern the type of information collected by the correction advisers in the field, and the availability of sources/resources (including technical expertise), especially when these are crucial for the project to progress. The reliance on UNMISS must also take into account that their staff is regularly on R&R, which could impact on the implementation schedule;

In an environment characterized by limited resources, the donation of office equipment and means of transport to the national counterpart could be necessary to give a particular group of specialized staff the appropriate status and means to fulfil their responsibilities;

All activities, including the planning for and implementation of vocational training and activities, must be in line with the UNSMR. Special attention must be given to voluntary labour and getting an income out of vocational activities in order to avoid any possible confusion on this issue;

Reporting lines must be clear and respected to all stakeholders involved in particular activities;

UNODC's recruitment procedures must be reviewed in order to speed up the hiring process for key functions in order to avoid vacant positions for several months or longer;

In duty stations with R&R the UNODC must ensure that two UNODC staff members in management positions are recruited in order to ensure continuity in the planning for and implementation of activities. The high level of absence in such duty stations might otherwise pose additional challenges to the implementation of activities, and extend the time frame unnecessary.

A human rights/gender assessment must be included in the implementation of civil work projects in case this involves the limitation of access to areas previously used by neighbouring communities, the required removal of property of citizens in these areas, the implementation of activities to give alternatives to earlier used resources, and the impact this could have on all community members.

The daunting task of reforming the prison system in South Sudan requires a great deal of effort, resources, patience, flexibility and a long-term perspective, as well as sustained involvement of the NPSSS, donors and implementing agencies in order to bring the system in line with the UNSMR and other available human rights instruments.

ANNEX I. TERMS OF REFERENCE OF THE EVALUATION

Terms of Reference Final Independent Project Evaluation of SDNX06

Title: Final Independent Project Evaluation of SDNX06 – ‘Assisting the Process of Prison Reform in Southern Sudan – Phase III’

Organisational Section/Unit: UNODC- ROMENA

Duty Station: Home-based and one mission to South Sudan

Proposed period: November – December 2013

SDNX06 “Assisting the Process of Prison Reform in Southern Sudan (Phase III)”

Project/Sub-programme Number	SDNX06
Title	“Assisting the Process of Prison Reform in Southern Sudan (Phase III)”
Duration Start Date: End Date:	June 2010 December 2013
Location(s)	South Sudan
Responsible Office:	UNODC ROMENA
UNODC Regional / Country or Thematic Programme Outcome to which this programme/project directly contributes	Regional Programme, Sub-Programme 4: Justice; 4. (a) Enhanced capacity of Member States to develop and maintain fair, humane and accountable domestic criminal justice systems in accordance with the United Nations standards and norms in crime prevention and criminal justice and other relevant international instruments; Sub-Programme 5: Health and livelihoods; 5.(b) Individuals living in prison settings being less vulnerable to drug use and HIV/AIDS.
Executing Agency	UNODC
Government Implementing Agency/Partners	National Prisons Service South Sudan (NPSSS)
UNODC Overall Budget	US\$ 4,981,204
UNODC Total Approved Budget	US\$ 4,405,059
Donor(s)	Canada/DFAIT and USA/INL, UN Women’s Guild
Project Coordinator	Mr. Aggrey Nyapola
Type of evaluation (mid-term or final)	Final Independent Project Evaluation
Time period covered by the evaluation	June 2010 to October 2013
Geographical coverage of evaluation	South Sudan

Core Learning Partners (entities) ⁹⁷	National Prisons Service South Sudan (NPSSS), ICCLR, UNOPS, US/INL, Canada
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1. Background Information

(a) Project overview and historical context in which the project is implemented

Southern Sudan (since July 2011 South Sudan) has faced almost 40 years of civil war since its independence from the British in 1956, involving ethnic, religious and economic conflicts between different tribes in Northern and Southern Sudan. The conflict ended with the 2005 Comprehensive Peace Agreement (CPA), signed by the government of the Republic of the Sudan and the then southern-based rebel group, the Sudan People's Liberation movement (SPLM) and formalized a power-sharing system between the two parties. The CPA also provided for self-determination for the people of Southern Sudan. In January 2011 a referendum was held and 98% of the population voted for independence. In July 2011, the Republic of South Sudan was established. Following South Sudan's independence, the Security Council established a new mission, the United Nations Mission in the Republic of South Sudan (UNMISS) with the adoption of resolution 1996 (2011) on 8 July 2011.

The Government of Southern Sudan/South Sudan (GoSS) has committed itself to establish justice and security institutions that can respond to the needs of South Sudan and the population at large, capable of delivering effective services without discrimination and with full respect of human rights and thus ensure that rule of law is established and upheld. In order to support this enormous undertaking, and recognizing the value of joint programming, the United Nations Mission in Sudan (UNMIS) Corrections Advisory Unit invited UNODC and the International Centre for Criminal Law Reform and Criminal Justice Policy (ICCLR) to undertake a joint assessment of the prison system. As a result, UNODC and ICCLR experts began actively working with the Southern Sudan Prisons Service (SSPS) in 2007. UNODC established an office on the ground in Juba in 2008. Since then, a very favourable relationship has been established with the Corrections Advisory Section of the DPKO mission (now the United Nations Mission of South Sudan, UNMISS), the National Prisons Service of South Sudan (NPSSS), the Ministry of Justice, a number of other government counterparts and a variety of other criminal justice stakeholder. Also, the effective collaboration between UNODC and UNMISS was highlighted as a joint programming initiative 'best practice' to be used as a model in future peacekeeping missions and is thus being showcased in a DPKO planning toolkit which has been developed this year to guide peacekeeping missions in partnering with UN agencies to implement rule of law and security sector programmes.

