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SOUTH AFRICA RAPID ASSESSMENT OF THE CRIMINAL JUSTICE STRENGTHENING PROGRAM (CJSP)

Evaluation Team

Robert W. Page Jr.
Court Administrator

Jill Thompson
Anti Gender Violence Expert

Dr. Biki S. V. Minyuku
Training and Institutional Strengthening Expert

Achieng Akumu
Senior Rule of Law Specialist, USAID Global Rule of Law Bureau

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The United States Agency for International Development (USAID) South Africa

Submitted by:

DPK Consulting
605 Market Street, Suite 800
San Francisco, CA 94105
Tel: (415) 495-7772
Fax: (415) 495-6017
DUNS: 824961353
Tax I.D.: 94-3186394

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Commonly Used Acronyms

ADR:	Alternative Dispute Resolution
AJTDP:	Aspirant Judges Training and Development
AOJP:	Administration of Justice Project
BAC:	Business Against Crime in South Africa
ARMSA:	Association of Regional Court Magistrates of South Africa
CMU:	Coordinating Management Unit
CMEPP:	Case Manager Extended Pilot Project
CJSP:	Criminal Justice Strengthening Program
CJSP-PMSO:	Criminal Justice Strengthening Program-Program Management Support Office
CREA:	Creative Associates International
CSVR:	Center for the Study of Violence and Reconciliation
DMS:	Data Management System
DOJCD:	Department of Justice and Constitutional Development
DSD:	Department of Social Development
DVMM:	Domestic Violence Multi-Disciplinary Training Manual
E-Scheduler:	First phase of development of integrated case flow management system focusing on scheduling appearances and basic workload data
GBV:	Gender Based Violence
GMTA:	Grants Management and Technical Assistance
GRIP:	Greater Nelspruit Rape Intervention Project
ICFMS:	Integrated Case Flow Management System
IAWJ:	International Association of Women Judges
IQC:	Indefinite Quantity Contract
IJSP:	Integrated Justice System Program
JMIS:	Judicial Management Information System
JOASA:	Judicial Officers Association of South Africa
KZN:	Kwa Zulu Natal Province of South Africa
LCPT:	Local Crime Prevention Tool-Kit
MOJ:	Ministry of Justice
MTEF:	Mid-Term Expenditure Forecast
NDPP:	National Director of Public Prosecutions
NGO:	Non-governmental Organization

NPA:	National Prosecuting Authority
OJTPs:	On the Job Training Programs
OPDAT:	Office of Overseas Prosecutorial Development, Assistance and Training (US Department of Justice)
PASA:	Participating Agency Service Agreement
PFMA:	Public Finance Management Act
PIA:	Program Implementation Agent
PIC:	Program Implementation Committee
PIP:	Program Implementing Partner
POC:	Program Operations Committee
RAB:	Re Aga Boswa
RLA:	Resident Legal Adviser
SAPS:	South African Police Services
SOCA Unit:	Sexual Offenses and Community Affairs Unit
TCC:	Thuthuzela Care Centers
VAO:	Victim Assistance Officer
WJEI:	Women Judges Empowerment Initiative
USG:	United States Government

1. EXECUTIVE SUMMARY

The Criminal Justice Strengthening Program (CJSP) was designed in 2000 to help South Africa achieve “a more effective and accessible criminal justice system.” The CJSP was designed to impact the criminal justice system in **four target areas**:

1. Improving management of justice sector institutions
2. Improving case processing and court efficiency
3. Improving crime and violence prevention strategies
4. Having better prosecutor led criminal investigations

As the program approaches its conclusion in 2008–2009, USAID/South Africa has appropriately requested an outside evaluation of the achievements of the program, lessons learned, and guidance on appropriate activities for a strong finish to the program. A team of experienced professionals in various aspects of rule of law under a contract with DPK Consulting (DPK) carried out the evaluation.

1.1 CJSP Program Design

The CJSP was implemented through a tripartite strategic partnership¹ in which Department of Justice and Constitutional Development (DOJCD) was the principal client, USAID was the funding agency, and Business Against Crimes South Africa (BAC) served as the Program Implementing Partner (PIP). Using BAC as the PIP, rather than a US-based consultant firm, was an innovative and laudable element of the CJSP, as from the outset the program was fully implemented by South African institutions and professionals.

The **program strategy** was focused on geographic clusters including large urban-based courts and smaller rural courts that serve a historically disadvantaged population. The program was to be implemented in a two-pronged priority planning period of two to three years, with more implementation-focused resources reserved for a second phase. The program was designed to continue the implementation mechanism established under the previous Administration of Justice Project (AOJP), with some modifications. The implementing mechanisms included:

- **Program Implementation Committee (PIC).** The PIC includes representatives of the DOJCD of the Ministry of Justice (MOJ), USAID, the Coordinating Management Unit (CMU), the National Director of Public Prosecutions (NDPP), the Justice College, the grants management contractor, and any program implementation agent contracted by USAID. The PIC is chaired by the MOJ/DOJCD and USAID.
- **Program Implementation Agent (PIA).** The original design envisioned using the existing PIA, which was Creative Associates International Inc. (CREA), and considered, at the end of Phase 1, the continuing need for PIA services, whether from South Africa or the US. The Cooperative

¹In line with a signed (05 August 2002) Declaration Regarding the Strategic Alliance Among The Ministry of Justice of the Government of South Africa (represented by Dr. Penuell Maduna, Minister of Justice and Constitutional Development), Business Against Crime (represented by Mr. James Fitzgerald, Chairman of Business Against Crime) and the United States Agency For International Development (represented by Robert F. Godec, Deputy Chief of Mission, United States Embassy to the Republic of South Africa and Eilene Oldwine, Mission Director, USAID, USAID/South Africa)

Agreement made BAC the Project Implementing Partner early on, and no further use of a PIA was made.

- **Participating Agency Service Agreement (PASA).** A resident legal advisor from the USDOJ.
- **IQC Buy-in.** A buy-in to a Global Bureau Rule of Law IQC for short-term technical advisors.
- **Personal Services Contractors.** Direct contracting of FSN and USPSC personnel to monitor the implementation of the program.
- **Small Value Contracts.** Direct procurement of services for program monitoring and evaluation.

The program was implemented essentially as designed, though some key elements of the original design were altered. The use of BAC as the PIA has been noted: in addition, the IQC buy-in was not used, and the small value contracts were used only minimally. The CJSP would have been a stronger program had all of its key elements been implemented. There is still an opportunity to utilize these elements to significant advantage in achieving the desired strong finish, as described in the recommendations of this assessment report.

1.2 Impacts of the CJSP

The CJSP has played an important role in strengthening key justice sector institutions and actors to improve the efficiency of the justice system, as well as heightening awareness and knowledge of the importance of the rule of law in South Africa. The following are the key contributions of the CJSP to the goals of the four target areas:

1.2.1 Improved Management of Justice Sector Institutions

The CJSP, particularly through technical assistance and training in its early years, was instrumental in introducing **new means of doing business** in the key justice sector institutions at the delivery of service level—DOJCD, National Prosecuting Authority (NPA), and the courts—through more effective institutional structures, management and automated systems, data-driven management, inter-departmental and inter-sectoral planning, and coordination processes directed to improve productivity and reduce delay.

The key approach to introducing new means of doing business involved establishing **demonstration pilot projects** and institutionalizing and replicating pilot practices in many locations. Replication was achieved principally through implementing key elements of pilots versus roll out of all aspects or to all offices. More work is needed to ensure that the rollouts and replication continue.

The key example is the **Re Aga Boswa (RAB)** decentralized court management model in Kwa-Zulu Natal. That RAB model is a **decentralized court support management model** based principally on decentralization of decision-making and the introduction of court managers to support judges and magistrates. **The Re Aga Boswa pilot has driven the overall national introduction of court managers to reduce the administrative load on judicial officers so they can devote more time to jurisdictional issues.**

The majority of the CJSP Projects are "pilot." The essence of a pilot is either to roll out when primary objectives are obtainable or close it down when the pilot is futile. To this extent our observation is that most of the CJSP pilot projects are geared to be either rolled out and/or institutionalized because their continued needs and demands are of greater magnitude. For instance, Re Aga Boswa, the ICFMS, the Victim Assistance Officers and Case Manager and Case Manager Pilot Projects are crucial in strengthening the Criminal Justice System. *CJSP 2 Performance Activity Report 2002-2003, p. 60*

Another pilot was the **Integrated Case Flow Management System (ICFMS)**, which was introduced through the piloting and testing of models in various provinces (Eastern Cape, Free State, Gauteng, Kwa Zulu Natal, Limpopo, Mpumalanga, Northern Cape, Northwest, and Western Cape). Though still not fully developed or introduced, ICFMS started an important process toward data-driven management in the case processing system and demonstrated how technology can aid in this process. Significant additional work, as described under the area analysis, needs to be done to achieve a truly integrated case flow management system in the courts, but the process has been initiated.

The **Thuthuzela Care Centers (TCCs)** introduced an integrated, inter-sectoral “one-stop” system to support victims of sexual crimes and their families, from the time of the incident through the trial process. The TCCs were piloted in four sites and then expanded to other provinces and other parts of the world. The TCCs have been recognized in numerous publications and forums – including the former UN Secretary General’s published Researched Reports on VAWC (2006) and Violence against Girls (2008); the US government’s Women Judges Empowerment Initiative (WJEI); and in the Benoni (2006) and Luanda (2007) Declarations – as an important and replicable model for addressing gender-based violence (GBV). The current TCC network in South Africa is slated to be scaled-up and expanded from 10 to 80 centers by the year 2010. Approximately six one-stop centers based on the TCC model are currently planned for other countries on the continent.

The CJSP also has contributed to **strengthening the institutional capacity of the DOJCD, NPA, and the courts** through **multi-sectoral training and multi-institutional coordination and planning** that help to avoid “silo” type responses to issues and crises. Specific institutional strengthening activities with the DOJCD and NPA have included the creation of provincial and district case flow management committees (CFMCs), and contributions to the National Action Plan on Combating Gender-Based Violence. Creating such inter-departmental and multi-sectoral coordination is often one of the greatest challenges for any justice system and while the efforts of CJSP have helped improve this situation, inter-departmental communication and collaboration remain a key area for continued improvement.

1.2.2 Improved Case Processing and Court Efficiency

Throughout the development of the CJSP there has been a **paradigm shift on the part of magistrates, judges, and others with regard to training** from what could be categorized as initial resistance to the current recognition of the importance of life-long professional development as a pathway to improved effectiveness, productivity, and greater sensitivity to key societal issues. There has also been recognition that the training should focus both on technical issues, such as preparation and prosecution of corruption and organized crime cases, and on key human rights issues, such as GBV. A notable achievement in the early years of the CJSP was the creation, through the Aspirant Judges Training and Development Program (2002–2005), **of a pool of trained candidates qualified to be judges**, many of whom have been appointed as judges or acting judges.

The result of the increased training, supported by the CJSP through the Justice College, the Association of Regional Magistrates of Southern Africa (ARMSA), and other local justice institutions, **has been a general upgrading of the capacity of judicial officers, prosecutors, court managers, DOJCD managers, and other justice sector personnel, through focused training** in judgment writing, organized crime investigation and prosecution, management issues, and other training and mentoring programs. Regardless, additional efforts are needed going forward to fully institutionalize the training process and develop training content and materials. There is also a need for more focus on career curricula modules, as opposed to relying on a series of one-off type trainings. Through the pending adoption of the Judicial Education Bill, a unique **South African**

Judicial Education Institute will soon be established, and will provide a vehicle to institutionalize and strengthen future judicial training programs. This development is testimony to the increased importance now given to judicial education, in part due to the work done through the CJSP.

In assisting to strengthen court efficiency, the CJSP has contributed **human assets**, in the form of case managers and victim assistance officers (at six TCCs/Sexual Offenses Courts), forensic audit section data capturers (DOJCD), data capturers² for the e-schedule system—the current name for the evolving ICMS system—and data gatherers and interpreters in the community courts. Some of these staff members have since been incorporated into the permanent staff of the DOJCD, a positive outcome of CJSP support. The CJSP also has contributed **hard assets** such as laptops, computers, printers, scanners, televisions, and the remodeling of sexual offenses courts. Furthermore, the CJSP contributed to the **development of systems** such as the ICFMS, and **component elements** such as e-scheduling and the Justice Management Information System (JMIS).

1.2.3. Improved Access to Justice and Crime and Violence Prevention Strategies

The CJSP made a **major contribution to the issue of gender justice in South Africa** and the region, through its support for the development and piloting of the integrated Thuthuzela Care Center (TCC) model for sexual assault management, and the related development of needed technical support such as the creation of the Integrated Domestic Violence Training Manual and associated training modules. Both the manual and the training modules have been used as a model in other countries, e.g., Ethiopia. Although the CJSP investment was relatively small, USAID support for the TCCs was instrumental in helping Sexual Offenses and Community Affairs Unit (SOCA) pilot and rollout key aspects of the TCC model to six sites nationally. These models clearly demonstrated the value of the case manager and victim assistance officer (VAO) positions to the effectiveness of the TCC model. SOCA has now institutionalized the VAO position at 10 sites nationally and is planning to continue to expand the model to additional sites.

Other CJSP activities have **contributed to expanding access to justice for vulnerable groups**. The activities include grants to NGOs, to provide and, in some cases, to expand/replicate support services to victims of GBV to empower victims and facilitate access to the courts; research and development of a standardized, developmentally appropriate program for **child witness preparation** (Child Witness Preparation Project), now currently used by several South African NGOs; funding child witness preparation and court support services by Childline and others; conducting **public awareness and education campaigns** to schools throughout the country and to communities with an emphasis on hot spots (Tiisa Thuto We Strengthen Education Program); and **develop training tools** for the NPA to train prosecutors and other inter-sectoral role-players to prosecute sexual offense cases and implement the Domestic Violence Act.

The CJSP also contributed to increased access to justice through its support for the **creation of dedicated courts** in areas of **commercial crimes** (Pretoria, Johannesburg, Port Elizabeth, Durban, and Cape Town), **sexual offense courts**, and **community courts** (Western Cape, Gauteng, and Limpopo). Support for the community courts included development of **guidelines for the community courts** (the “Hatfield model”), infrastructure (trailers, office furniture), and public awareness campaigns, as well as support for diversion and sentencing alternatives.

² Data capturers for the E-schedule system are data input staff which pulls needed data from filing and other papers to update the E-schedule system. In the long run, the data should feed directly into the ICMS system from the source document eliminating the need to capture this information post filing or hearing.

In the area of crime prevention, **USAID provided grants to NGOs to pilot crime prevention, diversion, and rehabilitation programs** for at-risk youth and/or young offenders in schools, communities, and correctional facilities. USAID support to Khulisa’s “New Directions” diversion program was particularly instrumental in helping to institutionalize diversion and youth offender programs in several South African provinces.

1.2.4. Better Prosecutor-Led Criminal Investigations

The CJSP can be credited with assisting and providing a **significant upgrading of the prosecutorial function** through training and mentoring prosecutors to better investigate, prepare, and present cases related to gender violence and to organized and commercial crimes.

Upgrading the professionalism of prosecutors has been achieved principally through **skills training; provision of legally trained case managers** to the TCC to assist prosecutors in sexual offenses cases; **institutional support to the NPA Directorate of Special Operations (DSO or “Scorpions”)**; and **mentoring activities** through USAID cooperation with OPDAT. The training was implemented through the placement of an OPDAT resident legal advisor at the NPA for two consecutive years, followed by an interim legal advisor, both of whom advised on prosecuting organized crime and money laundering cases under the Prevention of Organized Crime Act, and built confidence within the NPA to file cases under this legislation. Technical activities have included **support of the Forensic Audit Unit** (located within the DOJCD), and the **Asset Forfeiture Unit** of the NPA.

1.3 Recommendations for a Strong Finish

As the program moves toward a strong finish, there is a **need for a strategic review of the 2007-2008 program plan** in light of the comments of this assessment/evaluation, and to redirect resources to tie out to the original goals and focus of activities. We have outlined below both **implementation strategies** and **areas of focus** that should be given consideration to achieve the desired strong finish. These strategies and areas of focus are developed in more detail in the assessment itself.

1.3.1 Implementation Strategies

1. The strong finish can be more assured if some of the concepts outlined in the original project design are implemented. For example, the original design contemplated the use of external technical assistance through **buy-in to the ROL IQC**. The noted drift in focus in recent years comes in part from the lack of a strong sense of appropriate next steps for CJSP, particularly in areas related to organization, productivity, use of technology, and court administration. An effective rule of law implementer with knowledge of international best and appropriate practices could be very effective in quickly helping to give direction to the CJSP program as it concludes. Strong consideration should be given to obtaining such assistance to provide strategic advice, particularly on the court-strengthening program.
2. The original program design also contemplated the use of an external source to carry out the monitoring and evaluation function. While the CJSP should be commended for the rich detail of quantifiable data, especially in its early years, **there is a need to tighten the monitoring and evaluation aspects of the project**. USAID may need to go back, capture, and analyze existing data to better measure actual impacts in a way that is currently not possible with existing in-house data and resources. That process would result in better measurement of impacts, either according to original indicators or a focused subset of the original indicators.

3. It is critical **to address institutionalization and sustainability issues**, specifically the transfer of project management and know how from the BAC to the Program Management Units within DOJCD and the NPA (see text box), in anticipation of program handover. This activity has been contemplated in the BAC mechanism for some time, but now requires significant focus for a strong finish.
4. There is also a critical need to **improve and address existing coordination and inter-agency relation issues** through the POC and PIC mechanisms. The SOCA Unit, for example, no longer participates in the POC and PIC mechanisms, and since the change in the CJSP's trajectory there has been steady deterioration in the relationship between the DOJCD, the CJSP-Program Management Support Office (PMSO), and BAC-SA.

1.3.2 Areas of Focus

The Re Aga Boswa (RAB) rollout has not been fully achieved, though significant elements of the model are functioning throughout the country. The MOJ has now decided to roll out the RAB system nationally. Resistance to this model may still exist at the regional level, as it prescribes shifts in responsibilities from the regional manager structure in the DOJ to court managers under the direction of judges and magistrates. CJSP should provide assistance in planning, process re-mapping, change management, and other efforts to rekindle interests, buy-in, and readjustment of the model.

1. **A strategic intervention is needed to refocus on the original concept of the ICFMS, as opposed to the current CJSP focus on a Document Management System (DMS).** Focusing narrowly on DMS runs the risk of not ensuring the creation of an integrated ICFMS. The goal is the development of a true ICFMS, which will incorporate case flow management, document management, and other recent advances such as e-systems, etc. There is a need to strengthen training and hardware for such a system to be implemented effectively.

<p style="text-align: center;">Project Management Unit in DOJ</p> <p>It is recommended that the operationalization of DOJCD's Project Management Support Unit be fast-tracked. To do otherwise means courting the disastrous risks of neither skills transfers nor capacity building with the DOJCD by the time the CJSP Cooperative Agreement lapses. (September 2006) Sixth Performance Report (p. 49)</p>

The evaluation team held meetings with DOJCD on issues related to the DMS and its roll-out. There is general consensus that adjustment is needed in any proposed USAID support for this program. This should include adoption of an integrated approach to ICFMS procurement. With regard to the DMS element of the system, before committing any funding for DMS support a careful professional review should be undertaken of both the DOJCD summary of objectives and also the DOJCD-generated TORs, to ensure that the program is not a stand alone/pilot that does not fit into the integrated approach. Specifically, CJSP support should target the procurement process to clearly define phases of the ICFMS process, what will be required for each phase, and what can and will be achieved with CJSP support. The key is to ensure that any CJSP support does not become an isolated "experiment" with no built-in follow on.

2. The strong finish in the area of training should focus on issues of institutionalization of training through determining the **appropriate structures to house training** including the USAID supported training programs. The South African governmental goal is to create the Judicial Education Institute. The most appropriate assistance to support this process of creating the Institute for CJSP support is three fold:
 - **Generate interest and support for the new institute by holding workshops of key judiciary figures** to discuss organization, curricula, teaching philosophy, e.g., instructors versus peer-to-peer instruction models and other organizing elements.

- Use the workshops or training needs assessment as the basis to **create an outline for a curriculum and set of detailed offerings**, e.g., courses for new judicial officers, courses on international law issues such as on international human rights, intellectual property rights and others.
 - **Analyze how new technologies such e-learning techniques** can be built into curriculums to expand the reach of training.
3. **Training programs have had an ad-hoc quality and need to be less demand driven, reactive, and more related to specific DOJCD-CJSP activities and strategic objectives.** There is also a redundancy in the program supported by CJSP directly and those offered by the Justice College. In some areas, there is a rejection of the Justice College model of using peers as mentors versus full-time trainers. The activities that should be undertaken to strengthen training are as follows:
- Re-assess Justice College curriculum per recommendations of previous impact assessments, conduct a skills audit to ensure that training is addressing identified gaps in skills, and develop model curriculum for judges, magistrates, and court administrators that can guide the development of training programs. Specific curriculum issues and needs that were identified during the evaluation are:
 - Institute court and office manager training programs to tie out to RAB and the ICFMS
 - Adjust social context training to current needs
 - Offer programs in ethics as a part of the anti-corruption program
 - Specific CJSP assistance interventions could include:
 - Undertake a judicial skills audit to be used in defining training needs
 - Support, as a reasonable proxy for a skills assessment, convening of regional court presidents, chief magistrates, and provincial deputy public prosecutors to discuss their perceptions of training needs which would also reenergize the program
 - Assist to develop appropriate curricula/training modules for judges, magistrates and non-judicial personnel that will define clear professional development training paths for each
 - Determine and provide any assistance that can be provided to fast track the Justice College accreditation process
 - Provide specific technical assistance through an international or other expert to help with the development of the organization, curriculum, staffing, finances, and administration of the new Judicial Education Institute
4. The **dedicated court approach needs to be rethought** so as to take into account the human resource issue, namely that judicial officers burn out and may be underutilized in a dedicated court environment, while at the same time retaining the needed specialized knowledge required to handle sensitive and complex matters. Specifically:
- **Sexual offenses courts** need to have the specific support services, facilities, and equipment for these matters, including close ties to the TCCs where they exist. Wherever possible, sexual offenses cases should be tried in dedicated courts and not diverted to other courts but may need to rethink the human resource issue. It may be wise to consider rotation of trained magistrates into these courts versus permanent assignment to avoid issues of burn out. What is needed is a strategic intervention for an “in flight correction.” CJSP support can and should be directed to define the way forward for dealing with sexual offense matters by providing technical assistance to review metrics on performance, convening multi-member groups to consider the way forward, etc.

- **Community courts** are in need of re-engineering. These courts currently are structured as full-fledged courts with all the elements that make for a high-cost model, are now hearing normal criminal matters, and have naturally de-emphasized the community dispute resolution element of the community court concept. The model needs to be revisited to emphasize more informal mechanisms for resolution, such as ADR and diversion. Most cost effective methods, such as the use of quasi-judicial officers, volunteer mediators, and involvement of traditional leaders and structures need to be built into the model. The community court program also needs to refocus efforts to ensure it delivers programs to rural areas. CJSP can support this process by developing white papers, bringing to bear international models, reviewing legislation, and other means.
- **Commercial courts** have created a model for exclusive jurisdiction over commercial crime cases and development of expertise among the judiciary in this area. While the results of the model demonstrate high conviction rates, the overall case volume of the commercial courts remains consistently low. There are questions as to the costs and benefits of having separate commercial courts in terms of maximizing the use of scarce judicial resources. CJSP can provide important information to the review process by sponsoring an assessment of the costs and benefits of the current “pilot” approach, and whether it should be rolled out further or commercial cases should be rolled back into the normal rolls of the courts.

