

Recipient Organization:	UNDP
Project Title:	Support to Access to Justice, Security, and Human Rights Strengthening in South Sudan – Human rights monitoring of the GBV Court and Juvenile Court
Location:	South Sudan (Juba, Central Equatoria State)
Relevant CPD (2019-2022) Output:	Output 1.2: Institutional capacities and customary mechanisms at all levels strengthened to monitor, promote and protect citizen's rights and increase access to justice, especially for vulnerable groups and SGBV survivors.
Relevant Access to Justice, Security and Human Rights Strengthening Programme (2020-2023) Output:	Output 2: The most vulnerable people; particularly women, girls, SGBV survivors, IDPs and returnees have increased equal access to a fair and effective justice system Key Result 1: CSOs, SSHRC and media actively engage and monitor the GBV and Juvenile Court in Juba. Key Result 2: The GBV Court is supported to operate fully and deliver quality justice services that are responsive to needs of SGBV survivors
Priority Areas:	<ul style="list-style-type: none"> - International human rights standards monitored at met. - Protecting the rights and empowering survivors of GBV. - Strengthen the capacity and accountability of the Judiciary of South Sudan
Project Duration:	24 months

1. Context Analysis

South Sudan has been plagued with years of civil war and violent political crises. Since its independence, the people, communities, and institutions of South Sudan have had the opportunity to focus on rebuilding the country. However, the years of conflict and insecurity have created an environment particularly challenging for sustainable peace, characterized by severely weakened national institutions. The weakness of the justice and security institutions, paired with a highly militarized environment, contributes to a pervasive culture of violence.

As a consequence of limited capacity, the justice institutions of South Sudan have not been able to ensure universal access to justice and protection of human rights. Many South Sudanese citizens, notably marginalized groups and communities including women, girls, internally displaced people (IDPs) and returnees, remain without sufficient access to fair, effective, and efficient justice, as well as security services. Deficits in the justice and security systems impede the realization of legitimate stability, leaving individuals, families, and communities without adequate safety or security, access to justice, or redress for past and ongoing human rights violations.

The absence of accessible justice has particularly dire impacts on survivors of, as well as those at an elevated risk of being subjected to, Sexual and Gender-Based Violence (SGBV). SGBV is common and one of the most critical threats to the wellbeing of women and children in South Sudan. A lingering impact of past conflict, SGBV remains rife, with the lack of access to justice often allowing perpetrators of SGBV to act with impunity. Even when justice is accessible, survivors may refrain from exercising their rights due to fear of stigma or reprisals – an issue exacerbated in the present context.

In response to the challenges of particularly SGBV survivors, UNDP in partnership with the Judiciary of South Sudan, with funding from the Kingdom of Netherlands, supported the establishment of a Gender Based Violence (GBV) and Juvenile Court. Since December 2020, the GBV and Juvenile Court has been hearing cases in efforts to address impunity for gender-based crimes and hold perpetrators accountable. The aim has been to populate the Court with personnel sensitive to and experienced in dealing with SGBV-related issues. This includes ensuring protection of women’s human rights and accountability of perpetrators, as well as prevention efforts of re-victimization and stigmatization.

2. Problem and Gap to be Addressed

Despite this, the GBV Court does not automatically guarantee the delivery of justice for victims of SGBV, or adherence to relevant human rights obligations found in the eleven international and regional treaties South Sudan has signed. Like other South Sudanese judicial institutions, the court serves with limited financial and human resources, and is difficult to access for those not living in the capital. There are very limited incentives for professionalism, transparency, and accountability, leading to incessant delays in the workings of the court. The court also struggles to meet the specific needs of SGBV victims.

These limitations place the court at a continued risk of failing to uphold human rights, women's rights, fair trial standards, as well as address discrimination against women and girls – all of which may further deter victims from reporting cases. As the only specialized court in the country, the GBV and Juvenile Court plays a critical role in maintaining a high quality of justice delivered, as it sets both the tone for dealing with SGBV issues in society, as well as precedence for future courts of its kind.

