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# **Promoting Rule of Law and Governance in the Criminal Justice System in Liberia**

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## **Acronyms**

AFELL	Association of Female Lawyers of Liberia
ILF	International Legal Foundation
INL	U.S. Department of State's Bureau of International Narcotics and Law Enforcement Affairs
MoJ	Ministry of Justice
NACDL	National Association of Criminal Defense Lawyers
PAE	Pacific Architects and Engineers Inc.
PSC	Project Support Costs
PDO	Public Defense Office
ToT	Training of Trainers
UNDA	United Nations Development Account
UNDAF	United Nations Development Assistance Framework
UNDP	United Nations Development Fund
UNICEF	United Nations Children's Fund
UNMIL	United Nations Mission in Liberia
UNODC	United Nations Office on Drugs and Crime

# EXECUTIVE SUMMARY

In August 2013, Liberia celebrated the tenth anniversary of the signing of the 2003 Comprehensive Peace Agreement. This landmark offered an opportunity to take stock of progress made but also to note the vast amount of work which still had to be done to rebuild its public institutions. The President launched the James A.A. Pierre Judicial Institute in February 2008 to support the strengthening of the judiciary, and in 2009, the Supreme Court of Liberia established the Public Defenders Office (PDO) to provide legal representation to indigent criminal defenders and enhance access to justice in fulfilment of Article 21(h)(i) of the Constitution of Liberia. The PDO is viewed as an integral part of the judiciary, and therefore not included as an autonomous entity in the national budget. The Office has limited capacity to perform its duties. For instance, many public defenders have insufficient knowledge and skills to take on a more pro-active and effective role in providing legal aid. At the end of 2014 there were 30 public defenders in Liberia, including one female public defender.

In comparison to other criminal justice actors, the PDO had not received much support in post-conflict Liberia. This gap was addressed by the UNODC project ‘Promoting Rule of Law and Governance in the Criminal Justice System in Liberia’ (hereinafter ‘the project’), which aimed to build the capacity of public defense lawyers, the PDO and also the James A.A. Pierre Judicial Institute. The project’s primary objective was to improve the availability and quality of justice for the accused in Liberia, and to increase compliance with the right to a fair trial, by a) establishing a national training mechanism for Liberian defense lawyers, and by b) facilitating the adoption of cooperation frameworks and internal policies of the PDO to become a professional, organized, and respected institution. Project implementation began in the beginning of 2013, and came to an end in December, 2014. The United Nations Development Account (UNDA) provided a budget of USD 361,000 in support of the various activities. This report gives the main findings of the end-of-project evaluation of this initiative. The following criteria were considered during the evaluation process: relevance, design, efficiency, effectiveness, impact, sustainability, partnerships and cooperation, human rights and gender.

All interlocutors agreed that the project was critical and therefore highly relevant, especially as only limited assistance had been given to the PDO prior to this initiative. UNODC’s more comprehensive support to address their needs and build their capacity was considered the first step in a more long-term capacity-building process to improve the status and functioning of this actor in Liberia. The project had been aligned with the national medium-term strategy of Liberia, the Agenda for Transformation 2013-2017, the UNDAF and UNODC’s strategic framework. No duplication of efforts had been noted while supporting this criminal justice actor, and synergies existed with other UNODC projects (especially the INL support for training of the PDO) and projects of other agencies in the field of rule of law in Liberia.

The project design had been participatory as regular communication with national institutions, especially the PDO and the James A.A. Pierre Judicial Institute, and international stakeholders involved in criminal justice sector reform in Liberia had underpinned the development of the project document. The design had further been driven by UNDA rules and regulations which

limited the project's time-frame and personnel. A more comprehensive logical framework, including SMART indicators and targets at all levels, would have benefited the intervention logic, and also positioned the fellowship programme and the capacity-building of public defenders more clearly into the problem tree and hierarchy of objectives. Moreover, more attention could also have been given to communication and advocacy in the design, although UNODC was actually able to partially make up for this deficit in the course of implementation. Furthermore, the UNDA and INL-funded activities had separate project documents, as the UNDA funds were part of the regular budget of the UN Secretariat and the INL-funds had been included as one sub-project of UNODC's global programme GLOT63, which compromised a more comprehensive design. In fact, because of the same project objectives, target group and country, the two projects could in principle have been viewed as one initiative with one intervention logic supported by different donors.

The project has been efficient to some degree only. The project stayed within budget, and leftover funds, which were not spent because of the outbreak of the Ebola epidemic, will be returned to the UNDA. Project management was considered to be effective to a large extent, and efficiently making up for the consequences of the absence of a national training coordinator, and the overall limited project capacity on the ground in Liberia. Experts delivered their material, and most outputs were achieved, although delays were noted because of elections in Liberia, lengthy administrative processes for recruitment, transfer and procurement, the difficulties of filling the training coordinator position and the Ebola outbreak in the beginning of 2014. Not all activities were therefore completed, although it is very reasonable to have expected a different scenario if the epidemic would not have hindered project implementation. All efforts resulted in two expert meetings, one training of trainers, two manuals (one training manual and guidelines for public defenders), a completed internship programme and some necessary equipment for the PDO and the James A.A. Pierre Judicial Institute.

UNODC initiated, maintained and in some cases further strengthened partnerships with the Ministry of Justice, the PDO, the James A.A. Pierre Judicial Institute, UN agencies, especially UNMIL, UNDP and UNICEF, the Washington & Lee University, the Israeli Public Defence Office, the US/PAE, the US-based International Legal Foundation and the National Association of Criminal Defense Lawyers in the design and implementation phase of the project. The coordination of the work undertaken with Liberian criminal justice institutions in general, and especially with the PDO and the James A.A. Pierre Judicial Institute, has overall been viewed as effective by local and international stakeholders. The decision to partner with available institutions instead of creating an additional capacity-building body in the PDO has generally been seen as realistic in order to move forward with the activities. Furthermore, involvement of the Israeli Public Defense Office and the US-based organizations was appreciated as it had broadened the perspective of Liberian public defenders and other representatives of the judiciary on the public defense function in their country.

The project was only to some degree effective. The earlier-mentioned activities and outputs have contributed towards the enhanced visibility and capacity of the PDO, which has positively impacted on the status of this body in the criminal justice system. This observation was voiced by several respondents, including those representing the Liberian criminal justice sector. The internship programme also contributed to this state-of-affairs by introducing law students to the work of public defenders, building their skills and providing administrative support to the work of public defenders. Furthermore, the capacity of the James A.A. Pierre Judicial Training Institute was also enhanced as a result of the project's activities. The project has contributed to the objective, namely the improved availability and quality of justice for the accused in Liberia. Although statistics are absent, anecdotal information and respondents generally agreed with the above statement, and noted that legal aid for accused has become more accessible and effective during the past two years. In other words, the potential for wrongful convictions, unjust

sentences, and unlawful detention has most likely decreased to some degree as a result of the project.

The positive impact of the project has been most visible in the field of the capacity and status of the PDO in Liberia, as well as the availability and quality of legal aid. Furthermore, the activities and concerted efforts of all stakeholders, and UNODC in particular, have also contributed to some change in the mindset of the PDO, and the realization that even with limited funds a lot can be achieved with available resources. The experiences of seasoned and dedicated public defenders of other nationalities inspired Liberian defence counsels, and the insights law students gained during their internship with this professional group has not only given them a better understanding of related tasks, but also motivated some to possibly select their career in this field. The training capacity of the James A.A. Pierre Judicial Institute has to some degree been strengthened in relation to the public defenders function, and, in addition, also the relationship between the PDO and the Judicial Institute has been enhanced because of the extensive collaboration of these two bodies in the organization of and participation in project activities.

The sustainability of the project results remains an issue of concern considering the relatively short time-frame of the activities, the limited funding available to support training as well as the absence of a comprehensive training strategy. Generally, capacity-building in a post-conflict situation needs sustained efforts for several years, with a gradual decrease of the involvement of international experts. The INL-funded training planned for 2015 will in principle further improve the basic knowledge and skills of public defenders, but different types of capacity-building activities are in fact necessary for new and more experienced public defenders. The short-term funding available for these initiatives has further hindered – to some degree – the application of a long-term perspective. Because it remains not clear – till date – how the available training capacity will be used in the future, and what activities are further necessary to improve this function, it is key to develop a comprehensive training strategy for the PDO in support of the roll out of a multi-annual training programme. This strategy must sufficiently delineate the roles and responsibilities of the different bodies to support its institutionalization and the different training methods for different target groups.

The project mainstreamed human rights and gender in the design and implementation of its activities. The project's main objective, namely to improve justice delivery to the accused in Liberian prisons, was aimed to advance the rights of this particular group. The main focus has however been on Montserrado county, and more efforts must be undertaken in the future to cover the entire country. UNODC also made a concerted effort to mainstream gender throughout the project's implementation phase, although the composition of the existing group of public defenders limited the extent to which this was feasible. The group of fellows was more gender-balanced, with seven male and five female fellows. No gender-specific reasons were noted which potentially limited access or completion of the programme, although this issue must be reviewed more closely in the future to promote gender equality. Furthermore, clear efforts were made to increase the visibility of female students and professionals, and include child rights and women's human rights in activities and – to some degree – in outputs.

In conclusion, the project 'Promoting Governance and Rule of Law in the Criminal Justice System in Liberia' was – to the extent possible - successfully implemented in close collaboration with the PDO and the James A.A. Pierre Institute in 2013 and 2014. In the face of adversity, with the Ebola epidemic casting a shadow on the last set of planned activities of this project, the rather

small UNODC project team has been viewed as highly committed, and seen to go the extra mile to strengthen the work of public defenders in Liberia. The project has supported some of the first steps in this long-term capacity-building process of the PDO, as well as of the James A.A. Pierre Institute, but continued long-term involvement is necessary to bring this to a good end, and further support fair trial in Liberia. In addition, the project offered a learning experience on the pros and cons of UNDA funding, which also requires an internal reflection on the extent to which the conditions can actually be met by UNODC and to which its financial management system can offer more transparency on the usage of such funds.

Key recommendations for UNODC are the following: Consider continued involvement in developing the capacity of the PDO in close collaboration with the James A. A. Pierre Judicial Institute, including by developing a training strategy, and supporting country-wide training activities for different groups of public defenders; Strengthen collaboration with the Liberian National Bar Association, and expand training activities to also include private lawyers; Review current data compilation mechanisms of the PDO, and recommend activities to further enhance these to support monitoring and evaluation; Review the funding conditions of the UNDA, and examine carefully the advantages and limitations of this donor; Review UNODC project development rules to ensure that a comprehensive internal UNODC project document for projects with the same objective, target group and country are developed despite different financial management arrangements; Negotiate – whenever possible – with donors the need to have sufficient field capacity to manage such a project; Review the financial management arrangements of UNDA funding; Ensure that in future fellowship components, mutual obligations are clearly spelled out in a contract, and related to that review the height of the stipend to ensure that these obligations can be met. The following recommendations can be made to UNDA: Review the strict conditions of funding agreements in light of UNODC characteristics. The following recommendations can be made to the Government of Liberia, especially the PDO and the James A.A. Pierre Judicial Institute: With the support of external expertise, consider developing a training strategy of public defenders; Seek further support to strengthen training activities and other outputs to support the work of the PDO; Support further collaboration with the Liberian National Bar Association, including the expansion of training activities to private lawyers; Support the examination of current data compilation mechanisms of the PDO, and implement recommended changes to improve data collection, sharing and analysis.

Several lessons learned have been identified during this project evaluation. One of the main lessons learned is that adequate UNODC field capacity is necessary and a prerequisite for successful implementation. A second one is that different project documents following different templates and funding arrangements must be brought together conceptually in one comprehensive project document if the activities serve the same target group in a particular country with the same outcomes and objective(s) to support accountability and transparency as well as monitoring and evaluation. Another lesson learned is that when developing tools such as training manuals or guidelines, then getting a joint group of international and national experts (including a gender justice expert) involved from the very beginning to provide advice and/or write certain parts to speed up the process, could in principle benefit the final outputs. Furthermore, in the case of Liberia and possibly also in other post-conflict countries, getting international contractors in the very beginning to support training activities and develop guidelines and other material is key to getting the process of capacity-building of - in this case – public defenders started, after which national capacity can gradually replace international trainers.

# SUMMARY MATRIX OF FINDINGS, EVIDENCE AND RECOMMENDATIONS

<b>Findings<sup>1</sup></b>	<b>Evidence (sources that substantiate findings)</b>	<b>Recommendations<sup>2</sup></b>
<b>Key recommendations</b>		
The project activities have provided the first tangible results in a long-term process of capacity-building of the PDO. These efforts must continue to sustain skills and knowledge and to strengthen the work of all public and private defenders in Liberia	Desk review	Consider continued involvement in developing the capacity of the PDO in close collaboration with the James A. A. Pierre Judicial Institute (UNODC).
Respondents were unanimously pointing out that despite all efforts of UNODC management to deliver this project successfully, adequate project capacity on the ground is indispensable to facilitate management, monitoring and networking.	Desk review Interviews	Negotiate – whenever possible – with donors the need to have adequate field capacity to manage a similar project in a post-conflict setting (UNODC).
Different projects with the same objective, target group and country, namely the project funded by the UNDA, and the INL sub-project included in the global programme GLOT63, were developed which can potentially cause some confusion about the overall vision, intervention logic and the attribution of activities, and weaken transparency and accountability.	Desk review Interviews	Review UNODC project development rules to ensure that a comprehensive internal UNODC project document for projects with the same objective, target group and country are developed (UNODC).
The funding conditions of the UNDA have to some degree	Desk review Interviews	Review the funding conditions of the UNDA, and examine

<sup>1</sup> A finding uses evidence from data collection to allow for a factual statement.

<sup>2</sup> Recommendations are proposals aimed at enhancing the effectiveness, quality, or efficiency of a project/programme; at redesigning the objectives; and/or at the reallocation of resources. For accuracy and credibility, recommendations should be the logical implications of the findings and conclusions.

negatively effected project design and implementation, and for that reason UNODC must carefully consider the receipt of UNDA funding in the context of available resources and objectives.		carefully for each potential project the advantages and limitations of this donor (UNODC).
See above	Desk review Interviews	Review the strict conditions of funding agreements in view of the specific characteristics of UNODC (UNDA).
UNDA funds are not registered in the UNODC financial management system, which limits transparency and accountability	Desk review Interviews	Review the financial management arrangements of UNDA funding (UNODC).
A training strategy underpinning the project's activities and results has been missing. This would otherwise have clarified how the current activities must be viewed from a long-term perspective based on a comprehensive understanding of training needs, training capacity, training methods etc.	Desk review Interviews	With the support of external expertise, consider developing a training strategy of public defenders (PDO/James A.A. Pierre Judicial Institute).
The project activities have provided the first tangible results in a long-term process of capacity-building of the PDO, and these efforts must continue to expand the scope of work and further strengthen the defenders function in Liberia	Desk review Interviews	Seek further assistance to continue to undertake and expand training to support the work of the PDO (PDO/Judiciary).
The collaboration with the Liberian National Bar Association could have been stronger than was actually the case. This would have included private lawyers to a greater degree in project activities	Desk review Interviews	Support/strengthen further collaboration with the Liberian National Bar Association, including the expansion of training activities to private lawyers (UNODC/PDO/Judiciary).
<b>Important recommendations</b>		
Statistics regarding the performance of the PDO could not be obtained during this evaluation, whereas some statistics are reportedly available. Further compilation and sharing (e.g. in an annual report) would support the	Desk review Interviews	Respectively assist with and support the examination of current data compilation mechanisms, and implement recommended changes to improve data collection, sharing and analysis (UNODC/PDO/Judiciary).

profiling of the PDO.		
<p>There was not sufficient clarity among fellows regarding the conditions of the fellowship programme. In addition, it was mentioned that the stipend was not sufficient to cover necessary expenditures for the assistance given to public defenders.</p>	<p>Desk review Interviews Survey</p>	<p>Ensure that in future fellowship components, mutual obligations are clearly spelled out in a contract, and related to that review the height of the stipend to ensure that these obligations can be met (UNODC).</p>



# I. INTRODUCTION

## Background and context

Since the signing of the Comprehensive Peace Agreement in 2003 following a prolonged civil war, Liberia has been rebuilding its public institutions, including the criminal justice system. The government continues to consolidate state authority in an environment which is hampered by weak institutions and limited infrastructure and means of communication, thereby negatively affecting service delivery in especially rural and more remote areas.<sup>3</sup> Poverty levels remain high with 63.8 percent of the population living below national poverty lines.<sup>4</sup> The UN Secretary General noted that the ten year anniversary of the Comprehensive Peace Agreement is ‘a reminder of steady progress towards consolidating peace, security and democratic governance’. He also noted that ‘The continued success of the security transition will require ever stronger political and financial commitment, in particular to strengthening and professionalizing the police. [...] Greater efforts will be needed to reach and sustain the stronger operational and administrative capacities of other security agencies. Justice and corrections institutions also require more attention, and efforts to decentralize services need to be expedited, including through the hubs.’<sup>5</sup>

The process of transforming the criminal justice sector in Liberia has taken place in a still challenging environment, although progress has been achieved in several areas. The President launched the James A.A. Pierre Judicial Institute in February 2008 to support the re-building of the judiciary. In 2009, the Supreme Court of Liberia established the Public Defenders Office (PDO) to provide legal representation to indigent criminal defenders and enhance access to justice in fulfilment of Article 21(h)(i) of the Constitution of Liberia (1986). Furthermore, the Ministry of Justice (MoJ) and the judiciary convened a national conference on criminal justice in March, 2013, with the aim of addressing some of the systemic weaknesses in the justice system. Subsequently, with the objective to reduce the backlog of cases in circuit courts, legislation was passed in the Legislature which expanded magisterial jurisdiction and amended juries.<sup>6</sup> Furthermore, the first justice and security hub in Gbarnga, Bong County, became operational in 2013, and although the construction of the two hubs in Zwedru and Harper has not yet begun, public defenders have started providing services along with other justice professionals in these areas.<sup>7</sup> The dire need of a better functioning system has been illustrated by prison statistics. In