5. Support for NGOs should be given greater focus

- For the NGO sector to provide more consistent and expanded services, particularly in the courts and TCCs, there is a need for the DOJCD and NPA to formalize their relationships with NGO service providers (as it has been done to some extent in the Western Cape), and to identify and implement mechanisms for long-term financial support to NGOs in order to ensure the sustainability of current services and facilitate the expansion of good programs to courts and TCCs in under-served areas. CJSP can assist in this process by convening workshops between the NGO and governmental sectors to define how the two groups can work together in the future.
- **Future grant funding under CJSP/WJEI should focus on expanding/replicating successful programs in the area of victim empowerment and diversion, including grants to support the training and mentoring of local organizations** (to provide specific programs/services) by more experienced NGOs. Access to justice grants under CJSP/WJEI could also be expanded to include a specific focus on helping poor women obtain child support orders under the Maintenance Act.
- **Support to the GBV sector during the strong finish should emphasize sustainability.** Either through CJSP or WJEI, there should be more training to government personnel and direct services to victims of GBV, in part by helping government identify and/or develop mechanisms for out-sourcing in the criminal justice/victim empowerment sector. CJSP or WJEI should also play a more active facilitative role between DOJCD, NPA, and NGOs around the issue of child witness preparation so that USAID’s substantial investment in this area has a chance to bear fruit. CJSP specifically could support the commission of an in-depth analysis of government funding/procurement options for NGO service providers, with particular emphasis on the justice sector (GBV, diversion, etc.), while continuing to provide short-term grants or “bridge” funding to NGOs during the remaining period of the CJSP program.

2. EVALUATION METHODOLOGY

DPK formed a team that brought a variety of needed experiences and both international and local knowledge so the different areas of focus of the CJSP could be addressed by a knowledgeable professional from that field. The team included **Robert W. Page Jr.** as court administrator and DPK Team Leader. Mr. Page is a former court administrator in both the federal and state court systems at the highest levels, a founder of DPK, a former rule of law chief of party, and has participated in numerous rule of law assessments in many regions of the world. He brought unparalleled experience as a court administration professional and in rule of law development work. **Jill Thompson** is a lawyer with extensive rule of law and gender rights experience in South Africa. She served with USAID during the early years of the CJSP, so brought invaluable institutional memory. She served as the Anti-Gender-Based Violence Specialist but contributed to all areas of the evaluation. **Dr. Biki S.V. Minyuku** focused on training, although his rich experience as former CJSP Director was invaluable to clarifying the history of the program's development and understanding of where and why the program is where it is today. His insights into both the history of the program and the way forward were invaluable. Although not technically a part of the DPK team, **Achieng Akumu, Esq.**, a rule of law specialist with the USAID Global Bureau Rule of Law Program, fully participated in evaluation activities and contributed significant inputs, especially in the areas of activity related to access to justice. She also served as overall coordinator of the evaluation.

The methodological approach used for this evaluation/review included:

- Consultative/roundtable meetings with strategic partners
- Entry meetings with USAID to clarify the TOR
- Exit meetings to share and establish sufficient consensus on draft findings and recommendations
- Review of submitted strategic and supporting documentation
- Site visits to courts, including Community Courts, TCCs, the Justice College and (through the urging of the CJSP-POC Chairperson) the Constitutional Court
- Focused group discussions with strategic partners, sponsors, consultants, and program/project managers
- Face-to-face structured discussions and guided telephone interviews
- Out briefings and discussion sessions to vet ideas and findings

The team reviewed/evaluated the relevance, results, and contributions of the CJSP toward achieving its objectives within the CJSP's primary components. The team focused on reviews of project documentation including the 2000 Project Design for Results Package No 674-0322.1 Criminal Justice Strengthening Program, BAC Annual and Interim Reports on the program, DOJCD plans, the Interim Evaluation by Decipher Consortium, specific technical documents like the *Document Management System Audit and Proposal* carried out by Matlole/Mokgabo JV, and other relevant documents. The team also reviewed statistical data to the extent that it was available.

The CJSP Assessment Team conducted interviews with numerous key personnel and several individuals were interviewed on multiple occasions throughout the evaluation. Interviews with beneficiaries of the CJSP programs focused on impacts and effectiveness, any problems encountered, how assistance might have been implemented more effectively, reoccurring problems and how they were addressed, the CJSP implementing mechanism, and the way forward.

The interviews were driven by the key questions that USAID/South Africa posed for this rapid evaluation. Interviews with USAID, BAC, NPA, and DOJCD leaders focused on the implementing mechanism, the tripartite arrangement outlined in the Cooperative Agreement (USAID, BAC and

DOJCD), and whether and how the implementing mechanism worked. During the course of the evaluation, the team had many informal interviews with practitioners in various justice sector institutions, including large focus groups such as the approximately 20 clerks in the Johannesburg Magistrate Court and with key personnel at the Cape Town TCC and in Durban. A list of major interviewees, site visits, and major documents reviewed is included in Appendix 1.

The team reviewed the content, rosters of attendees, and evaluations of trainings conducted and other sources. As stated in the original proposal, there was not time, nor did we understand it as the intent of USAID/South Africa given the time allocated for the rapid evaluation, to develop independent data gathering such as closed-case sampling and opinion surveys that we utilize in our methodologies for more in-depth assessments. More in-depth, independent data gathering and analysis should be part of the final evaluation design, and we have pointed out in the evaluation areas where more in-depth data gathering may be both necessary and useful. Where available in current documents such as the CJSP annual and other progress reports, we reviewed statistical data to get a measurement of CJSP impacts.

The team conducted several site visits. CJSP-supported programs were visited in Johannesburg (magistrate courts, Constitutional Court), Mmabatho (Northwest Division, TCC) Pretoria (DOJCD, BAC, magistrate courts), Cape Town (DOJ regional office, Thuthuzela Care Center, various NGOs), Polokwane (Community Court); Thohoyandou (an NGO); and Durban (Ra Aga Boswa Model Court). During site visits the team both observed and conducted interviews, and reviewed local data sources and other documents.

In and out-briefings were conducted with USAID and the key counterpart, the DOJCD. The in-briefings helped to orient the evaluation and the out-briefings allowed the team to share and discuss findings. Some appropriate readjustment resulted from these out-briefings.

As documented in the evaluation, the team found that although baseline measures and indicators were in place, and while periodic monitoring and internal CJSP-PMSO reviews and independent, third-party evaluations were conducted (Decipher Consortium), a rigorous and consistent monitoring and evaluation component to the CJSP was not in place for the majority of the program life and there were no firmly established baselines from which to measure progress in a consistent manner. For that reason there was not consistent measurement of impacts, especially in the later years of the program. There are numerous measurements of impacts of pilot activities, but they are difficult to extrapolate into an overall quantitative measurement. For the final in-depth evaluation of the CJSP, consideration should be given to some in-depth statistical analyses from secondary sources to the CJSP, such as the DOJCD, NGOs, and the courts, to gain greater insights into the impacts of the program relative to more counterpart-generated metrics.

The team is confident that the comments made in this evaluation reflect a considered view of the reality, and are particularly relevant to the way forward for continued progress on upgrading the justice sector in South Africa. The report analyzes key problems and overall conditions of the justice sector to reflect South African reality.

3. CJSP PROGRAM DESIGN AND MAJOR ACTIVITIES

CJSP was designed to help South Africa achieve “a more effective and accessible criminal justice system.” The original program design focused on **four substantive areas** as follows: 1) improved management of justice sector institutions; 2) improved case processing and court efficiency; 3) crime and violence prevention strategies implemented, and 4) better prosecutor-led criminal investigations. A detailed summary of original program elements and activities of the original CJSP program is available in Appendix 2. Over time, these focus areas evolved somewhat to meet changing priorities. Crime prevention became more focused on “access to justice,” whereas prosecutor-led investigations became subsumed under the general category of capacity building and training.

The operational structure of the CJSP consists of policy oversight through the Program Implementation Committee (PIC)—composed of CJSP strategic partner representatives including the DOJCD, the NPA, USAID’s Democracy and Governance Section and Rule of Law Unit, BAC-SA, and the CJSP team—with overall responsibility for setting the CJSP’s strategic direction, budgetary requirements, and governance of the program. PIC is chaired by DOJCD’s Director General. The daily operation of CJSP is overseen by the Program Operational Committee (POC), made up of the CJSP’s sub-program sponsors (at its operational peak, CJSP had nine sub program sponsors), the USAID’s Rule of Law Unit leader, and the CJSP director. The POC is responsible for programmatic planning through budgets and annual work plans, project implementation guidance, and ensuring program implementation according to agreed upon performance indicators, budgets, and timeframes. The POC meets on a monthly basis to track, review, monitor, and evaluate the performance and progress of approved projects. The POC is chaired by DOJCD’s Court Services Sub-program Sponsor. The PIC and POC are supported by the Program Management Support Office (PMSO) or the BAC operational team. Led by the CJSP-PMSO Director, the CJSP-PMSO is responsible for the strategic leadership and management of the day-to-day CJSP activities and program operations as well as providing technical assistance and advice as needed across the CJSP spectrum. The CJSP-PMSO has a small complement of technical services providers and administrative support staff, which worked closely with CJSP project managers in a team approach.

The CJSP program has consisted in a number of activities, including some high level strategic initiatives, while others were more demand driven ‘one time’ activities such as a specific training course. Throughout the life of the CJSP, the major areas of activity developed under the program are as follows:

- Court Services
- SOCA (Sexual Offenses and Community Affairs)
- Justice College Capacity Building
- Transforming the Judiciary
- Capacity Building within the DOJCD
- External Corruption Initiative
- Social Crimes Prevention Initiative
- Capacity Building with the NPA
- CJSP VAT Reclamation (for establishing community courts)
- Facilitating NGO Support
- Grant support to NGOs

As the CJSP developed, reporting on these areas of activity changed somewhat due to a change in leadership at both the CJSP-PMSO and BAC. We have identified the major project initiatives that were undertaken under the CJSP as implemented through the BAC mechanism. That list which includes 43 separate projects is presented in Appendix 3. In some areas, the sub-projects are larger than the project under which they are listed. We have not attempted to reclassify projects and have adopted the approach used by BAC. The listing of the project provides some insight into the range of activities that were undertaken under the BAC program during its development.

Throughout the development of CJSP the program offered a series of meetings, workshops, capacity building activities and other events that served to support and guide the work in the various areas of specific activities. In Appendices 4 and 5, there is a listing of the most important of these events

Although the CJSP, as administered by BAC, is the core of the USAID rule of law program, in the early years of development there were other component elements. When the program was launched in late 2001, the program had at least three different components and implementing mechanisms. In addition to the cooperative agreement with BAC, USAID provided a wide-range of support to the NPA and civil society organizations through a grants management and technical assistance (GMTA) contract with Creative Associates (Crea), as well as training and technical assistance to the NPA Directorate of Special Operations (DSO or “Scorpions”) through an inter-agency agreement with the US Department of Justice OPDAT program. These components of the CJSP continued until 2004, when USAID’s contract with Crea came to an end and the US Embassy assumed responsibility for continuation of the OPDAT Resident Legal Advisor program.

Between 2000 and 2001, support to the NPA consisted of both technical assistance and training aimed at two of the CJSP’s four lower-level results: improved management of justice sector institutions and better prosecutor-led investigations. Under the first category (institutional strengthening), USAID-supported initiatives included an organizational development study, prosecutor salary survey, strategic planning, development of manuals and training on asset forfeiture and forensic auditing, training for managers on the Public Finance Management Act (PFMA) and Batho Pele (customer service) principles, and improvements to the witness protection program.

These activities were designed to support and consolidate the NPA, which was at that time a new institution in South Africa (established 1998). As a second component, USAID/SA sought and received ESF funding to place two consecutive OPDAT Resident Legal Advisors (RLAs) in the DSO from approximately 2000–2003. The DSO, or the “Scorpions,” is a special unit within the NPA with both investigative and prosecutorial powers, focused on high-priority and complex crimes such as organized crime, fraud, corruption, and money laundering. In conjunction with the CJSP, the RLAs worked closely with the DSO to mentor DSO prosecutors, build capacity in technical areas such as money-laundering and corruption, conduct a DSO case audit, develop guidelines (based on US models) for prosecuting complex organized crime, and operationalize the concept of prosecutor-led investigations.

During this time, USAID also provided funding to implement specific activities recommended by the RLA and OPDAT, including national money-laundering training, anti-corruption workshops, and a pilot program on plea bargaining in the Western Cape. Selected DSO members were also sponsored for training in the US on money-laundering and financial investigations. USAID provided support to various non-governmental organizations working to strengthen the criminal justice sector and increase access to justice for vulnerable groups. Grants were solicited through an APS and awarded

primarily to organizations working to prevent violence against women and children and/or to support and empower victims of GBV.

During the same period, and in cooperation with the US Embassy (and with ESF funding), USAID also supported a number of NGO programs providing positive interventions for juvenile offenders and other “at risk” youth. These included support for development and piloting of a diversion program in Alexandra Township (aimed at providing intensive intervention programs for young offenders as an alternative to prosecution in the criminal justice system), as well as prison-based rehabilitation programs for children awaiting trial and incarcerated youth offenders. These programs were reported to be effective in reducing recidivism by young offenders. Khulisa’s exemplary programs are now in high demand across the country and have been institutionalized by the South African Department of Correctional Services in at least two provinces.

Through the CJSP grants program, USAID supported various research and development initiatives aimed at strengthening the criminal justice system in South Africa. These included support to the Institute for Security Studies to establish an independent criminal justice monitor to track and analyze developments in the criminal justice sector, development of a standardized and developmentally sound preparation program for child witnesses testifying in court, a sexual offenses prevention program for at-risk youth, and a resource manual outlining best practices in juvenile justice and diversion programs for use by probation officers and the courts. We have not provided further analysis in the following sections on these other components of the rule of law program, in favor of concentrating analysis on BAC-implemented programs. Activities, such as NPA institutional strengthening, led to the work that is being carried out through the CJSP/BAC mechanism today to form the foundation of this evaluation.

4. IMPACTS OF CJSP

CJSP monitoring and evaluation has been marked by a rather uneven attention and a shifting of the indicators. We reviewed the CJSP indicators adopted at program initiation and first reported in the CJSP first annual report and the overall Rule of Law Management Plan for USAID. We also looked at the cost and organizational effectiveness of the implementing mechanisms as proxies for measuring impact of the CJSP program, and have included those analyses in this section.

4.1 Indicators Adopted for CJSP

The indicators adopted by CJSP through the tripartite arrangement are ambitious and focus on appropriate areas of needed measurement (see Table 1, below). The initial set of indicators suffered from a lack of specificity in definition, making any measurement difficult because the definition of the indicator and its proposed value were not clear. For example, how one measures the self confidence of the public, and further how one measures a 50 percent increase in that level, were not defined clearly, leaving the indicator open to wide interpretation.

Table 1. CJSP Indicators and Objectives

Indicators	Proposed Values	Comments
Increase Conviction Rate	By 10 percent	Information available in DOJCD, individual courts, and NPA and in early CJSP reports on a pilot specific impact basis
Public Confidence	+10 percent	Not measured systematically
Customer Focus	+10%	Not measured systematically
Public Awareness and Public Confidence	+25%	Not measured systematically
Self Confidence of the public	+25%	Not measured systematically
Self Trust in the Criminal Justice System	+5%	Not measured systematically
Average Court Hours	From current 3 to 6	Information available in individual courts, national and regional DOJ offices and on pilot activities of CJSP in project reports. E-scheduler now assists in generating this information
Improve the quality of trials and sentences	+10%	Not measured systematically
Improve the morale and motivation of staff	+50%	Not measured consistently
Decrease Case cycle time	From 9-18 to 6-9 months	Project generated measurements in various courts on a pilot basis.
Decrease case backlogs	-10%	Project generated measurement in various courts on a pilot basis
Decrease secondary victimization	-10%	Data available in courts and DOJ
Decrease sexual victimization	-10%	Data available in courts and DOJ
Decrease sexual offenses and domestic violence	-10%	Data available in courts and DOJ
Increase court accessibility	+50%	Use of the community courts can serve as a proxy for this indicator
Develop managerial capacity	+50%	Not measured consistently

Indicators	Proposed Values	Comments
Build confidence in Magistrates and Prosecutors in rural courts	+10%	Not measured consistently

Source: First Annual Report of CJSP

While the annual CJSP reports from the early years were rich with data on specific project impacts, the tracking of CJSP indicators through systematic and methodologically sound measurement throughout the program life is not evident. The team also observed that the general availability of any quantitative and qualitative impact measurements has declined in the recent years of the project.

The team is aware there was significant effort by the USAID program office to have the BAC team give closer attention to methodologically sound monitoring and evaluation of progress. We believe that there simply was not an acceptance of the importance of performance reporting according to either the adopted indicators by the BAC or the critical nature of this reporting in adhering to USAID reporting needs and regulations.

We therefore recommend that the Program management develop clear objectives and indicators specific to each sub-program and project where these have not yet been developed. These specific objectives and indicators need to be addressed appropriately for the current phase of each project and enable monitoring of the effectiveness of each sub-program and project on its own.
Interim Evaluation by the Decipher Consortium, quoted in the Performance Activities Report 5th, p. 55.

An interim evaluation was carried out by Decipher Consortium. That evaluation did not address the indicators package for the CJSP and indeed made a recommendation that the indicators be changed to be more activity specific (see text box). **In retrospect, the contracting of an outside consultant or firm with a clear SOW to focus on the indicators package or the creation of a dedicated monitoring and evaluation unit in BAC would have been wise.**

4.2 Rule of Law Performance Management Plan

The overall proxy for progress in the rule of law area, established by the South Africa mission for its annual reporting, is the rule of law indicator. There were two indicators in use during the CJSP period. The original indicator for rule of law was the **total number of cases outstanding, less the total number of cases finalized at both the district and regional courts nationally**. The target was a 10 percent reduction per year. The observed figures as reported in the USAID/South Africa annual report were:

	2000 baseline	2001	2002	2003	2004
Target	--	120,200	108,180	97,362	87,626
Actual	133,556	118,183	107,747	104,112	119,050

The actual number of outstanding cases exceeded the target, especially in 2004, but as is well documented, there have been increasing pressures on the justice system due to the increase in the crime rate. In 2005, the mission revised its indicator to the **percentage of cases finalized at district courts, i.e., total number of cases finalized divided by new cases filed**. Both indicators utilized aimed to measure the reduction in case backlog nationally, although one was expressed as a number and the other as a percentage.

2005	2006	2007
34.20%	NA	NA

We were not able to obtain the percentages for 2006 and 2007 for this analysis and can make no further comment on the indicator.

4.3 Cost Effectiveness of the CJSP

The CJSP program was funded since 2002 through the original Cooperative Agreement, subsequent modifications to that agreement, and then funded incrementally.

Funding Date	Amount	Technical Assistance	BAC Costs including Audit	
			\$	%
February 8, 2002	\$5,460,000	\$4,503,000	\$857,000	15.7
November 19, 2004	\$3,841,931	\$3,247,907	\$594,024	15.5
September 26, 2006	\$2,792,000	NA	NA	NA
Total	\$12,020,956 (including \$900,000 for WJEI)	\$9,553,344	\$1,587,612	15.2 excluding WJEI Costs

The overall costs of the rule of law program during the period are somewhat higher, as there were different elements to the program not reflected in the BAC Cooperative Agreement. The BAC implementing mechanism represents approximately 15.2 percent of the total funds in the cooperative agreement. The BAC work is a combination of administrative and technical support work, so it is difficult to make any comparisons to other alternative mechanisms that could have been used or might be used in the future. The evaluation team is aware that costs for an implementing partner to administer the program would incur the normal indirect cost rate structures of firms, such as holders of the Rule of Law IQC. While the evaluation team has not done an exact study, we are aware the range of indirect costs to direct costs in the industry is in the range of from 20 to 35 percent.

The evaluation team found that costs for the BAC's support of the CJPS are reasonable and represent a cost effective approach to project implementation. On the other hand, established rule of law implementers such as through the IQC mechanism bring a wealth of international capacity and institutional strengthening experience that is missing in the current arrangement. We still believe this technical knowledge could have been brought to the program through a smaller, limited, and impactful technical services contract through the Rule of Law IQC.

4.4 Impact of CJSP on the Crime Situation

BAC CEO Mr. Siphwe Nzimande, commenting on the CJSP, stated that , "the USAID funding has been useful, but in its current form may not result in a rapid improvement of the justice system." This comment highlights how the impact of the CJSP should be viewed in our opinion. First the size of the USAID contribution, although significant, is only one element in a much larger effort to reduce or control the overall crime rate and second, that the SA justice system is in a self-named process of **transformation** that will take considerable time to implement and institutionalize. The work does

not require simple adjustments to the system in place, but rather at times zero basing systems such as the administrative structure of the courts, attitudes of justice sector personnel, and creating a whole set of leaders and champions in the transformation process. The focus of the CJSP was principally in institution strengthening within the criminal justice system, so the impact on the crime situation is more indirect than other mechanisms more directly focused on law enforcement or social crime prevention. Through this lens, although the change has not been rapid, the contributions of CJSP have been notable.

- Justice sector institutions now increasingly work together to **resolve issues in an integrated manner** and have inter-institutional planning and sharing of information mechanisms in place.
- The **capacity of justice institutions** has been increased to confront their workload and increased productivity is manifested.
- There have been **specific impacts** in courts that were target areas for CJSP interventions and pilot support activities. These specific impacts have quantifiable positive results and impacts on the crime situation. These examples include increases in the volume of cases heard and conviction rates in sexual offense courts where conviction rates have ranged from 60 to 90 percent, and in commercial crimes courts where the conviction rates have consistently stood at the 90 percent level.

5. AREA ANALYSES

The evaluation team has outlined perceptions and measurement of the broad impacts of the CJSP in the executive summary. In the area analysis section that follows, the major programs of the CJSP are analyzed and commented on the specific impacts of those programs and analyzed how these individual programs have contributed to the overall impact of the CJSP. The emphasis in the evaluation is through the lens of capacity building of the institutions of justice consistent with how those who worked on the program themselves saw their work (see text box).

“Since CJSP’s inception and throughout its implementation the CJSP’s emphasis remains capacity building with the DOJCD and NPA.”

CJSP 2nd Performance Activity Report (p. 60)

5.1 Court Administration

The work in the area of court administration has focused on three key elements: the Re Aga Boswa Decentralized Court Management Model, the Integrated Case Flow Management System, and the use of dedicated courts. In 2007-2008 there also was assistance for the Forensic Unit in the DOJCD which falls generally under the heading of the court administration component. The following sections analyze the above-listed activities and their impacts.

5.1.1 Re Aga Boswa Decentralized Court Management Model

The Re Aga Boswa was designed to introduce modern management models into the courts to achieve two goals: 1) reduce the time judicial officers have to spend on non-judicial matters thereby increasing their time to adjudicate cases and the productivity rates of the courts, and 2) create an administrative model that is overseen by and reports to the judiciary itself versus an executive branch agency, the DOJCD. The key elements of the design are:

- Focus on providing effective support functions to the courts to allow judicial officers to focus on their core business functions
- Create a court service unit to provide decentralized administrative support and to be run like a business utilizing a performance management based system
- Create clear lines of accountability and decision making among the judiciary, prosecution, court service, court support service centers and other components
- Establish court managers to provide administrative support and service delivery to judicial officers and prosecutors
- Insert a customer relationship focus into administrative and other processes
- Have the court support services at the closest point to the customers, i.e., at the court level
- Use clustering arrangements to achieve economies of scale in providing administrative and other support
- Decentralize delivery of services and have a single point of entry and accountability for court services

The model was operationally designed and piloted in Kwa-Zulu-Natal (KZN) with 58 courts involved with substantial positive results. The plan was for a roll out to additional courts in Free State (77 courts), Western Cape (54 courts) and Gauteng (32 courts) and subsequently, to all the remaining provinces. A key element of the program was to provide court managers or administrators

to the courts. As a part of introducing the model, the CJSP assisted to provide trainings to over 3,000 court employees. Detailed listed of trainings related to the Re Aga Boswa model is provided in Appendix 6.

The process for the roll out of the Re Aga Boswa model has been stalled for several years. The roll out was “put on hold since April 2004 pending refinements and realignments requested by the new DOJCD’s Ministers”³ DOJCD indicates now that they are ready to roll out the system with some modification to the original design of the model⁴

The original model is functioning and functioning well in KZN. The professionals working in the model cite that they have needed authority and decisions can be taken locally more rapidly to provide needed support. The customer service element of the program is strong. Magistrates and judges have had significant reduction in administrative duties resulting in more time for jurisdictional duties and higher productivity. While the model has not been “fully rolled out” on a national level, key elements of the program have since been implemented in other provinces, specifically the introduction of court managers.

