

**PROJECT DOCUMENT****[Country name, or Global/Regional Project]****Project Title:** Victim-Offender Mediation**Project Number:** 01002009**Start Date:** TBD**PAC Meeting Date:** February 21, 2024**Brief Description**

Briefly describe the overall development challenge and the expected results of the project.

The proposed V-OM project is an innovative response to the backlog of cases in the criminal justice sector which places people at the forefront. At the core of the project lies the objective to provide alternatives to specific cases within the formalized judicial adjudicative process. The affected population, which encompasses individuals awaiting trial and victims seeking closure, experiences a compounding loss of faith in the legal system's capacity to protect their rights and deliver justice. For example, there are many offenders currently incarcerated on pre-trial detention who wish to plead guilty but cannot, due to a backlogged and sclerotic criminal justice system and lack of alternative mechanisms to plead guilty. This situation poses legal and psychological challenges but also security concerns as prolonged legal battles can fuel tensions.

To ensure that the project's design is tailored to the specific needs and realities of the Caribbean criminal justice system, the pilot project incorporates several participatory and data-driven strategies. The design process will engage directly with all stakeholders, including victims, offenders, justice stakeholders, and community organisations, through a participatory design process. This approach enables a comprehensive understanding of their needs, expectations, and apprehensions regarding the current system and the proposed mediation alternative. Further informing the project design are legal needs and perception studies, which provide empirical data on the population's experiences with and attitudes towards the justice system. This data will be important in identifying the most pressing issues with respect to the implementation of V-OM. Potential challenges may include resistance to mediation from people accustomed to traditional legal processes, cultural barriers, and the need for community acceptance.

Contributing Outcome (UNSDCF, CPD, RPD):**SP Outcome**

Strategic Plan Outcome 2.2 Civic space and access to justice expanded, racism and discrimination addressed, and rule of law, human rights and equity strengthened

MSDCF/SPD Outcome

Total resources required:	US 150,000	
Total resources allocated:	UNDP TRAC:	
	Donor:	US 150,000
	Government:	
	In-Kind:	
Unfunded:		

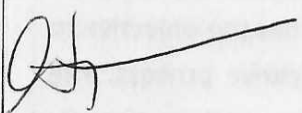
Regional and national laws, policies, systems and institutions improve access to justice and promote peace, social cohesion and security

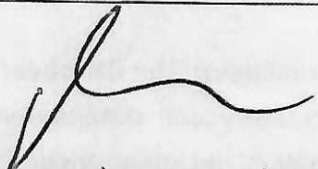
Indicative Output(s) with gender marker¹:

SP Output 4.1 National and regional actors have enhanced capacity for improved governance, crime data management, crime-response management and coordination; **GEN 2**

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Agreed by (signatures)²:

Government [Belize]	UNDP [Belize]	Implementing Partner [Country 1]
		
Print Name: <u>Anthony G. West</u>	Print Name:	Print Name:
Date: <u>4/6/24</u>	Date:	Date:

Government [Saint Lucia]	UNDP [Saint Lucia]	Implementing Partner [Country 2]
		
Print Name: <u>Leslie V. Hordson</u>	Print Name:	Print Name:
Date: <u>10th May 2024</u>	Date:	Date:

¹ The Gender Marker measures how much a project invests in gender equality and women's empowerment. Select one for each output: GEN3 (Gender equality as a principle objective); GEN2 (Gender equality as a significant objective); GEN1 (Limited contribution to gender equality); GEN0 (No contribution to gender quality)

I. DEVELOPMENT CHALLENGE (1/4 PAGE – 2 PAGES RECOMMENDED)

Peace and justice are inherent to development. Social cohesion and peaceful co-existence are necessary pre-requisites for the achievement of sustainable development in general and Goal 16 in particular. They are also pre-conditions for the smooth functioning of a community and for the benefit of the individuals within it. However, crime, violence and conflict occur when there is a breakdown of this social contract. These are normal tensions that all societies have learned to manage via the application of norms of conduct. However, when breakdowns occur, individuals come into contact with the justice system. Dependent on the nature of the offense, the application of justice is dealt with via civil or criminal justice. Ideally, such a system should be fast, reliable, transparent, and geared towards harmonious existence, peaceful resolutions and, in extreme cases, rehabilitation and reintegration of individuals back into their communities, thereby reducing recidivism and engendering public trust and confidence in the system of administration of justice¹.

A 2019/2020 UNDP Needs Assessment of the Administration of Justice in 9 Caribbean Countries (“NAR”) revealed that efficient access to justice is undermined across the region by delays within several key stages of the criminal justice process, resulting in major backlogs of cases. The identified backlogs have been occasioned by pervasive human and technological resource and capacity constraints which have contributed to massive bottlenecks in the work of the investigators, public prosecutors, and courts. This backlog often results in overcrowded detention facilities and prolonged pre-trial detention, which have violated individuals' rights and exacerbated social inequalities across the region. Some stakeholders pointed out that backlogs and delays in getting to trial engender witness tampering; frustration of victims who may then decide to give up on the process (this frustration is generally more evident in women than in men) and in conjunction with the ease of getting bail (in some cases), a feeling of impunity among offenders. This situation, if left unaddressed, threatens to contribute to destabilization of small Caribbean societies which already suffer from chronic instability and where the repercussions of crime are more immediately felt by entire communities.

The Partnership of the Caribbean and European Union on Justice project (PACE Justice) was developed to address these backlogs through enhancing the institutional capacities of prosecutors, courts, police, prisons and other judicial agencies in the Caribbean to manage criminal cases more effectively and efficiently. The Project targets eight Caribbean countries including Antigua and Barbuda, Barbados, Belize, Dominica, Guyana, St. Kitts and Nevis, St. Lucia, and Trinidad and Tobago.

The backlogs in the criminal justice sector are exacerbated by a traditional reliance on adversarial legal processes, which are expensive and time-consuming. Furthermore, there is a lack of

¹ 2019/2020 UNDP Needs Assessment of the Administration of Justice in 9 Caribbean Countries

widespread awareness and acceptance of alternative dispute resolution (ADR) methods. While already widely used within the civil justice system, Alternative Dispute Resolution (ADR) also presents a viable strategy for reducing backlogs in the criminal justice system by offering a more streamlined and efficient approach to dispute resolution. ADR methods (which can form part of the restorative justice toolkit), such as mediation and arbitration, provide a platform for parties involved in criminal cases to resolve their disputes outside the traditional courtroom setting. By facilitating open communication and negotiation, ADR not only expedites the resolution process but also alleviates the burden on overloaded court dockets. Studies have shown that ADR mechanisms can significantly contribute to backlog reduction by offering a faster and less resource-intensive means of resolving cases². **The flexibility and adaptability of ADR make it particularly well-suited for addressing non-violent offenses and minor disputes, allowing the criminal justice system to focus its resources on more complex and serious cases.** Implementing ADR in the criminal justice system requires careful planning, training, and the establishment of clear protocols, but the potential benefits in terms of backlog reduction and increased efficiency are substantial.

While there are many documented case studies of how ADR has demonstrated critical success in responding to needs in the criminal justice sector³, there are important pre-requisites needed to catalyse its use at scale. One of these is **the need for there to be an appreciation among all the actors in the justice sector, including the general public, of the value and potential of ADR techniques as tools of restorative justice.** One such form of ADR, **Victim-Offender Mediation (V-OM)** provides an opportunity for victims to meet their offenders face to face in a safe and structured setting. The overarching aim is to hold offenders directly accountable while providing important support and assistance to victims. V-OM can take place before, during or after a trial with the goal of reaching a mutual agreement that often includes restitution, apologies, and community service, facilitating healing for the victim and accountability for the offender.

Further, for effective Caribbean justice system reform in relation to ADR practices, **political will is necessary**; thus, political dynamics can either be a catalyst for reform or a barrier. As such, the existing judicial framework and stakeholders may also be resistant to change due to an entrenched culture of adjudicative practices within the legal community and public. Societal power imbalances can also affect the fairness and accessibility of ADR mechanisms, particularly for marginalized groups.

The public acceptance of mediation can be influenced by cultural perceptions of justice and conflict. These views can complicate the mediation process or the selection of cases suitable for mediation. For example, the NAR revealed that “across the region, public perceptions regarding justice are

² Tyler, T. R. (2019). Procedural justice and the courts. *Annual Review of Law and Social Science*, 15, 285-299

³ *Dispute Resolution: Readings and Case Studies*, 4th Edition (2015), Edmunds Publishing

characterized by strong support for highly punitive measures that emphasize increasing the scope and degree of punishment for offenders.” Given these dynamics, the proposed pilot project will foster political will through public awareness and legislative support, address cultural perceptions through diversity promotion, equity training, and cultural sensitivity and greater awareness through the provision of ADR training and showcasing success stories. **These steps will seek to enhance the accessibility, fairness, and acceptance of ADR mechanisms in the region.**

The proposed project will therefore leverage global and regional experiences with the development and operationalization of ADR techniques to design and implement a pilot of pre-trial V-OM as a means of both responding to the operational challenges faced by the agencies involved in the administration of justice and, more importantly, supporting the need to improve access to justice in the regional justice sector. In the first instance, the proposal will seek to develop a V-OM Toolkit to be piloted in two out of the eight beneficiary countries under PACE Justice. The developed toolkit and lessons learned from the pilot study can be scaled up to the other countries, and thereafter the wider Caribbean region.

II. STRATEGY (1/2 PAGE - 3 PAGES RECOMMENDED)

In close collaboration with PACE Justice, this Project will design, implement and assess a pilot of victim-offender mediation (V-OM) as an innovative response for specific cases in the criminal justice system.