The implementation of the UNODC prison reform programme "*Assisting the Process of Prison Reform in Southern Sudan*" has been divided into phases to conform to donor reporting requirements. The phase III project, and subject of this final independent evaluation, was launched in September 2010, after termination of phase II in August 2010 and was built on strategic priorities that evolved from phase I and II of the prison reform programme. The project is ongoing until December 2013 after which the liability period for construction-related activities will have ended.

⁹⁷ The **Core Learning Partners (CLP)** encourages a participatory evaluation approach by allowing its members to participate in and provide feedback on key steps of the evaluation process. CLP members are the key stakeholders of the subject evaluated (project, programme, policy, etc) who have an interest in the evaluation. The CLP works closely with the Project Coordinator to guide the evaluation process.

In the meantime, a phase IV project “*Strengthening the Process of Prison Reform in the Republic of South Sudan*” started in April 2013, funded by US/INL, which will build on achievements of phase III, particularly in the area of the probation and aftercare function and further strengthen the Lologo Training Academy. The new phase IV project also includes new outcomes in the area of prison health and nutrition. Priority areas, which remain unfunded at present, include continued support to the legal and policy framework, the court liaison function as well as increasing health and hygiene in South Sudan prison settings.

(b) Justification of the project and main experiences and challenges during implementation

Since the inception of the UNODC prison reform programme in 2007, the top leadership of NPSSS has been deeply committed to the reform programme. This commitment was reaffirmed in the beginning of the phase III project in a project planning meeting where a consolidated work plan was also agreed to by all implementing partners (UNODC, UNOPS, ICCLR and UNMISS).

The situation regarding criminal justice in South Sudan presents a complex challenge and the need for development and reform remains an urgent priority. The Prisons Service was all but destroyed by two decades of civil war. Very few prison facilities survived the impact of the war and the service itself is largely newly constituted. At the time the programme started in 2007, the NPSSS comprised of approximately 17,000 officers, the majority of whom were former SPLA soldiers and guerrilla fighters with no prior knowledge of prison work. In fact, the majority, never having received formal education, were illiterate. The rest included a few professional officers who were in continuous service during the war, as well as some prison personnel who had left the service to enlist as soldiers but who were later deployed back to the NPSSS after the signing of the 2005 Comprehensive Peace Agreement (CPA). The prison population at present is approximately 6,000 with an estimated 30% of prisoners on remand, awaiting the completion of police investigations or trials. However, accurate data is not available, because of a persistent lack of communication between the smaller rural prisons and the various Prisons Service headquarters at state level. Though, substantial progress has been made in collecting more accurate information from the ten state prisons where UNMISS Corrections Advisers are attached and in contact with UNODC.

The programme has achieved considerable success in building the capacity of the NPSSS to manage its reform process. While this is most visible where prison leaders have been exposed to international minimum standards, it is also increasingly obvious where lower-level prison officers have acquired an understanding of the needs of vulnerable groups of prisoners. Significantly, a Prisons Service Training Academy was established and is operational, and the Probation and Aftercare Function as well as a Court Liaison Function, which were introduced in phase II, have been incorporated into the prison regulations and have been strengthened significantly. Selected prisons have undergone considerable infrastructure improvements, and health and sanitation issues have been prioritized, consequence of which is that staff and prisoners alike have highlighted a number of notable improvements. Despite these achievements, and the considerable efforts of the programme to advocate alternatives to imprisonment, prison overcrowding, high percentage of prisoner on remand, lack of legal aid and poor sanitation and health conditions in prisons remain serious challenges. Phase IV of the prison reform programme, starting in March/April 2013, will continue to provide support to the Prisons Service with the goal to further strengthen the capacity of the Prisons Service and support the development towards a fair and humane criminal justice system.

While project activities under three of the five outcomes⁹⁸ were implemented according to the work plan of the overall Phase III programme, certain activities under outcome 2 and 3⁹⁹ could not be achieved arising from political circumstances which were not foreseen at the time the project was designed and outside of UNODC's range of influence. For example, the referendum on independence (9-15 January 2011¹⁰⁰) slowed down and put on hold some of the activities significantly, such as the intent of establishing a criminal justice linkage committee and the drafting of prison regulations and standing orders. DFAIT/START kindly agreed to an extension of the project three times, ultimately to the end of November 2012, so that as many activities as possible could be completed under the given circumstances. Some activities could nevertheless not be implemented, specifically the formal establishment of a criminal justice linkage committee, providing support to the working group drafting standing orders and the development and implementation of trainings on the new legislation for heads of operational prisons. DFAIT/START was informed in June 2012 and allowed to include two additional activities to support the probation function instead. DFAIT/START will be refunded for the activities that could not take place.

(c) UNODC strategy context, including projects main objectives and outcomes

The objective of the programme was to build on the successes of Phases I and II of UNODC's prison reform programme in South Sudan in order to further develop the Prisons Service capacity to implement broad ranging reforms by building institutional capacity and addressing the immediate needs of the Prisons Service, as well as addressing the need for leadership development and skills training within the Southern Sudan Prisons Service. Phase III harmonized the objectives of Phases I and II in developing strategic priorities that sought to ensure sustainable and enduring reform of the criminal justice system. Through the implementation of below outcomes, the programme has contributed to the Government of South Sudan's efforts to rebuild its correctional system and bring it into conformity with internationally recognized minimum standards:

- 1) Established Prisons Service Training Centre at Lologo that is functional and self sustaining;
- 2) Improving Prison Health;
- 3) Strengthened legal and policy framework and enhanced South Sudan Prisons Service general staff training;
- 4) Enhanced linkages in the criminal justice system; and
- 5) Expanded probation function within the prison system.