The decision of the DOJCD leadership to move forward with the nation-wide rollout of the model represents a major opportunity for the CJSP to provide additional support to DOJCD to ensure the roll out is swiftly and successfully implemented. In this regard it critical that the CJSP leadership respond quickly to adequately address the needs of the DOJCD and assist in the development and implementation of a nationwide roll out strategy. A thorough review of the original Re Aga Boswa roll out plan will be necessary to determine the appropriate strategy and sequencing of activities to be undertaken. This process should include:

- Planning for priorities and sequencing in the roll out
- Workshops to introduce the model and motivate the judges, magistrates, and others.
- Develop organizational framework of the model adjusted for new elements to the original design
- Re mapping of processes that will govern the operation of the model adjusting for changes that have been introduced
- Provision of hardware, software, and infrastructure needed to support the rolled out model
- Training for the court, prosecutorial and related personnel that will work in the system
- Technical assistance in the actual roll out of the model

The CJSP should integrate specific elements of support that can be provided for this process as a part of its strong finish plan based on conversations and planning with the DOJCD and judicial leadership.

5.1.2 Integrated Case Flow Management System

The Integrated Case Flow Management System (ICFMS) was defined in several of the CJSP reports as the centerpiece of the CJSP. The development of the ICFMS has been inconsistent and with a lack of clear direction as to the desired goal, although there have been significant achievements. A key

³ BAC 5th CJSP Annual Performance Report, October 2003-September 2004, p. 25.

⁴ The DOJCD has requested that the model be adjusted to require all registrars who perform quasi judicial functions to be lawyers.

positive step has been the development of the E-scheduling system⁵ that is a natural evolution from IJS and the foundation for the development of an integrated ICFMS. That system is now the “official information source with regards to statistics relating to criminal matters.”⁶ There are other individually developed applications in the courts such as a DMS system that was created and implemented in the Wynberg Court in July 2007.

The ICFM system started in 2002 with the development of a manual and was introduced in four courts. They were Soshanguve, Durban, Wynberg magistrate courts and Cape High Court. The activity in these courts slowed and the roll out and continued development of the ICFM did not follow a continual path of growth.

Upgrades in the current systems in use are needed. For example the e-scheduler system only captures one named defendant so that in multi-defendant cases the name of only one defendant is captured. This is a serious deficiency and must be addressed for the system to have accuracy and to allow for needed review of the number of cases pending against a person in the court system and other activities. It should also be noted that the current use of the e-scheduler system is limited to criminal cases in the magistrate’s court. The use of this system should be expanded to civil matters and to the district courts.

Most recently, in 2007–2008, the DOJCD decided to focus on the development of a document management system (DMS) to address some unfavorable publicity regarding lost, stolen, or sold court files. The idea was that digitalizing/scanning court documents would save time in tracking and tracing misplaced or stolen documents and improve the security of these files. With the assistance of the CJSP, the DOJCD commissioned an audit of the business processes in five busy courts with the objective to make recommendations regarding a DMS that would be appropriate to the court environment. A competitive bidding process was held and Matlole/Mokgabo JV was selected for the work.

Because some of the way forward activities of the CJSP could involve supporting the development and roll out of the DMS, the team spent considerable effort in reviewing both the audit and other related materials to provide appropriate guidance on this issue (see Appendix 7 for a more detailed analysis). Briefly stated, the Matlole/Mokgabo JV audit is flawed because it did not reflect a solid knowledge and understanding of the court-working environment. This lack of understanding is reflected in the audit’s failure to: 1) outline a clear strategy for tying out the DMS to the ICFMS; 2) address the current use of technology in the subject courts; 3) identify limitations on scanning in the legal framework; and 4) provided a detailed cost analysis reflecting various DMS alternatives. The Solution Analysis Volume of the Audit did not outline a workable strategy to move forward. As a result, the DOJCD has chosen not to accept the recommendation of this report to define a strategy for the DMS.

In more general terms, the Matlole/Mokgabo JV audit report⁷ did recommend the way forward should include the development of a document management system. That recommendation is consistent with emerging international best practices as long as the system is integrated into the

⁵ The E-scheduling system is somewhat misnamed as the system is evolving to be the base of the ICFMS. The system is being built up in the criminal area to include information on scheduling, case history and other relevant information associated with a case management system. A renaming of the E-scheduling system is probably in order.

⁶ DOJCD internal memo to staff February 8, 2008.

⁷ This finding was also supported by another analysis conducted by Price Waterhouse Coopers.

ICFMS that presently consists of the E-scheduler and the JAMIS system, after needed business process re engineering is carried out.

The team believes that that the way forward for the DOJCD and courts and for CJSP support of both consists in returning to the basic concept of the ICFMS and in carrying out systematic steps to move the judicial branch along the continuum of development. The first step is to define clearly what the elements of the ICFMS should include. They go beyond the mere introduction of new technologies although technological advances are key elements. The required elements that we see are:

- **Business Process Re-Engineering of Current Court Processes, Efficiency, and Security of Documents (Case Files).** The current business processes in the courts must be upgraded, refined and strengthened in their manual state to ensure that any technological system introduced is built on a strong foundation. This process should be considered iteratively and periodically repeated.
- **Automated Case Flow Management System.** Achieved by upgrading and developing the ICFMS-based on e-scheduler and enhancements, i.e., South Africa Justice Integrated Case Flow Management System or other more comprehensive name.
- **Document Management System (DMS).** Develop a document management system that is based on analysis and definition of what documents should be digitized; what SA law allows, and is integrated into the E-Scheduler or renamed as the South Africa Justice Integrated Case Flow Management System.
- **Use other Appropriate Technologies.** Advances have been made in the use of video conferencing, methods for verbatim recording. Such technologies should be reviewed and considered.
- **Performance Standards and System of Analysis and Feedback.** Develop performance standards by which the condition of each court and prosecutors office can be measured and through the use of the JMIS data management system carry out systematic analysis and feedback to the local office through regular statistical reports.
- **Continued Institutional and Inter-Institutional Work on Case Flow Management.** Strengthen and create as needed provincial and district working committees, forums and case flow management meetings to adopt strategies to improve productivity and reduce delay and backlog (started under the Re Aga Boswa program).
- **Training.** Carry out training to upgrade the skill levels of staff to be able to absorb new technologies and systems once introduced.

As outlined above, the solution set for the DOJCD and the courts should re focus on the ICFMS concept. There naturally is a risk to have the effort be too dispersed among the various elements and areas of activities but by keeping the basic concept that this system is an integrated one, the CJSP will avoid some of the “stove piping” and “siloeing” that has crept into the CJSP program in recent years and has culminated in the current view of the DMS as a more stand alone rather than an integrated system.

Regarding assisting on any procurement of any upgrading to the e-scheduling system or introduction of the DMS element to address needed current deficiencies and needed enhancements, the team

believes that such support is appropriate but we are uncertain as to whether procurement requirements of the SA government which requires automation type procurements to go through an extended process with SITA in order to ensure compatibility of systems and of USAID itself will allow for any procurement to be carried out in the remaining time frame of the CJSP. We are quite certain that those requirements will result in minimal time for appropriate evaluation of impact.

We recommend that a careful analysis by professional(s) with experience in the automation of case management and document management systems be carried out to ensure that the system is feasible, maintainable, integratable and satisfy other characteristics prior to any commitment of CJSP funds along with a careful analysis of the timing issues related to procurement and the life of the CJSP program. To contribute to the general knowledge in this area, we have included in Appendix 8 the terms of reference for a DMS system that DPK issued in Jordan where we are working with the Ministry of Justice on a similar program as here in South Africa. The difference in the Jordan project is that we first developed and installed a state of the art CMS in the courts and the DMS will be integrated into that system. In South Africa more development on the E-scheduler is needed.

5.1.3 Business Process Re-engineering

The process of process re-engineering should be undertaken now while the automated systems are in further development. The goal is to have a solid manual or semi automated system on which to overlay the automated systems. We believe that this business process re-engineering if implemented correctly have significant impact on improving efficiency in case processing and also the integrity and security of court records. For example, one underlining driver of the DMS is the high level of lost or stolen papers from the court records. While DMS will help improve this situation by creating an electronic record of the documents scanned, the system of using hard copy files will continue for the foreseeable future and even after a scanning system is implemented.

Our initial review of the current court practices regarding the handling of case files suggested that some basic manual records-management practices will significantly improve the current situation in some courts even without the DMS. These include:

- Create an index to the case file so all documents in the case file are identified and any missing document can easily be identified
- Number each page of the case file consecutively so that any missing pages can be easily identified
- Secure all documents in the case file with an fasteners so no papers in the file are loose
- Use color coding to identify different case types
- Use out cards to indicate the location of any case files
- Create attorney/party reading rooms where case files will be reviewed and researched under supervision and do not allow attorneys and/or parties in the archive areas

The above are basic records management practices. We are not suggesting that some are not in place in some courts, but we did observe that many were not in the site visits that we made during this evaluation.

5.1.4 Dedicated Courts

The issue of dedicated courts as they are called by the South African justice sector is a complex one in the administration of justice. On the one hand, dedicated courts give great focus to the work of the judge or magistrate in terms of the type of case that he or she will be hearing, the type of laws and jurisprudence that he or she should be current on. This clarity of focus can be particularly beneficial when dealing with a highly backlogged subject area or an area such as sexual crimes where the matters are both sensitive and dealt with historically in ways that are being redefined today. On the other hand, the work for judges, magistrates, and other personnel assigned to dedicated courts that deal with sensitive matters such as sexual crimes continuously can be trying and lead to “burn out. Court specialization also can be inherently inefficient in the management of human resources. At any given time, the need for judicial resources may be in areas other than in the specialized areas.

The above is important in evaluating the impact of the dedicated courts as we found them at work. Because of these issues, there has been a trend to undercut the exclusivity of the specialization in the areas of sexual crimes, community courts, and to some extent commercial courts and to have them more and more take on a wider variety of subject matters. This trend is not inconsistent with the overall movement towards a unified judiciary, which will gradually eliminate the differences between magistrates, regional magistrates, and judges, and assign all case types to each.

Commercial Crime Courts. The dedicated commercial crime courts were designed to focus on white-collar crime issues including corruption in the private sector and government. They were established at the urging of the business community. The three initial courts established were in Durban, Germiston, and Cape Town. Subsequent to the establishment of these courts two additional courts were created in Cape Town, and Port Elizabeth. The performance of commercial crime courts is characterized by a low volume of cases but with high conviction rates. The courts tried and convicted several high profile defendants in their earliest years but now have become associated with more normal case processing but with the commercial crimes focus. The position of the DOJCD is that this type of dedicated court should be used minimally and that other means be found to give focus to the issue of commercial crimes.

Community Courts and the Application of Restorative Justice The restorative justice model is incorporated into the concept of community courts. The official motivation for establishing community courts stems from President Thabo Mbeki’s State of the Nation Address of May 21 where he stated:

We will establish at least two community courts in each province, modeled along the Hatfield Community Court in the City of Tshwane, which in the first month of its operation, has finalized 200 cases with 100 percent conviction rate *Guidelines for the Establishment and Functioning of Hatfield-type Community Courts, December 2006, p 3.*

The community courts as outlined in the Hatfield model were advocated by the business and university communities in response to an increase in quality of life type criminality near their infrastructures (see text box). The courts, in the original structure, are a bit of a misnomer then as they have full magistrate jurisdiction.

Community courts were considered as a viable model (among others) to expand access to justice and test how restorative justice could be incorporated into the mainstream system. The model that exists is one of having a court that is a normal district criminal court with normal jurisdiction. The only difference is in the way it operates, e.g., the idea is to integrate services by businesses, NGOs, universities etc., community policing forums, etc., and the use of alternative sentencing to divert cases away from the court rolls. The original aim was to extend a more affordable and accessible justice system in geographic locations where the formal courts lack a presence. The focus of the community courts was to be on quality of life and petty issues of the community. The courts would require intimate links with their constituencies in order to understand how communities experience violations of the law and the requisite appropriate measures or methods of redress. In creating the community courts, the DOJCD was cognizant of the fact that there exists a strong traditional structure that utilizes restorative justice principles and practices, and sought to incorporate restorative justice principles, diversion and some ADR into the community court concept.

Goals of the Community Court Model

- Access to justice by providing court services to communities
- Appropriate handling of certain minor lower court cases
- Hearing all district court type cases especially petty crimes
- Fast track cases and ensure no case backlogs
- Improve conviction rates but ensure quality of justice
- Utilize restorative justice
- Facilitate partnerships
- Improve community awareness and participation

Of the original plan to have two per province, there were actually six established. Those six include three in Western Cape, one in Polokwane (Limpopo) and one in Hatfield (Gauteng) and KwaMashu (Kwa Zulu Natal). These courts are not located in the particularly rural areas so a critical element of the community court model, i.e., to bring the justice system to the rural areas is not being fulfilled merely by their location.

In the following is some data from the Mitchells Plein and Cape Town community courts.

Location	New Cases	Cases Removed with Verdict	Cases Finalized with Verdict	Diversions	Pending
Mitchells Plain	1,811	976	880	464	169
Cape Town	4,595	126	4,023	72	197

Source: DOJCD

While the data indicates that the goal of having few pending cases is being achieved, the idea that there would be heavy use of alternative sentencing and diversion has not been born out. The diversion cases represent only 536 or 8 percent of the 6,406 cases file in the two courts. These courts have a profile that is more akin to a traditional court than the concept of the community courts. An important reason for this, reported by provincial authorities in Western Cape, is the lack of diversion programs for adults in the province. At present, USAID is providing a one-year ESF grant to the NGO NICRO to provide diversion and alternative sentencing programs for young people in support of the Western Cape community courts. While helpful, it has not been sufficient to meet demand and is set to finish in July 2008. NICRO is among the NGOs with whom the provincial DOJCD has entered into a formal “public-private partnership agreement” to provide services to the courts. The agreement does not include any funding support from the DOJCD to implement or expand the program.

The community courts that have been established are not true to the concept of bringing in more community involvement, use of restorative justice mechanisms and create better access to justice in the rural areas. They have become more an extension of the formal court system and not a real alternative community court model. It is unclear whether there is significant community involvement at each site.

There is a movement to create and/or strengthen traditional courts. There is a bill that was drafted on this issue but has been tabled in the parliament. The concept of the traditional courts is to enhance the use of dispute resolution through customary law and relying on village elders and leaders as the dispute resolvers. Such traditional courts and their procedures are consistent with the concept of community courts and developments in this area should be followed. The teams learned from the Judge President of the Northwest Province that the community courts in the NW Province will be established in rural communities and utilize traditional leaders and applicable traditional remedies/customary law and restorative justice principles that are in line with the recently adopted Traditional Leaders Bill.

5.1.5 DOJCD'S Forensic Audit Unit

The USAID support for the forensic audit unit has consisted of the provision for hard assets and also the provision of data gatherers for the unit. This unit has begun to provide critical information for anti-corruption and accountability type of activities within DOJCD that then feed into the investigation and prosecution of related crimes. We find that the activity is a positive one, if somewhat an indirect one, in terms of helping strengthen the prosecutorial function.

5.2 Training and Development of Justice Sector Personnel

There has been a wide range of training for prosecutors, magistrates, other court officials, and officials of DOJCD offered through the CJSP. Training has been a core activity and has increased in terms of the focus of the CJSP in recent years. A list of judicial training and development activities and number of participants is provided in Appendix 5. We believe the trainings provided in general have been effective as it has contributed to the recognition on the part of the judiciary and magistrates for life long learning. In this sense, the training offered by the CJSP served as a foundation for the paradigm shift that has occurred with judges and magistrates to embrace the concept of life long learning and continuing legal education.

The training has emphasized hard knowledge type of training particularly with prosecutors in the areas of sexual offenses, organized crime and commercial crimes cases. There also have been tool-building types of training such as judgment writing courses. Finally there has been a series of courses directed toward softer but important issues such as leadership and change management.

The achievements of the training program can be summarized as:

- **Creating a paradigm shift on the part of magistrates and judges and others in the DOJCD and NPA with regard to training** and towards creating the recognition of and commitment to the need for lifelong learning through structured human rights and continuing legal education for judicial officers
- **Creating a pool of trained candidates through the aspirant judges training and development program qualified to serve as Acting Judges**, many of whom have since been appointed as judges
- **Building the capacity of judicial officers, prosecutors, court managers, DOJCD and NPA managers, and other justice sector personnel through focused training** in judgment writing ,

organized crime investigation and prosecution, management and leadership issues, and other training and mentoring programs.

5.2.1 Impacts of CJSP Training and Development

In Appendix 3, we have provided a series of table that outline the impacts of the training programs including number of beneficiaries, amounts invested in course support and the types of courses offered.

5.2.2 Selection Criteria for Training

The evaluation team found that the selection of training courses has not been systematic and recent training programs tied out less closely to the core pillars of the CJSP particularly in the key area of court services. The team found that the training topics were often not sufficiently tied to specific CJSP activities and strategic objectives. Much of training was **demand driven and reactive** to a request versus being based on solid needs assessment. The team found some voids in the training particularly in the area of upgrading the skills of non-judicial managers. We do not see training related to the critical activities of the ICFMS and the Re Aga Boswa model nor did we find the CJSP supporting the DOJCD IT solutions with training programs.

We would recommend that for future trainings, there be more attention to measurement of impacts and also whether trainings are then institutionalized into ongoing curriculum. Evaluations can be conducted of how trainees incorporate the lessons learned in trainings through review of work products, judicial decisions; case files, etc. to see if the actual work product incorporates the lessons of what are hopefully practical results focused training programs. Specifically, the impact assessment of the justice college and the developed tool to assess the offerings of the justice college which were developed under CJSP have not been implemented by the Justice College which reportedly has dated and unattractive offerings and has resulted in other training programs being developed outside of the college and a reduction of the sense of the college being the source of training for the judicial branch.

The evaluation team's view is that the strategic partnership and DOJCD and USAID in particular have allowed for diffusion of the training program to several different training venues. The CJSP program has supported training through the justice college, through the ARAMSA training program, and through one off independent training programs directly supported by the CJSP. The NPA training programs have support through OPDAT programming also. There needs to be even greater coordination among the USG programs to ensure that training does not overlap and meets overall USG strategic programming goals.

The evaluation team believes that **the impact of training programs will be increased by adopting needed criteria and priorities for training between the CJSP and the government and to adhere to such criteria.** We also concluded that training directly related to delivery of services and productivity should be given high priority. The team found that the proposed study tour to the United States was consistent with the goals of the CJSP program as long as it emphasized real life models in action and peer-to-peer discussions versus lecture type activities. Review of the preliminary study tour program suggested that some adjustment in the program needed to be made to allow the participants to spend more time in justice sector institutions versus in classroom settings and that key focus areas ought to be on observation of counterpart judges managing caseloads, review and observation of effective integrated case flow management and document case management systems and visits to administrative offices that are similar to the Re Aga Boswa model.

5.2.3 Institutionalization of the CJSP's USAID Supported Training Programs

There is a need for the CJSP program to concentrate on institutionalization issues during its strong finish even to the exclusion of offering some training programs in favor of focus on the institutional framework in which training will be offered in the future. There are various issues related to institutionalization:

- What will the organization, focus and impact be of the new Judicial Education Institute?
- Will the Justice College be accredited and what will be the net effect and impact of such accreditation?
- Will the Justice College and the new Judicial Education Institute be brought together under the umbrella of a Justice Sector Academy to allow for economies of scale in facilities and administration as favored by the DOJCD?
- Should effort be made to bring programs like ARAMSA's separate training programs into one training umbrella?
- Can training be used to promote the goals of a single unified judiciary, i.e., magistrates and judges trained together?
- Can appropriate comprehensive curricula be developed that encompass the full range of established needs for judicial officers, prosecutors and non-judicial personnel?

5.3 Access to Justice

In furtherance of the CJSP high-level objective, "a more effective and accessible criminal justice system," USAID implemented a number of projects and activities aimed at increasing access to justice, including improved access for victims of sexual and gender based violence. Key programs included, in particular, support to the NPA's Sexual Offenses and Community Affairs (SOCA) Unit, the development and roll-out of the Thuthuzela Care Centre (TCC) model, and grant support to non-governmental organizations. Activities in support of SOCA and the dedicated courts were implemented as part of the CJSP through BAC, while grants were awarded and managed via two USAID institutional contractors, Crea (2002–2004) and PACT (2006–2007). USAID support for dedicated courts was also aimed at increasing access to justice.

USAID programs in support of access to justice cut across several CJSP lower-level objectives, including improved management of justice sector institutions, improved case processing and court efficiency, better prosecutor led criminal investigations, and to some extent, crime and violence prevention. Although it appears that the DOJ (and some grantees) have collected statistical data relevant to these objectives, this data was not available for the team to review (or verify) in connection with the rapid assessment.

5.3.1 Support to SOCA

The CJSP enabled SOCA to implement the following activities aimed at increasing access to justice for vulnerable groups:

- **Public awareness campaigns** in schools and rural communities to educate stakeholders about sexual violence, domestic violence and maintenance (child support), the rights of women and children to bring legal action in these matters, and services available through SOCA and the courts. According to BAC reports, over 325,000 children and 5,286 community members received information on accessing justice through the campaigns. (See details at Appendix 9).
- Development and implementation of **training programs** and manuals for prosecutors and

magistrates outlining legal and policy issues and recent developments in sexual offenses legislation/jurisprudence;

- **Specialized training for prosecutors** on techniques for handling cases involving child victims;
- **Piloting and placement of victim assistance officers** in six one-stop Thuthuzela Care Centres (Victim Assistance Officer Extended Pilot Project);
- **Piloting and placement of case managers** in six dedicated Sexual Offenses Courts (Case Manager Extended Pilot Project) affiliated with TCCs.

Of these activities, USAID support to the TCCs was among the most important in terms of its overall contribution to gender justice in South Africa. Under SOCA's leadership, the TCC Program has developed from a pilot project in 1999 to a network of 10 sites across the country. With USAID and other donor support, SOCA plans to further expand the Program to up to 80 new sites in the next 3 to 5 years.

TCCs are one-stop facilities for rape survivors located in public hospitals with links to dedicated Sexual Offenses Courts. The purpose of the TCC is to provide survivors with a broad range of essential services—from emergency medical care and PEP to counseling and court preparation—in a holistic, integrated and victim-friendly manner. By integrating victim support with prosecutor directed investigation and dedicated court processes, the TCCs reportedly improve conviction rates and reduce the time to court, while protecting rape survivors from secondary victimization. Most stakeholders interviewed felt that the TCCs have made an important contribution to improving the management of sexual violence cases in South Africa and to improving the way the justice system handles rape cases and treats victims.⁸ The evaluation team was not able to independently assess the effectiveness of the TCCs in connection with this assessment, it does appear that the TCC model has excellent capacity to support and empower survivors and improve access to justice when fully and properly implemented.

In conjunction with SOCA, the CJSP supported the piloting and placement of **case managers and victim assistance officers** at six TCC sites. Based at the sexual offenses court, the case manager is responsible for tracking the progress of each case and liaising with the prosecutors with respect to the investigation and preparation of the case for trial. The victim assistance officer (VAO) worked with the case manager to communicate with rape victims and caregivers regarding the status of their court case, and where needed, to prepare victims to testify in court. These positions have now become part of the standard TCC model or “blueprint” and have been institutionalized by the NPA.

During the evaluation, the team met with the TCC case manager assigned to the Wynberg court in Western Cape. From our discussions, it is clear that the case manager not only plays a critical role in making sure that dockets are complete and cases properly documented, but also in working with victims, prosecutors and court personnel to ensure that sexual offense cases are not unreasonably or unnecessarily delayed or dropped from the court rolls.

USAID has already taken steps to build on its support for the Thuthuzela Care Centers under the WJEI and to support the expansion of the TCC network in South Africa. To this end, WJEI grants under the proposed contract mechanism should focus primarily on expanding services to specific

⁸ The implementation of the TCC model is not without its challenges, as indicated in a 2007 assessment of the TCCs contracted by USAID for PEPFAR. USAID is cognizant of these challenges, however, and has included activities to strengthen existing TCCs as part of the TCC roll-out planned under the Women's Justice Empowerment Initiative (WJEI).

Thuthuzela Care Centers and affiliated sexual offenses courts, while other grant mechanisms can be designed more broadly to include diversion programs for both youth and adult offenders as well as court support services for victims of domestic violence (such as those currently offered by Mosaic.) Access to justice grants under CJSP/WJEI could also be expanded to include a specific focus on helping poor women obtain child support orders under the Maintenance Act.

