



EVALUATION OF THE ACCESS TO JUSTICE PROGRAMME IN ZAMBIA, 2006-11

EVALUATION

2012.06





Evaluation of the Access to Justice Programme in Zambia, 2006-11

Ministry of Foreign Affairs of Denmark



November 2012

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November 2012

Production: Evaluation Department, Ministry of Foreign Affairs of Denmark
Cover photo: Carsten Schwensen
Graphic Production: BGRAPHIC
Print: Rosendahls – Schultz Grafisk

ISBN: 978-87-7087-700-8
e-ISBN: 978-87-7087-701-5

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This report can be downloaded through the homepage of the Ministry of Foreign Affairs www.um.dk or directly from the homepage of the Evaluation Department www.evaluation.dk.

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Acknowledgements

The evaluation team¹ – comprised of Mr. Carsten Schwensen (Team Leader), Ms. Mette Jacobsgaard and Mr. Charles Dinda – is very grateful to all who have contributed with time and support to this evaluation assignment.

We would like to thank Cooperating and National Partners in Zambia as well as the two Peer Reviewers, Mr. Henrik Jespersen and Mr. Peter Haag, for very constructive comments and suggestions to draft reports. We would also like to thank, in particular, the Governance Secretariat and the Royal Danish Embassy in Lusaka for kind assistance to planning and organising of field visits.

Last, but not least, the evaluation team wishes to thank Margrethe Holm Andersen and Ole Winckler Andersen from the Evaluation Department of the Danish Ministry of Foreign Affairs for very useful sparring and support throughout the process.

1 The QA Team was comprised of Mr. Nicolaj Sonderbye, Ms. Janet Gardener and Mr. Finn Skadkær Pedersen.

Abbreviations

<i>AtoJ</i>	Access to Justice
<i>CCCI</i>	Communication, Coordination and Cooperation Initiatives
<i>CSO</i>	Civil Society Organisation
<i>Danida</i>	Danish International Development Assistance
<i>DKK</i>	Danish Kroner
<i>DPP</i>	Director of Public Prosecutions
<i>EU</i>	European Union
<i>EUR</i>	Euro
<i>EVAL</i>	Danida's Evaluation Department
<i>FNDP</i>	Fifth National Development Plan
<i>FGD</i>	Focus Group Discussion
<i>GIZ</i>	Gesellschaft für Internationale Zusammenarbeit
<i>GRZ</i>	Government of the Republic of Zambia
<i>GS</i>	Governance Secretariat
<i>LC</i>	Leadership Committee
<i>JLOS</i>	Justice Law and Order Sector
<i>LAB</i>	Legal Aid Board
<i>M&E</i>	Monitoring and Evaluation
<i>MFA</i>	Ministry of Foreign Affairs
<i>NGO</i>	Non-Governmental Organisation
<i>PU</i>	Planning Unit
<i>SC</i>	Steering Committee
<i>SNDP</i>	Sixth National Development Plan
<i>TC</i>	Technical Committee
<i>ToR</i>	Terms of Reference
<i>VSU</i>	Victim Support Unit
<i>USD</i>	United States Dollars
<i>ZMK²</i>	Zambia Kwacha

2 1,000 ZMK=1.1 DKK (June 2012).

Executive Summary

The main purpose of the Evaluation is to inform the Government of the Republic of Zambia (GRZ) on the relevance, efficiency, effectiveness, sustainability and impact of the Access to Justice (AtoJ) Programme in Zambia, jointly funded by GRZ, Danida, European Union (EU) and Gesellschaft für Internationale Zusammenarbeit³ (GIZ).

The AtoJ Programme started as a component⁴ of the Danida funded Thematic Programme on Good Governance and Democratisation, Phase I, which was implemented from April 2006 to June 2009. AtoJ continued as a component within the Support to Good Governance Programme in Zambia Phase II, with a planned implementation period from June 2009 to December 2011. Since January 2009, the AtoJ Programme has been implemented through a Strategic Plan, which will be running until December 2012. Funding from EU and GIZ to the programme has been provided since 2011 through a Memorandum of Understanding (MoU) signed in 2010 by the GRZ and Cooperating Partners.

A new “Strategic Plan” will be developed during the second half of 2012 and the Evaluation is expected to provide inputs for this process. The Danish support to the justice sector in Zambia will not be extended beyond 2012 due to a decision by the Danish Government to phase out development assistance to Zambia by 2013. Support from EU/GIZ will continue, at least to the end of 2013.

The Evaluation has been carried out by an independent team composed of two international and one national expert. It was conducted from June to November 2012. The overall approach to data collection and analysis is based on a mixed-methods approach combining document review with analysis of existing quantitative data and qualitative information collected during a 2-week fieldwork mission to Zambia.

Background

The aim of the AtoJ Programme has been to improve access to justice in Zambia through a series of interventions, to strengthen the coordination and cooperation between the justice sector institutions (mainly the Judiciary, the DPP, the Legal Aid Board, the Prison Service and the Police Service) and to deliver improved justice for all, in particular women and children in rural areas that have traditionally been disadvantaged. The assumption has been that more effective and efficient performance of institutional mandates of key actors would improve access to justice for all – including the poor.

The overall objective for the AtoJ Programme in Zambia was defined as “*Improved access to justice for all, including the poor and vulnerable, women and children – through improved mandatory performance of justice agencies and institutions in collaboration with non-state actors*”.

To support the achievement of the overall objective, seven key outputs were formulated by the AtoJ Programme: 1) *Improved communication, cooperation, and coordination among justice institutions and other stakeholders*; 2) *Increased competence and motivation of personnel in Justice Agencies and Institutions*; 3) *Improved accessibility of Justice Agencies and Insti-*

3 German Agency for International Cooperation.

4 Although the “AtoJ” is a component within a larger governance programme, it is known as the “AtoJ Programme” in Zambia.

tutions, especially by the poor and vulnerable, women and children; 4) Improved legislative process and policy framework affecting the Administration of Justice; 5) Increased public awareness of human and civil rights and of Judicial procedures and remedies; 6) Improved record keeping and information management within and across Justice agencies and institutions; and 7) Programme management strengthened.

The AtoJ Programme recognised that highly effective and efficient justice delivery agencies are only part of what the poor need in order to access justice. Hence there were specific pro-poor interventions within the programme activities. These included sensitisation campaigns targeting vulnerable groups in partnership with NGOs and other relevant institutions, the plan to construct Justice Houses and piloting of initiatives focusing on increased Communication, Coordination and Cooperation to support a process of more decentralised service delivery. Support to Zambia Police Service Victims Support Unit (VSU), Support to the Legal Aid Board and enhancing performance of Local Courts, Reformatory Schools and community crime prevention initiatives were particularly important activities in support of the poor and vulnerable.

The responsibility for day-to-day management and coordination of the AtoJ Programme has been anchored within a **Government Secretariat** (GS), as a separate entity with an office in the Ministry of Justice, and in Planning Units in each partner institution.

Major Findings and Conclusions

This Evaluation has come to the following major findings and conclusions.

Relevance

The Evaluation finds that the overall design of the AtoJ Programme Phase I and II has been relevant as it i) supports the understanding that improving service delivery in the justice sector takes time; and ii) establishes an appropriate foundation for further development towards a justice sector wide approach, and for more targeted sector interventions.

The AtoJ Programme has addressed a number of relevant key bottlenecks within the justice system. However, given that there has been no overall strategy guiding the legal sector as a whole, there is still a need to further analyse the systemic/structural bottlenecks in the justice system in view of continued support to the sector. This will require a more firm commitment from higher national policy and strategy levels in Zambia.

Despite the lack of a national strategy for the legal sector, there has been a strong focus on ensuring Zambian ownership of the AtoJ Programme through alignment to the Fifth National Development Plan (FNDP). The AtoJ Programme is closely linked to the priorities within the FNDP in relation to governance and justice, even with the proposed, broadly defined indicators.

Effectiveness

The indicators of the Overall Objective of the AtoJ Programme (reduced case back logs in the court system, average time to dispose of cases, reduced number of prisoners on remand and improved public perception of service delivery) are not fulfilled yet. The targets have been too ambitious for the relatively short programme implementation period⁵.

5 Experiences from other countries (e.g. Uganda, Vietnam and Mozambique) show that programmatic time-frames for justice sector interventions should typically not less than 10 years.

In terms of achievement of the established AtoJ Programme Outputs⁶, the Evaluation finds that the programme interventions have successfully contributed to:

- Changing the previous culture of the institutions working in isolation towards the creation of a general understanding of the justice institutions as “sector players”, with mutual inter-dependence and responsibility.
- Improving the communication, coordination and cooperation between the justice sector actors. The establishment of the Communication, Coordination and Cooperation Initiatives (CCCI) has been instrumental in this regard, in particular at the provincial level, as it has contributed to strengthening of the links and interaction between poor and vulnerable groups within local communities and justice sector institutions.
- Introducing of innovative approaches in Zambia for reducing prison overcrowding (e.g. encouraging use of non-custodial sentences, establishing of a Parole Board system and piloting Prison Conservation Farming).
- Introducing systems for data and record keeping and filing systems within the individual AtoJ institutions that are starting to show signs of improvements in the data management.
- Managerial and institutional weaknesses combined with human resource constraints within justice institutions (in particular Judiciary and Legal Aid Board), and the lack of a more effective (computerised) data management system is however still limiting the possibilities for effective planning and performance within the justice system. A general rise in crime levels and demand from the public for justice service delivery has further challenged the AtoJ Programme performance during the period of implementation.

Efficiency

The Evaluation finds that the efficiency of programme implementation is showing a mixed picture.

First of all, there have been challenges in terms of ensuring the full commitment from the GRZ (in terms of funding, time and policy support) including to the Steering Committee. In this situation, the GS has not had sufficient influence to raise more politically challenging matters at the higher policy levels.

The Evaluation finds that investments decisions made by the programme have in some cases only benefitted relatively few. For instance, priority has been given to investments for relatively expensive offices instead of basic office improvements within more locations (the Parole Board Office and VSU Offices are cases in point).

Only a limited number of the training activities have been based on comprehensive needs assessments and planning. This should ultimately include a plan for how trained management and staff are expected to apply the added skills from participating in training events and how this would result in improved performance at individual and institutional level.

⁶ The AtoJ Programme logframe contains no outcomes.

The advisors/specialists within the GS have been the “driving force” in moving forward the agenda and giving continuity to the AtoJ Programme interventions. The joint institutional AtoJ Programme work planning and budgeting sessions, and the flexibility in the implementation, have been facilitated by the GS through the advisors/specialists, and have been important as a way to create ownership and trust among the institutions.

The joining of GIZ/EU as contributing Cooperating Partners to the AtoJ Programme through a MoU has, on the one hand, been a major achievement in terms of joint programming. On the other hand, the transaction costs incurred in terms of time and resources spent to formulate and implement the MoU have been high for the Cooperating Partners.

The AtoJ Programme planning and implementation has not been guided by an operational M&E framework based on simple and measureable progress and results indicators and a baseline was never established for the interventions. The demand and use of data for analysis and subsequent planning purposes is limited within the justice institutions.

Impact and sustainability

The Evaluation finds that the AtoJ Programme has impacted positively within some key areas of concern. In particular it is noted, that between 30,000 and 40,000 poor and vulnerable people, in particular women and children, have benefitted from improved VSU services and access to the Legal Aid Board that have been supported through the AtoJ Programme interventions, mainly through the support provided to the CCCIs and the VSUs.

In terms of sustainability, the Evaluation finds that the CCCIs have demonstrated that they can sustain with limited external funding support. The CCCIs have shown an ability to identify and replicate successes/best practices of low-cost initiatives across provinces and institutions. The current process of institutionalising the concept of the CCCIs to make them a permanent feature through legislation will obviously further improve the sustainability aspect.

At the same time, however, the Evaluation finds that it constitutes a major concern at the moment how the justice institutions would be able to continue and replicate a number of the interventions supported through the AtoJ Programme towards an achievement of the overall programme objective without continued external support. This concern is mainly due to the lack of a specific strategy for the sector and a budget to support it. This is particularly the case for the investments in hardware (vehicles, computers, buildings) and for training activities.

Lessons Learned and Recommendations

The findings and conclusions lead to the following lessons learned and recommendations from the Evaluation:

Programme management and framework

Lesson 1: The AtoJ Programme has shown that processes and commitments among the key stakeholders are crucial factors to the development of a complex justice system. Time and patience is needed to establish relations and confidentiality between the key players in the sector.

Recommendation 1: Continued support to justice sector development in Zambia should build further on the momentum and the move towards a “justice sector wide approach” that has already been achieved through the AtoJ Programme. However, a stronger political and financial commitment from the GRZ would be required.

Lesson 2: A programmatic intervention period of 5-7 years is too short to achieve systemic impact within a complex national sector. The lack of a specific national legal sector strategy with prioritised plans has slowed down the growth potential of the justice sector as each and every institution in the legal sector requires special attention as does the interface between them.

Recommendation 2: Programmatic time-frames for justice sector interventions should be set realistically for objectives to be reached (typically not less than 10 years⁷). Shorter timeframes should be reflected in less ambitious target-setting/objectives.

Lesson 3: Without clear national strategic guidance and identification of priorities, needs and bottlenecks, it is very difficult to effectively tackle the deeper systemic and structural bottlenecks within a complex justice system.

Recommendation 3a (short-term): An “Approach Paper” should be prepared for the development of a Justice Sector Reform Strategy in Zambia. The Approach Paper should outline a roadmap for the strategy process and identify best practices from similar strategy processes in other African countries (e.g. Uganda).

Recommendation 3b (medium-term): Based on the Approach Paper, a Justice Sector Reform Strategy should be elaborated, including a related investment programme and action plan, and formation of a “justice sector” in the government budget planning process.

Lesson 4: When there is limited national government commitment at the policy and implementation level, on the one hand, and insufficient back-up by strategies, budget and management support on the other hand, the implemented activities will rarely lead to the expected results.

Recommendation 4: A future management set-up for justice sector support in Zambia should strive for a balance where the higher level policy dialogue and commitment is more explicitly linked and committed to the intervention process.

Lesson 5: There can be a trade-off between focusing on alignment, national ownership and sustainability issues on the one hand and on cost-efficiency and immediate results on the other hand.

Recommendation 5: It is recommended to carefully balance the focus on short-term results with the need for developing sufficient capacity within the national justice sector to be able to carry on with the processes and activities at a time when external funding support will cease.

Lesson 6: When Cooperating Partners apply different approaches and procedures to development assistance it may impede planning and implementation of joint program-

7 This is in line with experiences from other Danida funded justice sector interventions e.g. in Mozambique and Vietnam.

ming and eventually lead to decreased motivation and ownership by the National Partners.

Recommendation 6: It is recommended that Cooperating Partners with intentions to provide continued support to the justice sector in Zambia carefully assess how any possible change in approaches and procedures may negatively affect programme implementation, in order to mitigate any inefficiencies.

Lesson 7: Achievement of impact from training and capacity development at institution levels are medium to long-term processes, in particular within complex governmental structures.

Recommendation 7: It is recommended that planning of further training and capacity development within the justice sector in Zambia will be more explicitly based on a result-oriented framework (such as e.g. the Result-Oriented Approach to Capacity Change (ROACH⁸)). This includes proper assessment of contributing as well as limiting factors for application of improved individual and institutional capacities within broader institutional frameworks.

Lesson 8: When programme planning and implementation are not guided by baselines and specific and targeted indicators, it becomes difficult to manage a programme from a results-based perspective.

Recommendation 8: It is recommended that further support to the justice sector in Zambia should more explicitly introduce M&E as an integrated element of planning and implementation. Care should be taken that the development of a M&E system will be demand-driven and user-oriented and that potential capacity issues by the institutions/staff involved will be addressed up front.

Programme design

Lesson 9a: A well-functioning justice system requires that all justice institutions are performing according to their mandate. If just one institution is under performing it can seriously affect the performance of the whole system (the Legal Aid Board is a case in point and to some extent also the Judiciary).

Lesson 9b: CSOs have become important players in securing access to justice not only through legal aid but also by providing services such as sensitisation, legal education and advice, counselling and mediation, which are key to improve the legal literacy of the communities and empowering them to claim their rights.

Recommendation 9: Future support to the justice sector should in particular address managerial and systemic challenges within those institutions that are currently facing the most serious challenges, i.e. Legal Aid Board and the Judiciary, including development and implementation of a new Legal Aid Policy and Manual, which should include

8 The ROACH is an important Danish methodology that has informed the Danish Guidance Note on Danish Support for Capacity Development. According to ROACH, both internal factors (changes in task and work plans, changes in incentive structures, changes in internal power and authority distribution etc.) as well as external factors (budgetary reforms, legal changes, civil-service reforms, changes in distribution of power and authority of external partners etc.) are important to consider as integrated elements of organisation/institutional analysis (see e.g. "A Results-Oriented Approach to Capacity Change", Danish Institute for International Studies, Danida, 2005).

clarification of roles and functions for legal aid service provision between the Legal Aid Board and civil society based legal aid service providers)⁹.

Lesson 10: The experience from the AtoJ Programme interventions shows that good communication, coordination and cooperation among justice sector institutions is a necessity for the achieving of wider systemic impacts in the sector. The CSOs can play an important role as “bridge makers” between communities and justice institutions.

Recommendation 10: Further developing and strengthening of communication, coordination and cooperation among justice sector institutions will be the focus also of continued support to the justice sector in Zambia. In particular, the CCCIs should be supported towards further institutionalisation¹⁰ and continuation of the good experiences from interaction with CSOs. It should be considered to include the Child Justice Forums into the CCCIs at the provincial levels.

Lesson 11: Non-custodial sentences and innovative approaches have potential for reducing prison overcrowding and at the same time provide other benefits to Prison Services and the prisoners.

Recommendation 11: Piloting of innovative approaches to the persistent case backlog in the court system and prison overcrowding should be continued. Specific initiatives to consider should include:

- Support an extension of the Prison Conservation Farming area and farming activities in line with the recommendations in the National Prison Audit and the Gap Analysis on prison farms.
- Support the possibility for a strengthening of the Parole Board set-up at provincial level. The first experiences with the Parole Board have been successful and there may be potential for further development of the concept within Zambia.
- Support the introduction of community service. This will in the first instance require support to a review of the penal code and the criminal procedure code to regulate these services. This could be an opportunity to cooperate with local governments.
- Formal introduction of mediation. This could be done by training VSU officers and legal aid providers in facilitative mediation and introducing a “multi-door court system”¹¹ in one or two courts on a pilot basis.

Lesson 12: In the drive to focus on where the problems are, there is a tendency that the pockets of success are forgotten.

Recommendation 12: It is recommended to focus more explicitly on the pockets of success to the extent that these exist and emerge and a willingness to learn from these and replicate them where there are opportunities. The AtoJ Programme interventions have resulted in the emerging of “success pockets” around the country which provide further potential for replication.

9 The report on “Mapping of Legal Aid Service Providers” could be useful in this respect.

10 The current process of MoU signing will be an important step in this direction.

11 Reference is made to the work of Prof. Frank Saunders and the multi-door court system of Nigeria.

1 Introduction

In May 2012, the Danish Ministry of Foreign Affairs (MFA) commissioned ICF GHK in association with Tana Copenhagen to undertake an **“Evaluation of the Access to Justice Programme in Zambia, 2006-11”** (the Evaluation).

This Evaluation Report presents the background, findings, conclusions and recommendations resulting from the evaluation work.

1.1 The Nature of the Assignment

The initial roots of the Access to Justice (AtoJ) Programme can be traced back to 2000 when Danida decided to support a number of pilot projects and studies in the legal sector in Zambia. The AtoJ Programme started as a component¹² of the Danida funded Thematic Programme on Good Governance and Democratisation, Phase I, which was implemented from April 2006 to June 2009. AtoJ continued as a component within the Support to Good Governance Programme in Zambia Phase II, with a planned implementation period from June 2009 to December 2011. Since January 2009, the AtoJ Programme has been implemented through a “Strategic Plan 2009-11¹³”, which has been extended until December 2012.

Danida has provided funding for implementation of good governance and AtoJ issues in Zambia since 2006 (under the Good Governance and Democracy Programme). Since the beginning of 2011 and up to the end of 2013 additional funding has been and will be provided by the European Union (EU) through a delegated cooperation to the Gesellschaft für Internationale Zusammenarbeit (GIZ) with separate funding also provided by the German Government.

Danida has allocated DKK 32.2 million to the first phase of the AtoJ Programme (2006-09) and DKK 30 million to the second phase (2009-12). In addition, the German Government has allocated EUR 1.5 million (2011-13) and the EU has allocated EUR 5.4 million (2011-13) to the Programme. Counterpart contributions are provided by the Government of the Republic of Zambia (GRZ) through on-going funding provided to AtoJ institutions.

12 Although the “AtoJ” is a component within a larger Governance programme, it is known as the “AtoJ Programme” in Zambia. In order not to create confusion, the Evaluation will therefore throughout this report refer to it as the “AtoJ Programme”.

13 In relation to the support provided to AtoJ in Zambia, the Corporating and National Partners seem to equate the term “strategic plan” with a programme/project document, including a logframe. This is conceptually very different from what the Evaluation refers to later on in this report in terms of a “justice sector strategy”.

1.2 Objectives, Scope and Focus of the Evaluation

According to the Terms of Reference (ToR), the *main purpose* of the Evaluation is:

To inform the GRZ on the relevance, efficiency, effectiveness, sustainability and impact of the AtoJ programme.

The specific objectives of the Evaluation are to assess and, provide recommendations relating to:

- The progress of the programme in terms of implementation of activities, achievements of outputs, emerging outcomes and if possible impact;
- Management issues, financial management (including disbursement and expenditures) and the monitoring framework of the programme;
- The capacity development support provided by the programme, incl. the technical assistance provided;
- Key constraints for the implementation of the programme in terms of relevance, effectiveness, efficiency, sustainability and impact.

A new “Strategic Plan”¹⁴ will be developed by the Cooperating and National Partners during the second half of 2012 and the Evaluation is expected to provide inputs for this process. The Evaluation will comprehensively assess and document the way in which the AtoJ Programme has contributed to the achievement of results and to identify conclusions, lessons learned and forward-looking recommendations for the continued improvement of AtoJ in Zambia that can be used as input to the development of the new strategy. To achieve this, the Evaluation will assess the AtoJ Programme as the combined efforts of GRZ and donors to achieve the goal of easier access to justice for all.

Overall, the Evaluation is expected to shed light on the following questions:

- How, why and to what extent has the Zambian AtoJ Programme during the period 2006-11 achieved the intended results?
- Have any unintended processes or results (be they positive or negative) occurred?
- What lessons can be learned from the above that can be used as input for the development of a new strategic plan?

14 There appears to be varying perceptions of the term “Strategic Plan” amongst the Cooperating and National Partners. In the opinion of the evaluation team there is a need for an overall sector wide strategic plan (ref. Recommendation 3a). However, the current donors as well as the Zambian corporation partners seem to equate the term with a “strategic” plan for the project or in fact Log Frame for continued corporation.

- To what extent has the cooperation between GRZ and donors contributed to the achievements and difficulties of the Programme? What measures should be taken to enhance ownership of the Programme by Zambian stakeholders? What strategy should be followed by GRZ to obtain and utilize effectively and sustainably future donor contributions?

The Evaluation was undertaken in the period June to November 2012. An Inception Mission was carried by the evaluation team in June 2012, where meetings were held with key stakeholders (including Cooperating Partners, the Governance Secretariat, AtoJ Programme Advisors/Specialists and representatives from the five AtoJ institutions). A Fieldwork Mission to Zambia was undertaken in July 2012, where visits were made to different provinces, institutions and project sites to meet and discuss with different stakeholders (see Fieldwork Schedule (Annex 4) and List of Persons Met during the Inception and Fieldwork Mission (Annex 5)).

2 Background and Context

2.1 National Context

Development context

The Zambian economy has enjoyed rapid economic expansion throughout the last decade, following the privatisation of the mining industry and a return to fiscal discipline and low inflation. However, higher recent growth rates have not translated into higher living standards, and Zambia's rank in the 2011 UN Human Development Index was 150 out of the 169 countries assessed.