The project followed the Regional Programme of UNODC ROMENA which identifies the importance of ensuring efficient and humane criminal justice systems as being crucial to the rule of law. The Regional Programme Framework also highlights the importance of responding to the needs of vulnerable categories of prisoners, most notably juveniles.

The project was designed in line with UNODC's medium term strategy (2008-2011), Result area 1.3 which makes provision for the Office to provide support for the

⁹⁸Outcome 1: "Enhanced Effectiveness of NPSSS to Maintain Professional Corrections Service Officers Capable of Operating and Managing Prisons" outcome 2: "Improving Prison Health" and outcome 5: "Expanded Probation Function within the Prisons System".

⁹⁹Outcome 3: "Enhanced Productivity of NPSSS to Apply Legal and Police Framework: and outcome 4: "Enhanced Effectiveness of the Southern Sudan Criminal Justice System".

¹⁰⁰ In the referendum, 98.8% of Southern Sudanese voters opted for secession. It was ratified on 7 July 2011 by the South Sudan Legislative Assembly and came into force on 9 July 2011 after being signed by President Salva Kiir.

enhancement of criminal justice capacity in post-conflict and transitional societies. Result area 3.6 focuses on increasing capacity to apply international standards to the professional management and operation of prisons.

(d) Project documents, revisions of the original project document and funding

The project was designed to assist the process of prison reform in South Sudan by building leadership capacity within the prison service and strengthening their ability to manage the prison population more effectively and more humanely.

The original project document was signed 15 August 2010 and was revised four times (June 2011, November 2011, February 2012 and April 2013) to include additional funds (including from an additional donor), additional outcomes, outputs and activities as well as to extend the project, ultimately to December 2013.

(e) Material for desk review and previous evaluation

Before the mission to Juba, South Sudan, the evaluator will review all documents relevant to the project, including project document and revisions, progress and donor reports and reports from relevant partners and stakeholders. In addition, the evaluator will review the evaluation of Phases I and II (SDNT19 and SDNU48) of the South Sudan prison reform programme, which was conducted in September 2010 and analyze whether its recommendations have been taken into account for the implementation of the present Phase III project.

2. Disbursement History

The project is funded by US/INL¹⁰¹, DFAIT/Canada and UN Women’s Guild with a total amount of US\$ 4,981,204 (Canada: US\$ 2,213,764, US/INL: US\$ 2,759,150 (including transfer of funds from phase II in the amount of US\$ 247,814) and UNWG: US\$ 8,290).

Overall Budget	Total Approved Budget	Expenditure	Expenditure in %
US\$ 4,382,959	US\$ 4,405,059	US\$ 4,161,244	95%

3. Purpose of the evaluation

At the request of the donor and in line with the UNODC basic principles of project management, the project document provides for a Final Independent Project Evaluation. The Project Manager initiated the process on behalf of the main implementing agency (UNODC). The project is in its final stage and the final evaluation will assess the overall implementation performance of the project and its outcomes by amongst others, analyzing the impact, relevance, efficiency, effectiveness and sustainability of the project’s activities and derive recommendations and lessons learnt from measuring the achievements of the project.

¹⁰¹ The amount of US\$ 350,000 will be transferred to Phase IV as the activity of constructing an administration building was transferred in order to build a bigger building with additional funds. This transfer is in accordance with the donor and the government counterparts.

In September 2010, a Final Independent Evaluation of Phase I and II of UNODC's prison reform was carried out. The findings of this past evaluation showed that UNODC's interventions in this field are highly relevant and respond to the needs and aspirations expressed by the Government of South Sudan. Following an outline of the recommendations included in this past evaluation: 1) expanding the coverage of the programme to the three transitional States which are not covered; 2) ensuring political will for compliance with the UNSMR and necessary allocation of GoSS resources to the SSPS; 3) strengthening cooperation, in particular with other UN agencies, to address external issues impacting the prison sector, such as in the areas of health, mental health and girls' education; 4) fostering linkages with African regional structures and mechanisms; 5) further enhancing the training capacity and strategy as the key vehicle for dissemination of knowledge and skills; 6) strengthening regulations and standing orders following the enactment of the Prisons Bill; 7) expanding and accelerating cooperation in the criminal justice sector to promote lawful detention and the use of alternatives to imprisonment; 8) further strengthening management and strategic planning, taking advantage of the information base built through the programme and possibly strengthening this; and 9) enhancing monitoring and external inspection visits. Given its high level of success, the programme should be used as a model for technical cooperation activities outside Southern Sudan. Phase III of the prison reform programme covers some of those aims and is fully supported by the evaluation.

The project evaluation seeks to provide accountability to donors by determining whether project objectives were met and resources were wisely utilized and identify areas of improvement in the project for potential similar interventions in the future. The evaluation will also examine best practices and lessons learned from the project's implementation. Specifically, the final review will consider whether the project brought new materials to the beneficiaries and whether outputs of the project can be replicated in other UNODC initiatives elsewhere.

The evaluation will be conducted based on the following criteria: relevance, design efficiency, effectiveness, impact, sustainability, partnerships and cooperation as well as gender and human rights. The evaluation will be based on the review of project related documents as well as conducting interviews, discussions with key persons involved in the project implementation and beneficiaries.

4. Scope of the Evaluation

The subject of the evaluation is Phase III of UNODC's prison reform programme in South Sudan, project SDNX06 "Assisting the Process of Prison Reform in Southern Sudan (Phase III)". Implementation of the project started in September 2010 and it will be completed in December 2013. The project activities took place in all ten states in South Sudan.

