

## PROJECT CONCEPT DOCUMENT (PCD)

### GUYANA

MARCH 10, 2006

**Project Name:** Modernization of the justice administration system

**Project Number:** GY-L1009

**Date Project entered the Pipeline:** September 13, 2005

**Project Team:** Division Chief: Xavier Comas (SC3/CHF); Team Leader: Arnaldo E. Posadas (RE3/SC3); Gonzalo J. Afcha (RE3/SC3); Ophelie Chevalier (RE3/SC3); Adrienne Pratt (RE3/SC3); Javier Reyes (COF/CGY); Hugh Wilkinson (consultant); Patricia Sadeghi (RE3/SC3); and Mercedes Rochac (RE3/SC3).

**Borrower:** Co-operative Republic of Guyana

**Executing Agency:** Ministry of Legal Affairs (MLA)

**Financing Plan:**

IDB: (FSO)	<u>US\$20,000,000</u>
Policy-Based component:	US\$15,000,000
Investment component:	US\$5,000,000
Local:	<u>US\$600,000</u>
Total:	US\$20,600,000

**PTI/SEQ:** This operation does not qualify as a social equity-enhancing project, as described in the indicative targets mandated by the Bank's Eighth Replenishment (document AB-1704).

**Tentative Schedule of activities:**

Loan Committee (PCD):	II trimester 2006
Loan Committee (Project Report):	II trimester 2006
Committee of the Whole:	II trimester 2006

## I. FRAME OF REFERENCE

### A. Introduction

- 1.1 The institutions in Guyana's justice sector have invested considerable efforts in maintaining law and order and delivering justice, despite their very limited resources. However, significant challenges still remain and have a direct impact on the every day lives of people in Guyana as well as on economic development (representatives of the private sector cite both the increases in rate of crime and an inefficient justice system as key constraints to their activities). Some of the most common complaints regarding the justice administration system include chronic delays, limited access, and limited credibility.
- 1.2 The Government of Guyana has made a clear policy decision that addressing these challenges must be a key element in its national development strategy. The Poverty Reduction Strategy Paper, 2001 (PRSP) recognizes public security and access to justice as one of five governance issues that must be addressed in order to achieve the

Government's poverty reduction targets. In this context, the Government has requested Bank support for the preparation and financing of a justice sector modernization program.

- 1.3 As part of preparation for this program, the country is executing a Bank-funded technical cooperation (ATN/SF-9163-GY) which supports the adoption of a comprehensive Justice Sector Reform Strategy (JSRS). A draft JSRS has already been prepared on the basis of an extensive consultation exercise involving all the institutions in the justice sector, as well as other stakeholders including civil society and the private sector. It presents, for the first time, a comprehensive and systemic approach to addressing the problems affecting the justice sector, with the prioritisation of reform activities on the basis of a cross-sectoral analysis, rather than individual institutional assessments. The JSRS sets out: (i) the Government's approach for systematically dealing with the challenges currently facing the sector; (ii) a policy framework for strategic coordination and reform; (iii) a costed and prioritized action plan; and (iv) an accountability and monitoring mechanism to drive reform forward.
- 1.4 The draft JSRS strategy is currently under Cabinet consideration for final approval. This Program will support initial steps towards the implementation of the Strategy by addressing key policy reforms and strengthening the operational and institutional framework of the sector. The three main strategic challenges identified in the JSRS form the basis for the objectives, components and activities of the program.

**B. The macroeconomic context**

- 1.5 Despite a challenging political context, the Guyanese authorities have maintained macroeconomic stability in recent years under successive IMF programmes, with low inflation and a stable exchange rate. Nonetheless, the economy grew by just 0.6% on average from 1998 to 2004, as a sharp decline in private investment offset a major expansion in public spending. Terms of trade have been one factor accounting for this weak performance, but political instability and a fragile security situation have also been of fundamental importance. More recently, extensive flooding, combined with high fuel prices, caused GDP to contract by 2.8% in 2005.
- 1.6 The country's stagnant growth pattern has aggravated its problems with debt sustainability. Although debt relief under two successive HIPC initiatives and, more recently, the Multilateral Debt Relief Initiative (MDRI) have helped to reduce the external debt by around half in relation to its level at the end of 1998, substantial new borrowing in recent years means that Guyana's debt-revenue ratio remains uncomfortably high. Stress factors, including deterioration in terms of trade, depreciation of the currency or slippage in fiscal targets could result in a rapid increase in the ratio. The country continues to be classified by the IMF as being at moderate risk of debt distress.
- 1.7 The Fifth Review under the IMF Poverty Reduction and Growth Facility (PRGF), was completed in January 2006. It found only limited room for additional borrowing over the next four years and highlighted a substantial medium term financing gap (amounting to around 5% of GDP, or US \$50 million, per year) arising from high world fuel prices and cuts to preferential prices for Guyana's sugar exports. Given that revenues are already high at 37% of GDP, the IMF and the Guyanese authorities have agreed upon significant

adjustments to both current and capital expenditures in order to close the financing gap.<sup>1</sup> A shift away from project financing in favor of balance of payments financing has also been recommended, and the fast-disbursing component of this Justice Sector Reform operation has been incorporated into the PRGF program's financing projections.