The recent period of sustained economic growth seems to have had a limited impact on poverty reduction including on employment or wages in the labour-intensive rural economy, where the majority of the poor and very poor are employed (World Bank 2011). However, the moderate reduction in overall poverty observed in the past decade has been accompanied by more substantial improvements in social indicators, though at an uneven pace. There has been continued progress in education indicators, including rising school enrolment rates at the primary and secondary levels, with more modest improvements observed in the youth literacy rate.

There have also been some improvements in health outcomes, including a reduction in the under-5 mortality rate and a decline in maternal mortality rates, but Zambia is still not likely to meet the 2015 Millennium Development Goals for the health sector. The prevalence of HIV remains at about 14.3% for Zambians aged 15-49.

Presidential, Parliamentary and Local Government elections took place in 2011, with a change of the Government. While elections have been deemed largely free and fair in Zambia, the media is restricted with opposition parties generally having limited access to the media.

Zambia's Sixth National Development Plan (SNDP) was officially launched in 2011 as the overall planning framework between 2011 and 2015. Governance features as a cross-cutting issue in the SNDP and remains, according to the SNDP policy document, the "cornerstone for prudent management of development outcomes to benefit all people of Zambia". The focus during the SNDP will be on human and infrastructure development for governance institutions to enhance their delivery capacity.

The Zambian Constitution

The Republic of Zambia's Constitution embodies the doctrine of separation of the legislative, executive and judicial powers. The President of the Republic is the head of state and the head of government. The executive branch is relatively powerful compared to the legislative as well as the judicial power.

Important oversight institutions such as the Office of the Auditor General and the Commission for Investigations (the ombudsman-like institution) report to the President and not to Parliament. This makes Parliament unable to fully manifest its legislative and representative role.

The accountability relationship between citizens and the parliamentarians is weak. It is the political party leadership, who chooses the candidates to stand in elections. The independence of the judiciary is compromised by the President's role in judicial appointments, a right, which is exercised in appointments at the highest level in the judiciary. This has manifested itself when the president suspended two High Court Judges and one Supreme Court Judge over corruption charges in May 2012¹⁵.

Zambia has been trying to draft a new constitution since 1991 with renewed attempts in 1996 and in 2009. In late 2011 the new government appointed a new twenty Member Technical Committee on Drafting the Zambian Constitution which launched consultative talks with Members of Parliament in June 2012. The current draft constitution (2012) builds to some extent on the work of previous Constitutional Review Commission. It is hoped that a final draft for a new constitution can be completed by the end of 2012. Following this there may be a need for review of current legislation to ensure compliance.

The access to justice concept in the context of Zambia

Access to justice in Zambia was one of the priority areas of the GRZ's Governance Chapter under the Fifth National Development Plan (FNDP) 2006-10¹⁶, which has been the key governmental strategic planning document covering the period of AtoJ Programme intervention. The FNDP identified policy and programme coordination in the justice sector as critical but weak. The diversity of agencies with a 'governance' mandate, the limited tradition for institutions to work at cross-institutional level, and human resource capacity shortages contributed to this situation. Weaknesses were found at institutional levels; individual institutions had capacity constraints in their planning and implementation; cross-institutional coordination was very limited and budgetary and legislative follow-up on national plans and reforms rarely happened.

Access to justice as a concept can be defined as the right of individuals and groups to obtain a quick, effective and fair response to protect their rights, prevent or solve disputes and control the abuse of power, through a transparent and efficient process, in which mechanisms are available, affordable and accountable¹⁷. In addition, physical, social and cultural possibilities are of importance.

Implicit in this definition are challenges and substantive prerequisites which can be broken into three main headings¹⁸:

15 Source: Judiciary.

16 From independence in 1964 till date five national development plans have been implemented in Zambia and the SNDP is currently under implementation. The Fourth National Development Plan was launched in 1989 but later abandoned in 1991 in preference for an open market system. National development plans were re-introduced in 2002 after the GRZ realised that even in a liberalised economy, development planning is necessary. The five year development plans in Zambia serve as medium-term planning instrument intended to focus Government's policy and programming towards a desired objective or objectives set in a specified timeframe aiming at actualising the aspirations of the country's Vision 2030 of becoming "a prosperous middle-income nation by 2030". The overall objective (the Super Goal) of the FNDP was "A Zambia where the citizens and the communities they live and have an opportunity to earn a dignified living, raise healthy and educated families, participate in economic, political, cultural and social decision making in a safe secure environment with respect for the constitution and fundamental rights and where rule of law prevails".

17 UNDP Justice System Programme, Access to Justice Concept Note. February 2011.

18 UNDP Justice System Programme, Access to Justice Concept Note. February 2011.

- *Substantive legal and rights framework*

The establishment and/or existence of an adequate and appropriate national legal framework which guarantees citizens certain rights, as represented by both domestic and international legal documents should be in place. This includes the Constitution, laws and regulations.

Zambia's constitution secures access to justice in principle. However, the need for reform in certain judicial areas such as legislation providing for transparency, accountability and principles of justice in relation to the exercise of public authority means that there is still some way to go in terms of meeting the principles of the constitution¹⁹.

- *Institutions, human resources and infrastructure*

Another prerequisite is ensuring the necessary physical „supply” and existence of justice institutions, including human resources, infrastructure and the practical functioning of such institutions, to effectively uphold guaranteed rights. This includes ensuring that the existing institutions are sufficient in terms of mandate and ability to carry out their tasks.

The institutions, human resources and infrastructure that support access to justice in Zambia may be classified into various categories: investigative agencies; prosecution; adjudicative; legal assistance; custodial; complaints/ human rights institutions, and research and training. In general, although represented country-wide, these institutions are weak due to lack of resources, financial as well as human resources²⁰.

- *Knowledge and attitudes*

The last prerequisite relates to knowledge of and attitudes towards rights and laws. This includes socialising laws, increasing knowledge and understanding of existing legal rights and relevant justice institutions. Finally, there is the need to build the concomitant cultural attitude underpinning the demand for rights.

There are conflicting reports on the knowledge and understanding of legal rights and the institutions that support them amongst the general public in Zambia.

The legal system in Zambia

Zambia has a dual legal system consisting of general law (i.e. statutory and common law) and customary law. Customary law, which is unwritten, mostly regulates matters of personal law and is subordinate to the general law. The Bill of Rights and all written law have primacy²¹.

Zambia faces the challenge of melding at least three sets of legal norms and standards. These are mainly; the justice and state machinery emanating from Zambia's British colonial inheritance, the legal instruments that seek to standardise norms and procedures in a number of fields, including human rights, commerce, banking, insurance, environmental protection, intellectual property, transnational crime etc.; and the customary norms and laws of a diversity of ethnic groups in Zambia. Customary laws still hold considerable sway in Zambian society and enjoy constitutional recognition. None of the three alone

19 Situation Analysis report 2012. Danish Institute for Human Rights.

20 Situation Analysis Report 2012. Danish Institute for Human Rights.

21 Constitution of Zambia, Part V Art. 26.

can fully address the individual and collective legal needs of Zambians while each has a role to play in building the state and society.

The legal sector in Zambia comprises the following key institutions: The Judiciary, the Directorate of Public Prosecution (DPP), Zambia Police Service including the Victims Support Unit (VSU), the Legal Aid Board and Zambia Prison Service.

- *The Judiciary*

The judicial power of the Republic of Zambia is vested in the Judiciary which comprises the Supreme Court, the High Court, specialised courts, the Subordinate Courts and the Local Courts. The Judiciary is administered in accordance with the Judicature Administration Act as an autonomous entity. The day-to-day affairs of the Judiciary are in the hands of the Chief Administrator, who is answerable to the Chief Justice. The independence of the Judiciary is expressly guaranteed by the Constitution and the Judicial Code of Conduct Act. Apart from the Courts there are tribunals which specialise in particular specifics of cases such as the Lands Tribunal, the Revenue Appeals Tribunal, the Town and Country Planning Tribunal, etc.

- *The Directorate of Public Prosecutions*

Article 56 of the Constitution creates the office of the DPP. The DPP is appointed by the President, subject to ratification by the National Assembly. The DPP is responsible for instituting and undertaking all prosecutions in Zambia. Both the Constitution and the Criminal Procedure Code empower the DPP to delegate his functions. In this connection he has delegated his power to police prosecutors, state advocates and prosecutors from the Zambia Revenue Service, the Anti-Corruption Commission, and the Drug Enforcement Commission. The Constitution guarantees the independence of the DPP from external interference.

- *Zambia Police Service*

Zambia Police Service is established as an institution in the Zambian Constitution and regulated by the Zambia Police Act as amended by Act no. 14 of 1999. According to Article 104 of the Constitution its main responsibilities are: to protect life and property; to preserve law and order; to detect and prevent crime; and to cooperate with the Civilian authority and other security organs as well as with the population in general. The Service plays a major investigative role in criminal justice together with the Anti-Corruption Commission and the Drug Enforcement Commission. The Police Service is headed by the Inspector General who is deputised by two Commissioners and supported by several Deputy Commissioners of Police.

- *The Legal Aid Board*

Legal aid to the poor is provided by the Legal Aid Board as well as through various NGOs. Whereas the NGOs choose to provide legal aid as part of their other activities, there is a legal obligation for the Legal Aid Board to serve the country in terms of provision of legal aid. The Directorate of Legal Aid was created in 1967 under the Legal Aid Act. Until 2002 it operated as a department within the Ministry of Legal Affairs and enjoyed little autonomy. Amendments to the Legal Aid Act in 2000 transformed it into a semi-autonomous entity with its own Board. Members of the Board were only appointed

by the Minister of Legal Affairs (now Ministry of Justice) in mid-2002 and the Board has yet to be de-linked from the Ministry, which still controls the resources, recruitment, and conditions of service for Legal Aid Personnel.

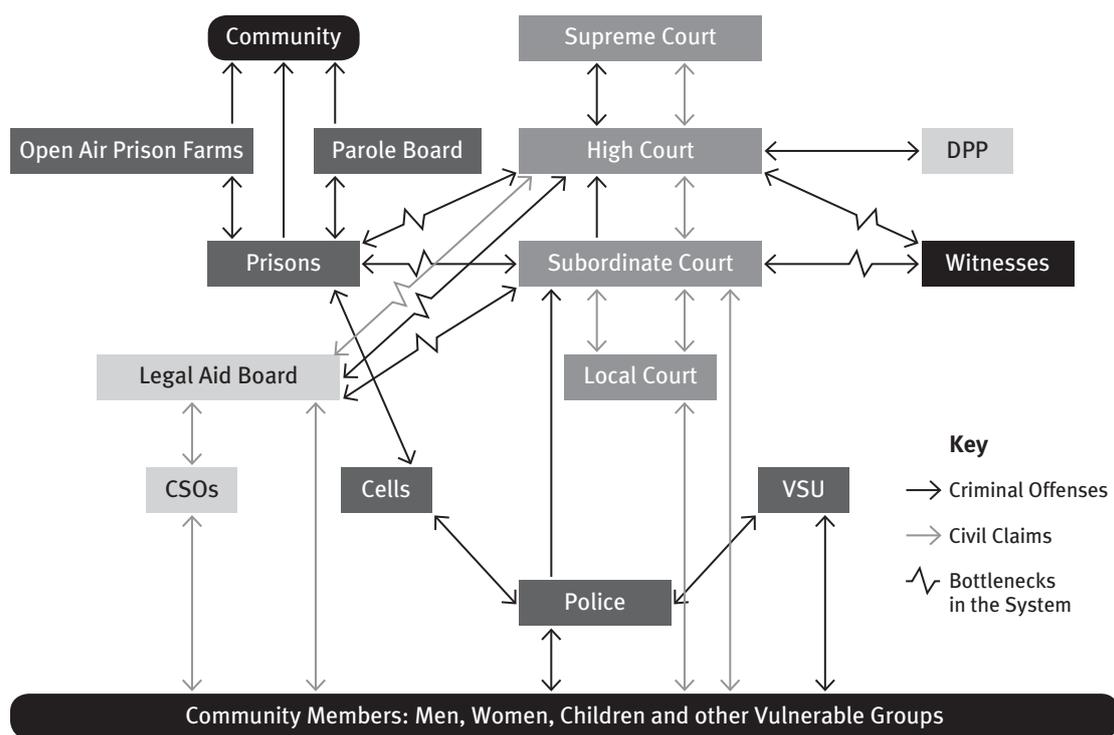
- *Zambia Prison Service*

Zambia Prison Service is a department under the Ministry of Home Affairs. The Prison Service is established under Part VIII, Articles 106 and 107 of the Constitution of the Republic and legislated by the Prisons Act (Cap 97. of the Laws of Zambia) of 1965 and is charged with the responsibility of humane custody, treatment and reintegration of offenders into society.

The Chain of Justice in Zambia

Each of the legal institutions has their own limitations in terms of capacity both – human resource capacity as well as financial capacity. In addition, in order for the legal institutions to function in accordance with their mandates and plans they depend on each other. Figure 2.1 illustrates how the Zambian legal sector institutions collaborate in the “chain of justice” and the complexity of delivering access to justice through the various institutions.

Figure 2.1 Chain of Justice, Zambia



The following explains the chain of events and potential bottlenecks (Figure 2.1) by way of a typical example of a criminal offence case (marked with black arrows):

Zambia Police Service is in charge of arrest and investigation. Upon arrest the accused person is placed in detention in the police cells awaiting court hearing/trial before the

Subordinate Court.²² Before proceeding to court, the police prosecutors have to get consent from the DPP.²³ The period of detention should be a maximum of 24 hours. However, if transport is not available to bring the detainee to court he/she remains in detention. Once the detainee has appeared before the court he/she is handed over to the prison service. If the evidence is ill prepared or lacking or if a file has been misplaced it cannot be handed to the prosecutor who is then unable to prepare the case adequately and the accused person will remain on remand.

The Judiciary hears the case brought before the court. In order to hear a capital offence case there needs to be legal defence by the Legal Aid Board. The Directorate of Public Prosecution has to be involved. The Prison Services will have to bring the accused person to court and witnesses should appear. Apart from the judiciary four other institutions need to be ready on the set date and time. Then, if the Legal Aid Board is unable to appear in court the case gets adjourned, which would mean yet another pending case in the judiciary and most likely another prisoner on remand in an already overcrowded prison. If summons are not delivered or there is no transport for the witnesses to court, these may not appear when the trial is heard. The judge will have to adjourn the case and the case will show in the backlog of cases in the Judiciary and the prisoner will remain on remand in the prison. Even in cases where everyone appears in court, the case may be inadequately prepared; lacking evidence or other technical matters unclear and the judge will have to adjourn the case.

The Directorate of Public Prosecution employs state advocates and makes use of police prosecutors.²⁴ The success of their work will depend on the investigation carried out by the police and the show of witnesses. If information is lacking or inadequate the judge will have to adjourn the case.

The Legal Aid Board has the constitutional obligation to defend the accused person. The legal council may for various reasons not have access to the client in sufficient time to prepare the defence adequately and the judge will have to adjourn the case. It could also be that the legal council has been scheduled to appear in two different courts at the same date and time and will have to adjourn one of the cases. There could also be difficulties in securing witness statement either because witnesses are unable to appear in court for financial reasons or the summons to court has not reached them.

Zambia Prison Service is responsible for transporting the remandees to court. This requires transport and availability of staff to accompany the prisoner.

Figure 2.1 shows similar chain for civil cases (grey arrow).

22 According to Section 11 of the Criminal Procedure Code, the Subordinate Court has no mandate to hear capital offences which include murder, aggravated robbery, treason and manslaughter cases which are triable in the High Court. In such cases, the accused will just appear for mention.

23 According to Section 58 of the Criminal Procedure Code a person shall not be prosecuted for an offence under Section 57 without the written consent of the Director of Public Prosecutions. (No. 48 of 1938 as amended by No. 6 of 1965). Furthermore, according to Section 8 of the National Prosecutions Authority Act, the DPP may (a) institute and undertake, (b) take over and continue (c) or discontinue such proceedings, at any stage prior to delivery of judgment and to review decisions to prosecute or not to prosecute.

24 Police prosecutors are about to be merged with the DPP.

2.2 Background and Preparation of the Access to Justice Programme

The initial roots of the AtoJ Programme can be traced back to 2000 when Danida decided to support a number of pilot projects and studies in the legal sector²⁵. A total amount of approximately DKK 14 million was allocated for the period 2000-02. All projects were funded individually through the Local Grant Authority of the Danish Embassy and there was no consolidated support to the justice sector as such.

Based on the experience from the pilot projects, Danida decided to explore the possibility of formulating a coherent programme of support within the justice sector. Given the complexity of the chain of justice, the number of potential partners involved as well as limited experience within the justice sector in Zambia in dealing with Cooperating Partners and programmatic approaches, the Programme Formulation Mission proposed a programme preparation phase in order to ensure the quality and integrity of the final programme document.

Major constraints facing the justice sector at the time were identified as:

- Shortage of qualified staff. The Subordinate Courts, the DPP's office, and the Legal Aid Directorate were particularly affected by this.
- Poor staff morale on account of poor working conditions, very low salaries and a poor working environment. This also provided fertile ground for corruption.
- Lack of financial and administrative autonomy, particularly for the office of the DPP, the Legal Aid Board and the Judiciary.
- Inadequate funding. Funding to the sector was not only inadequate but also erratic, resulting in the institutions lacking basic requisites such as stationery and fuel.
- Political interference in the operations of some of the institutions such as the Zambia Police Services.
- Inadequate legal framework, such as that pertaining to the DPP's office.
- Inadequate infrastructure – e.g. shortage of court rooms and officers.
- Poor record-keeping mostly as a result of lack of stationary, computers, filing cabinets, proper systems for managing information, lack of skills on the part of clerks and registry staff.
- Poor institutional linkages and lack of coordination between the various links in the justice system.

The proposed objectives of the assistance to the legal sector during the preparation were to ensure fair and equal justice for all through safeguarding the independence of the judicial system, and the deployment of adequately funded and well-cooperating judicial institutions throughout the country, with well-trained officers performing at high ethical and professional standards that have the trust of the public.

25 Pre-programme Support to Access to Justice in Zambia. Danida, March 2003.

The components and partners in this preparatory phase were the Judiciary, the Office of the Director of Public Prosecution, the Zambia Police Service, legal aid institutions, delivery of justice initiatives through NGOs, and other justice sector institutions, such as the Zambia Prison Service. These last activities depended on the outcome of project assessments and windows of opportunity during the pre-programme phase.

In 2004, the Danish Embassy formulated a Thematic Programme on Good Governance and Democratisation. Access to Justice was designed as a component within this wider thematic governance programme and built largely on the experiences of the preparation phase.

Phase I of the AtoJ Programme activities did not start implementation until 2006 due to the need for adjustments in programme design before implementation could commence; a need for clarification of communication between Danida, GRZ and advisors; initial lack of logistical support; delays in finalising the FNDP which provided the foundation for governance reforms in Zambia and to which the AtoJ Programme should be aligned; a limited capacity, initially, in the GRZ mandated programme secretariat and the considerable time taken from the preparation of the first draft Inception Report and work plan until approval by the Steering Committee (SC). In addition, the elections in 2006 were a major contributor to the delays in securing approval by the SC.

Initially, the AtoJ Programme had only two outputs: i) Improved communication, cooperation, and coordination among justice institutions and other stakeholders; and ii) Improved accessibility of justice agencies and institutions, especially by the poor and vulnerable, women and children.

During the inception phase a revised Logical Framework and work plan were drawn up addressing the needs of the justice sector and the overall aims and objectives of the programme. In particular it was felt that the police and the prison service needed to be included as a precondition for achieving improved coordination across the justice sector. Following the inception phase, the objectives of the access to justice programme (component) were slightly changed to reflect a more realistic goal of improved coordinated access to justice especially for women and children in rural areas. Five additional outputs were added:

1. Increased competence and motivation of personnel in justice agencies and institutions.
2. Improved legislative process and policy framework affecting the administration of justice.
3. Increased public awareness of human and civil rights and of judicial procedures and remedies.
4. Improved record keeping and information management within and across justice agencies and institutions.
5. Programme management strengthened.

Phase I was reviewed in 2007 and the Review Team recommended that the Danish contribution to the access to justice component of the programme be increased, in reflection

of the programme's potential to achieve significant results and of the commitment to it that had been shown by the GRZ. Based on this framework an AtoJ Strategic Plan, also referred to as the AtoJ Programme Document 2009-11, was developed in June 2007 and approved by the Steering Committee (SC) in September 2007. Since January 2009, the AtoJ Programme has been implemented through this Strategic Plan, which has been extended until December 2012.

Danida's support to the AtoJ Programme ends in December 2012 and will not be continued as Danish bilateral support to Zambia in general phases out in 2013. GIZ and EU, who have supported the AtoJ Programme since 2011, may potentially be interested in continuing their support to the sector.

2.3 The Access to Justice Programme 2006-11

Overall rationale for the AtoJ Programme intervention

The AtoJ Programme was formulated as a component under the wider Danida Governance Programme that included the following components; a) facilitation and coordination of governance activities, b) accountability and transparency, c) access to justice and, d) strengthening civil society engagement in governance.

The overall rationale for including the AtoJ Programme under the wider Governance Programme is the integral links between good governance, safety and security and access to justice on the one hand and poverty reduction on the other. A fair and predictable justice delivery system creates the preconditions for economic agents to engage in production, trade and investment, thereby contributing to the expansion of poor people's employment opportunities and income.

The aim of the AtoJ Programme has been to improve access to justice through a series of interventions, to strengthen the coordination and cooperation between the justice sector institutions, and to deliver improved justice for all, in particular women and children in rural areas that are disadvantaged at present.

The assumption has been that more effective and efficient performance of institutional mandates of key actors would improve access to justice for all – including the privileged and the poor. The AtoJ Programme recognised that highly effective and efficient justice delivery agencies are only part of what the poor need in order to access justice. Hence there were specific pro-poor interventions within the programme activities. These included sensitisation campaigns targeting vulnerable groups in partnership with NGOs and other relevant institutions, the plan to construct Justice Houses and piloting of initiatives focusing on increased Communication, Coordination and Cooperation to support a process of more decentralised service delivery. Support to VSU, Support to the Legal Aid Board and enhancing performance of Local Courts, Reformatory Schools, Community crime prevention initiatives were particularly important to the poor and vulnerable.

Programme management

The responsibility for day-to-day management and coordination of the AtoJ Programme has been anchored within a **Government Secretariat** (GS), as a separate entity with an office in the Ministry of Justice, and within Planning Units in each partner institution.

The Governance Programme was instrumental in the establishment of the GS as part of the process of aligning the programme with GRZ planning for the FNDDP. The GS was established and approved by the Cabinet Office in 2006 and reports to the Parliamentary Secretary within the Ministry of Justice.

The mandate for the GS has been to i) facilitate, coordinate, monitor and evaluate initiatives relating to improved political governance in Zambia and ii) facilitate and coordinate implementation of governance programmes and activities in National Development Plans. As such, the GS has had a much wider agenda than the justice sector. The GS has also been executing financial management functions for the governance programme. The GRZ funding and accounting for GS activities has been done through the Ministry of Justice accounting unit.

A Coordinator and an Access to Justice Specialist in addition to other specialised core staff have been responsible for overseeing the direction, planning and implementation of the programme. In addition an Administration of Justice International Technical Advisor was attached to the AtoJ Programme with an office in the Supreme Court Building.

A **Steering Committee** (SC) chaired by the Permanent Secretary from the Ministry of Justice and with participants from management within the five key justice institutions has been responsible for strategic policy setting and guidance of the AtoJ Programme.

In addition, a **Technical Committee** (TC) was established with representatives (“Task Managers”) from the five key AtoJ Programme institutions. The TC has been responsible for strategic planning, monitoring and supervision in relation to the AtoJ Programme intervention. This includes preparation of annual work plans and budgets, revised semi-annual plans and semi-annual requests for funds for approval by the SC. The TC has been expected to take relevant action based on issues referred to the TC by the SC.