Notwithstanding the adherence to the UNEG and DAC Evaluation Criteria (Relevance, Effectiveness, Efficiency, Sustainability, and Impact), additional evaluation criteria regarding design, partnerships and cooperation, knowledge management, and other crosscutting issues such as gender and human rights should be considered. Specifically, the evaluation may be guided by the below indicative questions.

Please note that these are only indicative and will be further developed by the evaluator as necessary.

Relevance

Extent to which the objectives of the project are continuously consistent with recipients' needs, UNODC mandate and overarching strategies and policies.

- To what extent are UNODC mandates translated adequately into this specific project?
- To which extent are there synergies or complementarities with other implemented interventions within this particular thematic area?
- To what extent are the project objectives still relevant?
- Are the project's activities designed to specifically address respective shortcomings?

Design

Extent to which (i) the logical framework approach was adopted, with measurable expected Performance Indicators at the country level, outcomes and outputs, performance indicators, including gender equality and human rights, targets, risks, mitigation measures and assumptions; and (ii) an appropriate participatory needs assessment and context analysis took place.

- To what extent has the project taken into account the recommendations of the evaluation of Phase I and II?
- To what extent are the problems addressed by the project and the project strategy, successfully dealt with- encompassing an assessment of the appropriateness of the objectives, planned outputs, activities and inputs as compared to any cost effective alternatives?
- To what extent have the executing modalities and management arrangements been relevant to deliver the programme outputs?
- To what extent have the stated project objectives been achieved, taking into account the “achievement indicators”?
- To what extent was the feasibility and effectiveness of the work plan achieved?
- To what extent was the feasibility within the budget and time available achieved?
- To what extent have the project documents provided clarity, logic and consistency?
- To what extent did the evaluation recommendations and lessons learned of the evaluation in 2010 feed into the design of this project?

Efficiency

Measure of how resources/inputs (funds, expertise, time, etc.) are converted into outputs.

- How efficient are the reporting mechanisms related to the project?
- To what extent were the resources and inputs, including technical equipment used appropriately and efficiently, and converted into outputs in a timely and cost-effective manner?
- To what extent was the project funding mobilization and utilization efficient?

Effectiveness

Extent to which the project achieves its objectives and outcomes.

- To what extent has the project achieved its planned results (objectives and outcomes)?
- To what extent have other results, which are not explicit in the project document, been achieved?

- To what extent is the progress or lack thereof made so far, the result of external factors rather than of project activities? How did external factors impact on the effectiveness of the project?
- Are there any specific areas where UNODC can improve the effectiveness of delivering technical assistance with regard to prison reform in South Sudan in the future?

Impact

Positive and negative, primary and secondary long-term economic, environmental, social change(s) produced or likely to be produced by a project, directly or indirectly, intended or unintended, after the project was implemented.

- What has been the overall impact of the project?
- What difference has the project made to key stakeholders, and beneficiaries at the local level?
- What are the social, economic, technical, environmental and other effects on the individuals, the community and institutions, intended or unintended, positive or and negative?

Sustainability

Measure of whether the benefits of the project are likely to continue after its termination.

- To what extent are the project results (impact if any, objectives and outcomes) likely to continue after the project completion?
- To what extent do the beneficiaries accept the project, are they willing to continue and is there a capacity and motivation to manage the project?
- Is the activity likely to continue after the donor founding or after a special effort such as a campaign ends?

Partnerships and cooperation

Measure of the level of UNODC cooperation with partners.

- To what extent are UNODC partnerships in South Sudan efficient and effective with regard to the implementation of the project?
- How efficient is the collaboration between the UNODC Programme Office in Juba and the UNODC Regional Office in Cairo?
- To which extent does UNODC take advantage and maximize its impact while working with partners and other stakeholders?
- Has working in partnership with other actors, stakeholders etc. achieved long term results?

Gender and Human Rights

Measure of (i) how the intervention is designed and implemented to align and contribute to HR & GE as defined by international conventions; (ii) how results were defined, monitored and achieved (or not) on HR & GE and processes that led to these results were aligned with HR & GE principles; (iii) how HR & GE integration led to benefits and related costs; (iv) how the intervention has advanced key factors that need to be in place for the long-term realization of HR & GE. Further guidance on the incorporation of gender and human rights issues is provided in Annex 6.

- To what extent has the project included *gender sensitivity* in the implementation of its interventions?
- To what extent has the project included *human rights* in the implementation of its interventions?
- To what extent has the project included *the rule of law* in the implementation of its interventions?
- To what extent has the project contributed directly or indirectly towards the development of a gender sensitive approach in trainings?
- What is the percentage of women trained by the project?

In addition, attention should be paid to *the lessons learned and best practices* applied in the project so far.

- What lessons can be learned from the project implementation in order to improve performance, results and effectiveness in the future and for future projects/phases?
- What best practices emerged from the project implementation?
- What lessons can be drawn from unintended results?
- Which improvements can be made with regard to similar projects?

5. Evaluation Methodology

While maintaining independence, the evaluation will be carried out based on a **participatory approach**, which seeks the views and assessments of all parties. The evaluation uses a participatory approach through the active participation of the evaluation stakeholders, in particular the Core Learning Partners (CLP), in the evaluation process. These should share responsibilities for the evaluation planning, implementation and reporting. In particular, this means that core-learning partners should comment on ToR and refine evaluation questions (if needed); take note of evaluator(s) proposed; provide support and insights throughout the evaluation process, as applicable; comment on the draft report; take note of the final report and take note of the implementation of recommendations, if needed.