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3 UNSC, 2014a : 12

4 This most recent figure is of 2007 – see <http://data.worldbank.org/country/liberia>

5 UNSC, 2014a: 16

6 UNSC, 2013: 9

7 See UNSC, 2013: 9; 2014b: 7

January 2009 pre-trial detention rates stood at 90 percent, and although mid 2014 showed a clear reduction in these percentages, a proportion of 74 percent of pre-trial detainees in prisons is still very high.<sup>8</sup>

The short history of the PDO shows progress but even more so the numerous remaining challenges to get a well-functioning public defenders service in Liberia. The PDO is viewed as an integral part of the judiciary, and therefore the office is neither represented in the national budget nor able to operate as an independent, autonomous institution.<sup>9</sup> The PDO lacks a code of conduct or an agreement of practice standards to guide the work of its staff. Public defenders are therefore not clear about their role and the standards they must uphold during their work. Many public defenders also lack basic knowledge and skills to take on a more pro-active role in providing legal aid to accused persons. At the same time, they are facing challenges such as high case loads and other difficulties which negatively impact on their functioning, such as corruption and limited access to electricity and computer technologies.<sup>10</sup> In 2009, public defenders were only found in Montserrado county, whereas by 2012 public defenders had been deployed to all fifteen counties.<sup>11</sup> In 2010, there were only 21 public defenders for the entire country. This number increased with nine public defenders as at the end of 2014 there were a total of 29 male and one female public defender. However, this number is still small considering the size of the population and the highly limited knowledge of the formal justice system, human rights and legal aid of the citizens of Liberia.<sup>12</sup>

The PDO had not received much financial and technical support since its establishment, which was in stark contrast with the assistance received by other criminal justice actors in Liberia. This gap was addressed by the project ‘Promoting Rule of Law and Governance in the Criminal Justice System in Liberia’ (hereinafter ‘the project’), which aimed to build the capacity of public defense lawyers, the PDO and also the James A.A. Pierre Judicial Institute. The project’s primary objective was to improve the availability and quality of justice for the accused in Liberia by establishing a national training mechanism for Liberian defense lawyers, and by facilitating the adoption of cooperation frameworks and policies to support the PDO with turning into a professional and respected institution. The project was designed and implemented from the beginning of 2011 the end of 2014, which included a one year extension granted by the donor. The project received funds from the United Nations Development Account (UNDA) as part of their seventh tranche of funding.<sup>13</sup> The project’s budget was USD 361,000.<sup>14</sup>

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8 UN, 2013: 20; UNSC, 2014: 7

9 UNODC Liberia, 2013e

10 Kramer, 2014: 4

11 UN, 2013: 20

12 The first female public defender started with her assignment in May, 2013 (Kramer, 2014: 3-4).

13 UNGA, 2011: 13

14 The seventh tranche is comprised of three components. The UNODC project seventh tranche in the third component of this tranche – all covering the biennium 2010-2011.. the second and third component had the implementation period 2010-2014 (whereas the first one covered 2010-2013). The three components had respectively 28, 12 and 11 active projects and appropriation (in thousands of US dollars) of 16513c; 40000c; and 50000c.. The second

The reason of this final project evaluation is that both the donor and UNODC require an independent end-of-project evaluation for learning and accountability purposes. The findings will provide inputs to both entities to compile lessons learned and good practices, and, in the case of UNDA, report to the General Assembly on the results and the impact of the project.

### **Scope of the evaluation**

The scope of this end-of-project evaluation is the project ‘Promoting Rule of Law and Governance in the Criminal Justice System in Liberia’, which was implemented from January 2013 until the end of December 2014 in Liberia. The evaluation covered the following criteria: relevance, design, efficiency, effectiveness, impact, sustainability, partnerships and cooperation, human rights and gender.

The evaluation began in December, 2014, and the evaluation report was completed in February, 2015. The evaluation was undertaken by one independent evaluator.

### **Evaluation Methodology**

The following data-collection methods were used during this project evaluation: desk review, semi-structured interviews and two surveys. Thus, data collection was undertaken on the basis of getting different types of information from different sources in order to triangulate the data during the analysis phase of the evaluation.

A desk review of different types of documents was conducted, including UNODC project documents (different versions); progress reports; manuals; activity documentation; correspondence, and; other UNODC, UNMIL and UNDP reports.

The Ebola Virus Disease epidemic in Liberia limited the number and scope of activities since this Summer, and as the health and security situation in Liberia has not improved as rapidly as initially was hoped for, a field mission could not be undertaken as part of this evaluation.

Instead semi-structured interviews were conducted via telephone/skype. Representatives of the following stakeholders were interviewed for this evaluation: the PDO, the James A. A. Pierre Judicial Institute, the judiciary, the Ministry of Justice, the fellowship programme coordinator, UNODC, UNMIL, UNDP, the PAE, the Israeli Public Defense Office, the NACDL, the ILF and the Washington and Lee University. All representatives were selected on the basis of their

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component was made up for residual balance from tranches 1-4, whereas the third component contains additional funds which were appropriated by the General Assembly, in its resolution 64/243. Therefore, at the time of adoption of the programme budget for the biennium 2010-2011, an amount totalling \$26,151,300 was approved by the Assembly in its resolution 64/244 under section 35, Development Account. In addition, an amount of \$4 million based on residual balances from the first four tranches has been added to the seventh tranche (UNGA, 2011: 13-4, 37).

involvement in this project. A total of nineteen interviews were held. One respondent offered feedback via email because of the poor telephone connection between Liberia and Europe. The evaluation questions given in the ToR provided the overall direction to these interviews, and questions were further tailored to the function, level and type of involvement in the project of the concerned respondent.

In addition, two surveys to gather information about the perspectives of two key target groups, namely public defenders who had taken part in the Training of Trainers (ToT) held in June, 2014, and former fellows, were initiated in December, 2014 (see annex II). No sampling was undertaken because of the relatively small size of the two target groups (less than fifteen persons each). The questionnaire for former fellows was sent out via email by the UNODC administrative assistant based in Monrovia as the fellowship programme coordinator's contract had ended in December, 2014. As a result of further follow-up and telephone calls of the UNODC administrative assistant, nine out of a total of fourteen former fellows had filled in the questionnaire. Three were reportedly at that time in the United States of America, and therefore not contacted by phone. Data were entered into Excel and consequently analysed and presented in Annex V. Furthermore, a questionnaire has allegedly been sent via email to public defenders by the PDO, but no filled-in questionnaires were received by the evaluator. In addition to contacting respondents by an entity they are familiar with, another recommended condition to take into regard when organizing surveys is to keep the organization of such surveys into the hands of UNODC staff and the evaluator to monitor implementation.

Data analysis was undertaken on the basis of statistical analysis and the triangulation of sources.

Some of the limitations to this evaluation were already pointed out above (no field mission possible due to the Ebola epidemic, and sometimes poor communication lines with Liberia). In addition, no baseline information was collected at the beginning or during project implementation. Despite repeated requests during interviews and in consequent emails to follow-up on earlier communication, no statistical data were shared of the PDO's performance or most recent statistics of the prison population in Liberia. A recommendation is to include the gathering and analysis of data on the PDO's performance as one of the capacity-building elements of public defense lawyers in overall support of the functioning of the PDO in future UNODC endeavours.



## II. EVALUATION FINDINGS

### Relevance

The project was highly relevant, and adequately responded to national development priorities in the field of criminal justice and the immediate needs of the PDO. The project was also aligned with the UNDAF and UNODC's strategic framework. Furthermore, there was no duplication of efforts in providing support to the PDO, and synergies existed with other UNODC projects and projects of other agencies in the field of rule of law in Liberia. In particular the INL funds to support more basic skills training for public defenders were of particular importance to complement the UNDA-funded activities during 2014, and provide some continuation of efforts in 2015.

The project was aligned with the national medium-term strategy of Liberia, the Agenda for Transformation 2013-2017, and in particular with the first pillar entitled Peace, Security and Rule of Law.<sup>16</sup> The same conclusion could be drawn with respect to the United Nations Development Assistance Framework (UNDAF) for Liberia for 2008-2012 and 2013-2017, which was aligned with Liberia's national medium-term strategy.<sup>17</sup> The project's objective addressed areas in the field of rule of law covered under outcome 1.1 of the first pillar 'Peace, Security and Rule of Law', namely 'Liberia has an improved, inclusive Rule of Law framework for effective administration of and equitable access to justice in compliance with International Human Rights Standards'. Whereas the Government of Liberia prioritized *inter alia* the implementation of the modernization plan for the legislature, training and deployment of judicial staff to the counties as well as the application of improved measures for case management processes, the UN intended to offer in particular support to enhance the protection of vulnerable groups in the justice system and build the capacity of justice sector professionals.<sup>18</sup>

Although the need to strengthen the capacity of the PDO in Liberia was not directly mentioned in Liberia's national mid-term strategy, the project was developed in direct response to the PDO's needs. In a letter to the Chief Justice in February 2010, the coordinator of the PDO recommended holding training sessions during court breaks since a 'majority of the defence counsels are young lawyers and are not well equipped with court room practice, especially trial techniques'. This request was supported in the 2010 PAS Institute/UNODC Legal Aid Assessment report<sup>19</sup>, and

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16 UNMIL, s.d. : 11

17 UN, 2013: 29-30

18 UN, 2013: 29

19 The report recommends that 'UNODC will continue to support the training of public defenders, and the development of a training manual by the Judicial Training Institute, in cooperation with NACDL and partners on the ground'.

reiterated again in the letter of the Coordinator of the PDO to the Chief Justice of September 2011.<sup>20</sup> These needs were reportedly also noted in the Judiciary Branch's review of its development strategy for 2011-2013 in response to the Government of Liberia's 'Agenda for Transformation'. The new strategic plan for 2014-2018 was till date still a draft. All respondents confirmed the relevance of the project, and stated that - without doubt - the UNODC project to support the PDO was critical, and that capacity-building of this criminal justice actor addressed some pivotal areas to improve access to justice. It was also pointed out that a long-term comprehensive perspective was necessary, and that such a relatively short project could only cover the first steps of a long-term process to get a more mature public defense function in Liberia.

The project was further developed, implemented and completed within the framework of the global UNODC Thematic Programme on Crime Prevention and Criminal Justice Reform, and - more specifically - the Regional Programme for West Africa (2010-2014). The project contributed in particular to sub-programme two, outcome two of the Regional Programme: Building justice and integrity, namely 'Member States identify opportunities for improvement of national criminal justice systems and act upon them with UNODC assistance'.<sup>21</sup>

Synergies can be found between this project and other UNODC activities in the field of capacity-building of the PDO funded by the INL. In fact, the INL funds of USD 126,500 were transferred after the financial resources of the UNDA were received by UNODC, and activities planned for with the usage of the additional funds actually complemented and strengthened the outcomes of the ones supported by UNDA. The INL supported training activities from February, 2014, onwards (the conditions of the pledge allowed spending until the end of 2015), and these extra resources also provided for a wider participation of national stakeholders. Thus, four additional training sessions on basic skills to public defenders and probation officers had – till date – been planned for and two out of four training sessions were conducted.

Further synergies were also established with other UNODC projects implemented before and at that time in Liberia, namely in the field of legal assistance, drug demand reduction and capacity-building of security sector agencies, including by setting up a transnational crime unit and building the capacity of the Drug Enforcement Agency.<sup>22</sup> In fact, the UNODC Justice Section and the West-Africa regional desk were responsible for the implementation of a regional project to promote access to legal aid in Africa (XAFT40), which included a needs assessment mission in Liberia (conducted February 2010), as well as a training seminar for paralegals. Under another UNODC project, one training for public defenders was conducted by the NACDL. Synergies were facilitated by the UNODC programme manager in Monrovia who was since 2013 in charge of all projects in Liberia. The training on ethical standards of public defenders which had originally been planned for August 2014 had for instance included a session on the United Nations Convention against Corruption.

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<sup>20</sup> UNODC, 2012: 3

<sup>21</sup> UNODC, 2012: 4

<sup>22</sup> UNMIL, s.d.: 9; UNODC, 2010, <https://twitter.com/unmilnews/status/469787599138459648>

Synergies were also created with other actors and projects in the field of criminal justice in Liberia in order to avoid a duplication of efforts. Thus, close synergies existed with the fellowship programme organized by the Washington and Lee University. This institution covered the salary of the fellowship programme coordinator, supervised advocacy work in the communities, provided long-distance lectures, which were facilitated through the US Embassy, and paid USD 25 (until the beginning of 2014) to fellows to cover their transport costs to attend these classes. UNODC financially supported the internship with public defenders.

In addition, no duplication of activities was noted between UNMIL and the specialized agencies, including UNODC.<sup>23</sup> Furthermore, UNDP had implemented the project ‘Strengthening Public Defence in Liberia’ funded by the UN Peace Building Fund in early 2009, and several two to three days training sessions were held in 2010. Furthermore, although two national consultants had been recruited to prepare a manual for public defenders, this output as well as the planned guidelines for public defenders were never finalized.<sup>24</sup> UNDP continued to offer some support to the PDO in 2014 as the agency donated several cars to the office.<sup>25</sup> UNODC’s project was however the first one to address some of the existing needs in a more profound and comprehensive way after this earlier UNDP initiative, and for that reason no overlap between different activities were observed by the different stakeholders interviewed during this evaluation.

## Design

The project’s design was developed in a participatory manner on the basis of regular communication with national institutions, especially the PDO and the James A.A. Pierre Judicial Institute, as well as other key stakeholders involved in criminal justice sector reform in Liberia. The project design was further driven by UNDA rules and regulations, although a more comprehensive logical framework, including SMART indicators at all levels, baseline data and targets, would have benefited the intervention logic, and also included the fellowship programme into the problem tree and hierarchy of objectives. Furthermore, the fact that the UNDA-funded and the INL-funded activities had separate project documents, whereas the two sets of activities could in fact be seen as one project with one intervention logic with different funding sources, compromised some degree of transparency and clarity of the expected results of the UNDA project.

The project was funded under the seventh tranche of UNDA funding, namely under the third and last flow of this tranche. The project’s design was shaped by several conditions intrinsic to the receipt of UNDA funding. The project design had started as early as 2010 when UNDESA

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23 ‘Further to resolution 2116 (2013), UNMIL and the country team undertook a follow-up exercise to identify their respective comparative advantages. Preliminary findings showed that, generally, there is no duplication of effort, given the fundamental differences between peacekeeping operations and country team members, including mandates and resourcing, as well as integrated planning under “Delivering as one”. For example, while UNMIL has a comparative advantage in supporting access to justice, UNDP, UNICEF and UNODC complement those activities with specialized programming’. (UNSC: 2014b: 10)

24 UN Peace Building Fund, 2009.

25 UNDP, 2014

indicated that some funds of the seventh tranche of the UNDA were still available, thereby inviting eligible entities to submit proposals.<sup>26</sup> The cooperation with UNDA however posed some limitations to UNODC. The project document template was designed by UNDA, and for instance the problem tree was not intended to cover more complex situations.<sup>27</sup> Other unique terms of UNDA were that UNODC could not charge Project Support Costs (PSC) and that no regular staff (with the exception of consultants) could be hired as the funds came from the regular budget of the UN Secretariat. Getting local General Temporary Assistance (GTA) was however possible, although this had to be less than 12.5 percent of the overall budget.<sup>28</sup> Another condition was that project implementation had to be done from UNODC headquarters, although field presence was also deemed necessary to support implementation. UNODC was further requested to change the working title ‘Strengthening the capacities of the criminal defence function in Liberia’ into one which included a reference to support of governance and the rule of law. This offers the rationale for the management structure of the project, and the rather broad project title.<sup>29</sup> Some of the aforementioned conditions also give an explanation for some of the delays in the beginning of the actual implementation of the project (see section on efficiency).

The project design was needs-based and developed in a participatory manner, thereby building on earlier activities of UNODC and other agencies in the field of legal aid in Liberia. Regular communication between UNODC headquarters and the PDO and the James A. A. Pierre Judicial institute took place in 2011 and 2012 to agree on main areas of cooperation.<sup>30</sup> In addition, the project was also developed in close consultation with various other stakeholders who provided comments to the draft project document prepared for UNDA. These included UNDP (Liberia and UNDP Headquarters), UNMIL, the National Association of Criminal Defence Lawyers (NACDL), and the Washington and Lee University. In addition, the draft document was also shared with relevant sections in UNODC to solicit inputs.

The project document was to a large extent comprehensive by providing the project background, linking the project to relevant strategic frameworks, presenting a problem analysis, elaborating on gender concerns and explaining the project objectives, the project strategy and expected achievements, indicators and activities. Furthermore, an analysis was given of assumptions and risks, sustainability and lessons learned and good practices (thereby referring to previous initiatives to strengthen the provision of legal aid and/or the work of public defenders), monitoring and evaluation, and implementation arrangements.

The project was developed on the basis of the UNDA project document template, and although the intervention logic was overall clear, a more comprehensive framework with SMART indicators, baseline data and targets at all levels would have provided a clearer understanding of the causal linkages between inputs and expected results, and supported the setting up of a monitoring system. The consequence of this rather simplified structure was that capacity-building

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<sup>26</sup> Email correspondence, UNODC HQ 12/03/2010 and 17/03/2010.