To the extent that USAID wishes to support NGOs providing services in conjunction with existing, new or planned TCCs, USAID should be very specific about the type or service required, where it is required, and the minimum standards for service delivery—it should not rely on a broad APS mechanism to fill this gap.

USAID support to the GBV sector during the strong finish should emphasize **sustainability**. USAID should take steps to facilitate greater institutionalization and government support to NGOs providing training to government personnel and direct services to victims of GBV, in part by helping government identify and/or develop mechanisms for out-sourcing in the criminal justice/victim empowerment sector. USAID should also play a more active facilitative role between DOJCD, NPA and NGOs around the issue of child witness preparation so that USAID's substantial investment in this area has a chance to bear fruit.

5.3.2 NGO Grants

In addition to the activities implemented by BAC, USAID provided grant funding from 2002–2004 (and in some cases 2006–2007) to various NGO Programs aimed at increasing access to justice for vulnerable women and children (See details in Appendices 9 and 10):

- **Mosaic:** Court support program to assist victims of domestic violence to apply for protection orders pursuant to the Domestic Violence Act (direct victim assistance at thirteen courts in Western Cape, as well as training and support for court personnel);
- **Childline:** Comprehensive services to child victims of sexual violence and abuse, including child witness preparation and court support programs in (Kwa Zulu Natal);
- **Thohoyandou Victim Empowerment Program:** Comprehensive services to victims of rape and domestic violence, including shelter, hospital and home-based support services, case monitoring, advocacy and court support, as well as community outreach and public education in rural communities (Limpopo);
- **Centre for Criminal Justice:** Paralegal advice centres and court support services in rural areas of KZN, legal rights education and community outreach;
- **GRIP:** Comprehensive support services to rape victims at rural hospitals in Mpumalanga, advocacy and case monitoring, inter-sectoral training and outreach;
- **Centre for Social Legal Studies:** school-based education campaigns for learners, educators, and school management in Kwa Zulu Natal and Eastern Cape on GBV and sexual harassment/abuse;
- **Child Witness Preparation Project (Vista University):** research and development of standardized Program to prepare child witnesses in South African courts.

Of the above grantees, USAID support was provided most consistently to the following (other grantees received funding for only one year, from 2002–2003):

Mosaic: Mosaic is a Cape Town based NGO established in 1999 that focuses on prevention and mitigation of domestic violence. USAID support has focused on the delivery of Mosaic's court support program. This program assists victims of domestic violence and abuse to apply for interim

protection orders pursuant to the Domestic Violence Act. Housed within the magistrate's courts, Mosaic guides applicants through the often complicated and confusing system of applying for a court order, helps applicant's complete necessary forms and affidavits, and provides emotional support and referrals. (Although this function should be provided by the court clerks, most courts do not have the capacity to provide this function effectively). With assistance from USAID, Mosaic has expanded its services from 8 to 13 courts in Cape Town and surrounding areas during the period 2002-2007. The court support program is implemented by volunteers (given a stipend) under the supervision of full-time Mosaic project managers.

Mosaic also supports the courts by training and debriefing clerks of the court to enable them to provide more efficient and sensitive services to applicants, and has also established role player coordination committees at several courts to provide forums for problem solving and better communication. This program has been identified as one with good potential for replication in other courts in South Africa. Replication has been limited to date because of Mosaic's dependence on donor funds. According to USAID documents, Mosaic assisted 64,407 victims of domestic violence to obtain protection orders from 2002-2004. The organization is well regarded and appreciated by the DOJ in the Western Cape, who recently entered into a public-private partnership agreement with Mosaic to formalize its relationship.

Thohoyandou: TVEP was established in 2000 and has grown steadily over the past 7 years. It currently runs two hospital-based crisis centers and shelters for victims of rape and domestic violence from which it provides a wide-range of support services, including HIV counseling, PEP adherence support and follow-up, home visits and psycho-social counseling. TVEP also runs an "access to justice" program from its central office that provides information and support to victims in conjunction with the criminal justice process and monitors the investigation and prosecution of any court case. Other program activities include: monitoring the delivery of health services provided to victims; training other stakeholders (including nurses, police); conducting outreach and awareness campaigns in rural communities; manning GBV "help desks" in rural areas; lobbying and advocacy; and providing support and mentoring to local CBOs working on a range of social issues. USAID support for TVEP enabled the organization to provide case monitoring and court support services to more than 2000 victims of rape and domestic violence from 2002-2004 and to conduct an outreach campaign to more than 76,000 people in rural communities.

Childline: Childline is a national NGO that specializes in providing holistic services to abused children. In Kwa Zulu Natal province, Childline operates twelve satellite offices in disadvantaged communities, including hospitals and courts. From 2002-2004, USAID funding supported a broad range of Childline services in KZN including therapeutic services, forensic assessment and court preparation for 3669 abused children. From 2006-2007, USAID support to Childline focused primarily on the establishment of child witness support offices in five local courts and the development, piloting, and implementation of a child witness preparation program. According to the Director, the success of the program was due in large part to the quality of the preparation program (curriculum and training), the close supervision and monitoring of court support volunteers by Childline professionals, and Childline's capacity to provide this service in the context of a broader range of specialized services (such as therapy and family interventions).

All three programs are well regarded in the victim empowerment sector and were featured as project “success stories” on the USAID website.⁹

The review conducted for this evaluation indicates that the impact of these programs at the individual and local level was and is significant. Beneficiaries included the victims and families who received direct services as well as the courts and other justice sector institutions involved or effected by the NGO Programs. The programs also provided potential models for effective replicable programs in other areas. What is also clear is that the impact of these activities was limited by lack of consistent and insufficient funding and lack of institutionalization or integration into the larger CJSP Program. As an example, USAID/SA directly funded the research, development, and pilot testing of a highly effective standardized program for child witness preparation that has been successfully implemented in South Africa by various NGOs. The program was funded directly at the request of the DOJ. The program was not included as an official component of the CJSP and not institutionalized in the courts. It now appears that the NPA is rolling out its own (reportedly less effective) witness preparation program and “chasing out” NGOs such as Childline from the courts where they have been providing these programs to children (with USAID funding). Lack of funding also precluded USAID from supporting the expansion or replication of successful NGO programs thereby limiting their impact to the immediate communities in which they were implemented rather than improving access to justice on a broader scale.

At the national level, USAID support to NGOs in the anti-GBV sector has not resulted in better partnerships between government and civil society. Although USAID-funded NGOs generally reported good working relationships with the DOJ and other justice institutions at the local level, none reported a strong relationship with the DOJ-CD or NPA at the national level. (See discussion on organizational capacity of anti-GBV NGOs at Appendix 11). Moreover, although some NGOs such as Mosaic have entered into a memorandum of understanding with the DOJ to provide services in the courts, most anti-GBV NGOs do not have any formal agreement with government. Even where NGOs provide services that are the responsibility of government, none receive funding from the DOJ or NPA to provide these services. A major and ongoing challenge for NGOs in this sector is that the DOJ and NPA reportedly do not have any mechanism by which to outsource NGOs to provide essential services such as victim assistance and training of justice sector personnel. NGOs are thus dependent on donor funding which is usually short-term and unreliable in the longer-term. If government and USAID want to see effective NGO programs expanded and institutionalized in justice sector institutions, it will be necessary to identify or develop a longer-term strategy for sustainable funding.

5.3.3 Dedicated Courts

USAID support for dedicated courts also contributed to access to justice in some important ways. First, petty cases which were backlogged in the system were pulled out and adjudicated quickly and efficiently in the community courts. This reduced the overall court rolls and contributed to the perception in the community that crime was being addressed. In the same way, complex commercial cases and some sexual offenses cases were taken out of the normal court rolls and adjudicated in dedicated courts. This reportedly resulted in better outcomes (higher convictions, less time to court) and greater satisfaction on the part of complainants.

⁹ See Women Court Workers Breaking Cycle of Violence in South Africa (Mosaic); Protecting Children and their Families from Violence and Abuse (Childline); Reducing Violence and Increasing Justice (TVEP), available at <http://africastories.usaid.gov>.

5.4 Organizational Capacity of BAC

The decision to fund the CJSP through an implementing partner mechanism was born out of two key facts. First, the South African justice sector expressed a strong desire to work through local implementing partners versus the use of international partners such as a US based rule of law consulting firm. Second, efforts to directly fund to the DOJCD were not considered feasible given the issues that had been raised in successive audits of the DOJCD regarding its handling and accounting for funds.

These two issues led USAID to consider local implementing partner options that resulted in the cooperating agreement with BAC. Some rule of law activities prior to the agreement and even after the signing of the cooperative agreement were carried out through Creative Associates International Inc. as the implementing partner. The decision implemented in 2002 was to have BAC become the implementing partner, fulfilling the Government of South Africa wish to have local participation and implementation.

Linkages of the CJSP with the existing Integrated Justice System Program (IJSP) administered through the Business Against Crime (BAC) and the Department of Justice and Constitutional Development (DOJCD) are reflected in Project Implementation Letter number 38 of December 28, 2001, represented both a strategically and synergistically sound choice on the part of USAID. The approach resulted in tying together concurrent and compatible efforts versus creating parallel and inevitably conflictive paths. The ultimate implementation of this relationship had and has inevitable issues as would be true with any implementing mechanism but the underlying soundness of the approach cannot be questioned and indeed reflects enlightened thinking on the part of USAID at the time, especially given the strong preference for local implementers expressed by the South African government.

While the BAC, DOJCD, and USAID tripartite relationship has been a generally positive mechanism for project implementation, the CJSP implementation has raised some issues. For example, the strong and positive move and need for the judges and magistrates to assert the independence of the judiciary has raised questions and some resistance among them as to why the CJSP is located in the DOJCD, which is an executive branch agency. Similarly the fact that BAC represents the business community has raised questions among some judges and magistrates as to the appropriateness of such an institution implementing programs related to the operation of the courts. While the evaluation team saw no evidence that the relation with the business community affected in any way the actual implementation of the projects under the CJSP, we can fully appreciate the issue of appearances at a time in the transformation of the justice sector when the issue of judicial independence is an especially sensitive one.

The evaluation team's conclusion is that the BAC mechanism was a good idea but there is an inherent problem and challenge with the relationship as there are inherent tensions in the relations with business and the courts and the DOJCD with the judiciary. What was initially considered to be potentially powerful joining of parties has in essence now become what one commentator has called a "marriage of convenience." **Some reflection on whether having the program implemented by a more "neutral" body would have eased implementation issues is merited.**

5.4.1 Staffing of the BAC to Implement the CJSP Effectively

There are notable issues related to the staffing of BAC to implement CJSP. There have been repeated concerns expressed by counterparts and by the BAC leadership that staff turnover at the CJSP has been a problem, especially in recent years. There are various reasons given for this including the fact

that the BAC staff becomes very marketable and so are quickly offered positions in other sectors to the assertion that the style of management in BAC is not conducive to high staff morale. Whatever the correct reason and it probably is a combination of factors, both BAC and the direct counterpart DOJCD acknowledge that the staff turnover has hampered progress in both the sense of having strong technical capacity and also in terms of turning around initiatives so that there will not be delays in implementation of the CJSP program.

There is a recent gap in terms of BAC's technical capacity. For example, though the development, implementation and success of the Re Aga Boswa model were largely due to a strong PMSO anchored on a strategic partnership, and by all accounts this appears to have been functional. However, more recently the DMS assessment suffered from a lack of clarity of objectives that resulted in an end product that was not helpful. Some technical assistance in orienting that work would have proved useful. Some of the responsibility lies with the DOJCD project managers. Keeping counterparts focused on project activities is a key role for the BAC team, given that the implementation of the CJSP is primarily performed by counterpart institutions.

5.4.2 Institutional Relations/BAC/DOJCD

The current relationship between BAC and DOJCD is weak and characterized by a mutual lack of recognition of institutional requirements and a general feeling that each institution is hindering the development of programs by not maintaining a consistent focus and acting rapidly to take needed decisions. Another institutional partner, the NPA's SOCA Unit, has been removed from the BAC implementing mechanism reportedly due to difficulties in coordinating between the CJSP and the SOCA Unit. Consequently, the SOCA Unit's programs have since been transferred to another contracting mechanism (RTI).

The DOJCD leadership states that there has been a pattern of decisions being made without proper consultation with DOJCD and some of the programs that have been implemented are not reflective of DOJCD priorities. They also question whether some of the programs that have been implemented are truly focused on the criminal process. At the same time, there has been a sense on the part of BAC that the leadership of DOJCD has not been consistent with its priorities and its decision-making and that, as a result, there have been delays and shifts in direction.

5.4.3 Organizational Structure of BAC

The strengths of the organizational structure of BAC rest largely in it being a South African institution. That fact has led to some of the positive aspects in terms building relationships with governmental partners. The BAC CJSP office was housed inside the DOJCD, which led to improved day-to-day coordination and cooperation between the implementer and the counterparts. This location also gave the CJSP program a status and profile not otherwise possible if the office was located at BAC-SA's headquarters or in a commercial building in which case, the CJSP would have been seen as an appendage and not as part of the justice system.

A major weakness of the organizational structure of the BAC is that it did not bring expected institutional capacity and knowledge to the CJSP. **The evaluation team found that BAC lacked the technical knowledge that would have been an important input at various points in the development of the CJSP particularly in areas related to improved management of the justice system and improved case flow management processing and court efficiency.**

The hope in defining the tripartite relationship was that the BAC would bring the value added of the knowledge and skills in areas like management, industrial engineering expertise, organizational

management and business processing re-engineering to the CJSP relationship. There have been instances where BAC personnel have been seconded to justice section departments and that is a positive aspect of the relationship, but these have been one off type of situations. **The idea that USAID had in entering into the Cooperative Agreement that the symbiotic relationship of joining the private and public sectors through the BAC mechanism and enjoy the benefits of both simply has not happened.**

According to BAC CEO Dr. Sipiwe Nzimande, BAC itself determined in 2006 that its efforts were not “paying the dividends that they expected.” They have since gone through a restructuring that is not necessarily directed to the CJSP but reflects that BAC itself believes that there is some need of its own organizational change.

The evaluation team would like to emphasize that it believes that the BAC mechanism was an innovative and very worthy approach to the implementation of the CJSP and applauds USAID/SA for the initiative even though the matured relationship is now probably bearing less fruit than when the relationship started.

6. LESSONS LEARNED AND RECOMMENDATIONS FOR A STRONG FINISH

6.1 Lessons Learned From the Support Provided By USAID

The following are several findings and lessons learned from the support provided by USAID:

Keep Focus. We find that the original design of CJSP was comprehensive, incorporated needed and appropriate implementation mechanisms and defined appropriate areas of activity. We found that in the area of court services some of the contemplated mechanisms were not used or to the extent that would have proved useful such as independent monitoring and evaluation and also external technical assistance.

Similarly we see a widening of the CJSP focus as the program developed. While the areas of new focus are certainly valid and worthwhile in their breadth they tend to lessen the integration of activities and focus that the original four areas of focus provided. **The fact that there was not progress on the ICFMS and the roll out of the Re Aga Boswa model suggests to us that there should have been renewed efforts in these areas not less but perhaps by taking different approaches and avenues to achieve the stated goal.**

Integrate Activities. There are possibilities to create synergies and linkages between programs that should be done. We do not see, with some exceptions, that the training programs that were implemented attempted to build on the two key programs of the ICFMS and Re Aga Boswa. The proposed study tour to the US for judges and justice sector officials if done properly is a good linkage mechanism. The tour should give emphasis to the issues that in the court administration component CJSP is focusing on such as integrated case flow management and document management systems and how courts are structured and function administratively elsewhere.

Target and Institutionalize Training Support. The key lesson to be learned in training programs is to avoid having an ad-hoc approach and ensure that training programs are less demand driven, reactive, and more related to specific CJSP activities and strategic objectives. Training can and should be a means to support the technical activities of the support. It is inherent to the program planners to ensure that these synergies are realized. Another lesson is to ensure that trainings programs are offered within the institutional structure of the counterparts so that the CJSP does not have independent training offerings since such an approach while often easier to implement has more limited sustainability and longer-term impact.

Measure Progress. While the CJSP should be commended for the rich detail of quantifiable data, especially in its early years, **there is a need to consistently monitor and evaluate progress in order to inform future activities.** USAID may need to go back, capture, and analyze existing data to better measure actual impacts in a way that is currently not possible with existing in-house data and resources. That process would result in better measurement of impacts, either according to original indicators or a focused subset of the original indicators. The consistent application and use of methodologically sound monitoring and evaluation indicators would have provided the CJSP with hard data that could be used to both assist counterparts to measure performance and make adjustment to programming activities.

6.2 Recommendations for a Strong Finish

In the following, the evaluation team has consolidated the various key recommendations that we have outlined in the body of the evaluation into a menu of specific activities that we suggest USAID consider in its final programming of CJSP to ensure a strong finish of the program. With limited time remaining in the CJSP, we believe that the focus should be on a number of “high impact” activities to contribute directly to the project original objectives.

6.2.1 Implementation Strategies

1. There is a need for specific technical knowledge to help guide the technical activities that should be undertaken in the remaining life of CJSP. Such assistance will help to successfully design and implement activities addressing areas such as improved management, organization, and policy making in the judicial branch, improved case flow management and court efficiency, use of technology to improve access to information, and means to increase judicial productivity and reduce delay. An effective rule of law implementer with knowledge of international best and appropriate practices could be very effective in quickly helping to give direction to the CJSP program in these and other relevant areas as it concludes. In response to the technical needs identified by the DOJ, strong consideration should be given to contracting either a Rule of Law IQC holder as was contemplated in the original design or a local South African firm to provide strategic advice, particularly on the court strengthening program.
2. While not tied directly to a strong finish, we suggest that USAID consider the use of a small value contract to obtain more quantitative evaluation of the overall impacts of the CJSP relative to the adopted performance indicators than was possible in this rapid assessment/evaluation.
3. A specific and critical issue to address in achieving a strong finish is **to address institutionalization and sustainability issues** in anticipation of program handover, specifically the transfer of project management and know how from the BAC to the Program Management Units within DOJCD and the NPA. A transitional plan outlining needed steps in the institutionalization process is needed along with commitment to carry out the steps in the plan and along with timetables and quantifiable indicators of progress.
4. There is a critical need to **improve and address existing coordination and inter-agency relation issues** through the POC and PIC mechanisms. For example, the SOCA Unit no longer participates in the POC and PIC mechanisms, and since the change in the CJSP’s trajectory there has been a steady deterioration in the relationship between the DOJCD, the CJSP-PMSO, and BAC. There is a need to either rethink or re energize the oversight and coordination bodies to be more effective in overseeing CJSP activities. We suggest that USAID/SA take a leadership role in the process and contemplate activities such as daylong retreats and planning sessions to achieve this purpose.

6.2.2 Areas of Focus

1. Since the MOJ has now decided to roll out the **RAB model** nationally, CJSP can and should provide assistance in supporting this process. Resistance to this model may still exist at the regional level, as it prescribes shifts in responsibilities from the regional manager structure in the DOJ to court managers under the direction of judges and magistrates. CJSP should provide assistance in planning, process re-mapping, training change management, and other efforts to rekindle interests, buy-in, and readjustment of the model. We have identified the needed steps in the roll out as follows:
 - Planning for priorities and sequencing in the roll out
 - Workshops to introduce the model and motivate the judges, magistrates, and others

- Develop organizational framework of the model adjusted for new elements to the original design
- Re-mapping of processes that will govern the operation of the model adjusting for changes that have been introduced
- Provision of hardware, software, and infrastructure needed to support the rolled out model
- Training for the court, prosecutorial and related personnel that will work in the system
- Technical assistance in the actual roll out of the model

The CJSP can and should support this process through a combination of use of the rule of law implementer, local technical and training assistance, and some needed material and logistical support.

2. There is general consensus that adjustment is needed in the proposed USAID support related to the **ICFMS and DMS programs** during the strong finish. Some adjustment will be needed purely because of the procurement requirements and timetables of both the South African government and USAID itself suggest needed alternations in the current plan for support. Other adjustments should be driven by the need to ensure that any procurement incorporates an integrated approach to ICFMS. A **comprehensive plan for the future of the ICFMS** should be put in place during the strong finish with support from CJPS if needed.

As a part of implementation of the ICFMS and DMS, there should be **business re engineering of the current manual and quasi automated systems in place** to ensure that any further automation is built on an efficient foundation. The CJSP can effectively support such business process reengineering through support for local and/or international consulting work as well as sponsoring working committees of court personnel to participate in the process

With specific regard to CJPS support of the **DMS element of the system** which is currently a part of the CJSP strong finish plan, before committing any CJSP funding to procurement a careful professional review should be undertaken of both the DOJCD summary of objectives and also the DOJCD-generated TORs, to ensure that the program is not a stand alone/pilot that does not fit into the integrated approach. Specifically, CJSP support should target the procurement process to clearly define phases of the ICFMS process, what will be required for each phase, and what can and will be achieved with CJSP support. The key is to ensure that any CJSP support does not become an isolated “experiment” with no built-in follow on.

3. The strong finish in the area of training should focus on issues of institutionalization of training through determining the **appropriate structures to house training** including the USAID supported training programs. The South African governmental goal is to create the Judicial Education Institute. The most appropriate assistance to support this process of creating the Institute for CJSP support is three fold:
 - **Generate interest and support for the new institute by holding workshops of key judiciary figures** to discuss organization, curricula, teaching philosophy, e.g., instructors versus peer-to-peer instruction models and other organizing elements.
 - Use the workshops or training needs assessment as the basis to **create an outline for a curriculum and set of detailed offerings**, e.g., courses for new judges, courses on international law issues such as on international human rights, intellectual property rights and

others.

- **Analyze how new technologies such e-learning techniques** can be built into curriculums to expand the reach of training.
4. Training programs supported by CJSP, and in general in the judicial branch, have had an ad-hoc quality and need to be less demand driven, reactive, and more based on a life long learning professional development curricula that is established for judges, magistrates, and non-judicial personnel. During the strong finish, CJSP should assist making actual training more effective within this framework. Specific CJSP assistance interventions could include:
- Undertake a **judicial skills audit** to be used in defining training needs and the development of professional development curricula for judges, magistrates and non-judicial personnel
 - Support, as a reasonable proxy for a skills assessment, **convening of regional court presidents, chief magistrates, and provincial deputy public prosecutors to discuss their perceptions of training needs** which would also reenergize the program.
 - Define **specific training needs to tie out to the RAB model and ICFMS systems** that will be implemented and provide support for these programs.
 - Determine and provide any assistance that can be provided to **fast track the Justice College accreditation process.**
 - Provide specific technical assistance through an international or other expert to **help with the development of the organization, curriculum, staffing, finances, and administration of the Judicial Education Institute.**
5. The justice system is in the process of rethinking the use of **dedicated courts**. CJSP has supported the creation of dedicated courts in the sexual offense, community and commercial courts areas. During the strong finish, CJSP should provide technical assistance, support for legal framework reviews, workshops and other means to rethink the approaches currently employed. This work can include:
- The issue in **sexual offenses cases** is whether to consider rotation of trained magistrates into these courts versus permanent assignment to avoid issues of burn out. What is needed is a strategic intervention for an “in flight correction.” CJSP support can and should be directed to define the way forward for dealing with sexual offense matters by providing technical assistance to review metrics on performance, convening multi-member groups to consider the way forward, etc.
 - **Community courts** are in need of re-engineering. The model needs to be revisited to emphasize more informal mechanisms for resolution, such as ADR and diversion. Most cost effective methods, such as the use of quasi-judicial officers, volunteer mediators, and involvement of traditional leaders and structures need to be built into the model. The community court program also needs to refocus to ensure it delivers programs to rural areas. CJSP can support this process by developing white papers, bringing to bear international models, reviewing legislation, and other means.
 - The **commercial court** model has demonstrated high conviction rates but the overall case volume of the commercial courts remains consistently low. There are questions as to the

costs and benefits of having separate commercial courts in terms of maximizing the use of scarce judicial resources. CJSP can provide important information to the review process by sponsoring an assessment of the costs and benefits of the current “pilot” approach, and whether it should be rolled out further or commercial cases should be rolled back into the normal rolls of the courts.

