EBOLA RECOVERY IN SIERRA LEONE

REVIVING JUDICIAL SERVICES AND PROTECTING THE VULNERABLE

The 18-month project will help revive Sierra Leone’s justice sector. Courts will be reactivated, women, children and the poor will get better access to justice, and key national human rights oversight bodies will be strengthened.

Expected results

A 40% reduction in the huge backlog of cases held under emergency regulations and other vulnerable groups (female & juvenile) accumulated during the epidemic, through increased provision of legal aid, implementation of systems for smooth case handling, reactivation of Mobile Courts and the decentralisation of justice services.

Significant decongesting of all places of detention, including police cells and prisons.

Better human rights oversight mechanisms for the justice and security sector, including court monitoring mechanisms to hold the government accountable to its human rights commitments during the Ebola Recovery phase and beyond.

A boost in access to justice services for vulnerable groups – empowering people to claim their rights.

UNDP will lead the programme and engage UNICEF and the UK Department for international Development. The project will support the Ministry of Justice, the Judiciary, the Sierra Leone Police, the Human Rights Commission, the Correctional Services and selected civil society organizations.

Why it matters

Reactivating and boosting the justice sector is key to protecting and building on pre-Ebola peace, stability, human rights and development gains. The Ebola emergency has left fragile judicial institutions weaker and less effective.

The crisis impacted and exacerbated the shortcomings of Sierra Leone’s courts, and as a result these have not been sitting or have suspended or cut down operations since August 2014. Consequently, adjournments have increased along with the overall backlog of cases – resulting in a growing remand and pre-trial population. Legal aid, primarily provided by civil society organisations, was severely cut back with the onset of the Ebola crisis, and the focus shifted to contributing to stopping the virus and aiding affected communities.

The backlog of judicial cases and unnecessary detentions under the emergency regulations has led to severe overcrowding in detention centres in breach of international human rights standards. It also makes detention

1 Data received from Justice Sector Coordination Office 14 April 2015, out of 3210 detainees nationwide only 1265 are convicted prisoners.
worse for many, which can, as in the past, lead to rising tensions in prisons. Freetown Central Prison has a construction capacity of 324, but now holds 1368 detainees.

The lack of access to justice for the majority of people, especially vulnerable groups like youth, women and people living in poverty, has been a major cause for violence in Sierra Leone in the past. Over half of Sierra Leonean’s live below the poverty line and the UNDP supported Open Society Institute studies on consequences of pre-trial detention, including in Sierra Leone demonstrate that excessive pre-trial detention has a profound, harmful and fully avoidable impact on those who least can afford it, which in a country like Sierra Leone is the norm. Ebola has exacerbated that.

Oversight of the justice sector needs further strengthening to ensure that the government remains committed to its human rights obligations also post-ebola and ensures key protections of its citizens (in the administration of justice).

Project activities

The project supports the national Ebola Response Strategy goal to restore full judicial operations and build community trust in the justice and security sector. It will take place in the Western Area (Freetown), the South and the East of the country over 18 months and will be achieved through a human rights based approach, in partnership with the government and civil society organizations.

1. Strengthen access to justice and boost respect for the rule of law

The Judiciary will be supported to reactivate the Mobile Courts at High Court and Magistrate Level with a focus on bringing down the backlog of remand cases in selected areas identified that require immediate attention, due to a large backlog and growing number of detainees. Cases held under state of emergency regulations, including victims of sexual or gender based violence, juveniles and those on prolonged pre-trial detention will be prioritized.

Guidelines on exercising good police judgment and the application of the ‘margin of discretion,’ to avoid unnecessary arrests and detention in line with the human rights standards will be developed with the Sierra Leone Police. 500 Officers will receive training on their implementation nationwide.

To speed up judicial process and bring down the number of remand detainees, decentralized case management meetings will be supported as a pilot in 1-2 judicial districts. These will bring together police, judicial staff, corrections and civil society representatives, following successful models from Uganda and Bangladesh.

Support to implementation of the Legal Aid Act, including support to developing rules of procedure for provision of legal aid, raising awareness of the board and developing cooperation agreements. CSO will also be supported separate to provide paralegal services to people held in pre-trial detention who do not understand their legal entitlements and cannot afford lawyers

Help develop a long-term plan to attract and retain qualified professionals to serve as Judges, Magistrates, Prosecutors and judicial support staff, as well as improve conditions of service for these. This will pave the way for ensuring sustainability and long-term enhancement of justice services to prevent future conflict and preserve peace.

To keep track of detainees, reduce pre-trial detention and ensure that sentences do not overrun through poor record keeping, the project will support the development of a case management system for the
correctional services that will form the basis for regular case review and follow-up in the case management meetings with all justice partners.

To decongest detention centers in the context of increased crowding during the EVD crisis, with a view to improve human rights standards and support the Correctional Services Authorities to set up cost-effective rehabilitation initiatives for inmates.  

2. **Improved oversight and accountability of the justice sector**

The Human Rights Commission, with civil society organisations, will be supported in building their monitoring capacity to provide oversight of the justice and security actors. This will include further training on monitoring and report writing, as well as advocacy with the government and outreach to communities. It will include five trainings on the methodology and principles of detention monitoring.

A network of civil society and community-based organisations will be supported to monitor the functioning of the courts, particularly in remote areas during the Ebola recovery phase. They will also provide paralegal services targeting vulnerable groups, including persons on remand in under Ebola emergency regulations. This will include at least 100 monitoring visits and 600 cases assisted with legal aid.

**Budget**

Overall $2,700,000 (surveys, consultation and research; $500,000. Sensitization and awareness raising; $200,000, community policing $500,000. Command and control; $500,000. Livelihoods; $1,000,000)

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**Why UNDP?**

UNDP has played a key role in helping build the justice sector since the end of Sierra Leone’s civil war in 2002 – demonstrating tangible results. They include:

- Supporting the establishment of Saturday courts in 2011 for victims of sexual or gender based violence, removing the backlog of SGBV cases in Freetown Courts completely before the EVD crisis as well as ensure outreach of justice services to remote communities through support to the mobile courts,
- Helping develop and implement guidelines and manuals for the 3 Gender Acts, e.g. to enhance protection of women against domestic violence and ensure property and land rights
- Providing legal aid support to victims of sexual and gender based violence and pre-trial detainees.
- Supporting civil society organisations to ensure protection vulnerable groups in destitute and remote communities during the Ebola crisis.

UNDP built strong working relationships with key actors working in the justice sector. This is instrumental when navigating and seeking to achieve results in a sector that is challenged at multiple levels.

UNDP’s first-hand expertise, knowledge and experience on justice sector development and the support provided to national ownership is a proven asset. UNDP also has a major programme of work in security sector reform, which is intrinsically linked to our support to judicial services.

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2 Under the EVD Response programme on detention facilities UNDP has already made some provisions for EVD Observation Units at prisons to be used after as workshops, libraries, skills-training venues etc. This is in line with the passing of the Correctional Services Act in 2014, transforming punitive prisons into rehabilitative Correctional Centers as per international human rights standards.