<sup>27</sup> Email 03/06/2011 UNODC HQ to UNDP

<sup>28</sup> Email correspondence representatives UN HQ and UNOV (01/02/2012)

<sup>29</sup> Email UN HQ 01/07/2010

<sup>30</sup> See for instance UNODC, 2012: 14

activities to address the problem of ‘Insufficient professional knowledge among public defenders, including the absence of sustainable mechanisms for the provision of training’, which actually concerned two different – although related – problems, was captured in the achievement ‘James A.A. Pierre Judicial Training Institute provides standardized and tailored training for Liberian public defenders’. This only addresses the second and not the first identified problem, while in fact several activities were targeted towards improving the capacity of public defenders, and – at the same time – improving the training capacity of the James A.A. Pierre Judicial Institute by including some of their trainers in the training sessions. Thus, the principle target group of public defense attorneys in Liberia was therefore not properly reflected in the more institutional-level focused achievements summarized in the project document. In addition, the fellowship programme was not given in this hierarchy (which states cause and effect), although the twelve fellows were mentioned in the project document. A more comprehensive overview of the entire intervention in Liberia could therefore have been given for transparency and accountability purposes.<sup>31</sup> Last but not least, the design could have benefited from the inclusion of an advocacy and communication component to expand the outreach of activities undertaken under this project.

The above analysis also points to another issue related to the overall project approach. Arguably this project could have benefited from a comprehensive UNODC project document to support capacity-building of the PDO, thereby providing all building blocks on the basis of a clear intervention logic underpinned by a long-term perspective. In fact, while acknowledging that the UNDA funds have their own unique management arrangements as these are part of UNODC’s regular budget, with the contribution of INL funds, the completion of one project document in support of a common vision for different funding sources could have facilitated planning, implementation, monitoring and evaluation. Reportedly, one such project document has been developed in the meantime (LBRZ21) by UNODC’s Justice Section. This could in turn support accountability and transparency, give the opportunity to review the sustainability of the different results more comprehensively, and use such a document for resource mobilization to support developing the public defenders capacity in a still fragile post-conflict setting in the longer term.

## Efficiency

The project was efficient to some degree only. The project stayed within budget, and leftover funds, which were not spent because of the outbreak of the Ebola epidemic, will be returned to the UNDA. Project management was considered to be effective, as different staff members tried to make up for the constraints originating from the absence of a national training coordinator and limited numbers of international UNODC staff in Liberia. Recruited experts delivered their outputs, and most outputs have been achieved, although delays were noted because of lengthy administrative processes, the difficulties of finding the right candidate for the training coordinator position and the Ebola outbreak in the beginning of 2014. Furthermore, the epidemic basically put a halt to several activities since July, 2014, and only in November one meeting, although smaller in scope than originally envisaged, could be held to review the two manuals. It is however fair to conclude that if this epidemic would not have happened, that UNODC would have been able to complete all activities before the end of 2014, and thereby met donor requirements.

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<sup>31</sup> UNODC, 2012: 6

### *Cost-efficiency*

The project's funds stayed within budget. Leftover funds of approx. USD 80,000 will be returned to UNDA, as efforts of UNODC to define new activities to use the remaining funds failed to meet the overall development mandate of the UNDA.<sup>32</sup> The UNODC expenditure rate was 23 percent on 31 December, 2013, which can be explained by the late start of the project in 2013.<sup>33</sup> The UNDA expenditure details of the third component of the seventh tranche, give a slightly higher expenditure rate for 2013 (although still below 50 percent), which substantiates to some degree the slow start of the project.<sup>34</sup>

The project was seen as cost-efficient. UNDP handled the necessary expenditures and the transfer of funds for UNODC in Liberia (as part of the Standard Basic Assistance Agreement with the Government of Liberia), and UNDP rules and regulations were followed during procurement processes. The project also benefited from the financial and in-kind support provided by other actors. The Washington and Lee University covered the salary for the full-time coordinator of the fellowship programme, and managed the advocacy work in communities, organized classes and covered student expenses for classes at the US Embassy. The Republic of South Africa supported the travel of UNODC headquarters staff to the October 2013 Expert Group Meeting with USD 4000. The International Legal Foundation (ILF) covered their own travel costs when they shared their expertise at the expert meeting in October, 2013. The travel of the Israeli Public Defenders was however covered by the project. In addition, NACDL trainers volunteered their time when providing training during the first expert meeting and the ToT, as only travel costs were covered by the project budget.

Furthermore, the Government of the United States of America, through INL, covered some costs of activities already planned for under the project, and four training sessions to strengthen the basic skills of public defenders with a budget of USD 126,500. The additional funding also allowed for a wider participation of national stakeholders.

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32 UNODC prepared a proposal for the reallocation of funds of the project called 'Improving justice for the accused in Liberia: Decongestion of Prisons in light of the Ebola Pandemic/Release and reintegration of inmates', but this proposal was not approved by the UNDA. The activities to support the penitentiary system in Liberia to reduce risks to contract Ebola have been dealt with by another agency.

33 UNODC, 2014a: 14

34 The third part of the seventh tranche of UNDA projects (under which UNODC's Liberia project falls) implementation details are that zero percent has been implement at 30 April 2011. UNGA, 2011: 16 As of April, 2013, the implementation rate was 42 percent for the entire third part of the seventh tranche (UNGA, 2013: 17), whereas the implementation rate of the Liberia project was 37 percent (UNGA, 2103: 22).

*Explanatory factors efficiency*

The project encountered several delays during its initial two year period (2012-2013), which also included an extensive design phase. A one year extension of the project was therefore granted by the donor until the end of December, 2014.<sup>35</sup>

Although the funds were available since 2010 at UNDA, UNODC could only get access to these funds on the basis of an approved project proposal.<sup>36</sup> The ‘go-ahead’ email was received in September, 2012.<sup>37</sup> The main reasons for the lengthy design phase in 2011 and part of 2012 were related to the conditions of the UNDA funding approval process (a concept note was approved in 2010, but the project proposal went through several consultation rounds before it was approved in February, 2012); political reasons (engaging with the new government after the elections held in October 2011 was difficult as it had other defined priorities); administrative reasons (the recruitment of the P-4 head of office in Liberia was postponed to November 2012 due to the financial crisis); and UNODC management-related reasons (the transfer of the P4 staff member to Liberia was delayed pending the replacement of the UNODC representative for West Africa, and as UNDA funds were not registered in the UNODC financial accounting system, the request for the transfer of funds and their management became less transparent).<sup>38</sup>

The delays in 2013 can be explained by the lengthy UNDP procurement process to recruit the contractor for the development of the guidelines and the training manual for the PDO. An originally planned grant agreement was no longer an option as per newly issued UNODC rules and regulations, and getting clarity on this issue took reportedly approx. three months. In addition to procurement being a time-consuming process, some delays also arose because of a problem with UNDP software due to which the tender had to be re-issued again. This caused altogether a delay of ten months. Further delays were caused by the extensive selection process of a national training coordinator for the PDO. The selection panel decided during two application rounds that a well-qualified candidate was not among the applicants. In addition, the James A.A. Pierre Judicial Institute also felt that they had the capacity in-house, and that it was therefore also not a priority to hire someone for this function for the PDO. With leftover funds UNODC recruited a P2 for 2,5 months in 2014 to support project management in Monrovia. In addition to personnel-related issues, due to the court schedule also the limited availability of training ‘slots’, namely three per year, required careful planning.

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35 Memorandum dated 4 October 2013 from Head of the Capacity Development Office to Chief of the Co-financing and Partnership Section (reference: CDO/13/517)

36 In a letter of the UNDA of 30 June, 2010 the shortlist of projects, including the UNODC one, was presented as part of the seventh tranche and to begin in the biennium 2010-2011 (30 June 2010 of ASG Controller to Chairman Advisory Committee on Budgetary and Administrative Questions). Based on the approved concept note, a project proposal was then developed by UNODC in the beginning of 2011, and the project document was finally approved in February, 2012. In November, 2012, some changes were then requested by UNDA, and in March 2013 project implementation began, which in turn also led to some necessary changes to the project document. In May, 2014 the last set of changes were incorporated to reflect the latest agreements with UNDA on the GTA and the end- of- project evaluation.

37 Email UNODC HQ, September, 2012 .

38 UNODC, 2014: 9

Further delays, a change in activity length and shape, and the actual cancellation of activities can be explained by the Ebola epidemic which began in March, 2014, reached the capital already in April, 2014 and is still causing the disruption of Liberia's social, economic and political spheres. A state of emergency was declared at the end of July, 2014, due to which the already planned training on ethics and standards, and also the one on coordination with other criminal justice actors were cancelled.<sup>39</sup> The expert meeting to review and approve the public defenders guidelines and the training manual went ahead in November, 2014, but was more limited in scope than originally envisaged. This was subsequently followed by a more extensive period to prepare the two documents for publication.

### *Human resources*

The project was jointly managed by a P3 Crime Prevention Officer at UNODC headquarters (working in the Justice Section, Division for Operations), and the P4 Programme Officer heading the UNODC field office in Monrovia. Both staff members were not covered by project funds. As the position for national training coordinator was never filled, the earlier mentioned staff members shared the additional burden created by this situation. The temporary support of 2,5 months given by a P2 in Monrovia in the Summer of 2014 was seen as a welcome addition to UNODC field capacity, although this was also partially meant to cover for the P4 who departed in June that year. Several interlocutors emphasized the need of full-time project management capacity on the ground to support decision-making processes, facilitate liaising and networking and monitor project implementation. A part-time local administrative position was also created in the UNODC office in Liberia, and this contract was extended with INL funding for the first half of 2015. Also the work of the national programme officer who took care of the final activities and arrangement of the project, such as handing over the equipment to the PDO in the beginning of 2015. has been appreciated by concerned actors. Within available constraints, project management has overall been viewed as efficient and effective, namely solution-oriented, flexible and well-able to respond to the changing context.

A Project Steering Committee and/or a Joint Advisory Committee with partner organizations was not established under the project. These could partially have replaced informal consultations with the different actors, but this would also have required more UNODC field capacity on the ground to support the functioning of such committees.

Following a UNDP-led competitive selection process, the NACDL was contracted to deliver training, public defenders guidelines and one training manual. The challenge of finding qualified national consultants (which had been UNDP's earlier experience) was one of the main reasons for UNODC to get an international contractor to produce these outputs. The selection of the NACDL was partially a logical one because of the similarities of the legal systems of Liberia and the United States of America. Moreover, UNODC had already experience in working with them in conducting training for public defenders in Liberia.<sup>40</sup> Some respondents however argued that

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<sup>39</sup> Kramer, 2014: 5.

<sup>40</sup> Kramer (2014: 2) for instance notes the following: 'Because of the sometimes strange workings of history, a unique relationship exists between the United States and Liberia. While the territory that is present-day Liberia has been inhabited for centuries, the modern nation-state was established in the

more practical work experience in post-conflict settings and development countries should have been another key characteristic of the contractor, and that the author should have joined the expert meeting in 2013 instead of another NACDL representative taking part in its proceedings. This weakness could have been mitigated by setting up a small expert group in the beginning of the assignment and/or by getting more than one author to draft the two outputs. In addition, UNODC would have preferred to have only a few NACDL members involved throughout the entire process to build on earlier experiences and strengthen the relationship between trainers and trainees, but NACDL felt that they did the best they could in finding trainers considering the short notice received for events.

## **Outputs**

Most expected outputs were fully or partially achieved. The first expert meeting took place in Monrovia from 21-25 October 2013. This meeting offered the opportunity to share information about theory and practice of public defenders in Liberia, the United States of America and Israel, to discuss and agree on a format and outline of the public defenders guidelines and training manual, and to undertake an assessment of the material needs of the PDO and the James A.A. Pierre Judicial Institute. This meeting had been seen as highly relevant and effective as it initiated and strengthened partnerships and set the stage for the further sequence of activities under the project.

The next meeting was the ToT held in Karkata, Margibi county, from 16 to 20 June, 2014, with the participation of seven public defenders (including the PDO coordinator) and six staff of the James A.A. Pierre Judicial Institute (four trainers, the training coordinator and the acting executive director). This composition was different from the one in the project proposal, as the training was originally intended for defense counsels only (ideally with prior training experience), although the involvement of the Judicial Institute was clearly stated. Trainees were selected on the basis of their former training experience, although the selection process was not been monitored by UNODC. The ToT comprised teaching on the basic knowledge and skills of public defenders, and also allowed NACDL to test elements of the draft public defenders guidelines and the draft training manual.<sup>41</sup> Participants were either fully satisfied or satisfied with the training and the two draft publications (see graph 1 and 2), although it was pointed out that more practical exercises, and the participation of also other representatives of the judiciary as well as prosecutors

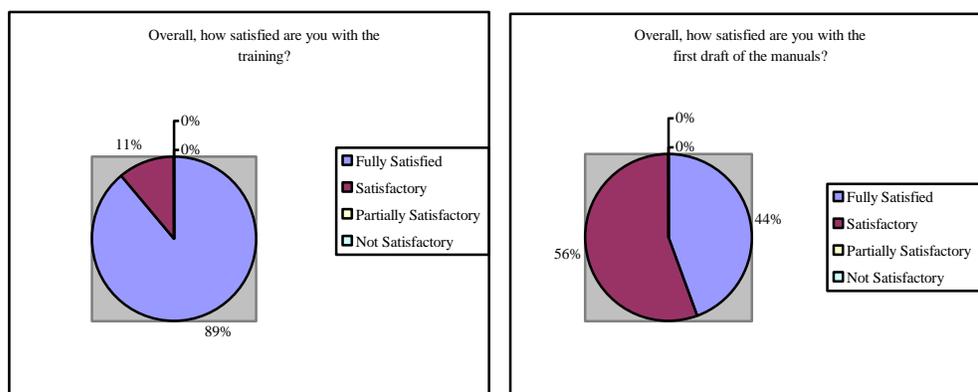
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early 19th century by freed slaves from America who traveled back to Africa. Only a small proportion of Liberia's present-day population descends from those emancipated slaves, but the Americo-Liberians played a large role in Liberia's formation as a state. Liberia utilizes an adversarial system of justice, its constitution is similar to America's, and the Liberian Code of Criminal Procedure mirrors the U.S. Federal Rules of Criminal Procedure. According to Gross, the Liberian Supreme Court regularly cites U.S. Supreme Court decisions and case law refers to defendants' "Miranda Rights."

41 As drafters of the practice and training manual, NACDL gained a wealth of information to tailor the manuals to the skill level and legislative understanding of the public defenders. For example, during the course of the meeting, public defenders discussed how things worked in practice versus what the law mandates; requested that substantive areas be added, such as juvenile justice; and revealed cultural aspects that can make the exercised/case studies in the manuals more interesting/relevant for the public defenders.(UNODC Liberia, 2014: 3 Tot report).

would have been beneficial.<sup>42</sup> Additionally, the training was viewed as rather short for what it had set out to achieve, and more capacity-building activities at different levels were deemed necessary to improve the work of public defenders in Liberia.

**Graph 1 and 2: Pie charts on level of satisfaction with the training and manuals of participants of the ToT held in June, 2014<sup>43</sup>**



From 4 to 7 August, 2014, a training to support the PDO was supposed to be held. The Public Defenders were already at the venue for the second basic skills training (from 27-31 July), which should have been followed by the Ethics training. The objectives of the workshop were to 1) Develop a Mission Statement for the Liberian Public Defense Office in order to strengthen the status of the office and empower the public defenders; 2) Inform the public defenders of relevant professional standards (rights and duties); 3) Adopt measures of performance for public defenders in line with professional standards; and 4) Discuss practical approaches for ensuring integrity of public defenders (including corruption). As the state of emergency was declared during the basic skills training because of the ebola epidemic, the basic skills training was cut short by one day so attendees could go to their families, and the Ethics Workshop never took place (one international expert's flight was cancelled at the last minute). Therefore another workshop is necessary to focus on standards and ethics, and prepare a mission statement for the PDO. As all background materials are ready, and the experience of the Nov. 2014 meeting shows that the Judicial Training Institute can take the lead in facilitating, the training is now scheduled for 4-7 May 2015.

Despite UNODC efforts to organize a more extensive one-week meeting to discuss the draft public defenders guidelines for public defenders and the draft training manual, only a smaller two-day web-based meeting (without the participation of experts from abroad) took place at the end in November, 2014 to review and validate the two documents, and also provide the latest information on changes in Liberian legislation. The meeting has been viewed as highly useful, and proved again that face-to-face meetings were a more effective way to solicit feedback from the beneficiaries than email communication. Furthermore, all meetings were seen to have been organized and facilitated efficiently by the James A.A. Pierre Judicial Institute.

42 Regarding the overall satisfaction of the training, eight participants (89%) indicated they were "Fully satisfied" and one participant (11%) indicated they were "Satisfied". Regarding the manuals, four participants (44%) indicated they were "Fully satisfied" and five participants (56%) indicated they were "Satisfied". (UNODC Liberia, 2014: 3)

43 UNODC Liberia, 2014: 5

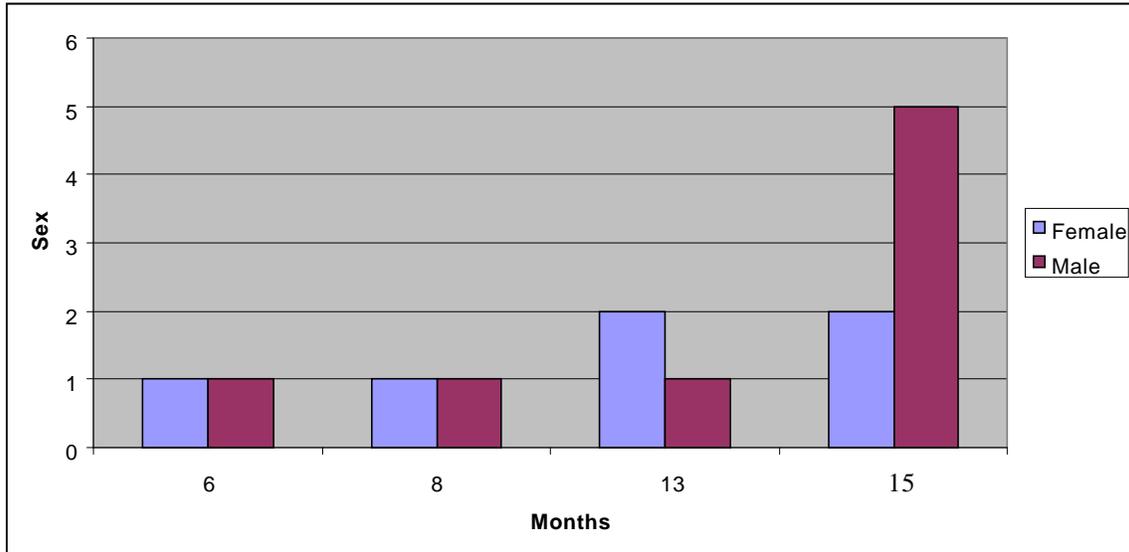
The two draft documents were finalized by the NACDL based on the feedback received during the above-mentioned meeting, and the drafts were ready for publication in January, 2015. There are different views regarding these two documents, with some more critical views voiced by several respondents working for international agencies in Liberia and abroad. Both the public defenders guidelines and the training manual were considered to be a major step forward in supporting and strengthening the work of public defenders in Liberia. Some however noted that the process of developing the two manuals could have benefited from a more participatory approach at different levels, namely by making sure that the author would get sufficient in-country time to observe and discuss the work of the public defenders, and to set up an international expert group in the beginning and/or request more experts to draft particular sections of the manuals (see also the section on human rights and gender). Furthermore, despite the similarities between the American and the Liberian legal system, the argument was also made that it would have been more effective to recruit a practitioner with extensive experience in criminal justice systems in conflict and post-conflict settings to prepare the draft manuals. The different visions point to some tensions in the development of the two documents, and a lesson learned is to get more expertise on the local context as well as conflict/post-conflict settings in future initiatives.