6.2.3 Support to NGOs

1. For the NGO section to provide more consistent and expanded services, particularly in the courts and TCCs, there is a need for the DOJCD and NPA to formalize their relationships with NGO service providers (as it has been done to some extent in the Western Cape), and to identify and implement mechanisms for long-term financial support to NGOs in order to ensure the sustainability of current services and facilitate the expansion of good programs to courts and TCCs in under-served areas. CJSP can assist in this process by **convening workshops between the NGO and governmental sectors** to define how the two groups can work together in the future.
2. Support to the GBV sector during the strong finish should emphasize sustainability. Either through CJSP or WJEI, there should be more training and technical support to government personnel to **help government officials identify and/or develop mechanisms for out-sourcing in the criminal justice/victim empowerment sector**. CJSP or WJEI should also play a more active facilitative role between DOJCD, NPA, and NGOs around the issue of child witness preparation so that USAID’s substantial investment in this area has a chance to bear fruit. CJSP specifically could support the commission of an in-depth analysis of government funding/procurement options for NGO service providers, with particular emphasis on the justice sector (GBV, diversion, etc.), while continuing to provide short-term grants or “bridge” funding to NGOs during the remaining period of the CJSP program.
3. There is a need for some specific assistance on new legislation in the strong finish, specifically **assistance for the implementation of the recently enacted Sexual Offenses Act**. CJSP can provide assistance for the implementation of the act through training and orientation programs for judicial officers and prosecutors and rotationally some public education campaigns directed to impact groups on rights under the act. Because many of the provisions and envisioned changes by the new Act are quite complex, the evaluation team recommends that such training not be limited to a once-off conference or workshop but rather a series of in-depth trainings.

7. CONCLUSION

The evaluation team has reviewed the key activities and impacts and achievements of the CJSP over its life. As we have outlined throughout this work, we find that the CJSP was built on a strong design and implementing mechanism which has born fruit in its execution and impacts on improving the justice sector in South Africa. The team has identified a series of strategic focus adjustments that we believe is consistent with the original design of the CJSP that should be emphasized in the strong finish activities to ensure appropriate institutionalization of the foundations of the CJSP program.

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- 1 INTERVIEWS, SITE VISITS, AND KEY DOCUMENTS REVIEWED**
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APPENDIX 1

INTERVIEWS, SITE VISITS, AND KEY DOCUMENTS REVIEWED

INTERVIEWS, SITE VISITS, AND KEY DOCUMENTS REVIEWED**INTERVIEWS**

The various personnel interviewed in conducting this CJSP assessment included:

- Justice Pius Langa, Chief Justice of South Africa
- Adv. Simon Jiyane, Deputy Director General, DOJCD
- Mike Ndlovane, Director DOJ's Nerve Center
- Adv. Trish Matzke, Deputy Director of Public Prosecutions, National Prosecuting Authority
- Adv. PVH Moaka, Acting Director, Area Court Manager, Johannesburg

- Dr. Carleene Dei, Director, USAID/South Africa
- Gary Juste, Deputy Director, USAID/South Africa
- James Watson, Regional Program and Project Development Director, USAID/South Africa
Development Director, US Embassy, RSA
- Katherine Liesegang, Cognizant Technical Officer, USAID
- Harold M. Motshwane, Program Development Specialist Rule of Law and Human Rights, USAID
- Mr. Siphwe Nzimande, Chief Executive Officer, BAC
- Gomolemo Moshoeu, Project Director, CJSP
- Dr. Biki V. Minyuku, Ex-Director, CJSP-PMSO

- A.C. Bekker, President, ARMSA
- Matlole Consulting/Makgabo Technologies

- Andrew Mokone, Director, College Support Services, Justice College
- Julian Marsh, Head of Judicial and Legal Training, Justice College
- Gomolemo Moshoeu, Project Director, CJSP

- Judge Mogoeng, Regional Court President, North West Division and Chief Magistrate, Mafikeng
- Mr. Motsoenyane, Acting Cluster Head, Mafikeng
- Grace Modiba, TCC site co-coordinator, Mafikeng

- Hishaam Mohamed, Regional Head, Western Cape
- Joy Smith, Legal Section, Western Cape
- Happy Mdaka, Labor Relations, Western Cape
- Dan Roux, Director, HRM

- Superintendent Swarte, SA Police, Capetown
- Members of Cape Town TCC Team
- Lizelle Bonita, Senior Public Prosecutor and TCC Operations Manager, Cape Town
- Sister Bartlette, Forensic Nurse, Cape Town
- Nazma, Rape Center Coordinator, Cape Town

- Mr. Letsoalo, Acting Head of Court, Mankweng
- Margaret Balakistan, Acting Court Head, Pretoria Magistrate Court
- Belinda Mulamu, Chief Magistrate, Polokwane
- Professor Titus, Justice College, Pretoria
- Karl Kruger, Justice College, Pretoria

- Memme Sejosengoe, Chief Director for Court Performance, Durban

- Tinas Hudson, HRM Director; Durban
- Delene Oleman, Area Court Manager, Durban
- Mark Naiker, Area Court Manager, Durban
- Lynnette Venter, Facilities Manager, Durban
- Ester Maritz, Ladysmith Cluster Area Court Manager, Durban
- Hlatshwayo, Court Manager, Pietermaritzburg and Durban

- Cheryl Frank, Director, RAPCAN
- Joan Van Niekerk, National Director, CHILDLINE
- Angelica Pino, Gender Unit Director, CSVR
- Fiona Nicholson, Director, Thohoyandou Victim Empowerment Project
- Linda Naidoo, Director, Childline, KZN Regional Office
- Karen Hollely, Institute for Child Research and Training
- Chantal Cooper, Executive Director, Rape Crisis

SITE VISITS

Site visits made to justice sector institutions and NGOs included:

- Johannesburg Magistrates Court
- Community Courts in Makweng and Hatfield
- Thuthuzela Care Centre
- Mannenburg TCC, Jooste Hospital, Cape Town
- Sexual Offenses Court Wynberg
- Wynberg Magistrate Court
- Pretoria Magistrate Court
- Thohoyandou Victim Empowerment Program Crisis Centre, Court Support Office, Limpopo
- Justice College, Pretoria
- Mafikeng Thuthuzela Care Center, Mmabatho Mafikeng
- Western Cape, Regional Office, Cape Town
- Kwa Zulu National Regional Office, Durban
- RAB's Court Support Services Center, Durban
- Constitutional Court, Johannesburg

REPORTS AND OTHER DOCUMENTS REVIEWED

The reports and other documents reviewed in the performance of this assessment included:

Results Package 674-0322.1, Criminal Justice Strengthening Program. November 2000.

Cooperative Agreement with Business Against Crime. 2002; and *Amendments.* 2004, 2006.

CJSP First Annual Work Plan. 2002.

CJSP First Report. February 9, 2002.

CJSP 1st Performance Activities Report to USAID. October 28, 2002.

CJSP 2nd Performance Activities Report to USAID. October 2002–March 2003.

CJSP 3rd Performance Activities Report to USAID. April–September 2003.

CJSP 4th Performance Activities Report to USAID. October 2003–March 2004.

CJSP 5th Performance Report. October 2003–September 2004.

CJSP 6th Performance Report. October 2004–March 2005.

CJSP 7th Performance Report. April 2005–September 2005.

CJSP 8th Performance Report. October 2005–March 2006.

CJSP Interim Performance Evaluation Report. Decipher Consortium. 2004.

- Tshehla, Boyana. *Evaluation Report of CJSP's Base-lines, Targets, Impacts, and Overall Effectiveness of RAB and Case Managers Extended Pilot Projects*. Institute of Security Studies.
- Internal CJSP Review Report of the Impacts, Effectiveness, Immediate and Potential Benefits of the RAB Pilot Project*.
- Joint CJSP-PIC/POC/Sub-program Sponsors and Project Managers Reports* [Bound].
- Anti-Money Laundering Seminar Evaluation Report* [Bound].
- Training Needs Analysis for the Curriculum Design and Development on Case Flow and Court Management Projects Report* [Bound].
- Judicial Leadership Workshop Participants Workbook* [Bound].
- Judicial Leadership Resource Guide* [Bound].
- Justice College Impact Assessment Project: Final Impact Assessment Report* [Bound]
- Justice College's Work Program: 1 April 2008 – 31 March 2009*.
- Justice Vision 2000, Draft Strategic Plan for the Transformation and Rationalization of the Administration of Justice, Ministry of Justice*.
- Memorandum: *Highlights of the Review of the South African Criminal Justice System*.
- Schonteich, Martin. *Making Courts Works, A Review of the IJS Court Centre in Port Elizabeth*. 2002.
- National Prosecuting Office, Stakeholder Conference*. 2007.
- Practical Guide: Court and Case Flow Management for South African Lower Courts*. DOJCD.
- Guidelines for the Establishment and Functioning of Hatfield-Type Community Courts*. BAC. 2006.
- Training Manuals (Volumes 1-6) and "Tool Kit."* Child Witness Project.
- Integrated Domestic Violence Training Manual*. 2004.
- Child Justice in Africa: A Guide to Good Practice*. Community Law Centre. 2004.
- South African Young Sex Offenders Program: Prevention Program for Young Sex Offending*. SAYSTOP. 2004.
- Vetton, Lisa & Khan, Zohra. *We're Doing Their Work For Them: An Investigation Into Government Support To Non-Profit Organizations Providing Services To Women Experiencing Gender-Based Violence*. Centre for the Study of Violence and Reconciliation. 2002.
- USAID 2004 Annual Report Back-up Information*. Including excerpts from reports by NGO grantees such as Childline Kwazulu Natal, Preparation and Support of the Child Witness.
- Closing Report for USAID*. September 2003–August 2004.
- Report to Crea*. GRIP. July–September 2004.
- Mosaic Court Support Desk Project Final Report to USAID*. October 2004.

USAID Progress Reports. Thohoyahdou Victim Empowerment Trust. April 2003–September 2004.

“Public-Private Partnership Agreements” between the Department of Justice, Constitutional Development, and various NGOs including MOSAIC, RAPCAN, and NICRO.

Survey on USAID GBV Activities. Rule of Law Unit.

Mankweng Community Court (Court E) Statistics. 2007, 2008.

Giving Youth a Second Chance in South Africa. USAID Success Story.

Reducing Violence and Increasing Justice. USAID Success Story. 2003.

Liberating Children from Crime. USAID Progress Profile.

APPENDIX 2

PROGRAM DESIGN: CJSP FOR RESULTS PACKAGE (NOVEMBER 2000)

PROGRAM DESIGN: CJSP FOR RESULTS PACKAGE (NOVEMBER 2000)

The original design for the JSRP was to achieve “a more effective and accessible criminal justice system.” The two original indicators that were established were:

- Increase in the percent of a nationally representative sample of South Africans expressing trust in the criminal justice system
- Reduction in the average time it takes for a criminal case to be processed in selected courts

FOUR PROGRAM AREAS

- Improving management of justice sector institutions
- Improving case processing and court efficiency
- Improving crime and violence prevention strategies
- Having better prosecutor led criminal investigations

PROGRAM STRATEGY

The program should focus on geographic clusters including large, urban-based courts and smaller rural courts that serve a historically disadvantaged population.

PROGRAM PHASES

A two-pronged priority planning period of two to three years, and resources reserved for a second phase.

Program Elements and Activities**1. Improving Management of Justice Sector Institutions**

- a. DOJCD Management Skills Improved
- b. NDPP Management Systems Improved
- c. Sexual Offense Courts Strengthened
- d. Internship Program Implementation in Selected Justice Cluster
- e. Court Office Managers Functioning in Selected Justice Cluster
- f. Public Defender Officer Created in Selected Justice Cluster
- g. Justice College Strengthening
- h. On-going Administration of Justice Program Activities Related to Improved Management of Justice Sector Institutions
- i. Phase Two Activities

2. Improving Case Processing and Court Efficiency

- a. Court/Case Flow Management Training for Prosecutors and Magistrates
- b. Prosecutor/Magistrate Tutor Program in Selected Justice Cluster
- c. Magistrate and Prosecutor Occupational Skills Training
- d. Ongoing Administration of Justice Program Activities Related to Improved Case Processing
- e. Phase Two Activities

3. Improving Crime and Violence Prevention Strategies

- a. Crime and violence Prevention Activities
- b. Research and Analysis of Crime Issues
- c. Short-Term Technical Assistance Addressing Priority Program Concerns

4. Having Better Prosecutor-led Criminal Investigations

- a. Investigation Policies, Procedures, and Manuals Developed
- b. Enhanced Investigator Skill Base
- c. Investigator Supervisors Trained
- d. Improved Prosecutor/Investigator Communications

5. Other Ongoing Administration of Justice Program Activities

Implementation Mechanisms

The program was set up to continue using the implementation mechanism established under the previous AOJP project. That approach consisted of implementing activities through:

1. Coordination Management (CM) in the DOJCD. The program design did envision that some activities would be implemented differently, “Most significantly, it is anticipated that certain CJSP-related activities will be implemented directly, i.e., not through Host Country Contracting arrangements.”

2. Program Implementation Committee (PIC). The Program Implementation Committee (PIC) is a key element, with representatives from MPJ/DOJ, USAID, the CMU, NPA, the Justice College, the grants management contractor, and any program implementation agent contracted by USAID. The PIC is chaired by the MOJ/DOJ and USAID.

3. Program Implementation Agent (PIA). Envisioned using the existing PIA, which was Creative Associations International, Inc., with reconsideration at the end of Phase 1 for the continuing need of a PIA, whether from South Africa or the US.

4. Participating Agency Service Agreement (PASA). Inclusion of a resident legal advisor from the USDOJ.

5. IQC Buy-in. Buy-in to a Global Bureau Rule of Law IQC for short-term technical advisors.

6. Personal Services Contractors. Direct contracting of FSN and USPSC personnel to monitor the implementation of the program.

7. Small Value Contracts. Direct procurement of services for program monitoring and evaluation.

Functional CJSP Governance and Management Structure

The Program Implementation Committee (PIC) is the operational head of the CJSP, and is made up of representatives of CJSP’s strategic partners within the DOJCD, JCD, the NPA, USAID’s Democracy and Governance Section as well as the Rule of Law Unit, BAC-SA, and the CJSP team responsible for setting the CJSP’s strategic direction, budgetary requirements, and governance of the program. The PIC meets quarterly, and is appropriately chaired by the DOJCD’s director general.

The Program Operational Committee (POC) provides direct operational oversight of CJSP, and is composed of the CJSP’s sub-program sponsors, the USAID Rule of Law Unit director, and the CJSP director. The POC is responsible for programmatic planning such as budgets and annual work plans, project implementation guidance, and all-round project performance based upon project management principles, agreed upon performance indicators, budget, and timeframes. The POC meets on a monthly basis to track, monitor, and evaluate the performance and progress of approved projects. The

POC is chaired by the DOJCD's court services sub-program sponsor. At its peak, the CJSP had nine sub-program sponsors.

Both the PIC and POC benefit from the CJSP Program Management Support Office (CJSP-PMSO). This office is led by the CJSP-PMSO director. The CJSP-PMSO is responsible for strategic leadership, day-to-day CJSP activities, and program operations, as well as providing technical assistance and advice as needed across the CJSP spectrum. The CJSP-PMSO operates through a small complement of technical services providers and administrative support staff, as well as the assigned CJSP project managers who are named by the counterparts. The latter ensure that activities carried out by counterpart institutions are conducted according to adopted plans of action.

APPENDIX 3

**CJSP PROJECTS 2002–2008 AND IMPACTS OF CJSP TRAINING AND
DEVELOPMENT**

CJSP PROJECTS 2002-2008

Project Name
A. Court Services
A1. Decentralized Court Support Services Extended Pilot Project (MCSP)
A2. Re Aga Boswa (RAB)
A3. Integrated Case Flow Management System (ICFMS)
A4. Mosaic Court Support Project
B. SOCA (Sexual Offenses and Community Affairs)
B1. Public Awareness Campaigns (9) (PACs)
B2. Case Managers(4) Pilot project (CMEPP)
B3. Victim Assistance Program Coordinators (4) Pilot Project (VAOEPP)
B4. Child Law Manual
B5. Domestic Violence Multi-disciplinary Training Guide/Manual (DVMM)
B6. Management Development Project
B7. Uniform Protocols for Victim Management (UPVM)
C. Justice College Capacity Building
C1. Magistrates Mentoring Program Tutor Training Project (MMP)
C2. Impact Assessment
C3. Visioning and Strategic Planning (VSP)
C4. Magistrates Mentorship Project
D. Outsourcing the Management of Monies in Trust
D1. Management of Monies in Trust
E. Transforming the Judiciary
E1. Judicial Officers Association of SA International Association of Judges Conference
E2. South African Judges Symposium
E3. Leadership and Management Development Program for Women in the Judiciary
E4. Unified South African Judiciary Committee
E5. Single Rule Making Authority
E6. Interim Advisory Council/Board
E7. Restructuring and Transformation Committee
E8. Judicial Education and training committee
E9. Development and Implementation of the Plea bargaining Training Program
E10. Aspirant Judges Training and development Programs
E11. Training the Trainers
E12. Newly Appointed Judges Orientation Program
E13. Continuing Education for Judges Training Program
F. Capacity Building within the DOJCD
F1. DOJCD's Program Management Support Unit (PMSU)
F2. Forensic Audit Unit (FAU)
G. External Anti-Corruption Initiative
G1. Commercial Court Centers (CCCC)
J. Social Crime Prevention Initiatives
J1. Tiisa Thuto-GDA (TT)
J2. Local Crime Prevention Tool Kit (LCPT)
J3. Anti-Cash-in Transit Heist (ACTH)
J4. Anti-Computer and Cell phone Theft (AC & CT)
K. Capacity Building with the NPA
K1. Training for Prosecutors Dealing with Gender Based Violence (TPDGBV)
K2. Training for DSO Prosecutors and Investigators (TDSOPI)
K3. Training for Prosecutors Dealing with Corruption (TPDC)
K4. Training the Prosecutorial Trainers

Project Name
K5. Administration
L. CJSP VAT Reclamations
L1. Supporting community courts
M. NGOs
M1. NGOs

IMPACTS OF CJSP TRAINING AND DEVELOPMENT

In the following, the team has analyzed some of the impacts, costs, and benefits of training programs offered through CJSP. The following tables present an overall summary of major training efforts, the population impacted, total funds expended for each program, and estimates of cost per beneficiary.

Table 6. CJSP Training Programs and Costs		
Projects/Training Programs	No. of Beneficiaries	Aggregate Amounts
Alternative Sentencing Seminar	228	R14,000
Anti-Corruption Training Workshops for DSO Prosecutors	72	R107,576
Money Laundering Training Workshops for DSO Prosecutors	110	R143,885
Cultural Diversity Training Workshops	313	R1,792,511
Judgment Writing Workshops for Magistrates	70	R189,035
Excel Training Workshops for Prosecutors	69	R56,336
Trial Management Training Workshop for Prosecutors	47	R92,960
Orientations to Re Aga Bows	189	R421,057
Training Workshops for Prosecutors Dealing with GBV	60	R3,421,229
The Children's Bill Implementation Workshops	218	R632,520
Workshop for the Prevention of Illegal Evictions	28	R62,839
Leadership Training Workshops	779	R5,557,482

Table 7. Indicative CJSP Training, Beneficiaries, and Costs per Beneficiary			
Sub-program/Project's Training Efforts	No. of Beneficiaries	Aggregate Amounts	Cost Per Person
A: Court Services:			
A1: Re Aga Boswa [RAB]	189	R421,057	R2,228
A2: Integrated Case Flow Mgt System [ICFMS]	359	R795,550	R2,216
B: Sexual Offenses and Community Affairs [SOCA] Unit:			
B1: Public Awareness Campaigns [PACs]: Community Schools	5,286 325,446	R85,440 R300,000	R16.16 R0.92
B2: Case Manager Extended Pilot Project [CMEPP]	1,009	R413,193	R410
B3: Victim Assistance Officer Extended Pilot Project [VAOEPP]	1,236	R174,500	R141
B6: Management Development Program [MDP]	22	R52,452	R2,384
C: Capacity Building at the Justice College:			
C1: Tutor Training Program [TTP]	625	R5,390,682	R8,625
C4: Magistrates Mentorship Program [MMP]	34	R149,812	R4,406
E: Transforming the Judiciary:			
E9: Prosecutor-led Plea Bargaining Program	141	R77,355	R549
E10: Aspirant Judges Training & Development Program [AJTDP]	48	R2,140,752	R44,599
E12: Newly Appointed Judges Orientation Program [NAJOP]	18	R144,590	R8,033
H: Social Crime Prevention:			
H1: Tisa Tutu	56,268	R907,936	R16.14
K: Capacity Building within the National Prosecuting Authority:			
K1: Training Prosecutors Dealing with GBV	60	R3,421,057	R57,018
K2: Training DSO Prosecutors Dealing with Money Laundering	136	R338,173	R2,487
K3: DSO Prosecutors on Anti-Corruption Training	236	R360,809	R1,529

A straight cost per beneficiary analysis must be used with caution. For example, training prosecutors dealing with GBV, the aspirant judges training and development program, the tutor training program, and the magistrates mentoring programs are relatively expensive but are directed at the core of improving the capacity of the justice sector and thereby justify the investment and continued support. Programs like the public awareness campaigns and Tiisa Thuto which have wide reaches in terms of target audiences have lower costs per target, but the impacts of the investment are harder to measure.

In the following table there is a summary of the beneficiaries of CJSP sponsored training in the justice sector, indicating that the programs covered a wide range of personnel in the system.

Table 8. Selected Training and Related Interventions for Justice Sector Personnel	
Training Interventions	No. of Beneficiaries
Leadership and Cultural Diversity Training:	
Upper Courts:	
Constitutional Court Judges	11
Supreme Court Judges	23
High Court Judges	159
Judges from 6 Divisions	87
Lower Courts:	
Chief Magistrates	21
Senior Magistrates	153
Magistrates	1,359
Regional Court Presidents	7
Regional Court Magistrates	307
National Prosecuting Services Personnel:	
Prosecutors and Directors	63
DOJCD Personnel:	
Members of EXCO	27
Chief Directors	15
Directors	293
Deputy Directors	1,967
Assistant Directors	559
Magistrates Mentorship Program:	34
Prosecutor-led Plea Bargaining Training:	141
Aspirant Judges Training and Development:	48
Anti-Corruption Training for Prosecutors:	224
Prevention and Combating Corruption for DSO Training:	254
Money Laundering and Racketeering for DSO Training:	163
Training for Prosecutors Dealing with GBV:	100
Training [Prosecutorial] Trainers:	54
Appointments for DOJCD's Internal Forensic Unit:	
Data Capturers	19
Supervisors	2

The teams observation and finding is that though somewhat focused, the trainings and seminars and workshops content-wise do not fall within an overall set of clearly defined training goals and are non-modularized in terms of being part of a clearly defined professional development program. The team could not draw any conclusions on the credentials of the institutions and presenters of such seminars and or workshops. Furthermore, as is often the case in training, there was no substantive evidence as to the impacts of training on capacities in units such as the NPA's SOCA Unit and/or the

Inter Departmental Management and Multi-sectoral Team that is directly dealing with sexual violence and abuse and gender-based violence.