3 Evaluation Methodology and Approach

The Evaluation is based upon the five OECD/DAC Evaluation Criteria (relevance, efficiency, effectiveness, sustainability and impact) and has been conducted in line with the Danida Evaluation Guidelines (2012). The application of the Evaluation Criteria has been guided by a set of Evaluation Questions, outlined in the ToR presented in the Evaluation Matrix (Annex 2) together with suggested indicators and methods and sources of verification. The sustainability and impact criteria have been assessed to the extent possible.

Table 3.1 below includes an overall definition of the OECD/DAC Evaluation Criteria applied.

Table 3.1 Application of OECD/DAC Standard Evaluation Criteria

Evaluation Criteria	Definition
Relevance	The extent to which the objectives of a development intervention are consistent with beneficiaries' requirement, country needs, global priorities and partners' and donors' policies.
Efficiency	A measure of how economically resources/inputs (funds, expertise, time, etc.) are converted to results.
Effectiveness	The extent to which the development intervention's objectives were achieved, or are expected to be achieved, taking into account their relative importance.
Impacts	The positive and negative, primary and secondary long-term effects produced by a development intervention, directly or indirectly, intended or unintended.
Sustainability	The continuation of benefits from a development intervention after major development assistance has been completed. Probability of long-term benefits. The resilience to risk of the net benefit flows over time.

In the following Section 3.1 the overall analytical framework, will be presented.

3.1 Analytical Strategy

Data collection

The overall approach to data collection and analysis has been based on a mixed-methods approach, combining assessment of available quantitative data with qualitative data collection and document study. One clear benefit from combining qualitative fieldwork with quantitative data analysis and document study is that data triangulation can be used as a main tool for validation. Through data triangulation the Evaluation has verified findings from different sources and methods, thereby increasing the credibility and robustness of the analysis.

Qualitative methods

The following qualitative data collection methods have been applied by the Evaluation:

Interviews were conducted with key stakeholders to obtain qualitative findings on most of the evaluation issues. The interviews were an extended one-on-one exchange with individuals who have had a unique position in relation to the AtoJ Programme. This included representatives from:

- Cooperating Partners (Danish Embassy, GIZ, EU, UNDP, UNICEF and Norway)
- The Governance Secretariat, including former and current Specialists/Advisors
- Judiciary
- Department of Public Prosecution
- Legal Aid Board
- Zambia Prison Service
- Zambia Police Service/VSU
- Technical advisors
- Direct beneficiaries of the AtoJ Programme (in particular VSU and Legal Aid Board Clients)
- CSOs/NGOs involved in law and justice project activities
- Consultants/Researcher's with particular knowledge/experience on the justice sector in Zambia

Based on the Evaluation Matrix, semi-structured interview guides were used to guide the interviews, in order to ensure that information was gathered in a consistent manner, covering all relevant evaluation areas.

Focus Group Discussions (FGDs) have been used as a key instrument in the qualitative approach to capture views and opinions from a larger group of key stakeholders (beneficiaries) on this assignment. The FGDs were organised and linked, to the extent possible, to the available quantitative data. The FGDs were 1-2 hour sessions with 6-15 participants. FGD's were organised with CCCI members and VSU clients.

Based on the Evaluation Matrix, checklists were prepared for FGDs with different stakeholder groups to ensure that similar type of data and information were collected from comparable groups of respondents.

Site visits have been used by the Evaluation to verify different types of AtoJ Programme interventions. These have included visits to new constructions (new VSU Offices, new Parole Board Office and Reconstructed Court buildings) as well as visits to Court Registries to assess how training and provision of computers and other equipment may have led to improvements in case management (see Table 3.2).

Review of existing studies and analyses

To the extent possible, the Evaluation has made use of existing studies and analyses. In particular, the evaluation team was able to make further use of two recent consultancy studies: A “Training Impact Assessment and Learning Needs Analysis for Zambian Justice Institutions” (2012) and a “Situation Analysis – Access to Justice in Zambia” (2012)²⁶.

Interplay between in-depth and overall programme analysis

A key challenge facing the Evaluation has been how to “project” or transfer the findings from the case sampling visited during fieldwork to the overall programme level in a proportional manner.

The Evaluation has based these judgements on the relative strength and robustness of the particular case findings, the relative “weight” of the case in the programme budget as well as of how representative the particular case is considered to be.

Case sampling and coverage

For sample selection of activities (cases) for in-depth assessment during fieldwork, the following criteria were applied:

- **Type of AtoJ Programme intervention:** on the one hand, the Evaluation aimed at covering a broad range of different AtoJ Programme interventions while, on the other hand, aimed at over-sampling those types of activities that a) have received a relatively larger budget allocation and b) received relatively more attention in the Evaluation Questions included in the ToR.
- **Geographical and administrative coverage:** to ensure greater reliability of data, the Evaluation made visits to AtoJ Programme activities implemented within five different provinces in Zambia and at different administrative levels. This included visit to one remote location in Zambia.
- **Status/length of implementation:** in order to cover the whole AtoJ Programme intervention period, the Evaluation has assessed activities that may already have been completed some time ago (potential impact and sustainability issues), as well as more recent activities (more focus on relevance, efficiency and effectiveness aspects).
- **Target group:** The AtoJ Programme activities have been directed towards different target groups. The Evaluation has intended to cover most of these target groups, including clients of access to justice services through the field visits.
- **Performance status:** from the pre-visit mission carried out to Zambia during the inception period, the Evaluation obtained preliminary perceptions of which activities were performing well and less well. It has therefore been possible to include visits to both positive and less positive activities in the fieldwork schedule.
- **Practicability of travel:** travel logistics, including long travel distances, within Zambia provided certain limitations to how much could be covered during the two week field mission. Time was balanced between meetings/interviews with key stakeholders in Lusaka and travel to provinces.

26 See list of key references in Annex 6.

Based on the case sampling selecting criteria, and discussions with key stakeholders during the pre-visit mission to Zambia, the evaluation team developed a detailed roadmap for the fieldwork mission. This included:

- Individual meetings with the five main AtoJ Programme institutions supported, including members of the Steering and Technical Committees (Task Managers);
- Meetings within the GS, including management and M&E staff;
- Visit to one remote location (Mongu, Western Province);
- Visit to Courts (different levels (High, Magistrate and Local) and geographical locations), including meetings with judges and clerks (this allowed for comparison of experiences/results at different administrative levels);
- Visit to four out of eight established CCCIs in different geographical locations, FGDs with CCCI members. This allowed for comparison of experiences/results from implementation similar type of programme activities within different provinces and contexts);
- Visit to four Legal Aid Boards in different geographical locations. This allowed for comparison of experiences/results from implementation similar type of programme activities within different provinces and contexts);
- Visit to two newly constructed VSU Offices (Mongu and Lusaka) and two VSU Offices, where no new construction has taken place. This allowed for “with-without” comparison;
- FGDs and interviews with representatives from vulnerable groups (in particular women and children) targeted by the AtoJ Programme, in particular clients of Legal Aid Board and VSUs;
- Interviews with Local Child Justice Forum Coordinators in four different locations;
- Meetings and interviews with representatives from CSOs related to justice issues;
- Visit to the newly constructed Parole Board Office in Lusaka and meeting with management;
- Meetings and interviews with a number of management and staff that have received training through the AtoJ Programme;
- Visit to a prison farm (conservation farming).

3 EVALUATION METHODOLOGY AND APPROACH

Table 3.2 below provides an overview of institutions and places visited during the field-work mission.

Table 3.2 Overview of institutions and places visited during fieldwork

	High Court*	Magistrate/ Lower Court*	DPP	Police / VSU***	Prison Services**
Lusaka	x	x	x	x****	
Mongu		x	x	x****	
Kitwe		x		x	
Ndola	x	x		x	
Kabwe					x

	Legal Aid Board***	CCCI	Local Child Justice Forum	Parole Board	CSOs
Lusaka	x	x	x	x	x
Mongu	x	x	x		x
Kitwe	x	x	x		x
Ndola	x	x	x		x
Kabwe	x				

* Including visits to Court Registry.

** In addition, a prison farm (conservation farming) was visited in Mumbwa.

*** Including interviews/meetings with clients.

**** New VSU Office.

The Evaluation finds that the case selection provided a comprehensive and balanced foundation for the subsequent analysis, also at the overall AtoJ Programme level. Although the case sample was not representative in a strictly statistical sense, and that visits to various remote locations were limited by time and resource constraints, the case selection provided a solid cross-cutting picture of the main types of interventions have taken place in the two phases of the AtoJ Programme (for instance training and enhancement of skills, institutional development, financial support to construction/ reconstruction of courts and buildings and targeted support to vulnerable groups).

Further judgements on how much of any success (or failure) can be attributed to the specific support from the AtoJ Programme requires triangulation and validation of information. This also involves considerations of the aspects of contribution and counterfactuals. Given the general difficulties in establishing these measurements in practice, mainly due to the heavy requirements to data quality and availability, the Evaluation has only been able to apply a more pragmatic approach, based on an overall assessment of data and information. Through the qualitative interviews, the Evaluation has tried to capture some of the main contextual and external factors that may have influenced the development trends in the data sets.

3.2 Limitations and Challenges

The evaluation team has identified the following factors that have provided certain challenges and limitations, to the Evaluation:

- **Baseline data:** The assessment of the availability and quality of quantitative data set for the AtoJ Programme showed low quality/no existence of useful baseline data. The “Situation Analysis – Access to Justice in Zambia” was initially expected to be used as a baseline study, however this analysis was significantly delayed and has just been completed very recently. The comprehensive “State of Governance Report – Zambia” that was published in 2009 was also significantly delayed, and to some extent already outdated, when it was finally published.

The Evaluation has tried to compensate for this general lack of data by requesting historical as well as present data (when available) within all the institutions visited. In some cases it was possible to obtain data back from 2008/09, which can be considered an approximate baseline since many AtoJ Programme interventions were only really taking off from this point of time.

- **AtoJ Programme targets/indicators:** The AtoJ Programme Document only includes very broadly defined targets and indicators at the outcome/output levels and no specific time schedule for when certain targets should be reached. This has made it challenging for the Evaluation to assess whether the programme is actually fulfilling/is on track to fulfil the expectations.

The Evaluation has tried to compensate by looking at the trends and developments in the indicators during the AtoJ Programme period, to the extent this information has been available. In other cases, where no data has been available, the assessment has been done based on general perceptions gathered during semi-structured interviews and FGDs with key stakeholders.

- **Travel distances:** Due to the size of the country and the remoteness and accessibility of many of the programme target areas, the Evaluation was challenged by the time and resources available to cover all provinces.
- **Programme implementation status:** In addition to the above mentioned challenges with regards to data and indicators, delay in implementation of various AtoJ Programme activities has left programme progress behind schedule and caused an extension of the implementation period up to December 2012. As a consequence of this, the Evaluation has not been able to carry out an “ex post” assessment of the AtoJ Programme intervention, but rather to perform a “trend” assessment of the programme effectiveness, based on the available documentation, stakeholder interviews and site visits.

4 Key Evaluation Findings

4.1 Relevance

Relevance of AtoJ Programme objectives and activities in view of Zambian needs, priorities and policies

The aim for AtoJ Programme assistance is to strengthen the capacity and align with country and partner systems to the extent possible in the implementation of development assistance. This is in line with the commitments of the Paris Declaration and the Accra Agenda for Action. Thus the AtoJ Programme support has from the beginning aimed at broadening government and national ownership over public sector policy and resource allocation decisions within the sector.

In terms of the AtoJ Programme, adhering to this policy has presented a dilemma as Zambia does not have a specific strategy with respect to the development of the legal sector. Justice was included as an aspect of governance in the FNDP, however, without a dedicated and coherent section analysing priorities and showing a way forward on how to achieve the goals of justice for all. As there was no understanding and/or overview of the real issues in the sector by way of a strategy, the programme was implemented on the basis of a programme document with reference to the FNDP, both of which were very generally formulated. Without a national strategic guidance to build the programme on, Zambian ownership was fostered through the SC and the GS where priorities were made in accordance with the prevailing wishes of the institutions.

In September 2011, a group of 24 persons from the GS and the Zambian AtoJ institutions visited Uganda in order to learn about Uganda's experience with regard to the establishment and development of the Justice Law and Order Sector (JLOS). Through meetings with the JLOS secretariat, criminal justice institutions, relevant project offices and Cooperating Partners in Uganda the aim of this tour was to identify any opportunities for the application of ideas and initiatives in the Zambian AtoJ context. Although, the Evaluation finds that the Uganda JLOS experience provides useful inspiration in terms of justice sector composition, management structures and operational set-up (see Case Box 1 below), these ideas have not so far been taken further by the Zambian AtoJ Programme.

Case Box 1

In Uganda, the JLOS has a secretariat based in the Ministry of Justice which develops Five-Year Sector Investment Plans. The JLOS secretariat interprets and implements the strategic intentions of the governance organs at the operational level. The JLOS management structure includes: a) a Leadership Committee (LC) responsible for high-level policy advocacy and resource mobilisation at cabinet level. The LC is chaired by the Chief Justice and includes the ministers from Ministry of Finance, Ministry of Justice, Ministry of Internal Affairs, Ministry of Local Government and Ministry of Gender; b) a Steering Committee (SC) responsible for approving sector reform policies and programmes. The SC is chaired by the Solicitor General and includes representatives of the 15 ministries and institutions that make up JLOS at Permanent Secretary or Director level; and c) a Technical Committee (TC) responsible for executing specialised technical functions including planning and budgeting. The TC is chaired by the Chief Registrar of the High Court and includes representatives of JLOS institutions at the technical level. The TC has created sub-committees or Working Groups within the four key areas of law: Commercial, Criminal, Land and Family. The WGs provide specialist and thematic input to inform the agenda of the TC. At the lowest level District Coordination Committees have been formed.

Access to justice in Zambia was one of the priority areas of the GRZ's Governance Chapter under the FNDP. The overall objective of the FNDP was "A Zambia where the citizens and the communities they live in have an opportunity to earn a dignified living, raise healthy and educated families, participate in economic, political, cultural and social decision making in a safe secure environment with respect for the constitution and fundamental rights and where rule of law prevails"²⁷. These priorities were reflected in the overall objectives of the programme under Phase I after the changes initiated as part of the recommendations following the Inception Phase.

The AtoJ Programme has further encouraged Zambian ownership through M&E processes. An assumption was made in the programme document that the demand for statistical reports would trigger supply. This has however, not happened to any great extent. Instead, the interviews carried out with key stakeholders by the Evaluation revealed that M&E has not always been appreciated or possibly not fully understood by the institutions as a useful and even essential tool in the process of maintaining responsibility for development in the legal sector.

Adequacy of the AtoJ Programme design

Given that there was no coherent support to the legal sector in Zambia prior to the AtoJ Programme, the design of the programme was based on a two year preparation phase during which a team of consultants worked with some of the key institutions in the legal sector to develop proposals and plans for further support.

During this period knowledge was gained of the bottlenecks in the system and the basis for the longer-term programme established. This approach not only gave the formulation of the programme well prepared and substantial information to work with but saved time as the partner institutions had gained some experience in formulating and prioritising their needs and plans. The preparation phase worked on an assumption that future and longer-term assistance would be an independent legal sector programme.

²⁷ This is the Super Goal as defined in the FNDP to which the AtoJ has been aligned.

However, given Danida's programme formulation guidelines, the AtoJ Programme was formulated as a component under a wider Governance sector programme. The benefit of this was alignment within the wider governance sector of which access to justice is an essential part. The disadvantage to the AtoJ component was that, unlike the other components of the programme which supported processes, the AtoJ supported a multitude of inter-dependent institutions, each with its own distinct culture and reference²⁸. This meant that each institution required special attention as did the inter-play between them. The three other components supported reform processes rather than institutions, such as a Comprehensive National Development Plan, expenditure management and financial accountability, anti-corruption, democratisation and participation and parliamentary reform. These processes were hosted in institutions and bodies such as the National Election Commission, Ministry of Finance and, Constitutional Review Commission.²⁹ All component institutions and activities were grouped and managed under the GS. The limitations placed on the design of a common Governance Programme resulted in a slow start-up of the AtoJ as additional outputs and a revised log frame had to be put in place before implementation could start. The AtoJ Programme was simply not operational with very few and distilled outputs. In addition, some of the knowledge and momentum gained during the earlier preparation was lost in the process of distilling the programme outputs.

Both Phase I and Phase II of the AtoJ Programme were closely aligned with the FNDP 2006-11 and the goals and objectives stated herein. The plan's governance section includes administration of justice with the objective of "improving access to justice for all". The listed strategies included "improving coordination and communication among justice institutions and other stakeholders", "capacity building and retention of personnel", "develop courts and other infrastructure" and "improvement of legislative process and policy frameworks affecting the administration of justice", among others³⁰. The AtoJ Programme reflected all of these strategies.

The AtoJ Programme has addressed the effectiveness and efficiency of justice delivery agencies relating to the capacity of the agencies to deliver quality services within a reasonable period of time. This is built on the overall assumption that improving service delivery in the justice sector takes time. Phase I and Phase II of the AtoJ Programme were designed to establish a foundation for further development towards a sector wide approach, and for more targeted interventions to identify and address key bottlenecks. Within this perspective, the AtoJ Programme intervention is considered to have been relevant.

Consistency between AtoJ Programme activities and outputs and intended impacts and effects

The overall objective defined for the AtoJ Programme is: *"Improved access to justice for all, including the poor and vulnerable, women and children – through improved mandatory performance of justice agencies and institutions in collaboration with non-state actors"*.

The programme's immediate objective has supported these aims by helping to improve the performance of key sector institutions, policies and practices and by strengthening

28 Zambia Police Service and Zambia Prison Service have a distinctive command culture and refer to the Ministry of Home Affairs. The Legal Aid Board is semi-autonomous and the Judiciary stands quite separately from the rest as an independent institution.

29 Programme Document: Thematic programme 2005-08, Table 1 p.55.

30 FNDP 2006-11, p. 279.

the justice sector ability to create an environment where grievances can be addressed, economic growth can be stimulated and poverty reduced.

The AtoJ Programme identified many of the existing bottlenecks as: delayed disposal of cases leading to increasing case backlog, leading to overcrowding of prisons, high remand rates and high rates of recidivism. Irregular procedures and corrupt practices thrive in a system that is not transparent, where information on case load is not readily available, where records and files are not easily accessible, where the procedures are not clear, where uniform standards and formats are not agreed, where the respective justice agencies are not applying the principles of communication, cooperation, and coordination, and where the processing of cases is slow. This again leads to loss of public confidence in the criminal justice system. Again the delayed disposal of cases is caused by frequent adjournments, at times caused by poor case management, inadequate case preparation by the involved parties and non-appearance of witnesses and legal council or the accused. Finally, cases are often adjourned due to inadequate defence of the accused persons.

In order to address these problems as well as the links between them the AtoJ Programme has worked on all of the levels that influence access to justice, including:

- Effectiveness and efficiency of a justice delivery system working with the agencies to address their capacity to deliver quality services within a reasonable period of time.
- Physical access – ensuring that the users are in reasonable distance to law enforcement agencies.
- Access in financial terms – ensuring affordable legal services to the users.
- Access in technical terms – how comfortable users are with the legal language and procedural requirements. This also relates to the treatment of users by the law enforcement personnel as well as their representation by experts in law and its techniques and their ability to afford them, i.e. cost.

There is a relationship between the four. Physical distance between the law enforcement institution and the user becomes irrelevant if it is too expensive for them to utilise it in terms of fees or too slow and cumbersome. And effective, efficient and affordable law enforcement institutions that are too far from the users also constitute a constraint to access. Furthermore, if the process of accessing justice through law enforcement institutions is too slow or technically complex for the user, it will inhibit the initiative of prospective users regardless of how affordable and physically accessible they are.

The activities that have been implemented through the AtoJ Programme to achieve the objectives and outputs have been related to addressing the problems in the individual relevant institutions as well as the interface between them

Responsiveness of the AtoJ Programme to short-term and long-term needs

The AtoJ Programme has been good at responding to the short-term needs of the institutions by for example providing vehicles, for transport of prisoners and witnesses to/from the courts and for the VSUs to allow VSU officers to follow-up on cases in remote areas, and through provision of seed money for the CCCIs. The AtoJ Programme has intended

to address longer-term needs amongst others by focussing on training and, to some extent, also on construction of buildings.

4.2 Effectiveness

Fulfilment of the overall AtoJ Programme objectives and outputs

Overall Objective

Table 4.1 shows the overall objective and the related indicators.

Table 4.1 Overall objective and related indicators for the AtoJ Programme

Overall objective	Indicators
Improved access to justice for all, including the poor and vulnerable, women and children – through improved mandatory performance of justice agencies and institutions in collaboration with non-state actors	Number of backlog of cases to be reduced by 10% every year. Compared to baseline in 2006
	Average time taken to dispose of cases (criminal and civil) at each stage of the administration of justice process. Disaggregated by type of case (type of case to be decided)
	Percentage of total prison population who are remand prisoners no higher than 25%
	Improvements in public perceptions of the efficiency, effectiveness and quality of service delivery in Administration of Justice institutions

Source: "Phase II Support to Good Governance Zambia – Programme Document", 2009.

The findings from the Evaluation show that, based on the trend of the selected indicators, the implemented AtoJ Programme activities have up till now only to a limited extent supported fulfilment of the overall objective:

- The Evaluation found no indication that the **case backlog** in the court system is decreasing, neither for criminal nor for civil cases³¹. There is a very heavy backlog of cases at all levels. For instance, data from the Magistrate Court in Lusaka showed that while 1,033 criminal cases were brought forward from 2010 to 2011, this number had increased to 2,117 pending cases as per June 2012. The same tendency was found in terms of civil cases, where the heaviest load is in the High Court system. For instance, in the High Court in Lusaka, the backlog of civil cases increased from 1,146 cases carried over from 2010 to 2011 to 2,475 civil cases carried over from 2011 to 2012. The number of cases allocated to each judge varies considerably from the subordinate courts to High Court. Judges in High Court on average take 15 cases per session and in the subordinate courts double that.
- There were no data available on **average time taken to dispose of cases**. However, interviews with management and staff in the court system did not indicate that any significant improvements had taken place over the past 3-4 years.

31 There is no baseline data from 2006 available.

In order to be able to clear the case backlog it will be necessary to increase the number of cases disposed of through an efficient planning of court sessions and schedules for judges, lawyers and litigants to reduce the number of case adjournments and speed-up the court processes. According to the court representatives interviewed by the Evaluation, the number of case adjournments is still high within the court system, although lower than 2-3 years back. There have been improvements in the ability of the system to bring prisoners and witnesses to court and in handling of case files for court sessions. On the other hand, the frequency of legal counsels adjourning cases appears to be high. The majority of the adjournments are reportedly made by the legal counsels due to lack of capacity and management with regard to scheduling of cases.

- The Evaluation found no indication that the percentage of total **prison population on remand** should have decreased during the period 2009-12. For instance, data from the Lusaka Central Prison showed that while 52% of the prisoners were remandees in 2009, this number had increased to 54% in 2012³². The situation on remand prisoners is directly linked to the above mentioned challenges in the justice system (increasing case backlogs).
- No survey has been carried out by the AtoJ Programme to verify whether there have been any improvements in **public perceptions** of the efficiency, effectiveness and quality of service delivery in justice institutions. The “State of Governance Report” (2009), which is based on data collected during 2007-08, provides some baseline information; however no follow-up survey has been done yet. There are indications that public perception has deteriorated as a result of political interference and the suspension of judges at the highest level. However, these are anecdotal.

Based on the interviews and FGDs carried out with key stakeholders, the Evaluation found that three main factors contribute to the lack of achievements at the overall objective level of the AtoJ Programme:

- The AtoJ Programme intervention period covered by this Evaluation (2006-11) has been too short to make systemic performance improvements within a complex justice sector set-up in Zambia. It may be argued that the selected indicators have been too ambitious, however it is not unusual for programmatic interventions that achievement of overall programme objectives require more than one 3-5 year programme period due to the influence of a number of external factors, outside the control of the programme. This has also been the case for the AtoJ Programme, where achievements at the overall objective level have depended on other factors such as political and financial commitment to the sector.
- It has not been possible through the AtoJ Programme to ensure that development within all five justice institutions would advance at same speed. In particular, the Judiciary and the Legal Aid Board are still facing serious systemic challenges, such as severe understaffing, unclear chains of command, insecurity of tenure and seemingly lack of political commitment.