In addition to the above-mentioned capacity-building of public defenders, a total of fourteen law students of the Louis Arthur Grimes Law School took part in the fellowship programme. Twelve fellows participated in the programme at one point in time until the Summer of 2014 when three of them left for the United States of America. Only nine fellows therefore completed the fellowship programme, with seven completing approx. thirteen months and two fellows eight months only. The latter two actually replaced two other former fellows who had left for professional and personal reasons.<sup>44</sup> The fellows rated the internship as highly useful and useful (see annex V with an overview of the findings of the survey), and valued not only their newly acquired knowledge and skills but also the insights gained about the necessity of this function as a result of their exposure to the difficulties to get access to justice in Liberia. The students recommended that more practical classes be offered to underpin this work experience, and noted that the monthly stipend of USD 105 was received irregularly (it took apparently some time to agree on the usage of attendance sheets), that conditions were not entirely clear (although the students were supposed to work four hours per day/five days per week) and also that the height of the stipend was not enough to cover all costs.

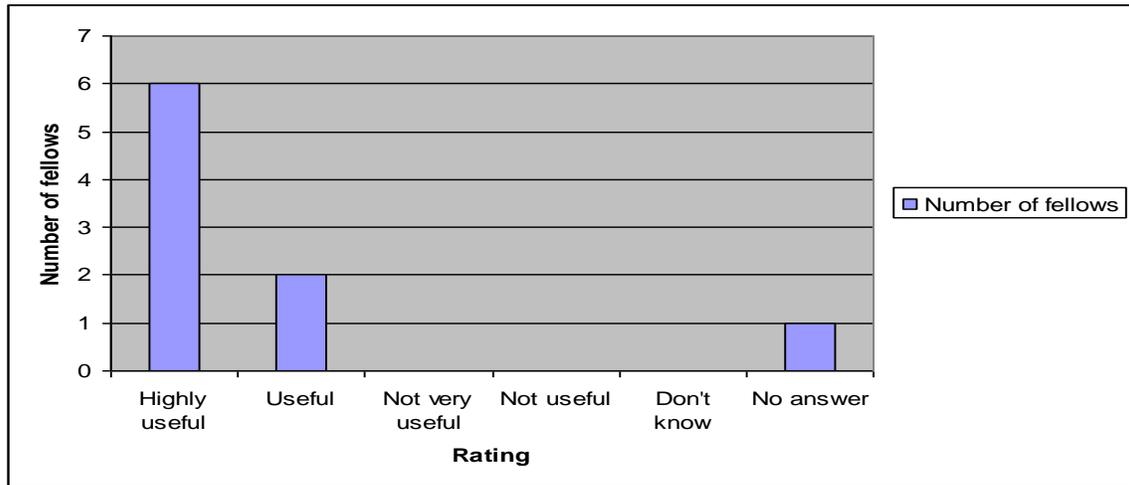
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<sup>44</sup> One male fellow graduated after six months and started work as a lawyer, and one female fellow had to take care of her ailing mother and was therefore unable to continue with the internship programme.

**Graph 3: Sex fellows/number of months internship 2013-2014**



**Graph 4: Rating usefulness internship with public defender**



Based on the needs-assessment undertaken in October, 2013, equipment was procured through UNDP. The James A.A. Pierre Judicial Institute received one projector and one printer under the project. The PDO reportedly got one lap top, six desk tops, a one year internet connection to facilitate legal research and professional communication in Monrovia, and a high capacity photocopier. The computers had been partially purchased by the UNODC to allow public defenders and other trainees to participate in available online courses, such as with respect to the rights of child victims. Public defenders in ten counties received stationery for three-months. The five other counties were supported by another project.

### *Monitoring and reporting*

Project monitoring and reporting was undertaken in accordance with UNODC and donor procedures and deadlines. One annual progress report was shared with the donor in January, 2014. Daily evaluation forms were designed and handed out to participants of the expert meeting held in October 2013 and the ToT held in June, 2014. The main findings were given in the summary reports of these meetings, although a more complete report of the findings of these daily evaluations was not prepared. A comparison between the views of public defenders and trainers would have been beneficial to get a more in-depth understanding of their perspectives, and possible differences therein, to inform the development of the remaining activities.

### **Partnerships and cooperation**

UNODC initiated, maintained and in some cases further strengthened already existing partnerships with the Ministry of Justice, the PDO, the James A.A. Pierre Judicial Institute, UN agencies, especially UNMIL, UNDP and UNICEF, the Washington & Lee School of Law, the Israeli Public Defence Office, the US/PAE, the International Legal Foundation and the NACDL in the design and implementation phase of the project. Cooperation with these different institutions and organizations has overall been viewed in a positive light.

UNODC's partnerships with Liberian criminal justice actors in general, and with the PDO and the James A.A. Pierre Judicial Institute in particular, were generally seen as effective ones by local and international stakeholders. Their participatory approach combined with the availability of resources was positively viewed by Liberian stakeholders. The decision to work with existing institutions instead of creating an additional capacity-building body in the PDO had generally been considered as a realistic one in order to move forward with the planned activities of capacity-building. However, it was also noted that the reliance on external funding of the James A.A. Pierre Judicial Institute, and the obligation of the project unit of the Office of the Court Administrator to coordinate all technical projects could potentially hinder future training efforts. A positive side-effect was further that the project also enhanced communication between the two key stakeholders, namely the PDO and the James A. A. Pierre Judicial Institute.

Partnerships with other actors in the criminal justice chain – to the extent possible under this project – were also initiated and maintained. The Liberian National Bar Association participated in several meetings. Some respondents argued that a stronger partnership could have been established at an earlier stage in the project. Other criminal justice actors participating in at least one meeting were the Association of Female Lawyers of Liberia (AFELL), the Commissioner of Police, the Crime Service Department, the County Attorney of Montserrado County, the Assistant Minister for Corrections and the Prison Fellowship Liberia.

Several other organisations and institutions offered their expertise to the project. As mentioned, the NACDL was contracted to offer training to public defenders and prepare the public defenders guidelines and the training manual. The ILF provided advice during the first expert meeting, and the subsequent implementation of the project, and the Washington and Lee School of Law supported part of the fellowship programme. In addition, the Israeli Public Defense Office made presentations during the expert meeting to share their experiences and perspectives. Several representatives of institutions based abroad noted their efficient and effective partnership with

UNODC, and referred to the usefulness of their participation in the project, thereby improving not only the skills of Liberian public defenders, but also broadening their perspectives with respect to the public defenders function in Liberia.

Partnerships with different UN agencies were set up prior to the project in 2009, and initial tensions with UNDP about UNODC's aim to strengthen the public defenders function in Liberia eased over time as both agencies were complementing each other's work. Coordination took also place with UNMIL and UNICEF, and UNODC participated in relevant interagency meetings, including those in support of UN coordination and relevant thematic ones. Although the UNODC capacity and presence in Liberia was greatly appreciated, several respondents made the observation that partnerships can only adequately take shape with sufficient field capacity, and that limited to no international staff presence can potentially negatively impact on interagency liaising, networking, and information-sharing.

Partnerships with civil society took mostly shape through the participation of civil society organizations, such as the AFELL and the Prison Fellowship Liberia, in the expert meetings. The Prison Fellowship Liberia is a non-profit organization that implements education and restorative justice programmes, including by providing mentoring and legal assistance to inmates.

## **Effectiveness**

The project has been effective to some degree. The capacity of the two main target institutions, namely the PDO and the James A. A. Pierre Judicial Institute, has improved as a result of the project's activities and outputs.

The quality of services delivered by the PDO improved because of the enhanced knowledge and skills of its staff, the process of developing the public defenders guidelines and the training manual, the equipment and the temporary administrative support provided by interns to public defenders. In addition, as voiced by respondents representing the Liberian criminal justice sector, its status was also enhanced in the criminal justice system because of the attention given to this institution and the increased visibility and capacity of this function in Liberia. Although not all activities could be implemented because of the Ebola epidemic, project outputs have clearly contributed towards the process of transforming the PDO into a professional and respected institution.

The capacity to offer training to Liberian public defenders of the James A.A. Pierre Judicial Institute has been improved as a result of the project. The expert meeting, the ToT and the meeting to review and adopt the training manual and the public defenders guidelines contributed towards strengthening their expertise in this area. In addition, the two publications provide the necessary material to support training activities. Nevertheless, the envisaged roll-out of standardized training through Liberian trainers to all public defenders has not been achieved yet as overall training capacity needs further strengthening and integrated into a still forthcoming comprehensive training programme.

The project's results further contributed to achieving the objective, namely the improved availability and quality of justice for the accused in Liberia, and increased compliance with the right to fair trial. Although statistics are absent, anecdotal information and views expressed by

respondents generally supported the claim that legal aid for accused persons became more accessible and effective.<sup>45</sup> For instance, public defenders broadened their theoretical and practical knowledge and skills due to which their execution of their role and responsibilities, and their understanding of their relationship with society clearly improved during the past year. The activities were considered to be meaningful, based on the understanding that a better representation as well as a more effective interaction between public defenders and judges has a direct positive impact on the work undertaken for the client. Thus, with better trained defense lawyers, the potential for unlawful detention, wrongful convictions and unjust sentences decreases, which in turn will contribute towards more confidence in the country's justice system.

## **Impact**

The impact of the project has been most visible in the capacity and status of the PDO in Liberia due to earlier described activities and results. With improvements in the availability and quality of justice in Liberia, more accused persons can potentially be released from jail – either on bail or for good. Statistics to support such results are not available, although public defenders certainly supported the release of accused persons during the past years, including during the Ebola epidemic when efforts were made by the authorities to reduce overcrowding in prisons. Some of the public defenders assigned to the ‘fact track court’, and others stranded in Monrovia due to the epidemic, were required to support the release of 146 inmates by magistrates and judges.<sup>46</sup> Estimates of a total of 500 to 600 inmates at the end of 2014 and the beginning of 2015 given by different respondents show a clear decrease in the size of the prison population in comparison to earlier figures.

Furthermore, the activities and concerted efforts of all stakeholders, and UNODC in particular, have also contributed to a change in the mindset of the judiciary in general, and the PDO in particular, and the realization that even with limited funds, much can be achieved by means of investing in available capacity and resources. Although this issue will most likely continue to be part of future discussions on future investments in the public defense function, a broadened perspective in this field has certainly been the consequence of this project. The same conclusion can be drawn with respect to views on the role and function of public defenders, and the extent to which the function ought to be more independent from other criminal justice actors.

In addition, also the relationship between the PDO and the James A.A. Pierre Judicial Institute has been strengthened because of the extensive collaboration of these two bodies of the judiciary in the organization of and participation in project activities. The two entities appeared to be united in their shared concern to improve the quality of representation, and enhance compliance with the right to fair trial.

The exposure given to law students during their hours of directly supporting the work of public defenders has not only inspired some of them to work as public defenders, providing that opportunities are available after they complete education, but also offered them further insights

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<sup>45</sup> The heads of the PDO and JTI indicated the practices of the public defenders are changing, and that they are advocating for their client. They noted that other criminal justice actors had informally “complained” that the public defenders were implementing their new skills to advocate on behalf of their client. As noted by the PDO and JTI, this is a positive, anecdotal, sign that the skills and knowledge of the public defenders are improving and the project is moving toward the objective to improve the availability and quality of justice for the accused in Liberia (UNODC Liberia, 2014b: 2)

<sup>46</sup> UNODC, 2014: 2; <http://en.starafrica.com/news/liberia-frees-62-prisoners-due-to-overcrowded-prisons.html>

into the necessity of this profession and its roles and responsibilities. This could potentially enhance cooperation in the criminal justice sector in case they decide to pursue a different legal career.

Exposure to the Liberian context and experience also led to inspiration at another level. Thus, the NACDL representative who took part in the ToT noted that the workshop was a shared and remarkable learning experience for everyone involved: ‘We traveled to Kakata as ‘trainers,’ to share our expertise and experience, but at the end we gained as much from our Liberian colleagues as they did from us. It deepened my personal conviction of what it means to be a defender and to represent the accused. This was my first trip to Africa, and it will always represent a life-defining experience.’<sup>47</sup>

Another unintended consequence of the project was that the expanded international network of public defenders also resulted in the provision of humanitarian assistance by Israeli public defenders to assist released inmates during their return to society. Thirty boxes with clothes were included in a shipment of medical equipment organized by the Government of Israel, and set to arrive in January, 2015.

## **Sustainability**

The sustainability of the project results remains an issue of concern considering the relatively short time-frame of the activities, and the fact that such capacity-building efforts generally need a sustained effort of at least five years. In addition, it remains uncertain – till date – how the available training capacity will be used, and if funding will be available for the next couple of years to build on earlier efforts.

The project’s results also covered the first steps of a long-term capacity-building process of institutional development of the PDO. The INL-funded training complemented the activities under the project, but these were also affected by the Ebola epidemic. At the time of the evaluation, efforts were under way to plan for the implementation of the remaining three training sessions, including one on ethics and corruption. The different meetings have shown that the James A.A. Pierre Judicial Institute can take the lead in organizing and facilitating such gatherings, and this should therefore be achievable in the course of 2015.

More training must however be given to both new and more experienced public defenders, which must be underpinned by a comprehensive training strategy on the roll-out of a multi-annual training programme, with clearly defined roles and responsibilities of the different bodies, and the delineation of topics and different training methods to be used for different target groups. In addition, some further thought could also be given to supporting certain areas of specialization, such as child rights or gender-based violence.

Furthermore, such training strategy has to include a two-pronged approach as not only public defenders must continue to receive training and support. Informed choices need to be made with

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<sup>47</sup> Kramer, 2014: 5

respect to the existing training capacity, including if and what type of training must be further given to enhance existing training capacity, who will be most qualified to train the different groups of public defenders and have public defenders actually time to train their colleagues because of an already heavy workload. In addition, international training capacity must also be included as one of the necessary requirements to support capacity-building in Liberia, which must however be accompanied with a gradual phasing out strategy to increasingly give ownership over the process and on substance to the main national stakeholder.

In the course of 2013, UNODC has already started planning the next stage of the project to undertake further capacity-building of the PDO, including by providing on-the-job training to newly-recruited public defense counsels.<sup>48</sup> In early 2014, UNODC developed project LBRZ21, to implement the proposal of providing mentoring to inexperienced public defenders, and to be a vehicle for future contributions towards support to the public defenders in Liberia.

The public defenders guidelines for public defenders and the training manual have been critical outputs of this project. One hundred copies of the first and sixty of the second publication were made available mid-February, and will be disseminated at an INL-funded training event involving the PDO and the James A. A. Pierre Judicial Institute at the end of March, 2015. These publications will also be shared with the Liberian Bar Association. Some budget is further left in the INL-funded component to case more publications are needed in Liberia. The publications will possibly also be available online at a later stage, but with the limited communication means in Liberia, the necessity to get a sufficient number of printed publications to relevant stakeholders was prioritized. Respondents noted that these two publications must be viewed as ‘work-in-progress’, and that more work as well as updating is required to adapt them further to future needs of the PDO and new developments in the legislative field. Thus far, no funding is available to support further work on the public defenders guidelines and the training manual, but at this stage their usage is seen as more important, and forthcoming training events must now capitalize on these two knowledge documents to promote their application.

The insights fellows gained from their work with public defenders will remain with them for the rest of their career. Several fellows noted that they are interested to become a public defender and provide legal assistance to those who cannot afford such services. One respondent noted that ‘the fellowship has inspired me and the stories of the less unfortunate accused persons is so touching that some legal action must be taken to bring justice [...]’, and another respondent mentioned that ‘My experience [...] provided me with an understanding of the workings of a defence counsel and has given [me] a passion to work for indigent’. Even if former fellows choose another career path in the criminal justice chain, then their internship with a public defender has provided them with relevant insights, skills and an understanding of the necessity of this function in Liberia. The fellowship programme requires further funding, although one respondent noted that funding is

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<sup>48</sup> The planning for the next phase of the project was done with inputs from ILF, an organisation with experience in mentoring public defenders. A proposal was submitted to the World Bank, but eventually was not successful. In addition, in October 2013, UNODC and ILF had discussions with INL on the possibility of INL providing a second contribution for the mentoring project. The INL representative expressed initial willingness to support the proposal with 250,000 USD. UNODC met with the Chief Justice to secure his support. The Chief Justice agreed to the proposal yet requested to use a different term since “mentoring” had negative connotations for Liberian judges. In early 2014, UNODC developed Project LBRZ21, to implement the proposal and to be a vehicle for all future contributions towards support to the public defenders in Liberia. Thus far only a small contribution from Israel was received. In early 2014, a new INL representative was based in Liberia and discussions on the proposal were stopped. With the Ebola outbreak in the spring and the news of the imminent departure of the UNODC programme manager in June, INL expressed concerns about giving additional funds to UNODC without appropriate staff on the ground.

unavailable for this activity, then students with a judiciary scholarship could also provide support to public defenders.