The project adopts a three-pronged approach:

- (a) Development of a Toolkit: This component involves the development of a comprehensive set of resources that can be used to implement V-OM programs including: guidelines for identifying cases suitable for mediation and the mediation process, guidelines and protocols for face-to-face interventions, regulatory context/guidelines, educational content, assessment tools, and monitoring and evaluation frameworks.
- (b) Training: Mediators/Stakeholders will complete a comprehensive training program, demonstrating enhanced skills and a deepened understanding of legal considerations. The training will focus on skills enhancement, legal literacy, and stakeholder involvement.
- (c) Implementation of Pilot Project: This pilot phase will test the tools and strategies developed as part of the toolkit in two beneficiary countries. The two pilot countries will be selected based on feedback previously received from judicial stakeholder consultations regarding the need for V-OM at the country level and from findings of the 2019 Caribbean Judicial Needs Assessment Report which formed the foundation of the PACE Project.

The pilot project will: select locations and types of cases where the VOM can be integrated; gather data on the outcomes of the mediations while determining participant satisfaction. Evaluation and adaptation of the program will be based on feedback and results from the pilot,

refining the toolkit and processes for broader application. The evaluation may include but will not be limited to quarterly analysis of results based on the project's M&E Framework, a mid-term evaluation which will be used to refine the project to ensure that it is meeting its stated objectives and a final evaluation which will be used to strategically determine the parameters for scale-up.

The overarching aim of the toolkit and pilot project is to determine the practical potential of V-OM as an innovative response for specific cases in the criminal justice system. By understanding regional dynamics, engaging stakeholders, conducting conflict sensitivity assessments, and using lessons learned, this pilot project will determine the feasibility of V-OM as a recommendation to positively impact the criminal justice system by reducing backlogs while utilizing restorative approaches.

UNDP and national stakeholders will involve CSOs who will play a vital role ensuring the training materials developed are diverse and inclusive. Judicial stakeholders and relevant national and regional partners in ADR will provide expertise, credibility, best practices, and lessons learnt.

The project aligns with the the Global Programme for Strengthening the Rule of Law, Human Rights, Justice and Security for Sustainable Peace and Development Output 2, as this activity establishes mechanisms to hold duty-bearers and powerholders accountable, ensuring the rule of law and the promotion and protection of human rights. The impact is linked to the indicators outlined below:

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- Indicator 2.3: GP support has improved capacities of justice and security institutions for oversight and accountability, proportion of contexts
 - o The project will enhance the capacities of justice institutions through training, ensuring stronger accountability with respect to mediation outcomes.
- Indicator 2.4: GP-introduced or strengthened people-centred and gender-sensitive transitional justice solutions, proportion of contexts
- *GP definitions: Transitional justice solutions refers to truth-seeking and truth-telling initiatives; reparations programs; memorialization processes; criminal prosecutions; constitutional, education, economic, justice, and security sector reforms; and other approaches depending on the context.*
 - o By promoting victim-offender mediation, the project introduces a people-centered and gender-sensitive transitional justice solution.

It also aligns to GP4's Output 5: Rule of law and human rights programming is evidence and learning-informed, as the development of the toolkit and findings of the pilot project will be used to strategically promote and enhance mediation efforts across the Caribbean region. The impact is linked to the indicators outlined below:

- Indicator 5.1 Number of new methods (including tools, frameworks and processes) for GP-related monitoring, evaluation and learning adopted at: i. global; ii. regional; and iii. country level
- Indicator 5.2 Number of key UNDP global knowledge and learning products produced and disseminated by GP. *GP definitions: Key UNDP global knowledge and learning products refers to online and/or print materials that intend to advance knowledge sharing and learning related to ROLISHR issues. This may include, for example, guidance notes, lessons learned reports, strategic learning documents, annual reports.*
- Indicator 5.3 Number of GP-led or GP-supported knowledge and learning-focused mechanisms (e.g. workshops, trainings, COPs, theory of change reflection sessions etc.) at i. global; ii. regional; and iii. country level

The proposed project stands as a comprehensive model designed to catalyze transformative change in the criminal justice sector, adhering to international human rights standards and fostering an increased people oriented responsive criminal justice system. The intended outcomes, outputs, and activities are designed to promote human rights, uphold the rule of law, and enhance accountability within the Caribbean's criminal justice systems, aligning with GP4 Output 2 and the associated indicators.

Gender Marker: 2

Understanding Gender Dynamics: The Victim-Offender Mediation Project is committed to ensuring inclusive, gender-informed, gender-sensitive approaches. By recognizing and addressing gender dynamics at various levels within the criminal justice system, the pilot project targets access to and quality of justice through a gendered lens. Specifically, the project acknowledges that individuals may experience victimization or offending differently based on gender norms and identity. By recognizing diverse experiences, the project aims to ensure that the victim-offender mediation pilot is tailored to the needs and concerns of individuals based on gender dynamics.

III. THEORY OF CHANGE

The Problem

Across the criminal justice system in the Caribbean, there are multiple systemic points of delay that have resulted in major backlogs of cases. The backlogs have contributed to high rates of remand and low case disposition rates, which in turn result in reduced access to justice, human rights violations and a lack of public confidence in the justice system. The backlogs in the criminal justice sector are exacerbated by a traditional reliance on adversarial legal processes, which are expensive and time-consuming. Furthermore, there is a lack of widespread awareness and acceptance of Alternative Dispute Resolution (ADR) methods. While widely used within the civil justice system, ADR is not yet utilised as a viable strategy for reducing backlogs in the criminal justice system.

The Causes

- Caribbean criminal justice sector stakeholders acknowledge the potential utility of mediation including V-OM in the criminal justice sector. However, several logistical, process-related and financial constraints limit the implementation of V-OM across the region.
- The public acceptance of mediation is influenced by cultural perceptions of justice and conflict. These views can complicate the mediation process or the selection of cases suitable for mediation. For example, a 2020 Needs Assessment Report of Judicial Systems in the Caribbean revealed that “across the region, public perceptions regarding justice are characterized by strong support for highly punitive measures that emphasize increasing the scope and degree of punishment for offenders.”
- Public perception and legal systems that prioritise punitive measures over restorative justice approaches have been less inclined to explore victim-offender mediation.

Objectives

The overarching objective of the toolkit and pilot project is to determine the practical potential of V-OM as an innovative response for specific cases in the criminal justice system. By understanding regional dynamics, engaging stakeholders, conducting conflict sensitivity assessments, and using lessons learned, this pilot project will determine the feasibility of V-OM as a recommendation to positively impact the criminal justice system by reducing backlogs while utilizing restorative approaches.

To achieve this objective, UNDP and partners will develop interventions along three well defined, but strongly connected dimensions:

1. Development of a Toolkit: This component involves the development of a comprehensive set of resources that can be used to implement V-OM programs including: guidelines for identifying cases suitable for mediation and the mediation process, guidelines and protocols for face-to-face interventions, regulatory context/guidelines, educational content, assessment tools, and monitoring and evaluation frameworks.
2. Training: Mediators/Stakeholders will complete a comprehensive training program, demonstrating enhanced skills and a deepened understanding of legal considerations. The training will focus on skills enhancement, legal literacy, and stakeholder involvement.
3. Implementation of Pilot Project: This pilot phase will test the tools and strategies developed as part of the toolkit in two beneficiary countries.

Impact Statement of Change

If there is an enhanced appreciation of the utility of mediation in the criminal justice sector through the successful implementation of the V-OM pilot project and the outcomes are effectively leveraged

through collaboration and empowerment of criminal justice actors to deliver V-OM, *then* V-OM can be formally adopted as a dispute resolution mechanism in the Caribbean region.

Key assumptions underpinning this theory of change include:

- Mediation options mainstreamed for specific crime classifications will reduce the total number of cases going to trial.
- Legislative, policy and procedural reform will empower agencies, stakeholders and end-users to utilize V-OM for criminal justice cases.
- Robust, data-informed diversionary measures implemented will reduce recidivism and minimise the burden of repeat offenders on the judicial system.
- Public confidence in the criminal justice system will be enhanced if more efficient, transparent, and timely outcomes of criminal matters become routine.

Visualization of the Theory of Change

Building Blocks <i>What is the framework?</i>	Actions <i>What are we doing?</i>	Outcomes <i>What are the results of our contributions?</i>	Evidence of Change <i>How do we know we are making a change?</i>	Impact <i>What is the change we are trying to achieve?</i>
Restorative Justice Principles: Emphasizing victim-offender mediation as a restorative justice practice.	Toolkit development	Strengthening the institutional framework around V-OM	Adoption of mediation guidelines	Determining the feasibility of V-OM in the criminal justice sector
				Increased access to justice, and quality of justice
Legal and Cultural Sensitivity: Ensuring alignment with existing legal frameworks and cultural contexts	Comprehensive mediator training	Enhanced mediator capacity	Training completion	Recognition of mediation outcomes
Collaborative Stakeholder	Pilot study implementation		Successful mediation of	

Engagement: Building partnerships with justice institutions, policymakers.			cases in the pilot project	
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IV. RESULTS AND PARTNERSHIPS (1.5 - 5 PAGES RECOMMENDED)

The project adopts a three-pronged approach:

- (a) Development of a Toolkit
- (b) Enhanced Capacities: Training
- (c) Implementation of Pilot Project

Output 1: Processes and Procedures improved for V-OM in the criminal justice system

A crucial aspect of this output is the development of a toolkit for regional justice sector stakeholders, providing practical guidance on incorporating V-OM into existing practices. The toolkit is designed to be a valuable resource for practitioners, ensuring standardized and high-quality mediation processes.

The toolkit will comprise modules covering mediation principles, legal considerations, and a legal framework integration guide which will provide practical steps for adapting victim-offender mediation into existing legal structures. A review mechanism (the PACE Justice Working Committee can be used) will be established to gather feedback from stakeholders, ensuring the toolkit is practical, culturally relevant, and legally sound. Stakeholder input will be used to refine and enhance the toolkit before training. **As a critical starting point, stakeholder engagement, including focus group discussions will be conducted to identify opportunities, gaps, learnings and good practices that will necessarily be key in informing the design of the toolkit.**

The toolkit will consider the following legal and cultural context, human rights alignment, and cultural sensitivity:

- a. Legal and Cultural Relevance: The Caribbean region, with its diverse legal frameworks and cultural nuances, necessitates a toolkit tailored to address specific challenges.
- b. Human Rights Alignment: The toolkit will integrate human rights principles, aligning with GP4 objectives. Guidelines within the toolkit will emphasize the protection and promotion of human rights throughout the mediation process.

