

PROJUSTICE

USAID / PROMOTING AND STRENGTHENING JUSTICE IN THE DEMOCRATIC REPUBLIC OF CONGO PROJECT

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3rd Quarterly Progress Report

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1. SUMMARY INTRODUCTION

This 3rd **Quarterly Report** informs of significant movements and achievements that ProJustice has attained during the reporting period, a number of which set the stage for deep results over subsequent reporting periods, and which USAID can cite as successes in the justice sector in the DRC.

In the **ProJustice Component 1** relating to institutional reform and strengthening, a somewhat unanticipated achievement was realized with respect to the *Conseil Supérieur de la Magistrature* (CSM), or Judicial Council. The CSM decided to convene its General Assembly unexpectedly and without sufficient preparation, despite the multiple interventions of ProJustice to lay the groundwork adequately for the General Assembly. Following pressure by the Executive Branch through its Ministry of Justice, and seemingly intending to demonstrate that the Judicial Branch could not feasibly hold its GA and make strides towards its institutional strengthening and institutionalization without executive oversight, the CSM called to order the extraordinary GA in mid June. The CSM did so despite earlier expressions by ProJustice of logistical and technical support conditioned upon its having done so with all necessary preparations well in place.

With the General Assembly underway, ProJustice immediately engaged the CSM leadership, and offered needed support in the key area of its internal regulations, probably the area where support was most critically required. The results speak for themselves. With a completed internal regulation draft in hand, thanks to efforts of ProJustice and CSM counterparts, and building on the solid foundations earlier built by its DAI partner, the draft was copied and distributed to all members of the CSM. This draft was approved by the CSM (the two-thirds of its members present) on June 13 and adopted by those present at the General Assembly. The internal regulations presented by ProJustice now govern the internal functioning of the CSM. This new reality presents enormous challenges and opportunities which ProJustice has already begun to capitalize upon in terms of consolidating the work of the Bureau, seating of the Permanent Secretariat, utilizing these bodies as key counterparts, and thereby bypassing, or at least cultivating new avenues of CSM leadership, other than the 1st President of the Supreme Court who has to date proven to be a less than enthusiastic or effective partner for the justice sector reform work underway.

With respect to **ProJustice Component 2** on training support to justice sector institutions, the component is on a solid footing due to component leader Willy Lubin's arrival in the DRC during the reporting period.

Activities were launched in the pilot court areas under this component. The training team has begun to undertake a survey of management and administrative needs in the justice sector, with a focus on the pilot courts and development of training activities.

The Component 2 team also began surveying administrative, human resource, budget and other areas where training and technical assistance will be required, with a focus on pilot courts.

At the same time that management and administrative capabilities are being assessed, the team is analyzing the possibility of forming/strengthening an association of court administrative staff who will organize and represent court administrative needs and personnel. Such an association may be a welcome addition to the justice sector mix of organized personnel, in order that their special status (MOJ employees who labor in the judicial branch to assure that the judicial function is adequately carried out) is represented through collective action and their voice is heard and understood as a component of the administration of justice in the DRC. Significant steps were taken in this regard during the reporting period as is noted in the activity description in this report.

In the **Component 3 Pilot Program**, major results were achieved during the reporting period. The pilot program has coalesced around a viable methodology, which has been adopted systematically by counterparts at the national and local levels.

The component did suffer a setback when 4 staff resigned following allegations of corruption. However, ProJustice has moved quickly to repair the damage, and to cover the pilot sites to the extent possible. Of special note, the pilot program moved forward significantly in South Kivu, where a launching workshop and follow up workshop were held during the reporting period. There is clear buy-in from Bukavu court counterparts.

In Kinshasa, ProJustice held an internal training of pilot court coordinators during the reporting period, the purpose of which was to outline the key activities and issues that the Pilot Program will embrace.

In Bandundu, as in Bukavu, we have formally launched the pilot court program and have had a technical staff member on the ground almost continually over the reporting period.

ProJustice undertook site visits to Uvira, Kindu, Lubumbashi to lay the groundwork for the pilot court program.

The pilot program has generated considerable interest within the international community; specifically, the EU/PAG program has taken a keen interest in the pilot court methodology for possible replication in its Kinshasa-based jurisdictions component.

Component 3 is the only component that by design does not have an international technical adviser to lead it. We are sensing the need to rectify this design shortcoming over the coming months.

ProJustice Component 4 on Access to Justice launched the grants program during the reporting period.

The grants program was presented in Bukavu and Bandundu, and will be presented in the other pilot program sites as well as Kinshasa over the course of the next reporting period.

The grants program was formally launched during the reporting period, and grants will be placed during the upcoming period. ProJustice launched the grants program with a presentation of its proposed grants program, and an invitation to potential offerors to submit concept papers of what they would propose and how they would achieve results under the grants program. 10 such concept papers were received during the reporting period.

The grants program is a key aspect of the ProJustice Access to Justice Component, which ProJustice is implementing directly. The ProJustice Grants Program will fund projects that strengthen civil society advocacy and oversight and expand access to justice, particularly for vulnerable populations. The general types of projects that will be funded are:

- Advocacy projects that provide citizen input to the judicial reform program;
- Watchdog projects (Court monitoring programs) that investigate and resolve public complaints regarding the legal/judicial system;
- Legal resource clinics to expand access to free legal consultations and legal aid or referral services;
- Other activities aimed at increasing access to justice;
- Civic education and public awareness raising projects that increase citizens' understanding of their legal rights and the role of the justice system;
- Capacity building projects that increase the capacity of civil society organizations to participate in the legal reform process and in civic education.

Subcontract with Global Rights – ProJustice negotiated a subcontract agreement with Global Rights during the reporting period, through which it will support the work that ProJustice is implementing under the Access to Justice component. These activities will be carried out at the grassroots level in the four pilot court jurisdictions identified for the ProJustice Project: Bandundu, Katanga, Maniema, and South Kivu Provinces.

Support to CSOs will also be integrated with the ProJustice pilot court work and its work with the Conseil Supérieur de la Magistrature (CSM).

The ProJustice-Global Rights partnership will foster a constructive civil society-public sector relationship that helps inform improvements being implemented at the pilot court level and the larger policy issues being addressed with the CSM. Building on the work that Global Rights has already initiated through the justice sector stakeholder forums in Katanga, Maniema, and South Kivu Provinces, ProJustice will integrate CSOs in consultative processes and working groups in the pilot courts and the CSM to provide a mechanism for articulating increased public demand for better justice services and increased access for vulnerable populations.

ProJustice and Global Rights will bolster the network of CSOs carrying out activities that increase access to justice directly and contribute to an environment in which citizens are better informed of the law and their rights and obligations under the law and are more effective advocates for a transparent, efficient, and equitable justice system.

Global Rights will implement two sets of training and follow-up technical assistance activities for CSOs in years 2 and 3 of the ProJustice contract period, one of which specifically relates to SGBV and other that deals with court monitoring and raising awareness of judicial selection issues generally and the need gender balance in judicial selection specifically.

Supplemental program in Eastern Congo – With respect to the supplemental program in Eastern Congo, ProJustice has moved to consolidate its presence and activities in South Kivu primarily, and in Maniema as well. The upcoming quarter will witness further entrenchment of the ProJustice program and strategies in Eastern Congo. The thrust of activities and results attained to date are described in the activity descriptions below.

In general, ProJustice has gained a solid foothold as a leader in the justice reform initiatives underway in the DRC and has laid the groundwork for a major thrust of activity in the months and years to come. The program is being emulated by other donors, such as the EU-PAG, and appears to be increasingly accepted and embraced by key national counterparts. As a result, USAID has emerged as perhaps the lead donor in the justice sector institutional reform movement in the DRC, and ProJustice is its flagship program.

The activity tables included in the next section report on all activities included in the annual work plan, providing the status and outlook of each. The tables serve as a review of activities individually, but will also provide a reading of the larger picture. Also, they will report on those activities which will require more fervent follow up during the upcoming reporting period.