32 Data from Zambia Prisons Service.

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- A general rise in the number of court cases over the AtoJ Programme period (criminal as well as civil cases) due to a combination of an overall increase in crime levels and increased demand from the population (an increase in the number of VSU and the Legal Aid Board clients over the period indicates this, see further discussion below) has increased the work load within the court system.

The following section presents a more detailed discussion of the specific AtoJ Programme achievements.

Outputs

Table 4.2 provides an overview of the seven key outputs formulated by the AtoJ Programme together with the related indicators.

Table 4.2 Outputs and related indicators for the AtoJ Programme

Outputs	Indicators
<p>Output 1 Improved communication, cooperation, and coordination among justice institutions and other stakeholders</p>	<ul style="list-style-type: none"> • Number of sectorial meetings held per year • Joint initiatives to address bottlenecks identified in the administration of justice process • Sector wide strategic plan approved by Steering Committee by the end of 2007 • Increased satisfaction with justice sector services in areas where justice houses are built
<p>Output 2 Increased competence and motivation of personnel in Justice Agencies and Institutions</p>	<ul style="list-style-type: none"> • Reduced backlog through increased throughput of cases • System for evaluation of staff performance established and implemented • Performance of trained staff in accordance with job descriptions and standards
<p>Output 3 Improved Accessibility of Justice Agencies and institutions, especially by the poor and vulnerable, women and children</p>	<ul style="list-style-type: none"> • Number of campaigns and people covered • Increased litigations from vulnerable groups especially women and children • Number of juveniles admitted due to quick commencement of reformatory orders • Number of complaints handled in pilot areas
<p>Output 4 Improved legislative process and policy framework affecting the Administration of Justice</p>	<ul style="list-style-type: none"> • Organisational and legislative framework developed for DPP and the Legal Aid Board • Increased number of convicts serving non-custodial sentences (leading to decongestion in prisons) • Number of institutional policy decisions resulting from Administration of Justice Technical Committee initiatives
<p>Output 5 Increased public awareness of human and civil rights and of Judicial procedures and remedies</p>	<ul style="list-style-type: none"> • Increased number of people seeking legal advise • Increased witness attendance • Improved public image of the criminal justice system • Increased adherence to agreed performance standards

Outputs	Indicators
Output 6 Improved record keeping and information management within and across Justice agencies and institutions	<ul style="list-style-type: none"> • Reduced incidences of missing case records • Average length of time of cases processed from arrest to conclusion reduced • Publication of joint statistical reports
Output 7 Programme management strengthened	<ul style="list-style-type: none"> • Number of media hits on Administration of Justice • M&E strategy agreed and implemented

The evaluation findings show that:

Output 1: The Evaluation found clear indications that communication, coordination and collaboration among AtoJ institutions and other justice sector stakeholders have improved as a direct consequence of the AtoJ Programme interventions. In particular the establishment of the CCCIs has been instrumental in this regard. In turn this is leading to **joint initiatives** to address existing challenges and bottlenecks in the justice system.

The first CCCIs were established by the AtoJ Programme in 2009-10, in order “...to increase efficiency and effectiveness of the criminal justice system by improving communication, cooperation, and coordination”³³. There are now CCCIs in eight of the eleven provinces, and they are composed of members from all five AtoJ Programme institutions as well as from other relevant justice sector stakeholders, including CSOs that have also become CCCI members.

Based on the experience of a relatively short period of operation, there are clear signs that the CCCIs are becoming instrumental in strengthening “institutional and personal relationships” between accesses to justice key stakeholders, in particular at the provincial level. Most CCCIs meet regularly in **sectoral meetings**, between 8-12 times per year, and activities are based on agreed annual work plans and budgets. During CCCI meetings, problems/cases involving participating institutions are discussed and most often solved in an informal manner. This has reportedly helped to speed up processes in the system.

All CCCIs visited by the Evaluation confirmed that before the CCCIs were introduced, the institutions used to work in isolation and problems were seen as individual institutional issues. Now, after 1-2 years with the CCCIs, this attitude has fundamentally changed and the CCCI partners have become used to increasingly work as a “system”. Joint visits carried out to e.g. prisons and police detention cells have served as “eye-openers” for many CCCI members and have provided a useful and very concrete foundation for discussions on how to improve conditions in the justice system.

The inclusion of CSOs in the CCCIs is considered a great value-added. Before the CSOs became part of the CCCI, there was mistrust between public justice institutions and the CSOs. This relationship has improved through the CCCIs, e.g. the CSOs are now allowed access to the prisons and police stations, which was not the case previously. Likewise, the police have gained easier access to the communities, including the more vulnerable groups, through the CSOs. Joint sensitisation and awareness raising activities

33 CCCI Project Document, April 2009.

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(radio programmes, “open days” etc.), arranged through the CCCIs, have helped to break-down public perception of the justice system as being inaccessible.

Within all five AtoJ institutions, management and staff highly appreciate that the support provided through the AtoJ Programme has managed to make a move towards a “justice sector wide approach”, instead of institutions working in isolation, as was previously the case.

The AtoJ Programme never managed to implement the construction of “**Justice Houses**”, as it was originally planned in the five provinces where the DPP and the Legal Aid Board did not have proper office accommodation. Land had been acquired in all the five provinces and drawings and designs prepared for construction of the houses. However, bids received through a tender process for housing construction, showed that costs were too extensive compared to the budget available (see also “Efficiency”, Section 4.3).

A “**Strategic Plan**” was approved by the SC for the period 2009-11 (extended to 2012).

Output 2: The Evaluation found no indications that the **throughput of cases** in the court system is increasing. Data from the Magistrate Court in Lusaka showed that while 3,693 criminal cases were disposed of in 2010 this number dropped to 2,730 cases in 2011.

It has not been possible through the AtoJ Programme to establish a **system for evaluation of staff performance and performance of trained staff** (in accordance with job descriptions and standards) within the justice institutions. The demand and commitment from the justice institutions to implement such a system has not been sufficiently strong. Interviews with management from the AtoJ institutions revealed that priority has not been given within the institutions to allocate sufficient additional resources to this area.

Based on interviews and FGDs with key stakeholders, the Evaluation found that the training activities implemented by the AtoJ Programme to a large extent had benefitted the individuals that have participated³⁴. Only in a few cases could those management and staff interviewed by the Evaluation provide examples that the learning and materials they had obtained from participating in the training sessions have been shared with their colleagues, who may not have been invited for training courses. This aspect is of particular importance in a case like this where programme funds only allow a limited number of management and staff members to attend training courses (e.g. out of a total of 439 VSU officers it has been possible to train 138 with support from the AtoJ Programme) and where there is no immediate indication that government will take on this responsibility. In addition, it is not always evident that the trained persons have been able to fully apply their added skills within their particular job position/situation³⁵. Other factors (management issues, lack of equipment/transport/systems etc.) are in some cases limiting this.

Although job rotation is often high within the AtoJ institutions, in many cases the trained persons are still able to apply some of the added skills within their new positions. For instance, promotion of trained VSU officers into higher ranks has proven to be an advantage as it means that VSUs have support at higher levels and that other areas of

34 This finding is also clearly reflected in the “Training Impact Assessment and Learning Needs Analysis for Zambian Justice Institutions”, 2012.

35 Training Impact Assessment and Learning Needs Analysis for Zambian Justice Institutions”, 2012.

the police will in fact be sensitive to the areas of work carried out by the VSUs and thereby improve the entire service.

Training of mixed groups (which has been the case e.g. in the “Law and Justice Courses” in Denmark) appear to have been particularly beneficial to the participants in terms of improving their understanding of how other institutions within the sector work as well as building professional relationships between the individual actors.

Output 3: The Evaluation found indications of increased **litigations** from vulnerable groups especially women and children. The number of client cases reported at VSU Offices (many defilement and domestic violence as well as inheritance cases reported by poor women and children) has increased from 3,612 in 2008 to 8,467 in 2010 (no aggregated data for 2011 were available to the Evaluation, but based on the field visits to VSU Offices in four provinces there are clear indications that the number of VSU client cases reported was higher in 2011 than in 2010). The majority of the VSU officers and clients interviewed by the Evaluation explain this sharp increase over a relatively short period of time by a combination of different factors:

1. *Improved communication, coordination and cooperation among the justice sector stakeholders.* The establishment of the CCCIs, and the inclusion of the CSOs into these, has been instrumental for this (see more discussion of this under Output 1);
2. *Improved physical conditions.* The construction of three new VSU Offices has been a great achievement. It has heightened the profile of the VSU both within the police service as well as with clients and wider society. Comparing the space of the newly built offices and the offices within the stations, the Evaluation observed that the space in the newly built offices is welcoming, light and conducive to the work carried out by the VSU); and
3. *Improved capacity among VSU staff.* Training and workshop events for VSU staff have reportedly improved the quality of the service delivery provided by VSU staff in relation to handling of the sensitive issues presented by the clients. In particular, the officers reported benefits of the training in psycho-social counselling as they are now in a better position to assess the cases of their clients and prioritise them. They are able to recognise trauma more easily and they also feel stronger in terms of their ability to counsel clients. This has again contributed to attracting more clients to the VSU.

The vast majority of those representatives from the five key justice institutions that were interviewed by the Evaluation, considered that the provision of transport (vehicles) to various AtoJ institutions both at central and provincial levels had improved transport of prisoners and witnesses (also from remote areas) to court sessions, thereby reducing the number of adjournments due to no-show up of prisoners and/or witnesses. The majority of the VSU officers interviewed found that transport (vehicles) provided for VSU Offices had been an important means for VSU officers to follow up on cases, in particular in remote areas.

Interviews carried out with coordinators and members of the Child Justice Forum revealed that limited activity was taking place within the forum at provincial level. The forum, which is institutionalised within the Judiciary, has been supported through a MoU between UNICEF and the AtoJ Programme. The mandate of the forum is to

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address problems faced by juveniles in the justice system. There seemed to be a tendency that after an initial launching event, financially supported by the AtoJ Programme, the level of meeting attendance and activity had gradually decreased in many of the provinces. This development was explained by lack of funding to carry out activities, including compensation for transport costs. This had led to decreased motivation among the Child Justice Forum members to attend meetings and carry out activities. It should be noted that at provincial level, many of the Child Justice Forum members are also members of the CCCI, which most of them seem to give higher priority.

There were no official data available to the Evaluation on the number and type of **complaints handled** in pilot areas. High Court management in Lusaka estimated that the number of complaints received had dropped by half in three years (from 2009 to 2011) mainly due to less missing record files (see below). Most other institutions visited by the Evaluation also indicated a drop in the number of complaints received.

There were no data available to the Evaluation on the number of **juveniles admitted**.

Output 4: The available data and supporting interviews show that the AtoJ Programme has positively encouraged the use of **non-custodial sentences** such as community services as a way of reducing prison overcrowding. Likewise, specific initiatives like the Parole Board and Prison Conservation Farming, are showing promising results and both initiatives appear to have further potential.

A Parole Board office has been constructed in Lusaka and 60 Parole Board officers have been trained. Three vehicles and 53 motor bikes have been provided by the AtoJ Programme to facilitate management and monitoring of parolees. 584 prisoners were released from the prisons through the board since the Parole Board was established in 2009 (data up to end 2011). Only in very few cases has it been necessary for the board to revoke a license.

With support from the AtoJ Programme, a National Prison Audit was carried out in 2009. The audit pointed to several critical issues in the prisons and provided a number of concrete and operational recommendations for short-, medium- and long-term interventions which have subsequently been taken up by the Ministry of Home Affairs (e.g. a plan for construction of nine new medium-sized prisons, increase prison staff by 600 per year up to 2015, increased funding for expanding of prison farm area). The audit report also provided a list of 680 prisoners with special needs, many of whom were among the 2,000 inmates who were released by the President in October 2011 through a general amnesty. The list of prisoners with special needs were identified by a joint task force composed by representatives from different AtoJ institutions, made possible by an enhanced cooperation between the institutions.

Based on recommendations from the National Prison Audit, a gap analysis of prisons farms was carried out and a management proposal developed³⁶ pointing towards further prison farming potential through “Prison Conservation Farming”. The analysis showed that the prices the GRZ pays through tender processes for prisoners food commodities are in excess of market prices to allow the bidders accounting for long delays in payment which is always anticipated. The analysis further concluded that prison farms have the capability of providing nearly all the prisoners food requirements at much lower costs than the tender prices and thereby potentially saving the GRZ a large proportion of

36 Prison Farms Management Proposal, 2011.

the current food commodity expenses for prisoners. Based on the recommendations from the gap analysis the AtoJ Programme decided to support prison conservation farming as a pilot initiative in Zambia.

The experiences from the pilot prison conservation farming plots have so far been promising. In the first growing season the yield from the conservation farming plots was approx. 40% higher than from conventional farming plots. Through prison farming, a total number of 1,650 prisoners have been transferred from the prisons to the farms and the potential seems to be even higher. Infrastructure improvements have been planned to expand the farming areas, in particular with a view to extended conservation farming³⁷.

However, despite these and other efforts to reduce overcrowding, there is still heavy congestion in the prisons. The 2009 Prison Audit showed a total of 14,377 inmates against an official capacity of 5,265. This is an average overload of almost 300%. Recent data (2012) from the Zambia Prison Services indicate that the number of prisoners has increased further to 16,500 during the period.

Progress has been made recently on developing of **organisational and legislative framework for DPP and LAB**. A Baseline Survey has been conducted for the DPP to obtain a picture and assessment of the prosecutorial system in order to facilitate the transfer of prosecutorial functions from the police to the new prosecution service – the National Prosecution Authority. The report has been submitted to cabinet but is still awaiting approval. In addition, a Prosecutor’s Manual has been developed and is in circulation and in use. The Legal Aid Board underwent an organisational capacity assessment in 2012.

There were no data available to the Evaluation on the number of institutional policy decisions resulting from **Administration of Justice Technical Committee initiatives**.

Output 5: The Evaluation found that the number of **people seeking legal advice** has increased remarkably over the last three years. While 1,339 persons were registered as Legal Aid Board applicants (clients) in 2008, this number had increased to 3,274 in 2011³⁸. This contributes to the increasing backlog of cases in the court system (see above). The reason for this increase seems to a large extent to be explained by the *improved communication, coordination and cooperation among the justice sector stakeholders, mainly through the CCCIs*. CSOs reported to the Evaluation that they now, after joining the CCCIs, more frequently refer clients to the Legal Aid Board, than they did before. The Legal Aid Board staff interviewed by the Evaluation also reported that after joint sensitisation campaigns with other justice sector stakeholders (organised through the CCCIs) they normally see an increase in the number of clients approaching the Legal Aid Boards in the weeks after.

37 Uganda presents an interesting example of how prison farms have become a major force in the agricultural sector following a project to improve their productivity: Together the establishing of a revolving fund, improved technology and farm management structures enabled the prison farms to make dramatic progress in productivity to the extent that they became the major component of Uganda’s agricultural industry, the national food security, the nutrition and well-being of the inmates and the skills-base of the released prisoners and the associated staff.

38 This does not include Ndola Province, for which the Evaluation has not been provided data from 2008 and Mongu Province, where the office burned down in 2009 and files were lost.

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The increase in the number of Legal Aid Board clients would have been even higher had the Legal Aid Board not rejected a number of clients with civil cases due to management/manpower constraints. The Legal Aid Board faces a number of challenges:

1. There is a critical shortage of staff in all its offices across the country. This is exacerbated by a high level of staff turnover due to relatively uncompetitive conditions of service as well as management issues. Currently, the Legal Aid Board only employs 21 lawyers out of an establishment of 41, meaning that 20 positions are vacant. The lack of lawyers in the Legal Aid Board offices has the other unfortunate effect that they very often have to ask for adjournment of cases, either because they simply do not have adequate time to prepare the cases or have been summoned to two or more different courts at the same time.
2. Most lawyers within the Legal Aid Board are relatively young and inexperienced and tend to use the institution to acquire experience before leaving for greener pastures.
3. There is as yet no legal aid policy in place and a strategic plan for the institution is still at a draft stage.

The latter issue has been raised by the AtoJ Programme at the highest political levels as a serious matter of concern constituting a major bottleneck for improvement of the performance of the administration of justice. However, it requires political will to change the way the Legal Aid Board operates and if this is not a priority of the GRZ it is difficult for a programme to do much about it. The Legal Aid Board is a body corporate but it has not been de-linked from the Ministry of Justice. The Ministry still recruits, disciplines and determines the conditions of service for legal aid personnel. The Ministry is also still responsible for mobilizing and disbursing resources to the Board. The commitment and support to the Board therefore rests with the GRZ.

As a particular important outcome of the training received through the AtoJ Programme, lawyers at the Legal Aid Board explained that they now consider bail as a human rights issue and regard both the complainant and the accused as holders of rights.

Magazines have been prepared and distributed for Police, Prison and Judiciary. Although these publications have the potential to contribute to increased awareness raising in the public, it is not clear how widely they were distributed and actually reached the public. No system for measuring any possible effects from distributing these magazines has been put in place by the AtoJ Programme.

Performance standards have not been developed. No data available to the Evaluation on **changes in witness attendance and public images of the criminal justice system**.

Output 6: Based on visits to courts and interviews with court management and staff, the Evaluation found **reduced incidences of missing case records**. Data and record keeping, including filing systems, within the individual AtoJ institutions are showing signs of improvement. More institutions are now using computers for registration and basic data management.

The Evaluation observed some very impressive record keeping as well as instances where it was near impossible to maintain even minimum standards due to the physical environ-

ment. Some courts simply do not have the space even if there is knowledge and willingness on behalf of the clerks. Lack of a computerised case management system and internet has made it impossible to collate data electronically. This creates a number of “pockets” in the system, where data is missing and/or consequently not collected/recorded correctly or where no handover takes place between previous and new registry staff. Likewise, although most provincial institutions are reporting key statistics to headquarter offices on a quarterly basis, the visits provided by the Evaluation to these institutions and the interviews with management, did not confirm that the reported data are used strategically for analysis and subsequent planning purposes. In fact, from most headquarter offices, it was difficult for the Evaluation to receive consolidated data and information covering all provincial sub-offices.

Close to 200 Registry and Court Clerks have been trained in record keeping which has enabled them to better handle case record management. Quarterly and annual returns are prepared by the clerks and a system has now been put in place to help trace records. This has reduced the number of complaints from parties about missing records (e.g. High Court in Lusaka informed that the number of complaints due to missing records had decreased from an average of six complaints per week in 2010 to three per week now).

In addition, lockable cabinets have been bought by the programme for the safe keeping of files. Each Magistrate has been asked to keep two registers; one civil and the other criminal. This helps to track down case files as they move from one Magistrate to another. Every case brought or taken from registry has to be signed for. This has also helped to arrest exhibits missing from the case files. Together these efforts make it easy to tell the number of cases received, carried forward from the previous year and the backlog for each Magistrate.

A computerised “Case Flow Management System” has been planned for by the AtoJ Programme during some time but has not been implemented yet. The process started back in 2008, when the AtoJ Programme funded a Situation and Gap Analysis³⁹, which described the process of case management in each of the core institutions within the Zambian criminal justice sector institutions. The study identified gaps in the current system and made recommendations on various opportunities for process and institutional improvements. The study concluded that one of the basic issues confronting the justice sector is the lack of an integrated case flow management system that follows individuals and cases as they work their way through the system (from crime-to-arrest-to-trial-to-conviction/acquittal).

The absence of a case flow management system has limited the ability of the justice sector to plan ahead and use resources effectively. In order to address this problem, the AtoJ Programme accepted to support developing of an automated case flow management system. An evaluation to select the best bidder was done during 2010 and a consortium of bidders were tentatively selected but was not awarded the contract at that time since their cost proposal was above the AtoJ Programme budget allocation for this activity. As the proposal proved costly, and in order to ensure sustainability, efforts were made to include a substantial degree of counterpart funding. This was secured from some of the institutions but not from others which again delayed the process. The TC therefore decided to cancel the 2010 tender.

39 “Access to Justice Programme in Zambia: Toward an Integrated Case Flow Management System – Situation and Gap Analysis Report”, 2008.

In the meantime, the conditions for providing a case flow management system within the justice institutions have changed. In the Judiciary a computerised document management system has been introduced with support from other external funding sources. The Evaluation had the opportunity to see this system in operation in Ndola High Court. The system has strong potential for increasing the effectiveness of case management within Judiciary when fully rolled out and implemented.

The GS is now planning to re-tender the case flow management system assignment for the five AtoJ institutions. In view of the developments taking place since 2010, the Terms of Reference for the tender process needs to be revised accordingly and this process is currently on-going⁴⁰.

There were no data available to the Evaluation on average **length of time of cases** processed from arrest to conclusion. However, there are signs that the number of cases disposed of per year has been decreasing, indicating that the processing time may not have been reduced.

There has not yet been produced any **joint statistical reports** among the AtoJ institutions.

Output 7: An AtoJ Communication Strategy was developed back in 2010. A 12-month budget and activity outline was included for 2010/11 but has only been implemented to a limited extent. The strategy has identified training needs as well as roles for awareness raising that go beyond the justice sector institutions themselves such as the media (through training and sensitisation of journalists) and the private sector (e.g. through the identification of short messages on human rights).

The primary aim of the strategy is to encourage closer dialogue between justice institutions and other stakeholders through awareness raising sharing of knowledge, and enabling information from grassroots level to reach decision makers to inform evidence based planning at all levels.

The strategy assesses the current communication situation, sets out objectives, and outlines key audiences, key messages and channels. It also includes a brief and very general section on monitoring and evaluation.

The GS is expected to coordinate and facilitate the overall execution of the communication strategy that should involve all key stakeholders down to the community level.

There were no data available to the Evaluation on the number of **media hits on Administration of Justice**. No system is in place to capture these data.

An operational **M&E strategy** and action plan has never been formulated and implemented. In line with the “hands-off” approach of the Cooperating Partners, this issue was not “pushed” and there has not been a demand from the AtoJ institutions. Only recently, on the initiative from GIZ, a results-based framework has been developed. Interviews with management and staff from the AtoJ institutions revealed however that commitment from the national partners to this framework is low.

40 See: “Access to Justice in Zambia: Towards an Integrated Case Flow Management System for Police, Prosecutions, Legal Aid, Courts and Prisons. Progress and Status Review Report. Prepared by Elmar Roberg on behalf of GIZ, 2012.

Justification and operation of the AtoJ Programme strategy

Despite the lack of an overall specific GRZ strategy for the sector, the AtoJ Programme strategy was both plausible and doable and has been justified in the sense that the chain of justice has been well understood. The lacking capacity in the system as an important factor in achieving access to justice has also been correctly understood and justified. However, capacity development cannot address lack of political willingness and commitment from GRZ which influence and even determine the effectiveness and capacity of the programme institutions. The Legal Aid Board and the Judiciary are cases in point.

The commitment both in terms of policy and finances was addressed as an important assumption in the programme document logical framework. Another assumption was minimum interference by those in authority in administration of criminal justice. There seems to have been lacking commitment on part of the GRZ in terms of supporting the Legal Aid Board and the Judiciary has seen political interference at the highest levels. This has created disappointment and institutional disarray in the institutions in question as well as public distrust⁴¹.

This situation is clearly illustrated in the discussions above on the achievements of the AtoJ Programme objectives and outputs: Although the Evaluation found that a number of activities implemented through the AtoJ Programme have been both relevant and provided good results, this has not been sufficient to effectively move key AtoJ Programme indicators for the justice system (e.g. case backlog and number of cases disposed of in the court system, share of remand prisoners, overload of prisoners in prisons) in a more positive direction.

AtoJ Programme has attempted to address bottlenecks in the system; however there still seems to be a need to look deeper into the systemic/structural bottlenecks in the justice system in Zambia in view of continued support to the sector. As an example, the formulation of the AtoJ Programme was not based on a deeper assessment of the actual reasons for court case adjournments and backlogs, which would have included a detailed mapping of factors/reasons causing the adjournments/backlogs. For example, to what extent the adjournments result from lack of transport of prisoners, no-show up of witnesses, no-show up of lawyers (maybe due to lawyers being scheduled for sessions at High Court and Subordinate Court at the same time), judges work plans etc.). This would have allowed for subsequent development of a strategic approach on how to best address these issues.