### C. The justice sector

- 1.8 The justice sector is generally understood to comprise state institutions directly involved with the oversight, procurement and delivery of justice related services. These services extend from the investigation and prosecution of alleged criminal acts to the resolution of disputes between individuals or agencies. They can encompass prevention, deterrence, arbitration, mediation, conciliation, adjudication, restitution, compensation of damages, punishment and education. A brief overview for institutions of the sector directly affected by this program is provided as follows:
- 1.9 The Courts: There are three levels of court in Guyana, the Court of Appeal, the High Court (which together comprise the Supreme Court) and the Magistrates Courts. *The Court of Appeal's* function is to hear appeals from the High Court, and is the court of final jurisdiction in Guyana for both civil and criminal matters. Constitutionally, the Court of Appeal is presided over by the Chancellor (who is the Head of the Judiciary), and five Justices of Appeal.
- 1.10 *The High Court* is comprised by the Chief Justice and eleven Puisne (Junior) judges. Its functions are to hear indictable criminal offences (i.e. offences carrying a sentence of imprisonment of more than five years); civil cases outside the jurisdiction of Magistrate's Courts (G\$50,000), administrative cases; and appeals from Magistrates Court. There are three High Court centers in Guyana, and two registries. *The Magistrates Courts* handle about 90% of all litigation in Guyana including: (i) in criminal jurisdiction, minor and more serious offences which are not indictable (i.e. carrying a potential sentence of up to five years imprisonment) and preliminary enquires of indictable offences (i.e. initial hearings of cases which go to the High Court for full trial); and (ii) in civil jurisdiction, monetary claims of under G\$50,000 (US\$250), some proceedings for possession of land, and matrimonial cases, (e.g. separation orders, maintenance orders and child custody orders). Guyana is divided into eight magisterial districts. All Magistrates Courts hear both civil and criminal matters.
- 1.11 Guyana has approximately 1.7 Judges (3.5 if Magistrates are included) per 100,000 population, which makes for a relatively small Judiciary compared with other countries in the Region (Trinidad and Tobago: 6.3; Dominican Republic: 7; St. Kitts and Nevis: 15).
- 1.12 The Judicial Service Commission (JSC) is a Constitutional body empowered to make judicial appointments and take disciplinary action against members of the judiciary. It exercises this function directly for more junior positions, and through recommendation to the President in respect of senior judicial officers. The JSC comprises as *ex officio* members the Chancellor, Chief Justice and the Chairman of the Public Service Commission, together with up to three members appointed by the President.

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<sup>1</sup> Bank investment operations for approval in 2006 are already included in the Public Sector Investment Program and are not affected by the agreed adjustments to capital expenditures.

- 1.13 The mandate of the Ministry of Legal Affairs is to ensure an adequate system for the administration of justice, give legal advice and provide legal services and representation for the Government, provide public registry services, and draft legislation for presentation to Parliament. The Minister for Legal Affairs – who is also *ex officio* the Attorney General - holds Parliamentary and Cabinet accountability for all justice sector institutions not otherwise represented in Parliament or Cabinet.
- 1.14 The office of the Director of Public Prosecutions (DPP) has oversight over all criminal prosecutions, and provides legal advice on criminal matters to the Police and other law enforcement agencies. In addition, it is responsible for instituting criminal proceedings, and when considered in the interest of justice, for taking over criminal proceedings instituted by the Police. In practice, Police prosecutors deal with Magistrates Court prosecutions and the DPP prosecutes cases in the High Court.
- 1.15 The Legal Practitioner’s Committee, set up under the Legal Practitioners Act, is responsible for administering the disciplinary system for attorneys. The Committee is composed of three *ex officio* members (including the Attorney General) and not more than 12 practicing attorneys. The Committee’s remit is to make recommendations to Supreme Court judges, who direct whether or not further proceedings should be taken. There are currently between 175 and 200 practicing attorneys, of which about 30% are members of the voluntary Bar Association.