2. THIRD QUARTER ACTIVITY TABLES

Component 1: Support the Establishment of New Judicial Institutions

1.1 – Support ratification and implementation of new legislation for the CSM and Constitutional Court;

Activity: Design and Host a CSM Implementation and Justice Sector Reform Workshop to discuss optimal roles for each central institution (CSM, MOJ, and Constitutional Court)

This activity has been completed. We reported previously that the CSM with ProJustice support held a major Judicial Sector Strategic Planning Workshop in late February and early March of 2009. The issue of the Constitutional Court implementing legislation languishes in the National Assembly, and thus was not under consideration during the workshop nor during the reporting period. The Ministry of Justice participated actively in this workshop. The conclusions and outlooks were presented in a comprehensive workshop report in the prior reporting period.

Activity: Establish a CSM Working Committee on policy making and administration of the judicial branch chaired by the President of the Supreme Court

This activity has been completed. We have already reported on the Judicial Sector Strategic Planning Workshop in late February and early March of 2009. One of the working groups was on policy and strategic planning. The working group was not chaired by the President of the Supreme Court, but he heartily endorsed the workshop and its conclusions. The conclusions and outlooks were presented in a workshop report in the prior reporting period. This and the other working groups were rendered less relevant by the adoption by the CSM of its internal regulations, which now are the norms which govern further actions and activities by ProJustice as it consolidates the institutional strengthening gains achieved to date.

Activity: Facilitate study tours for members of the CSM committee to South Africa Judicial Council

The proposed study tour will be planned strategically in the upcoming reporting period. Given the recent achievements of the Judicial Council – CSM – the time is now an ideal one to introduce CSM leadership, such as the Bureau or others, to successes that have taken place in other countries, possibly South Africa. The exchange of judicial council documentation and best practices, and judicial ethics, etc., is an activity to be combined with that study tour.

Activity: Design and execute a strategic planning and policy formulation process to guide development of the CSM

This activity is another that has been completed. As noted above, the CSM with ProJustice support held a comprehensive Judicial Sector Strategic Planning Workshop in late February and early March of 2009. One of the working groups was on policy and strategic planning as noted above, and in the workshop report. The internal regulations recently adopted by the CSM are now the norms which govern further actions and activities by ProJustice as it consolidates the institutional strengthening gains achieved to date, and provide the legal backdrop for further action in the policy and planning area.

1.2 – Transparent Merit-Based Criteria for Recruitment, Selection, Discipline and Promotion of Magistrates

With respect to appointments and promotions, ProJustice has worked closely with the CSM, MOJ and an ad hoc group of interested donor projects (EU, France, MONUC, DAI) to establish criteria for support to the recruitment process. The recruitment process stalled during the reporting period resulting from CSM budget shortfall, and the MOJ apparently reluctant to relinquish control over a process historically lodged within the executive branch. ProJustice will renew its work in this area now that the CSM internal regulations provide a counterpart in the CSM Judicial Career and Statute Commission.

Activity: Establish ad hoc committee on judicial selection

This activity has been completed. One of the working groups of the CSM workshop held in February-March was on judicial career and discipline. Conclusions and outlooks were presented in the workshop report in the prior reporting period. The CSM internal regulations are now the norms which govern further actions and activities by ProJustice as it consolidates the institutional strengthening gains achieved to date, and provide the legal backdrop for further action in the policy and planning area.

Activity: Facilitate internal workshops for MOJ, magistrates, civil society and other interested stakeholders

The workshop held in early March by the CSM under ProJustice auspices, included MOJ participants. Civil Society was not present at this juncture, but will be included in follow up activities.

Activity: Develop Report on Judicial Selection Processes

This activity is complete. ProJustice expert Telesphore Kavundja has developed a report on the judicial selection process, already forwarded to USAID for consideration. This report

will be updated based on the changes to the judicial selection process defined in the recently adopted CSM internal regulations.

Activity: Clarify appointment and promotion responsibilities between MOJ and CSM

This activity has been completed. The procedures for recruitment and promotion of judges / magistrates is central to the internal regulations adopted by the CSM during the reporting period, and places these responsibilities squarely within the domain of the CSM.

Activity: Hold regional conferences and workshops between MOJ, judiciary, civil society and the donor community to build consensus on objectives of new magistrate procedures

With the passage of the CSM Internal Regulations during the reporting period, we will work with the Commission on Judicial Career (Article 19) to develop the procedures for selection, and to incorporate the new procedures into ProJustice supported workshops and other events in the field.

Goal 1.3 – Appropriate disciplinary procedures for sitting judges established

Activity: In collaboration with CSM and with input from the MOJ and SYNAMAC finalize judicial ethics code

The Commission on Ethics and Discipline (Article 20) established under the CSM Internal Regulations, and the CSM Bureau, will be suitable partners for developing a judicial ethics code jointly. We have not uncovered any existing draft of a judicial ethics code to “finalize” and thus will initiate work in this area with a workshop planned for August.

Activity: Develop an implementation plan for buy-in from judicial bodies, and assure the necessary buy-in is obtained.

The workshop and follow up events planned will themselves serve to cultivate buy-in for these activities. ProJustice will determine following the August workshop whether a marketing strategy may be warranted to assure the necessary commitment of the actors in this process, who must not only be convinced of the merits of the judicial ethics code, they must also become strong advocates for judicial ethics.

Activity: Conduct training for CSM members and staff, and develop expansion methodology for pilot courts and for activities beyond the pilot courts.

Judicial ethics subject matter, once developed and upon development of consensus on the issue, will be incorporated systematically into all trainings and workshops in the pilot courts and beyond.

Goal 1.4 – Increase public and justice sector awareness of process of CSM and new judicial selection and promotion process

This activity is ongoing. There has been considerable coverage of the CSM, and press coverage of the CSM workshop earlier this year served to raise public and justice sector awareness of the CSM and its increasing role in the judicial selection and promotion process.

Relevant press clippings are included in **ANNEX XXXX**.

Activity: Develop public outreach and communication plan/campaign for CSM

As has been noted in this report, the adoption of the CSM Internal Regulations creates multiple opportunities. One of these relates to the issue of the CSM public image. The Bureau and the Permanent Secretariat will now serve as counterparts for development and implementation of a public outreach plan, which will be undertaken in the upcoming reporting period.

Activity: Hold National Conference on Judicial Selection process with court officials, MOJ leaders, members of Parliament and civil society leaders

This activity would be premature given the MOJ – CSM friction and recent differences on the judicial recruitment issue, but will be revisited as the CSM further consolidates its position and independence in the aftermath of an apparently successful General Assembly in June 2009.

Activity: Improve policies and procedures for public access to information on the judicial selection process

The differences between the MOJ and the CSM as relate to judicial recruitment have not favored public access to information on judicial selection. With the CSM having adopted its internal regulations, which define both the Bureau and the Permanent Secretariat, our role in that process may now be developed, now that we have a clear counterpart with whom to work. Public access to information on judicial recruitment will be included in the CSM outreach strategy.

Component 1B. Establish Transparent Organizational Procedures for New Judicial Institutions

Goal 1.5 – CSM Established and functional with Internal Operating Procedures and Organizational Structures

Activity: Establish preliminary administrative and management policies for the CSM

This activity has been completed. The administrative and management policies were the focus of the CSM workshop held earlier this year. Later, the internal regulations for the CSM, hammered out jointly with DAI and the CSM, establish the administrative and management policies for the CSM.

Activity: Conduct a workshop with CSM staff to help define the needed functions and procedures to address mandates defined by the new laws

This activity is complete. The CSM law was a centerpiece of its workshop earlier this year. A follow-up workshop with the Bureau and the Permanent Secretariat on the internal regulations is an activity that merits special consideration.

1.6 Constitutional Court Established and Functional with Internal Operating Procedures and Organizational Structures

Activities under this goal are pending adoption of Constitutional Court implementing legislation, and thus should be postponed until the appropriate time when the legislature acts on the pending bill.