## Human Rights and Gender

The project has – to the extent possible considering the contextual limitations – mainstreamed human rights and gender in the design and implementation of its activities. Its main objective, namely to improve justice delivery to the accused in Liberian prisons, clearly aimed to advance human rights of this particular group. Respondents overall agreed that the results have certainly contributed towards this objective. Furthermore, during training activities and in the two publications, attention has been given to relevant UN standards (e.g. ‘Basic Principles on the Role of Lawyers’ and the ‘United Nations Principles and Guidelines on Access to Legal Aid in the Criminal Justice System’ (General Assembly Resolution 67/187)). Furthermore, women’s rights and child rights were also mainstreamed in activities and outputs, although some respondents argued that this could have been done more in the two publications than was actually the case.<sup>49</sup> In addition, no gender-sensitive assessment has thus far been prepared on the possible different obstacles accused men and women face when trying to get a fair trial.

UNODC made a concerted effort to mainstream gender during the project’s implementation phase, although the composition of the existing group of public defenders limited the extent to which this was feasible. Since the project’s beginning, one female public defender has joined the ranks of this group of professionals, which totalled 29 male and one female public defender at the end of 2014. In addition, a clear effort was made to get an equal number of male and female fellows, which resulted in five female and seven male fellows. Of the seven fellows who were able to complete the fifteen months fellowship, only two were female, therefore pointing to an increased proportion of male fellows actually finishing the programme. However, because of the relatively small group no gender-specific reasons have been noted which potentially limited access or completion of the programme, although this issue could be reviewed more closely when designing a new fellowship programme in the future.

Efforts were also made to increase the visibility of female students and professionals to other criminal justice actors as well as to a wider public. This included for instance a presentation on the topic ‘women’s right of equal access to legal aid’ during the expert meeting held in October, 2013, and another presentation given by the AFELL about their work. Furthermore, UNODC produced two short videos of the only female public defender and one female lawyer/former fellow (at no cost to the project), which were shared on YouTube on 12 and 8 November, 2013 (with respectively 100 and 117 viewings on 15 January, 2015).<sup>50</sup>

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<sup>49</sup> The rights of child witnesses and accused have been mainstreamed throughout the practice manual, and relevant sections on juveniles given in the “United Nations Principles and Guidelines on Access to Legal Aid in the Criminal Justice System” (General Assembly Resolution 67/187) have also been included in the manual.

<sup>50</sup> The short videos have respectively been titled ‘UNODC project strengthens the capacity of the Liberian Public Defense Office’ and ‘UNODC develops fellowship programme to strengthen Public Defense in Liberia’.

Furthermore, as mentioned above, gender and age were mainstreamed in the training manual and the public defenders guidelines. Specific attention was given to sexual and gender-based violence in the guidelines, namely a section was devoted to defending women who are victims of violence.<sup>51</sup> This was however not included in the training manual, which has been the consequence of discussions with the contractor, which felt that these issues were not given in the initial outlines agreed on in the 2013 expert meeting but also that there were technical concerns and already a high number of basic topics which had to be addressed in the two manuals.<sup>52</sup> The compromise was to only cover child rights and gender-based violence in the guidelines. The section on battered women and domestic violence could however have benefited from more reference to occurrence and patterns of sexual and gender-based violence in Liberia.<sup>53</sup> This issue could receive more attention when the guidelines and manual are being reviewed and updated, and the recommendation is to also have a gender justice expert (and again a child rights expert) review the material to ensure that this angle is sufficiently incorporated in future editions.

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<sup>51</sup> UNODC/James A. A. Pierre Judicial Institute, 2014: 94-96

<sup>52</sup> It was also challenging to incorporate some of the requests from UNODC and other United Nations agencies regarding the content of the manuals. Liberia relies on an adversarial system of criminal justice which is very similar to the one used in the United States but which differs significantly from the inquisitorial system used in much of Africa and in Europe. Consequently, NACDL advised against the suggested inclusion of material that addressed sexual assault and the abuse of children from a non-defense perspective. Nevertheless, NACDL was able to work with the agencies involved and reach a mutual agreement on the content of the manuals, which addressed the priorities and concerns of the UNODC and other agencies. ( NACDL, 2014: 4)

<sup>53</sup> See for instance [https://www.concern.net/sites/default/files/resource/2012/11/5876-final\\_high\\_incidence\\_of\\_sgbv\\_15\\_may.pdf](https://www.concern.net/sites/default/files/resource/2012/11/5876-final_high_incidence_of_sgbv_15_may.pdf)

### III. CONCLUSIONS

The project ‘Promoting Governance and Rule of Law in the Criminal Justice System in Liberia’ was successfully implemented in 2013 and 2014 with the support of the PDO and the James A.A. Pierre Judicial Institute in Liberia. Although the Ebola epidemic casted a shadow on the last set of planned activities, the rather small UNODC project team has been viewed as highly committed, and going the extra mile in their search to adjust to new circumstances and strengthen the work of public defenders in Liberia. The activities and results clearly contributed towards an enhanced status of the PDO, the improved training capacity of the James A. A. Pierre Judicial Institute and in strengthened knowledge and skills of public defenders in Liberia. More visibility has also been given to the public defenders’ function by means of the fellowship programme, and with the administrative support provided by students, public defenders could also take on more case work. Although statistics were absent to support this claim, overall respondents to this evaluation agreed that the project contributed in a positive way to the availability and quality of justice for the accused in Liberia, and that increased compliance to the right to fair trial has been one of the key achievements of this UNDA-funded project.

The project’s relevance has been without doubt, as it addressed a clear gap in attention given to an essential link of the criminal justice chain. The UNDA funding came at a time when limited funding was felt to be available for such projects, but a review of UNDA conditions as well as of the limited financial transparency resulting from the fact that these funds can not be recorded in the UNODC financial management system, is necessary in order to avoid some of the challenges and obstacles this project experienced during the design phase. Although the project documentation generally provided a clear direction, an internal UNODC project document with a solid intervention logic and a comprehensive logical framework could have supported transparency and accountability, and introduced a more long-term perspective at the early stages which is paramount in capacity-building efforts in post-conflict settings. This could possibly have done more justice to the ambitions visible in the UNDA project document.

The sustainability of the efforts of UNODC to enhance the capacity of public defenders of the PDO and the James A. A. Pierre Judicial Institute remains an issue of concern, as it is directly related to the availability of funding and the continued commitment to support this long-term capacity-building process. Establishing a national training mechanism for Liberian defense lawyers is still a more distant objective, although the first firm steps have been taken to strengthen the PDO and support its transformation into a professional and respected institution in Liberia. Some improvements have already been visible with respect to adherence to the right to fair trial, which hopefully inspire to continue with efforts to support the capacity-building process of the PDO and public defenders in Liberia.

## IV. RECOMMENDATIONS

Recommendations below are given to UNODC, UNDA, the PDO and the James A. A. Pierre Judicial Institute. The following recommendations can be made to UNODC with respect to possible future activities to support the PDO and the James A. A. Pierre Judicial Institute (providing that funding is available): Consider developing a training strategy for the PDO in close collaboration with the James A. A. Pierre Judicial Institute to support an overall long-term vision of capacity-building of public defenders in Liberia, including by clarifying the different roles therein of the PDO and the James A.A. Pierre Judicial Institute; Support further training activities of the PDO to strengthen basic and advanced skill levels of all public defenders, and include training on cooperation in the criminal justice sector; Review the public defenders guidelines and the training manual after one or two years to further improve and update the publications; Strengthen collaboration with the Liberian National Bar Association, and expand training activities to also include private lawyers; Review current data compilation mechanisms of the PDO, and recommend activities to further enhance these to support coordination, monitoring and evaluation.

The following recommendations can be made to UNODC with respect to project design and implementation: Review the conditions of the UNDA, and examine carefully for each potential project the limitations of this donor, especially in the field of human resources; Review UNODC project development rules to ensure that a comprehensive internal UNODC project document for projects with the same objective, target group and country are developed despite different financial management arrangements; Ensure that the length of UNDP procurement processes are properly reflected in the implementation schedule; Review the financial management of UNDA funds in order to create more transparency and accountability on the management of these funds; Negotiate with donors the need to have adequate field capacity to manage such a project; Provide more management support at the field level to support and monitor more closely project decision-making processes and the implementation of the different project components; Ensure that in future fellowship arrangements, mutual obligations are clearly spelled out in a contract (or similar agreement), and related to that review the height of the stipend to ensure that these obligations can be met.

The following recommendations can be made to UNDA: Review the strict funding conditions with respect to the recruitment of international personnel for agencies with limited on the ground personnel, especially in fragile contexts where local capacity cannot always be found to support project implementation; Review the strict conditions with respect to implementation time as the four-year time-frame is reflective of the availability of funding at UNDA, whereas the implementing agency has much less time to actually deliver the project. Especially in a post-conflict developing context, project implementation could take more time than otherwise might be the case.

The following recommendations can be made to the Government of Liberia, especially the PDO and the James A.A. Pierre Judicial Institute: With the support of external expertise, consider developing a training strategy of public defenders; Seek further support for training activities to

strengthen basic and advanced skill levels of all public defenders, including on cooperation in the criminal justice sector; Promote the usage of the public defender guidelines and training manual among public defenders, private lawyers and trainers, and support the updating of these publications after a specified time-frame; Support further collaboration with the Liberian National Bar Association, including the expansion of training activities to private lawyers; Support the examination of current data compilation mechanisms of the PDO, and implement recommended activities to improve data collection, sharing and analysis.

## V. LESSONS LEARNED

The following lessons learned have been identified during this project evaluation, which can contribute towards establishing good practices when designing and implementing projects to support legal aid and the public defense function in fragile contexts. The lessons must in principle be taken into regard in the design stage in order to improve project implementation and support transparency and accountability.

Despite all efforts and achievements resulting from the management arrangement of this project, several interlocutors pointed out that on the ground adequate UNODC capacity is indispensable throughout all project phases in order to initiate and maintain contacts with relevant stakeholders, direct and monitor the implementation of activities, and support the positioning of UNODC's work, and create the necessary synergies with other activities undertaken to support the criminal justice chain. This must be taken into regard when designing a project.

The usage of different project documents in support of activities funded by two different donors can lead to a degree of confusion if these documents follow different templates, whereas the target group, project objective and country is actually the same. It is therefore important to develop one comprehensive UNODC project document with a clear intervention logic reflected in the logical framework with SMART indicators, baseline data and targets at all levels, which can be revised in the case of new funding and other major changes in the project.

A more comprehensive project strategy to enhance the capacity of public defenders would have to be supported by a training strategy for public defenders at the country level, developed – in this case - in close collaboration with the PDO and the James A.A. Pierre Judicial Institute to enhance ownership of activities, results and process at that level.

The choice of an American contractor has also been a good practice considering the similarities between the Liberian and American legal system, although a lesson learned is that the profile of a contractor must include extensive conflict/post-conflict experience in order to have a more profound understanding of the challenges of working in fragile settings.

When developing tools such as training manuals or guidelines, then getting a group of international and national experts involved from the very beginning to provide advice and/or research and write certain parts of these documents to speed up the process, could in principle benefit the outcome and – potentially - build ownership of a more integrated approach at an earlier stage. Including gender justice expertise from the early design stage onwards is key in such an undertaking.

When designing, researching and writing guidelines for public defenders and/or a training manual, then allowing time to the international contractor to observe court proceedings in order to get a better sense of practice in order to identify areas for training, and to integrate existing practices, and gaps therein, even more in the documents can be seen as a useful addition to the work undertaken in this field.

In the case of Liberia and possibly also in other post-conflict countries, getting international contractors in the very beginning to support the training activities and develop guidelines and other material is key to getting the capacity-building of public defenders started, after which – national capacity can gradually begin to replace international trainers. A five year time frame must at least be taken into regard for such capacity-building efforts at the national level.

Another lesson learned is that it is necessary to formalize working relationship with fellows, including by providing contracts and ToRs at the very beginning of the arrangement to manage expectations on all sides with respect to internship conditions, rights and duties. This in turn then provides relevant information for a monitoring system to measure the performance of the programme.

In the case of a future fellowship programme, it is worth considering setting up the three components as was done in the one implemented jointly by UNODC and Washington and Lee University. In addition to education and the internship with public defenders to enhance the quality and availability of justice for all, community-level advocacy serves another important objective of the work undertaken by public defenders, namely to increase confidence of citizens in the formal justice system of their country.

ANNEX I. TERMS OF REFERENCE OF THE EVALUATION

UNITED NATIONS OFFICE ON DRUGS AND CRIME  
Vienna

Terms of Reference of the  
**Independent Project Evaluation**  
**Promoting Rule of Law and Governance in the Criminal Justice**  
**System in Liberia**

1011AY/ROA-204-7B UNODC  
Liberia

August 2014



UNITED NATIONS  
New York, Year

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## I. BACKGROUND AND CONTEXT

Project number:	1011AY/ROA-204-7B UNODC-Liberia
Project title:	Promoting Rule of Law and Governance in the Criminal Justice System in Liberia
Duration:	January 2013 – December 2014
Location:	Liberia
Linkages to Country Programme:	
Linkages to Regional Programme:	Regional Programme for West Africa (2010-2014): Sub programme 2: Building justice and integrity, Outcome 2: Member States identify opportunities for improvement of national criminal justice systems and act upon them with UNODC assistance
Linkages to Thematic Programme:	Crime Prevention and Criminal Justice Reform (2012-2015) 4.2 Access to Legal Aid
Executing Agency:	United Nations Office on Drugs and Crime (UNODC)
Partner Organizations:	United Nations Mission in Liberia (UNMIL), United Nations Children’s Fund (UNICEF)
Total Approved Budget:	\$361,000
Donors:	United Nations Development Account

Project Manager/Coordinator:	Miri Sharon, Drug Control and Crime Prevention Officer, Justice Section, Division for Operations, United Nations Office on Drugs and Crime
Type of evaluation (mid-term or final):	Final Independent Project Evaluation
Time period covered by the evaluation:	January 2013 to December 2014
Geographical coverage of the evaluation:	Liberia
Core Learning Partners (entities):	Liberia Public Defense Office (PDO), and public defenders James A.A. Pierre Judicial Institute (JPJI) United Nations Development Programme (UNDP) United Nations Mission in Liberia (UNMIL) United Nations Children’s Fund (UNICEF) Washington & Lee School of Law Fellows Israeli Public Defense Office

### Project overview and historical context in which the project is implemented

Liberia, a country emerging from a prolonged civil war, is currently rebuilding its public institutions, including the criminal justice system. The Public Defense Office (PDO) was established under the judiciary in 2009 to provide legal representation for the indigent and several newly graduated lawyers were recruited. Since this time, many efforts have been put into rebuilding the capacity of the prosecution and the judiciary, but less attention has been given to the defense.

Building the capacity of the PDO is of particular concern given an estimated 80% of prisoners are awaiting trial within Liberia’s prisons.<sup>54</sup> The Twenty-sixth progress report of the Secretary-General on the United Nations Mission in Liberia (UNMIL) indicated

<sup>54</sup> UN Security Council, Twenty-sixth progress report of the Secretary-General on the United Nations Mission in Liberia (S/2013/479).

the high percentage of prisoners awaiting trial has “a corresponding negative impact on corrections facilities, with five prison disturbances and 13 recorded escape incidents during the reporting period.”<sup>55</sup>

The Constitution of the Republic of Liberia (1984) enumerates the rights of individuals suspected or accused of crimes, including those arrested or detained:

“Every person suspected or accused of committing a crime shall immediately upon arrest be informed in detail of the charges, of the right to remain silent and of the fact that any statement made could be used against him in a court of law. Such person shall be entitled to counsel at every stage of the investigation and shall have the right not to be interrogated except in the presence of counsel. Any admission or other statements made by the accused in the absence of such counsel shall be deemed inadmissible as evidence in a court of law.” (Article 21(c))

“Every person arrested or detained shall be formally charged and presented before a court of competent jurisdiction within forty-eight hours. Should the court determine the existence of a prima facie case against the accused, it shall issue a formal writ of arrest setting out the charge or charges and shall provide for a speedy trial. There shall be no preventive detention.” (Article 21(f))

However, in practice, few indigent people suspected or accused of crimes receive representation. The PDO recognizes that it is understaffed and under-resourced, and has expressed interest in providing better training, advising, and supervision to its lawyers. In a letter to the Chief Justice in February 2010, the coordinator and supervisor of the PDO recommended holding trainings during court breaks since a “majority of the defence counsels are young lawyers and are not well equipped with court room practice, especially trial techniques.”

From the letter from the PDO to the Chief Justice followed the development and implementation of the project *Promoting the Rule of Law and Governance in the Criminal Justice System in Liberia*. The project objective is to produce *sustainable* and *nationally-owned* benefits for improving the availability and quality of justice for the accused in Liberia. The project entails establishing a national training mechanism for Liberian defense lawyers and facilitating the adoption of cooperation frameworks and internal policies.

#### Justification of the project and main experiences / challenges during implementation

UNODC is to assist Member States, upon their request, by providing advisory services and technical assistance and more generally to assist Member States strengthen the rule of law. The General Assembly specifies United Nations Office on Drugs and Crime (UNODC) support to Member States in this area should be developed and implemented with the view to “...protect the human rights and fundamental freedoms of defendants, as well as the legitimate interest of victims and witnesses, and to ensure access to effective legal aid in criminal justice systems...”<sup>56</sup>

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<sup>55</sup> Ibid.

