

EVALUATION BRIEFS

FINAL INDEPENDENT IN-DEPTH EVALUATION

STRENGTHENING THE ADMINISTRATION OF JUSTICE AND OPERATIONALIZING ALTERNATIVES TO IMPRISONMENT IN KENYA (KENW58)

Region: Kenya, East Africa.

Duration: March 2018-December 2022

Donors: European Union (EU)

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Full report:

https://www.unodc.org/unodc/en/evaluation/reports_year_2023.html

BACKGROUND AND CONTEXT

The Programme for Legal Empowerment and Aid Delivery in Kenya (PLEAD) is financed under the 11th European Development Fund (EDF), with the main component delivered by UNODC Regional Office in Eastern Africa (ROEA) under KENW58: Strengthening the Administration of Justice and Operationalising Alternatives to Imprisonment in Kenya, in partnership with UNDP Kenya which delivered PLEAD support on legal aid. KENW58 beneficiaries (national partners) were: National Council on Administration of Justice (NCAJ), the Judiciary, Office of the Director of Public Prosecutions (ODPP), Probation and Aftercare Service (PACS), and Witness Protection Agency (WPA). It covered 12 counties: Garissa, Isiolo, Kisumu, Lamu, Mandera, Marsabit, Mombasa, Nairobi, Nakuru, Tana River, Uasin Gishu and Wajir, expending \$18,094,219. The final evaluation assessed PLEAD's performance against the criteria of: relevance, efficiency, coherence, effectiveness, sustainability, impact, and human rights, gender equality, disability inclusion, and leaving no one behind priorities (HRG+).

MAIN FINDINGS

Relevance: PLEAD addressed the needs of the national partners, although key criminal justice sector (CJ) actors such as National Police Service (NPS) and Kenya Prisons Service (KPS) were not primary partners. The design was aligned to partners' strategies, policies, and the CJ sector's overall reform vision, and was inclusive and backed by solid background research. However, an elaborate theory of change (ToC) for the programme, backed by evidence-based lessons, was not articulated. **Efficiency:** Technical assistance, training, equipment, and infrastructure were delivered timeously, efficiently, and flexibly, even in the context of Covid-19. ICTs significantly enhanced efficiency in CJ institutions, but sustainable digital transition requires enabling policies, laws, and institutional mechanisms. Lack of an internal M&E function hindered use of results-based management (RBM) techniques. **Coherence:** UNODC and UNDP can work more closely to align the latter's support to legal aid NGOs with UNODC's support to national partners since civil society can help foster public understanding on alternatives to imprisonment. The donor coordination role played by NCAJ and UNODC helped pool donor efforts and reduce duplication, through participation in donor coordination mechanisms can still be enhanced. **Effectiveness:** There was strong evidence of effectiveness across the programme's three outcomes in assisting CJ institutions in developing long-term foundations for transformation, especially in developing strategic plans, policies, and practices guidelines, and creating new pathways for Kenyans to access alternative justice mechanisms. Evidence of higher-level outcome effectiveness was difficult to find, perhaps due to the long-term nature of some of the changes anticipated. **Impact:** PLEAD delivered widely recognised impacts in supporting NCAJ and furthering coherence and cooperation in the sector. Yet, impacts on the higher-level goal of reducing prison population have not been achieved, a gap which may be attributable to inadequate use of evidence-based approaches to address this difficult problem. **Sustainability:** Commendably, capacity strengthening support to NCAJ, and Court User Committees (CUCs) enhanced coordination in the CJ sector, but implementation of PLEAD-supported policies and guidelines will depend on how well personnel are sensitized to use them. Further, the frequent



of transfers of government staff is a challenge to PLEAD's large capacity building strategy. The sustainability of ICTs provided received by is also not guaranteed without enough dedicated government funding and capacity for maintenance. Further, the sustainability of higher-level objectives – reducing prison overcrowding and overall numbers of sentenced and remand prisoners – was not supported by a clear evidence base. HRG+ considerations were present in background research for the programme but less visible in the design. There was strong evidence of mainstreaming of HRG+ in interventions. Imbalances among non-PLEAD and PLEAD counties remain, especially in respect to the adequacy of ICTs in CJ facilities in non-PLEAD counties. This carries the risk of some counties falling behind.

LESSONS LEARNED

1. NCAJ and CUCs proved effective in addressing CJ policy issues and promoting coordination and collaboration.
2. A ToC analysis is necessary to identify the best evidence-based strategies to contribute to long-term programme objectives.
3. Use of non-custodial measures should be accompanied by an outreach strategy to the public.
4. UNODC and UNDP have similar mandates and so it necessary to improve coordination between them.

GOOD PRACTICES

1. Bringing equipment directly to the user in the field offices ensured delivery efficiency, especially to remote areas.
2. UNODC and the EU's flexibility and adaptability during the pandemic provided an opportunity to speed up digitization.
3. The support provided and strengthening of NCAJ, and CUCs proved to be very effective. This model could be applied in other countries.
4. Support provided to develop strategic plans, policies and guidelines enhanced programme's relevance and sustainability.
5. Support provided by expert consultants was well targeted, high quality, and enhanced UNODC's programme delivery capacity.

METHODOLOGY

A mixed methods approach was adopted to gather qualitative and quantitative data. To increase the validity of findings and conclusions, data and information was triangulated across sources and the different methods used. Field visits took place in 8 of the 12 programme counties (Kisumu, Mombasa, Nairobi, Nakuru and Uasin Gishu (classified as 'urban'), and Garissa, Lamu and Wajir (classified as 'marginalized')). 181 documents were reviewed, while semi-structured



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interviews and focus groups

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were held with 278 individuals (46% female, 54% male). The online survey was sent to 436 CJ personnel trained by the programme, with 23% response rate. Purposive sampling was applied to select interviewees, focus group participants, and survey respondents.

Recipient: UNODC ROEA

RECOMMENDATIONS

1. **Results-based management:** Provide appropriate resources to support articulation of an evidence-based ToC and the strengthening of RBM and internal M&E systems.
2. **Sustainability plan:** More vigorous attention should be given to the sustainability aspects and hand over of the budgeting arrangements and programme activities to the GoK.
3. **Coordination among the criminal justice institutions:** Continue strengthening the coordination role of NCAJ and CUCs.
4. **Coordination with UNDP:** Strengthen coordination and create more working synergies with UNDP.
5. **Technology update:** Provide an IT enabling framework for a digitized and automated criminal justice system, including linking key systems for enhanced efficiency, such as prosecutorial and judicial.
6. **Inclusion of NPS and KPS:** Integrate all justice actors and ensure national strategies to reduce prison overcrowding.
7. **Communication strategy:** Provide a broader mandate in visibility and communication work of PLEAD to broaden the scope, reach, and format of communication efforts and reach different demographics, literacy levels at the community level.
8. **Balance among countries:** Broaden the geographical coverage of the programme, especially with the ASAL counties.
9. **Cross-cutting priorities; HRG+:** Provide sufficient technical resources to support the integration of human rights-based approaches, gender equality, disability inclusion, and no one left behind considerations, in programme design and programme implementation.