Component 2: More Effective and Transparent Management of the Judiciary and Ministry of Justice

Component 2A. Strengthen Management Skills of Magistrates and MOJ Personnel

2.1 Enhanced management Skills among Magistrates, CSM staff and MOJ staff

Activity: Carry out an Organizational Audit and Management Skills Needs Assessment

This activity was initiated during the reporting period. We are coordinating this activity with DAI and with the EU PAG project although the extent of involvement by EU PAG may be limited due to time constraints and the need to move quickly expressed by both the MOJ and USAID/DAI/DPK. ProJustice contracted the international expert to lead the audit, based on TORS developed earlier by DAI and at the specific request of USAID. At the same time, there were discussions to join forces with the EU PAG, at the urging of the MOJ. The

expert consultant developed a work plan and has obtained the approval of the MOJ to move ahead. There remains a possibility that the EU PAG will contract international expertise as assistant coordinator and/or other experts required under the work plan.

The second part of this activity relative to undertaking a management skills needs assessment likewise is underway. The assessment is being carried out through the use of a formulaire developed to collect data and insights into the existing professional levels of target beneficiaries, whether they have been trained, in what areas and to what extent, as a step toward developing training programs that address their professional development needs. This activity was initiated in June 2009, and will be completed in the upcoming reporting period.

Activity: Develop realistic, organizational development and training plans

Once the results of the completed assessment(s) are available, the ProJustice training team will begin to develop the training plans that are the subject of this activity.

Activity: Develop comprehensive operational manual with performance guidelines for each of the needed core management areas

This activity also will be carried out upon completion of the assessment, and contemporaneously with the training plans.

Activity: Implement training programs for both in-service personnel and new entries into the system; and train trainers in these areas.

Following the logical sequence of activities in this area, the carrying out of training programs will succeed the assessment, planning and materials development phases of the training approach. Thus it should be seen not as a discrete activity so much as an ongoing process to be implemented, evaluated and updated throughout the lifespan of ProJustice.

Component 2B. Enhance the Skills and Qualifications of Court Personnel

2.2 Standardized Introductory and Continuing Training Program for Court Personnel including Bailiffs and Judicial Inspectors

Activity: Conduct assessment of management and administrative skills needed by court personnel

As noted above in 2.1, a skills assessment is underway and data is being collected to evaluate existing professional levels of target beneficiaries. This activity is building upon the activity in 2.1, but will extend the assessment into the area of administrative skills. It will

help to analyze training needs and deficiencies, determine where the greatest needs must be addressed, and will lead to development of training programs that address professional development of court and MOJ personnel. This activity was initiated in June 2009, and will be completed in the upcoming reporting period.

Activity: Develop and implement an in-service and new entrant training program for court clerks, bailiffs, and inspectors

The administrative skills assessment currently underway will form the basis of the development of a new-entrant training program for court personnel to be initiated as early into the next reporting period as possible.

Activity: Work with the initial core of court personnel to help create a professional association of court administrators; develop plan for sustainability, budget, clear objectives, etc.

The needs assessment will also seek to gauge interest in establishing such a professional association, and if so, focus on its objectives and goals.

Component 2C. Improve Budget and Resource Management by the CSM and MOJ

2.3 More Effective and Transparent Resource Management by MOJ and Judiciary

Activity: Create and support a Court Finance and Resource Management Working Group composed of MOJ officials, judges and court personnel leaders

A Court Finance and Resource management Working Group was formed during the CSM Workshop, sponsored by the CSM and carried out with ProJustice support earlier this year. At that time, the working group developed an approach to budgeting for the Judicial Branch under CSM auspices. In the aftermath of the General Assembly held in June of 2009, ProJustice will work closely with the permanent commissions created by the internal regulations adopted during the General Assembly. One of the commissions will focus on finance and budget matters, and is a “successor” of sorts of the working group created earlier. We consider that the Finance/Budget Commission will serve as the focal point for, and carry out, the activities in this subject matter area noted in this area.

Activity: Conduct an analysis of current funding levels and trends and current and forecasted caseloads, staffing and other resource requirements

ProJustice is recruiting an expert in public finance analysis who will work closely with the Finance/Budget Commission to undertake activities in this area which are expected to begin early in the next reporting period.

Activity: Conduct analysis of current equipment inventories and needs, known and expected capital improvements, and the proposed staffing and compensation levels for any new institutions

This activity is underway with respect to the Ministry of Justice via the comprehensive judicial audit DAI is leading, with ProJustice support. The analysis of court operations, needs, staffing, etc., takes place in the pilot courts as part of the background analysis, and the follow-up workshop with key actors in each pilot area where a plan is developed that addresses such institutional needs and deficiencies.

Activity: Examine the funding of court operations to determine what options exist to increase the funds available to the judicial branch

As noted above, ProJustice is recruiting an expert in public finance analysis who will work closely with the CSM Finance and Budget Commission to undertake activities in this area which are expected to begin early in the next reporting period.

Activity: Review the legal and regulatory framework for court fines, fees and forfeiture and funding and recommend changes

This is another area which to be reviewed by the public finance expert ProJustice is seeking, who must work hand in hand with the CSM Finance and Budget Commission to undertake activities in this area which are expected to begin early in the next reporting period.

Activity: Review the fee structure of the enforcement agents in this work to ensure that they are appropriately structured

This activity will be undertaken by the public finance expert ProJustice is seeking, who must work hand in hand with the CSM Finance and Budget Commission to undertake activities in this area which will be carried out in the next reporting period.

Activity: Help determine the appropriateness of expenditures for personnel

This activity will be undertaken by the public finance expert ProJustice is seeking, who must work hand in hand with the CSM Finance and Budget Commission to undertake activities in this area which will be carried out in the next reporting period.

Activity: Help provide realistic forecasts of short-, medium-, and long-term financial needs for the judiciary and present various options to ensure a steady and appropriate level of financing

This activity will be undertaken by the public finance expert ProJustice is seeking, who must work hand in hand with the CSM Finance and Budget Commission to undertake activities in this area which will be carried out in the next reporting period.

Activity: Assist the CSM and MOJ to adopt a performance-based budgeting system

This activity will be undertaken by the public finance expert ProJustice is seeking, who must work hand in hand with the CSM Finance and Budget Commission to undertake activities in this area which will be carried out in the next reporting period.

Activity: Facilitate the implementation of the systems including assistance if budgeting is transferred to the judicial branch under the CSM

This activity will be undertaken by the public finance expert ProJustice is seeking, who must work hand in hand with the CSM Finance and Budget Commission to undertake activities in this area which will be carried out in the next reporting period.

Activity: Conduct a campaign to inform the public, parliamentary members, and government officials of the necessity for an adequate court budget (coordinated with DAI project)

This activity will be undertaken by the public finance expert ProJustice is seeking, who must work hand in hand with the CSM Finance and Budget Commission to undertake activities in this area which will be carried out in the next reporting period.

Component 3: More Effective, Transparent, and Accessible Court Operations in Pilot Jurisdictions

Goal 3.1 – Pilot jurisdictions selected and strategy developed with Stakeholder input

Activity: Establish a Working Group on the Pilot Court Program composed of CSM and MOJ officials

This activity is complete. Although no specific Pilot Court working group was established during the CSM workshop on strategic planning and internal systems, the pilot courts were considered as an access to justice topic as well as a planning issue. Upon launching the pilot program during the reporting period, ProJustice assured that a CSM official was involved in order to encourage national / judicial branch ownership of the program. With the CSM internal regulations now adopted and in effect, ProJustice will work with the Planning and Information Management Commission as the main counterpart and successor to the working groups formed earlier.

Activity: Coordinate pilot court program priorities and activities with CMJ and donor projects

The CMJ as well as other donors have participated actively within the working groups on access to justice and strategic planning. As noted in the previous activity, this dynamic is evolving such that the CSM will assume ever greater ownership and responsibility for the pilot program activities and objectives.

Activity: Discuss and develop Strategy for Dissemination of Pilot Court Practices

Such a strategy is underway. It evolves from ProJustice workshops for pilot court coordinators, which are followed by launching workshops at each pilot court site in the field. A national-level workshop will follow during the upcoming reporting period to focus on judicial delay issues, as will others over the life of the project.