3. Lessons Learned

The project is an extension of the initiatives carried out the Access to Justice and Rule of Law Project from 2017 to 2020 and from the initiatives carried out during the first year (2020) of the Access to Justice, Security, and Human Rights Strengthening Programme (2020 – 2023). The establishment and operationalization of the GBV and Juvenile Court, made possible through the support of the Kingdom of Netherlands, are significant milestones for the delivery of justice in South Sudan.

Halfway through the Access to Justice and Rule of Law Project from 2017 to 2020, an evaluation of the project found that it addressed critical gaps, especially for vulnerable and disadvantaged groups. Several lessons have been learned from the second phase of the project, as well as a high-level visit of EU Ambassadors in February 2021 to the GBV and Juvenile Court. The following lessons inform this project:

- (i) For the best impact, initiatives should be tailored to local conditions, particularly in areas where human capital is low. Most of South Sudan’s population and a sizeable number of justice sector personnel do not have any high school education or knowledge on human rights. The human rights capacity of the GBV and Juvenile Court and monitoring bodies will be enhanced through this project.
- (ii) Data is critical for successful intervention. Information collection and analysis is an indispensable element of the project and is needed to ensure that UNDP support and interventions are aligned with and responsive to the justice and security needs of SGBV

survivors Through the monitoring exercises supported by the project, data will be collected and analyzed to inform victim-centered decision making.

- (iii) Strengthening the capacity of CSOs and local partners should be a priority. For development to be sustainable, processes must be need-driven and, ultimately, locally owned. To this end, the project has identified CSOs as a key group to monitor the GBV and Juvenile Court and will strengthen their capacity to assume advocacy and leadership roles, serve watchdog functions in holding court officials accountable, and assume responsibility for reporting on the progress of the Court.
- (iv) The GBV and Juvenile Court imposing same sentences in most cases may convey inaccurate signals among experts, the general society, and the international community, who may not have the full facts of a case. The project will seek to produce guidelines on sentencing for the GBV and Juvenile Court, as well as criminal justice professionals, to enhance consistency and increase public understanding on sentencing.

4. Target Groups and Location

Women, men, and child victims of SGBV or juveniles who are served by the GBV and Juvenile Court are also the target group for this project. While SGBV impacts societies as a whole, its effects are overwhelmingly suffered by women. Accordingly, a focus on fair trial rights especially relating to upholding women's rights will be at the forefront of these measures through strengthening human rights accountability mechanisms of the GBV and Juvenile Court. When individuals know their rights and see these rights adjudicated in a fair, equitable, and transparent manner, trust in institutions is strengthened and readiness to claim these rights is furthered. Those accused of gender-based crimes can similarly trust that they will receive a fair trial.

Through this support, the project targets the justice system by strengthening the culture of human rights respect, accountability, and trust in the legal system – ranging from hearings to sentences and beyond. Traditional means of administering justice may seek to replicate the workings of the GBV and Juvenile Court throughout the country, further strengthening respect for women's rights and propelling destigmatized discussion on rights and duties at community level, as well as encouraging its members seek out these rights. The workings of the GBV and Juvenile Court can thus act as a standard and source of inspiration to be adhered to in all aspects of the South Sudanese legal system.

CSOs are often key actors in ensuring accountability of national institutions. In this context, CSOs will play a particularly important role in being trained to oversee and monitor the work of the GBV and Juvenile Court. Such training will not only serve the people of South Sudan but will also enhance the skills and knowledge of the CSOs to provide such monitoring to other relevant institutions. Possible monitoring actors include the CSOs specialized in human rights, the media, as well as social workers who will work closely with the Human Rights Commission. As the national authority for monitoring, investing, reporting, and holding institutions accountable, the South Sudan Human Rights Commission will also be further supported to strengthen domestic monitoring.

Justice actors and relevant staff will also benefit from the project. Through direct training, judges' and court staff's knowledge-base and capacity will be enhanced through strengthened human rights capacity in the delivery of justice. Through the Court Users Committee, to be established with the support of this project, relevant justice actors in South Sudan will gain a greater sense of accountability in the process of improving the courts services in accordance with human rights standards.