<sup>56</sup> General Assembly resolution 67/189, para. 12.

The right to free legal aid for the suspected and accused is a widely accepted principle of law that is essential to the right to a fair trial, and a foundation for a fair and effective criminal justice system. The right to a fair trial encompasses several other rights that should be provided for within the criminal justice process: the right to be presumed innocent, the right to equality and non-discrimination, the right to appeal, the right to protection against double jeopardy, and the right to a trial without undue delay. It should not be assumed this body of rights will be respected, and access to legal aid provides an important mechanism for seeking to ensure that suspected and accused persons are able to enjoy them. In this way, access to legal aid is a prerequisite for the real and practical enjoyment of the right to a fair trial and other human rights.

The right to legal aid is enshrined in several international instruments, which guide the work of the UNODC in providing technical assistance to Member States. The first principle of the 1990 United Nations Basic Principles on the Role of Lawyers states, “All persons are entitled to call upon the assistance of a lawyer of their choice to protect and establish their rights and to defend them in all stages of criminal proceedings.” The Basic Principles place the responsibility upon governments and the legal profession to ensure that everyone has access to counsel, regardless of means or background, to protect the right to equality before the law.

On 20 December 2012, the General Assembly adopted the United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems (A/RES/67/187). These new principles were developed under the auspices of the UNODC pursuant to resolution 2007/24 of the Economic and Social Council, in consultation with the United Nations Development Programme (UNDP), the Office of the High Commissioner for Human Rights (OHCHR), the United Nations Children's Fund (UNICEF), the UN Entity for Gender Equality and Women's empowerment (UN Women) and several relevant non-governmental organizations.

The Principles and Guidelines establish that governments are responsible to ensure everyone has access to counsel in criminal proceedings to ensure fair trial and address overcrowding and arbitrary detention.

Particularly in an adversarial system, the defense function is essential to protect human rights because the role of the defense is to vigorously test the evidence offered by the prosecution. This process ensures that innocent individuals are not wrongfully convicted. This guarantee is even more crucial since the reinstatement of the death penalty in Liberia in 2008. Accordingly, expanding the training and resources available to the criminal defense bar (including both public defenders and private defense attorneys as well as CSOs providing legal aid) is an essential component of improving the reliability and credibility of the criminal justice system in Liberia.

During the implementation of the project, some challenges were encountered. First, the implementation was delayed a number of times due to the difficulty in securing dates for trainings in advance and also due to the Ebola Virus Disease outbreak. In order to continue implementation during this ongoing crisis, video and audio technology was used for remote participation so events could proceed. Second, UNODC was unable to contract a National Consultant to supervise the fellowship and training activities under

the project. Two hiring processes were initiated, and interviews and written exams were conducted, but no suitable candidates were identified. The shortfall in personnel in this area was compensated by hiring a P-2 under a temporary contract in the Liberia field office. Third, national stakeholders tend to focus on the problems of limited funds, low salaries, inconsistent donor funding, unreliable transportation, insufficient staffing and little technology. While these conditions exist and have likely limited the development of the Public Defense Office thus far, substantial improvement can be made within the current context. Efforts are consistently made to redirect attention to what can be improved in the context of this project given these conditions, such as improving efficiency, improving coordination with other criminal justice sectors, adjusting working hours, improving professional skills, and creating internal motivation based on professional pride. Finally, it is challenging to address some of the training needs within the current institutional structures, such as access to clients, coordination with other criminal justice actors, corruption and internal accounting systems. On a positive note, the public defenders recognize these problems and are eager to participate in addressing them.

#### Project documents and revisions of the original project document

The original project document, which was approved in February 2012 was altered several times (Annexes 1-4) in order to accommodate for some of the challenges discussed above: The timelines were altered due to the delays in implementation (to February 2013) and the budget was altered to allow for hiring of a P-2 when an appropriate national consultant could not be identified. In addition, the budget was altered to allow for the provision of the present independent project evaluation.. The Project Document does not appear in PROFI, as it is funded by RB funds and managed directly by FRMS (see email from Ms. Vanda Andromeda, FRMS, 11/08/2011).

#### UNODC strategy context, including the project's main objectives and outcomes and project's contribution to UNODC country, regional or thematic programme

Complementing past efforts to improve the training and resources available to criminal defense attorneys in Liberia, the primary objective of the project is to produce sustainable and nationally-owned benefits for improving the availability and quality of justice for the accused in Liberia. This will be achieved by establishing a national training mechanism for Liberian defense lawyers, coordinated by the PDO, and to be implemented in close association with the James A.A. Pierre Judicial Institute (JPJI). Secondly, and by facilitating the adoption of cooperation frameworks and internal policies, the project will invest into further strengthening the PDO as a professional, organized, and respected institution whose essential role in the overall functioning of the criminal justice system and ensuring respect for human rights is understood and respected.

The project was developed in the frameworks of the UNODC Thematic Programme on Crime Prevention and Criminal Justice Reform (Outcome 1, Output 2, Indicator 6) and the UNODC Regional Programme for West Africa (2010-2014). In particular it contributes to sub programme 2 of the Regional Programme: Building justice and

integrity; Outcome 2: Member States identify opportunities for improvement of national criminal justice systems and act upon them with UNODC assistance.

The project contributes to the United Nations Development Assistance Framework (UNDAF) for Liberia (2013-2017), particularly its Outcome 1.1: Rule of Law: Liberia has an improved, inclusive Rule of Law: Liberia has an improved, inclusive Rule of Law framework for effective administration and equitable access to justice in compliance with International Human Rights standards.

The project also forms part of the implementation of Economic and Social Council (ECOSOC) Resolution 2007/24 entitled ‘International Cooperation for the improvement of access to legal aid in criminal justice systems particularly in Africa’, and in line with the Lilongwe Declaration on Accessing Legal Aid in the Criminal Justice System in Africa (2004).<sup>57</sup> In its resolution, ECOSOC expressed concern of the proportion of suspects and pre-trial detainees kept in detention for long periods of time in many African countries without being charged or sentenced and without access to legal advice or assistance. ECOSOC further requested that UNODC provide advisory services and technical assistance to Member States in the area of penal reform and the development of an integrated plan for the provision of legal assistance. The proposed project is in line with UNODC efforts to provide such technical assistance, in the context of its wider mandate as the custodian of UN Standards and Norms in Crime Prevention and Criminal Justice.

The Project supports the goal of promoting the rule of law and respect for human rights (United Nations Millennium Declaration, GA resolution 55/2, Chapter V). The project activities will link to the fulfilment of the MDG’s, in particular Goal 8: Develop a global partnership for development. Core human rights principles such as participation and inclusion, accountability and rule of law contribute to achieve and sustain MDG achievements. This project ensures the principle of establishing a rule of law and rights based system.

## II. DISBURSEMENT HISTORY

Total Approved Budget (time period)	Total Approved Budget (time period)	Expenditure (time period)	Expenditure in % (time period)
\$361,000	\$361,000	January 2013 to December 2014	70%

<sup>57</sup> Adopted at the Conference on Legal Aid in Criminal Justice: the Role of Lawyers, Non-Lawyers and other Service Providers in Africa, Lilongwe, Malawi, November 22-24, 2004. available on-line at <http://www.penalreform.org/files/rep-2004-lilongwe-declaration-en.pdf>.

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### III. PURPOSE OF THE EVALUATION

#### Reasons behind the evaluation taking place

Evaluation is a requirement of all UNODC projects, is a requirement of the project donors, and is a good practice. An Independent Project Evaluation is required for most UNODC projects. Due to the amount of the budget, this project could have been evaluated through a Participatory Self Evaluation, however the United Nations Development Account (UNDA) requires an “external evaluation” which is why an independent project evaluation will be conducted. The evaluation follows the UNODC independent project evaluation guidelines and templates<sup>58</sup>.

#### Assumed accomplishment of the evaluation

The purpose of the evaluation is to provide accountability to stakeholders (donors, UNODC staff and management, Member States, target groups and UN partner agencies) by determining the extent to which the project objectives were met and resources were wisely used.

The information gained on the successes and failures through this evaluation can inform the implementation of the project LBRZ21, which has been approved and is in the fundraising phase, also focusing on strengthening public defense in Liberia. Also, the present evaluation is a learning tool that will empower stakeholders by expanding their knowledgebase and enhancing their skills.

#### The main evaluation users

The main evaluation users are the stakeholders: UNDA, UNODC staff and management, PDO, JPI and UN partner agencies.

### IV. SCOPE OF THE EVALUATION

#### The unit of analysis to be covered by the evaluation

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<sup>58</sup> All UNODC evaluation norms, tools, standards and templates (including the Evaluation Policy as well as the Evaluation Handbook) can be found on the IEU website:  
<http://www.unodc.org/unodc/en/evaluation/independent-project-evaluations-step-by-step.html>

The present evaluation will evaluate project 1011AY/ROA-204-7B UNODC-Liberia: Promoting Rule of Law and Governance in the Criminal Justice System in Liberia.

The time period to be covered by the evaluation

The period from January 2013 to December 2014 should be covered in the evaluation, with a focus on activities beginning from October 2013 when implementation in Liberia began.

The geographical coverage of the evaluation

The project is for the country of Liberia only. Most of the stakeholders are centralized or based in the capital city, Monrovia.

## V. EVALUATION CRITERIA AND KEY EVALUATION QUESTIONS

The evaluation will be conducted based on the following DAC criteria: relevance, efficiency, effectiveness, impact, sustainability, as well as partnerships and cooperation, gender and human rights and lesson learned, and, will respond to the following below questions, however, provided as indicative only, and required to be further refined by the Evaluation Consultant.

<i>Relevance</i>
1. How relevant is the project to target groups', including Governments', needs and priorities?
2. How relevant is the project to other key stakeholders' (executing agencies, partner organizations, including other UN agencies, NGOs etc.) needs and priorities?
3. To what extent is the project or programme aligned with the policies and strategies of the partner country, UNODC, other United Nations organizations and bilateral donors?
<i>Efficiency</i>
1. Were the resources and inputs converted to outputs in a timely and cost-effective manner?
2. To what extent was UNODC HQ based management, coordination and monitoring efficient and appropriate for Field Offices?
3. Are there any general lessons applicable to UNODC that could be drawn as regards achievement of outputs?

<i>Effectiveness</i>
1. To what extent were the planned objectives and outcomes achieved? Please provide a brief analysis on the project progress in achieving the objectives and outcomes
2. To what extent were problems encountered in the delivery of planned objectives and outcomes and if any, how were they overcome?
3. Are there any general lessons applicable to UNODC that could be drawn as regards achievement of objectives and outcomes?
<i>Impact</i>
1. To what extent did the project affect the delivery of legal aid by the public defenders to their clients?
2. To what extent did the project affect the status of the Public Defense Office within the criminal justice system?
<i>Sustainability</i>
1. To what extent are the project results likely to continue after the project?
2. Is stakeholders' engagement likely to continue, be scaled up, replicated or institutionalized after external funding ceases? Please explain.
<i>Partnerships and cooperation</i>
1. Were partners' (e.g. donors, NGOs, Governments, other UN agencies etc.) inputs of quality and provided in a timely manner?
2. Are there any general lessons applicable to UNODC that could be drawn as regards partnerships, e.g. what are the reasons for successful partnerships? Please explain.
<i>Human rights and gender</i>
1. To what extent did the project's results contribute to the improvement of human rights?
2. To what extent did the project's results contribute to the improvement of gender equality?
3. To what extent were human rights and gender mainstreamed in the project design and implementation?
<i>Lessons learned</i>
1. Identify lessons learned for those factors that enable success.

2. Identify lessons learned for those factors impede performance.

## EVALUATION METHODOLOGY

The methods used to collect and analyse data

The data collection needs to be based on various sources in order to triangulate the findings. A thorough desk review of various documents needs to be conducted (e.g. UNODC project document; progress reports; training manuals; budget reports; satisfaction surveys from stakeholders; etc.).

Additional data collection methods will depend upon the health and security context in Liberia. Currently, the Ebola Virus Disease epidemic in Liberia has limited the number and scope of activities. If the health and security situation in Liberia clearly improves to allow for safe travel and continuation of activities, in-person, semi-structured interviews and/or focus groups with key stakeholders should be used for this evaluation: PDO and public defenders, JPJI, UNMIL, UNICEF, UNDA, UNODC, Fellows, Washington & Lee School of Law and the Israeli Public Defense Office. In the event that a field mission is not possible due to the health and security situation, or other unforeseen circumstances, telephone or Skype interviews will suffice. If remote methods will substitute the field mission, a questionnaire should be developed and disseminated in order to increase the response-rate and triangulation of data.

Interviews with further relevant stakeholders will be arranged, if requested by the evaluator.

These methods need to be further refined by the Evaluation Consultant.

The sources of data

Primary sources of data will be the Core Learning Partners (CLPs) members listed in Annex 3. Also the list of documentation listed in Annex 2 will be the data sources for the desk review (secondary sources).

## VI. TIMEFRAME AND DELIVERABLES

Time frame for the evaluation

The evaluation will take place during January 2015. The desk review should take place during the first two weeks of January 2015. A field mission to Liberia for approximately five days should take place directly following the desk review if the conditions allow. If the health and security conditions do not allow for a field mission, telephone or Skype interviews and a questionnaire will suffice. The final report should be submitted in February 2015.

### Time frame for the field mission

The field mission should take place January 2015 following the desk review, if conditions permit.

In the event that a field mission is not possible due to travel restrictions, or other unforeseen circumstances, telephone or Skype interviews and a questionnaire will suffice.

### Expected deliverables and time frame

The Evaluator will have the overall responsibility for the quality and timely submission of all deliverables, as specified below:

- Inception Report, containing a refined work plan, methodology and evaluation tools, in line with UNODC evaluation handbook, policy, guidelines and templates.
- Draft Evaluation Report in line with UNODC evaluation guidelines and templates.
- Final Evaluation Report, including annex with management response and evaluation findings and recommendations to CLPs and other key stakeholders.

The timeframes here are approximate and may be altered slightly due to the progress of implementation and dates of planned project activities.

Duties	Approximate Time frame	Location	Deliverables
Desk review	2 to 16 January 2015	Home base	Inception report including list of evaluation questions and data collection tools; including review by Project Management and IEU as well as clearance by IEU
Semi-structured interviews and/or focus groups with key stakeholders	19 to 23 January 2015	Liberia and/or remotely via Skype/phone and questionnaire, as appropriate	Mission report including list of persons interviewed and persons participating in focus groups, summary of data collection

			methods, notes and preliminary findings
Drafting of the evaluation report; submission to IEU and stakeholders for comments; incorporation of comments; clearance by IEU	26 January to 6 February 2015	Home base	Draft evaluation report in line with UNODC evaluation handbook, policy, guidelines and templates.
Finalization of report incl. Management response; clearance by IEU	9 to 27 February 2015	Home base	Final evaluation report

## VII. EVALUATION TEAM COMPOSITION

### Number of evaluators needed

Due to the relatively small size of the project and number of activities, only one evaluator is necessary.

The evaluator shall not act as representatives of any party and must remain independent and impartial.

### The role of the evaluator

Carry out the desk review; develop the inception report; draft and finalize the inception report and evaluation methodology, incorporating relevant comments, in line with the guidelines and template on the IEU website <http://www.unodc.org/unodc/en/evaluation/evaluation-step-by-step.html>; conduct the evaluation process; triangulate data and test rival explanations; ensure that all aspects of the terms of reference are fulfilled; draft an evaluation report in line with UNODC evaluation policy and the guidelines and template on the IEU website <http://www.unodc.org/unodc/en/evaluation/evaluation-step-by-step.html>; finalize the evaluation report on the basis of comments received; include a management response, evaluation findings and recommendations to CLPs and other key stakeholders in the final report.

More details are provided in the Terms of Reference in Annex I.

### Conflict of interest

The evaluators will not act as representatives of any party and must remain independent and impartial. The evaluator must not have been involved in the design and/or implementation, supervision and coordination of and/or have benefited from the project under evaluation.

### Qualifications of the evaluator

Advanced university degree (Master's degree or equivalent) in social sciences, economics or related field, with specialized training in evaluation; technical expertise in various evaluation methodologies and techniques, including multiple stakeholders and post conflict situation; 8 years of progressive experience in evaluation design methodology; prior experience in planning, designing, implementing, analyzing and reporting results of qualitative and quantitative studies; experience in policy planning and policy analysis; academic qualifications or experience in the subject of the evaluation such as public defense or criminal justice experience and knowledge of the UN system is an asset; previous work/research/evaluation experience in Liberia (desirable); understanding of gender and human rights considerations is an asset; excellent communication and drafting skills; fluency in oral and written English is required.

The consultant should demonstrate:

- extensive knowledge of, and experience in applying, qualitative evaluation methods;
- a strong record in designing and leading evaluations;
- technical competence in the area of evaluation (advanced university degree or practical experience); and
- excellent communication and drafting skills in English; proven by previous evaluation reports.

## VIII. MANAGEMENT OF EVALUATION PROCESS

### Roles and responsibilities of the Project Manager

The Project Manager is responsible for managing the evaluation, drafting and finalizing the ToR, selecting CLPs and informing them of their role, recruiting evaluators, providing desk review materials to the evaluation team, reviewing the inception report as well as the evaluation methodology, liaising with the CLPs, reviewing the draft report, assessing the quality of the final report by using the Quality Checklist for Evaluation Reports, as well as developing an implementation plan for the evaluation recommendations as well as follow-up action.

Management will be in charge of providing logistical support to the evaluation team including arranging the field missions of the evaluation team. For the field missions, the evaluator liaises with the UNODC Regional/Field Offices and mentors as appropriate.

#### Roles and responsibilities of the evaluation stakeholders

Members of the CLPs are selected by the project managers. 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. A list of CLPs are provided in Annex 3.