Activity: Identify location and establish model pilot court program

This activity is complete. Courts and tribunals in a minimum of four (and up to six) provinces have been selected. In each target province, the Court of Appeals and one Grand Instance Court will be included. A Peace Court within the jurisdiction of the selected Grand Instance Court will also be included. The selected Grand Instance Court will ensure that its interactions with all Peace Courts within its jurisdiction are considered when establishing its new procedures. The specific selection of courts in each site location will happen basically when there is more than one Grande Instance Court or more than one Peace Court.

The criteria for selection of specific pilot courts were defined via a ProJustice Project Workgroup technical team on planning and information management that was established as one of five technical teams at our last Strategic Planning Workshop, a task that will now shift to the CSM commission charged with planning and information management.

Activity: Recruit and mobilize pilot court coordinators to North Kivu (on standby) and Maniema Provinces

Recruitment for Maniema and South Kivu (in lieu of North Kivu) was completed, but changes became necessary due to allegations of corruption on the part of the staff members selected who then resigned. As of the end of the reporting period, an active search remained underway for their replacement.

Activity: Recruit and mobilize pilot court coordinators for South Kivu province

See previous activity.

Activity: Recruit and mobilize pilot court coordinators to Bandundu and Katanga Provinces

Recruitment for Katanga was completed, but changes became necessary due to allegations of corruption on the part of the staff member selected who then resigned. As of the end of the reporting period, an active search remained underway for his replacement. The Bandundu pilot court site has been covered during the reporting period by a pilot court coordinator on mission to the site.

Activity: Pilot Court sites identified

This activity is complete. The proposed sites are South Kivu, including both Bukavu and Uvira; Bandundu Ville; Maniema / Kindu; and, Katanga/Lubumbashi.

Activity: .Pilot Court coordinators have been recruited and mobilized for South Kivu and Maniema.

As noted above, recruitment for both Maniema and South Kivu (in lieu of North Kivu) was completed, but changes became necessary due to corruption on the part of the staff members selected who then resigned. As of the end of the reporting period, an active search remained underway for their replacement

Component 3A. Enhance the Effectiveness and Transparency of Court Management Practices

3.2 Current management practices and procedures assessed and a strategy for improvement established

Activity: Analyze backlogs of cases

Case backlog analysis forms part of the basic package of support services for the pilot courts, and is part and parcel of the data collection within the pilot court jurisdictions generally. This data collection was well underway by the end of the reporting period. Data collection instruments devised for this purpose are attached as Annex XXX.

Activity: Conduct a fee and resource analysis for each pilot court—identifying resource deficits, tracking use of resources and establishing performance based budgeting (Close coordination with Component 2)

Fee and resource analysis forms part of the basic package of support services for the pilot courts, both during the assessment stage as well as once the coordinators are on the ground and providing technical support. As with other activities planned that relate to the public financing part of the institutional reform strategy, this activity will be undertaken by the public finance expert ProJustice is seeking, who must work hand in hand with the CSM Finance and Budget Commission to undertake activities in this area which will be carried out in the next reporting period.

Activity: Help ensure judges have needed reference materials of most recent laws

Production of a set of 5 legal handbooks or benchbooks, including civil law, criminal law, law of the judiciary, international law that applies to the DRC, and a final edition of other laws of relevance to practitioners in the field is underway. These texts will be completed and delivered to counterparts during the upcoming reporting period.

Activity: Analyze the use of court forms and develop standardized forms to ensure uniform legal practice, improved access to courts, and improved information and record-keeping systems

We are coordinating this activity with REJUSCO which has already developed a catalogue of forms to utilize in the courts where that project is active, in order to utilize a consistent set of forms in court administration/ reform activities. REJUSCO is printing sets of the forms and has agreed to provide ProJustice with a set of forms to utilize in the pilot courts as soon as they are printed.

Activity: Develop quality assurance program to increase quality and uniformity of judicial decisions

This activity remains pending, and should more likely be included in the next work plan, since quality and uniformity of judicial decisions will be a later result to achieve in the life of the pilot court program.

Activity: Develop community outreach programs

As noted earlier in this report, a ProJustice-Global Rights partnership will foster a constructive civil society-public sector relationship that helps inform improvements being implemented at the pilot court level and the larger policy issues being addressed with the CSM. This activity will integrate CSOs in consultative processes and working groups in the pilot courts and the CSM to provide a mechanism for articulating increased public demand for better justice services and increased access for vulnerable populations.

ProJustice and Global Rights will focus efforts in the pilot court areas to bolster the network of CSOs carrying out activities that increase access to justice directly and contribute to an environment in which citizens are better informed of the law and their rights and obligations under the law and are more effective advocates for a transparent, efficient, and equitable justice system.

3.3. Strategy for increasing effectiveness and transparency of court management developed

Activity: Define Pilot Court activities

This activity is complete. The definition of pilot court activities will be further refined in a participatory fashion with the CSM Planning and Information Management Commission. The CSM participates actively with ProJustice on the pilot court program, and this close working relationship may result in adjustments and refinements to the pilot court program over time.

Activity: With working group, develop strategy for adapting proven methods to stimulate progress to DRC—Circles of Innovation, Institutional Integrity Models

This activity is complete. The institutional reform methods were developed into working instruments during the reporting period, and included in the training and pilot court launching workshops held during the past quarter.

3.4 Improvements to court operations realized through PACT Planning Process

Activity: Enter into Memoranda of Understanding (MOU) between the courts, the USAID project, and also any Congolese institution providing support

No MOUs have yet been finalized. ProJustice has developed working templates for an MOU which will be utilized on an as-needed basis, i.e. should there be a need sensed for a more formal statement of ProJustice support through the CSM to pilot courts. The lack of any MOU has not proven an impediment to ProJustice work in pilot courts.

Activity: Introduce PACT Planning process with each pilot court, CSM, Supreme Court and MOJ

This activity describes a process being introduced methodically. The Pilot Court coordinators utilize the PACT process as part of the overall pilot court methodology. The PACT Planning process is introduced during each pilot court launching workshop as the backdrop for court administration best practices.

Activity: Establish performance goals for court employees and the court itself to serve as a guide to improve productivity

As with the PACT Planning process, establishing performance goals is an activity being introduced into the pilot courts systematically, beginning with the pilot court launching workshops, the development of strategic plans, and during follow-up activities. Thus, each pilot court will establish these goals at its own pace.

Activity: Develop Framework through a series of *ProJustice* Workshops, with participants from the courts, national justice institutions, and civil society

The reform framework is specific to each pilot court, and is defined in the strategic plan which is developed during the pilot court launching workshop and in follow-up meetings.

Activity: Work with judicial working committees to define a list of desired court improvement activities Development of desired court improvement activities

This activity is complete. Annex XXX includes reports/plans from each pilot court site that includes desired court improvement activities for each. The plans were developed in a participatory fashion with each pilot court working group of leaders.

Activity: Define the types of incentives that the project can and will provide through a Court Accountability Fund

This activity is pending and should more likely be included in the next work plan, since a court accountability fund will in all likelihood be a later result to achieve in the life of the pilot court program.

Activity: Help the pilot jurisdictions propose specific reform activities

This activity is complete. ProJustice undertakes an assessment in each proposed pilot court region as a vehicle for proposing specific reform activities and strategies. This is followed with a participatory planning process. Annex XXX includes reports/plans from each pilot court site that includes specific reform activities for each pilot court site

Activity: Work with judges and court personnel in each court to develop delay reduction programs

A national level delay reduction workshop which will include all pilot courts is scheduled for XXXXX (DATE).

Activity: Increase knowledge of ethics standards and internal regulations across all pilot courts

This activity will be cross-referenced with Component 1. ProJustice will work closely with the CSM Commission on Ethics and Discipline (Article 20) established under the CSM Internal Regulations, and the CSM Bureau, as partners in developing a judicial ethics code jointly. Upon completion and adoption of the judicial ethics code, planned for the next reporting period, ProJustice will incorporate its content into the pilot court training program.