#### **D. Current situation and main challenges faced by the justice sector**

- 1.16 Throughout the Bank’s experience in the promotion of the rule of law, it has been established that “the central characteristics of a justice system that is able to perform its functions effectively are fairness and impartiality, sound decisions, accessibility, efficiency, independence and accountability, and credibility”.<sup>2</sup> The justice system in Guyana faces challenges in virtually all these areas.

##### **1. Challenge 1: Strengthening the sector’s accountability and efficiency**

- 1.17 An overview of Guyana justice system reveals serious deficiencies in service provision. Indeed, it is clear that functions that are vital to the efficient and effective delivery of justice are not being properly performed. An often-cited symptom of these deficiencies is the judicial case backlog, which is both large and growing. For example, each year the Magistrates Courts determine fewer cases than are filed (see table below). Similar situations are found at the Supreme Court level.

Year	Criminal cases		Preliminary inquiries		Civil cases	
	Cases filed	Number determined	Indictable offences filed	Preliminary inquiries	Cases filed	Cases determined
1998	70,959	35,832	4,006	1,293	3,334	1,107
1999	37,148	33,598	3,876	1,212	3,275	2,227
2004	29,029	27,930	3,367	195	2,297	2,569

- 1.18 There are several cross cutting issues that go to the heart of deficiencies in the delivery of justice and have an impact on institutions within the sector. Briefly described, these are:
- Chronic under funding.** Partly as a consequence of the serious financial constraints faced by the country, the justice system has suffered from decades of under

<sup>2</sup> Assessment of IDB Experience in Justice Reform: Recommendations for Policy Formulation, Christina Biebesheimer, J. Mark Payne. November 2001 (p. 4).

investment (Guyana allocates 0.7% of total expenditure to the Judiciary).<sup>3</sup> Furthermore, current rules governing the approval and execution of the judicial budget are of particular concern. Although the Constitution provides for an administratively autonomous court system, financing for the Judiciary (except for Judges' salaries) is allocated and periodically revised by the Minister of Finance in the same way as all other public expenditure. Also relevant to the limited control of the judiciary over its budget allocation and expenditure processes is its own lack of capacity in medium-term planning and overall budget management (there is no budget committee in the court and there is no formal in-house audit function, so budget planning capacity, financial controls, and reporting are weak).

- b. **Deficiencies in human resources.** All institutions in the sector face serious challenges in recruiting, motivating and retaining high caliber staff at all levels (with significant vacancy rates, ranging from 5% to 50%). These staff shortages undermine the delivery of vital services in the sector. Poor remuneration and limited training and promotion opportunities are frequently cited reasons for these vacancies. At the courts, ancillary staff is considered as part of the civil service, which prevents the judiciary from exercising sufficient authority over personnel performing judicial support services.
- c. **Outdated rules of procedure.** Various laws regulating court procedures contribute to delays. Even though procedures are usually instituted to ensure fair and impartial judgments, some improvements could be implemented in both criminal and civil cases in line with international best practices. These could include judicial case management (for all cases); a “cards on the table” approach (for civil cases); and provisions introducing custody time limits for Magistrates Court cases, reforming the system of preliminary inquiries for indictable offences, and sentencing guidelines (for criminal cases).
- d. **Lack of timeliness standards for judicial decisions.** Although the JSC is empowered under the Constitution to initiate disciplinary processes against judges for “persistently not writing decisions”, there is little institutional support for this function. The JSC has no administrative capacity –there is no permanent secretariat to the JSC to receive and follow up on complaints regarding members of the judiciary. Moreover, the JSC has no clear disciplinary rules and procedures.
- e. **Other institutional deficiencies** include the lack of a modern case flow management system, poor statistical gathering and analysis, cumbersome manual administrative systems, and inadequate court administration systems, poorly maintained physical infrastructure and scarce basic equipment, and lack of peer interaction and knowledge sharing.

## **2. Challenge 2: Strengthening linkages among justice sector institutions**

- 1.19 Much of the analysis of the challenges facing the justice sector undertaken in past studies has tended to focus on a particular institution. Until the recent discussion of a strategic plan for the sector, there had been no consensus about the relative impact of the problems affecting the justice system and their possible solutions. Views expressed have tended to be centered on individual institutional priorities and responses to problems.

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<sup>3</sup> This is significantly less than the allocations made by other countries in the region, for example, Bahamas: 3.18%; Dominican Republic: 1.23%; St Lucia: 1.75%.