Cultural Sensitivity: Cultural considerations will be embedded in the toolkit to ensure that victim-offender mediation practices are culturally sensitive. **Output 2: Strengthened Capacities within the Criminal Justice System to Implement V-OM**

This output entails strengthening the capacity of justice sector stakeholders to implement V-OM. Trained Mediators: Mediators/Stakeholders will complete a comprehensive training program, demonstrating enhanced skills and a deepened understanding of legal considerations. Building the capacity of justice sector stakeholders is foundational to the success of V-OM. Trainings will enhance access to justice for victims and offenders of criminal acts through the implementation of Victim-Offender Mediation (V-OM) as an Alternative Dispute Resolution (ADR) mechanism.

By providing targeted training on V-OM principles with a focus on human rights and Sustainable Development Goals (SDGs) intersectionality, the project ensures that justice practitioners are equipped with the necessary skills to facilitate fair and restorative mediation. The disaggregation by country and sex allows for a nuanced understanding of the reach and inclusivity of the training efforts. The training will focus on skills enhancement, legal literacy, and stakeholder involvement:

- a. Skills Enhancement: Mediators play a crucial role in the success of victim-offender mediation. A structured training program will enhance their skills, ensuring they can facilitate the process effectively.
- b. Legal Literacy: Mediators need a strong understanding of legal aspects to navigate the mediation process within legal boundaries. Training modules will include legal literacy components to equip mediators with this knowledge.
- c. Stakeholder Involvement: To foster collaboration and a shared understanding, a Training of Trainers (ToT) program will be utilised, ensuring a pool of skilled trainers is available to disseminate knowledge.

Output 3: Incorporation of Restorative Approaches in the Criminal Justice System

This output entails the implementation of a pilot study to assess the feasibility of victim-offender mediation and the utility of the toolkit. Victim-offender mediation will be implemented in two selected pilot sites in collaboration with judicial institutions. The mediation process will be monitored and documented, capturing key data points related to case outcomes and participant feedback. A pilot study allows for the real-world testing of victim-offender mediation. This practical approach will identify challenges and successes, informing future program adaptations.

Comprehensive data collection during the pilot study will provide a basis for evaluating the impact of victim-offender mediation on participant satisfaction. Patterns and trends will be identified, guiding future program adaptations. Feedback sessions with mediators, participants, and stakeholders will provide qualitative insights. Feedback will be compiled into a summary report, contributing to the refinement of the toolkit and training materials. Findings from the pilot study can influence policy or legislative changes related to victim-offender mediation, aligning with GP4 objectives.

The practical approach adopted in each phase ensures the project's relevance and effectiveness, directly aligning with GP4 objectives for accountability, human rights, and the rule of law.

V. PARTNERSHIPS

This project will build on strategic partnerships that have been established across the justice sector in the Caribbean, through the development of the PACE Project. Specifically, the partnerships outlined below will be further leveraged, explored and enhanced through the project design, toolkit development and implementation of the pilot.

Caribbean Court of Justice Academy of Law (CAL)

With respect to this V-OM project, two of CAL's objectives are particularly important:

1. To deliver programmes to enhance practical learning in court administration and a deeper understanding of the role of court administration in judicial independence and accountability and in promoting access to justice.
2. To decrease backlogs in case determinations and enhance access to justice in the judiciaries of the region.

CAL will be consulted to gain a deeper understanding of the role of diversion in the Caribbean context, and to understand the parameters which a victim-centred project, such a V-OM, should consider from conceptualization and implementation to measuring results.

Eastern Caribbean Supreme Court

Based on consultations with the ECSC, the ECSC has a draft practice direction on criminal mediation. In this instance, mediation will only be available for minor offences categorized as suitable for mediation and for which the penalty is below a maximum threshold. The ECSC will offer specialised training for criminal mediation while simultaneously encouraging judicial officers, legal practitioners, and the public to fully embrace this initiative and the potential positive impact it can bring to the criminal justice system. Collaborations with the ECSC will be essential for the V-OM project to navigate legal frameworks, gain institutional support, and to adopt best practices in relation to criminal mediation.

Director of Public Prosecutions

Inevitably, buy-in from prosecutors will be critical to the success of pre-trial V-OM. The project intends to consult with the DPP offices in the beneficiary countries in order to identify appropriate cases for the pilot project, obtain DPP perspectives on appropriate processes (timeframes, objectives, outcomes etc.) in respect of diversion as a whole and V-OM specifically.

Mediation Boards; Mediation Agencies

The project will engage public and private sector mediation stakeholders including **Mediation Boards and Mediation Agencies** to inform the following:

- Conceptualization- mediation stakeholders understand the opportunities and challenges that exist in the mediation process. In this regard, these stakeholders will be consulted at the design stage to ensure that the key components of the mediation process are designed with a keen understanding of the parameters and outcomes that are possible through this voluntary process.
- Development of toolkit- The toolkit will include guidelines for identifying cases suitable for mediation, guidelines and protocols for face-to-face interventions, training materials, educational content, assessment tools, monitoring and evaluation frameworks. In this regard, it may be possible to utilize materials that already exist for inclusion in the toolkit or to inform the design of new materials, training modules, train the trainer and so on (with requisite approvals).
- Training of mediators- A cadre of judicial stakeholders and/or mediators will be trained in V-OM.
- Implementation of Pilot- Mediation stakeholders will be especially important at the implementation phase for the provision of mediators (who will be specially trained through the project), and as advisors during pilot roll-out especially in instances where the methodology may need to be tweaked to ensure relevance and attainment of project objectives.

Civil Society- Toolkit Design

Civil Society- Civil society will be a critical partner ensuring that victim's rights are at the centre of the project design. This approach enables a comprehensive understanding of end-user needs, expectations, and apprehensions regarding the current system and the proposed mediation alternative. Women's groups will be especially key in bringing a gendered lens to training and implementation decisions.

Partners

The pilot project on V-OM will strengthen and build strategic partnerships both within and external to the UN system to bolster implementation. These partnerships are essential to ensuring the pilot project's success and sustainability. This will include:

1. **Judicial Stakeholders:** Collaboration with the judicial stakeholders will be crucial to integrating V-OM into the formal justice system. These stakeholders will be key in providing legal support, resources, and oversight.
2. **Regional Institutions:** Engaging with regional organisations and Courts (Eastern Caribbean Supreme Court and the Caribbean Court of Justice will offer regional expertise, support, and coordination, aligning the project with broader regional initiatives.
3. **NGOs and CSOs:** Partnering with local and regional NGOs and civil society organizations with experience in conflict resolution, human rights, and V-OM will contribute to the project's community-level implementation and increase its outreach. These stakeholders are key partners in facilitating dialogue and conflict resolution.
4. **Academia:** Partnering with universities and research institutions in the Caribbean will support in conducting research and impact assessments, which are crucial for evaluating the effectiveness of victim-offender mediation. For example, the UNDP Office can leverage existing MOUs with the University of the West Indies.
5. **Donor Organizations:** Collaboration with international donor agencies that focus on justice, security, and human rights can provide essential funding and resources to implement the project. For example, the PACE Justice Project and the EU.
6. **Existing Restorative Justice Networks:** Partnering with existing networks and organizations that specialize in restorative justice and conflict resolution will provide valuable guidance and resources.
7. **Legal and Mediation Associations:** Collaborating with professional associations, such as bar associations and mediation organizations, will ensure that the project aligns with legal standards and the expectations of legal professionals within the criminal justice sector.

These partnerships will foster a multi-stakeholder approach, leveraging the collective expertise and resources of diverse organizations to implement and sustain the project effectively. Building strategic partnerships with a wide array of stakeholders is essential for providing support to complex rule of law, justice, security, and human rights challenges in the Caribbean.

VI. RISKS AND ASSUMPTIONS

This V-OM project has been strongly informed by a human rights analysis, aligning with the principles and goals of GP4. This analysis, inspired by the Social and Environmental Standards (SES), recognizes that the backlog in the justice system infringes upon the fundamental human right to a fair and timely trial. Delayed justice undermines the rights of both victims and offenders, as it can lead to prolonged suffering for victims and, in some cases, unfair and prolonged pre-trial detention for offenders.

Potential Human Rights Consequences:

- **Positive:** By implementing this project, the positive human rights consequences include the restoration of victims' rights to fair and effective remedies, as well as the

acknowledgment of offenders' rights to a fair trial. It fosters accountability, addressing the human rights principle of access to justice for all.

- Negative: Potential negative consequences could arise from failures in safeguarding participants' rights during the mediation process. These may include the violation of the right to privacy and confidentiality, especially for victims. There is also a risk that, if not carefully managed, power imbalances between participants could lead to unequal outcomes, impacting the human right to equal protection under the Constitution.

Integration of a Human-Rights Based Approach:

This project is committed to integrating a human-rights based approach by:

- Incorporating Human Rights Principles: The mediation process will be founded on human rights principles, ensuring the dignity, equality, and non-discrimination of all participants.
- Training and Sensitization: Mediators and justice personnel will be trained to recognize and respect the human rights of all involved parties, with a particular emphasis on victim and offender rights.
- Transparency and Accountability: The project will establish mechanisms for accountability, ensuring that human rights violations are prevented and redressed. This approach aligns with the principles of participation and empowerment.
- Impact on Regulatory framework: By fostering awareness and outcomes that adhere to human rights standards, the project will influence policy development either in the form of amendments or introduction of guidelines/legislation/practice directions to facilitate V-OM in the criminal justice sector, working to strengthen the rule of law and justice system, a central aspect of human rights.