Component 3B Enhance Accessibility of Pilot Courts

3.5. New policies increase accessibility through improved court performance

Activity: Ensure that court decisions are accessible and published where possible through possible arrangement with the Judicial Bulletin

This activity is pending.

Activity: Develop fast track and differentiated case management procedures for cases involving vulnerable populations particularly in cases involving gender-based violence

Case management and caseload backlog analysis form part of the basic package of support services for the pilot courts. The definition of this and other pilot court activities will be further refined in a participatory fashion with the CSM Planning and Information Management Commission.

Activity: Analyze role of customary law in increasing rural access to justice

This activity is pending.

Activity: Implement legible weekly trial-calendar updating, with posting in accessible areas

Docketing is an element of case management generally, which is a component of the support services ProJustice is introducing into the pilot courts. The definition of this and other pilot court activities will be further refined in a participatory fashion with the CSM Planning and Information Management Commission.

Activity: Ensure that systems for filing in *forma pauperis* are in place and clearly defined within the fee structure

This activity is pending.

3.6 Mobile Court System Expanded and Systematized

Activity: Identify and train mobile courts judges

ProJustice is exploring the possibility of carrying out this activity through a partnership with Avocats Sans Frontieres, a leader in the area of mobile courts, and may be accomplished either via a grant or sub-contract mechanism.

Activity: Establish a calendar of visits for mobile courts' proceedings

ProJustice is exploring the possibility of carrying out this activity through a partnership with Avocats Sans Frontieres, a leader in the area of mobile courts, and may be accomplished either via a grant or sub-contract mechanism.

3.7 Increase Civic Engagement in Court Monitoring

Activity: Develop outreach plan with pilot courts to increase interaction and involvement of CSOs in administration of justice and court monitoring

As noted earlier in this report, a ProJustice-Global Rights partnership will foster a constructive civil society-public sector relationship that helps inform improvements being implemented at the pilot court level and the larger policy issues being addressed with the CSM. This activity will integrate CSOs in consultative processes and working groups in the pilot courts and the CSM to provide a mechanism for articulating increased public demand for better justice services and increased access for vulnerable populations.

ProJustice and Global Rights will focus efforts in the pilot court areas to bolster the network of CSOs carrying out activities that increase access to justice directly and contribute to an environment in which citizens are better informed of the law and their rights and obligations under the law and are more effective advocates for a transparent, efficient, and equitable justice system.

Activity: Engage CSOs to work with the courts as volunteer public information officers, serve as advocates for indigent defendants, and other activities

As noted, the ProJustice-Global Rights alliance will work with CSOs in their advocacy role, while the grants program will address legal services shortcomings in target areas. This activity is cross-referenced with Component 4 – Access to Justice.

Activity: Launch public education programs, post judicial ethics standards, and information for citizens about how to report misconduct

This activity is cross-referenced with Component 4 – Access to Justice, and will be one of the subject matter areas of the grants program.

Component 4: Increased Access to Justice for Vulnerable Populations

Component 4A Capacity Building Assistance to Civil Society for Access to Justice Activities

Activities in this component will focus on identification and selection of local NGOs that will benefit from our small grants program. The selection process is at an advanced stage since ProJustice has already solicited concept papers from CSOs in Bukavu, Uvira and Bandundu. To date, more than twelve concept papers or requests for assistance have been submitted to ProJustice. We will continue with the selection process via meetings scheduled for the month of July, August and September for CSOs based in Lubumbashi, Kindu and Kinshasa. The projects that will be funded by ProJustice will focus on the provision of legal services, legal clinics and judicial assistance to vulnerable populations, and awareness campaigns and court monitoring activities. A second category of local CSOs that will indirectly benefit from our program are those who were not selected for funding but will however receive technical assistance and training during the many training seminars that will be carried out by ProJustice's grantees and Global Rights.

Goal 4.1 Increased Capacity of CSOs to provide access to justice services

Activity: Conduct a stakeholder mapping exercise of CSOs working on access to justice issues in the pilot areas.

Since the beginning of our trips to the field, we have been collecting information for a mapping of CSOs working not only in the Katanga and Bandundu provinces but also in Maniema, Kinshasa and South Kivu. To date, we have collected information about CSOs in all the pilot sites where our small grants program has been launched. The grants team in Kinshasa is currently putting together the info gathered in pilot sites to serve as materials that can be used to draft a CSO mapping document. Identification of access to justice CSOs in Katanga and Bandundu will be included in specific chapters of the broader Guide to CSO Resources and Services.

This mapping and survey work also forms part of the initial assessment undertaken in each pilot court region prior to initiating activities. The reports are attached as ANNEX XXXXX.

Activity: Survey capacity-building needs of key CSOs in pilot areas.

This mapping and survey work forms part of the initial assessment undertaken in each pilot court region prior to initiating activities. The reports are attached as ANNEX XXXXX.

Activity: Train CSOs to increase organizational capacity.

This activity is planned via a subcontract with Global Rights, and is described in the introductory section of this report. It will be launched in the upcoming reporting period.

Activity: Help establish a network of CSO-run legal resource clinics to expand access to free legal consultation.

Through the grants program, this activity will be tailored to assure that needs identified locally will be addressed in a manner that is specifically targeted to the local reality

Members of Bar Associations and representatives of women's rights organizations implementing SBGV and other women rights protection programs have been invited and attended our meetings in the places where we have already launched the small grants programs. They have also noted that women's rights and protection constitute an important aspect of our access to justice program. Some have already demonstrated their interest in the small grants program and will be submitting concept papers and proposals for our consideration.

Once we supply technical assistance and funding to a certain number of CSOs, we will provide them the training and assistance they need to develop networks and coalitions advocating for judicial reform and human rights. In the community meetings held thus far we also encouraged local CSOs to work together and submit joint proposals focusing on different ways of addressing justice needs and services in their community.

The capacity of the academic or university community to implement projects is limited. In the upcoming report period ProJustice will visit them in Kinshasa and Lubumbashi to see how we can integrate legal students into the CSOs' legal assistance programs. Also under consideration is the option of opening apart from the grants program one legal clinic and resource center in Kinshasa and another one in Lubumbashi.

Activity: Further existing and develop new CSO court watch programs on pilot jurisdictions

Through the grants program, this activity will be tailored to assure that needs identified locally will be addressed in a manner that is specifically targeted to the local reality. This activity is one that will be carried out by Global Rights under the Court Monitoring Program.

Activity: Establish CSO-led community-based paralegal networks in rural areas.

Through the grants program, this activity will be tailored to assure that needs identified locally will be addressed in a manner that is specifically targeted to the local reality.

Component 4B Sub-Grants to CSOS

4.2 Grants provided to CSOs to help increase activities and impact in justice sector

Activity: Set sub-grants management procedures and develop grants manual

This activity is complete. A joint ARD-DPK workshop on grants management was held during the reporting period, and the procedures and the manual utilized during that workshop have been adopted for use for the grants program.

Activity: Announce and launch grants program

This activity is complete. The grants program has been announced in the pilot court areas.

Activity: Conduct workshop of potential grantees

Workshops with potential grantees are being held in each pilot court area in conjunction with the pilot court launching workshop.

Activity: Award sub-grants

Grants will be awarded during the upcoming quarter.

Activity: Administration of grants

This activity will be carried out on an ongoing basis upon award of grants during the upcoming reporting period.

Activity: Monitoring and evaluation of sub-grant projects

This activity will be carried out on an ongoing basis beginning with the awarding of grants during the upcoming reporting period.

Component 5 – Windows of Opportunity

Take advantage of windows of opportunity to advance justice sector reforms

Activity: Undertake activities, to be identified, that help promote the reform agenda and result in increase support for that agenda

The “window of opportunity” activities are to be defined and carried out on a rolling or as-needed basis. There was a request for one such activity, which ProJustice was prepared to support. We were copied on a request for logistical support from the Political, Administrative and Judiciary Commission of the National Assembly. Through discussions with DAI, we understand that the reference activity has been cancelled and thus the request has been withdrawn.