The evaluator will conduct a qualitative and quantitative assessment of project progress. The evaluation should be conducted in a number of phases, all processed through the ProFi application of Independent Project Evaluations, with certain steps to be cleared by IEU. These phases will include:

- A desk review of relevant reports and data;
- The submission of an evaluation methodology and work plan (in form of an inception report). The final draft needs to be submitted to the Independent Evaluation Unit IEU for review and approval before beginning the field research;
- A field-research visit to South Sudan where more qualitative issues can be addressed;
- The production and presentation of the evaluator's findings and recommendations;
- The draft and final evaluation report.

Desk Review: During the desk review, the written material that should be examined may include but will not be limited to:

- The original Project Document and Project Revisions and any subsequent costed work-plans;

- The main project reports (UNODC annual, semi-annual reports, quarterly and other donor reports);
- Reports from and to relevant partners and stakeholders;
- Information on course curricula, course attendance rates and summaries of the course evaluations;
- Evaluation Report of phase I and II (2010);
- Any other material that would be relevant.

Field Research: This will involve a field visit to Juba, South Sudan where the UNODC Programming Office is located and many, but not all, of the project's activities were carried out.

- Face-to-face discussions with UNODC staff including members of the project implementation team. The evaluator should provide, in advance, a note summarizing those issues that they would particularly look to explore further as well as a proposed schedule;
- A visual examination of the infrastructure built under the project;
- Discussions with target audience, beneficiaries and stakeholders.

Preparation of a written report: The evaluator submits a draft report to the project coordinator for review of factual errors or omissions and quality assessment of the final draft. IEU will assess the Project Coordinators assessment of the final report. This should record the findings of the review, and any associated observations, recommendations, action plans, etc., It should be delivered to the UNODC and project implementation team in its final form on a date to be agreed upon but prior to December 31st, 2013.

In conducting the evaluation, the evaluator needs to take account of relevant international standards, including the UNODC Independent Evaluation Unit (IEU) Evaluation Policy and Guidelines¹⁰² and the United Nations Evaluation Group (UNEG) Norms and Standards. The IEU Website includes all norms, tools and templates for the evaluation process that need to be used for the evaluation (<http://www.unodc.org/unodc/en/evaluation/evaluation.html>).

6. Timeframe and deliverables

The evaluation will start from the date of signature of the contract (proposed around 25 November 2013) and will take place in November and December 2013; the deadline for the final evaluation report shall be 31 December 2013. The evaluator will undertake a mission to the field and conduct the remainder of the evaluation from home.

The expected deliverables are as follows:

Inception Report, containing a refined work plan, methodology and evaluation tools (in line with norms, tools and guidelines of IEU and to be cleared by IEU).

Presentation of preliminary evaluation findings and recommendations to the Project Coordinator, Country Manager, Core Learning Partners and other key stakeholders.

¹⁰² <http://www.unodc.org/unodc/en/evaluation/evaluation.html>,
http://www.unodc.org/documents/evaluation/IEUwebsite/Evaluability_Assessment_Template.pdf

Draft Evaluation Report in line with UNODC evaluation policy and guidelines.

Final Evaluation Report, including annexes, to be assessed by the Project Coordinator and subsequently cleared by IEU.

The main deliverable will be a final project evaluation report. This report will comprise the results of the evaluator’s analysis drawing on desk research, as well as on group and individual discussions with project staff, beneficiaries and other relevant stakeholders, which would inevitably have yielded outputs of variable quality. In addition, it is also expected that the evaluation team will make recommendations concerning:

Indication of best practise(s).

Issues about long-term sustainability. While it will likely be difficult to have a comprehensive view of this, discussions at senior levels with stakeholders would give at least an indication of how much commitment there exists to integrating the benefits of the project into long-term planning.

Final Evaluations should also look into the appropriateness/relevance of the overall project implementation, outcome and impact (i.e. design, implementation strategy) to be shared in other countries/regions.

The evaluator is also expected to give advice in the final evaluation report on cross cutting issues such as ways for implementation of a gender sensitive approach, respecting environmental needs and respect for diversity in future projects with a similar nature. The evaluator needs to follow the “UNODC Standard Format and Guidelines for Project Evaluation Report” which can be found as an attachment to this document and the current version to be used can be found online at the IEU-Website:

<http://www.unodc.org/unodc/en/evaluation/evaluation.html> .

Under the direct supervision of the project coordinator, the evaluator will carry out the following duties:

<i>Tasks</i>	<i>Tentative deadline</i>	<i>Location</i>	<i>Results</i>
Desk review including interviews with staff at ROMENA/HQ	4 December	Home based (email/skype)	List of evaluation questions; Evaluation tools; Inception report.
Evaluation mission: briefings, interviews and presentation of preliminary findings	9-13 December	Juba, South Sudan	Interview transcripts and notes.
Preliminary Debriefing	17 December	Home based	Presentation of preliminary findings to ROMENA (email or tel. conf).
Preparation of draft report	22 December	Home based	Draft report.
Round of comments among project management team and relevant	27 December	Home-based	Evaluator will receive comments on the first

stakeholders to be included into the report			draft.
Submission of final Evaluation Report to be assessed by the project coordinator before submission through profi to IEU for clearance of assessment.	31 December	Home-based	Final Evaluation Report.

7. Evaluation team composition

The evaluation team will comprise of one evaluator selected by UNODC, preferably with work experience in the rule of law, justice sector, law enforcement and education. UNODC will facilitate the recruitment process and provide administrative and logistics support to the evaluator. The evaluator should have sufficient knowledge of criminal justice reform in general and prison reform/alternatives to imprisonment in particular, especially in the context of the political, economic and social problems of the region.