In this way, the victim-offender mediation pilot project firmly embeds a human rights-based approach into its processes, outcomes, and impact, in line with the principles advocated by GP4.

VII. STAKEHOLDER ENGAGEMENT

The pilot project will be implemented in partnership with the following stakeholders:

- Judicial stakeholders: This includes judicial authorities, law enforcement, Courts, and relevant government ministries responsible for justice, social development, gender affairs, legal practitioners, offender rehabilitation programmes, and legal aid organizations that work directly with the justice system.
- Civil Society and Community-Based Organizations: Encompassing victims' advocacy groups, local NGOs, community leaders, mediation boards, human rights organizations; and women's, men's and LGBTI+groups.
- International Partners: Consisting of UN agencies, international NGOs, the Global Programme for Strengthening the Rule of Law and Human Rights.
- Education, Research, and Media: Universities and research institutions for evaluating the project, along with media outlets for raising awareness and reporting on VOM outcomes.

To ensure that the project's design is tailored to the specific needs and realities of the Caribbean criminal justice system, the pilot project incorporates several participatory and data-driven strategies. The design process will engage directly with all judicial stakeholders, , through a participatory design process. This approach enables a comprehensive understanding of their needs, expectations, and apprehensions regarding the current system and the proposed mediation alternative. Further informing the project design are legal needs and perception studies, which provide empirical data on the population's experiences with and attitudes towards the justice system. This data will be important in identifying the most pressing issues with respect to the implementation of V-OM. Potential challenges may include resistance to mediation from people accustomed to traditional legal processes, cultural barriers, and the need for community acceptance.

- To maintain a people-centered focus and in introducing mitigation factors, the project prioritizes feedback mechanisms. Regular surveys and evaluations will gauge participant satisfaction and the effectiveness of mediation, providing a quantitative measure of the project's impact. Additionally, open channels for feedback, such as community forums, will offer qualitative insights, allowing participants to voice their experiences and influence ongoing project development. An adaptive management approach will ensure the project remains flexible and responsive to feedback. This iterative process is crucial to fostering an environment where human rights, security, and justice are not only prioritized but actively upheld.
- Ethical considerations will be paramount to ensure the integrity of the process and the safety of all participants. Confidentiality is a cornerstone of mediation; it will be vital to maintain the privacy of the individuals involved to foster a secure environment where parties can speak openly. The do-no-harm principle is equally crucial; the pilot project will be designed and implemented in a manner that **prevents re-traumatization or the exacerbation of existing conflicts**. Moreover, the interventions must be both gender-sensitive and gender-informed, recognizing the different impacts of crime on individuals that may influence participants' experiences within the justice system. This approach ensures that the mediation process is equitable and acknowledges the specific needs and circumstances of all genders, contributing to more just and effective outcomes. In this regard, monitoring and evaluation, and complaints mechanisms which will be built into the project. Regular training, clear guidelines, monitoring, oversight, and feedback mechanisms are integral components of ensuring ethical conduct throughout the project implementation. By adopting a people-centered design process informed by participatory strategies, empirical data, and continuous feedback, the project will align closely with the potential of people-driven initiatives to bring about systemic change, offering a model for

transforming the delivery of justice to be more efficient, equitable, and respectful of human dignity.

South-South and Triangular Cooperation (SSC/TrC)

The incorporation of South-South and Triangular Cooperation (SSC/TrC) in the project, particularly in the development and piloting of the toolkit, reflects a strategic and collaborative approach to address criminal justice challenges in the Caribbean. The key components of SSC/TrC within the project are:

- a. **Toolkit Development Based on Caribbean Experiences:** The decision to develop the toolkit based on the experiences of Caribbean judicial stakeholders and practitioners aligns with the principles of SSC/TrC. This approach recognizes the unique contextual factors, legal frameworks, and cultural nuances within the Caribbean region. By drawing from the collective experiences of local stakeholders, the toolkit is more likely to be contextually relevant, culturally sensitive, and tailored to the specific needs of the Caribbean criminal justice system.
- b. **Cultural Sensitivity:** The toolkit will inherently reflect the cultural and contextual nuances of the Caribbean, ensuring that its content is aligned with the local legal and societal frameworks.
- c. **Ownership and Buy-in:** Involving Caribbean practitioners in the toolkit development and pilot will foster a sense of ownership and buy-in, increasing the likelihood of successful implementation throughout the region.

Digital Solutions⁴

The project envisions a strategic integration of digital technologies and solutions to enhance the overall experience of target beneficiaries and partners, addressing the identified development challenges. This digital approach is designed to bring efficiency, accessibility, and inclusivity to the victim-offender mediation (V-OM) process, contributing to the project's success in multiple ways:

Virtual Communication:

- **Beneficiary Experience:** Through the utilization of digital platforms, beneficiaries, including victims and offenders, will experience improved accessibility to the V-OM process. Virtual communication tools will facilitate remote sessions, eliminating geographical barriers and making the mediation process more convenient.

Training and Capacity Building:

⁴ Please see the [Guideline "Embedding Digital in Project Design"](#).

- **Beneficiary Experience:** Digital platforms will be employed for training sessions, providing beneficiaries with user-friendly, interactive, and accessible learning materials. This ensures a positive and inclusive learning experience for individuals involved in the V-OM process.
- **Partner Experience:** Justice sector stakeholders will benefit from digital training modules, enhancing their capacity to implement V-OM effectively. Digital training allows for standardized and scalable capacity-building initiatives.

Data Collection and Monitoring:

- **Beneficiary Experience:** The project leverages digital tools for data collection during the V-OM process, allowing for a more comprehensive understanding of the impact on victims and offenders. This data-driven approach ensures that the project remains responsive to the needs of beneficiaries.

Knowledge

The pilot project on victim-offender mediation in the Caribbean will generate valuable knowledge and learning products to share with relevant stakeholders. The dissemination of knowledge and learning is essential for maximizing the pilot project's impact and ensuring that its best practices and insights are utilized within the criminal justice sector if deemed relevant or appropriate by the judicial stakeholders.

Knowledge Products:

1. **V-OM Toolkit:** The project will develop a comprehensive toolkit that integrates best practices in V-OM mediation, human rights, and rule of law. This toolkit will serve as a practical guide inclusive of guidelines, proposed amendments, and training materials.
2. **Legal Literacy Resources:** Legal literacy materials, including guides and brochures, will be created to enhance the understanding of legal rights and justice processes.
3. **Case Studies:** The project will compile case studies that highlight successful V-OM cases.

Knowledge Sharing:

1. **Stakeholder Workshops:** The project will organize workshops and stakeholder meetings to share knowledge and learning with judicial stakeholders, NGOs/CSO's, government agencies, UN agencies. These workshops will foster collaboration and the exchange of ideas.
2. **Community Engagement:** Community-level awareness campaigns and educational sessions will be organized to share knowledge about V-OM, human rights, and the justice system.
3. **Online Platforms:** The project will utilise existing online to host knowledge products, making them accessible to a broader audience.
4. **Publications and Reports:** Knowledge products, including toolkits, legal literacy resources, and impact assessment reports, will be published and disseminated through various channels.

5. **Knowledge-Sharing Events:** The project will participate in knowledge-sharing events, such as webinars, conferences, and roundtable discussions, to engage with a broader audience, including practitioners, policymakers, and academics.

Usage Tracking: To track the usage of its knowledge and learning products, the project will employ the following methods:

1. **Web Analytics:** Online platforms and websites hosting knowledge products will use web analytics tools to monitor user engagement and download rates.
2. **Surveys and Feedback:** The project will gather feedback from users through surveys and feedback mechanisms incorporated into online platforms. This will help assess the utility of knowledge products.
3. **Partnership Agreements:** Memoranda of Understanding (MOUs) with partner organizations will include provisions for tracking the use of knowledge products and sharing usage data, for example: the Eastern Caribbean Supreme Court and the Caribbean Court of Justice.
4. **Project Reports:** The project's progress and impact reports will include information on the dissemination and usage of knowledge products.
5. **Engagement with Stakeholders:** Ongoing engagement with project stakeholders, including UNDP country offices and local partners, will help track the application of knowledge products in their work.

By creating a wide range of knowledge products and implementing a comprehensive knowledge-sharing strategy, the pilot project aims to ensure that the insights, tools, and best practices developed during the project are effectively disseminated and utilized by a diverse set of stakeholders, both within and outside UNDP. This approach enhances the project's sustainability and potential for wider impact.

Sustainability and Scaling Up

The sustainability plan for the project on V-OM outlines how GP4 funds will complement other funding streams to ensure the pilot project's continued impact beyond the GP4 funding period. Key elements of the sustainability plan include:

1. **Resource Diversification:** The project will actively seek to diversify its funding sources. While GP4 funds will provide the initial support, it will leverage these resources to attract funding from other streams, such as the UNDP Funding Windows, bilateral funding from countries with a vested interest in the Caribbean, and grants from international donor agencies.
2. **National and Regional Ownership:** The project will work closely with national governments and regional organizations to secure their commitment and ownership of the V-OM approach. By engaging these stakeholders, the project will encourage these stakeholders to allocate domestic resources and integrate the approach into their long-term justice strategies.

3. **Partnerships with NGOs and Civil Society:** Local NGOs and civil society organizations will play a crucial role in the sustainability plan. The project will build the capacity of these organizations and support them in securing funding for ongoing mediation and legal literacy initiatives.
4. **Integration into Legal Frameworks:** The project aims to achieve lasting sustainability by advocating for the integration of V-OM practices into the regulatory frameworks of the participating countries.
5. **Capacity Building:** As part of the sustainability plan, the project will prioritize capacity building for local mediators, legal practitioners. This investment in human capital will ensure that there are skilled individuals capable of sustaining and expanding V-OM practices.
6. **Monitoring and Evaluation for Continuous Improvement:** The project will continue to gather data and monitor the impact of its interventions. The evidence of success and lessons learned will be used to advocate for additional funding from various sources, including the GP4 funding mechanism.
7. **Promotion of Learning and Knowledge Sharing:** The project will actively share its knowledge, best practices, and success stories to attract support and interest from international organizations, donors, and institutions that prioritize access to, and quality of justice.