Support for the DAI Judicial Audit may be considered as a “window of opportunity” since ProJustice responded quickly to a USAID request to contract an expert consultant for the judicial audit, even though it is not a ProJustice activity strictly speaking. The consultant contract and the activity itself remained underway at the end of the reporting period.

3. SUPPLEMENTAL PROGRAM FOR EASTERN DRC

1 Overall Project Management and Reporting

Project office, equipment and staff established in Kindu and Bukavu

Activity: Kindu office space located and equipment/furniture procured

Activity pending and will be completed during the upcoming period.

Activity: Bukavu office space located and equipment/furniture procured or acquired

This activity is complete.

Activity: Kindu and Bukavu office staff recruited

The Bukavu office has been established and staffed as of April 2009, although it is managed currently by an interim office manager. The assessment mission to Kindu took place in mid-April. Permanent office managers and pilot court coordinators are currently being recruited for both Maniema and South Kivu, because our pilot court coordinators for those sites resigned when confronted with corruption allegations.

Coordination of partner stakeholders and counterpart institutions; and, Awareness of the presence and role of the new USAID project

Activity: Stakeholder meeting convened and three-way MOU drafted between MOJ, Supreme Court and Public stakeholders

We have held multiple discussions with stakeholders in South Kivu on several occasions, and did the same in Maniema in mid-April. The notion of signing an MOU or other “protocol cadre” remains open to discussion, but may not be warranted unless or until there are concrete reasons to negotiate such an agreement. Whether the MOJ and the Judicial Branch would sign onto such an instrument is an open question. This activity remains pending.

Activity: MOUs established in South Kivu and Maniema Provinces in coordination with USAID

The notion of signing an MOU or other “protocol cadre” remains open to discussion, but may not be warranted unless or until there are concrete reasons to negotiate such an agreement. Whether the MOJ and the Judicial Branch would sign onto such an instrument is an open question. This activity remains pending.

Activity: Discussion with local stakeholders such as universities, local/municipal governments, and CSOs in additional targeted areas in South Kivu and Maniema Provinces

Public Stakeholder meetings with local stakeholders such as universities, local/municipal governments, and CSOs in additional targeted areas in South Kivu and Maniema Provinces have been initiated, and will be considered as an ongoing activity that forms part of the packet of pilot court activities which will continue throughout the period of intervention.

Coordination of project activities in Eastern DRC with other donor agencies, donor funded projects, and reform-oriented organizations

Activity: Coordinate focus of activities through meetings with USAID and CMJ

ProJustice coordinates closely with the CMJ – Justice Mixed Commission in Kinshasa. ProJustice also coordinates closely with other donors and multilateral organizations (EU-PAG, MONUC, UNDP) in the case of specific program activities that may lend themselves to multi-donor approaches, such as the judicial audit, the pilot courts, judicial recruitment, and other areas of interest to several donors.

Activity: Develop coordination mechanisms with organizations implementing other justice sector donor-funded projects in Eastern DRC

ProJustice has met on multiple occasions with REJUSCO in Kinshasa as well as in Eastern Congo. A mutually beneficial project synergy is made possible through close coordination, especially with respect to REJUSCO in Eastern Congo.

Establish consultation mechanisms with court users to produce recommendations for making courts more efficient and effective

Activity: Host initial and subsequent public stakeholder and judiciary joint conferences in each location in Eastern DRC to introduce new reforms, increase understanding of the justice process and facilitate discussions on needs of the public

This activity is pending.

Develop with courts and regional partners a joint communications and outreach plan to keep justice stakeholders informed of project activities and successes

Activity: Develop regular public justice sector reform bulletin for publication and dissemination

The activities in Eastern Congo will be included in within the pages of the general ProJustice Bulletin that our communications specialist has developed. The first edition is attached as ANNEX XXXX.

Monitoring and Evaluation strategy developed and implemented

Activity: Establish ProJustice M&E team and M&E strategy

ProJustice has developed and refined its overall M&E strategy or “PMP.” Data collection has begun in Eastern Congo, and a strategy developed to field teams to collect the needed baseline data.

Activity: Establish and analyze Control Courts

This activity is part of the strategy for data collection. While we would not recommend establishing control courts in each pilot jurisdiction, we do understand the need to have control courts at a level that permits adequately gauging the impact of ProJustice interventions. This analysis will take place when reporting M&E results.

Activity: Monitor and evaluate progress against PMP indicators

ProJustice has developed and modified its proposed M&E strategy or “PMP” over the course of project implementations. Data collection has begun in Eastern Congo, and a strategy developed to field teams to collect the needed baseline data.

Activity: PMP updated every quarter and included in Quarterly Report

The PMP has been updated and modified four times since project implementation began in late 2008, although the revisions did not necessarily coincide with the quarterly reporting schedule.

Preparation of Annual Plan for Eastern DRC

Activity: Progress under first year plan reviewed and second year plan developed working with counterparts

Progress under the work plan is reviewed quarterly. A second-year workplan will be developed in the upcoming reporting period.

Strategic planning coordination with counterparts and USAID

Activity: Hold strategic and action planning workshops with stakeholders to inform activities and planning process

This activity is complete. There were several visits to South Kivu during the reporting period during which strategic planning took place for the pilot courts, while at the same time ProJustice also held action planning workshops with civil society organizations.

Project reporting

Activity: Ensure regular collection and measurement of data for Eastern DRC activities and develop plans for submission to USAID

As noted above, data collection has begun in Eastern Congo, and a strategy has been devised to field teams to collect the needed baseline data against which result will be measured over the life of the project. This activity is part of the strategy for data collection.

Activity: Submit biweekly and quarterly reports according to schedule outlined in the contract

ProJustice complies regularly and promptly with reporting requirements.

Activity: Periodic reports made on key issues

ProJustice provides such periodic reports as required. Examples include reports on judicial recruitment, on the CSM General Assembly, military justice issues, etc., and we are prepared to respond to the need for extra information as necessary to assist with program objectives.

2 Programs to Strengthen the Courts of Eastern DRC

Strategy for increasing effectiveness and transparency of court management developed

Activity: Select Target Courts in Eastern DRC

This activity is complete. The sites have been selected: Bukavu, Kindu and Uvira. Selection of specific courts as pilot courts is a process undertaken jointly with the CSM and the thematic working groups that evolved from the CSM workshop of March 2009.

Activity: Pilot court coordinators recruited/mobilized to Maniema

Recruitment for Maniema was completed, but changes became necessary due to corruption on the part of the staff member selected who then resigned. As of the end of the reporting period, an active search remained underway for replacement of the pilot court coordinator.

Activity: Pilot Court Coordinators recruited and mobilized in South Kivu

Recruitment for South Kivu was completed, but changes became necessary due to corruption by the staff member selected who then resigned. As of the end of the reporting period, an active search remained underway for replacement of the pilot court coordinator.

Activity: Define pilot court activities and develop joint coordination strategy with donors and donor-funded projects in Eastern DRC

The basic menu of pilot court activities has been defined, and is then utilized at the level of each pilot court site as a backdrop for planning at the local level. In Eastern Congo, as elsewhere, ProJustice coordinates closely with the CMJ – Justice Mixed Commission in Kinshasa. ProJustice also coordinates closely with other donors and multilateral organizations (EU-PAG, MONUC, UNDP) in the case of specific program activities that may lend themselves to multi-donor approaches, such as the judicial audit, the pilot courts, judicial recruitment, and other areas of interest to several donors. In the case of the pilot courts, a possible synergy is emerging with the EU-PAG whereby a uniform development approach would be adopted, and applied by the EU in Kinshasa while ProJustice would focus in defined target areas. Additionally, ProJustice has met on multiple occasions with REJUSCO in Kinshasa as well as in Eastern Congo. A mutually beneficial project synergy is made possible through close coordination, especially with respect to REJUSCO in Eastern Congo.