During the period of AtoJ Programme implementation there have been attempts to look deeper into some of the key bottlenecks in the justice system e.g. through a comprehensive and consultative analysis that was undertaken as part of development of Guidelines for Improved Case Management based on which educational material in the form of brochures and leaflets and a comprehensive curriculum for innovative cross institutional training were developed. Likewise, a Situation Analysis of the access to justice in Zambia has provided some further analysis of these issues.

At the same time, getting to grips with the bottlenecks and addressing them at the systemic level is a longer-term prospect. A number of issues remain very challenging to address. A couple of examples are:

41 Lawyers the Evaluation spoke to suggested that their clients did not wish to appear before one of the previously suspended judges. Others had given up getting their cases dealt with by the Legal Aid Board and had sought the assistance of VSU instead.

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- The willingness of the Judiciary to deal with workload and case backlogs. As a high level and independent institution, it is difficult to raise such issues for an aid programme administered through the Ministry of Justice.
- Financial and human resource shortages which are dictated by the government and requires commitment and priority at the highest level.
- Ensuring that the Legal Aid Board is in a position to fulfil its mandate sufficiently requires backing both at the policy and budget levels.

Finally, the AtoJ Programme design has not included any particular focus on identifying and replicating successes/best practices across provinces and institutions. This is partly a function of the use of the log-frame with a strong focus on problem analysis and solving. In this process, stories of success are by and large overlooked, even if they could suggest a way forward for the programme. Only recently, in terms of the CCCI, has this been attempted explicitly. There are still big differences in the quality of the access to justice services provided by the institutions across the country, including in the attitudes and cultures within the various institutions. The Evaluation came across a number of extremely dedicated and hardworking individuals in all of the institutions. Some had developed ideas for greater efficiency, monitoring and reporting that could have been duplicated elsewhere. However, transfers and at times lack of interest and support from higher up meant that this was never done. A more explicit focus in the programme strategy on sharing of learning and experiences with greater focus on what works well would have been useful.

Consideration of specific needs of vulnerable groups in the AtoJ Programme

The AtoJ Programme has specifically addressed the poor, women and children through the support provided to the VSU and the Legal Aid Board. Thus the overall assumption of the programme has been that by improving the capacity and the performance of the involved institutions the bottlenecks that have impeded access to justice would be addressed.

From the initial stage of the AtoJ Programme the improvements in the justice delivery system focused mainly on criminal justice. However, since many of the same stakeholders were involved in civil cases as well, it was anticipated that improvements in the capacity of the institutions would have positive effects also in the handling of civil cases, including enforcement of contracts as well as land and family issues which would be expected to have large positive social effects.

The Situation Analysis of Access to Justice, carried out during Phase II of the AtoJ Programme, has a particular focus on justice for the poor and vulnerable, including the local courts and legal counselling. Although some of the data material presented in the study is partly outdated, the study may provide useful inputs for planning of future support to the justice sector in Zambia with a particular view to supporting the access to justice of the poor and vulnerable, including women and children.

More details on how effectively vulnerable groups have been addressed by the programme interventions are presented in the “Impact and Sustainability” (Section 4.4).

Appropriateness and implications of AtoJ Programme partner selection

The AtoJ Programme partners were selected on the basis of the pre-programme preparation phase during which they were each identified as being essential in the chain of events that secures access to justice. The Police Services and Prison Services became partners only after the revised programme design following the Inception Phase. This selection seems appropriate as it includes all of the key institutions in the provision of access to justice. As discussed elsewhere in this report, it is essential that all five institutions will be on board in order to develop the justice system.

A number of new stakeholders have been included as part of the CCCI e.g. the Ministry of Social Welfare, Zambian Wildlife Authority and different NGOs. The Human Rights Commission, Anti-Corruption Commission and the Ministry of Health were mentioned by the CCCIs as other potential CCCI members.

Some NGOs, in particular NGOs providing legal aid such as the Legal Resource Foundation, could have been very good and supportive AtoJ Programme partners. The role of the non-governmental legal aid service providers is key to ensuring that the whole package of legal aid services are offered to the poor and vulnerable and that it reaches communities in rural areas as well. This raises the debate about supporting parallel structures and whether supported NGOs in reality relieve the official government institutions of their duty and responsibility to serve. On the other hand, the concept of the NGOs/CSOs being partners in the CCCIs has shown to be a win-win situation where the public institutions and the NGOs/CSOs have opened doors for each other.

4.3 Efficiency

AtoJ Programme deviations from plans and budgets

Activities were well below expectations in the beginning of the AtoJ Programme (Phase I). The Danida Review Mission in 2007 attributed this to poor programme preparation based on which the Inception Report recommended a considerable overhaul and restructuring as well as an expansion of the programme (to include Police (other than the VSU) and Prison Services). The implementation of activities improved considerably over the programme period and reached a satisfactory level. Challenges experienced during Phase I included slow and somewhat cumbersome procedures related to the infrastructure projects (e.g. allocation of lands to the Justice Houses, architectural drawings of the Justice Houses as well as tender procedures).

AtoJ Programme activities under Phase II were deliberately delayed while Phase I activities were being completed during July-December 2009. However, by end-2010 the activity level was largely on track, despite slow progress in some areas. In 2011, activities were again well below the target (34% under) which was mainly related to the decision to postpone the investment in the Case Flow Management System. The overall activity level (budget and expenditures) per Output is shown in Table 4.3 for the period 2007-11.

Table 4.3 Budget and expenditure figures for the AtoJ Programme (million DKK), 2007-11

AtoJ Programme component	Budget	Expenditure	Over/Under	%
Improved coordination/communication	12.0	7.6	4.4	37%
Increased competence of personnel	11.2	6.6	4.6	41%
Improved access to justice for vulnerables	17.2	11.8	5.4	31%
Improved legislative process & policy	5.2	4.3	1.0	18%
Increased public awareness of human rights	1.1	0.8	0.3	27%
Improved record keeping and information management	7.7	3.2	4.6	59%
Programme management strengthened	2.2	1.3	0.9	42%
Total	56.6	35.5	21.1	37%

Source: Governance Secretariat.

An important deviation from the original plans is that the construction of five Justice Houses, which was envisaged in the original AtoJ Programme Document, has not been initiated yet (see also Section 4.2 on “Effectiveness”). Efforts, and resources, from the AtoJ Programme have been used to plan and prepare for the building of the Justice Houses, however so far without much result. A main reason is that the planned dimension and costs of the houses increased over the years.

Implications of balance between planning and management versus flexibility and risk-willingness

The vast majority of the management and staff interviewed from the justice institutions praised the flexibility and risk-willingness of the AtoJ Programme as one of the main advantages of the programme. This also reflects the AtoJ Programme’s focus on national ownership and the ability to adjust to evolving priorities and needs within the justice system in Zambia.

The AtoJ Programme’s high flexibility and risk-willingness, has provided challenges to the managing and planning of the interventions, including in terms of cost-efficiency and cost effectiveness (see further discussion below). This is further discussed below. As it is reflected in the Progress Reports and budgets from the programme, each year a number of the planned activities have been postponed or replaced by other activities. The broadly defined programme targets and indicators have made it easier to justify changes and adjustments during programme implementation.

The implications of the high flexibility and risk-willingness in AtoJ Programme implementation has been that a number of new, promising initiatives have been launched and tested within the justice sector in Zambia, and a number of them with good results. The AtoJ Programme has e.g. provided support to piloting/innovative initiatives such as the CCCIs, the Prison Conservation Farming and the Parole Board. All of these piloting/innovative initiatives have been very successful and have potential for further development and replication.

Cost-efficiency of AtoJ Programme activities

In relation to a number of interventions, including some with relatively high budget allocations (see Table 4.3 for an overview of budget allocations per component), it is not clear on what level of analysis/assessment the particular investment decisions have been taken and it seems plausible that more/better results could have been achieved if resources had been allocated in different ways, e.g. more people benefitting (more) from the activities (see examples below).

A rough estimate made by the Evaluation shows that around 25% of the total programme expenditures have been allocated for training activities⁴². However, although a “Legal and Judicial Education Needs Assessment”, conducted in 2009 for all the five key justice institutions, has provided some guidance for the training activities implemented in the later stages of the AtoJ Programme, no comprehensive training needs assessment was conducted within the AtoJ institutions prior to the programme, or at the early stages of programme implementation, to identify exactly what training and learning needs/gaps existed and how it could/should be targeted through the AtoJ Programme interventions.

Likewise, many staff members from the justice institutions interviewed by the Evaluation complained that the process of selecting participants for training courses had not been sufficiently transparent. Instead of being based on needs the selection of participants for training had often been given as a “reward” to (favoured) staff members⁴³.

Compared to the relatively large share of AtoJ Programme expenditures allocated to preparation, implementation and launching of the recently completed Situation Analysis (13% of total programme expenditures during 2010-11); the Evaluation is not convinced that the document will be used as intended. The process started in 2008 with the bidding for consultants. The aim of the Situation Analysis was to produce recent documentation on the status of the justice sector and the inter-linkages between formal and informal justice. The analysis was meant to inform and expand the access to justice reform programme and facilitate decisions on what aspects of justice systems should be included based on an improved understanding of the target group and their needs. A contract was awarded in late 2009 and field visits and data analysis took place during 2010.

For various reasons and despite repeated efforts from the Danish Embassy, the process of preparing the Situation Analysis took much longer than expected, and the document has been completed only recently (mid-2012). The Situation Analysis may be useful of course as a reference document for future justice sector interventions. However a large share of the data and information collected and included in the report is dated back to 2009-10 and is thereby already to some extent outdated.

It was a policy decision made by the SC to support construction of three new VSU Offices instead of investing in more basic improvements (e.g. renovation or containers for offices) in a larger number of VSUs. The issue and justification for the cost effectiveness of containers was put to the SC for consideration and was also originally included in the annual work plans based on experiences from the earlier preparation phase. However, the SC objected and stated that containers were not fit for proper justice delivery.

42 Based on financial reports and data provided by the AtoJ Programme.

43 This view also came clearly through in the “Training Impact Assessment” (2012). Lately it has been tried within the AtoJ Programme to make the process more transparent and more demanding in the sense that all commit themselves to “use” what they learn.

The need for basic improvements is urgent in a number of VSU Offices across the country; this was evidenced by the Evaluation during the field visits and in discussions with VSU staff from different police stations and posts. It is the clear impression from these visits and meetings that very poor conditions in many VSU Offices present an important obstacle for the clients. Investment in basic improvement in more VSU Offices instead of construction of a few offices would therefore potentially have improved access to VSU Offices for an even larger number of clients.

The Evaluation visited the Parole Board Office in Lusaka, funded by the AtoJ Programme. The office building and its facilities give an impression of the importance given to this institution. At the same time they also seem to be over and above what is needed as many of the offices are allocated to staff, who have their main offices and work elsewhere and therefore only need the new offices on a very limited basis.

The plan is to establish Parole Board offices also at the provincial level. However, this may be a very long-term perspective if the Lusaka office has set the standard. It would have been wise to assess the potential for covering some provincial offices within the overall budget of Parole Board office construction, instead of spending all on one luxurious office in Lusaka. Had offices been established in provinces which host the very large prisons in Zambia, this could potentially have benefitted more prisoners from the provinces.

Cost effectiveness and efficiency of applied funding modalities

Up to 2010, when Danida was the only Cooperating Partner providing funding for the AtoJ Programme, all Danida funds were allocated through the GS. The responsibility of the GS was then to administer and manage the procurement processes and to pass funding further on to the individual justice institutions and the CCCIs. This process never worked smoothly. Procurement processes were often seriously delayed as they had to pass through the Tender Commission in the Ministry of Justice⁴⁴ and the passing of funding to the CCCIs in particular was cumbersome.

Through the AtoJ Programme there has been a continuous advocacy for basket funding. This has included support to preparation of various studies on basket funding modalities, financial capacity assessments and different modalities for direct funding. As a result of this process, a Memorandum of Understanding (MoU)⁴⁵ was signed in 2010 by the GRZ and Cooperating Partners (GIZ, the European Union and Danida).

At the time of signing the MoU, there was general dissatisfaction with the existing funding and procurement arrangements and it was agreed by the AtoJ Programme partners that an alternative funding modality should be introduced to speed up the funding allocation and procurement processes. That implied either direct funding from GIZ to the individual institutions through financing agreements with individual partner organisations (Judiciary and Prison Services) or direct procurement in the case of those

44 See also "Capacity Assessment of the Access to Justice Institutions", 2009.

45 "Memorandum of Understanding between the Government of Zambia and Participating Cooperating Partners for the Implementation of the Administration of Justice Development Strategy and Action Plan 2010-13".

partners (Legal Aid Board, Police and DPP) who were assessed by GIZ to have shortcomings in their financial management procedures⁴⁶.

The shift in funding modality, away from the funds transfer through the GS and towards funding procedures applied by GIZ, has not yet resulted in the anticipated efficiency gains in terms of funding release and procurement processes for implementation of work plan activities. Although the justice institutions were not satisfied with the previous funding arrangement through the GS, the loss of autonomy and flexibility that resulted from the shift to application of GIZ funding procedures, were not clearly understood by the involved institutions at the time of entering into the MoU and is still subject of much discussion. This has caused frustrations and reluctance within the institutions and a fear that the progress in terms of transparency and joint budgeting that had been achieved so far by the AtoJ Programme as a move towards “sector wide” planning may become undermined. In reality, the issue of funding modality therefore touches on a much bigger concern for the AtoJ institutions, that of the risk of the AtoJ Programme moving from being a national “anchored” programme to becoming a donor driven programme.

Another issue relates to a need for better complementarity between the GRZ budget allocations and the funds provided by the Cooperating Partners, when considering the need for both short-term and longer-term results and sustainability. As discussed in Section 4.2 on “Effectiveness”, there is a general need for stronger government commitment to the access to justice area, also in terms of commitment of funding. Since interventions in the justice sector in general should have a medium- to long-term perspective, it is important that funds allocation to the sector will be jointly planned and committed by the GRZ and the donors. The development of a strategy for the sector, and related investment and action plans, would be useful instruments to guide such a process.

Addressing of AtoJ Programme management

During interviews, all the AtoJ Programme institutions expressed that they have highly appreciated the way the advisors/specialists within the GS have been managing the process. All AtoJ institutions describe the GS advisors/specialists including the International Technical Advisor as the “driving force” in moving forward the agenda and giving continuity to the interventions.

There have however been challenges in terms of ensuring the full commitment to the programme management from the highest political level in Zambia. Those representatives from the justice institutions that have attended the SC meetings have not been the final decision makers in their respective institutions. In addition, on average the SC has only met twice per year in the period 2006-11, compared to a target of four times per year.

In order to explicitly deal with high level policy issues, a Troika (composed of the Ministry of Justice, the Ministry of Home Affairs and the Chief Justice) was established during 2010. However, the Troika has never managed to meet; it has only been possible for the AtoJ Programme staff to meet individually with the Troika members to discuss specific issues.

⁴⁶ Additional technical support is offered to strengthen management systems for those institutions. The Legal Aid Board has made use of this additional support and underwent an organisational capacity assessment in 2012.

The TC has in general managed to meet twice per month as per the target. Based on interviews with TC members, the TC meetings have been useful to discuss work planning and progress, as well to come up with new ideas and initiatives (for instance, the idea of establishing CCCIs was developed by the TC). An issue raised during discussions with various AtoJ stakeholders was that the Task Managers from the justice institutions that attend the TC meetings are mostly senior staff and not people from the planning departments. The attendance of the latter could be seen as an advantage to ensure coherence between the planning in the TC and the institutions as well as to strengthen the monitoring of the AtoJ Programme activities.

The Planning Units have not worked as intended, within most institutions. They have only managed to meet a few times; the commitment to these units seems to be low although interviews with the GS and TC members confirmed that the PUs have become more effective within the last few years to provide effective input to the annual budget and work planning sessions.

Implications of the status of the AtoJ Programme within the Governance Secretariat

There have been some clear benefits related to the GS being a secretariat hosted in the Ministry of Justice. Firstly, the GS has been able to hire their own staff on a competitive basis. Secondly, the GS has not directly been a part of the hierarchy within the Ministry of Justice and has therefore not had to adhere strictly to government procedures. The disadvantages include that the GS has been distanced from the policy decision making within the ministry which may in some cases have affected the possibility to obtain the necessary political commitment to the AtoJ Programme interventions.

It has been approved by the Cabinet that the GS will become a department within the Ministry of Justice during 2012. This may provide both pros and cons in view of the AtoJ Programme. In view of ownership and sustainability it may be considered an advantage to have the GS anchored within the ministry. The advantages include that the GS, with a departmental status, will get a higher staff nomination and be closer linked to the policy decision making level. The disadvantages would be that it may become more difficult for the GS to attract sector specialists since the salaries will become less competitive. The new department will have the overall objective to improve “Pro-poor framework for democratic political governance that respects constitutionalism the rule of law and fundamental rights and freedoms, through effective, inclusive and transparent processes especially involving vulnerable persons.” Access to Justice will be one of five sections in the department with an establishment of one Justice Sector Specialist and one Justice Sector Analyst. Given the nature of the legal sector with a number of independent institutions each with their own culture and points of reference, it will become challenging also in the future to link the AtoJ Programme to only one resource ministry.

It will have to be seen what exact consequences the new departmental status will have for the GS in order to perform its role and mandate in relation to the AtoJ Programme. The interviews carried out with representatives from the AtoJ institutions revealed that they were not that concerned and did not expect any major changes.

Monitoring of AtoJ Programme achievements

The AtoJ Programme planning and implementation has not been guided by an operational M&E framework, based on simple and measureable progress and results indicators. Baseline data were not systematically collected when the AtoJ Programme was initiated and although the M&E officer within the GS recently has made efforts to

do systematic data collection from the justice institutions involved, difficulty in obtaining the data combined with limited demand has resulted in little use of this data for operational purposes (e.g. for learning and planning purposes).

The critical situation with the M&E issue was also raised by a Danida Review Team in 2011⁴⁷. It was concluded in the Review Aide Memoire that there are “currently no objectively verifiable indicators in the Programme Document, and none at all in the 2010 or 2011 work plans, which means it is difficult to assess whether outputs and activities are currently leading to results and impact”.

In addition, the progress reports have not been regularly produced, and the quality of the reports varies a lot. For instance, while the 2010 Progress Report is very comprehensive, the Progress Report from 2011 does mainly report on activities carried out and only to a limited extent on outputs (achievements).

In terms of the financial progress reports, these are very basic with summarised expenditure figures per output. From a programme effectiveness and efficiency perspective, it would have been more useful if the financial progress reports had shown activity-based expenditure figures.

Lack of data monitoring has limited the possibility to effectively plan and adjust programme intervention. The challenges encountered by the AtoJ Programme in relation to establishing of an operational M&E system for the intervention seems to some extent to be explained by the fact that nobody within the system has taken responsibility for addressing and establishing such system. This is again a reflection that nobody has really demanded this data information.

As already mentioned above under Output 7 (Effectiveness section) initiatives have been taken recently⁴⁸ to develop a results-based framework for the AtoJ Programme. Although this is coming in at a late stage of the programme intervention, it could be useful to pilot it for possible further support, not least in view of the demand and commitment from the justice institutions to the framework.

4.4 Impact and Sustainability

Impact

Due to the lack of baseline data and inconsistencies in the collection of monitoring data for the AtoJ Programme interventions, it has not been possible for the Evaluation to make quantitatively based before-after estimates in order to assess any potential impact. Instead, impact should here be interpreted as the ability of the AtoJ Programme to: i) make a difference in the life of poor and vulnerable people; and ii) promote institutional development with wider social benefits.

There is evidence that the AtoJ Programme activities have impacted positively on end-beneficiaries; the poor and vulnerable, women and children. This impact has been obtained, mainly through the support provided to the CCCIs and the VSUs. Table 4.4 provides an overview of the direct impact from the AtoJ Programme interventions on poor and vulnerable people.

47 Review Aide Memoire, Support to Good Governance in Zambia – Phase II, Danida, 2011.

48 This was done with technical support from GIZ/EU.

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Table 4.4 Poor and vulnerable direct beneficiaries from AtoJ Programme interventions

Institution	Target Group	Number of people benefitted
VSU Office	Poor and vulnerable clients, in particular women and children	25-30,000*
Legal Aid Board	Poor and vulnerable clients, in particular women and children	5-10,000**
Parole Board	Prisoners	584
Prison Conservation Farming	Prisoners	500
Prisoners with “special needs” released through amnesty in 2011	Prisoners, with special needs	680

* Estimated total number of VSU cases (clients) registered, 2009-11.

** Estimated additional number of Legal Aid Board cases (cases) registered in the years 2009-11, compared to the 2008 level (baseline).

In total, the Evaluation estimates that somewhere between 30,000 and 40,000 poor and vulnerable people (clients)⁴⁹, most of them women and children, will have benefitted directly from the improved VSU services⁵⁰ and access to the Legal Aid Board⁵¹ that have been supported through the AtoJ Programme interventions, mainly in the period 2009-11. Poor women and children that previously did not know where to go or were not confident about going to the VSUs, are now attending the VSU Offices to present their case and ask for assistance.

In all VSU Offices visited by the Evaluation, clients provided examples on how VSU services had assisted them in getting their claims met, conflicts have been mediated and disputes settled. According to the interviewed clients, this had led to tremendous improvements in the quality of their own lives as well as in the lives of their family members (see Case Boxes 2 and 3 below). A combination of improvement in the VSU office infrastructure (in some places), training of VSU management and staff and increased awareness in the communities of VSU Offices (obtained e.g. through CCCI activities) has contributed to this impact.

49 The client often represents a case involving more family members, who would also have benefitted

50 The construction of three new VSU Offices and training of VSU officers took place mainly during 2009-11.

51 A decentralisation of Legal Aid Board Offices, extending the Legal Aid Board services from 5 to 10 provinces took place during 2008, with support from the AtoJ Programme.

Case Box 2

Florence is a widow with one young child. Her husband's relatives sold the land she inherited after his death. She was left with nothing and received no money from the sale. She first approached the Legal Aid Board and filed a case against her husband's family. The case went nowhere. She then approached VSU who brought all parties together and a settlement was reached whereby she received most of the money from the sale of the land. She has since bought a small piece of land and opened a small restaurant. She can now feed herself and her child.

Case Box 3

Mulenda's younger brother of 15 had sex with his girlfriend who was 14. The girl's parents approached the police and accused Mulenda's brother of defilement. A case that could have given him severe prison sentence. Mulenda sought the assistance of VSU who brought both families together. The girl admitted that she had consented to have sex with her boyfriend. Through a mediation process the families came to an agreement and compensation was paid by Mulenda's family.

Surveys have shown that a large majority of civil conflicts can be solved through mediation⁵² and the VSU and even registrars in the Legal Aid Board⁵³ sometimes try to mediate cases that are brought to them. In many cases VSU has been successful in solving minor conflicts despite not having formal training as mediators. This indicates an important area for future support and has the potential to alleviate the pressure on the courts with respect to smaller cases. Both the impact and sustainability of training groups in mediation could be great.

Around 2,000 prisoners have benefitted directly from AtoJ Programme support, either through release or from the prison conservation farming pilot projects. Although still in a small scale, the conservation farming has led to increased production of maize from 70 kg per hectare to 119 kg per hectare and thereby increased the food supply.

52 UNDP, A study of informal justice systems: access to justice and human rights. 2012.

53 The Team was informed that the registrars in the Legal Aid Board, despite not being trained to do so, often ended up mediating cases when they met with clients in the absence of a legal counsellor being present to look at the case and meet the client.

4 KEY EVALUATION FINDINGS

Table 4.5 Direct beneficiaries from training provided through the AtoJ Programme⁵⁴

Institution	Target Group	Subject	Number of people benefitted
All five justice institutions	Senior staff	Law and Justice Course in Denmark	40
Police/VSU	Police Prosecutors		65
	Investigating Police Officers		160
	VSU Staff	Orientation training	138
		Psychosocial counselling	70
Judiciary	High and Supreme Court Judges	Child protection issues	50
	Local Court Judges		60
	Registry Clerks		120
	Court Clerks		60
Legal Aid Board (LAB)	Lawyers	Legislative drafting	6
DPP	State Advocates	Workshops, various issues	30
Parole Board	Parole Board Officers		60

Source: Training Impact Assessment and Learning Needs Analysis for Zambian Justice Institutions, 2012.