The project's sustainability plan is designed to create a self-sustaining model that integrates V-OM into the formal justice system in the Caribbean. By complementing GP4 funds with a diverse set of funding streams, leveraging partnerships, and ensuring the approach is embedded in regional and justice strategies, the project aims to achieve long-term sustainability and lasting positive impact in the region.

VIII. PROJECT MANAGEMENT (1/2 PAGES – 2 PAGES RECOMMENDED)

Cost Efficiency and Effectiveness

The project's strategy aims to deliver maximum results with available resources through a comprehensive and strategic approach, leveraging evidence from similar approaches in the Caribbean and similar contexts. The selected pathway focuses on utilizing the theory of change analysis, and exploring opportunities for joint operations with other partners.

The programme will take advantage of economies of scale, where relevant, to maximise value for money and ensure that outputs are delivered on the basis of the optimal considerations of costs and quality. This approach will mirror that taken under the PACE Justice Project, CariSecure 1.0 project and the EnGender programme, both of which 20ensiti a similar approach to 20ensitized operational efficiency. Specifically, in this approach some activities that are country-specific and require bespoke solutions are implemented at the national level, with the Project Management Unit providing quality assurance and ensuring project coherence, while others will be 20ensitized20 to leverage economies of scale.

Project Management

The V-OM Project will be implemented under the overall guidance of the Cluster Lead for the Poverty, Governance and M&E Unit. The Project Management Unit for the PACE Justice Project will also provide support of the V-OM Project in close coordination with the V-OM Project Coordinator.

IX. RESULTS FRAMEWORK⁵

Intended Outcome as stated in the UNSDCF/Country [or Regional] Programme Results and Resource Framework:

UN MSDCF 7: Regional and national laws, policies, systems and institutions improve access to justice and promote peace, social cohesion and security

Outcome indicators as stated in the Country Programme [or Regional] Results and Resources Framework, including baseline and targets:

- UNDP Strategic Plan, 2022-2025 Integrated Results and Resources Framework
 - 2.2 Civic space and access to justice expanded, racism and discrimination addressed, and rule of law, human rights and equity strengthened
- CPD
 - Output 4.1 National and regional actors have enhanced capacity for improved governance, crime data management, crime-response management and coordination

Applicable Output(s) from the UNDP Strategic Plan:

2.2 Civic space and access to justice expanded, racism and discrimination addressed, and rule of law, human rights and equity strengthened.

Indicator: 2.2.3 Number and proportion of people supported, who have access to justice:

- Female
- Male
- Sex-disaggregated data unavailable
- Youth
- Poor (income measure)
- Persons with disabilities
- Displaced populations
- Ethnic minorities

Project title and Quantum Project Number:

EXPECTED OUTPUTS	ACTIVITY	OUTPUT INDICATORS ⁶	DATA SOURCE	BASELINE	TARGETS (by frequency of data collection)				Final
				Value Year	Q1	Q2	Q3	Q4	
Output 1 Processes and Procedures improved for V-OM in the criminal justice system	1.1 Develop and strengthen frameworks around V-OM								
		<i>1.1.1 Status of toolkit developed for justice sector stakeholders (Not started, In Draft, Completed)</i>	<i>Completed and approved toolkit report</i>	0	In draft	In draft	Completed		<i>Completed in August 2024</i>
		<i>1.1.2 Number of modules developed in the toolkit</i>	<i>Completed toolkit</i>				3		<i>3 modules completed by August 2024</i>
	2.1 Train and sensitize Judicial stakeholders on	<i>2.1.1 Number of judicial</i>	<i>Training Results-signed register with</i>	0			15	15	<i>30 Judicial stakeholders</i>

⁵ UNDP publishes its project information (indicators, baselines, targets and results) to meet the International Aid Transparency Initiative (IATI) standards. Make sure that indicators are S.M.A.R.T. (Specific, Measurable, Attainable, Relevant and Time-bound), provide accurate baselines and targets underpinned by reliable evidence and data, and avoid acronyms so that external audience clearly understand the results of the project.

⁶ It is recommended that projects use output indicators from the Strategic Plan IRRF, as relevant, in addition to project-specific results indicators. Indicators should be disaggregated by sex or for other targeted groups where relevant.

EXPECTED OUTPUTS	ACTIVITY	OUTPUT INDICATORS ⁶	DATA SOURCE	BASELINE	TARGETS (by frequency of data collection)				Final
				Value Year	Q1	Q2	Q3	Q4	
Output 2 Strengthened capacities within the criminal justice system to implement V-OM	the use of V-OM, including restorative approaches	<i>stakeholders trained/sensitised on the use of V-OM, including restorative approaches, disaggregated by sex, country.</i>	<i>pre and post surveys. Project Reports</i>						<i>sensitised across the 2 pilot countries. 15 per country by December 2024</i>
	2.2 Promote V-OM as an efficient tool for mediation with a human rights and victim-centred focus	<i>2.2.1 Number of advocacy related communication materials and/or events produced and shared.</i>	<i>Project reporting, copy of communication products</i>	0	0	1	1	1	<i>3 communication materials produced by December 2024</i>
	2.3 introduce and implement innovative methods on V-OM with focus on utilization of technology to promote human rights	<i>2.3.1 Number of V-OM training sessions utilizing digital platforms and tools</i>	<i>Project reporting and copy of methodology document</i>				2	2	<i>4 by December 2024. 2 per pilot country</i>

EXPECTED OUTPUTS	ACTIVITY	OUTPUT INDICATORS ⁶	DATA SOURCE	BASELINE	TARGETS (by frequency of data collection)				Final
				Value Year	Q1	Q2	Q3	Q4	
Output 3 Incorporation of restorative approaches in the criminal justice system	3.1 Implement Pilot project/study to assess the feasibility and effectiveness of V-OM in the criminal justice system	3.1.1 Number of cases referred to V-OM	<i>project reporting</i>	0			2	2	4 cases total- 2 per pilot country by December 2024
		3.1.2 Number of cases referred to V-OM that resulted in a mediation settlement agreement	<i>Project reporting</i>					2	2 cases total – 1 per pilot country by December 2024

X. MONITORING AND EVALUATION

In accordance with UNDP's programming policies and procedures, the project will be monitored through the following monitoring and evaluation plans:

[Note: monitoring and evaluation plans should be adapted to project context, as needed]

Monitoring Plan

Monitoring Activity	Purpose	Frequency	Expected Action	Partners (if joint)	Cost (if any)
Track results progress	Progress data against the results indicators in the RRF will be collected and analysed to assess the progress of the project in achieving the agreed outputs.	Quarterly, or in the frequency required for each indicator.	Slower than expected progress will be addressed by project management.		
Monitor and Manage Risk	Identify specific risks that may threaten achievement of intended results. Identify and monitor risk management actions using a risk log. This includes monitoring measures and plans that may have been required as per UNDP's Social and Environmental Standards. Audits will be conducted in accordance with UNDP's audit policy to manage financial risk.	Quarterly	Risks are identified by project management and actions are taken to manage risk. The risk log is actively maintained to keep track of identified risks and actions taken.		
Learn	Knowledge, good practices and lessons will be captured regularly, as well as actively sourced from other projects and partners and integrated back into the project.	Continuously with a final report at the end of the project	Relevant lessons are captured by the project team and used to inform management decisions.		
Annual Project Quality Assurance	The quality of the project will be assessed against UNDP's quality standards to identify project strengths and weaknesses and to inform	Annually	Areas of strength and weakness will be reviewed by project management and used to		

Monitoring Activity	Purpose	Frequency	Expected Action	Partners (if joint)	Cost (if any)
	management decision making to improve the project.		inform decisions to improve project performance.		
Review and Make Course Corrections	Internal review of data and evidence from all monitoring actions to inform decision making.	At least annually	Performance data, risks, lessons and quality will be discussed by the project board and used to make course corrections.		
Project Report	A progress report will be presented to the Project Board and key stakeholders, consisting of progress data showing the results achieved against pre-defined annual targets at the output level, the annual project quality rating summary, an updated risk long with mitigation measures, and any evaluation or review reports prepared over the period.	At the end of the project (final report)			
Project Review (Project Board)	The project's governance mechanism (i.e., project board) will hold regular project reviews to assess the performance of the project and review the Multi-Year Work Plan to ensure realistic budgeting over the life of the project. In the project's final year, the Project Board shall hold an end-of project review to capture lessons learned and discuss opportunities for scaling up and to socialize project results and lessons learned with relevant audiences.	Twice for the year	Any quality concerns or slower than expected progress should be discussed by the project board and management actions agreed to address the issues identified.		

XI. MULTI-YEAR WORK PLAN ⁷⁸

All anticipated programmatic and operational costs to support the project, including development effectiveness and implementation support arrangements, need to be identified, estimated and fully costed in the project budget under the relevant output(s). This includes activities that directly support the project, such as communication, human resources, procurement, finance, audit, policy advisory, quality assurance, reporting, management, etc. All services which are directly related to the project need to be disclosed transparently in the project document.

EXPECTED OUTPUTS	PLANNED ACTIVITIES	Planned Budget by Quarter				RESPONSIBLE PARTY	PLANNED BUDGET
		Q1	Q2	Q3	Q4		Amount
Output 1: Processes and Procedures improved for V-OM in the criminal justice system <i>Gender marker: 2</i> <i>Project Reports</i>	Focus groups with judicial stakeholders and end-users - Virtual and in-person		5,000 ,0				5,000
	Development of V-OM toolkit		15,000	15,000			30,000
	Sub-Total for Output 1						35,000

⁷ Cost definitions and classifications for programme and development effectiveness costs to be charged to the project are defined in the Executive Board decision DP/2010/32

⁸ Changes to a project budget affecting the scope (outputs), completion date, or total estimated project costs require a formal budget revision that must be signed by the project board. In other cases, the UNDP programme manager alone may sign the revision provided the other signatories have no objection. This procedure may be applied for example when the purpose of the revision is only to re-phase activities among years.