Improvements to court operations realized through PACT Planning process

Activity: Enter into Memoranda of Understanding or other suitable mechanism between the courts, the USAID project, and also any Congolese institution providing support

No MOUs have yet been finalized. ProJustice has developed working templates for an MOU which will be utilized on an as-needed basis, i.e. should there be a need sensed for a more formal statement of ProJustice support through the CSM to pilot courts. The lack of any MOU has not proven an impediment to ProJustice work in pilot courts.

Activity: Introduce PACT Planning process in additional Eastern DRC pilot courts and regional/provincial sub-offices of the MOJ and CSM

This activity describes a process being introduced methodically. The Pilot Court coordinators utilize the PACT process as part of the overall pilot court methodology. The

PACT Planning process is introduced during each pilot court launching workshop as the backdrop for court administration best practices.

Activity: Develop Framework through a series of ProJustice Workshops, with participants from the courts, regional/provincial justice institutions, and local civil society

The reform framework is specific to each pilot court, and is defined in the strategic plan which is developed during the pilot court launching workshop and in follow-up meetings.

Activity: Work with judicial working committees to define a list of desired court improvement activities in Eastern DRC courts

This activity is complete. Annex XXX includes reports/plans from each pilot court site that includes desired court improvement activities for each. The plans were developed in a participatory fashion with each pilot court working group of leaders.

Activity: Define the types of incentives that the project can and will provide through a Court Accountability Fund focused on Eastern DRC provinces

This activity is pending.

Activity: Provide resources for minor facility upgrades and needed materials in targeted Eastern DRC courts

ProJustice has worked with counterparts in Eastern Congo to develop plans from each pilot court site that includes desired court improvement activities for each. The plans were developed in a participatory fashion with each pilot court working group of leaders. A Facilities Assessment Form is used to guide this process. The resources for minor facility upgrades will be made available in the upcoming reporting period.

Activity: Work with Eastern DRC pilot jurisdictions to identify and propose specific reform activities

This activity is complete. ProJustice undertakes an assessment in each proposed pilot court region as a vehicle for proposing specific reform activities and strategies. This is followed with a participatory planning process. Annex XXX includes reports/plans from each pilot court site that includes specific reform activities for each pilot court site, including those in Eastern DRC.

Activity: Work with judges and court personnel in each targeted Eastern DRC court to develop delay reduction programs

A national level delay reduction workshop which will include all pilot courts is scheduled for XXXXX (DATE).

Provide Introductory and continuing training program for Judges and Court Personnel in Pilot Courts

Activity: Conduct assessment of technical, management and administrative skills in targeted Eastern DRC courts

ProJustice has initiated the development and implementation of an assessment of management and administrative skills needed by court personnel in the Western DRC, which we also will apply to the Eastern DRC. This assessment will explore specific training needs in areas of the law and/ or judicial procedures in order to develop standardized introductory and continuing training program for court personnel, including clerks, bailiffs, and judicial inspectors.

Activity: Broaden in-service and new entrant training programs for judges, court clerks, bailiffs, and inspectors developed in Kinshasa to reach Eastern DRC courts

Following the logical sequence of activities in this area, the carrying out of new-entrant training programs for judges, clerks, bailiffs, inspectors, and others, will succeed the assessment, planning and materials development phases of the training approach. Thus it should be seen not as a discrete activity so much as an ongoing process to be implemented, evaluated and updated throughout the lifespan of ProJustice.

Activity: Develop a cadre of Eastern DRC regional trainers to work locally and in collaboration with national training schools

The development of a cadre of regional trainers in the Eastern DRC will follow the steps above, including the assessment, planning and materials development phases of the training approach. This activity should be seen not as a discrete one so much as an ongoing process to be implemented, evaluated and updated throughout the lifespan of ProJustice.

New policies increase accessibility through improved court performance

Activity: Ensure that court decisions are accessible and published where possible

This activity is pending.

Activity: Explore opportunities to work with and integrate regional customary law systems

This activity is pending.

Activity: Implement weekly trial-calendar updating, with posting in accessible areas in major towns in South Kivu and Maniema Provinces

This activity is pending.

Expand and Systematize mobile court system

Activity: Assess current and past mobile court efforts in the Eastern region for improvements and to gauge sustainability

ProJustice has discussed the possibility of a working partnership with Avocats Sans Frontieres, a leader in the area of mobile courts, which could be accomplished either via a grant or sub-contract mechanism. An initial assessment of the mobile courts would be a first step in any eventual partnership.

Activity: Establish regular schedule of mobile courts to allow for greater accessibility

A formal schedule and institutionalization of mobile court visits in close concert with the CSM would assure the accessibility necessary. This activity remains pending.

Activity: Develop budgets for use of mobile courts (*audiences foraines*).

Pending.

Activity: Ensure that systems for filing in *forma pauperis* are in place and clearly defined within the fee structure

Pending.

Increase Civic Engagement in court monitoring

Activity: Create contact with CSOs in Eastern DRC through newsletters and websites and other means

We have described how a ProJustice-Global Rights partnership will foster a constructive civil society-public sector relationship that helps inform improvements being implemented at the pilot court level and the larger policy issues being addressed with the CSM. This activity will integrate CSOs in consultative processes and working groups in the pilot courts and the CSM to provide a mechanism for articulating increased public demand for better justice services and increased access for vulnerable populations. Such activities will be broadly

reported in the ProJustice bulletin, and through workshops and roundtable discussions that take place on a regular basis in the target areas.

Activity: Engage regional CSOs to work with the courts as volunteer public information officers, serve as advocates for indigent defendants, and other activities

As noted, the ProJustice-Global Rights alliance will work with regional CSOs in their advocacy role, while the grants program will address legal services shortcomings in target areas. This activity is cross-referenced with Component 4 – Access to Justice.

Activity: Launch Eastern DRC-wide public education programs, post judicial ethics standards, and information for citizens about how to report misconduct

This activity is cross-referenced with Component 4 – Access to Justice, and will be one of the subject matter areas of the grants program.

3 Increase Access to Justice for Vulnerable Populations

Courts in Eastern DRC more responsive to cases involving vulnerable populations

Activity: Develop fast track and differentiated case management procedures for cases involving vulnerable populations particularly in cases involving gender-based violence

Case management and caseload backlog analysis form part of the basic package of support services for the pilot courts. The definition of this and other pilot court activities will be further refined in a participatory fashion with the CSM Planning and Information Management Commission and instituted in the pilot courts of Eastern Congo.

Increased capacity of CSOs in Eastern DRC to provide access to justice services

Activity: Conduct a stakeholder mapping exercise of CSOs working on access to justice issues in the Eastern DRC pilot jurisdictions

Since the beginning of our trips to the field, we have been collecting information for a mapping of CSOs working not only in Eastern DRC and elsewhere in the country. To date, we have collected information about CSOs in all the pilot sites where our small grants program has been launched. The grants team in Kinshasa is currently putting together the info gathered in pilot sites to serve as materials that can be used to draft a CSO mapping document.

This mapping and survey work also forms part of the initial assessment undertaken in each pilot court region prior to initiating activities. The reports are attached as ANNEX XXXXX.

Activity: Survey capacity building needs of key CSOs in pilot areas

This mapping and survey work forms part of the initial assessment undertaken in each pilot court region prior to initiating activities. The reports are attached as ANNEX XXXXX.

Activity: Provide training to CSOs to increase organizational capacity

This activity is planned via a subcontract with Global Rights, and is described in the introductory section of this report. It will be launched in the upcoming reporting period.

Activity: Help establish a network of CSO-run legal resource clinics to expand access to free legal consultations

Through the grants program, this activity will be tailored to assure that needs identified locally will be addressed in a manner that is specifically targeted to the local reality

Members of Bar Associations and representatives of women's rights organizations implementing SBGV and other women rights protection programs have been invited and attended our meetings in the places where we have already launched the small grants programs. They have also noted that women's rights and protection constitute an important aspect of our access to justice program. Some have already demonstrated their interest in the small grants program and will be submitting concept papers and proposals for our consideration.