The evaluator will work in close cooperation and report to the Project Coordinator at UNODC ROMENA and the UNODC Juba Office, who will provide all necessary substantive and administrative support for the evaluation. The evaluator will consult with project staff, national counterparts, implementing partners, and will visit appropriate project beneficiaries. The evaluator is not authorized to make any commitments on behalf of UNODC or any other parties to the project. Costs associated with the transportation/accommodation cost for evaluators will be borne by the project.

Qualification for Evaluator I (International Evaluator):

Education: Advanced University Degree in law, social and political sciences, criminal justice or other relevant academic background in the field of criminal justice in general and justice for prison reform in particular.

Experience:

- At least 5 years of relevant professional working experience in project management, evaluation and planning;
- Practical experience in technical assistance project design and implementation in a multilateral context is highly desirable;
- Extensive knowledge of evaluation systems (procedures and methodologies);
- Knowledge and working experience in the field of criminal justice reform and prison reform/alternatives to imprisonment;
- Up-to-date knowledge and practical experience of UN programmes, policies, guidelines and procedures is an asset.

Language Requirements:

- Excellent proven skills in writing, editing, and oral communication in English.
- Computer literacy.

The evaluator must not have been involved in the design, implementation, supervision or coordination of and/or have benefited from the project under evaluation. The evaluator must be independent and not have any past or expected future associations with the project. The evaluator will not act as a representative of any party and must remain independent and impartial.

The consultants are contracted by UNODC. The qualifications and responsibilities of the evaluator are specified in the respective job description attached to these Terms of Reference (Annex).

8. Management of the Evaluation Process

The Independent Evaluation Unit:

The Independent Evaluation Unit (IEU) provides norms, tools and templates for the different stages of the evaluation process. IEU also advises on evaluation matters and is involved in the process described in the Roles and Responsibilities table for Independent Project Evaluations (to find on the IEU website, <http://www.unodc.org/unodc/en/evaluation/index.html>) and as described in the workflow in the Independent Project Evaluation Application in ProFi..

Project Coordinator:

The Project Coordinator and PCAU at ROMENA are responsible for the provision of desk review materials to the evaluator, reviewing the evaluation methodology, liaising with the Core Learning Partners, as well as reviewing the draft report, assessing the quality of the final report before sending it to IEU and developing an implementation plan for the evaluation recommendations.

Logistical support responsibilities:

The evaluation team will be briefed on the project by the UNODC Project Coordinator upon the team's arrival to the region. The essential project documents will be sent to the evaluator in advance to allow for preliminary familiarization with the project subject and preparation of the inception report.

UNODC Project Coordinator in Cairo, Egypt and in Juba, South Sudan will provide necessary logistical and administrative support during the expert's field visits. Office space and required equipment will be provided by the relevant UNODC Project Offices. The UNODC Project manager will make the following arrangements:

- manage the time table of meetings with the relevant stakeholders; and
- put at the disposal of the evaluator(s) all necessary documentation for conducting the evaluation.

Core Learning Partners:

Members of the Core Learning Partnership (CLP) are selected by the project coordinator. Members of the CLP are selected from the key stakeholder groups, including UNODC management, mentors, beneficiaries, partner organizations and donor Member States. The CLPs are asked to comment on key steps of the evaluation and act as facilitators with respect to the dissemination and application of the results and other follow up action.

Evaluator's tasks:

- carry out the desk review;

- draft the inception report, including a finalized evaluation methodology incorporating relevant comments;
- carry out the field missions;
- implement quantitative tools and analyze data;
- triangulate data and test rival explanations;
- ensure that all aspects of the terms of reference are fulfilled;
- present the findings and recommendations of the evaluation to the Project Coordinator and other relevant stakeholders;
- draft an evaluation report in line with UNODC evaluation policy and the evaluation handbook;
- finalize the evaluation report on the basis of comments received;
- include a management response in the final report, if needed.

Although the evaluator(s) should be free to discuss all matters relevant to the evaluator(s) assignment with the authorities concerned, evaluator(s) is/are not authorized to make any commitment on behalf of UNODC or the Government.

The evaluator(s) will submit the evaluation report in English to the UNODC Project Coordinator. The report will contain the **findings, conclusions and recommendations** of the evaluator(s) as well as a recording of the **lessons learned**. The draft evaluation report will be shared with UNODC Juba as well as UNODC ROMENA, and UNODC HQ, Vienna, Austria for their review, prior to its finalization by the project coordinator. The evaluator, while considering the comments provided on the draft, would use their independent judgment in preparing the final report. IEU will serve to provide quality assurance throughout the process by providing comments on the Terms of Reference and Inception Report and the quality assessment of the final evaluation report. The total duration of the work could not exceed total working days stipulated below.

All tools, norms and templates to be used by the evaluators during this independent project evaluation can be found on the IEU-Website:

<http://www.unodc.org/unodc/en/evaluation/evaluation.html>

9. Payment modalities

The evaluator will be issued a consultancy contract and paid in accordance with United Nations rules and procedures. A lump-sum (please see detailed budget below) will be paid in two installments:

- The first payment will be made upon signature of the contract and submission of proposed methodology of the evaluation (in form of the **inception report on 22th of November 2013**) (50 per cent of the consultancy fee and travel expenses and the daily subsistence allowance);

- The second and final payment (50 per cent of the consultancy fee, i.e. the remainder of the fee) will be made only after completion of the respective tasks and receipt of the **final report and its clearance** by the UNODC Independent Evaluation Unit.