EXPECTED OUTPUTS	PLANNED ACTIVITIES	Planned Budget by Quarter				RESPONSIBLE PARTY	PLANNED BUDGET
		Q1	Q2	Q3	Q4		Amount
Output 2: <i>Strengthened capacities within the criminal justice system to implement V-OM</i> <i>Gender marker: 2</i> <i>Project Reports</i>	Training of judicial stakeholders in the use of V-OM/toolkit - In-person workshops in two pilot countries - Virtual regional training session/s			10,000	10,000		20,000
	Advocacy and communication events for regional sensitization (virtual/in-person)			7,000			7,000
	Sub-Total for Output 2						27,000
Output 3: Incorporation of restorative approaches in the criminal justice system <i>Gender marker: 2</i> <i>Project Reports</i>	Design V-OM Pilot based on toolkit			10,000			10,000
	Conduct V-OM Pilot in two countries				30,000		30,000
	Sub-Total for Output 3				40,000		
Output 4: Project Management	Travel		5,000	5,000	5,000		15,000
	M&E			1,000	1,500		2,500 ,
	Office Costs- DPC		5,000	5,000	5,000		15,000

EXPECTED OUTPUTS	PLANNED ACTIVITIES	Planned Budget by Quarter				RESPONSIBLE PARTY	PLANNED BUDGET
		Q1	Q2	Q3	Q4		Amount
	Communications -brochures; flyers; knowledge platforms			4,000	4,000		5,000
	Sub-Total for Output 4						37,500
Evaluation (<i>as relevant</i>)	EVALUATION						
General Management Support 7%							10,500
TOTAL							150,000

XII. GOVERNANCE AND MANAGEMENT ARRANGEMENTS

Project Organization Structure

Project Board/Steering Committee

Project Executive UNDP Resident Representative, Two Pilot Countries -TBD	Beneficiary Representatives Attorney Generals (or their designates), Key Judicial Stakeholders	Project Assurance UNDP Barbados MCO M&E Associate
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Oversight

Cluster Manager
Poverty, Governance, Monitoring
and Evaluation

V-OM Project Coordinator

XIII. LEGAL CONTEXT

*[NOTE: Please choose **one** of the following options, as applicable. Delete all other options from the document]*

Option a. Where the country has signed the [Standard Basic Assistance Agreement \(SBAA\)](#)

This project document shall be the instrument referred to as such in Article 1 of the Standard Basic Assistance Agreement between the Government of (country) and UNDP, signed on (date). All references in the SBAA to “Executing Agency” shall be deemed to refer to “Implementing Partner.”

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Option c. For Global and Regional Projects

This project forms part of an overall programmatic framework under which several separate associated country level activities will be implemented. When assistance and support services are provided from this Project to the associated country level activities, this document shall be the “Project Document” instrument referred to in: (i) the respective signed SBAA for the specific countries; or (ii) in the [Supplemental Provisions to the Project Document](#) attached to the Project Document in cases where the recipient country has not signed an SBAA with UNDP, attached hereto and forming an integral part hereof. All references in the SBAA to “Executing Agency” shall be deemed to refer to “Implementing Partner.”

This project will be implemented by [name of entity] (“Implementing Partner”) in accordance with its financial regulations, rules, practices and procedures only to the extent that they do not contravene the principles of the Financial Regulations and Rules of UNDP. Where the financial governance of an Implementing Partner does not provide the required guidance to ensure best value for money, fairness, integrity, transparency, and effective international competition, the financial governance of UNDP shall apply.

XIV. RISK MANAGEMENT

UNDP (DIM)

1. UNDP as the Implementing Partner will comply with the policies, procedures and practices of the United Nations Security Management System (UNSMS.)
2. UNDP as the Implementing Partner will undertake all reasonable efforts to ensure that none of the [project funds]⁹ [UNDP funds received pursuant to the Project Document]¹⁰ are used to provide support to individuals or entities associated with terrorism, that the recipients of any amounts provided by UNDP hereunder do not appear on the United Nations Security Council Consolidated Sanctions List, and that no UNDP funds received pursuant to the Project Document

⁹ To be used where UNDP is the Implementing Partner

¹⁰ To be used where the UN, a UN fund/programme or a specialized agency is the Implementing Partner

are used for money laundering activities. The United Nations Security Council Consolidated Sanctions List can be accessed via <https://www.un.org/securitycouncil/content/un-sc-consolidated-list>. This provision must be included in all sub-contracts or sub-agreements entered into under this Project Document.

3. Social and environmental sustainability will be enhanced through application of the UNDP Social and Environmental Standards (<http://www.undp.org/ses>) and related Accountability Mechanism (<http://www.undp.org/secu-srm>).

4. UNDP as the Implementing Partner will: (a) conduct project and programme-related activities in a manner consistent with the UNDP Social and Environmental Standards, (b) implement any management or mitigation plan prepared for the project or programme to comply with such standards, and (c) engage in a constructive and timely manner to address any concerns and complaints raised through the Accountability Mechanism. UNDP will seek to ensure that communities and other project stakeholders are informed of and have access to the Accountability Mechanism.

5. In the implementation of the activities under this Project Document, UNDP as the Implementing Partner will handle any sexual exploitation and abuse (“SEA”) and sexual harassment (“SH”) allegations in accordance with its regulations, rules, policies and procedures.

6. All signatories to the Project Document shall cooperate in good faith with any exercise to evaluate any programme or project-related commitments or compliance with the UNDP Social and Environmental Standards. This includes providing access to project sites, relevant personnel, information, and documentation.

7. UNDP as the Implementing Partner will ensure that the following obligations are binding on each responsible party, subcontractor, and sub-recipient:

- a. Consistent with the Article III of the SBAA [*or the Supplemental Provisions to the Project Document*], the responsibility for the safety and security of each responsible party, subcontractor and sub-recipient and its personnel and property, and of UNDP’s property in such responsible party’s, subcontractor’s and sub-recipient’s custody, rests with such responsible party, subcontractor and sub-recipient. To this end, each responsible party, subcontractor and sub-recipient shall:
 - i. put in place an appropriate security plan and maintain the security plan, taking into account the security situation in the country where the project is being carried;
 - ii. assume all risks and liabilities related to such responsible party’s, subcontractor’s and sub-recipient’s security, and the full implementation of the security plan.
- b. UNDP reserves the right to verify whether such a plan is in place, and to suggest modifications to the plan when necessary. Failure to maintain and implement an appropriate security plan as required hereunder shall be deemed a breach of the responsible party’s, subcontractor’s and sub-recipient’s obligations under this Project Document.

- c. Each responsible party, subcontractor and sub-recipient (each a “sub-party” and together “sub-parties”) acknowledges and agrees that UNDP will not tolerate sexual harassment and sexual exploitation and abuse of anyone by the sub-parties, and other entities involved in Project implementation, either as contractors or subcontractors and their personnel, and any individuals performing services for them under the Project Document.
 - (a) In the implementation of the activities under this Project Document, each sub-party shall comply with the standards of conduct set forth in the Secretary General’s Bulletin ST/SGB/2003/13 of 9 October 2003, concerning “Special measures for protection from sexual exploitation and sexual abuse” (“SEA”).
 - (b) Moreover, and without limitation to the application of other regulations, rules, policies and procedures bearing upon the performance of the activities under this Project Document, in the implementation of activities, each sub-party, shall not engage in any form of sexual harassment (“SH”). SH is defined as any unwelcome conduct of a sexual nature that might reasonably be expected or be perceived to cause offense or humiliation, when such conduct interferes with work, is made a condition of employment or creates an intimidating, hostile or offensive work environment. SH may occur in the workplace or in connection with work. While typically involving a pattern of conduct, SH may take the form of a single incident. In assessing the reasonableness of expectations or perceptions, the perspective of the person who is the target of the conduct shall be considered.
- d. In the performance of the activities under this Project Document, each sub-party shall (with respect to its own activities), and shall require from its sub-parties (with respect to their activities) that they, have minimum standards and procedures in place, or a plan to develop and/or improve such standards and procedures in order to be able to take effective preventive and investigative action. These should include: policies on sexual harassment and sexual exploitation and abuse; policies on whistleblowing/protection against retaliation; and complaints, disciplinary and investigative mechanisms. In line with this, sub-parties will and will require that their respective sub-parties will take all appropriate measures to:
 - (i) Prevent its employees, agents or any other persons engaged to perform any services under this Project Document, from engaging in SH or SEA;
 - (ii) Offer employees and associated personnel training on prevention and response to SH and SEA, where sub-parties have not put in place its own training regarding the prevention of SH and SEA, sub-parties may use the training material available at UNDP;
 - (iii) Report and monitor allegations of SH and SEA of which any of the sub-parties have been informed or have otherwise become aware, and status thereof;
 - (iv) Refer victims/survivors of SH and SEA to safe and confidential victim assistance; and
 - (v) Promptly and confidentially record and investigate any allegations credible enough to warrant an investigation of SH or SEA. Each sub-party shall advise UNDP of any such allegations received and investigations being conducted by itself or any of its sub-parties with respect to their activities under the Project Document, and shall keep UNDP informed during the investigation by it or any of such sub-parties, to the extent that such notification