5. Theory of Change

If diverse oversight institutions actively engage the GBV and Juvenile Court to monitor policies, procedures, actions, and delivery of quality justice for compliance with and human rights; particularly for victims of SGBV

And if the GBV and Juvenile Court establishes well-functioning systems that are needs based to provide the foundation for the entire oversight and monitoring process

And if there is a functional network across the oversight institutions to provide feedback to the Court to use and act on that information in the interest of the SGBV victims and justice for parties to a case

And if the capacity of the judges and court staff of the GBV Court is enhanced in the application of human rights standards and victim-centered approaches in the delivery of justice

And if a GBV Court Users committee is established with the participation of justice actors, key users, and SGBV victims and survivors to improve the operations of the court

Then the Court procedures will be managed efficiently and effectively, the court staff will fulfill their duties with integrity, problems are detected and corrected in a timely manner, and the court is more able to deliver quality justice through transparent and accountable processes, as well as effectively decrease impunity for SGBV, thereby increasing public confidence.

6. Intervention Strategy

UNDP has extensive experience in contributing to South Sudan's enhancement of rule of law, access to justice, security, and human rights programming. Through this project, UNDP will continue its work with the GBV and Juvenile Court under the umbrella of the Access to Justice, Security and Human Rights strengthening programme (2020 – 2023) with the objective of promoting human rights standards in the delivery of justice. The project will specifically contribute to the Output 2 of the programme on *“the most vulnerable people; particularly women, girls, SGBV survivors, IDPs and returnees have increased equal access to a fair and effective justice system”*.

At the core of this work is Goal 16 of the Sustainable Development Agenda, which serves as an accelerator of UNDP's work in enabling peacebuilding and human development for South Sudan. The proposal contributes a sustainable approach to UNDP's existing work on rule of law, access to justice, security, and human rights, with a strong focus on women's rights issues and a commitment to eradicating SGBV. This focus is especially important in reaching long-lasting results that will contribute to a well-being, healthy society benefiting from sustainable peace.

Based on the fulfilment of human rights equally for all, the strategy takes into consideration institutional actors, survivors, those accused of committing SGBV, the legal environment and ultimately society. Such an approach is vital in any society but is especially important in one emerging from years of instability and conflict. Accordingly, the project takes a dynamic, needs-based, and sensitive approach in assessing changing circumstances and threats to the stability of the system – not least by those posed by the ongoing COVID-19 pandemic.

The project is in close alignment with South Sudan's National Development Strategy (2018-2021), especially the Goal “Strengthening the Rule of Law System to ensure and promote equal access to justice for all.” The project sets out to support and facilitate an inclusive approach in the implementation of the R-ARCSS, placing a particular emphasis on constitutional and law reforms (Chapter I) and justice sector reforms (Chapter I).

In engaging state actors and ensuring national ownership of the results of the project, close collaboration with government stakeholders will include the Judiciary, Ministry of Justice and Constitutional Affairs including the Directorate of Public Prosecutions, the Ministry of Interior including the police, prisons, the

Law Reform Commission, the Ministry of Gender, Child and Social Welfare and the South Sudan Human Rights Commission.

In addition, close work with CSOs will ensure that non-state actors are engaged in the project. This will enable the development of human rights to progress simultaneously from top-down, as well as bottom-up. Engaging CSOs will increase their organizational capacity and understanding of human rights, as well as enable monitoring to be done locally for and by the South Sudanese. Regular cooperation and communication with CSOs allow for the UNDP to use best practices to inform the effectiveness of their work. The SSHRC and CSOs will work closely together in monitoring the court and preparing reports to address identified problems from varied lenses; both individually and through shared platforms. Such an approach encourages close cooperation between the SSHRC and civil society and is designed to be a constructive point of engagement for improving their relationship.