- 1.20 Although it is true that many problems in the justice sector are due to weak capacity within individual entities, it is also the case that the performance of any one institution is substantially dependent on the performance of a number of others. The specific context of criminal justice clearly illustrates this fact. Deficiencies in a police investigation at the start of a case often cause problems and delays when the case is brought to trial, and may result in the case being dismissed, thus wasting judicial time. From the police point of view, there is little incentive to make arrests if magistrates grant bail too easily, enabling offenders to be released and offend again.
- 1.21 There is thus a great deal of scope for addressing problems through administrative changes that target the manner in which the various institutions of the sector relate to each other. Operational areas where there is scope for enhanced coordination include:
- a. Sector wide policymaking and strategy development.
  - b. The transfer of files between institutions, (for example, between the police and the DPP), to ensure that files and/or case jackets do not get lost.
  - c. Improved and coordinated record keeping to enhance exchange of information (and statistical gathering) between institutions in the sector.
  - d. Enhanced communication between the police, the Prison Service and the Magistrates Court when listing cases for preliminary enquiry to ensure that the case is not listed until the accused, the witnesses and the police are all ready to proceed in court.
  - e. Communication between the Prison Service and the Court concerning the length of time an accused person has been on remand awaiting trial, in order to determine the urgency of hearing a case.
  - f. Improved information from the DPP to the High Court registrar, including the date of committal, in order to facilitate the listing of cases for trial.

### 3. Challenge 3: Improving access to justice

- 1.22 Access to justice –understood as the ability of people to exercise their rights or resolve their disputes through the justice system, without distinction based on ethnicity, race, gender, or socioeconomic condition– remains a challenge in Guyana. Consultations undertaken throughout the years have identified a number of major hurdles to improved access:
- a. **Weak structures for the regulation of attorneys.** The Legal Practitioners Act sets up the Legal Practitioners' Committee, but this does not currently operate as a satisfactory regulatory body for the profession. For example, there is no ongoing monitoring of standards or institutionalized system of professional development through ongoing training and exposure to international developments in legal practice. Also, lawyers' fees can create a real barrier to bringing civil cases, particularly as multiple court appearances are common due to adjournments. In response to this need, contingency fee structures are regularly applied around the world to cases where the plaintiff or defendant cannot pay for legal support. Such arrangements, however, are currently prohibited under Guyana's Legal Practitioner's Act.
  - b. **Restricted access to legal advice and representation.** This is a serious concern because of the fundamental issues that the justice system deals with, including loss of life and liberty. There is no provision guaranteeing legal representation in Guyana's legal framework. While there is a basic existing system of legal aid

(delivered through the Georgetown Legal Aid Centre and the Women Lawyers of Guyana Association), services are mainly limited to case advocacy and representation at trial. Other legal services (i.e. legal advice, legal referral, paralegal services, community Alternative Dispute Resolution-ADR) are absent.

- c. **Limited ADR options.** Mediation has been operating at the High Court in Georgetown since October 2003 as a 2-year pilot (funded by USAID) that is now awaiting confirmation of its status. The mediators are available for specific and limited civil matters and only to High Court clients, most of who are represented. There is currently no mediation system outside the High Court.
- d. **Limited awareness of legal rights and responsibilities.** Currently, there is very little information given in simple language, which is widely available to inform such people of their rights and responsibilities. While a small number of NGOs have produced information leaflets and booklets, these are not yet available nationally.

## **E. Country's strategy in the sector**

1.23 Guyana has identified the rule of law as a priority in its efforts to improve governance. Guyana's National Development Strategy for 2001-2010 (NDS) highlights numerous strategic actions in this regard (for example, court administrative system reforms, ensuring judicial responsibility for budget and financial administration, improving judicial skills and integrity, and establishing timeliness standards regarding judgments). Similarly, Guyana PRSP (2001) identifies justice reform as a key area of intervention under 'Good Governance and the Business Environment'. Accordingly, progress has been made over the past few years in addressing some of the key challenges the sector faces. These previous achievements include:

- a. **Dealing with lack of coordination mechanisms across the sector:** An inclusive consultation process has recently been led by the Government with the objective of drafting a comprehensive strategy for implementing justice sector reform (Justice Sector Reform Strategy, or JSRS). A final version of the strategy, including a specific action plan for implementation, is currently under Cabinet consideration.
- b. **Dealing with delays in the court system:** (i) A case audit has been undertaken in the High Court (leading to the reduction of backlogs by more than 50 percent); (ii) the process of updating of High Court rules for civil cases is well advanced; (iii) a High Court Mediation Centre 2-year pilot was successfully completed in October 2005 (proposals for mandatory mediation and pre-court mediation are being considered); (iv) preparations for the creation of a Commercial Court division of the High Court are advanced, with the division expected to start operations in 2006.
- c. **Dealing with poor facilities and inefficient systems:** (i) Improvements have been made to the High Court library; (ii) management and statistical systems are being devised to gather and assimilate information; (iii) a staff appraisal system is ongoing within the High Court; (iv) study tours have been undertaken to sensitize judicial officers to best practices.