Table 4.5 provides an overview of how many management and staff from the key justice sector institutions that have benefitted directly from different kind of training activities. In total, is estimated that more than 1,000 management and staff from the justice institutions in Zambia will have received training with support from the AtoJ Programme.

To these direct beneficiaries should be added an even larger but unidentified number of indirect beneficiaries who will have benefitted from improved capacity, coordination, communication and cooperation within and among justice sector institutions. These include CSOs as well as those who will have the potential to benefit from the studies, guidelines, audits, etc. that have been prepared with support from the AtoJ Programme. Finally, the general public will have benefitted for example from improved counselling from VSU officers who have been trained.

Although a real impact from the AtoJ Programme intervention through improvements in the overall case flow management within the justice system is not yet notable (see Section 4.2 on “Effectiveness”), there are examples that the knowledge within the justice institutions of the problems and challenges facing the justice sector has increased due to the support provided through the AtoJ Programme. The CCCIs present the best case on this. These institutions have been instrumental in establishing linkages between the justice sector actors and cooperation, coordination and communication between the partners at the provincial level. It came out clearly from all FGDs with CCCI members that the simple fact of networking and being able to contact colleagues in another part

⁵⁴ The table includes the main training activities supported. In addition to this, the AtoJ Programme has funded a number of workshops.

of the system when the need arises has been a great achievement. With the integration of the CSOs in the CCCIs, the poor and vulnerable now have a platform at which to present their cases.

The support provided by the AtoJ Programme to establish the Parole Board has included a package to get the parole system introduced i.e. support to the legislative process that enacted the law, training to parole board members and support to the implementation of its activities. The Parole system in Zambia has now become a model for other countries in the region.

Sustainability

Based on the interviews and FGDs carried out, the Evaluation found a strong perception among the key stakeholders that the two phases of the AtoJ Programme have contributed to establishing an irreversible process of improved coordination, communication and cooperation among justice sector institutions and organisations.

As experiences from other countries show⁵⁵, supporting access to justice is a long-term commitment that goes beyond the two AtoJ Programme phases. A good momentum has been gained and potentials have been identified for future, more targeted support to the sector. On the other hand, the situation within the sector is still fragile and a number of the initiatives that have been taken through the AtoJ Programme support are still in early stages of development. These include in particular the CCCIs. Encouragement and funding, even on a limited basis are essential for the CCCIs to continue.

There is therefore also a risk that the current momentum may be lost if confidence in and between justice sector partners is not continued and if no mechanisms are in place to ensure that successes are built on and replicated.

Through comprehensive and patient interventions, that have involved all levels of management and staff within the institutions, the AtoJ Programme has succeeded in changing the previous “culture” of the institutions working in isolation towards creating a general understanding of the justice institutions as “sector players”, where the performance and potential in one institution is mutually dependent on others. This move was reported by all key stakeholders as a tremendous step and an eye-opener. They indicated that this will prevail even when donor funding comes to an end.

The AtoJ Programme has contributed to the establishment of a platform and a ground for continued development of the sector. As explained elsewhere in this report, there are still a number of challenges facing the justice system in Zambia that will need to be addressed in a more strategic way. One of the main challenges will be to secure greater commitment from the GRZ to enable the facilitators such as the Judiciary and the Legal Aid Board to fully function in accordance with their mandate. Dealing with the Judiciary as an independent and high level institution is in itself a challenge

During the first half of 2012 the CCCIs and the TC put considerable effort into the development of a MoU, which would institutionalise the CCCI as platform at provincial level. The CCCIs have already demonstrated that they can operate without provision of

55 For instance, Danida’s involvement in the legal sector in Uganda from 1995 till date and in Vietnam from 1997 till date.

4 KEY EVALUATION FINDINGS

large amounts of external funding⁵⁶ and maintain a high meeting frequency and attendance, which is a good indication for continuation and sustainability.

The CCCIs are also showing good potential for identifying and replicating successes/best practices of low-cost initiatives across provinces and institutions. A joint CCCI meeting, with participants from all provincial chapters, was held in Livingstone in 2010 and members of the different CCCIs who attended this meeting reported that they gained a lot of inspiration some of which they had included in their own work plans for 2011 and 2012.

On the other hand, the Evaluation found little indication that the Child Justice Forum activities would be sustained. After the launching event, funded by the AtoJ Programme, it has not been possible to attract funding for carrying out activities. This has led to decreasing motivation among the participants and meeting activities have decreased and basically stopped in some of the provinces. A contributing factor has been that a number of the same justice institution representatives that were members of the Child Justice Forum have also become members of the CCCI, which now seem to be prioritised.

A number of other AtoJ Programme activities also seem difficult to sustain for the time being without external funding support. This goes for most of the training activities as well as for the maintenance of buildings and maintenance/renewal of the provided transport facilities (vehicles, motor bikes etc.) and for the computers and other equipment provided.

On the other hand, as mentioned in Chapter 2, the Zambian economy is on an expansive and positive trend which includes potentials for increasing of the revenue to the state and subsequent allocation of larger shares of GRZ funding in support of sector development. A gradual increase in the financial commitment by the GRZ to justice sector development would therefore be a natural requirement to be presented by Cooperating Partners when discussing future support to the sector.

The AtoJ Programme Phase I and II have not included an explicit exit strategy. Presumably, it was expected that the Danish support to the justice sector would have continued, if the decision to phase out the Danish development assistance to Zambia by 2013 had not been taken by the Danish Government. This leaves the justice sector in Zambia with a number of on-going processes that have been initiated through the AtoJ Programme. As discussed in Section 4.2 on “Effectiveness”, many of these processes are still at early stages and will need continued external support to be further developed and sustained. In this perspective, the signing of the MoU with GIZ/EU could be seen as good timing in view of the phasing out of the Danish support.

The contract with the International Technical Advisor ceased by the end of 2011 and was not extended although there could have been reasons for doing so. This has provided an opportunity to “test” how well the GS is able to facilitate the process without the assistance from the International Technical Advisor. The Access to Justice Specialist (National Expert) has gradually been taking over responsibilities from the International Technical Advisor, which could be seen as a good model for transfer of ownership and sustainability, although it has added challenges to the manpower capacity of the GS. It remains to be seen whether the lack of an International Technical Advisor will have an impact on the programme in the future.

56 Since the CCCIs started operating there has for various reasons been delays in the transfer of funds to them.

5 Conclusions

The following presents the main conclusions of the Evaluation:

Relevance

1. The overall design of the AtoJ Programme Phase I and II has been relevant as it i) supports the understanding that improving service delivery in the justice sector takes time; and ii) establishes a foundation for further development towards a justice sector wide approach, and for more targeted sector interventions. However, the Evaluation also finds that without a specific Zambian legal sector strategy to relate to, placing the AtoJ as a component within a wider “Governance Programme” (Danida) may have limited the possibility for a more comprehensive and deeper approach. A more direct dialogue at the institutional and corresponding policy level might have taken the effects of the programme even further⁵⁷.
2. The AtoJ Programme is addressing a number of relevant key bottlenecks within the justice system. However, given that there has been no overall strategy guiding the legal sector as a whole, there is still a need to further analyse the systemic/structural bottlenecks in the justice system in Zambia in view of continued support to the sector, for example through the CCCIs. Getting to grips with the bottlenecks and addressing them at the systemic level is a longer-term prospect which will include commitment from higher national policy and strategy levels.
3. Despite the lack of a national strategy for the legal sector, there has been a strong focus on ensuring Zambian ownership of the AtoJ Programme through alignment to the FNDDP. The AtoJ Programme is closely linked to the priorities within the FNDDP in relation to governance and justice, even with the proposed, broadly defined indicators.

Effectiveness

4. The Evaluation did not find evidence that the AtoJ Programme has fulfilled its overall objectives yet (in terms of reduced case back logs, increased number of cases disposed of and reduced share of prisoners on remand). Due to a combination of low performance within some institutions (Judiciary and Legal Aid Board) and a general rise in crime levels it has not been possible within the AtoJ Programme intervention period (2006-11), to achieve the anticipated overall development within the Zambian court system.
5. However, the AtoJ Programme has contributed to the establishment of a platform and prepared the ground for continued development of the sector. Through comprehensive and patient interventions, the AtoJ Programme has succeeded in changing the previous culture of the institutions working in isolation towards the creation of a general understanding of the justice institutions as “sector players”, with mutual inter-dependence and responsibility.

57 This assumption is based on experiences with earlier legal sector programmes in other countries such as Uganda, Mozambique and Vietnam.

5 CONCLUSIONS

6. The communication, coordination and cooperation between the justice sector actors have improved during the period of AtoJ Programme implementation. The establishment of the CCCIs has been instrumental in this regard, in particular at the provincial level. The inclusion of CSOs in the CCCIs has added value, in particular as it has contributed to a strengthening of the links and interaction between poor and vulnerable groups within local communities and justice sector institutions.
7. The AtoJ programme has positively encouraged the use of non-custodial sentences as a way of reducing prison overcrowding. However, there is currently no system in place. Other specific initiatives like the Parole Board and Prison Conservation Farming are showing promising results.
8. Data and record keeping and filing systems within the individual AtoJ institutions are in general showing signs of improvement, although the facilities in some places are insufficient. Lack of a computerised case management system has made it impossible to collate data electronically. There are a number of “pockets” in the system, where data is missing and/or consequently not collected/recorded correctly or where no handover takes place between previous and new registry staff. The lack of a more effective data system limits transparency and possibilities for effective planning within the justice system. This makes it more difficult to e.g. reduce the frequency of case adjournments and the number of remand prisoners.

Efficiency

9. Not all investments made by the AtoJ Programme have been cost-efficient: i) In some cases priority seems to have been given to investments that would ultimately only benefit relatively few (e.g. investment in a few, relative expensive offices instead of basic office improvements within more locations); ii) Only a limited number of the training activities have been based on needs assessments; and iii) the timing of some activities and outcomes has not been optimal (e.g. the “Situation Analysis”).
10. The advisors/specialists within the GS have been the “driving force” in moving forward the agenda and giving continuity to the AtoJ Programme interventions. The joint institutional AtoJ Programme work planning and budgeting sessions, and the flexibility in the implementation, have been facilitated by the GS through the advisors/specialists, and have been important as a way to create ownership and trust among the institutions.
11. The joining of GIZ/EU as a contributing Cooperating Partner to the AtoJ Programme through a MoU has, on the one hand, been a major achievement in terms of joint programming. On the other hand, the transaction costs incurred in terms of time and resources spent to formulate and implement the MoU have been high for the Cooperating as well as the National Partners.
12. The AtoJ Programme planning and implementation has not been guided by an operational M&E framework based on simple and measurable progress and results indicators and a baseline was never established for the interventions. The demand and use of data for analysis and subsequent planning purposes is limited within the justice institutions.

13. There have been challenges in terms of ensuring the full commitment from the GRZ (in terms of funding, time and policy support) including to the SC. In this situation, the GS has not had sufficient influence to raise more precarious matters at the higher policy levels.

Impact and sustainability

14. Between 30,000 and 40,000 poor and vulnerable people, in particular women and children, have benefitted from improved VSU services and access to the Legal Aid Board that have been supported through the AtoJ Programme interventions in the period from 2009-11. This impact has been obtained, mainly through the support provided to the CCCIs and the VSUs. There has also been an impact on the prisoners from the conservation farming pilot projects: Although still in a small scale, the conservation farming has led to increased production of maize and thereby increased the food supply to the prisons. In the bigger scheme of things the impact in terms of numbers assisted or directly impacted by the programme may seem small. However, what needs to be remembered is that the programme has only been active over a period of less than 10 years and it requires a much longer term to make fundamental changes to systems.
15. The extent the justice institutions would be able to continue and replicate a number of the interventions supported through the AtoJ Programme without continued external support is a concern at the moment due to the lack of a specific strategy for the sector and a budget to support it. This is particular the case for the investments in hardware (vehicles, computers, buildings) and for training activities, although the GRZ may have potential for increasing of commitment and funding support to the sector. More focus on replication and learning from best practices would increase the chances of sustainability, for example where dedicated clerks and registry staff are performing very well, despite the conditions.
16. Although the CCCIs have only been operational for a relatively short period, they have demonstrated that they can sustain with limited external funding support. The CCCIs have an ability to identify and replicate successes/best practices of low-cost initiatives across provinces and institutions. The current process of institutionalising the concept of the CCCIs to make them a permanent feature through legislation will obviously improve the sustainability aspect.

6 Lessons Learned and Recommendations

The findings and conclusions lead to the following lessons learned and recommendations from the Evaluation:

Programme management and framework

Lesson 1: The AtoJ Programme has shown that processes and commitments among the key stakeholders are crucial factors to the development of a complex justice system. Time and patience is needed to establish relations and confidentiality between the key players in the sector.

Recommendation 1: It is recommended that continued support to justice sector development in Zambia will build further on the momentum and the move towards a “justice sector wide approach” that has already been achieved through the AtoJ Programme. However, a stronger political and financial commitment from the GRZ would be required.

Lesson 2: A programmatic intervention period of 5-7 years is too short to achieve systemic impact within a complex national sector⁵⁸. The lack of a specific national legal sector strategy with prioritised plans has slowed down the growth potential of the justice sector as each and every institution in the legal sector requires special attention as does the interface between them.

Recommendation 2: Programmatic time-frames for justice sector interventions should be set realistically for objectives to be reached (typically not less than 10 years⁵⁹). Shorter timeframes should be reflected in less ambitious target-setting/objectives. A dedicated justice sector programme, which is not placed under a wider governance programme, may be able to pay more attention to the needs of the sector, including development of a justice sector strategy.

Lesson 3: Without clear national strategic guidance and identification of priorities, needs and bottlenecks, it is very difficult to effectively tackle the deeper systemic and structural bottlenecks within a complex justice system.

Recommendation 3a (short-term): It is recommended that an “Approach Paper” will be prepared for developing of a Justice Sector Reform Strategy in Zambia. The Approach Paper should outline a roadmap for the strategy process and identify best practices from similar strategy processes in other African countries (e.g. Uganda).

Recommendation 3b (medium-term): Based on the Approach Paper, a Justice Sector Reform Strategy should be elaborated, including a related investment programme and action plan, and formation of a “justice sector” in the government budget planning process. The strategy should be based on a comprehensive assessment of key bottlenecks of the justice system and define targeted actions on how to overcome these. Lessons learned and analyses carried out through the AtoJ Programme should provide valuable

58 A similar lesson was drawn from the “Evaluation of Programmatic Approaches to Support for the Environment in Africa, 1996-2009”, Danida, 2010.

59 This is in line with experiences from other Danida funded justice sector interventions e.g. in Mozambique and Vietnam.

inputs to the strategy process. It will be important that the strategy becomes flexible enough to adjust to changes over time, especially political changes.

Lesson 4: When there is limited national government commitment at the policy and implementation level, on the one hand, and insufficient back-up by strategies, budget and management support on the other hand, the implemented activities will rarely lead to the expected results. A focus on Zambian ownership has been honoured by the cooperating partners in the AtoJ Programme possibly to the detriment of certain activities or institutions. The Legal Aid Board is a case in point.

Recommendation 4: A future management set-up for justice sector support in Zambia should strive for a balance where the higher level policy dialogue and commitment is more explicitly linked and committed to the intervention process. To make this happen, support may be required from a dedicated and independent facility (secretariat) in the short to medium term (should be closely linked to the process of developing a Justice Sector Reform Strategy, see Recommendation 3).

Lesson 5: There can be a trade-off between focusing on alignment, national ownership and sustainability issues on the one hand and on cost-efficiency and immediate results on the other hand.

Recommendation 5: It is recommended to carefully balance the focus on short-term results with the need for developing sufficient capacity within the national justice sector to be able to carry on with the processes and activities at a time when external funding support will cease. This should include consideration of exit strategies, in addition to plans for how the national justice system will be able to sustain and maintain the provided buildings, equipment and vehicles and continue development of management and staff capacities.

Lesson 6: When Cooperating Partners apply different approaches and procedures to development assistance it may impede planning and implementation of joint programming and eventually lead to decreased motivation and ownership by the National Partners.

Recommendation 6: It is recommended that Cooperating Partners with intentions to provide continued support to the justice sector in Zambia carefully assess how any possible change in approaches and procedures may negatively affect programme implementation, in order to mitigate any inefficiencies.

Lesson 7: Achievement of impact from training and capacity development at institution levels are medium to long-term processes, in particular within complex governmental structures.

Recommendation 7: It is recommended that planning of further training and capacity development within the justice sector in Zambia will be more explicitly based on a result-oriented framework (such as e.g. the Result-Oriented Approach to Capacity Change

(ROACH⁶⁰). This includes proper assessment of contributing as well as limiting factors for application of improved individual and institutional capacities within broader institutional frameworks, including training needs assessments, establishing of more transparent procedures for selecting of participants for training as well as mechanisms for institutional sharing of learning and knowledge gained by the training participants.

Lesson 8: When programme planning and implementation are not guided by baselines and specific and targeted indicators, it becomes difficult to manage a programme from a results-based perspective.

Recommendation 8: It is recommended that further support to the justice sector in Zambia should more explicitly introduce M&E as an integrated element of planning and implementation. Care should be taken that the development of a M&E system will be demand-driven and user-oriented and that potential capacity issues by the institutions/staff involved will be addressed up front.

Programme design

Lesson 9a: A well-functioning justice system requires that all justice institutions are performing according to their mandate. If just one institution is under performing it can seriously affect the performance of the whole system (the Legal Aid Board is a case in point and to some extent also the Judiciary).

Lesson 9b: CSOs have become important players in securing access to justice not only through legal aid but also by providing services such as sensitisation, legal education and advice, counselling and mediation, which are key to improve the legal literacy of the communities and empowering them to claim their rights.

Recommendation 9: It is recommended that future support to the justice sector should in particular address managerial and systemic challenges within those institutions that are currently facing the most serious challenges, i.e. Legal Aid Board and the Judiciary, including development and implementation of a new Legal Aid Policy and Manual, which should include clarification of roles and functions for legal aid service provision between the Legal Aid Board and civil society based legal aid service providers⁶¹.

Lesson 10: The experience from the AtoJ Programme interventions shows that good communication, coordination and cooperation among justice sector institutions is a necessity for the achieving of wider systemic impacts in the sector. The CSOs can play an important role as “bridge makers” between communities and justice institutions.

Recommendation 10: It is recommended that further developing and strengthening of communication, coordination and cooperation among justice sector institutions will be the focus also of continued support to the justice sector in Zambia. In particular, the CCCIs should be supported towards further institutionalisation⁶² and continuation

60 The ROACH is an important Danida methodology that has informed the Danida’s Guidance Note on Danish Support for Capacity Development. According to ROACH, both internal factors (changes in task and work plans, changes in incentive structures, changes in internal power and authority distribution etc.) as well as external factors (budgetary reforms, legal changes, civil-service reforms, changes in distribution of power and authority of external partners etc.) are important to consider as integrated elements of organisational/institutional analysis (see e.g. “A Results-Oriented Approach to Capacity Change”, Danish Institute for International Studies, Danida, 2005.

61 The report on “Mapping of Legal Aid Service Providers” could be useful in this respect.

62 The current process of MoU signing will be an important step in this direction.

of the good experiences from interaction with CSOs. It should be considered to include the Child Justice Forums into the CCCIs at the provincial levels.

Lesson 11: Non-custodial sentences and innovative approaches have potential for reducing prison overcrowding and at the same time provide other benefits to Prison Services and the prisoners.

Recommendation 11: It is recommended to continue the piloting of innovative approaches to the persistent case backlog in the court system and prison overcrowding. Specific initiatives to consider should include:

- Support an extension of the Prison Conservation Farming area and farming activities in line with the recommendations in the National Prison Audit and the Gap Analysis on prison farms. After completing the pilot activities on Prison Conservation Farming, with promising results, external support will be needed for a period of time to support the integration and consolidation of the new concept into prison farm management⁶³. In addition to improving overall prison conditions in Zambia (less overcrowding), the Prison Conservation Farming has the potential to provide skills development and rehabilitation of prisoners on the one hand while making prisons self-sufficient in food supply and saving costs on the other hand.
- Support the possibility for a strengthening of the Parole Board set-up at provincial level. The first experiences with the Parole Board have been successful and there may be potential for further development of the concept within Zambia.
- Support the introduction of community service. This will in the first instance require support to a review of the penal code and the criminal procedure code to regulate these services. This could be an opportunity to cooperate with local governments.
- Formal introduction of mediation. Surveys elsewhere⁶⁴ had shown that about 80% of civil conflicts can be solved through mediation and that this can potentially keep a large proportion of cases out of court and thereby relieve the number of cases pending in the system. In Zambia, this could be done by training VSU officers and legal aid providers in facilitative mediation and introducing a “multi-door court system”⁶⁵ in one or two courts on a pilot basis.

Lesson 12: In the drive to focus on where the problems are, there is a tendency that the pockets of success are forgotten.

Recommendation 12: It is recommended to focus more explicitly on the pockets of success to the extent that these exist and emerge and a willingness to learn from these and replicate them where there are opportunities. The AtoJ Programme interventions have resulted in the emerging of “success pockets” around the country which provide further potential for replication (e.g. Court Clerks and Legal Aid Board Registrars that in some places maintain exceedingly high standards that are never valued neither at the institutional nor at the systemic level).

63 Based on discussions with Zambian Prison Services Management.

64 Danida programme in Bhutan.

65 Reference is made to the work of Professor Frank Saunders and the multi-door court system of Nigeria.

Annex 1 Terms of Reference

Evaluation of the Access to Justice Programme in Zambia, 2006-11

1. Introduction/Background

The Government of Zambia (GRZ) is committed to “A Zambia where the citizens and the communities they live in have an opportunity to earn a dignified living, to raise healthy and educated families and to participate in economic, political, cultural and social decision making in a safe secure environment with respect for the constitution and fundamental rights and where rule of law prevails”⁶⁶. The Access to Justice Programme (AtoJ) supports these aims by helping to improve the performance of key sector institutions, policies and practices and by strengthening the AtoJ Programme’s ability to create an environment where grievances can be addressed, economic growth can be stimulated and poverty reduced.

A new Sixth National Development Plan (SNDP) covering the period 2011-15 has confirmed support to the administration of justice within the area of governance with the main focus, however, being on infrastructure support. To oversee and advise on the priority areas within the area of Governance, including AtoJ, GRZ has established a Governance Secretariat (GS) in the Ministry of Justice.

The AtoJ Programme started as a component of the Danida funded Thematic Programme on Good Governance and Democratisation, Phase I with a planned time frame from April 2005 to April 2008 and an actual implementation period from April 2006 to June 2009. It has continued as a component within the Programme, Support to Good Governance in Zambia, Phase II with a planning period from June 2009 to December 2012. In April 2006 when implementation started it was found that there was little ownership to the programme from the Zambian partner institutions and an incoherent logic in the programme design.

The programme therefore embarked on a substantial revision process during the inception phase with the aim to strengthen ownership and streamline the logic. Maintaining the same objectives, the inception report developed through a consultative process involving the AtoJ Technical Committee and submitted in June 2006 introduced six outputs, more than 50 potential activities and included the police and prisons as partner institutions. This then became the framework for the AtoJ Programme, which was approved by the SC in October 2006 and used as the basis for reconciliation with the Administration of Justice priority area in the Governance Chapter of the Fifth National Development Plan (FNNDP).

Based on this framework an AtoJ strategic plan also referred to as the AtoJ Programme Document 2009-11 was developed by the TC in June 2007 and approved by the SC in September 2007. Since January 2009, the AtoJ Programme has been implemented through a Strategic Plan covering the period 2009-11, which has been extended until December 2012. The goal of the Access to Justice Programme is “easier access to Justice

⁶⁶ This is the Super Goal as defined in the Fifth National Development Plan (FNNDP) to which the AtoJ Programme has been aligned.

for all, including the poor and vulnerable, women and children”. The immediate objective according to the programme document is “improved performance of their mandates by justice agencies”.