UNDP maintains close cooperates with fellow UN entities with whom various forms of agreements and joint rule of law-related projects exist. By working with United Nations Mission in South Sudan (UNMISS), United Nations Police (UN Police), Office of the High Commissioner for Human Rights (OHCHR), UN Women, United Nations Children’s Fund (UNICEF), UNDP will strengthen the quality of interventions by drawing on the comparative advantages of each UN agency supporting areas of relevance to the GBV and Juvenile Court.

Although the project focuses on the GBV and Juvenile Court in Juba, UNDP will continue to engage with partners and projects outside Central Equatoria state to ensure that success is not limited to Juba. UNDP will facilitate efforts to continue relaying lessons learned and best practices to ensure that the impacts of the project are widespread and long-lasting. Through these efforts, the effects of the project will have a genuine, positive impact on the realization of human rights throughout South Sudanese society.

7. Key Results and Activities

Output 1: CSOs, SSHRC and media actively engage and monitor the GBV and Juvenile Court in Juba

As part of strengthening the capacity of oversight bodies, this output will focus on supporting the SSHRC to regularly monitor and report on the work of the GBV and Juvenile Court. This will be achieved by providing training sessions for staff and representatives from among the SSHRC on human rights standards, victim-centered approaches, and their relevance to the administration of justice. The training will build on past trainings and be informed by a training needs assessment. Specific attention will be paid to female representatives from the Commission who may more easily interact with female beneficiaries of the Court, in addition to providing them the necessary support to attend and monitor the Court’s processes and proceedings. A training consultant will be sourced to develop a curriculum with certification on human rights.

Special grants will be offered to support CSOs, including women-led organization, who are able to ameliorate the trial experiences of not only survivors of SGBV, but also defendants. Partners will be selected through a competitive process and based on both their monitoring capacities and their technical ability to deliver advocacy activities on rights-focused and victim-centered approaches. It is anticipated that training will need to be provided by the project to the CSOs to ensure that they properly understand the work of the GBV and Juvenile Court, key content on the administration of justice for gender crimes, and also have the skills to facilitate dialogue in ways that promote consensus on actions for improving the court’s performance and mitigate conflict. Training will also be provided to strengthen civil society advocacy skills, including general support to advocate for gender-responsive, rights-based, and transparent trial processes by the Court whilst holding the judges and staff accountable for their actions.

As a critical partner in the promotion of human rights, the media has existing infrastructure that can be quickly and efficiently harnessed for the benefit of this Project. In this regard, UNDP will engage the media in support of human rights-based and victim-centered reporting of the GBV and Juvenile Court, with technical inputs on key human rights and gender justice substance provided by UNDP and other UN strategic partners, such as UN Women. Specialized trainings will be provided for editors and journalists on human rights-based and gender-sensitive reporting, editing, and fact-checking to ensure professional reporting and constructive messaging linked to addressing gender-based crimes, with the aim to minimize misinformation about processes.

This will be supplemented by technical, logistical, and operational support to facilitate the preparation of forward-looking, periodic, and annual reports on the GBV, and Juvenile Court prepared by the SSHRC and CSOs, outlining recommendations for addressing challenges and observations that are identified from the monitoring exercises. The experiences of victims of SGBV at the court will be captured in such exercises. The SSHRC will submit periodic and annual reports to the Transitional National Legislative Assembly (TNLA) in accordance with their legal mandate, as well as to the Judiciary and Court Users Committee. CSOs will work both individually and through shared platforms with the SSHRC to prepare their own reports that will also be submitted to the Judiciary and the Court Users Committee. Such reports will be used to further engage with the judges and staff of the GBV and Juvenile Court on a regular basis, with a view to collectively addressing issues and improving processes and outcomes of their decisions in line with human rights standards and principles, as well as placing victims at the center of managing the court.