APPENDIX 4

CJSP'S USAID-SUPPORTED MILESTONE MEETINGS/EVENTS

CJSP'S USAID SUPPORTED MILESTONE MEETINGS/EVENTS

Dates and Location	Strategic/Milestone Meetings/Events & Purpose	No. of Participants	Achievement/ Results
09 September 2000: Pretoria, RSA	Signing of the United States of America/Republic of South Africa Governments' Bilateral Agreement	2 Strategic Partners	Signed Copy of the Bilateral Agreement in place
05 February 2002: Pretoria, RSA	Criminal Justice Strengthening Program [CJSP] Official Launch Joint [DOJCD, USAID & BAC-SA] Press Release	3 Strategic Partners	Press Release distributed
08 February 2002: Pretoria, RSA	Signing of the USAID/BAC-SA Award Letter & Cooperative Agreement No 674-A-00-02-00012-00	2 Strategic Partners	Copy of the Signed Award Letter & Cooperative Agreement in place
27 July 2002: Pretoria, RSA	CJSP Work-Plan Implementation & Kick-start Workshop for the CJSP-Program Management Support Office Staff	5 CJSP-PMSO Staff & 11 Project Managers	Work Plan & Assigned Non-Full-Time Equivalent Project Managers
05 August 2002: Pretoria, RSA	Public Signing of the DOJCD, USAID & BAC-SA CJSP Strategic Partnership Declaration & Memorandum of Understanding [MOU]	3 Strategic Partners	Copies of the signed Declaration & MOU in place
20-25 October 2002: Pretoria, RSA	Launch of the Integrated Case Flow Management System [ICFMS] Workshop with assistance from USA-based Judges James Ware & George Gish	100 Operatives Trained	ICFMS Launched; 6 CFM Plans & Notebook Manual in place
31 January 2003: Pretoria, RSA	Launch of the Re Aga Boswa [RAB] Pilot Project	58 Courts in Kwa Zulu Natal & Court Support Services Center in Durban	RAB launched; pilot tested & refined
04-06 March 2003: Pretoria, RSA	Training CJSP-PMSO Staff & Project Managers on Mind Map Manager & Microsoft Projects	4 CJSP-PMSO Staff 4 CJSP Project Managers 3 DOJCD's RAB Project Delegates	11 Operatives Trained
13-16 June 2003: Birchwood Benoni, RSA	Judicial Officers' Association of South Africa [JOASA's] Regional International Association of Judges' Conference	70 Participants attended	Declaration in place
16-18 July 2003: Birchwood Executive Hotel, Benoni, RSA	1st South African Judicial Officers' Symposium in 70 years	174 Judicial Officers including 34 Lower Court Judicial Officers: 8 Regional Court Presidents 13 Clustered Court Heads	Resolutions in place
01-12 August	Institute of Security Studies	Mr. Boyane	Assessment Report

Dates and Location	Strategic/Milestone Meetings/Events & Purpose	No. of Participants	Achievement/ Results
2003: Johannesburg; Durban & Cape Town, RSA	[ISS] established base-line statistics and analyzed CJSP targets, impact; and overall effectiveness & potentials of Re Aga Boswa [RAB] & the Case Manager Extended Pilot Project [CMEPP]	Tshehlat Input sought from Selected Key Players	submitted
17-18 September 03: Durban, RSA	Internal CJSP review of the impacts; effectiveness; immediate benefits & Potentials of the Re Aga Boswa [RAB] Pilot Project	Input sought from Selected Key Players	Internal Review Report submitted
January 2004: Johannesburg, RSA	Pro-bono Strategic Review of the CJSP by Decipher Consulting	DOJCD, USAID & BAC-SA	Review Report submitted
March 2004: Johannesburg, RSA	Inauguration of the Judicial Education Institute Interim Advisory Board/Council	1 Strategic Partner	Interim Advisory Board/Council in place
19 April-14 May 04: Pretoria, RSA	Inauguration & evaluation of the 1 st Cycle of the Aspirant Judges Training Program	49 candidate Judges	Overall, 49 Aspirant Judges including 20 Women Fast Tracked Candidates were Trained
17 May-9 June 2004: Pretoria, RSA	Implementing & Evaluating of the 2 nd Cycle of the Aspirant Judges Training Program	9 Participants	9 Aspirant Judges Trained
August-10 Sept. 04: Pretoria, RSA	Implementing & Evaluating of the 3 rd Cycle of the Aspirant Judges Training Program	10 Participants	10 Aspirant Judges Trained
06-09 August 2004, RSA	Inauguration of the International Association of Women Judges [IAWJ] Seminar	75 new women Judge Members including the following 6 elected Executive Members	The SA Chapter of the IAWJ launched
September 2004: RSA	Interim CJSP-PMSO Performance Evaluation & Impacts/Effectiveness Assessment by the Decipher Consortium	The CJSP-PMSO	Evaluation/ Assessment Report submitted
11, 14-16 & 22- 24 February 2005: Pretoria/Joburg, RSA	Training CJSP-PMSO on Microsoft Projects & Visio	9 CJSP-PMSO Staff	CJSP-PMSO Staff trained
03-19 March 2008	Mid-Term Evaluation of the Impacts & Effectiveness of the CJSP & the BAC-SA Mechanism by DPK Consulting & Associates	NA	Mid-Term Evaluation Conducted

APPENDIX 5

CJSP-SUPPORTED CAPACITY BUILDING ACTIVITIES

**CJSP-SUPPORTED CAPACITY BUILDING ACTIVITIES
(CONFERENCES/SYMPIOSIUMS TRAINING PROGRAMS, SEMINARS AND
WORKSHOPS WITHIN THE JUSTICE SECTOR INSTITUTIONS)**

Content/Aspects	Dates and Places	Beneficiaries			
		Planned	Reached	Females	Males
1. Conferences and Symposiums					
<ul style="list-style-type: none"> ▪ Judicial Officers Association of South Africa Regional International Association of Judges Conference 	<ul style="list-style-type: none"> ▪ 13-16 June 2003: Birchwood Executive Hotel, Benoni, RSA 	90	70 Judicial Officers	-	-
<ul style="list-style-type: none"> ▪ 1st South African Judicial Officers Symposium in 70 years 	<ul style="list-style-type: none"> ▪ 16-18 July 2003: Birchwood Executive Hotel, Benoni, RSA 	250	174 Judicial Officers	-	-
2. Study Tours and Reciprocal Visits¹⁰					
<ul style="list-style-type: none"> ▪ Thuthuzela Care Centers [TCCs] 	<ul style="list-style-type: none"> ▪ 2003: Chile ▪ Feb/March 2007: By Lesotho 		5 3	4 3	1 -
<ul style="list-style-type: none"> ▪ The National Center for State Courts re: Case Flow, Court Management & Grant Administration 	<ul style="list-style-type: none"> ▪ June 2003 & 15-18 Sept. 2003: Washington DC & Williamsburg Virginia ▪ March/Aril 2008: Washington, DC & Williamsburg, Virginia 		6 15	6 10	4 5
<ul style="list-style-type: none"> ▪ Integrated Justice & TCCs 	<ul style="list-style-type: none"> ▪ Nov/Dec 2007: By Ethiopia 		17	4	13
<ul style="list-style-type: none"> ▪ Re Aga Boswa [RAB] 	<ul style="list-style-type: none"> ▪ 2005/2006: By the RSA Portfolio Committee on Justice & Constitutional Development 		NA	NA	NA
3. Seminars					
<ul style="list-style-type: none"> ▪ South African Chapter of the International Association of Women Judges [SAIAWJ] 	<ul style="list-style-type: none"> ▪ 6-9 August 2004: Birchwood Executive Hotel, Benoni, RSA 		75 New Members	72	3
<ul style="list-style-type: none"> ▪ Alternative Sentencing 	<ul style="list-style-type: none"> ▪ 27-28 July 2007: North West 		228	-	228
4. Workshops¹¹					
<ul style="list-style-type: none"> ▪ Project Planning, Mgt & Implementation Principles & Strategies 	<ul style="list-style-type: none"> ▪ 27 July 2002: Justice College, Pretoria 		11 22	5 13	6 9
<ul style="list-style-type: none"> ▪ Mgt Development Training Workshop for SOCA Managers 	<ul style="list-style-type: none"> ▪ 2-4 Sept. 2002: Acadia Center, Pretoria ▪ 20-25 Oct. 2002: St. George's Hotel, Centurion 	-	37 Operatives	22	15
<ul style="list-style-type: none"> ▪ Integrated Case Flow Management System ▪ Decentralized Integrated Case Flow Management 	<ul style="list-style-type: none"> ▪ Conducted at the following Courts: Cape High, Regional & Family Courts; Pretoria High & 	-	11 Project Managers		

¹⁰ As no record was made available to the evaluators, information in the above regards was provided to the best of our recollection.

¹¹ Referenced figures drawn from USAID's TraiNet Web Reports generated on 03/17/08. The training and development dynamics of Re Aga Boswa, the Public Awareness Campaigns, Tiisa Thuto and the Composite Indicative Cost Benefit Analyses are hereunder unpacked and presented separately.

Content/Aspects	Dates and Places	Beneficiaries			
		Planned	Reached	Females	Males
<ul style="list-style-type: none"> Training Workshops ▪ Training CJSP-PMSO & Project Managers on Mind Map Manager & Microsoft Projects ▪ South African Magistrates Workshop ▪ Training CJSP-PMSO Staff on Microsoft ▪ Projects & Visio ▪ Decentralized DSO ▪ Anti-Corruption Training Workshops ▪ Decentralized DSO Money Laundering Training Workshops ▪ Decentralized Cultural Diversity Training Workshops ▪ Decentralized Judgment Writing for Magistrates Training Workshops ▪ Decentralized Excel Training Workshops for Prosecutors ▪ Trial Management for Prosecutors Training Workshops ▪ Orientations to Re Aga Boswa ▪ Training Workshops for Prosecutors Dealing with Gender-based Violence ▪ Decentralized Training Workshops for the Implementation of the Children's Bill ▪ Prevention of Illegal Evictions Training Workshop ▪ Decentralized Leadership Training Workshops 	<ul style="list-style-type: none"> Magistrate Courts; Johannesburg Family Court; Wynberg, George, Durban & Soshanguve Magistrate Courts ▪ 4-6 March 2003: Pretoria, RSA ▪ Burgers Park Hotel, Pretoria 11, 14-16 & 24-26 Feb 2005: Pretoria, RSA ▪ Between Oct & Nov 2005: Pretoria & Durban, RSA ▪ Between March & April 2006 Pretoria & East London, RSA ▪ Between Nov.05 & Sept. 2007: All Provinces, RSA ▪ Between June 07 & January 2008: North West & the Western Cape Provinces, RSA ▪ Between Oct. 07 & January 2008: In Gauteng & the Limpopo Provinces, RSA ▪ Between July & October 2007: Pretoria, RSA ▪ Between July & September 2006: Gauteng, Northern Cape, Limpopo & Western Cape ▪ Between March & September 06: Pretoria, RSA ▪ Between June & September 2006: In Durban, Cape Town, Limpopo, Mid-rand & Kimberley, RSA ▪ 12-13 October 06 ▪ Between March 2006 and October 2007: Through-out South Africa's Provinces 		<ul style="list-style-type: none"> 300 9 CJSP-PMSO personnel 72 110 313 70 69 47 189 60 218 28 779 261 112 34 2 24 	<ul style="list-style-type: none"> 21 34 87 28 50 22 75 33 159 11 291 184 32 14 1 7 	<ul style="list-style-type: none"> 51 76 226 42 19 25 114 27 59 17 488 77 80 20 1 17
5. Training Programs					
<ul style="list-style-type: none"> ▪ Tutor Training Project ▪ Magistrates ▪ Prosecutors ▪ Magistrates Mentoring Program ▪ Training Judge Trainers 			<ul style="list-style-type: none"> 261 112 34 2 24 	<ul style="list-style-type: none"> 184 32 14 1 7 	<ul style="list-style-type: none"> 77 80 20 1 17

APPENDIX 6

RE AGA BOSWA TRAININGS

RE AGA BOSWA TRAININGS

Categories and Types of Offerings	Males	Females	Totals
Induction/Orientation Program	482	544	1,026
Workshops:			
▪ Dismissals	35	48	83
▪ Logistics	4	4	8
▪ Migration of Activities/Processes/Services	13	10	23
On-the-Job Training Programs [OJTps]:			
▪ Clerks of the Criminal Court	46	30	76
▪ Clerks of the Civil Court	46	30	76
▪ Office Managers	27	30	57
▪ Family Court Matters	12	68	80
▪ Financial Services	38	42	80
▪ Procurement Services	16	8	24
▪ Procurement Services	42	46	88
▪ Auxiliary Services [Including Registry]			
Other Specific Skills Training Programs:			
▪ Processes Mapping [HR, Procurement, Auxiliary, Residual, etc.] Training	4	10	14
▪ Change Management Training	53	36	89
▪ Habits [Training the Trainer] Training	48	72	120
▪ The Habits [Board Game] Training Program	331	420	751
▪ Computer Literacy/Software Languages Training:			
▪ [Level I: Computer Training Course]	8	20	28
▪ [Level II: Intermediate Computer Training Course]			
▪ Data Capturing	-	2	2
▪ Visio	4	10	14
▪ Mind Map	1	3	4
▪ Microsoft Projects	5	13	18
▪ Valuing Diversity Training	7	19	26
▪ Customer orientation Training	12	17	29
▪ Voice of the Customer Training/Survey	5	13	18
▪ Service Excellence Training	4	17	21
▪ Records [including Electronic] and Information Management	1	2	3
▪ Registry Management and Archiving	1	-	1
▪ Strategic/Business Planning	8	13	21
▪ Performance Management	15	25	40
▪ Training on Stress Management and Career Burn-out	4	14	18
▪ Successful Supervisory [Junior Management] Training	36	85	121
▪ Procurement on BEE	1	-	1
▪ Court Managers [including Delegations and HR Processes] Training	8	6	14
▪ Leadership Foundation Training			
	12	28	40
Totals	1,329	1,685	3,014

Table. Training Offerings			
1. Clerks of the Criminal Court	2. Clerks of the Civil Court	3. Office Managers	4. Family Court Matters
<ul style="list-style-type: none"> ▪ Warrants of Arrests J1 ▪ J8, J50, J56, SAPS' 69 ▪ Closure-Court Books ▪ Charge Sheet Management ▪ Summonses ▪ Subpoenas ▪ Process Control Document ▪ Appeals and Reviews 	<ul style="list-style-type: none"> ▪ Rule 51 and Appeals ▪ Taxations ▪ Summonses ▪ Sections 57 & 58 Judgments ▪ Default Judgments ▪ Civil Processes ▪ Civil case Management ▪ Archives ▪ Admissions of Guilt ▪ Keeping of Statistics ▪ Exhibits ▪ Reformed Schools ▪ Correctional Supervision ▪ Mental Observation ▪ Rehabilitation ▪ Periodic Imprisonment ▪ Suspended Sentence ▪ Requisitioning Prisoners ▪ Compensation Fines ▪ Fines & Fines Deferred ▪ Bail including Forfeitures 	<ul style="list-style-type: none"> ▪ Flags ▪ Sheriffs ▪ Organization & Control ▪ Office & District Administration ▪ Justice of the Peace ▪ Commissioners of Oath ▪ Archives ▪ Appraisers ▪ Advertisements 	<ul style="list-style-type: none"> ▪ Maintenance ▪ Estates ▪ Domestic Violence ▪ Archives ▪ Keeping of Statistics ▪ Children's Court ▪ Small Claims' Court ▪ Inquests
5. Finance		7. Auxiliary Services & Registry	8. Court Managers
<ul style="list-style-type: none"> ▪ Management and Processes ▪ Debt Collection [Ex-Employees] ▪ Accounts Payable ▪ Salary Administration ▪ Subsistence and Travel ▪ Perform General Accounting 		<ul style="list-style-type: none"> ▪ Archives ▪ Publications ▪ Postal Matters ▪ Correspondence ▪ Keeping of Statistics 	<ul style="list-style-type: none"> ▪ Leadership and Court Management ▪ Human resources Management ▪ Fundamentals of case Management ▪ Court Management ▪ Facilities & Securities Management ▪ Court Finance Management ▪ Measuring Performance Management
6. Procurement			
<ul style="list-style-type: none"> ▪ Purchase E-Class ▪ Purchase A-Class ▪ Assets Control ▪ Stationery and Forms ▪ Office Accommodation ▪ Archives ▪ Keeping of Statistics 			

APPENDIX 7

**EVALUATION OF THE CJSP DOCUMENT MANAGEMENT ASSESSMENT
CONDUCTED BY MATLOLE/MOKGABO JV**

**EVALUATION OF THE CJSP DOCUMENT MANAGEMENT ASSESSMENT
CONDUCTED BY MATLOLE/MOKGABO JV**

The document management assessment carried out by Matlole/Mokgabo JV reflects a work of significant detailed analysis and thought, but ultimately suffers from the fact that the objectives of the assessment are not clear, the evaluation was conducted by persons clearly without a knowledge of court operations or international best practices in DMS, and the recommendations are not full detailed in terms of cost and the realities of whether it is feasible to implement them given cost and other considerations.

Stated variously throughout the DMA documents, the objectives seem to be (in the opinion of this evaluator):

- Move the justice system toward e-government goals to the extent possible
- Develop highly sophisticated security provisions for the movement of both people and documents
- Create a paperless work environment in both court and lawyer offices
- Ensure integrity of court documents

The work does not present alternatives to the highly sophisticated, state-of-the-art solution-set that is presented (but not currently in full operation in any judicial system to the knowledge of Matlole/Mokgabo JV or this evaluator). Nor does the study consider in detail the costs of this solution-set relative to other solutions that might be considered, especially given that the long-term goal will be to move from a pilot state to a nationwide application in most, if not all, courts.

The solution-set is totally technology driven, i.e., it provides for technological solutions to almost every action taken in the courts. For example, "Magistrates will now be required to update a charge sheet electronically. The interface provided will be such that minimal amount of typing is required and most of the actions will be through a touch screen process," (*Consolidated Analysis*, p. 14). This solution-set does not take into account either the current skill-set of magistrates relative to the use of automation, which is low, nor the willingness to embrace modern technologies such as those proposed.

Although the Electronic Communications and Transactions Act 25 of 2002 encourages the use of e-government, court processes are closely governed by codes and regulations, especially regarding documents such as appropriate certificates, need for originals, etc. The DMA does not analyze the feasibility of the proposed solution—which one suspects will not relieve the courts in all instances of maintaining hard copy, original documents in the case file—relative to the requirements of the codes.

The Executive Summary

The Document Management System (DMS) Project by the Department: Justice and Constitutional Development Chief Director of Court Performance states: "that a detailed costing of a complete turnkey solution was a part of the terms of reference" (p.2). We have not seen such as detailed costing in the materials delivered to USAID. There is no costing of the solution-set so that critical variables of cost relative to benefits can be derived, and are very hard to determine. The true cost elements that need to be considered are the following:

Development and Installation

- Reengineering of processes
- Hardware required

- Software development
- Communications
- Infrastructure remodeling
- Personnel

Steady State

- Additional personnel to operate the system
- Maintenance of equipment
- Communication
- Upgrading of equipment

Solution-Set

The proposed solution-set of the audit is based on the idea of creating a virtual courthouse and law office environment:

The centerpiece of the virtual courthouse and the virtual law office is the electronic case file (ECF). An ECF is the compilation in electronic format of all relevant materials for the magistrate to decide a dispute or a lawyer to represent a client. In order for a magistrate and a lawyer to achieve time and space efficiencies, they both must create an electronic case file. Common sense would instruct that the magistrate and the lawyer should jointly participate in the development of the ECF because of the interdependent nature of their work. Many of the elements of the lawyers ECF and the magistrates ECF are similar if not the same.

Matlole/Mokgabo JV, Document Management Assessment Deliverables: Final Solution Analysis, p. 13.

The audit goes beyond a solution for just documents and defines a proposed method for controlling the movement of people in the courthouse:

To effectively control the human element, it is important to establish a method. In this particular case the use of a Radio Frequency Identification (RFID) card is recommended. With sufficient RFID readers placed in strategic locations, court management will also be in a position to plot the movement of people throughout the courthouse. *Matlole/Mokgabo JV, Document Management Assessment Deliverables: Final Solution Analysis, p. 300.*

The analysis does point out several fundamental issues that would need to be addressed before a successful document management solution should be undertaken. Quoting from the Johannesburg Audit, these include:

1. "98 percent of those surveyed indicated that they had not received any training between 2004 and 2006" (p.19).
2. "Workflow is not documented at all" (p. 23).
3. "No training material to assist knowledge workers in understanding processes and to guide them in performing the necessary activities" (p. 24).
4. "Many cases are postponed due to a lack of sufficient information on the charge sheets"(p. 24).
5. "Very little thought has been given to the physical security aspects of access to files" (p. 24).

6. "Virtually no security with regards to physical access to the archived files" (p. 24).
7. "There are 34 workstations in the criminal section" (p. 25). "The workstations are not being used" (p. 26).

Workflow Control Station

Evidently, the current paper-based system needs to be replaced with a DMS or content management system. 'Content management' has become an all-encompassing buzzword for document management, information management, and knowledge management—a wide variety of functions.

Without a workflow control station to manage and route business processes and to direct the processes from one skilled worker to another to allow pre-described tasks to be performed, the DMS will not fulfill needs within the court environment. "Moreover, simply placing a PC workstation, with a variety of software applications to be used as and when required, is also not an option" (p. 33).

Problem Matrix

The problem matrix described serves to identify problems but relies on a subjective ranking system to rate the severity of problems, and some identified problems would not be addressed by the virtual file system, e.g., lawyers and parties getting access to the file room.

The way forward should include defining elements of the integrated case flow management system, such as:

1. Upgrade and develop the ICMS-based on e-scheduler and enhancements, i.e., South Africa Integrated Case Management System
2. Conduct a re-engineering of current court processes, inefficiencies, and security of documents (case files)
3. Develop a DMS that is based on analysis, and define which documents should be digitized, should be integrated into the e-scheduler and JAMIS data management system, and should be included in annual and periodic statistical reports
4. Continue provincial and district case flow management forums and meetings to adopt strategies to improve productivity and reduce delay (started under the Re Aga Boswa and the IFCMS programs)
5. Conduct needed training to upgrade the skill levels of staff to absorb new technologies and systems once introduced
6. Address institutional capacity to absorb new systems through training
7. Improve data analysis and reporting for better court management

Resources Required to Implement Court Assessment Findings In Each Court

The document presented by Matlole/Mokgabo JV, on describing the status of the DMS, indicates that solution implementation should include two phases: 1) business process reengineering and development; and 2) implementation of the 'final solution analysis,' which calls for creating a virtual courthouse and law offices through an electronic case file, i.e., a paperless court and law office environment.¹² We cannot endorse this solution for the South African courts without a more

¹² "The centrepiece of the virtual courthouse and the virtual law office is the electronic case file (ECF); An ECF is the compilation in electronic format of all relevant materials for the magistrate to decide a dispute or a lawyer to represent a client. In order for a magistrate and a lawyer to achieve time and space efficiencies, they both must create an electronic case file. Common sense would instruct that the magistrate and the lawyer should jointly

significant analysis of the costs and benefits involved, and do not support using USAID-funding for this purpose given both the limited timeframe that USAID funds will be available and the magnitude of this endeavor. We do not believe that, even if desirable, this solution-set could be developed within the remaining timeframe of the project, let alone conduct the necessary training of personnel, conversion of files, or back scanning. This is a high-risk solution that requires significant investment and could remain a one-off type of solution that is not transferable to other courts and prosecutors offices.

APPENDIX 8

ELECTRONIC DOCUMENT ARCHIVE SYSTEM GENERAL SPECIFICATIONS

ELECTRONIC DOCUMENT ARCHIVE SYSTEM GENERAL SPECIFICATIONS

The following specifications for an electronic document archiving system, known in South Africa as a DMS system, was issued by DPK/Jordan as a part of our program with the Jordanian Ministry of Justice to carry out a second phase of creating an Integrated Case Management System. The first phase included both automating the courts and introducing a state of the art case management system (CMS). The DMS will be built to integrate with and be compatible with CMS systems. These terms of reference outline basic system specifications that can be helpful in guiding the development of the South African DMS.

Table. Sample DMS Specifications

Item #	Specification
General	
1	The system must be provided with full user manuals in all languages required under contract.
2	The system must include an API/development tool kit to allow for the integration of the system with other line of business applications.
3	The Vendor must have access/own the source code of the system.
4	The vendor must have at least 5 years in the EDA field and at least 3 customers from the government sector
5	The system must integrate with a workflow system.
6	The system must have separate interfaces for the administrators and the end users.
7	Licensing must be based on concurrent users
8	The server application can be installed on multi physical servers on any locations.
Web Capabilities	
9	Internet/Intranet ready. No modifications needed to be accessible from the Internet/Intranet.
10	Search & retrieval operation to be supported via the web browser as well as the standard client.
11	Documents displayed through web browsers will be converted to PDF format during retrieval.
12	The system must have the document handling features available in the user client application available through the web browser. (Update document indexes; upload images and MS office documents).
13	System administrator must be able to generate pre-defined reports from the web browsers (i.e., Users Information and privileges, Productivity Summary, Documents Distribution and etc).
14	The system must enable the administrator to create custom reports using technology relative to the selected EBMS
Database	
15	The system must support Oracle, MY SQL and/or MS SQL Server as database engines.
16	EDMS Database Design and Definition to be stored in the RDBMS can be administrated from EDMS administration session.
17	EDMS to communicate natively or through ODBC connectivity with the Database Server.