- (i) does not jeopardize the conduct of the investigation, including but not limited to the safety or security of persons, and/or (ii) is not in contravention of any laws applicable to it. Following the investigation, the relevant sub-party shall advise UNDP of any actions taken by it or any of the other entities further to the investigation.
- e. Each sub-party shall establish that it has complied with the foregoing, to the satisfaction of UNDP, when requested by UNDP or any party acting on its behalf to provide such confirmation. Failure of the relevant sub-party to comply of the foregoing, as determined by UNDP, shall be considered grounds for suspension or termination of the Project.
 - f. Each responsible party, subcontractor and sub-recipient will ensure that any project activities undertaken by them will be implemented in a manner consistent with the UNDP Social and Environmental Standards and shall ensure that any incidents or issues of non-compliance shall be reported to UNDP in accordance with UNDP Social and Environmental Standards.
 - g. Each responsible party, subcontractor and sub-recipient will take appropriate steps to prevent misuse of funds, fraud, corruption or other financial irregularities, by its officials, consultants, subcontractors and sub-recipients in implementing the project or programme or using the UNDP funds. It will ensure that its financial management, anti-corruption, anti-fraud and anti money laundering and countering the financing of terrorism policies are in place and enforced for all funding received from or through UNDP.
 - h. The requirements of the following documents, then in force at the time of signature of the Project Document, apply to each responsible party, subcontractor and sub-recipient: (a) UNDP Policy on Fraud and other Corrupt Practices (b) UNDP Anti-Money Laundering and Countering the Financing of Terrorism Policy; and (c) UNDP Office of Audit and Investigations Investigation Guidelines. Each responsible party, subcontractor and sub-recipient agrees to the requirements of the above documents, which are an integral part of this Project Document and are available online at www.undp.org.
 - i. In the event that an investigation is required, UNDP will conduct investigations relating to any aspect of UNDP programmes and projects. Each responsible party, subcontractor and sub-recipient will provide its full cooperation, including making available personnel, relevant documentation, and granting access to its (and its consultants', subcontractors' and sub-recipients') premises, for such purposes at reasonable times and on reasonable conditions as may be required for the purpose of an investigation. Should there be a limitation in meeting this obligation, UNDP shall consult with it to find a solution.
 - j. Each responsible party, subcontractor and sub-recipient will promptly inform UNDP as the Implementing Partner in case of any incidence of inappropriate use of funds, or credible allegation of fraud, corruption other financial irregularities with due confidentiality. Where it becomes aware that a UNDP project or activity, in whole or in part, is the focus of investigation for alleged fraud/corruption, each responsible party, subcontractor and sub-recipient will inform the UNDP Resident Representative/Head of Office, who will promptly inform UNDP's Office of Audit and Investigations (OAI). It will provide regular updates to the

head of UNDP in the country and OAI of the status of, and actions relating to, such investigation.

k. *Choose one of the three following options:*

Option 1: UNDP will be entitled to a refund from the responsible party, subcontractor or sub-recipient of any funds provided that have been used inappropriately, including through fraud corruption, other financial irregularities or otherwise paid other than in accordance with the terms and conditions of this Project Document. Such amount may be deducted by UNDP from any payment due to the responsible party, subcontractor or sub-recipient under this or any other agreement. Recovery of such amount by UNDP shall not diminish or curtail any responsible party's, subcontractor's or sub-recipient's obligations under this Project Document.

Option 2: Each responsible party, subcontractor or sub-recipient agrees that, where applicable, donors to UNDP (including the Government) whose funding is the source, in whole or in part, of the funds for the activities which are the subject of the Project Document, may seek recourse to such responsible party, subcontractor or sub-recipient for the recovery of any funds determined by UNDP to have been used inappropriately, including through fraud corruption or other financial irregularities or otherwise paid other than in accordance with the terms and conditions of the Project Document.

Option 3: UNDP will be entitled to a refund from the responsible party, subcontractor or sub-recipient of any funds provided that have been used inappropriately, including through fraud corruption or other financial irregularities, or otherwise paid other than in accordance with the terms and conditions of the Project Document. Such amount may be deducted by UNDP from any payment due to the responsible party, subcontractor or sub-recipient under this or any other agreement.

Where such funds have not been refunded to UNDP, the responsible party, subcontractor or sub-recipient agrees that donors to UNDP (including the Government) whose funding is the source, in whole or in part, of the funds for the activities under this Project Document, may seek recourse to such responsible party, subcontractor or sub-recipient for the recovery of any funds determined by UNDP to have been used inappropriately, including through fraud, corruption or other financial irregularities, or otherwise paid other than in accordance with the terms and conditions of the Project Document.

Note: The term "Project Document" as used in this clause shall be deemed to include any relevant subsidiary agreement further to the Project Document, including those with responsible parties, subcontractors and sub-recipients.

l. Each contract issued by the responsible party, subcontractor or sub-recipient in connection with this Project Document shall include a provision representing that no fees, gratuities,

rebates, gifts, commissions or other payments, other than those shown in the proposal, have been given, received, or promised in connection with the selection process or in contract execution, and that the recipient of funds from it shall cooperate with any and all investigations and post-payment audits.

- m. Should UNDP refer to the relevant national authorities for appropriate legal action any alleged wrongdoing relating to the project or programme, the Government will ensure that the relevant national authorities shall actively investigate the same and take appropriate legal action against all individuals found to have participated in the wrongdoing, recover and return any recovered funds to UNDP.
- n. Each responsible party, subcontractor and sub-recipient shall ensure that all of its obligations set forth under this section entitled “Risk Management” are passed on to its subcontractors and sub-recipients and that all the clauses under this section entitled “Risk Management Standard Clauses” are adequately reflected, *mutatis mutandis*, in all its sub-contracts or sub-agreements entered into further to this Project Document.

Option c. CSO/NGO/Non-UN or other IGO with no signed SBAA with UNDP

1. Consistent with the Article III of the SBAA [*or the Supplemental Provisions to the Project Document*], the responsibility for the safety and security of the Implementing Partner and its personnel and property, and of UNDP’s property in the Implementing Partner’s custody, rests with the Implementing Partner. To this end, the Implementing Partner shall:
 - a) put in place an appropriate security plan and maintain the security plan, taking into account the security situation in the country where the project is being carried;
 - b) assume all risks and liabilities related to the Implementing Partner’s security, and the full implementation of the security plan.
2. UNDP reserves the right to verify whether such a plan is in place, and to suggest modifications to the plan when necessary. Failure to maintain and implement an appropriate security plan as required hereunder shall be deemed a breach of the Implementing Partner’s obligations under this Project Document and the Project Cooperation Agreement between UNDP and the Implementing Partner¹¹.
3. The Implementing Partner agrees to undertake all reasonable efforts to ensure that no UNDP funds received pursuant to the Project Document are used to provide support to individuals or entities associated with terrorism, that the recipients of any amounts provided by UNDP hereunder do not appear on the United Nations Security Council Sanctions Consolidated Sanctions List, and that no UNDP funds received pursuant to the Project Document are used for money laundering activities. The United Nations Security Council Sanctions Consolidated Sanctions List can be accessed via <https://www.un.org/securitycouncil/content/un-sc-consolidated-list>.

¹¹ Use bracketed text only when IP is an NGO/IGO

4. The Implementing Partner acknowledges and agrees that UNDP will not tolerate sexual harassment and sexual exploitation and abuse of anyone by the Implementing Partner, and each of its responsible parties, their respective sub-recipients and other entities involved in Project implementation, either as contractors or subcontractors and their personnel, and any individuals performing services for them under the Project Document.

(a) In the implementation of the activities under this Project Document, the Implementing Partner, and each of its sub-parties referred to above, shall comply with the standards of conduct set forth in the Secretary General's Bulletin ST/SGB/2003/13 of 9 October 2003, concerning "Special measures for protection from sexual exploitation and sexual abuse" ("SEA").

(b) Moreover, and without limitation to the application of other regulations, rules, policies and procedures bearing upon the performance of the activities under this Project Document, in the implementation of activities, the Implementing Partner, and each of its sub-parties referred to above, shall not engage in any form of sexual harassment ("SH"). SH is defined as any unwelcome conduct of a sexual nature that might reasonably be expected or be perceived to cause offense or humiliation, when such conduct interferes with work, is made a condition of employment or creates an intimidating, hostile or offensive work environment. SH may occur in the workplace or in connection with work. While typically involving a pattern of conduct, SH may take the form of a single incident. In assessing the reasonableness of expectations or perceptions, the perspective of the person who is the target of the conduct shall be considered.

5. a) In the performance of the activities under this Project Document, the Implementing Partner shall (with respect to its own activities), and shall require from its sub-parties referred to in paragraph 4 (with respect to their activities) that they, have minimum standards and procedures in place, or a plan to develop and/or improve such standards and procedures in order to be able to take effective preventive and investigative action. These should include policies on sexual harassment and sexual exploitation and abuse; policies on whistleblowing/protection against retaliation; and complaints, disciplinary and investigative mechanisms. In line with this, the Implementing Partner will, and will require that such sub-parties will take all appropriate measures to:

- i. Prevent its employees, agents or any other persons engaged to perform any services under this Project Document, from engaging in SH or SEA;
- ii. Offer employees and associated personnel training on prevention and response to SH and SEA, where the Implementing Partner and its sub-parties referred to in paragraph 4, have not put in place its own training regarding the prevention of SH and SEA, the Implementing Partner and such sub-parties may use the training material available at UNDP;
- iii. Report and monitor allegations of SH and SEA of which the Implementing Partner and its sub-parties referred to in paragraph 4 have been informed or have otherwise become aware, and status thereof;
- iv. Refer victims/survivors of SH and SEA to safe and confidential victim assistance; and

- v. Promptly and confidentially record and investigate any allegations credible enough to warrant an investigation of SH or SEA. The Implementing Partner shall advise UNDP of any such allegations received and investigations being conducted by itself or any of its sub-parties referred to in paragraph 4 with respect to their activities under the Project Document, and shall keep UNDP informed during the investigation by it or any of such sub-parties, to the extent that such notification (i) does not jeopardize the conduct of the investigation, including but not limited to the safety or security of persons, and/or (ii) is not in contravention of any laws applicable to it. Following the investigation, the Implementing Partner shall advise UNDP of any actions taken by it or any of the other entities further to the investigation.

b) The Implementing Partner shall establish that it has complied with the foregoing, to the satisfaction of UNDP, when requested by UNDP or any party acting on its behalf to provide such confirmation. Failure of the Implementing Partner, and each of its sub-parties referred to in paragraph 4, to comply of the foregoing, as determined by UNDP, shall be considered grounds for suspension or termination of the Project.