Output 2: The GBV Court is supported to operate fully and deliver quality justice services that are responsive to needs of SGBV survivors

Through this Project, UNDP will support the GBV and Juvenile Court to undertake its independent judicial and neutral role of administering justice for SGBV and crimes against child offenders, in accordance with national law and international norms and best practices. The project will provide continuous training for the 5 judges of the High Court and Appellate Court, and 16 administrative and support staff on human rights-based and victim-centered approaches to the management of the Court, as well as adjudication of cases to enable them to handle parties and court processes in a way that is compliant with human rights standards and principles, and which minimizes re-traumatization associated with the criminal justice process. This can, in turn, generate trust in the Court's users and the public, generate good practices for replication, and be credible and accepted by the people of South Sudan.

Discussions on sentencing of cases will be conducted by the GBV and Juvenile Court in collaboration with the Ministry of Justice and Constitutional Affairs, the South Sudan Bar Association, the Female Lawyers Association (FIDA) and CSOs using their expertise and experiences to build consensus amongst the different stakeholder groups and develop informed proposals and provisions with support of this project. Survivors of SGBV will be empowered to engage as participants in the process and be provided an opportunity to play a role in seeing responsive discussions to their lived experiences. The project will commission and produce sentencing guidelines based on comparative legal and technical briefs on critical aspects of sentencing identified by stakeholders to help inform the final text and support consensus-building measures aimed at bringing consistency and rights-based outcomes of the Court. UNDP is already actively using its relationship and mandate to engage the GBV and Juvenile Court to link recommendations from a donor visit to the Court in February 2021 on sentences imposed and the actions for a review on this, which can be harnessed for the benefit of this work.

The Project will also work with the GBV and Juvenile Court to bridge the gaps between court users and decision-makers. The Court will be supported to establish a Court Users committee involving the Court's judges and other staff, representatives from lawyers, social workers, and oversight bodies to share information on the Court's performance. These stakeholders will be engaged to develop well-informed

decisions on how to further improve the Court’s work based on real experiences, needs of users, and observations made during monitoring exercises including by victims and survivors. To this end, the Project will support quarterly meetings of the Users Committee which will be coordinated in partnership with the Chief Justice’s Office and other stakeholders as appropriate to enable the legal practitioners, the SSHRC, civil society and social workers to collect, synthesize and present their ideas and insights and develop specific recommendations to put forward to the Court. A range of specific dialogues will further be organized to take a deep dive on concrete actions and build trust and knowledge amongst key partners and the victims. Lessons and best practices from these interventions will be documented for replication.

8. Budget

Key Results	Activities	Budget (USD)
Output: The most vulnerable people; particularly women, girls, SGBV survivors, IDPs and returnees have increased equal access to a fair and effective justice system		
Output 1: CSOs, SSHRC and media actively engage and monitor the GBV Juvenile Court in Juba	1.1. Train 25 and assign officials from CSOs, SSHRC and the media to the GBV and Juvenile Court to increase understanding to regularly monitor their proceedings.	15,000
	1.2. Administer grants to 4 CSOs, SSHRC and 2 media organizations to monitor and assign staff to enable them to attend and monitor the Court’s processes and proceedings.	CSO: 115,000 SSHRC: 35,000 Media: 25,000
	1.3. Produce and disseminate to the GBV and Juvenile Court forward looking periodic and annual reports for addressing challenges that are identified based on the monitoring exercises	50,000
Output 2: The GBV, and Juvenile Courts are supported to operate fully and deliver quality justice services that are responsive to needs of SGBV survivors	2.1. Conduct 4 awareness raising sessions for the judges and court staff on basic principles of human rights monitoring, transparency and accountability.	30,000
	2.2. Establish an inclusive and functional GBV and Juvenile Court Users committee based on good practice to consider improvements in the operations of the Court.	20,000
	2.3. Carry out quarterly meetings of the Court Users committee to facilitate regularly exchanges between the Court and stakeholders, improve the interaction between them and address bottlenecks	30,000
	2.4. Develop Sentencing Guidelines for the GBV and Juvenile Court to foster consistency and rights-based application	30,000
	Rule of Law Officer (SB4) – to provide technical assistance	110,000
Administrative Costs	GMS (8%)	40,000
Total		500,000