Table. Sample DMS Specifications

Item #	Specification
18	Database must be controlled by the EDMS Components
User Interface	
19	The system viewer must be fully bilingual (Arabic/English) in the entire EDMS end-user interfaces, including trees, toolbars, menus, and system messages. Switching from Arabic to English mode and vice versa should be done without the need for the user to re-login to the system.
20	The user interface must be compliant with the Windows XP and Vista environments and their standards.
21	Simple users interface {Microsoft Standard} for all modules
22	Users must be able to navigate the document repositories in a simple graphical manner, preferable similar to windows explorer.
23	The proposed viewer must support viewing multiple documents at the same time.
24	The system must have separate modules for administration and reporting and other for document scanning and indexing and viewing.
Capturing	
25	The system must be able to use either high volume or desktop scanners.
26	The system must support Black and White, gray scale, and colored images having any dimensions.
27	The functionality of the scanning operation must be integrated as part of the EDA system.
28	The system must support TWAIN and ISIS scanning technologies.
29	The system must support Duplex, simplex and batch, single image scanning from the same interface.
30	Using the EDA, the user must be able to scan, index, search and view from the same interface without the need to scan from the scanner native interface.
31	The system must have scanning profile to enable user to change scanner settings easily.
32	The system must be able to link a scanner profile with certain document type of name, so that when the user scans a specific document the system will automatically choose the appropriate scanner profile.
33	The system must be OLE compliant: all OLE objects such as WORD files, EXCEL sheets shall be viewed from within the system without the need to start the corresponding application. The option to view the document in their native viewer should be available.
34	The system must have the ability to include several data object types in a single document and to be viewed simultaneously using the same viewer.
Indexing	
35	The system must support basic document properties, which are minimum document indexing fields, such as the document name, creator name, creation date.
36	The system must include Out-of-the-box support for Indexing capabilities.
37	The system must support user-defined index fields. These fields will be used in indexing different documents types

Table. Sample DMS Specifications

Item #	Specification
38	The system must have a user-defined indexing utility that will allow the system administrator to maintain and create solutions.
39	The system must support an easy GUI design feature that will allow the system administrator to modify and change the structure and shape of the indexing fields.
40	The system must support, Free Text, Numeric, Date, Code Files, and auto increment fields as field types.
41	The system must support mandatory and optional fields.
42	The system must have the option to define some user-defined index fields as unique-index.
43	All user-defined indexing fields must be searchable.
44	The system must support the use of document categories for additional classification of documents
45	The system must support the indexing using keywords.
46	The system must support the use of user pre-defined document sets (Document Templates) to allow the user to easily add multiple documents.
47	The system must have the ability to accept English and Arabic document identifiers.
Image Enabling	
48	The system must provide an image-enabling feature. This feature will allow the system to add document management features to any database application without the need for the source code of the applications.
49	The system must be able to image enable Windows Applications and other legacy applications running through terminal emulators or though a web browser.
50	The system must allow the user to search in the EDA database and images using the keys of image enabling, without the need to access the original database application, from the native EDA interface.
51	The system must have the ability to limit the user's access.
Search and Retrieval	
52	All user-defined indexing fields must be searchable fields.
53	The system must allow the user to search the entire database for a certain document (Global Search)
54	The system must have the ability of searching using the document categories.
55	The system must have the ability to store user-queries so that the user will be able to search easily for certain documents.
56	The system must allow the administrator to modify, update or delete the user query from within the system.
57	The system must support (AND) and (OR) operation is search.
58	The system must support locking (check in/check out) where a user can lock a document to prevent other users from performing any modifications to it, while allowing them to view it.
59	The system must allow simultaneous viewing of the same document by many users in the

Table. Sample DMS Specifications

Item #	Specification
	system.
60	The system must have a recycle bin. This recycle bin will contain all the deleted documents by the users. The deleted document will remain in the recycle bin until the system administrator purges them or restores them.
Image Processing	
61	The system must have imaging functions to include zoom in, zoom out, rotate, flip, image panning, and magnifier.
62	The system must have the image enhancement functions like scale-to gray, despeckle, deskew, cropping, etc.
63	The system must support scanners that have image enhancement functions that come with the scanner hardware specifications.
64	The system must have annotation capabilities including rectangle, blackouts, lines, stamps and free hand annotations and User Signatures.
65	Users must be able to rearrange pages of the documents (drag and drop) and insert and remove pages, according to their security profiles.
66	User must be able to quickly preview document pages before opening the document for actual work, using thumbnails.
67	Users must be able to put pre-defined stamps as annotation overlays. Users should be able to define new stamps as well.
68	The system must be able to print the document from within the main system interface.
69	The user can print the document with or without the associated annotations.
70	The images in the system must have one of the standard image formats utilizing standard compression that can be opened by international viewers.
71	The system must store the images using standard TIFF format. The system must use Group 4 compression for black and while documents and must use JPEG compression for colored images. Switching between compression criteria must be automatic according to the image type.
72	The system must expose a set of API that can enable other application to use the imaging functionality of the system using standard programming languages.
User Security	
73	The system must allow the administrator to define users and user groups and their security profiles in a GUI interface.
74	The user security profile includes password, role and permissions on all the objects in the system.
75	The system must have full Configurable user access to all filing structure levels (document/folder/drawer, etc.), document types, and queues.
76	The system must be able to assign user rights on every object in the storage tree. Right will include (view, add, delete, update, copy...etc)
77	Users must be grouped on security basis, meaning that all the users in one group must have the same security permissions.

Table. Sample DMS Specifications

Item #	Specification
78	The system must support unified login feature, utilizing the user names of the AD Windows Domain, without the need to define users manually.
79	The system must support security levels. Security levels are applied to user and documents, where the user will be able to view the documents in his security level or at lower levels.
80	The system must have the ability to activate and deactivate a user account without the need re-define his security profile.
System Administration and Monitoring	
81	The system must have the ability to record all modifications to system objects using a transaction log.
82	Administrator should be able to view the transaction log using classification filters to easily locate actions.
83	The system must have the ability to show the system administrator the status of all the documents in the system.
84	This transaction log can be enabled or disabled according to administrator decision.
85	The system must have a tool to generate system reports. The reports include users and their privileges, data objects and other system vital statistics.
86	System Administration must be bundled in a single module, where the system administrator can control the system from one interface.
87	The system must have different user interfaces for the administrator and the end user.
Faxing and Email	
88	The system must allow the user to receive and send email messages utilizing Microsoft Exchange from within the document management system interface.
89	The system must have the optional ability to send and receive documents as a FAX directly and automatically archive it to the system.
OCR	
90	The system must have built-in English OCR engine.
91	The system must be able to generate text content from the scanned documents.
92	The system must be able to generate OCR results in RTF, HTML, Word Perfect or plain text formats
93	The system must have the ability to OCR certain zones in the image document rather than the entire document.
94	Integration options must be available to integrate other OCR engines with the system.
Document Route (Collaborative Workflow)	
95	The system must have an internal routing engine that facilitate sending documents between EDA users in a collaborative mode (3 rd part integration is not acceptable).
96	The user should be able to send documents to any number of users in two ways:
97	Send the document as a copy to each recipients
98	Send the document in sequence (Document Route style) and enforce the first recipient to send it to the next recipient

Table. Sample DMS Specifications

Item #	Specification
99	The sender should be able to assign a deadline date on the message
100	The system administrator must be able to define route templates to enable users to send documents in pre-configured route (unlimited route templates)
101	The sender must be able to view the document route history for a certain document (send date and time, the subject, each recipient's action on the message like read, unread, deleted unread, deleted after read, etc)
102	The system must log all transactions for all documents that have been routed using the system.
103	The system should notify users when a new document arrives.
104	Users should be able to search on Inbox and Outbox for a specific document.
105	Users should be able to track the status of each document from within the user interface
106	The system should allow users to forward any received document to other users and keep tracking for the route history.
Storage	
107	The system must have the ability to classify and electronically organize documents in folders and cabinets and other storage units.
108	The system must have a tree like storage hierarchical structure to allow the user to classify and organize his documents.
109	The system must have the ability to store document in several locations to create multiple document repositories.
110	The proposed solution must support storing images on RAID storage, NAS and SAN storage.
External Viewer (CD Viewer)	
111	The system must have an external stand alone CD Viewer module with ability to export subset of the system documents in PDF format
112	The CD Viewer must be able to view the documents directly from the CD (Not from the PC).
113	The CD Viewer must be able to encrypt the exported files.
114	The login to CD Viewer must be protected by a user name and password.
115	The CD viewer must provide search capability (document properties, indexes, keywords, categories, and etc.).

APPENDIX 9

SUMMARY OF SCHOOL CHILDREN AND COMMUNITY LEADERS REACHED

SUMMARY OF SCHOOL CHILDREN AND COMMUNITY LEADERS REACHED

Table. Summary of School Children Reached						
No.	Provinces	Set Targets	Actual Reach	Demographics of Beneficiaries		Reported Cases
				Boys	Girls	
1	Free State	32,400	44,982	22,296	22,686	7
2	Mpumalanga	32,400	35,140	17,916	17,224	40
3	Gauteng	32,400	41,046	17,991	23,055	36
4	Limpopo	32,400	32,583	15,722	16,861	16
5	North West	32,400	26,688	12,615	14,073	20
6	Northern Cape	32,400	33,680	15,866	17,814	46
7	Eastern Cape	32,400	36,473	17,779	18,568	60
8	Western Cape	32,400	30,024	14,373	15,651	27
9	Kwa Zulu Natal	32,400	44,205	20,102	24,103	21
	Totals	291,600	325,446	154,660	170,035	252

Table. Summary of Community Leaders Reached					
No.	Areas	Set Targets	Actual Reach	Demographics of Beneficiaries	
				Males	Females
1	Upington	100	85	28	57
2	Bloemfontein	100	98	36	62
3	Parrow	100	80	23	57
4	Odi	100	135	36	99
5	George	100	59	17	42
6	Nelspruit	100	84	34	50
	Totals	600	541	174	367

Table. Tiisa Thuto In Brief				
Provinces	No. of Schools	Beneficiaries		
		Learners	Educators	Parents/SGBs
Gauteng	90	53,308	350	279
Free State	6	57,699	1,155	45
Kwa Zulu Natal	6	25,395	818	-
Totals	102	136,402	2,323	324

APPENDIX 10
GRANTEE ACTIVITIES

GRANTEE ACTIVITIES

Table. NGO Grantee Activities				
Grantee	Activity	Objective	Dates/funding amount **	Result (based on information available)
Mosaic (Western Cape)	Court-based support program to assist victims of domestic violence to apply for protection orders	Access to justice; victim empowerment; court efficiency; prevention of crime and violence	1/02–9/04 ** \$209,144	64,407 DV victims assisted to obtain protection orders from 2002–04. Expanded services from eight to eleven courts; services extended to 5 days per week.
Childline (Kwa Zulu Natal)	Comprehensive, holistic services to child victims of sexual violence and abuse, including counseling, child witness preparation and court support	Access to justice; victim empowerment; more effective criminal justice system	4/02–9/04 ** \$96,695	Child witness support offices established in five courts; witness preparation program developed and piloted; 2,775 children prepared to testify in 2003–04.
Thohoyandou Victim Empowerment Program (Limpopo)	Comprehensive support services to victims of rape and domestic violence, including counseling, court support, PEP and home visits; lobbying, advocacy and monitoring of gov't services on behalf of victims of GBV; community outreach	Access to justice; victim empowerment; more effective criminal justice system	5/02–9/04 \$225,946	10/02–3/03 235 rape victims and 362 victims of domestic violence assisted; "Break the Silence" outreach campaign reached 76,000 members of rural communities

Table. NGO Grantee Activities

Grantee	Activity	Objective	Dates/funding amount **	Result (based on information available)
Cape Town Child Welfare (Western Cape)	"Isolabantwana" Eye on the Child program; community-based child abuse prevention, intervention and mitigation project; case intervention and management; community outreach	Prevention of crime and violence	4/02-4/03	10/02-3/03 448 abused or "at risk" children assisted; outreach/awareness provided to 3,077 members of community
Centre for Criminal Justice (Kwa Zulu Natal)	Paralegal advice and court support for women and children at 12 victim support centers based at rural magistrates courts and police stations; legal rights workshops and community outreach	Access to justice; victim empowerment	4/02-4/04 \$150,214	9/02-3/03 legal advice/assistance provided in 3900 cases (including 1780 cases of GBV or child abuse)

Table. NGO Grantee Activities

Grantee	Activity	Objective	Dates/funding amount **	Result (based on information available)
Greater Nelspruit Rape Intervention Project (GRIP) (Mpumalanga)	Comprehensive support services to victims of rape and sexual assault including counseling, court support, PEP and home visits; 24-hour care rooms at seven rural hospitals; lobbying, advocacy and monitoring of government services on behalf of victims of GBV; training and outreach	access to justice; victim empowerment; more effective criminal justice system	7/03–9/04 \$160,888	Est. 350 rape victims assisted during project period Care rooms established at 3 additional hospitals Witness support rooms established at 2 additional courts; witness preparation and court monitoring/support provided at 5 courts Intersectoral training provided to police, health providers and prosecutors
Centre for Social Legal Studies (Kwa Zulu Natal/ Eastern Cape)	Program to reduce and respond to sexual abuse and harassment in schools	Prevention of crime and violence; access to justice	7/03–9/04 \$155,747	20 schools assisted to develop anti-abuse policies/codes of conduct and to develop and implement violence prevention strategies; approx.30,000 learners and teachers educated on GBV

Table. NGO Grantee Activities				
Grantee	Activity	Objective	Dates/funding amount **	Result (based on information available)
Centre for the Study of Violence and Reconciliation (CSV) (Gauteng)	"Zivuse" Youth Crime Prevention Program, implemented by peer leaders at schools; focused on teaching life skills, trauma/anger management, and conflict resolution techniques.	Prevention of crime and violence	7/03-9/04	Curriculum developed and pilot tested; 35 youth leaders trained to implement program

** Note that organizations marked with this symbol received additional funding from USAID after 2004 through the Civil Society Strengthening Project administered by PACT/IDASA. Details on this funding were not available for the CJSP assessment.

*** Information drawn from Rule of Law PMP file, data quality back up data for 2004 report.

Table. Research and Development Grantees				
Grantee	Activity	Objective	Dates/Funding	Result (based on information available)
Institute for Security Studies (Gauteng)	Criminal Justice Monitor	More effective and accessible criminal justice system	[not available]	Data collected, analyzed and disseminated; website established; in-depth research monographs prepared and workshops conducted on range of relevant CJ issues

Table. Research and Development Grantees

Grantee	Activity	Objective	Dates/Funding	Result (based on information available)
Child Witness Project (Vista University)	Development and Piloting of standardized child witness preparation program	More effective and accessible criminal justice system	6/02–3/04 \$242,480	Standardized preparation program researched and developed; Training modules, information materials and “tool kits” for children, teens, and parents/care-givers developed and piloted at schools and Childline centers for abused children.
Say Stop Consortium (Western Cape)	Research on interventions for repeat and serious youth sex offenders; development and piloting of sexual offenses prevention program (adapted from SAY STOP diversion program)	Violence and crime prevention	7/03–9/04 \$110,631	Research completed and disseminated; Prevention manual developed; probation officers trained to implement prevention program in 9 provinces
Community Law Centre (Unit of Western Cape)	Research on best practices in juvenile justice and diversion in Africa; development of Juvenile Justice Resource Manual for relevant role players	More effective and accessible criminal justice system; violence and crime prevention	[not available]	Resource Manual developed and disseminated

APPENDIX 11

ORGANIZATIONAL CAPACITY OF ANTI-GENDER-BASED VIOLENCE NGOS

ORGANIZATIONAL CAPACITY OF ANTI-GENDER-BASED VIOLENCE NGOS

USAID South Africa plans to issue a number of sub-grants to NGOs combating gender-based violence (GBV) under both the CJSP and Women's Justice Empowerment Initiative (WJEI). Under the WJEI, these will include "prevention" grants through the USAID office in Washington, as well as sub-grants to support direct services to victims of GBV through the WJEI GMTA contract (currently in the tendering process). Although not limited to organizations working directly with Thuthuzela Care Centres, a major goal of the planned grant program under the WJEI is to support organizations working in conjunction with either the TCCs or sexual offenses courts or in areas where new TCCs are planned, in order to improve or provide complementary services to victims of GBV. Under the CJSP, USAID is also planning to issue an APS—independent of the WJEI contract—to support additional NGOs working to combat violence against women and children (and potentially in other areas that would support the objectives and activities of the CJSP).

In connection with the CJSP Rapid Assessment, DPK was asked to assess the capacity of South African NGOs working in the GBV or "victim empowerment" sector "to manage USAID funds and to implement activities." The terms of reference included the following specific questions:

- 1) What is the effectiveness of USG-supported NGOs and other selected non-USG-supported NGOs currently providing support to victims of GBV and abuse, particularly those currently funded under the USAID Economic Support Fund (ESF) and that, based on USAID's experience in working with them, have a good track record in activities related to GBV and abuse?
- 2) Since activities will be implemented in coordination with the DOJ and CD, what is the relationship between these NGOs and DOJ and CD?
- 3) What can be done to strengthen these NGOs capacity to manage and implement activities?
- 4) What lessons can be learned from anti-GBV NGOs previously supported by USAID?

Effectiveness of NGOs in the GBV Sector

As set forth in the background section of this report, from 2002–2007, USAID supported a number of NGOs working in the area of GBV, originally under the CJSP program with Creative Associates (CREA), and subsequently through its Civil Society Strengthening Program. Although the number of grantees has varied over the years depending on funding, the main USAID partners in the area of direct services to victims (or "victim empowerment") have been Thohoyandou Victim Empowerment Program (Limpopo), Childline (Kwa Zulu Natal), and Mosaic (Western Cape). Each of these NGOs received grants from 2002–2004 under CJSP (with DA funds), and then received additional grant support under the CSSP from about 2006–2007 (reportedly with ESF funds). None are current USAID grant recipients. In addition to these three NGOs, USAID has also supported GRIP (Mpumalanga), Cape Town Child Welfare (Western Cape), and the Center for Criminal Justice (Kwa Zulu Natal)—all of which provide direct services to victims as well as outreach and training—as well as the Center for Social Legal Studies (Kwa Zulu Natal/Eastern Cape), which focuses on legal rights education in schools and communities.¹³

Although the assessment team did not have access to all reports submitted by these organizations to USAID over the years, based on the information available from documents and the personal experiences of USAID activity managers, as well as the reputation of the organizations within the NGO community, the team concluded that **USAID's main NGO partners in GBV programming (Thohoyandou, Childline, and Mosaic) are very effective and well-run NGOs.** Although all three

¹³ USAID has also supported NGOs providing diversion programs and other services to juvenile offenders. As these are not related to GBV, they are not discussed in detail in this section of the report.

continue to experience challenges, they have demonstrated capacity to implement high-quality services to victims of violence; to expand and replicate their programs in additional areas; to navigate the challenges of inter-sectoral service delivery; and to raise, manage, and account for donor funds. All three organizations are currently mentoring and training smaller community-based organizations to raise capacity in under-served areas, and are regularly called on by government to train public employees (e.g., police, nurses, social workers, court clerks) in aspects of GBV and related service delivery. All three organizations are run by highly competent directors complemented by motivated, well-trained, and well-supervised staff; appear to provide services in a very cost-effective manner; and are well respected in the field.

Thohoyandou: TVEP was established in 2000 and has grown steadily over the past 7 years. It currently runs two hospital-based crisis centers and shelters for victims of rape and domestic violence, where it provides a wide-range of support services including HIV counseling, PEP adherence support and follow-up, home visits, and psycho-social counseling. TVEP also runs an “access to justice” program from its central office which provides information and support to victims in conjunction with the criminal justice process, and monitors the investigation and prosecution of any court case. Other program activities include: monitoring the delivery of health services provided to victims, training other stakeholders (including nurses, police), conducting outreach and awareness campaigns in rural communities, manning GBV “help desks” in rural areas, lobbying and advocacy, and providing support and mentoring to local CBOs working on a range of social issues. Thohoyandou currently operates only in the Thohoyandou area in the Limpopo province. It has care centers at one regional and one district hospital, and also maintains an office and victim support room at the magistrates/sexual offenses court. There is no TCC in Thohoyandou at present, although plans are in place to establish one with USAID funding. The implications of this roll-out for the TVEP are not yet clear.

Childline: Childline is one of the few victim empowerment NGOs that operates nationally. It is also one of only a few organizations (along with RAPCAN, Teddy Bear Clinic, and various local child welfare organizations) that specialize in providing support and therapeutic services to abused children and their caregivers. Childline currently has offices in eight provinces and is in the process of establishing an additional office in the Northern Cape. In Kwa Zulu Natal province, Childline currently operates 12 satellite offices in several disadvantaged communities, located at hospitals and courts in addition to its main office in Durban. Childline is best known for its counseling hotline and for the counseling and other support services it provides through its local centers. From 2002–2004, USAID funding supported a broad range of Childline services in KZN, including therapeutic services, forensic assessment, and preparation for court. From 2006–2007, USAID support to Childline has focused primarily on the development, piloting, and implementation of a separate court support program for child witnesses in five local courts. This program prepares children to testify in court and also supports them and their caregivers through the court process. The success of this program has been due in large part to the quality of the preparation program (curriculum and training), the close supervision and monitoring of court support volunteers by Childline professionals, and Childline’s capacity to provide this service in the context of a broader range of specialized services (such as therapy and family interventions). The KZN office of Childline works closely with the Thuthuzela Care Centre at Prince Mashiyeni Hospital in Umlazi, where it provides onsite follow-up counseling and support groups for children and caregivers 4 days per week. In the last year, it has also begun to provide similar services 1–2 days per week at the Mahatma Gandhi TCC in Phoenix. According to the National Director, Childline could develop its capacity to provide services to new areas in conjunction with the planned TCC roll-out, if sufficient and reliable sources of funding were made available. This would include opening local offices where needed and recruiting and training professionals, lay counselors, and volunteers.

Mosaic: Mosaic is a Cape Town-based NGO established in 1999 that focuses on domestic violence prevention and mitigation. Although Mosaic engages in a variety of awareness, prevention, outreach and 24-hour support services in local communities, USAID support has focused on the delivery of Mosaic's court support program. This program assists victims of domestic violence and abuse to apply for interim protection orders pursuant to the Domestic Violence Act. Housed within the magistrate's courts, Mosaic guides applicants through the often complicated and confusing system of applying for a court order, helps applicants complete necessary forms and affidavits, and provides emotional support and referrals (although this function should be provided by the court clerks, most courts do not have the capacity to provide this function effectively). With assistance from USAID, from 2002–2007 Mosaic expanded its services from 8–13 courts in Cape Town and the surrounding areas. The court support program is implemented by stipended volunteers under the supervision of full-time Mosaic project managers. Mosaic also supports the courts by training and debriefing clerks of the court to enable them to provide more efficient and sensitive services to applicants, and has established role player coordination committees at several courts to provide forums for problem solving and better communication. USAID has identified this project as one with good potential for replication in other courts in South Africa. However, replication has been limited to date because of Mosaic's dependence on donor funds.

The capacity of other GBV NGOs who have received funding from USAID appears more mixed. According to former USAID activity managers, most of the organizations supported by USAID (and specifically, GRIP, CCJ, and CTCW) were able to effectively implement their programs to support victims of violence and report positive results to USAID (other programs funded by INL through USAID were less effective), although one of the three CJSP grantees had difficulty in the area of funds management. According to the rule of law team leader, USAID decided to withdraw grant funding from CCJ after it failed to meet USAID standards for financial systems. This apparently occurred after CCJ became an independent NGO separate from the University of Natal (where it had previously been located). Apparently, USAID did not allow conditional funding or provide any intervention or technical support to this organization (despite its previous track record with USAID) before taking this step. It also appears that GRIP's capacity to implement programs has been weakened at times due to inadequate funding. During the 1-year period of USAID grant funding, GRIP reported that it had to "let go" of two staff members due to lack of funds and to reduce salaries of other staff members by 50 percent. While it continued to provide (and even expand) certain services with USAID funding, other areas of its program suffered and had to be cut back.

GRIP has a very good reputation in the sector and fills a critical need in an under-served area. Like Thohoyandou, GRIP provides "one-stop" support services to victims of rape in poor, rural areas, including access to PEP and court monitoring and support. It also conducts intersectoral training, witness preparation, and monitoring of court cases. **CCJ** operates legal advice centers throughout rural KZN, of which the majority of cases involve women and children. **Cape Town Child Welfare** provides a range of services to vulnerable and abused children in the Cape Town area, including an innovative community-based intervention program previously supported by USAID, entitled Isolobantwana or "Eye on the Children." All are considered "established" NGOs within the sector.