6. Social and environmental sustainability will be enhanced through application of the UNDP Social and Environmental Standards (<http://www.undp.org/ses>) and related Accountability Mechanism (<http://www.undp.org/secu-srm>).

7. The Implementing Partner shall: (a) conduct project and programme-related activities in a manner consistent with the UNDP Social and Environmental Standards, (b) implement any management or mitigation plan prepared for the project or programme to comply with such standards, and (c) engage in a constructive and timely manner to address any concerns and complaints raised through the Accountability Mechanism. UNDP will seek to ensure that communities and other project stakeholders are informed of and have access to the Accountability Mechanism.

8. All signatories to the Project Document shall cooperate in good faith with any exercise to evaluate any programme or project-related commitments or compliance with the UNDP Social and Environmental Standards. This includes providing access to project sites, relevant personnel, information, and documentation.

9. UNDP is committed to the highest ethical standards and will not tolerate the diversion of the resources entrusted to it through Money Laundering or Terrorist Financing and will not partner with entities that tolerate the diversion of resources through Money Laundering or Terrorist Financing. To that effect, the Implementing Partner represents and warrants that it has not, and it shall not, at any time in the implementation of the Project engage in Terrorism Financing or Money Laundering. The Implementing Partner shall communicate the restriction of this paragraph to its and each of its responsible parties, their respective sub-recipients and other entities involved in Project implementation, either as contractors or subcontractors and their personnel, and any individuals performing services for them under the Project Documents and shall take all reasonable measures to ensure that such persons do not engage in Terrorism Financing or Money Laundering.

10. The Implementing Partner shall immediately disclose to UNDP any actual, apparent, potential or attempted Terrorism Financing or Money Laundering activity that it becomes aware of. The Implementing Partner shall fully cooperate with any investigation or review of Terrorism Financing or Money Laundering activity by UNDP.

11. The Implementing Partner acknowledges and agrees that Terrorism Financing or Money Laundering constitute financial irregularities and that if the Implementing Partner or any of its responsible parties, their respective sub-recipients and other entities involved in Project implementation, either as contractors or subcontractors and their personnel, and any individuals performing services for them under the Project Document engages in Terrorism Financing or Money Laundering activity that would constitute a material breach of this Project Document, which entitles UNDP to immediately terminate the Project without incurring any liability or penalty.

12. Furthermore, the Implementing Partner expressly acknowledges and agrees that, in the event that UNDP were to determine through an investigation or otherwise that Terrorism Financing or Money Laundering occurred, UNDP shall have, in addition to its right to immediately terminate the Project, the rights to:

- i. apply and enforce the relevant sanctions in accordance with UNDP internal regulations, rules, procedures, practices, policies and guidelines, including referral of the matter to national authorities when appropriate; and
- ii. recover all losses, financial or otherwise, suffered by UNDP in connection with such Terrorism Financing or Money Laundering activity.

13. For the purpose of this Project Document the following terms shall have the definition ascribed to the below:

- i. "Money Laundering" is generally considered as concealment of the origins of money obtained illegally, typically by passing it through a complex sequence of financial or commercial transactions. ML usually involves three stages: (i) introducing the proceeds of crime into the financial system (placement); (ii) transactions to convert or transfer the funds to other locations or financial institutions (layering); and (iii) reintroducing the funds into the legitimate economy as "clean" money and investing it in various assets or business ventures (reintegration) appearing to have been legally obtained. The FATF recommends that ML be criminalized by every country on the basis of article 3(1)(b) and (c) of the Vienna Convention and article 6(1) of the Palermo Convention.
- ii. "Terrorist Financing" means providing support to individuals or entities that appear on the United Nations Security Council Consolidated Sanctions List accessible at <https://www.un.org/securitycouncil/content/un-sc-consolidated-list>.

14. The Implementing Partner will take appropriate steps to prevent misuse of funds, fraud or corruption, by its officials, consultants, responsible parties, subcontractors and sub-recipients in

implementing the project or using the UNDP funds. The Implementing Partner will ensure that its financial management, anti-corruption, anti-fraud and anti money laundering and countering the financing of terrorism policies are in place and enforced for all funding received from or through UNDP.

15. The requirements of the following documents, then in force at the time of signature of the Project Document, apply to the Implementing Partner: (a) UNDP Policy on Fraud and other Corrupt Practices (b) UNDP Anti-Money Laundering and Countering the Financing of Terrorism Policy; and (c) UNDP Office of Audit and Investigations Investigation Guidelines. The Implementing Partner agrees to the requirements of the above documents, which are an integral part of this Project Document and are available online at www.undp.org.

16. In the event that an investigation is required, UNDP has the obligation to conduct investigations relating to any aspect of UNDP programmes and projects in accordance with UNDP regulations, rules, policies and procedures. The Implementing Partner shall provide its full cooperation, including making available personnel, relevant documentation, and granting access to the Implementing Partner's (and its consultants', responsible parties', subcontractors' and sub-recipients') premises, for such purposes at reasonable times and on reasonable conditions as may be required for the purpose of an investigation. Should there be a limitation in meeting this obligation, UNDP shall consult with the Implementing Partner to find a solution.

17. The Implementing Partner will promptly inform UNDP in case of any incidence of inappropriate use of funds, or credible allegation of fraud, corruption or other financial irregularity with due confidentiality.

Where the Implementing Partner becomes aware that a UNDP project or activity, in whole or in part, is the focus of investigation for alleged fraud/corruption or other financial irregularity, the Implementing Partner will inform the UNDP Resident Representative/Head of Office, who will promptly inform UNDP's Office of Audit and Investigations (OAI). The Implementing Partner shall provide regular updates to the head of UNDP in the country and OAI of the status of, and actions relating to, such investigation.

18. *Choose one of the three following options:*

Option 1: UNDP shall be entitled to a refund from the Implementing Partner of any funds provided that have been used inappropriately, including through fraud, corruption or other financial irregularity, or otherwise paid other than in accordance with the terms and conditions of this Project Document. Such amount may be deducted by UNDP from any payment due to the Implementing Partner under this or any other agreement. Recovery of such amount by UNDP shall not diminish or curtail the Implementing Partner's obligations under this Project Document.

Option 2: The Implementing Partner agrees that, where applicable, donors to UNDP (including the Government) whose funding is the source, in whole or in part, of the funds for the activities which are the subject of the Project Document, may seek recourse to the Implementing Partner for the

recovery of any funds determined by UNDP to have been used inappropriately, including through fraud, corruption or other financial irregularity, or otherwise paid other than in accordance with the terms and conditions of the Project Document.

Option 3: UNDP shall be entitled to a refund from the Implementing Partner of any funds provided that have been used inappropriately, including through fraud, corruption or other financial irregularity, or otherwise paid other than in accordance with the terms and conditions of the Project Document. Such amount may be deducted by UNDP from any payment due to the Implementing Partner under this or any other agreement.

Where such funds have not been refunded to UNDP, the Implementing Partner agrees that donors to UNDP (including the Government) whose funding is the source, in whole or in part, of the funds for the activities under this Project Document, may seek recourse to the Implementing Partner for the recovery of any funds determined by UNDP to have been used inappropriately, including through fraud, corruption or other financial irregularity, or otherwise paid other than in accordance with the terms and conditions of the Project Document.

Note: The term “Project Document” as used in this clause shall be deemed to include any relevant subsidiary agreement further to the Project Document, including those with the Implementing Partner, responsible parties, subcontractors and sub-recipients.

19. Each contract issued by the Implementing Partner in connection with this Project Document shall include a provision representing that no fees, gratuities, rebates, gifts, commissions or other payments, other than those shown in the proposal, have been given, received, or promised in connection with the selection process or in contract execution, and that the recipient of funds from the Implementing Partner shall cooperate with any and all investigations and post-payment audits.

20. Should UNDP refer to the relevant national authorities for appropriate legal action any alleged wrongdoing relating to the project, the Government will ensure that the relevant national authorities shall actively investigate the same and take appropriate legal action against all individuals found to have participated in the wrongdoing, recover and return any recovered funds to UNDP.

21. The Implementing Partner shall ensure that all of its obligations set forth under this section entitled “Risk Management Standard Clauses” are passed on to each responsible party, subcontractor and sub-recipient and that all the clauses under this section entitled “Risk Management” are included, *mutatis mutandis*, in all sub-contracts or sub-agreements entered into further to this Project Document.

ANNEXES

1. Project Quality Assurance Report

2. **Social and Environmental Screening Template** [\[English\]](#) [\[French\]](#) [\[Spanish\]](#), including additional Social and Environmental Assessments or Management Plans as relevant.
(NOTE: The SES Screening is not required for projects in which UNDP is Administrative Agent only and/or projects comprised solely of reports, coordination of events, trainings, workshops, meetings, conferences, preparation of communication materials, strengthening capacities of partners to participate in international negotiations and conferences, partnership coordination and management of networks, or global/regional projects with no country level activities).
3. **Risk Analysis.** Use the standard [Risk Register template](#). Please refer to the [Deliverable Description of the Risk Register](#) for instructions
4. **Capacity Assessment:** Results of capacity assessments of Implementing Partner (including Partner Capacity Assessment Tool (PCAT) and HACT Micro Assessment)
5. **Project Board Terms of Reference and TORs of key management positions.** The standard Project Board TOR can be found [here](#).
6. **On-Granting Provisions Applicable to the Implementing Partner**¹². On-granting clauses for non-UNDP Implementing Partners can be found [here](#).

¹² Applicable for non-UNDP Implementing Partner as Grant Making Institution facilitating on-granting.