#### Roles and responsibilities of the Independent Evaluation Unit

The Independent Evaluation Unit (IEU) provides mandatory normative tools, guidelines and templates to be used in the evaluation process. Please find the respective tools on the IEU web site <http://www.unodc.org/unodc/en/evaluation/evaluation.html>.

The Independent Evaluation Unit reviews and clears all deliverables of this evaluation – Terms of Reference; Inception Report; Draft Evaluation Report; Final Evaluation Report.

#### Logistical support responsibilities

The Project Manager will be in charge of providing logistical support to the evaluation team including arranging the field missions of the evaluation team. For the field missions, the evaluation team liaises with the UNODC Regional/Field Offices and mentors as appropriate

## IX. PAYMENT MODALITIES

Consultants will be issued consultancy contracts and paid in accordance with UNODC rules and regulations. The contract is a legally binding document in which the consultant agrees to complete the deliverables by the set deadlines. It is the responsibility of the requesting office to carefully consider and determine the estimated time period that the consultant would need, to be able to produce quality work and fully complete all the expected deliverables on time. It is particularly essential that sufficient time is planned for the drafting and finalizing of the report, including the process of consultation and incorporation of comments and changes. Payment is correlated to deliverables and three installments are typically are foreseen (25%, 25% and 50% of total fees):

- The first payment (25 per cent of the consultancy fee) upon receipt of the Inception Report (clearance by IEU);

- The second payment (25 per cent of the consultancy fee) upon clearance of the Draft Evaluation Report by IEU;
- The third and final payment (50 percent of the consultancy fee, i.e. the remainder of the fee) only after completion of the respective tasks, receipt of the final report and clearance by UNODC/IEU.

75 percent of the daily subsistence allowance and terminals is paid in advance, before travelling. The balance is paid after the travel has taken place, upon presentation of boarding passes and the completed travel claim forms

## ANNEX 1. JOB DESCRIPTIONS OF EVALUATORS

Independent Project Evaluation of the UNODC project

Terms of Reference for the International Evaluation Consultant

<b>Post title</b>	International Evaluation Consultant
<b>Organisational Section/Unit</b>	UNODC Division for Operations/Justice Section
<b>Duty station</b>	Home base; 5-day mission to Monrovia, Liberia (tentative)
<b>Estimated time period</b>	2 months (20 days of work home base or 10 days + mission)
<b>Starting date required</b>	January 2015

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### 1. Background of the assignment:

Liberia, a country emerging from a prolonged civil war, is currently rebuilding its public institutions, including the criminal justice system. The Public Defense Office (PDO) was established under the judiciary in 2009 to provide legal representation for the indigent and several newly graduated lawyers were recruited. Since this time, many efforts have been put into rebuilding the capacity of the prosecution and the judiciary, but less attention has been given to the defense.

Building the capacity of the PDO is of particular concern given an estimated 80% of prisoners are awaiting trial within Liberia's prisons.<sup>59</sup> The Twenty-sixth progress report of the Secretary-General on the United Nations Mission in Liberia (UNMIL) indicated the high percentage of prisoners awaiting trial has "a corresponding negative impact on corrections facilities, with five prison disturbances and 13 recorded escape incidents during the reporting period."<sup>60</sup>

The Constitution of the Republic of Liberia (1984) enumerates the rights of individuals suspected or accused of crimes, including those arrested or detained:

"Every person suspected or accused of committing a crime shall immediately upon arrest be informed in detail of the charges, of the right to remain silent and of the fact that any statement made could be used against him in a court of law. Such

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<sup>59</sup> UN Security Council, Twenty-sixth progress report of the Secretary-General on the United Nations Mission in Liberia (S/2013/479).

<sup>60</sup> Ibid.

person shall be entitled to counsel at every stage of the investigation and shall have the right not to be interrogated except in the presence of counsel. Any admission or other statements made by the accused in the absence of such counsel shall be deemed inadmissible as evidence in a court of law.” (Article 21(c))

“Every person arrested or detained shall be formally charged and presented before a court of competent jurisdiction within forty-eight hours. Should the court determine the existence of a prima facie case against the accused, it shall issue a formal writ of arrest setting out the charge or charges and shall provide for a speedy trial. There shall be no preventive detention.” (Article 21(f))

However, in practice, few indigent people suspected or accused of crimes receive representation. The PDO recognizes that it is understaffed and under-resourced, and has expressed interest in providing better training, advising, and supervision to its lawyers. In a letter to the Chief Justice in February 2010, the coordinator and supervisor of the PDO recommended holding trainings during court breaks since a “majority of the defence counsels are young lawyers and are not well equipped with court room practice, especially trial techniques.”

From the letter from the PDO to the Chief Justice followed the development and implementation of the present UNODC project *Promoting the Rule of Law and Governance in the Criminal Justice System in Liberia*. The project objective is to produce *sustainable* and *nationally-owned* benefits for improving the availability and quality of justice for the accused in Liberia. The project entails establishing a national training mechanism for Liberian defense lawyers and facilitating the adoption of cooperation frameworks and internal policies.

## **2. Purpose of the assignment:**

The present Terms of Reference is for an evaluator to conduct an independent project evaluation. Evaluation is a requirement of all UNODC projects, is a requirement of the project donors, and is a good practice. While a participatory self-evaluation is required by UNODC for this project, the United Nations Development Account requires an “external evaluatin” which is why an independent project evaluation will be conducted. The evaluation should follow the UNODC independent project evaluation guidelines and templates.

The purpose of the evaluation is to provide accountability to stakeholders (donors, UNODC staff and management, Member States, target groups and UN partner agencies) by determining the extent to which the project objectives were met and resources were wisely utilized.

Also, the information gained on the successes and failures through this evaluation can inform the implementation of forthcoming project LBRZ21 also focusing on strengthening public defense in Liberia. The present evaluation is a learning tool that will empower stakeholders by expanding their knowledgebase and enhancing their skills.

The main evaluation users are the stakeholders: UNODC staff and management, Member States, Liberia Public Defense Office, the James A.A. Pierre Institute and UN partner agencies.

The evaluation should cover the topics of relevance, efficiency, effectiveness, impact, sustainability, partnerships and cooperation, human rights and gender, and lessons learned, and generally address the questions specified in the main body of the present ToR. The evaluation should cover the time frame of January 2013 to December 2014, with a focus on activities from October 2013 when implementation began.

This evaluation is to be undertaken in line with the full Evaluation Terms of Reference.

### **3. Specific tasks to be performed by the evaluation consultant:**

Under the guidance of the Independent Evaluation Unit, the Evaluation Consultant will conduct the Independent Project Evaluation of the UNODC project *Strengthening the Rule of Law and Governance in the Criminal Justice System in Liberia*. On the basis of the Evaluation Terms of Reference, key responsibilities of the Evaluation Consultant include (i) development of the evaluation design with detailed methods, tools and techniques, (ii) leading the evaluation process, (iii) ensuring adherence to the UNEG Norms and Standards, UNODC Evaluation Guidelines and Templates, and the evaluation ToR, and (iv) ensuring overall coherence of the report writing, (v) ensuring that all deliverables are submitted in line with UNODC evaluation policy, handbook, guidelines and templates.

### **4. Expected tangible and measurable output(s):**

The evaluator will be responsible for the quality and timely submission of his/her specific deliverables, as specified below. All products should be well written, inclusive and have a clear analysis process.

The evaluator will have the overall responsibility for the quality and timely submission of all deliverables, as specified below. All products should be well written, inclusive and have a clear analysis process:

- Inception report, containing a refined work plan, methodology and evaluation tools; in line with UNODC evaluation guidelines and templates<sup>61</sup>; cleared by the Independent Evaluation Unit (IEU).
- Draft evaluation report in line with UNODC evaluation guidelines and templates; cleared by IEU.

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<sup>61</sup> All UNODC evaluation guidelines and templates can be found on the IEU website:  
<http://www.unodc.org/unodc/en/evaluation/independent-project-evaluations-step-by-step.html>

- Final Evaluation Report, including annex with management response and evaluation findings and recommendations to CLPs and other key stakeholders; cleared by IEU.

#### 5. Dates and details as to how the work must be delivered:

The consultant will be hired for 20 days (home-based) or 10 days + 5 days mission, over a period of 2 months between January 2015 and February 2015.

On the basis of the Evaluation Terms of Reference, s/he will carry out the following deliverables and tasks. The timeframes here are approximate and may be altered slightly due to the progress of implementation and dates of planned project activities.

Duties	Approximate Time frame	Location	Deliverables
Desk review	2 to 16 January 2015	Home base	Inception report including list of evaluation questions and data collection tools; including review by Project Management and IEU as well as clearance by IEU
Semi-structured interviews and/or focus groups with key stakeholders	19 to 23 January 2015	Liberia and/or remotely via Skype/phone and questionnaire, as appropriate	Mission report including list of persons interviewed and persons participating in focus groups, summary of data collection methods, notes and preliminary findings
Drafting of the evaluation report; submission to IEU and stakeholders for comments; incorporation of comments; clearance by IEU	26 January to 6 February 2015	Home base	Draft evaluation report in line with UNODC evaluation handbook, policy, guidelines and templates.
Finalization of report incl.	9 to 27 February 2015	Home base	Final evaluation report

Management response; clearance by IEU			
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**6. Indicators to evaluate the consultant’s performance:**

Timely and satisfactory delivery of the above mentioned outputs as assessed by IEU (in line with UNODC evaluation policy, handbook, guidelines and templates as well as UNEG Standards and Norms).

**7. Qualifications/expertise sought (required educational background, years of relevant work experience, other special skills or knowledge required):**

Advanced university degree (Master’s degree or equivalent) in social sciences, economics or related field, with specialized training in evaluation; technical expertise in various evaluation methodologies and techniques, including multiple stakeholders and post conflict situation; 8 years of progressive experience in evaluation design methodology; prior experience in planning, designing, implementing, analyzing and reporting results of qualitative and quantitative studies; experience in policy planning and policy analysis; academic qualifications or experience in the subject of the evaluation such as public defense or criminal justice experience and knowledge of the UN system is an asset; previous work/research/evaluation experience in Liberia (desirable); understanding of gender and human rights considerations is an asset; excellent communication and drafting skills; fluency in oral and written English is required.

The consultant should demonstrate:

- extensive knowledge of, and experience in applying, qualitative evaluation methods;
- a strong record in designing and leading evaluations;
- technical competence in the area of evaluation (advanced university degree or practical experience); and
- excellent communication and drafting skills in English; proven by previous evaluation reports.

**Payment Details**

The evaluator will be issued a consultancy contract and paid in accordance with United Nations rules and procedures. Fees payment correlates to deliverables.

Payment will be made upon the clearance of the following deliverables as follows:

1. 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) – 25% of the consultancy fee.
2. Draft Evaluation Report in line with UNODC evaluation policy, templates and guidelines<sup>2</sup> (to be cleared by IEU) – 25% of the consultancy fee.
3. Final Evaluation Report, including annexes, fully in line with UNODC evaluation policy, templates and guidelines (all to be cleared by IEU) – 50% of the consultancy fee (i.e. the remainder of the consultancy fee).

75 percent of the daily subsistence allowance and terminals is paid in advance, before travelling. The balance is paid after the travel has taken place, upon presentation of boarding passes and the completed travel claim forms.

#### **Absence of Conflict of Interest**

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

#### **Ethics**

The evaluators shall respect the UNEG Ethical Guidelines.

ANNEX 2. LIST OF BACKGROUND DOCUMENTS FOR THE DESK  
REVIEW

Project document

- Original project document
- Revised project document

21 to 25 October 2013 Expert Group Meeting (activity A.1.2)

- Meeting Agenda
- List of Participants
- Daily participant evaluations
- UNODC meeting summary

16 to 20 June 2014 Training of Trainers (activity A.1.7)

- Meeting Agenda
- List of Participants
- Participant evaluations
- UNODC training summary

4 to 7 August 2014 Workshop I (activity A.2.3)

- Meeting Agenda
- List of Participants
- Participant evaluations
- UNODC training summary

Reports of other project activities (TBD)

Public Defense Practice Manual (activity A.1.4)

- Drafts of manual

- List of persons/agencies manual was circulated, with dates and their feedback

Public Defense Trainign Manual (activity A.1.6)

- Drafts of manual
- List of persons/agencies manual was circulated, with dates and their feedback

Procurement of supplies for the Public Defense Office (activity A.2.1)

- Handover documentation/reports
- Expenditure report

Procurement of supplies for the James A.A. Pierre Judicial Institute (activity A.1.3)

- Handover documentation/reports
- Expenditure report

Fellowship programme (activity A.2.4)

- List of sign-in sheets of interns
- Report of expenditures/payments made to fellows
- Progress report from fellowship facilitator, Victoria Weah

UNDA Annual Progress Report

Expenditure report

Evaluation Terms of Reference

UNODC Evaluation handbook, guidelines and template

## ANNEX II. EVALUATION TOOLS: QUESTIONNAIRES AND INTERVIEW GUIDES

Attn. former fellows

15 January, 2015

Re : Evaluation questionnaire fellowship programme of UNODC's project 'Promoting Rule of Law and Governance in the Criminal Justice System in Liberia'

Dear former fellow,

For at least six months from September 2013 to November 2014 you have been a fellow to support the public defense function in Liberia. The fellowship programme has been supported by UNODC's project 'Promoting Rule of Law and Governance in the Criminal Justice System in Liberia' which was completed at the end of December 2014. As part of the independent final evaluation of this project I would like to invite you to take part in this assessment by filling in the attached questionnaire to share your views about the relevance and results of the fellowship programme, and to provide recommendations on how such a programme could be improved in the future.

The questionnaire has five sections, namely on personal information, training, the internship programme, advocacy work, the monthly stipend and your career. At the end of the questionnaire there is further space to provide recommendations and/or comments. Information given in the questionnaire will be treated in a confidential manner, and data will be de-personalized if necessary before being included in the evaluation report.

It will take approximately ten minutes to fill in the questionnaire. The filled in questionnaire can be send to the project evaluator at xxxxxxxx. The deadline is Wednesday 21 January, 2015. Please contact the evaluator in case you have any questions regarding the questionnaire and/or this evaluation.

The evaluation report will later this year be available on UNODC's website [www.unodc.org](http://www.unodc.org).

I would like to thank you in advance for your time and cooperation.

With kind regards,

### **Questionnaire**

**For Fellows supported by UNODC's project "Promoting Rule of Law and Governance in the Criminal Justice System in Liberia" – UNODC final project evaluation**

**January, 2015**

#### **Section 1 : Personal information**

1. Age:
2. Sex : M/F
3. Location fellowship :
4. When were you a fellow ? (mm/yyyy-mm/yyyy)

#### **Section 2: Information about the training/lectures**

5a Did you find the training useful?

- Highly useful       Useful       Not very useful       Not useful       Don't know

5b Please explain your answer:

6. What did you value most about the training?

7. Could something have been done differently to improve the training?

#### **Section 3: Information about the internship with a public defence counsel**

8a Did you find the internship with a defence counsel useful for your skill development?

- Highly useful       Useful       Not very useful       Not useful       Don't know

8b Please explain your answer:

9a Did you find the internship with a public defence counsel useful to improve the availability and quality of justice for the accused?

- Highly useful       Useful       Not very useful       Not useful       Don't know

9b Please explain your answer:

10. What did you value most about the internship?

11a Do you feel that your work during your internship has made a difference for at least one accused person?

- Yes       No       Don't know

11b Please explain your answer:

12 Is there something which could be done differently if the internship would be organized again?

### **Section 3: Information about advocacy work regarding access to justice**

13a Did you find advocacy work with communities useful?

- Highly useful       Useful       Not very useful       Not useful       Don't know

13b Please explain your answer:

14 What is the approx. number of members/per community you provided information to?

15 In which districts have you been able to raise awareness of community members?

16a Did you learn about someone taking action as a result of your advocacy work?

- Yes       No       Don't know

16b Please explain your answer:

#### **Section 4 Monthly stipend**

17. Did you receive a monthly stipend to support your fellowship?

- Yes       No       Don't know

18. How much did you receive each month? (USD)

19a. Did you find the stipend useful?

- Yes       No       Don't know

19b. Please explain your answer:

#### **Section 5 Your career**

20a. Have you already been able to complete your education?

- Yes (continue with 20b)     No (continue with 20d)     Don't know

20b If yes, have you become a defense counsel?

- Yes     No       Don't know

20c Please explain your answer:

20d If no, please explain your career plans?

21a. Has the fellowship been providing you with relevant knowledge and experience to influence your decision?

- Yes     No       Don't know

21b. Please explain your answer:

**Section 6      Recommendations and Comments**

22. Please provide recommendations and/or comments if deemed necessary:

**Thank you for your cooperation!**

Attn. Defense counsels

05 January, 2015

Re : Evaluation questionnaire for defense counsels who participated in the ToT held from 16 to 20 June, 2014 implemented within the framework of UNODC's project 'Promoting Rule of Law and Governance in the Criminal Justice System in Liberia'

Dear defense counsel,

From 16 to 20 June 2013 you took part in a Training of Trainers course organized jointly by the Public Defender's Office, the James A.A. Pierre Judicial Institute and UNODC. The UNODC project 'Promoting Rule of Law and Governance in the Criminal Justice System in Liberia' under which this activity was funded has recently been completed (December 2014), and a final independent project evaluation is currently conducted to assess its results, good practices and lessons learned. As part of this independent evaluation I would like to invite you to fill in the attached questionnaire to share your views about the relevance and results of this activity, and to provide some further insights into the impact on your work during the past year.

The questionnaire has four sections, namely on personal information, the training of trainers, the fellowship programme (which might only be relevant for some of you) and recent changes in practice and results of your work. As a daily assessment was also undertaken during the training of trainers, this section has been kept short. At the end of the questionnaire there is further space to provide recommendations and/or comments. Information given in the questionnaire will be treated in a confidential manner, and data will be de-personalized if necessary before being included in the evaluation report. Thus, your name requested on the first page of the questionnaire is only for cross-checking purposes, and will further not be used.