The implementing institutions of the AtoJ Programme include the Police, Director of Public Prosecutions, Legal Aid Board, the Judiciary and the Prisons.

In order to plan for and monitor the implementation of the AtoJ Programme the following structure has been put in place:

- *A Steering Committee* consisting of heads of agencies for strategic policy setting and guidance across the AtoJ sector
- *A Technical Committee* consisting of Task Managers from the implementing agencies for strategic planning, monitoring and supervision as well as coordination between the AtoJ sector institutions
- *Planning Units* in each of the five implementing agencies consisting of existing institutional bodies for planning and budgeting and including the Task Managers for intra institutional coordination of the AtoJ Programme activities and integration into institutional administration and management

Funding to the AtoJ Programme amounts to the following:

- Danida, March 2006-December 2009: DKK 32.20 million
 - Danida, January 2010-December 2012: DKK 30.00 million
 - German Government, January 2011-December 2013: USD 1.80 million
 - EC, January 2011-December 2013: USD 6.52 million
- GRZ, on-going funding provided to AtoJ institutions

The AtoJ Programme includes seven outputs/outcomes⁶⁷ as follows:

- Outcome 1: Improved Communication, Cooperation, Coordination
- Outcome 2: Improved Competencies of Personnel
- Outcome 3: Improved Accessibility of Justice institutions
- Outcome 4: Improved legislative process and policy framework
- Outcome 5: Increased public awareness of human and civil rights, judicial procedure and remedies
- Outcome 6: Improved record keeping and information management within and across justice agencies
- Outcome 7: Programme management strengthened.

Danida has provided funding for implementation of good governance and access to justice issues in Zambia since 2006 (under the Good Governance and Democracy Programme). Since the beginning of 2011 and up to the end of 2013 additional funding has been and will be provided by EU through a delegated cooperation to GIZ with some separate funding also provided by the German Government.

⁶⁷ As part of the development of a more robust M&E system during 2011, the results framework of the AtoJ framework is being changed. The former outputs have been rephrased as outcomes. New outputs have been defined under each of the outcomes and a new layer of Use of Outputs has been introduced.

GRZ has provided in kind contributions to the AtoJ Programme through the secondment of staff to implement the programme as Task Managers – in addition to their normal duties vis-à-vis their respective institutions – by making office space available for technical support staff as well as by providing funding for entitlements in terms of allowances to government officials. In addition, GRZ budget allocations to the five AtoJ institutions have to some extent been coordinated with and complemented funding from the three donors for implementation of the AtoJ annual work plans.

Experience from the first phase of the AtoJ Programme (2006 to 2011) suggests that important achievements have been made. Examples include the following:

- The cooperation between the five justice institutions, including jointly looking at problems affecting the sector and at possible solutions, has been improved through regular meetings at technical and head of institutions level, joint study tours, workshops, training programmes etc. Various trainings organised by the program have contributed to increase the competence of personnel in legal drafting, psychosocial counselling, parole hearings, management of files and leadership skills of personnel in justice institutions
- The physical accessibility of justice institutions has been improved through the construction of the Victim Support Unit (VSU) of the police, a Parole Board office, Local Courts and the procurement of vehicles by various justice institutions.
- Substantial improvements of the legislative framework through the introduction of community services, the Parole Act, the National Prosecutions Authority Act and a baseline survey that paves the way for the implementation of the Act,.
- The production of information, education and communication (IEC) materials as well as awareness raising activities of the programme at provincial level has contributed to raise the awareness on public and human rights.
- Training of registry clerks, acquisition of computers and filing cabinets has improved the record management within the institutions.

2. Purpose and objectives of the evaluation

A new strategic plan will be developed during the second half of 2012. The overall purpose of the evaluation is to inform the GRZ on the relevance, efficiency, effectiveness, sustainability and impact of the AtoJ programme. It will comprehensively assess and document the way in which the AtoJ Programme has contributed to the achievement of results and to identify conclusions, lessons learned and forward-looking recommendations for the continued improvement of AtoJ in Zambia that can be used as input to the development of a new strategy. To achieve this, the evaluation must assess the AtoJ Programme as the combined efforts of GRZ and donors to achieve the goal of easier access to justice for all.

The specific objectives of the evaluation are to assess and, provide recommendations relating to:

- The progress of the programme in terms of implementation of activities, achievements of outputs, emerging outcomes and if possible impact
- Management issues, financial management (including disbursement and expenditures) and the monitoring framework of the programme
- The capacity development support provided by the programme, incl. the technical assistance provided
- Key constraints for the implementation of the programme in terms of relevance, effectiveness, efficiency, sustainability and impact

3. Key questions and scope of work

Overall, the evaluation is expected to shed light on the following questions:

- How, why and to what extent has the *Zambian AtoJ Programme* during the period 2006-11 achieved the intended results?
- Have any unintended processes or results (be they positive or negative) occurred?
- What lessons can be learned from the above that can be used as input for the development of a new strategic plan?
- To what extent has the cooperation between GRZ and donors contributed to the achievements and difficulties of the Programme? What measures should be taken to enhance ownership of the Programme by *Zambian stakeholders*? What strategy should be followed by GRZ to obtain and utilize effectively and sustainably future donor contributions?

It should be noted that the different criteria can to some extent be seen as interlinked, as when the issue of sustainability has implications for the prospects of achieving longer-term impacts. The evaluation is expected to consider such important inter linkages where relevant. An outline of evaluation questions for the different criteria is indicated below. If necessary, these questions need to be adapted to the specific context and the characteristics of the *Zambia administration to justice process*.

Relevance

Relevance addresses the extent to which the objectives and activities of a development intervention – in this case the *AtoJ Programme* – are consistent with country needs and priorities, beneficiaries' requirements, and partners' and donors' policies. To evaluate the relevance of the *AtoJ Programme* as well as the support provided by donors to *AtoJ* in *Zambia*, it should be assessed to what extent this support has responded to the needs of the administration of the justice process, i.e. whether it has tackled the key causes and drivers of bottlenecks in that process as identified.

Specific questions to consider include:

1. Is the AtoJ Programme in Zambia based on an adequate (and up-to-date) understanding of the bottlenecks in that process, and does it address the relevant causes, key dynamics and driving factors of limited access to justice?
2. To what extent has the objectives and activities of the AtoJ Programme in Zambia been in line with the (evolving) Zambian needs, priorities and policies, including the needs, priorities and rights of the Zambian people?
3. Has the AtoJ Programme been able to respond to short-term and long-term needs of the Zambia administration of justice process in a balanced manner?
4. Are the activities and outputs of the programme consistent with the intended impacts and effects?

Effectiveness

Effectiveness is a measure of the extent to which the interventions' – in this case the AtoJ Programmes – intended outputs and outcomes have been achieved. To evaluate the effectiveness of the AtoJ Programme, the key question is to assess whether the Programme has reached – or contributed to – its intended results (objectives) in a timely fashion, and if it did not or not fully achieve its intended results, why not?

Further, as the development of an effective justice sector is a long-term effort, for some areas it may be more relevant to assess whether progress is made towards the intended results, rather than whether results have been achieved. An important consideration in this regard is the different levels of interventions and overall results; e.g. the distinction between technical and political issues and results. Here, it may be relevant to distinguish between 'programme effectiveness' (i.e. did the programme achieve its stated objective) and effectiveness of the administration of justice process' (i.e. did the programme contribute to that process). Where relevant and possible, evaluators should thus assess the AtoJ Programme in view of the development of the wider administration of justice effectiveness. Further, when a clear line cannot be drawn, the evaluators must address the issues in as transparent a manner as possible, indicating the reasoning and the analysis, as well as the implications thereof.

Specific questions to consider include:

5. To what degree, how and in what respects has the AtoJ Programme in Zambia fulfilled its overall objectives, or making progress to do so? What major factors are contributing to achievement or non-achievement and progress/lack thereof?
6. Has the AtoJ Programme taken the specific needs of vulnerable groups into consideration?
7. Has the programme strategy worked as envisaged? Has the Theory(ies) of Change (the programme strategy leading to an impact on easier access to justice for all and the adoption of an agenda for reform) of the AtoJ Programme and its different elements been justified?

8. What has been the basis for selection of AtoJ Programme partners, has selection been appropriate/worked as intended, and what have the implications for results been? What has been the involvement of civil society and what further potential for the involvement of civil society can be expected and how should this be developed? What has been the experience of the CCCI (Communication, Coordination and Cooperation Initiative) committees in the pilot areas in terms of testing of innovative and low cost/no cost initiatives to improve access to justice from the perspective of improved communication, coordination and cooperation and in terms of roll out and what further potential can be expected and how should this be developed?

Efficiency

Broadly speaking, efficiency is a measure of whether the financial and human resources are used as fruitfully as possible, to allow results to be achieved in a cost-effective manner. When evaluating the AtoJ Programme, with many interlinked elements and a high need for flexibility, comparison with other options is only expected to be feasible to a very limited degree. However, the issues of synergies, division of labour, transaction costs and planning/flexibility to optimize use of resources should be explored. The issue of efficiency in light of short-term and longer-term results should be considered.

Specific questions to consider include:

9. What has been the balance between planning and management versus flexibility and risk-willingness, and with what implications? To what degree has the AtoJ Programme been implemented in line with plans and budgets? Why/why not and with what implications?
10. Were activities cost efficient?
11. Were objectives achieved on time?
12. Was the programme or project implemented in the most efficient way?
13. To what extent, and why, has the use of funding modalities (allocations through the GS versus funding administered by GIZ) been cost effective and efficient in the context of Zambia? What trade-offs have been encountered when deciding on modalities of support and ways of working, and what are the implications for efficiency and what is the likelihood of moving towards basket funding support in the longer run and better complementarity between GRZ provision as part of the MTEF and annual budget allocations and the funds provided by donors followed by sector budget support (when considering the need for both short-term results and longer-term results and sustainability)?
14. How has the general management of the AtoJ Programme been addressed, (steering, management, organisational and governance structures and procedures)?
15. What have the implications in terms of effectiveness and efficiency been of the status of the AtoJ Programme within the GS versus a more independent status and what are the recommendations for the new strategy of the AtoJ Programme?

16. To what extent have progress and achievements of the AtoJ Programme in Zambia been monitored, and to what extent have the outcomes of this monitoring been used to improve programming and/or learning purposes?
17. How cost efficient has the implementation of the AtoJ Programme (funds, expertise) been? Which costs were incurred in relation to achieved results?

Sustainability and impact

Sustainability is a measure of whether the benefits of development interventions – in this case the AtoJ Programme – are likely to continue after external support has been completed. The sustainability of the AtoJ Programme in Zambia depends on several factors, some more immediately linked to the support provided to access to justice and others linked to the overall development situation in the country. The support for institutional and managerial capacity development is a key factor in ensuring sustainability.

Impact is a measure of all significant positive and negative, primary and secondary wider effects of a development intervention on its beneficiaries and other affected parties. It considers the wider social, economic and other intended and unintended effects of the intervention. In the case of Zambia, the impact criterion is used to identify and evaluate the effects of the AtoJ Programme on the administration of justice process. These effects can be relatively immediate or longer term. It is not necessary to hold interventions in Zambia to an ultimate standard of “achieving 100% access to or administration of justice”. Rather, the evaluation should identify the effects of the interventions on the key driving factors and actors of the administration of justice process as identified by the problem and stakeholder analysis.

Impact and sustainability can be seen as interlinked; since impacts are concerned with wider and long-term effects, the sustainability of the interventions is an important aspect of whether more immediate outputs and outcomes will lead to longer-term impacts, and whether early signs of impact will be able to mature. Thus, it is suggested that sustainability and impact are assessed with attention to this interplay.

The following evaluation questions should be included when assessing the sustainability and early signs of impacts:

18. What has happened as a result of the programme?
19. What real difference has the programme made to the beneficiaries?
20. How many people have been affected?
21. To what degree have the selected aid modalities, choice of partners etc. supported ownership at all levels, and as such longer-term sustainability and impact? What trade-offs have been encountered, and what have the implications been?
22. When looking at the overall picture of the AtoJ Programme, its achievements and results, areas of progress or lack thereof, what are the prospects that the benefits of the programme will continue after donor funding ceases? What enabling factors or major threats (including “spoilers”) which influenced the achievement or non-achievement of sustainability of the programme can be identified? How have issues of risk mitigation and exit strategy considerations been addressed?

23. In a forward-looking perspective: what issues and priorities should be considered for the further support to access to justice and development in Zambia, to enhance impact of support and sustainability?

While exploring and answering these questions is in itself an important part of the evaluation and will constitute a substantial part of the work, they should further form basis for elaborating lessons learned and recommendations that can be used as input to develop a new access to justice strategy.

4. Approach and methodology

The evaluation will be conducted in line with the Danida Evaluation Guidelines (2012) and the OECD/DAC standards for evaluations.

As indicated above, the intention is to get an evaluation that is as comprehensive as possible with regards to the status of implementation of the AtoJ Programme. Thus, it is expected to be a demanding task, both in terms of data collection and analysis. At the same time, the time and resources available for the evaluation exercise are limited. This means that the final approach and the specific methodology can only be decided after a thorough first assessment of the information at hand, existing studies, data sources and quality etc., to get the best possible match between evaluation purpose and questions, analytical approach, selection of cases/sample for in depth investigation and data collection. The final decisions concerning approach and methodology of the evaluation will be made during the inception phase and should take into account the time and resources available for the evaluation as well as the quality and coverage of monitoring data.

Inception phase

The inception phase will start with a comprehensive desk study of existing information: Existing reviews, study reports, research, progress reports, etc. must be assessed and distilled, in a manner that allow this to be presented as a separate pre-study report. The desk review of existing information will inform final choices concerning the precise scope/coverage, focus of the evaluation and analytical priorities within the framework of the ToR. These choices will be made as part of the inception phase.

Data collection and analysis

The data collection should be defined by the analytical needs. By implication, it is expected that a carefully selected mix of qualitative and quantitative methods will be applied, to ensure that existing data is supplemented as effectively as possible. Key informant interviews, both with Cooperating Partners (CPs) and external actors are expected to be an important part hereof. Further, the data collection must be aimed at exploring and assessing more specific results. Sufficient resources should be spent on fieldwork in Zambia, both in Lusaka and in other areas.

The evaluation should follow Danida's Evaluation Guidelines (2012) and the DAC Evaluation Quality Standards (2010). It should consider the OECD/DAC Handbook (2007) on Security Sector Reform that provides guidance on evaluations also in relation to access to justice.

5. Outputs

The outputs of the assignment shall include:

An Inception Report, in draft(s) and final version(s), not exceeding 25 pages excluding annexes. The report should include a thorough presentation of the context. The inception report should outline an overall understanding of the dynamics and challenges and map out and explain the related theories of change of relevance to the AtoJ Programme.

The inception report must further present a detailed evaluation matrix based on the evaluation questions, indicating and explaining any proposed revisions, based on the information collected and the initial overview. This includes a clear outline of the suggested focus of the evaluation and analytical priorities thus defining/making suggestions for the precise scope/coverage of the evaluation. A detailed proposal for methodology and data collection approach, quantity and quality of the available information and expected sources of additional information and the work plan for the main phase of the evaluation must be included. An outline of the expected structure of the evaluation report must be included as well.

The draft(s) and the final version of the report are to be submitted to the Evaluation Department for assessment and final approval. As part of this process, the evaluation department will invite comments from the Reference Group and possibly other stakeholders.

An Evaluation Report in draft(s) and final version(s) (not exceeding 50 pages, excluding annexes, to be delivered in word and pdf files, with cover photo proposals (in high resolution). The report must include an executive summary of maximum five pages, introduction and background, presentation and explanation of the methodological approach and its analytical implications, presentation of findings and the evidence behind conclusions as well as lessons learned and forward-looking recommendations.

It is expected that lessons learned and recommendations will point to “good” practice as well as areas of improvement so as to enhance learning. It must be clear, who the specific recommendations are aimed at (whether it be GRZ or donors individually or as a group or other actors, etc.).

The report can include annexes to present important information (e.g. on fuller sets of theories of change, specific analytical areas, in depth explanation of methodology etc.), in order to create a main report which is accessible and clear, while allowing the reader to gain a transparent more nuanced understanding of the content and analysis of the report, its internal and external validity etc.

The draft(s) of the evaluation report (normally a draft, revised draft, and final draft) including annexes is to be submitted to the Evaluation Department for assessment and final approval. As part of this process the evaluation department will invite comments from the Reference group and possibly other stakeholders. **Debriefing notes and presentations:** The evaluation team /team leader is expected to present the findings to the Reference group and other relevant stakeholders in Zambia on two occasions:

- Debriefing note/presentation of ‘emerging findings’ towards the end of the data collection mission
- Presentation of the draft report at a stakeholder seminar/workshop in late August aimed at wider group of possible users of the evaluation.

6. Evaluation process and work plan

Key expected milestones are:

Period	Action/activity
April / May 2012	Tender Procedure
Late May 2012	Signing of contract with winning evaluators
Late May 2012	Initial start-up meeting in Copenhagen with Danida’s Evaluation Department (EVAL).
29 May-15 June 2012	Desk study phase. Literature study/document review; establishing first overview of core support and related areas; refinement of approach etc.
15 June 2012	Submission of ‘Draft inception report’
22 June 2012	Submission of comments to ‘Draft inception report’ and reach agreement on work plan for evaluation; including field visits
27 June 2012	Submission of ‘Final inception report’
29 June 2012	Approve ‘Final inception report’
2-20 July 2012	Data collection, field visits
20 July 2012	Presentation of ‘Emerging findings’ to Reference Group and possibly other key stakeholders
10 August 2012	Submission of ‘Draft report’
24 August 2012	Submission of comments to ‘Draft report’
Last week of August 2012	Seminar/Workshop in Lusaka on ‘Draft report’. Reference group and wider group of stakeholders.
12 September 2012	Submission of ‘Revised draft report’
21 September 2012	Submission of comments to ‘Revised draft report’
Late September 2012	Final evaluation report submitted, subject to approval by EVAL

The workplan is subject to revisions, following discussions between EVAL, selected evaluation team and the local reference group.

The full text of the ToR can be found on www.evaluation.dk

Annex 2 Evaluation Matrix

Evaluation Criteria	Evaluation Questions	Proposed Indicators	Means of Verification
<p>Relevance</p> <p>Addresses the extent to which the objectives and activities of a development intervention – in this case the AtoJ Programme – are consistent with country needs and priorities, beneficiaries’ requirements, and partners’ and donors’ policies.</p>	<p>1. Is the AtoJ Programme in Zambia based on an adequate (and up-to-date) understanding of the bottlenecks in that process, and does it address the relevant causes, key dynamics and driving factors of limited access to justice?</p> <p>2. To what extent has the objectives and activities of the AtoJ Programme in Zambia been in line with the (evolving) Zambian needs, priorities and policies, including the needs, priorities and rights of the Zambian people?</p> <p>3. Has the AtoJ Programme been able to respond to short-term and long-term needs of the Zambian administration of justice process in a balanced manner?</p> <p>4. Are the activities and outputs of the programme consistent with the intended impacts and effects?</p>	<p>• Extent to which stakeholder meetings and document review confirms the AtoJ programme design and how it has related to changes over time.</p> <p>• Extent to which AtoJ Programme intervention logic is coherent with relevant national strategies and policies.</p> <p>• Extent to which the AtoJ Programme interventions have been in support of both long-term and short-term needs.</p> <p>• Extent to which the programme has been able to adapt to unforeseen changes.</p> <p>• Extent to which the AtoJ Programme design is (theoretically) coherent.</p>	<p>• AtoJ Programme design discussed in stakeholder meetings and “tested” during field visits.</p> <p>• Review of recent assessments of the situation in the justice sector in Zambia (including the “Situation Analysis” (2012)).</p> <p>• Review of Zambian key strategy and policy documents related to “Access to Justice” developed prior to and during the AtoJ Programme intervention, including the Fifth and Sixth National Development Plans and Vision 2030 for Zambia.</p> <p>• FGDs and Interviews with key stakeholders.</p> <p>• Review of Zambian key strategy and policy documents related to “Access to Justice” developed prior to and during the AtoJ Programme intervention, including the Fifth and Sixth National Development Plans and Vision 2030 for Zambia.</p> <p>• Review of minutes from SC meetings and Progress Reports.</p> <p>• Interviews with representatives from the access of justice administration.</p> <p>• Review of Programme documents (assessment of log-frame and programme intervention logic).</p>

Evaluation Criteria	Evaluation Questions	Indicators	Means of Verification
<p>Effectiveness Effectiveness is a measure of the extent to which the interventions' – in this case the AtoJ Programmes – intended outputs and outcomes have been achieved.</p>	<p>5. To what degree, how and in what respects has the AtoJ Programme in Zambia fulfilled its overall objectives, or making progress to do so? What major factors are contributing to achievement or non-achievement and progress/lack thereof?</p>	<ul style="list-style-type: none"> Extent to which observed changes in relevant indicators within the AtoJ Programme period are in line with the programme objectives. 	<ul style="list-style-type: none"> Review of Progress Reports and assessment of additional M&E data available from the Government Secretariat and the five AtoJ institutions (at central and decentralised level). Interviews and FGDs with key stakeholders will be used to determine major factors contributing to achievement/non-achievement.
	<p>6. Has the AtoJ Programme taken the specific needs of vulnerable groups into consideration?</p>	<ul style="list-style-type: none"> Extent to which implemented programme activities are including support to vulnerable groups. 	<ul style="list-style-type: none"> Review of work and activity plans. FGDs with representatives from vulnerable groups (Lusaka and provinces).
	<p>7. Has the programme strategy worked as envisaged? Has the Theory(ies) of Change (the programme strategy leading to an impact on easier access to justice for all and the adoption of an agenda for reform) of the AtoJ Programme and its different elements been justified?</p>	<ul style="list-style-type: none"> Extent to which the programme objectives have been achieved through the causal links established by the programme intervention logic. 	<ul style="list-style-type: none"> Review of programme documents, progress reports and recent studies/analyses of the access to justice “sector” in Zambia. Interviews and FGDs with programme stakeholders. Site visits. Review of case statistics with participating institutions.

Evaluation Criteria	Evaluation Questions	Indicators	Means of Verification
Effectiveness Effectiveness is a measure of the extent to which the interventions' – in this case the AtoJ Programmes – intended outputs and outcomes have been achieved.	8. a) What has been the basis for selection of AtoJ Programme partners? Has selection been appropriate/worked as intended, and what have the implications for results been? b) What has been the involvement of civil society? What further potential for the involvement of civil society can be expected and how should this be developed? c) What has been the experience of the CCCI (Communication, Coordination and Co-operation Initiative) committees in the pilot areas in terms of testing of innovative and low cost/no cost initiatives to improve access to justice from the perspective of improved communication, coordination and co-operation and in terms of roll out and what further potential can be expected and how should this be developed?	a) Criteria for Partner Selection. b) Extent to which Civil Society has been/will be involved in planning and implementation of programme activities. c) Extent to which the CCCI activities are leading to improved access to justice.	a) Meetings/interviews with key programme stakeholders. b) Meetings/interviews with key programme stakeholders, including civil society representatives and clients of institutions. c) Visit to 5 out of 8 established CCCI's (Lusaka, Kabwe, Ndola, Kitwe and Manza). FGDs with members of the CCCIs. Review of minutes from CCCI meetings. Compare case load statistics from the various participating institutions.

Evaluation Criteria	Evaluation Questions	Indicators	Means of Verification
Efficiency Efficiency is a measure of whether the financial and human resources are used as fruitfully as possible, to allow results to be achieved in a cost-effective manner.	9. a) What has been the balance between planning and management versus flexibility and risk-willingness, and with what implications? b) To what degree has the AtoJ Programme been implemented in line with plans and budgets? Why/why not and with what implications?	a) Extent to which issues on, respectively, planning/management and flexibility/risk management is reflected in the minutes from meetings and in interviews. Extent to which the plans for the programme have been changed and adapted in accordance with changes over time. Extent to which implications can be documented. b) Extent to which activity and disbursement targets have been met.	a) Review of minutes from SC and TC meetings. Interviews with key stakeholders. b) Review of progress and financial reports/audits.
	10. Were activities cost efficient?	• Comparison of realised programme budget figures vs. implemented activities.	• Review of progress and financial/audit reports.
	11. Were objectives achieved on time?	• Extent to which time schedules are followed.	• Review of progress reports.
	12. Was the programme or project implemented in the most efficient way?	• Extent to which the same programme objectives could have been reached for less cost.	• Review of progress and financial/audit reports and programme reviews. • Interviews with key stakeholders.