9. Risks and Assumptions

Project specific risk	Risk level	Mitigation strategy
Changing political environment particularly disagreement amongst RTGONU parties	Medium	Regular contextual analysis in Juba and establishment of relations with the GBV and Juvenile Court and state/non-state actors to sustain project implementation beyond any political changes. Collaborate with partners.
Reduced institutional commitment, which could impede human rights support efforts to the Court.	Medium	Engage the Chief Justice, Ministry of Justice and Constitutional Affairs and Ministry of Foreign Affairs to mitigate this possibility through their ongoing advocacy efforts. Explore alternative engagement options which use the CSOs and the media to advocate for continuous improvements in the Court.
Capacity of Judiciary, SSHRC and CSOs responsible for driving the human rights monitoring and respect by the court are weak and they display resistance to reform-oriented approaches which limit how effectively they can discharge their roles under this project.	Low	Provision of technical advisory support and peer mentoring that incentivize collaborative working relationships and skills exchange. Capacity-building and other forms of institutional support.
Spoilers may spread misinformation of the Court and human rights monitoring efforts which undermines public trust in the process.	Low	Address misinformation by implementing direct educational activities, as well as work with the media to minimize any internal misinformation and promote more accurate reporting on human rights compliance by the Court.
Funding of activities to completion: delay/withdrawal/withholding of funds which will undermine the success of the human rights monitoring initiative	Low	Regular communication with the donor, strengthen partnerships.
COVID-19 Pandemic and its social and economic repercussions which will continue to slow down and set back the project activities.	Medium	Staff telecommute and consultations/meetings held virtually, where necessary and/or possible. Apply sanitary protocols for when implementing activities. Support Court staff in protecting themselves from exposure.

For this Project to achieve its full impact, it is assumed that South Sudan's political and security situation in central equatorial state remains relatively stable and without significant disturbances related to violent conflict or COVID-19. Even amidst a changing political and security context, the proposed activities will continue to be relevant. The Project also assumes that judges and staff at the GBV and Juvenile Court, the human rights commission and members of the legal fraternity and civil society are all committed to, will remain professional and actively participate in and take some level of ownership of the improvement of the human rights standards and overall justice delivery of the GBV and Juvenile Court.

10. Results Framework

RESULTS	INDICATORS		MEANS OF VERIFICATION	INDICATOR MILESTONES
Output: The most vulnerable people; particularly women, girls, SGBV survivors, IDPs and returnees have increased equal access to a fair and effective justice system	Output Indicator:	Number of people who have gained access to the GBV Court disaggregated by gender	Project Reports	2022: 150 2023: 150
	Baseline:	451		
	Target:	300		
Output 1.1 CSOs, SSHRC and media actively engage and monitor the GBV Juvenile Court in Juba	Output 1.1.1:	Indicator: Number of supportive actions taken to monitor the GBV court	Project Reports	2022: 4 2023: 4
	Baseline:	0		
	Target:	8		
	Output 1.1.2:	Indicator: Number of actions taken to implement recommendations from monitoring reports	Project Reports	2022: 3 2023: 3
	Baseline:	0		
	Target:	6		
	Output 1.1.3:	Indicator: Number of oversight actors trained on human rights monitoring disaggregated by gender and stakeholder group	Project Reports	2022: 15 2023: 15
	Baseline:	0		
	Target:	30		
Output 1.2 The GBV, and Juvenile Courts are supported to operate fully and deliver quality justice services.	Output 1.2.1:	Indicator: Number of court officials with improved functional and technical skills on human rights and accountability by gender (judges, court staff)	Project reports	2023: 21 2022: 21
	Baseline:	21		
	Target:	21		
	Output 1.2.2:	Indicator: Number of court users committee meetings held	Project reports Minutes of Committee meetings	2022: 4 2023: 4
	Baseline:	0		
	Target:	8		
	Output 1.2.2:	Indicator: Sentencing Guidelines for the GBV and Juvenile Court developed and disseminated	Project reports	2022: Guidelines developed 2023: Dissemination and sensitisation on guidelines
	Baseline:	None		
	Target:	Guidelines developed		