It will take approximately ten minutes to fill in the questionnaire. The filled-in questionnaire can be send to the project evaluator at [xxxxxxx](mailto:xxxxxxx). The proposed deadline is Friday 16 January, 2015. Please contact the evaluator in case you have any questions regarding the questionnaire and/or this evaluation.

The evaluation report will later this year be available on UNODC's website: [www.unodc.org](http://www.unodc.org).

I would like to sincerely thank you in advance for your time and cooperation.

With kind regards,

UNODC consultant

**Questionnaire**

**For defense counsels who participated in the ToT held in June, 2014 (UNODC project  
“Promoting Rule of Law and Governance in the Criminal Justice System in Liberia”)  
UNODC final project evaluation**

**January, 2015**

**Section 1 : Personal information**

- 5. Name :
- 6. Age:
- 7. Sex : M/F
- 8. Location Office (city):
- 9. When did you start your work as defense counsel?
- 6a. Have you obtained previous training experience ?
  - Yes
  - No
  - Don't know
- 6b. Please explain your answer:

**Section 2: The training of trainers**

- 7a Did you find the training of trainers held in June, 2014 useful?
  - Highly useful
  - Useful
  - Not very useful
  - Not useful
  - Don't know
- 7b Please explain your answer:
- 8. What did you value most about the training?
- 8. Which topics of the training of trainers did you consider to be most important?

9. Could something have been done differently to improve the training?

**Section 3: Fellowship programme (in case you had a fellow to assist you)**

10. For how many months did you get the support of a fellow?

11. What tasks did the fellow do to support your work?

12. Did you find the fellowship programme beneficial to your work? Please indicate the main areas in which the fellows made a difference:

13. Please provide recommendations in which areas and how the fellowship programme could be improved in the future:

**Section 4: Areas of change**

14a. Have the activities and outputs of UNODC's project already made a lasting difference in your work?

Yes       No       Don't know

14b. Please explain your answer:

15a. Please provide an explanation in which areas in your work you have been able to make changes/on the basis of which knowledge imparted during the different activities which allowed you to enhance your performance as a defense counsel in the past year?

15b. Please explain how you have been able to contribute to a) improving the availability and b) quality of justice for the accused in Liberia during the past year.

15c. If possible, please provide statistical information to support the above (for instance annual statistics of your cases of 2013 and of 2014)

**Section 5: Recommendations and Comments**

16. Please provide further recommendations and/or comments :

**Thank you for your cooperation!**

### ANNEX III. DESK REVIEW LIST

Goldsmith, H. with Clifford Msiska, Macario Perdigao, Adam Stapleton (2010) ‘Liberia needs Assessment Report of Legal Aid’. PAS Institute/UNODC,

Kramer, Isaac (2014) ‘Championing Liberty – NACDL Members Travel to Liberia for Criminal Defense Training’. NACDL, Washington. [www.nacdl.org](http://www.nacdl.org)

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UNODC (2012) 'Project document Promoting Rule of Law and Governance in the Criminal Justice System in Liberia' (22.2.12 edited 15.11.12 with additional edits 14.5.14+evaluation). UNODC, Vienna.

UNODC (2013a) 'Concept Note - Expert Group Meeting, 21 to 25 October 2013 (To launch project: Promoting Rule of Law and Governance in the Criminal Justice System in Liberia). UNODC, Vienna.

UNODC (2013b) 'Agenda (final) Expert Group Meeting Promoting the Rule of Law and Governance In the Criminal Justice System in Liberia October 21 – 25, 2013'. UNODC, Vienna.

UNODC (2013c) 'Improving justice in Liberia'. UNODC, Vienna. <http://www.unodc.org/unodc/en/frontpage/2013/November/improving-justice-in-liberia.html>

UNODC (2013d) 'Concept Note Support to project 1011AY/ROA-204-7B Promoting Rule of Law and Governance in the Criminal Justice System in in Liberia - Improving the skills, organization and quality of services of the public defense office in Liberia (Support Proposal US)'. UNODC, Vienna.

UNODC (2013e) 'Summary of Meeting - UNODC Expert Group Meeting Promoting the Rule of Law and Governance In the Criminal Justice System in Liberia 21 to 25 October, 2013'. UNODC, Vienna.

UNODC (2014a) 'UNDA progress report: annual progress reports for 8th tranche and extended 7<sup>th</sup> tranche development account project'. UNODC, Vienna.

UNODC (2014b) 'Proposal for Reallocation of Funds Project 1011AY/ROA-204-7B Promoting Rule of Law and Governance in the Criminal Justice System in in Liberia - Improving justice for the accused in Liberia: Decongestion of Prisons in light of the Ebola Pandemic Release and reintegration of inmates'. UNODC, Vienna.

UNODC (2014c) 'Agenda Expert Group Meeting To Review and Finalize the Practice Manual and Training Manual for Public Defenders 13-14 November 2014'. UNODC, Vienna.

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UNSC (2014a) 'Twenty-seventh progress report of the Secretary-General on the United Nations Mission in Liberia' (S/2014/123). 18 February, 2014.

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## ANNEX IV. OVERVIEW INTERVIEWS

**Interviews undertaken at the global level/with respect to global project components**

<b>ORGANISATION</b>	<b>Number of persons interviewed</b>	<b>Relation to project</b>	<b>Mode of interview</b>
<i>UNODC/Justice Section</i>	1	Executing agency	Skype (2x)
<i>UNODC/Donor</i>	1	Executing agency	Skype
<i>UNODC/former UNODC Liberia staff</i>	2	Executing agency	Telephone
<i>PDO</i>	1	Beneficiary	Skype
<i>James A.A. Pierre Judicial Institute</i>	2	Beneficiary	Telephone
<i>Supreme Court of Liberia</i>	1	Beneficiary	Written comments in the end because of poor telephone connection
<i>Fellowship programme coordinator</i>	1	(indirect) beneficiary	Skype
<i>Ministry of Justice</i>	1	(indirect) beneficiary	Skype
<i>UNMISS</i>	1	UN partner	Skype
<i>UNDP</i>	2	UN partner	Skype
<i>NACDL</i>	1	Contractor	Skype
<i>ILF</i>	1	Partner	Skype
<i>Israeli public defense office</i>	2	Partner	Telephone
<i>PAE</i>	2	Partner	Telephone
<i>Washington and Lee University</i>	1	Partner	Skype
<b>Total</b>	20 persons		

## ANNEX V. FINDINGS SURVEY FELLOWSHIP PROGRAMME

### 1. Background

The fellowship programme, which was funded and implemented under the UNODC project ‘Promoting Rule of Law and Governance in the Criminal Justice System in Liberia’, was implemented in Monrovia, Liberia from September, 2013 to November, 2014. In January, 2015 a survey has been undertaken to provide former fellows of the fellowship programme (September 2013-November 2014) the opportunity to share their experiences as part of the end of project evaluation of the above-mentioned project. A questionnaire was developed and shared with thirteen out of fourteen fellows who took part in the programme via email. A reminder was sent out, and the UNODC administrative assistant based in the field office in Monrovia also contacted them by phone to solicit their time to fill in the questionnaire.<sup>62</sup> A total of nine filled-in questionnaires were received – three of the fellows who failed to respond to the questionnaire were in the USA.

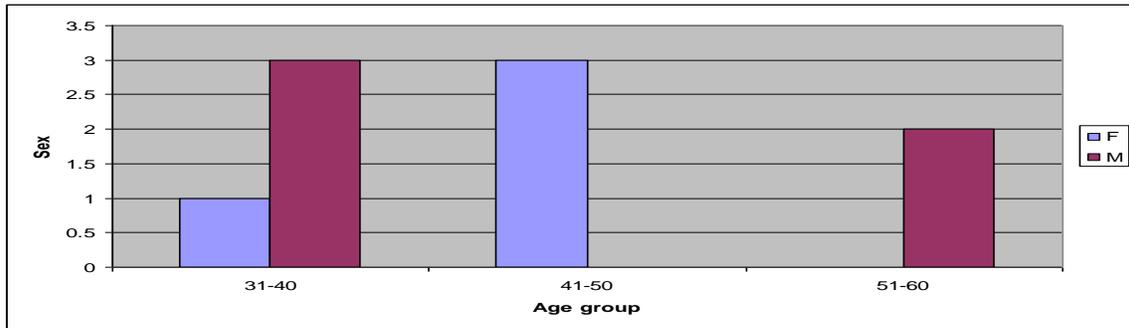
### 2. Profile respondents

The nine respondents comprised four female and five male fellows with the majority having completed the entire fifteen months of the fellowship programme. The fellows were relatively old students as all were over thirty years of age. Two male fellows were – at least according to the information provided - in their early fifties. This can be explained by the fact that many were unable to continue with their education because of the civil conflict.<sup>63</sup> All were reportedly students of the Louis Arthur Grimes Law School in Monrovia.

### Graph 3: Sex and age groups of respondents

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<sup>62</sup> The UNODC administrative assistant based in Monrovia had sent an email which included a letter of the evaluator and the questionnaire to the fellows. A reminder was also sent after several days, and the administrative assistant followed up by phone in order to get a higher level of response. Some fellows actually shared the filled-in questionnaire with the administrative assistant because of limited or no access to internet, and the form was consequently sent to the evaluator. This compromised the confidentiality of information shared with the evaluator.

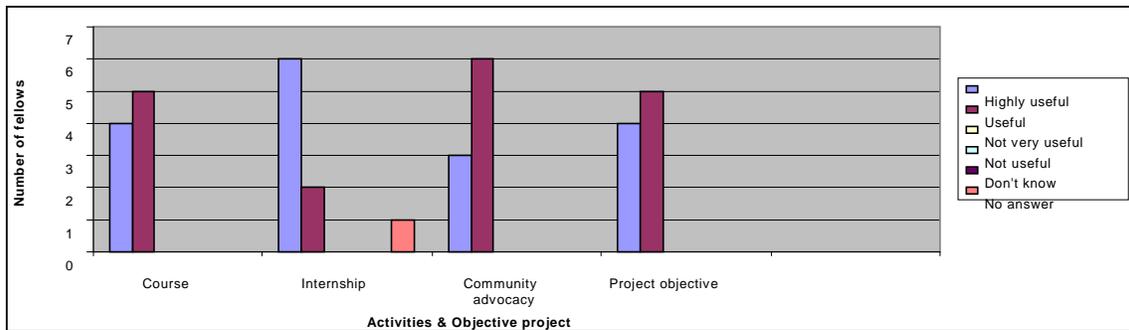
<sup>63</sup> The relatively high age of students was also mentioned by the American Bar Association [http://www.americanbar.org/advocacy/rule\\_of\\_law/where\\_we\\_work/africa/liberia/programs.html#judicial\\_reform](http://www.americanbar.org/advocacy/rule_of_law/where_we_work/africa/liberia/programs.html#judicial_reform)



### 3. The fellowship programme

The fellowship programme had three components, namely long-distance education offered by the Lee and Washington University (facilitated by the US Embassy in Monrovia), the internship programme with public defenders and community advocacy. All three components were considered useful and very useful by the respondents, with the internship programme rated as highly useful in a large number of cases in comparison with the other two components. The contribution of the internship to improving the availability and quality of justice for the accused was also rated as positive by the respondents.

**Graph 4: Rating usefulness activities fellowship programme to objective**



Each fellow was assigned to a defense counsel to support his work. The fellow was given different tasks to get practical work experience and a better understanding of the work of the defense counsel in the criminal justice system. This component was in the majority of respondents seen as highly useful. Some of the comments made to support this view are the following: ‘My own experience with the public defense counsel during the internship was very rewarding and practical. The internship taught the basic methods in litigation, courtroom protocols and procedures’; ‘The internship at the public defence office exposed us to practice [...] and the courtroom which would have not been possible [...] without the internship. The internship helped me gain self-confidence in representing clients’, and; ‘We were able to observe and learn skills used by the Attorneys which is an eye opener, putting what is taught in the class room into actual practice’.

The respondents valued different aspects of their internship most, including the following: ‘I valued the openness with which we worked during the internship and the readiness of public defence lawyers to answer our inquiries and gave further explanations to clear our doubts. We were introduced to judges and court staff who readily accepted us in their courtrooms.’; Attending trials with defense counsels’; and; ‘We were able to help in advising some inmates who in fact didn’t even know what they were to do in obtain justice for themselves. Lawyers are overwhelmed as they are not sufficient to handle the amount of cases speedily.’

The internship with a defense counsel was also seen as useful to contribute to improving the availability and quality of justice to the accused in Monrovia, as one of the examples given above already showed. All respondents noted that their internship had made a difference to at least one person, although not all had further substantiated this answer by sharing a concrete case. Examples given included the following:

- There was an accused who was accused of rape and had stayed for more than two years in jail. He didn’t know what to do as the accuser had abandoned the case but he was still being held. Because of the advised given to him he was able to get his issue forwarded and placed up on the docket for hearing.’;
- ‘I think very well so in that with the internship i visited the central prison in Monrovia where pre-trial detainees were placed with convicted criminals, through the internship there were inquiries about their status and [they] were presented and subsequently released’;
- ‘It was this experience that I had when a girl was accused of damaging a cell phone belonging to the complainant, when I called conference and mediated, the accused was vindicated as the accuser had not sufficient evidence to convict the accused. The accused then was very grateful. for my intervention there was no cost attached’;
- ‘Yes, I participated in reviewing the files of several inmates who had been incarcerated for more than three terms of court without indictment. A submission was made to the court and four inmates were freed for prison.’
- ‘Yes, it has made a significant difference for some kids that had been accused of inflicting serious bodily wounds on their neighbours’ daughter. I partnered with the public defense counsel and the case was dismissed on grounds of lack of sufficient evidence to support their claims.’

Recommendations to further improve this component were made with respect to the need to work longer hours, to get more responsibilities, to receive an identification card to clarify their status when dealing with other criminal justice actors, and more workshops to enhance the effectiveness of fellows. Although the education component of the fellowship programme supported by Washington and Lee University (and facilitated by the US Embassy were fellows could attend the long-distance lectures and use the necessary technical equipment to support their learning) already provided more exposure to these students with respect to comparative analysis and approaches, several pointed out that this training could in particular be improved with respect to ‘Writing skills, writing pleadings and other legal writings’, ‘allowing interns to actualize what they have learned by demonstration either in court or in a symposium’ and ‘Regular workshops should be held where we as students can discuss [about] our experiences and lawyers can help explain where we may have doubts’.

#### 4. Benefits (the stipend)

All respondents confirmed that they received a stipend, and all except one noted that the stipend was USD 105.<sup>64</sup> Five respondents noted that the stipend was useful, whereas the remaining four provided a negative view with respect to its usefulness. Some critical views were expressed regarding the stipend, such as the following two; ‘The stipend was paid irregularly and we were not informed of the pay rate. What amount per hour per days work? However stipend was received and it helped to fill some gaps’, and; ‘The stipend was meagre to handle our transportation and scratch cards to get to our supervisor on time. Also, the stipend was given on an irregular basis and not reaching us on time which caused a serious problem for the internship. Suggestion to increase it with 300/400 USD’. Other estimates for an increase were USD 200, USD 300 and USD 500.

One former fellow provided the following examples of the consequences of the – from their perspective – rather low stipend. He noted that he could not accompany his supervisor to the Circuit Court and the Monrovia Prison Compound on all scheduled days due to limited transportation means. For instance, if he was tasked to visit the prison compound three times a week, then he could only do this two times, and had to liaise on the third day with his supervisor to update him on the cases for the day he was absent. He further mentioned that he used to purchase scratch cards to have regular contact with the coordinator of the fellowship programme, his supervisor and inmates/detainees who were detained for minor offenses. He also used scratch cards to recharge his internet account to enable him to do research, and without money to purchase these cards he could not research adequately via the internet ([www.liberlii.org](http://www.liberlii.org)) to handle some of the Liberian cases that were assigned to him by his supervisor from the PDO.

The following recommendations can therefore be given to UNODC: to enhance clarity and transparency on the fellowship programme conditions (given in a contract between fellow and supporting agency), and to review the height of the stipend (if and to what extent this limits access to the programme of some students as well as their functioning as fellows).

#### 5. Future

None of the respondents had yet been able to complete their education. All had experienced a delay in completing their studies because of the Ebola epidemic which had caused a close down of the education system in the country. The majority still has two semesters to complete, whereas one student noted that he ‘I completed my courses at the Louis Arthur Grimes School during the first semester of 2014, while waiting for graduation to be held in December 2014, the Ebola virus hit our country. I will be very glad if I can be trained to work as a public defence Counsel in Liberia’. This would involve getting admitted to the Liberian National Bar Association.

The fellowship programme has overall been considered relevant for the expertise and future career choices of the respondents. One of them noted that ‘the fellowship has inspired me and the stories of the less unfortunate accused persons is so touching that some legal action must be taken to bring justice to those that have been denied the justice’; ‘My experience from the fellowship has provided me with an understanding of the workings of a defence counsel and has given a passion to work for indigent’; ‘My level of thinking and problem solving and how I address an

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<sup>64</sup> One respondent gave the figure of USD100, which is possibly a mistake as also financial records showed USD105.

issue has change greatly'; 'When I was not a part of this program I did not know that millions of Liberians needed access to Justice in Liberia, but in most cases they can't because they either don't have money or can't find their way around through the legal system. It was during this program I came to realize that a lot of our people do not have access to Justice'; 'more knowledge - added advantage in comparison to colleagues in law school' and 'Working with Public Defenders gives me experience as to what to expect when I start working as a Public Defender and how to go about doing what would expected of me'. One respondent also noted that it is important for the fellowship programme to continue to give other students the same opportunity, and to support their understanding about access to justice, and its importance in the criminal justice system in Liberia. In addition, it was also recommended that the fellowship programme be extended to other counties in Liberia in order to improve access to justice to all Liberians.