Detailed budget

Budget of Final Independent Evaluation

Period: November – December 2013

LINE ITEM	Unit	# of units	Unit Rate (USD)	Total Cost (USD)
1. Consultant and Fees				11,250
Sub-total Consultant Fees				
2. Travel and DSA 7 nights in Juba		7 nights		2,500
Terminal Allowance	Person	1	152	152
Local transportation	Day	0	0	0
UNDP Recruitment Service Cost	Person			
Sub-total Travel				14,652
GRAND TOTAL				16,652

10. Annexes

- Annex 1. Job description of evaluator;
- Annex 2. List of background documents for desk review;
- Annex 3. List of CLP Members (names and titles);
- Annex 4. UNODC standard format and guidelines for evaluation reports.

ANNEX 1 Job Description of Evaluator

Final Independent Project Evaluation of UNODC Project: **“Assisting the Process of Prison Reform in Southern Sudan (Phase III)”**

Job Description for the Evaluation Consultant

The evaluation team will comprise of **1 international evaluator**, selected by UNODC, preferably with working experience in criminal justice in general and prison reform/alternatives to imprisonment in particular. UNODC will facilitate the recruitment process and provide administrative and logistical support to the evaluation team.

POST TITLE : Evaluator
Estimated start & end date : 25 November – 31 December 2013
Starting date required : 25 November 2013
Duty Station : Home base, mission to Juba/South Sudan

Duties of Evaluator:

The Evaluator will collaborate with UNODC Project Manager in Juba, South Sudan to conduct Final Independent Project Evaluation of the UNODC project “**Assisting the Process of Prison Reform in Southern Sudan (Phase III)**”. On the basis of the terms of reference he/she will carry out the following duties:

<i>Tasks</i>	<i>Tentative deadline</i>	<i>Location</i>	<i>Results</i>
Desk review including interviews with staff at ROMENA/HQ	4 December	Home based (email/skype)	List of evaluation questions; Evaluation tools; Inception report.
Evaluation mission: briefings, interviews and presentation of preliminary findings	9-13 December	Juba, South Sudan	Interview transcripts and notes.
Preliminary Debriefing	17 December	Home based	Presentation of preliminary findings to ROMENA (email or tel. conf).
Preparation of draft report	22 December	Home based	Draft report.
Round of comments among project management team and relevant stakeholders to be included into the report	27 December	Home-based	Evaluator will receive comments on the first draft.
Submission of final Evaluation Report to be assessed by the project coordinator before submission through profi to IEU for clearance of assessment.	31 December	Home-based	Final Evaluation Report.

Required Qualifications for Evaluator:

Education: Advanced University Degree in law, social and political sciences, criminal justice or other relevant academic background in the field of criminal justice in general and prison reform/alternatives to imprisonment in particular.

Experience:

- At least 5 years of relevant professional working experience in project management, evaluation and planning.
- Practical experience in technical assistance, project design and implementation in a multilateral context is highly desirable.
- Extensive knowledge of evaluation systems (procedures and methodologies).

- Knowledge and working experience in the field of criminal justice reform and prison reform/alternatives to imprisonment;
- Up-to-date knowledge and practical experience of UN programmes, policies, guidelines and procedures is an asset.

Language Requirements:

- Excellent writing, editing, and oral communication skills in English.
- Computer literacy.

Absence of Conflict of Interest:

According to UNODC rules, the consultant must not have been involved in the design and/or implementation, supervision or coordination of and/or have benefited from the programme/project or theme under evaluation

Ethics:

The evaluator shall respect the UNEG Ethical Guidelines.

ANNEX 2. List of background documents for the desk review

1. Project document of SDNX06;
2. 5 Project Revisions of project document SDNX06;
3. Semi Annual and Annual Project Progress Reports 2010-2013;
4. Quarterly Project Progress Reports submitted to INL;
5. Periodic progress reports submitted to Canada;
6. End-of-project report for Canada;
7. Weekly Reports between the UNODC Juba office and ROMENA;
8. Reports from and to other relevant partners and stakeholders (such as e.g. ICCLR and UNOPS);
9. Independent Project Evaluation Report of phase I/II (2010).

This list is not exhaustive and will be supplemented with other relevant documents throughout the execution of the Final Independent Project Evaluation mission.

ANNEX II. STAKEHOLDERS INTERVIEWED

ORGANISATION	Number of people interviewed	RELATION TO PROJECT	MODE
<i>INL</i>	3	Donor	Telephone
<i>ICCLR</i>	3	Implementing partner	Skype
<i>NPSSS</i>	2	Counterpart	Telephone
<i>UNMISS</i>	2	Project partner	Telephone
<i>UNODC South Sudan</i>	1	Project team/implementing agency	Skype
<i>UNODC ROMENA</i>	2	Regional UNODC office	Skype/ Telephone
<i>UNOPS</i>	1	Implementing partner	Skype

ANNEX III. DESK REVIEW LIST

Daniel, Peter and Margaret Nyoka (2012) 'A report on the exercise of food supplement distribution in prisons in Warrap state'. UNMISS, Kuajok.

Department of Prisons/MoI/GoSS (2010) 'Recruit Induction/Basic Prison duties NCO/Career Advancement/Cadet, Middle and Senior Management Training Curriculum'. DoP/UNODC/UNMIS, Juba.

Government of the Republic of South Sudan (2011) 'South Sudan Development Plan 2011-2013. Juba, GRSS.

Government of the Republic of South Sudan/UNDP (2011) 'Agreement 10 November, 2011'. GRSS/UNDP, Juba.

Government of the Republic of South Sudan/UN (2012) 'United Nations Development Assistance Framework Republic of South Sudan 2012-2013'. GRSS/UN, Juba.