In conjunction with the assessment, the team was able to interview the directors of **two additional victim empowerment/GBV organizations** that have not received USAID funding. These were selected in part because of their location (which corresponded with that of other stakeholders interviewed for the assessment) and in part because of their existing relationship with the DOJ&CD and/or the Thuthuzela Care Centres. Both are "established" NGOs with good reputations in the GBV sector.

Rape Crisis: Rape Crisis is one of the oldest GBV organizations in South Africa. It is considered a leader both in terms of service delivery (information, containment, and trauma counseling) and advocacy/training. It provides services primarily in the Cape Town area through a central office and two grassroots offices in local communities. In 2000, Rape Crisis participated in the development of the TCC pilot program at Jooste Hospital, focusing on the counseling component. Another NGO provided counselors to the TCC for a while but ultimately was not able to deliver effective services and withdrew from the program. In early 2007, Rape Crisis was approached by the NPA and asked to provide counseling services at the Jooste TCC (for both adults and children). After nearly 6 months of negotiating with the Department of Social Development for funds to support its services, Rape Crisis was finally given a 1-year grant (which expires at the end of March 2008). This grant enables Rape Crisis to supply containment counselors onsite at the TCC 24 hours per day, seven days per week, filling a critical gap in the TCC's services. Rape Crisis also takes referrals from the TCC for more in-depth follow up counseling and support services off-site. The TCC is now asking Rape Crisis to expand its service to include HIV pre- and post-test counseling. Under the current arrangement, Rape Crisis provides 8 volunteer lay-counselors to the TCC (two per shift). These counselors undergo intensive training by Rape Crisis and are fully supervised and regularly debriefed by the Rape Crisis psychologist at the local office in Gugulethu. The volunteers receive a stipend for each shift. According to the director, "lay counselors" can be very effective in this role if they are "properly trained, monitored, and supported," and receive "adequate compensation" for their hard work. The director also stated that Rape Crisis has the institutional capacity to expand its counseling services to additional TCCs in the Western Cape, and can also train and mentor other NGOs and CBOs to provide this service provided that sufficient funding is made available to support the activity.

RAPCAN: Like Childline, RAPCAN is a specialized NGO aimed at combating child abuse and neglect and providing support to victims and their families. At present it only provides direct services (counseling, family support, witness preparation) in the Western Cape, although it is involved nationally in advocacy and policy efforts. Members of the assessment team visited the court support program established and run by RAPCAN in the Wynberg Sexual Offenses Court, and also spoke with the director of RAPCAN at their main office. According to the director, RAPCAN has been providing support to child witnesses (up to age 16) at the Wynberg Court since 2000. It operates child-friendly waiting rooms, staffed by paid "part-time staff members" where children can wait for their cases to be heard and also receive witness preparation. According to the director, RAPCAN "works with the children every time they come to court for consultations, hearings, etc. We liaise with the prosecutor and case manager to ensure that the child understands the process and that the child's best interests are protected throughout the criminal process." RAPCAN also trains and provides "intermediaries" to assist children to testify in the Sexual Offenses Court. All court supporters and intermediaries receive training, supervision, and debriefing support from full-time RAPCAN staff members. Over the years, RAPCAN has developed and refined its own preparation modules, based on research conducted by the Child Witness Project, which it feels is very effective and "developmentally appropriate" for children. RAPCAN also works in partnership with less established NGOs and CBOs to deliver services in the GBV sector and provides "a lot of capacity building [for smaller organizations] on the basics of program delivery." Support ranges from technical content such as "working with traumatized victims" and "preparing child witnesses" to building organizational capacity for "program planning and financial accountability." According to the director, the capacity of NGOs in the sector to deliver services to victims is very "uneven."

General Capacity of Anti-GBV NGOs Nationally

It was not possible in this limited assessment to establish how many NGOs are currently providing direct services to victims of GBV in South Africa, or to independently assess the capacity of individual NGOs to provide and/or expand those services in specific areas. This task will fall to the contractor selected to implement the WJEI (TCC support component), which includes a national “mapping exercise” as one of the initial project activities. This activity should ideally be conducted in cooperation with NGOs such as Childline who have a national presence, are familiar with role players in specific areas, and are in a position to comment on the capacity of individual organizations to deliver various types of services.

The following information was provided by the Center for the Study of Violence and Reconciliation (CSVSR) Gender Unit regarding the “national picture” of NGOs in the GBV sector.¹⁴ In 2002, there were 196 non-profit organizations listed in the CSVSR national directory of services on violence against women. These included organizations providing some form of social or health-related services to victims of violence, as well as organizations engaging primarily in advocacy or policy-related work. The directory is currently off-line and in the process of being updated. According to the head of the CSVSR Gender Unit, many of the organizations included in the directory are not “specialized” NGOs dedicated specifically to combating or addressing GBV. Rather, many provide services to victims of GBV as one component of a broader range of services, such as legal advice centers or places of safety for “children in need of care.” Others act primarily as “outreach” or “referral” organizations—that is, they inform victims of their rights and refer them to other organizations or to government departments, but do not provide direct services (such as shelter or counseling) themselves. The director was not able to say how many organizations currently listed in the directory are direct services providers or specialist GBV NGOs, but she estimated that only a “small percentage” of NGOs in the country have the capacity to consistently provide “high quality” support services and to effectively compete for donor funds.

One challenge identified by CSVSR (and echoed by other interviewees) is that **the distribution of support services is very uneven across the country**. At present, the majority of service organizations are concentrated in three of the nine provinces (Gauteng, Western Cape and Kwa Zulu Natal). In 2002, for example, 60 percent of the NGOs listed in the directory were located in those three provinces. Of all shelters, 61 percent were located in either Gauteng or Western Cape. Some provinces had no shelters at all. We were also informed that even now, the majority of NGO service providers within the provinces are located in urban and peri-urban centers, leaving significant gaps in services to rural areas. The lack of GBV NGOs in certain provinces and particularly rural areas is likely to pose a significant challenge for the roll-out of the TCCs. As noted in the Thuthuzela “gap analysis,” most of the current TCCs outside Johannesburg, Durban, or Cape Town have not been able to identify NGOs to assist them in providing on- or even off-site referral services for victims, nor do the TCCs have the capacity to recruit and train volunteers on their own.

In rural and semi-urban areas in South Africa, most services relating to GBV are provided (if at all) by local community-based or faith-based organizations. Some of these have a specific focus on women; others provide a broader range of services to their communities. According to CSVSR, most women in poor areas turn to these organizations first when they have been raped or need protection from a violent partner. Although these organizations know and understand the local context, many are “struggling to survive because they lack access to funding and other resources, they often have

¹⁴ CSVSR is a Johannesburg-based NGO and former USAID grantee engaged in research, advocacy and program development in various sectors, including women’s rights, crime and violence prevention and GBV. It has compiled a national directory of service providers providing services to victims of GBV and has also engaged in various capacity-building programs in the sector

little organizational infrastructure, can't pay staff, experience a high turnover of volunteers, and can't afford to properly train or supervise their staff." They also lack systems for financial accountability, which further precludes them from accessing donor or government funds.

According to the NGOs interviewed, many CBOs have capacity to raise awareness in their communities around GBV and in some cases to mobilize communities to take action to prevent or reduce GBV. For this reason, there are opportunities to partner with CBOs in areas such as community outreach and awareness raising (including raising awareness of the TCCs). With minimal training and financial support, CBOs can also provide general support to victims of violence, such as manning comfort rooms at police stations or providing referrals to other service providers (an example here being the help desks operated by TVEP in rural villages). Most CBOs, though, do not currently have capacity to provide more specialized services such as trauma counseling, legal advice, or court preparation. Although lay members of the community can be trained to provide certain types of services (such as crisis/containment counseling, court preparation, and support), most CBOs do not themselves have the capacity or experience to effectively train, mentor, monitor, supervise or debrief those providing the service—aspects essential to quality assurance.

Another key challenge in the sector is that many of the smaller, local NGOs and CBOs lack organizational capacity to plan and implement programs, prepare funding applications, write reports and manage project funds. Both RAPCAN and CSVN (as well as Thohoyandou) have initiated activities to mentor and support CBOs in these areas. According to CSVN, many of the NGOs working on GBV lack capacity in project management, though their programs in this area show that organizations can be trained and supported to develop action plans and effectively implement programs. The most persistent challenges include:

- **Writing proposals and narrative reports**, especially in English.
- **Fundraising** (directly related to the point above—many CBOs are out of the donors' circuit because they can't submit proposals in the format and language required by more traditional donors. Many also find it difficult to access government funding).
- **Staff retention**—Volunteers are difficult to retain in the absence of stipends or other incentives. This can result in high staff turnover and a lack of continuity, knowledge, and skills within an organization.

Challenges Noted By USAID-Supported NGOs

It is clear from the assessment interviews that the GBV grantees supported by USAID in the past are not necessarily "representative" of the sector as a whole. This is not surprising, given the high standards required by USAID for organizational support in terms of technical capacity, past performance, and organizational and financial management capacity. Although USAID typically receives a high volume of proposals for grant funding in the GBV sector, it has tended (with a few exceptions) to select those NGOs that are already established in the sector, have good track records, and have the capacity to write a strong proposal.

According to NGOs interviewed for this assessment, the challenges faced by USAID-grantees are primarily as follows:

- Working with government/government stakeholders
- Accessing consistent and reliable sources of funding

Only one NGO, Thohoyandou, reported that it also struggles with capacity around language and writing. The director states she is the only one in her organization who has the capacity to write strong funding proposals and the necessary reports to donors in English. She noted that she has hired a tutor to help her deputy director develop these skills, but this remains a concern in terms of the organization's institutional sustainability. Though no longer an issue, it was also noted that Thohoyandou required technical assistance from Creative Associates when it first began receiving USAID funds, in order to bring its financial reporting systems up to USAID standards.

Relationship Between NGOs and DOJCD

None of the NGOs interviewed for this assessment have a strong relationship with the DOJCD or NPA at the national level. To the extent that they have a relationship with the DOJ (or NPA), it is more likely to be at the regional/provincial or local level. The strongest relationships tend to be with local justice institutions, such as courts, where the NGOs have been providing services for a long time and have developed credibility and strong personal relationships with management and staff. In many cases the NGOs also have strong relationships with individual prosecutors or magistrates who "appreciate the work we do and know they couldn't cope without us."

None of the NGOs providing services to the courts or TCCs receive funding from the DOJ or NPA. In some cases, NGOs (such as RAPCAN, Teddy Bear Clinic and Rape Crisis) have been able to access partial funding from the provincial Departments of Social Development (DSDs) to support witness preparation or counseling, although this has been problematic as detailed more fully below. Of the organizations reviewed, only two, RAPCAN and Mosaic—both in the Western Cape—have recently formalized their existing relationships with the DOJ-CD (regional office) through Memorandums of Understanding. These MOUs set out the roles and responsibilities for the "public-private partnership" between the DOJ and the NGOs with respect to the services provided. These services include both victim services and training for court personnel. Notably, they do not include any financial resources or payment for the NGOs to provide services, apart from the in-kind contribution of free use of DOJ/court facilities.

The relationship between NGOs and TCCs has also not been formalized. Although Rape Crisis has a good working relationship and "understanding" with the TCC regarding the services it provides, the only NGO "contract" is with the DSD (who provides funding), not the hospital or NPA. This leads to tension when the NPA asks an NGO to provide additional services (such as HIV counseling or administrative support). Rape Crisis also noted that it would "love to continue working with Thuthuzela, but we can only do so as long as we have funding to support the program." Based on the TCC "gap analysis," it appears that other NGOs working with TCCs (whether onsite or on a referral basis) also do not have formal relationships with the NPA. To the extent they have more formal contractual relationships (and most do not), they are more likely to be with the Department of Health or DSD.

Several NGOs expressed dissatisfaction with their relationship with DOJ/NPA at national level.

According to one director interviewed, "they want NGOs to do the work but they don't want real partnerships. There is no transparency when you are dealing with government; they are very guarded with information." One even described the DOJ as "hostile to NGOs," reporting that "there is no receptiveness" at the national level to working in partnership with NGOs on GBV. Another NGO director described the relationship with the NPA (at the national level) as "very tentative." From her perspective, NGOs "bend over backwards to be non-controversial, non-adversarial, to be responsive and to establish and maintain a collaborative working relationship" with the NPA/SOCA, but "don't really feel respected or appreciated." Others expressed frustration with what they see as the government taking credit for the work that NGOs do, without providing any acknowledgment or funding to support those services. As one explained, "the [NPA/DOJ] is always happy to report—

look at what great services we [the government] are providing to victims of violence in our courts and care centers. What they don't say is that NGOs are providing these services free of charge and that we have to go out and raise our own money to provide these services. These services would not exist if we weren't there to provide them..." Several NGOs said that while their services were "seen as vitally necessary at the local level," their presence was often "taken for granted" and even "exploited." One NGO explained, "It is as if it were our duty and not the government's to provide them."

In addition to the funding issue, two recent developments have caused "enormous frustration and concern" among GBV NGOs interviewed, and have caused tensions in the relationship between NGOs and the DOJ/NPA, particularly at the national level. The first involves the NPA's policy with respect to witness preparation, which is now being provided by NPA contracted employees ("court preparation officers") in many courts and appears to be rolling out nationally. **Several NGOs expressed "serious concerns" about the quality of the programs being provided (court preparation officers), and the lack of training and supervision of preparation officers by the NPA.** Concerns were elevated when it came to preparation of young children, which many NGOs see as an area requiring specialized expertise and "tried and tested, developmentally appropriate" training materials. A Childline representative confirmed that in the process of rolling out the new NPA program, Childline has been "chased out" of some courts by the NPA and told their child witness services are no longer needed. At the same time she noted that prosecutors are asking them to come back because the NPA program has not been as effective. NGOs providing services to TCCs and courts in Gauteng have also been told by the DSD that they will no longer get financial support for witness preparation/court support, as this function is being taken over by the NPA. **The roll-out of the TCCs in certain areas have also resulted in some tensions among GBV NGOs.** Some organizations, including Thohoyandou, fear that the NPA/SOCA is planning to "take over" their programs, facilities, and staff and put TCCs "in their place." While they are willing to work "in partnership" with the SOCA unit to achieve better services for victims of violence, they obviously feel threatened by current developments. Lack of information and transparency on the part of government in these two areas were noted by NGOs as part of the problem. Moreover, NGOs noted that they were afraid to be too critical for fear of further straining the relationship.

Because of scheduling constraints, it was not possible to discuss these issues with the DOJ or NPA at the national level to capture their perspective and views on the DOJ/NGO relationship. At the regional level, the DOJ (Western Cape) was very proud of their collaborations with NGOs, including those funded by USAID—Mosaic and NICRO—and spoke highly of both organizations. We also noted that the SOCA unit is currently engaging with NGOs on the issue of child witness preparation and is working with NGOs to develop minimum standards for these programs. Although the issue is far from resolved, it is notable that government is seeking NGO inputs in this area. USAID has also stated that it plans to fund an inter-sectoral "Indaba" in April 2008 in connection with the WJEI program, and planned roll-out of the TCCs. Although USAID has not shared the details of Indaba, it appears to be aimed at addressing some of the NGO concerns and identifying potential areas for effective collaboration.

Recommendations for Strengthening NGO Capacity

As discussed above, the NGOs that USAID has funded through CJSP to address GBV are very effective, with both technical and organizational capacity. With respect to these NGOs, the main challenges revolve around funding as well as relationships with government stakeholders (at both the national and local level).

Funding for Victim Services

In the course of interviewing NGOs for this assessment, the issue of funding was raised numerous times by virtually all informants. The universal complaint among NGOs is that they do not currently have a good way—or in some cases, any way—to access funding from government departments for whom they are providing training and direct victim services. All of the NGOs providing services to the courts and/or Thuthuzela Care Centres have been told repeatedly that the DOJ/NPA does not have a mechanism to outsource or otherwise support NGO services, even when the government has approached the NGOs and asked them to come in. In some cases, NGOs have been able to access some grant funding from the Department of Social Development (DSD), but this differed from province to province, and rarely covered the full cost of providing the service. Apparently even the large, established NGOs had difficulty navigating the “mysterious” and complicated procedures for DSD grant funding (which also differed from province to province, and even district to district). In Limpopo the amount provided to TVEP by the DSD was so small (R25 per victim assisted) that it did not even cover the cost of the “comfort kit” given to rape victims, let alone the personnel costs associated with counseling and long-term support. In the Eastern Cape, NGOs have never received funds from the DSD for GBV.

A recurring challenge documented in various CSVr reports¹⁵ is that NGOs and CBOs do not know how to access government funds or are told that funds are simply not available for GBV. In interviews, NGOs noted that while the Department of Health had an “umbrella mechanism” for coordinating and funding NGOs to provide HIV-related services, no such mechanism existed in the criminal justice or victim empowerment sector. They also questioned why the DOJ and NPA were not utilizing normal procurement mechanisms or procedures to tender services by NGOs. NGOs said they had “repeatedly tried to get answers to these questions,” but that government was not forthcoming. Some thought that there might be some kind of legal obstacle in the procurement regulations, while others thought it was because “government doesn’t know the answer itself.” In any case, more clarity is desperately needed on this issue.

Based on the findings of this assessment, we recommend that USAID use some portion of CJSP or other available funding sources to commission a critical and in-depth analysis of available mechanisms for government to provide support to NGOs, whether through grants, tenders or other mechanisms. This analysis can be focused specifically on NGOs working with the DOJ and NPA, or more broadly, as it no doubt has implications for NGOs in other sectors. The purpose of the study would be to work with government to identify and assess the feasibility of available mechanisms, identify operational and legal obstacles, and recommend methods for addressing this problem. If warranted, funding could also be provided to support the development of a more effective and efficient mechanism for accessing government support, particularly in connection with victim services and with services provided across multiple districts and/or provinces. All of the NGOs interviewed strongly supported this recommendation and said it would contribute greatly to the provision of services to victims of violence and the sustainability of NGOs in this sector.

Although it is true that the funding “problem” NGOs face can be addressed at least to some extent in the short term through USAID grant support, it is not a sustainable solution. All of the NGOs interviewed questioned whether they could afford to staff up, train people and expand their services if the money would disappear after a year or two. They also felt it was government’s responsibility to assume long-term financial responsibility for the delivery of services in public facilities—particularly those required by law and public policy. As one NGO explained, “[our organization] would be happy to support the expansion of the Thuthuzelas, but we cannot do it unless

¹⁵ See, L. Vetton & Z. Khan, “We’re doing their work for them:” An Investigation into Government Support to Non-Profit Organizations Providing Services to Women Experiencing Gender Violence (CSVr Gender Unit, 2002; “Where is the money to address gender-based violence?” (CSVr 2007).

the funding is there. Ideally this needs to be government funding, and it needs to be available long-term.”

Structure grants to encourage the partnering of more established, experienced NGOs with local NGOs and CBOs. One strategy to address gaps in NGO capacity is to provide technical assistance to NGOs in areas such as organizational development, grant writing, strategic planning, etc. For a time, USAID reports that it tried this approach through the Civil Society Strengthening Program and that it did not have any measurable impact. As this program was outside the scope of this assessment, we were not able to independently assess the program or USAID’s conclusions regarding its effectiveness. In any case, it is clear that any support for NGO capacity building under the CJSP/WJEI program should be offered to NGOs in conjunction with services delivery. That is, there should not be a “stand-alone” capacity building program, but rather a mechanism to support NGOs while they are implementing USAID-supported activities.

The interviews suggest that many established NGOs are willing—and in many cases already providing—mentoring and other support to newer, local NGOs and CBOs to improve their capacity to deliver services. For purposes of the CJSP/WJEI grant funding, we therefore recommend that the grants be structured to encourage and allow more established NGOs to partner with local NGOs and CBOs to provide victim support services and/or outreach activities in areas not currently served by the established NGO. Where experienced NGOs are available to provide services themselves, such partnering may not be necessary. To be effective, this will require the “lead” NGO (and USAID to support) to build into its budget for training, supervision, monitoring, and support as required to provide a high-quality service and to build the capacity of the local NGO/CBO to provide service in the longer-term. Extra resources may also be required for the emerging organization to support expanded programming and the needs of donors, such as equipment and personnel. It may also mean that the service may not be available immediately, and that grants should be timed to allow sufficient start-up, training, and capacity building before the TCC or SO court is established and the direct services required.

In our discussions NGOs emphasized the fact that building sustainable capacity is not a once-off intervention. It is rather a process that requires time and demands qualified and dedicated human resources. From this point of view, it is important that established NGOs do not become mere ‘clearing houses’ for USAID funding. Although the NGOs may, by virtue of their better organizational and financial structures, play the “lead” role in the “consortium,” they should be encouraged and financially supported to establish real partnerships with other organizations and to build the capacity of those organizations over the life of the grant.

Structure of USAID Grant Support Going Forward

Any future grant funding under CJSP/WJEI should focus on expanding/replicating successful programs in the area of victim empowerment and diversion. These should include grants to support the training and mentoring of local organizations (to provide specific programs/services) by more experienced NGOs. WJEI grants under the proposed contract mechanism should focus primarily on expanding services to specific Thuthuzela Care Centres and affiliated sexual offenses courts, while other grant mechanisms can be designed more broadly to include diversion programs for both youth and adult offenders as well as court support services for victims of domestic violence (such as those currently offered by Mosaic). Access to justice grants under CJSP/WJEI could also be expanded to help poor women obtain child support orders under the Maintenance Act.

To the extent that USAID wishes to support NGOs providing services in conjunction with existing, new, or planned TCCs, USAID should be very specific about the type or service required, where it is

required, and the minimum standards for service delivery. USAID should not rely on a broad APS mechanism to fill this gap.

In the area of grant funding, we offer the following recommendations.

- **Grant funding should be provided for a minimum period of 3 years**, particularly where NGOs are initiating new programs or expanding/replicating services into new areas. This commitment is necessary to enable NGOs to staff up and train new personnel and lay the groundwork with stakeholders for sustainability.
- **Victim services activities should not depend on “volunteers” in the sense of unpaid staff.** Though all personnel do not necessarily have to be “employees” of the organization, they should receive some form of compensation (wages, gratuities, or a stipend and expenses) for their services.¹⁶ Paying the workers contributes to professionalism and accountability and reduced turnover for the organization, as well as income generation for the workers (who typically come from the poor communities they serve).
- **Appropriate training, supervision, monitoring, and debriefing are critical to ensure consistent quality services and help to protect NGO workers from “burnout.”** Managers/supervisors “need to be aware of the toll [providing services to victims of violence] taken on counsellors and other support workers. They need to be monitored and supported on at least a weekly basis.” Other NGOs noted the importance of providing certain kinds of workers in shifts, rather than full-time, every day.
- **Where services are provided inter-sectorally or in a public facility involving other stakeholders, it is critical to establish some form of coordination mechanism or implementation/oversight committee to provide a forum for communication and problem solving.** Examples here include the TCCs ‘monthly stakeholder management meetings’ and Mosaic’s ‘court management committees’ involving representatives from the magistrates, court clerks, Mosaic, police, and other relevant role players.
- **Relationships between government and NGO service providers should be formalized whenever possible through service-level agreements or memorandums of understanding.** These MOU agreements should spell out the roles and responsibilities of the partners and include mechanisms for resolving problems that arise.
- **USAID should inform its government partners of the NGOs it supports and play a more active role in facilitating cooperation and support from government to those NGOs wherever possible.** Where a good program exists (such as Mosaic or the Child Witness Preparation Program) that can be replicated elsewhere, USAID should do more to encourage the DOJCD/NPA to support, and if possible, institutionalize the program. This would go a long way to ensure that successful NGO projects do not remain ‘pilots’ but become sustainable programs with long-term impact and greater geographic reach.
- **USAID should seek ways to integrate its support to NGOs more effectively with its support to government in the criminal justice sector.** Too often these CJSP components have been dealt with compartmentally in an uncoordinated fashion. This has resulted in some conflicts in approaches as well as actions by either government or NGOs that have undermined USAID-supported programs.

¹⁶ As an example, RAPCAN pays its court support workers R200 per day.