Once we supply technical assistance and funding to a certain number of CSOs, we will provide them the training and assistance they need to develop networks and coalitions advocating for judicial reform and human rights. In the community meetings held thus far we also encouraged local CSOs to work together and submit joint proposals focusing on different ways of addressing justice needs and services in their community.

The capacity of the academic or university community to implement projects is limited but may be enhanced through the Global Rights sub-contract.

Activity: Help make legal resource centers hubs for public education and awareness-raising in key towns in N/S Kivu and Maniema province

The grants program will be utilized strategically to accomplish this activity, which remains pending as of the end of the reporting period.

Activity: Further existing and develop new CSO court watch programs in Eastern DRC pilot jurisdictions

Through the grants program, this activity will be tailored to assure that needs identified locally will be addressed in a manner that is specifically targeted to the reality of Eastern DRC. This activity is one that will be carried out by Global Rights under the Court Monitoring Program.

Activity: Help develop community based alterative dispute resolution mechanisms

This activity remains pending, and we would request a clarification on whether ProJustice should initiate ADR activities in the Eastern DRC. These activities do not appear in the scope of work for the task order and thus should be eliminated from the work plan.

Activity: Establish CSO-led community-based paralegal networks in rural areas

Through the grants program, this activity will be tailored to assure that needs identified locally will be addressed in a manner that is specifically targeted to local realities.

Grants provided to CSOs in Eastern DRC to help increase activities and impact in justice sector

Activity: Set sub grants management procedures

This activity is complete. A joint ARD-DPK workshop on grants management was held in Eastern DRC during the reporting period, and the procedures and the manual utilized during that workshop have been adopted for use for the grants program.

Activity: Announce grants program

This activity is complete. The grants program has been announced in the pilot court areas including Eastern DRC.

Activity: Conduct workshop of potential grantees on purpose of grants program and instructions to tender

Workshops with potential grantees are being held in each pilot court area in conjunction with the pilot court launching workshop. One such workshop has already taken place in Eastern DRC.

Activity: Award sub-grants

Grants will be awarded during the upcoming quarter.

Activity: Administration of grants

This activity will be carried out on an ongoing basis upon award of grants during the upcoming reporting period.

4 Create linkages with the work in other provinces

Exchange information and integrate court administration best practices across all projects locations

Activity: Create multi provincial working groups to exchange information on best practices

This activity will imply national level workshops of Pilot Court coordinators to exchange experiences and best practices. The first of these was held during the reporting period, prior to launching the pilot courts program. The pilot court coordinating “working group” will continue to meet and exchange information on best practices throughout the life of the project, on an ongoing basis.

Activity: Establish project and government publications/newsletters that inform courts throughout project locations

The activities in Eastern Congo will be included in within the pages of the general ProJustice Bulletin that our communications specialist has developed. The first edition is attached as ANNEX XXXX.

CSOs exchange information on activities and lessons learned across all project locations

Activity: Increase communication between CSOs throughout Eastern DRC through newsletters and websites and other means

This activity will involve workshops bringing together CSOs in Eastern DRC and so will follow progress of Grants program. Also, the activities in Eastern Congo will be included in within the pages of the general ProJustice Bulletin that our communications specialist has developed. The first edition is attached as ANNEX XXXX.

4. SUMMARY OF PLANNED ACTIVITIES FOR UPCOMING QUARTER

Please see table of planned activities for upcoming quarter attached as ANNEX XXX.

5. 3RD QUARTER PROBLEMS AND REMEDIAL ACTIONS

- The Judicial Council and other new justice sector institutions remain notoriously weak, and budgetary concerns require compromises with the executive branch. Remedial action includes building upon the successes of the General Assembly which concluded in June 2009, consolidating the entities and processes that will further entrench judicial independence.
- Lodging costs for international staff in Kinshasa are prohibitively high, and our inquiries with USAID RCO have been answered only partially. In a recent meeting with USAID and the RCO, one suggestion to reduce the need for short term international expertise was that we propose additional long term international staff. While the idea merits consideration, it would not be feasible given where we are on the international housing cost issues. Remedial action has already been taken, in requesting reconsideration of the earlier partial agreement with our request. Without a realistic housing budget, it would be unrealistic and prohibitively expensive to recruit additional international staff members.
- In-country travel remains a challenge. Despite the very welcome addition of UNHAS flights, we will become increasingly dependent upon international air travel options (such as via Kenya to travel to the east or to Lubumbashi) with consequent cost implications. By way of remedial approaches, we will continue to utilize the MONUC space available flights whenever possible, but that is only when there are no associated time constraints or possible program implications when passengers are not permitted to travel as planned. That will be an exceptional scenario.
- Registering ARD/DPK as a USAID project implementing entity is not yet complete. We understand fully that USAID/USG signed a bilateral agreement with the GODRC at some point in 2008, but that a second and essential step in the process relating to its implementation, and thus incorporation of its implementing partners, remains pending. USAID mission support to DPK and other contractors carrying out USAID programs in the DRC is beholden to an incomplete diplomatic process. As such, registration of ProJustice (a project of ARD/DPK under contract to USAID) has yet to be fully consummated. Should USAID attain the requisite follow-up to its bilateral arrangement, we would hope to be so apprised at the earliest possible time in order to avail ourselves of the modalities necessary to complete the registration and other legalizing processes.

- Recruiting local staff has proved to be a daunting task. It is time-consuming and frustrating. Time and money are expended in recruiting local staff, with no guaranteed outcomes. Remedial action will be to recruit double the number of staff we would normally, in order to allow for the unexpected but seemingly inevitable attrition.
- The stop work order issued by USAID during the reporting period, while analyzing the permissibility of working with “prosecutors,” was a costly and programmatic damaging setback. It was the second such stop work order issued in 2009. By way of remedy, we would only propose that when USAID wishes to make inquiries with the RLA that activities be permitted to proceed while the discussion is underway.

6. PRESS CLIPPINGS SUMMARY TABLE

Name of Press Outlet	Type (weekly/daily newspaper, radio, TV)	Date	Article Title or Feature	Comments/Description
Observateur	Tri- weekly newspaper	Friday, June 12 to Sunday, June 14, 2009	Building Capacities of Pilot Court in BUKAVU	The article announces the organization of a Planning Workshop on Pilot Court Program in Bukavu from June 25 to 29, 2009. It also deals with the Program's objectives, the opinions of the Appeal Court first President, the ones of the representative of the Judicial Council as well as the funding of ProJustice USAID
ACP/Agence Congolaise de Presse	Daily newspaper	June 12, 2009	Appealing to D R Congo government to give more Support to Congolese Justice	The article announces the organization of the first regional workshop on Pilot Court Program. The current state of affairs of Jurisdictions, by denouncing evil practices such as corruption and others. It also points out the funding of ProJustice by USAID
	Daily newspaper	June 16, 2009	USAID/DPK are called upon to support Congolese Justice renewal	The article announces the workshop, reminds the role of the Judicial Council in RD Congo Justice Reform. It hails the support provided by ProJustice Project to the Judicial Council, and especially to the modernisation of Jurisdictions in the assistance zones. Plus the two speeches
APA/ Agence Press Associer	Daily newspaper	June 12, 2009	Organization of a workshop on Pilot Court Program in BUKAVU	The article announces the workshop, the Jurisdictions modernisation Action Plan, improvement of Access to Justice, outcome of the General Assembly, the speeches delivered respectively by the first President and the Judicial Council's representative. (Reminding about the four main components of ProJustice project.)
FOUM DES AS	Daily newspaper	June 12, 2009	Modernisation Plan of Congolese Justice in gestation	The article announces the organization of the first Planning regional workshop on Pilot Court Program. It also provides the different presentations of the workshop as well as its outcome

7. STAFFING/MANAGEMENT UPDATES

Brian Treacy: As we informed USAID in June, COP Brian Treacy will leave the ProJustice program effective August 15, 2009. No break in program implementation will result and we will have a new COP on the ground in short order.

Willy Lubin: Mr Lubin arrived in mid-June. Mr Lubin is key personnel, and comes to ProJustice as the training expert.