Human Rights Watch (2012) 'Prison Is Not for Me: Arbitrary Detention in South Sudan'. HRW, New York.

ICCLR (2012a) 'Training Module Probation'. SSPS/Probation Unit, Juba.

ICCLR (2012b) 'Training Module Effective Supervision in Probation and Aftercare'. ICCLR/UNODC, Juba.

ICCLR (2012c) 'Trip Report South Sudan, October, 2012'. ICCLR, Juba.

ICCLR (2012d) 'Letter re. immediate next steps in the establishment of the Probation and Aftercare Unit to Mr. Aggrey Nyapola, UNODC – Juba 1 November, 2012'.

Ministry of Internal Affairs/Department of Prisons (2010) 'Recruit Induction/Basic Prison Duties NCO/Career Advancement/Cadet, middle and senior management training curriculum'. GoSS, Juba

Moses, J. B. (2012) 'Court Liaison Assessment Visit'. NPSSS, Juba.

Mueller, B. (2013) 'Mission Report to Juba 6-13.04.2013'. UNODC, Vienna.

Nicolas, L.A. (2012) 'Report about Visit to Malakal Prison to Assist and Activate Court Liaison Work'. NPSSS, Juba.

Pedersen, L. and L. Muntingh (2010) 'Assisting the Process of Prison Reform in Southern Sudan: Building leadership capacity within the Prisons Service and addressing the circumstances of prisoners with specific needs (Phases I and II)'. UNODC, Vienna.

SSPS (2010) ‘Southern Sudan Prisons Service Strategic Priorities for Phase III’. NPSSS, Juba.

SSPS/UNMISS/ICCLR/UNODC (2012) ‘Handbook on Health and Hygiene in South Sudan Prisons’. Juba

Sudan Tribune (2012) ‘UNICEF, Gender Ministry to Develop Child Protection Strategy’. <http://www.sudantribune.com/spip.php?article41632> (consulted February, 2014)

UNMIS (2010a) ‘Report on Prison Health and Hygiene Workshop Report (Wau)’. UNMIS, Juba.

UNMIS (2010b) ‘Invoice’. UNMIS, Juba.

UNMIS (2011a) ‘Bor Prison Health and Hygiene Workshop’. UNMIS, Juba.

UNMIS (2011b) ‘Health and Hygiene Workshop for Female Officers’. UNMIS, Juba.

UNMIS (2011c) ‘Report of the two induction tutor courses’. UNMISS, Juba.

UNMISS (2012a) ‘Report on nutritional feeding’. UNMISS, Juba.

UNMISS (2012b) ‘Procurement of nutritional and supplementary feeding for the vulnerable groups in Western Equatoria State’. UNMISS, Yambio.

UNMISS (2013) ‘Transforming South Sudan’s Prisons’. UNMISS, Juba. <http://unmiss.unmissions.org/Default.aspx?ctl=Details&tabid=3542&mid=7324&ItemID=1313006> (consulted February, 2014).

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ANNEX IV. OVERVIEW TRAINING ACTIVITIES

Training ¹⁰³	Location/ Date	# of participants	M	F	Trainer(s)
Outcome 1					
Tutors training	Juba, 16-29 May, 2011	15	12	3	UNODC/UNMIS/Kenya Prisons Staff College
Tutors training	Juba, 17-28 Oct, 2011	21	20	1	UNODC/UNMISS/Kenya Prisons Staff College
Practical training for tutors	Ghana, 14- 22 Nov, 2011	16	14	2	UNODC/Ghana national prison service/UNMISS
Teaching methodology	Juba, 13-24 Feb, 2012	23	21	2	ICCLR
Outcome 2					
Health and Hygiene	Wau, 22-26 Nov, 2010	30	20	10	Medical Staff Southern Sudan Prison Service/ UNMIS
Health and hygiene	Juba 26-30 April 2011	30	15	15	UNODC/UNMIS/ NPSSS
Health and hygiene	Bor, 21-24 Jun 2011	30	20	10	Medical staff NPSSS, UNMIS
Health and hygiene training for female officers	Juba, 5-9 Dec 2011	24	-	24	ICCLR
Health and hygiene training for female officers	Juba, 26-28 Jun 2013	12	2	10	ICCLR
Outcome 4					
Court liaison training	Wau, 19-20 Oct, 2010	9	9		UNODC, UNMIS, JOSS, MOLAD, Southern Sudan Prison Service
Court liaison training	Malakal, 25- 26 Oct, 2010	9	9		UNODC, UNMIS, JOSS, Southern Sudan Prison Service
Court liaison Training	Juba, 28 -30 Nov 2011	9	7	2	UNODC, UNMIS, JOSS, Southern Sudan Prison Service
Court liaison Training	Juba/Wau, 21 -23 Nov 2011	22			UNODC, UNMIS, JOSS, Southern Sudan Prison Service
Outcome 5					
Probation Officer Course (all states)	Juba, 30 May-3 Jun, 2011	20	15	5	UNODC, ICCLR
ToT probation officers	Juba, 17 Oct, 2011 (3 weeks)	10	8	2	UNODC, ICCLR, PAE
Probation Officer Course	Juba, 28 May, 2012	22			UNODC, UNMISS, NPSSS

¹⁰³ Sources: UNODC annual progress reports, UNMIS health and hygiene training reports of 2010, UNODC training statistics, UNODC weekly reports.

	(two weeks)				
Effective supervision in Probation and Aftercare	Juba, 29-31 Oct, 2012	17	14	3	UNODC, ICCLR, UNMISS