Evaluation Criteria	Evaluation Questions	Indicators	Means of Verification
<p>Efficiency Efficiency is a measure of whether the financial and human resources are used as fruitfully as possible, to allow results to be achieved in a cost-effective manner.</p>	<p>13. To what extent, and why, has the use of funding modalities (allocations through the GS versus funding administered by GIZ) been cost effective and efficient in the context of Zambia? What trade-offs have been encountered when deciding on modalities of support and ways of working, and what are the implications for efficiency and what is the likelihood of moving towards basket funding support in the longer run and better complementarity between GRZ provision as part of the MTEF and annual budget allocations and the funds provided by donors followed by sector budget support (when considering the need for both short-term results and longer-term results and sustainability)?</p>	<ul style="list-style-type: none"> • Comparison of programme achievements obtained by using different funding modalities. • Speed of delivery and costs of procurement actions. 	<ul style="list-style-type: none"> • Review of minutes from SC meetings. • Interviews with key stakeholders.
	<p>14. How has the general management of the AtoJ Programme been addressed, (steering, management, organisational and governance structures and procedures)?</p>	<ul style="list-style-type: none"> • Extent to which programme management has been able to facilitate and monitor programme implementation. • Changes in implementation speed related to presence of management and advisors. 	<ul style="list-style-type: none"> • Review of programme documents and minutes from SC and TC meetings. • Interviews with key stakeholders.

Evaluation Criteria	Evaluation Questions	Indicators	Means of Verification
<p>Efficiency Efficiency is a measure of whether the financial and human resources are used as fruitfully as possible, to allow results to be achieved in a cost-effective manner.</p>	<p>15. What have the implications in terms of effectiveness and efficiency been of the status of the AtoJ Programme within the GS versus a more independent status? What are the recommendations for the new strategy of the AtoJ Programme?</p>	<ul style="list-style-type: none"> • Comparison of actual achievements from the “GS scenario” with potential achievements from a more “independent scenario”, within the given budget frame. 	<ul style="list-style-type: none"> • Review of minutes from SC meetings. • Interviews with key stakeholders. • Review of mandate of new department structure compared with GS structure and mandate.
<p>16.</p> <p>a) To what extent have progress and achievements of the AtoJ Programme in Zambia been monitored?</p> <p>b) To what extent have the outcomes of this monitoring been used to improve programming and/or learning purposes?</p>	<p>a) Extent to which reliable data are available to document AtoJ Programme progress and achievements.</p> <p>b) Extent to which M&E data are presented and discussed at SC meetings.</p>	<ul style="list-style-type: none"> • Review of minutes from SC meetings. • Interviews with key stakeholders including the GS M&E Officer. • Review of M&E system and procedures established for the AtoJ Programme. • Review of changes and adaptations in plans over time. 	
<p>17. How cost efficient has the implementation of the AtoJ Programme (funds, expertise) been? Which costs were incurred in relation to achieved results?</p>	<p>• Extent to which the same programme activities could have been implemented less costly.</p>	<ul style="list-style-type: none"> • Review of Progress Reports and financial/ audit reports. 	

Evaluation Criteria	Evaluation Questions	Indicators	Means of Verification
<p>Sustainability and Impact Sustainability is a measure of whether the benefits of development interventions – in this case the AtoJ Programme – are likely to continue after external support has been completed.</p>	<p>18. What has happened as a result of the programme?</p>	<ul style="list-style-type: none"> • Extent to which programme interventions can be linked directly/ indirectly to development results. • Extent to which the programme has informed new legislation and the new draft Constitution in Zambia. • Changes observed as a result of the programme – for example in case load statistics. 	<ul style="list-style-type: none"> • Interviews with key stakeholders. • Additional documentation/ data provided by key stakeholders as evidence of potential impact. • Review of case statistics with participating institutions.
<p>Impact is a measure of all significant positive and negative, primary and secondary wider effects of a development intervention on its beneficiaries and other affected parties. It considers the wider social, economic and other intended and unintended effects of the intervention.</p>	<p>19. What real difference has the programme made to the beneficiaries?</p>	<ul style="list-style-type: none"> • Changes in key performance indicators (data). • Perceptions by beneficiaries. • Physical improvements. 	<ul style="list-style-type: none"> • Assessment of M&E data. • FGDs and key informant interviews. • Site visits.
	<p>20. How many people have been affected?</p>	<ul style="list-style-type: none"> • Total number (estimated). 	<ul style="list-style-type: none"> • Review of Progress Reports. • Meetings with the five key AtoJ institutions. • Review of case files and prison statistics.
	<p>21. To what degree have the selected aid modalities, choice of partners etc. supported ownership at all levels, and as such longer-term sustainability and impact? What trade-offs have been encountered, and what have the implications been?</p>	<ul style="list-style-type: none"> • Extent to which the institutions/partners supported through the AtoJ Programme are including programme activities/benefits into own/ joint planning and budgeting. 	<ul style="list-style-type: none"> • Interviews with key stakeholders. • Review of planning/budgeting documents from AtoJ Programme institutions/partners.

Evaluation Criteria	Evaluation Questions	Indicators	Means of Verification
<p>Sustainability and Impact</p> <p>Sustainability is a measure of whether the benefits of development interventions – in this case the AtoJ Programme – are likely to continue after external support has been completed.</p> <p>Impact is a measure of all significant positive and negative, primary and secondary wider effects of a development intervention on its beneficiaries and other affected parties. It considers the wider social, economic and other intended and unintended effects of the intervention.</p>	<p>22.</p> <p>a) When looking at the overall picture of the AtoJ Programme, its achievements and results, areas of progress or lack hereof, what are the prospects that the benefits of the programme will continue after donor funding ceases? What enabling factors or major threats (including “spoilers”) which influenced the achievement or non-achievement of sustainability of the programme can be identified?</p> <p>b) How have issues of risk mitigation and exit strategy considerations been addressed?</p>	<p>a) Extent to which national funding are being/will be committed to continue the benefits of the programme.</p> <p>Extent to which activities are being planned to continue the benefits of the programme.</p> <p>Extent to which institutional arrangements will support a continuation of the benefits of the programme.</p> <p>b) Extent to which risk mitigation and exit strategy considerations are included in the programme implementation plan.</p>	<p>a) Review of AtoJ institutions budget proposals and (if possible) GRZ budget allocations for relevant institutions and work plans for the coming year(s). Interviews with key stakeholders.</p> <p>b) Review of programme documents and work plans.</p>
	<p>23. In a forward-looking perspective: what issues and priorities should be considered for the further support to access to justice and development in Zambia, to enhance impact of support and sustainability?</p>	<p>• Extent to which issues are being raised by key stakeholders.</p> <p>• Actual programme achievements measured against future budget commitments as well as mandate of new (GS) department.</p>	<p>• Key stakeholder interviews.</p> <p>• Review of new GS department mandate.</p> <p>• Assessment of evaluation findings.</p>

Annex 3 Programme Intervention Model

Super Goal	“A Zambia where the citizens and the communities they live in have an opportunity to earn a dignified living, raise healthy and educated families, participate in economic, political, cultural and social decision making in a safe secure environment with respect for the constitution and fundamental rights and where rule of law prevails”				
Overall Objective	Easier Access to Justice for all, including the poor and vulnerable, women and children				
Immediate Objective	Improved performance of their mandates by justice agencies and institutions				
Outputs					
Improved Communication, Cooperation, and Coordination among Justice Institutions and other Stakeholders	Improved Accessibility of Justice Agencies and Institutions, especially by the poor and vulnerable, Women and Children	Increased Public Awareness of Human and Civil Rights, and of Judicial Procedures and Remedies	Improved Record Keeping and Information Management within and across Justice Agencies and Institutions	Programme Management strengthened	
Key Actions	<ul style="list-style-type: none"> • Improve networking of activities of criminal justice agencies through regular meetings • Improve networking of activities between criminal justice agencies and specialised agencies • Improve networking of activities between criminal justice agencies and other complaints handling institutions • Strengthen partnerships between AtoJ institutions involved in legal aid service delivery • Carry out visits to prisons and police cells and follow-up on findings • Identify means of pooling resources • Identify strengths and weaknesses within each agency and propose solutions • Produce a consolidated sector plan for the justice sector • Strategic and coordinated planning in the justice sector • Establish Justice Houses in the five provinces with no facilities for the DPP and LAB • Develop and disseminate guidelines for best practice • Develop and implement backlog strategy 	<ul style="list-style-type: none"> • Train local court justices and their staff • Dev and implement a training programme for subordinate and High Court staff with an emphasis on vulnerable groups • Increase sensitisation and awareness campaigns targeting vulnerable groups, e.g. women and children in partnership with NGOs and other relevant institutions • Support the development of community crime prevention initiatives in partnership with NGOs and other relevant institutions • Support provisions for free/low cost legal advice and representation by legal counsellors and paralegals • Strengthen VSU through specialised training of personnel, acquisition of equipment and development of infrastructure • Strengthen relations between AtoJ and welfare systems incl. juvenile justice • Build separate detention facilities for juveniles (male and females) • Empower vulnerable groups by increasing awareness of rights and obligations through visual aids, radio, leaflets, drama, dance, posters, etc. • Rehabilitation of local courts • Rehab of courts other than local courts • Support paralegals working at local levels through CSOs and LAB • Design and implement a paralegal training programme within LAB 	<ul style="list-style-type: none"> • Develop programmes to create awareness of human rights among officers in the criminal justice system • Implementation of the awareness programmes • Conduct sensitisation and awareness campaigns • Organise open days on the criminal justice system institutions • Disseminate in form of posters, leaflets, visual aids, drama, radio, and television programmes • Use the print media to disseminate information • Develop and implement care of court users initiatives • Construction and rehabilitation of visitors bay and reception areas at prisons and witness lounge at courts 	<ul style="list-style-type: none"> • Install and maintain a criminal case flow management system • Update the existing databases (electronic and manual systems) • Establish/strengthen and equip IT units in justice institutions • Operationalise court reporting equipment • Improve on the current standards and formats used in record keeping • Simplify and update means of compiling case returns • Collect, analyse and share data and information on a regular basis for decision making • Conduct in-house training for registry personnel • Establish a baseline for planning and collaboration 	<ul style="list-style-type: none"> • Support GS and management system • Design and implement communications strategy • Support in GS for AtoJ monitoring and evaluation systems • Produce reports of activities done by criminal justice agencies • Improve information and knowledge sharing

Annex 4 Fieldwork Schedule

Date	Place	Institution to visit	Activity
Tue 3 July	Copenhagen -Lusaka		Travel
Wed 4 – Fri 6 July	Lusaka	Royal Danish Embassy	Planning meeting
		Governance Secretariat	Meeting with management and staff Meeting with M&E staff
		DPP	Meeting with management Meeting with Task Manager/ M&E person
		Police	Meeting with management Meeting with Task Manager VSU Review of case files VSU
		Judiciary	Meeting with Supreme Court/ Management Meeting with Supreme Court Regis- try/Clerk and review of registries Meeting with High Court/ Management Meeting with High Court Registry/ Clerk and review of registries Meeting with Magistrate Court, including Local Child Justice Forum Coordinator Meeting with Magistrate Registry/ Clerk and review of registries Meeting with Task Manager/ M&E person
		Prison Service	Meeting with Management Meeting with Task Manager/ M&E person

ANNEX 4 FIELDWORK SCHEDULE

Date	Place	Institution to visit	Activity	
Wed 4 – Fri 6 July	Lusaka	Legal Aid Board	Meeting with Management	
			Meeting with Task Manager/ M&E person	
			Review of case files/management	
		VSU Office (that has been newly constructed/renovated with support from Ato)	Meeting with VSU staff	
			Review of case files/management	
			Visit facilities	
			FGD with "clients" (who have experience with the newly constructed/renovated VSU Office)	
		VSU Office (with NO new construction, will be a comparison to the newly constructed VSU Office)	Meeting with VSU staff	
			Review of case files/management	
			FGD with "clients" (before-after renovation)	
CCCI	Visit facilities			
	FGD with CCCI members			
			Review of case files/management	
Sat 7 July	Lusaka		Preliminary analysis of data and information and preparation for field visits	
Sun 8 July (Leaving Lusaka in the morning. Overnight stay in Mongu)	Lusaka- Mongu		Travel	
Mon 9 July (Leaving Mongu in the afternoon. Overnight stay in Mukambe)	Mongu	CCCI	FGD with CCCI members	
			Review of case files	
	Travel Mongu- Mukambe	Legal Aid Board	Meeting with staff	
			Review of case files	
			VSU Office (renovated)	FGD with "clients"
			Meeting with VSU staff	
			Review of case files	
	Local Court	Meeting with Judge and Clerk and Local Child Justice Forum Coordinator		
	Local Child Justice Forum	FGD meeting		

ANNEX 4 FIELDWORK SCHEDULE

Date	Place	Institution to visit	Activity
Tue 10 July	Travel Mukambe- Kabwe-Kitwe	Prison in Kabwe (conservation farming)	Visit to farm site Meeting with management/staff Review of registry Meeting with prisoners (involved in conservation farming)
Wed 11 July (Overnight stay in Kitwe)	Kitwe	CCCI Legal Aid Board Magistrate Court/Local Court VSU	FGD with CCCI members Review of case files Meeting with staff Review of case files Meeting with Judge and Clerk and Local Child Justice Forum Coordinator Meeting with VSU staff Review of case files FGD with "clients"
Thu 12 July (Overnight stay in Ndola)	Ndola	CCCI Legal Aid Board Division of High Court/ Magistrate Court VSU	FGD with CCCI members Review of case files Meeting with staff Review of case files Meeting with High Court/Magistrate Court Management, Registry/ Clerk and Local Child Justice Forum Coordinator Meeting with VSU staff Review of case files
Fri 13 July (Leaving Ndola early morning, arrival to Lusaka late afternoon)	Ndola- Kabwe- Lusaka	CCCI Legal Aid Board	FGD with CCCI members Review of case files Meeting with staff Review of case files
Sat 14 – Sun 15 July	Lusaka		Data analysis

ANNEX 4 FIELDWORK SCHEDULE

Date	Place	Institution to visit	Activity
Mon 16 July	Lusaka	Legal Resource Foundation (as comparison to Legal Aid Board)	Meeting with management/staff
		Parole Board	Meeting with management staff
			Review of case files/management
		UNICEF (on Local Child Justice Forum)	Meeting with relevant person(s) from management/staff
Tue 17 July	Lusaka		Debriefing (afternoon)
	Lusaka-Copenhagen (late evening)		Travel
Wed 18 July	Arrival Copenhagen		Travel

Annex 5 Persons met during the Inception and Fieldwork Mission

Names		Position	Sex	Institution
Patricia	Jere	Permanent Secretary (Legal)	M	Ministry of Justice
Mrs. Maria	Kawimbe	Director	F	Governance Secretariat
Mr. Davies	Chikalanga	AtoJ Specialist	M	Governance Secretariat
Mr. Vanny	Hapondela	M&E Specialist	M	Governance Secretariat
Mr. Ernest	Mwape	Trans. Specialist	M	Governance Secretariat
Mrs Mable	Nawa	State Advocate, Member of the Parole Board, Task Manager and M&E person	F	Directorate of Public Prosecution
Phillip	Mukuka	Senior State Advocate	M	Directorate of Public Prosecution
Lameck	Ngambi	Lusaka CCCI Chairperson	M	Judiciary
Alice	Walusiku	Lusaka CCI Member	F	Judiciary
Edward	Sakala	“	M	PAN
Phillip	Sabuni	“	M	PAN
Clatous	Chama	“	M	DEC-ALIU
Desmond M.	Mwanza	“	M	ZP
Mulomba	Mulomba	“	M	ZAWA
Lloyd	Kabwela	“	M	ZAWA
Nomsisi W.	Kakubo	“	F	Social Welfare
Mr. P.	Mwamfuli	Chief Administrator	M	High Court, Lusaka
Mr. E.	Mwansa	High Court Registrar	M	High Court, Lusaka
Joshua	Banda	Resident Magistrate	M	Subordinate Court
Kangwa	N’gandu	Coordinator	M	Child Justice Forum
Mr. Joseph	Kasonde	Senior Clerk of Courts	M	Subordinate Court
Charles	Kafunda	Task Manager/M&E	M	High Court, Lusaka
Nzovwa	Chomba	Task Manager/M&E	M	LAB, Lusaka
Stellah	Libongani	Inspector General of Police	F	Police Headquarters
Tresphord	Kasale	Senior Superintendent National Coordinator VSU	M	Lusaka Police Headquarters
Vicent	Siabona	Administration Assistant	M	Lusaka Police Headquarters
Mr. Mubita	Simushi	Officer In-Charge	M	Kanyama VSU
Mwangelwa	Charity	Station Coordinator	M	Kanyama VSU
Muyunda	Yamoto	VSU Officer	M	Kanyama VSU
Jeorg Peter	Holla	Programme Coordinator	M	GIZ
Marion	Popp	Component Coordinator, Access to Justice	F	GIZ
Peter	Herzig	Head of Sector Operations	M	EU
Sabrina	Bazzanella	Programme Coordinator	F	EU
Mike	Soko	Programme Coordinator	M	UNDP
Peter Juul	Larsen	Deputy	M	Royal Danish Embassy
Ronah Keempe	Lubinda	Programme Coordinator	F	Royal Danish Embassy
Namayuba	Chiyota	Programme Officer		Royal Norwegian Embassy
Lars Sigurd	Valvatne	Counsellor		Royal Norwegian Embassy

ANNEX 5 PERSONS MET DURING THE INCEPTION AND FIELDWORK MISSION

Names		Position	Sex	Institution
Christian	Eldon	Former AtoJ International Technical Advisor	M	
MONGU				
Exnobert	Zulu	Mongu CCCI Chairperson	M	Judiciary
Egispo	Mwansa	High Court Registry	M	Mongu High Court
Mulunga	S	Mongu CCCI Member	M	Zambia Police
Likezo	Mukosiku	“	M	LRF
E. S.	Musialela	“	M	Jubilee Zambia
J. B.	Kasanda	“	M	Zambia Police
Charles	Nyambe	“	M	Jubilee Zambia
Mrs. B,	Siyawa	“	F	Judiciary
Sitali	Imenda	“	M	Judiciary
Oberty	Siakanga	“	M	DPP
Sandra C.	Musanya	“	F	LAB Mongu
Muyunda	Amilimukwa	“	M	Prisons
Alfred M.	Sinyinda	“	M	Caritas
Monica	Pellser	“	F	LAB Mongu
Mashewani	Akatumwa	“	M	CSPR
Darwin	Lutangu	Registry Officer	M	LAB Mongu
Moola	Moola	Cashier	M	LAB Mongu
Lombe L.B.	Kamukoshi	Deputy Provincial Police Commissioner	F	ZP, Western Province
Mwambi	Mwambi	Mongu VSU Client	M	Community Member
Florence		Mongu VSU Client	F	Community Member
Kateta	Mulende	Mongu VSU Client	M	“
Siafunda		Mongu VSU Client	M	“
Mwendabayi	Musangu	“	F	“
Mutukwa	Nalwendo	“	F	“
Tabo	Lubunda	“	F	“
Betty	Chizawo	“	F	“
Lyod	Chizawo (5)	“	M	“
Fred	Ng’andu	“	M	“
Mwangala	Kazungula	“	F	“
Sililo	Sililo (11)	“	F	“
Dr. E.M.	Sikazwe	Director	M	Chitumba Prisons Farm
Dr. M.	Muweleni	Deputy Director	M	Chitumba Prisons farm
S. M.	Kazembe	Officer In-Charge	M	Chitumba Prisons Farms
KITWE				
Ms.	Makubalo	CCCI Chairperson	F	Kitwe Sub Court
Audrey	Mwanza	CCCI Member	F	Social Welfare
Sombo	Ngoma	CCCI Member	F	Social Welfare
Jackson M.	Mbewe	CCCI Member	M	ZCEA
Dean	Akalemwa	CCCI Member	M	Zambia Police
Gabriel	Chipalo	CCCI Member	M	Zambia Police
Lubumbe	Osward	CCCI Member	M	DPP
Gerald	Mutelo	CCCI Member	M	Democratic Governance and Human Rights
Robert	Manyika	CCCI Member	M	Caritas (Ndola)
Paul	Hibweengwa	CCCI Member	M	LRF
Chali	Evans	CCCI Member	M	YWCA
Given	Chifunda	CCCI Member	M	YWCA

ANNEX 5 PERSONS MET DURING THE INCEPTION AND FIELDWORK MISSION

Names		Position	Sex	Institution
Frank	Mukula	CCCI Member	M	Zambia Police
Kennedy	Chalwe	Registry Clerk	M	Kitwe LAB
Deborah	Muyenga	Kitwe LAB Client	F	Community Member
Willy	Kapenda	Kitwe LAB Client	M	“
Lt John	Mwape	Kitwe LAB Client	M	“
Edward	Chimbelu	Chief Inspector District coordinator	M	Kitwe Office VSU
Annie	Mazila	Chief Inspector	F	Kitwe VSU
Patrick	Mwamba	Inspector	M	Kitwe VSU
Agness	Nguni	W/Inspector	F	Kitwe District VSU
Mathias	Phiri	Chief Inspector	M	Kitwe Central VSU
Cecelia	Chanda (10)	Victim of defilement	F	Kitwe District VSU
Agness	Chola (13)	Victim of defilement	F	Kitwe District VSU
Memory	Mwape (19)	Victim of GBV	F	Kitwe District VSU
Musheke	Mungandi (20)	Victim of GBV	F	Kitwe District VSU
Lamba	Pengani	Magistrate		Kitwe Sub Court
Shebba	Chilwa	Clerk of Court	F	Kitwe Subordinate Court
Gosden	Salumbezuya	Clerk of Court	M	Kitwe Sub Court
Mushabati	Nyambe	Kitwe LAB client	M	Community Member
Jenipher	Katuta	“	F	Community Member
NDOLA				
Judith	Chikabo	Client	F	Ndola VSU
Vivian	Chola	Client (Widow)	F	Ndola VSU
Ireen	Sokoni	Divorcee	F	Ndola VSU
Luke	Lungu	Client	M	Ndola VSU
Kiswaswa	Mwape	Client	F	Ndola VSU
David	Soko	Client	M	Ndola VSU
Bigy	Chulu	Client	M	Ndola VSU
A	Kamuhuza	Sergeant	M	Masala VSU
Simuyuna		W/Inspector	F	Masala VSU
Sikasipa		W/Constable	F	Masala VSU
Hakuwa		W/Constable	F	Kafulafuta VSU
Davis	Hamalambo	VSU Officer	M	Ndola Central VSU
Chitanika		W/Constable	F	Kansemshi VSU
Kelvin	Limbani	CCCI Chairperson	M	Ndola High Court
Anderson	Simbulaini	DPO	M	DPP
Bwalya	Chanda	CCCI Member	M	Caritas Ndola
Mutinta	Kaupamba	CCCI Member	F	ASAZA
Angelinah	Halende	CCCI Member	F	CDN
Sitali	Sipalo	CCCI Member	M	Division Headquarters
George	Sikaonga	CCCI Member	M	Ndola Prisons
Mwangala	Kufuna	CCCI Member	M	Ndola Prisons
Bason	Siambulo	CCCI Member	M	Ndola District VSU
Royfred	Chishimba	CCCI Member	M	Division Headquarters
KABWE				
Given	Mulenga	Registry Clerk	M	LAB Kabwe
Angela	Mwenya	Cashier	F	LAB Kabwe
Lungu				
Sandra	Ndele	Secretary	F	LAB Kabwe
Alice	Chifunda	Office Assistant	F	LAB Kabwe

Annex 6 Key Reference Documents

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ISBN: 978-87-7087-700-8
e-ISBN: 978-87-7087-701-5