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<sup>4</sup> Drafting of the strategy received support under the Bank TC *Preparation of a Justice Sector Reform Program* (ATN/SF-9163-GY).

- d. **Tackling limited access to justice:** (i) The Amerindian Bill (currently in Parliament) acknowledges the role of Village Councils in dispute resolution; (ii) the Probation Service has trained social workers to work in the community.
- e. **Responding to public concerns about safety and security:** (i) the Police are in the process of developing a new Strategic Plan that will provide the framework for reform; (ii) the Police have new initiatives on domestic violence, drug crime and community policing.

**F. The Bank's strategy**

- 1.24 The Bank has been carrying out projects to strengthen the administration of justice and the rule of law across the region since 1994. The design of this program incorporates lessons learned, including the following: (i) it is essential to design projects that fit local institutional and political circumstances, using a participatory process to reach a consensus with the various stakeholders; (ii) the design structure should include feedback and adjustment processes during the execution period, in order to monitor and plan activities according to demands and changes that may arise; (iii) the execution structure should include means of sector-wide coordination to reflect the involvement of the different branches of government.
- 1.25 In the specific case of Guyana, the Bank's Country Strategy Paper (CSP) for 2002-2005 underlined the impact of a recent increase in crime and violence upon both the citizens' quality of life and investor confidence. Accordingly, the CSP not only made provision for an operation in the area of Citizen Security and Justice, but it also highlighted the strengthening of these areas as two elements of a comprehensive Public Policy Agenda (PPA) included in the strategy as a complement to the operational pipeline. Under the PPA, the Bank has been monitoring the authorities' progress on a series of critical reform benchmarks. The level of progress on these benchmarks, in turn, is expected to influence the amount of concessional funding approved by the Bank for Guyana. The Bank has also contributed through a technical cooperation to support the establishment of a Commercial Court (ATN/SF-8423-GY), which was approved in September 2003.<sup>5</sup>
- 1.26 The Bank and the Government of Guyana have agreed to address issues of justice and citizen security through two separate operations. Crime and violence reduction will be attended by the Citizen Security Program (GY-0071), the content of which is entirely consistent with a series of recommendations in the Justice Sector Reform Strategy relating to the strengthening of crime management capabilities and improved community prevention efforts. The two programs are coordinated initiatives that will support the implementation of complementary activities to be carried out by different but inter-dependent justice sector institutions.

**G. Program strategy**

- 1.27 Once the Justice Sector Reform Strategy currently under consideration has been agreed and adopted by the country's main stakeholders, this Program will support initial steps towards implementation of the strategy. In doing so, the program will be informed by the following basic principles: (i) recognition of the correlation between growth, social development, political stability and the rule of law; (ii) focus on comprehensive, sector wide solutions; and (iii) treatment of judicial independence and accountability issues as mutually complementary.

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<sup>5</sup> To date, 67% of approved TC funds of \$500,000 have been disbursed.



- 1.28 The project team and the Government of Guyana have agreed that the hybrid loan modality (encompassing both policy-based and investment components) is particularly suited for this operation due to two factors: (i) the need in the short term to lay the foundations for justice sector reform through a number of improvements to the policy framework (driven principally by the Executive branch), and (ii) the need to provide technical assistance not only for the design of these policy reforms, but also technical and investment support for the subsequent initiation of a long-term process of capacity building in those justice sector institutions responsible for implementation. Although the investment component will be directed more towards medium-term strengthening activities, the focus will nonetheless be on “quick wins” – activities which can take place at once and will have an immediate impact on justice sector performance. The aim of this approach is to build consensus and momentum behind the longer-term reform process.
- 1.29 A multi-tranche approach has been chosen for the policy based component as the consultative and analytical groundwork carried out during the design of the Justice Sector Reform Strategy has led to a good understanding and broad consensus regarding the key steps necessary for comprehensive medium term reform. Furthermore, given the priority of these reforms and the visibility the issue has acquired as a result of the consultation process, the multi-tranche approach allows the government to signal its commitment to the policy and institutional reform agenda contained in the strategy.
- 1.30 **Coordination with other donor agencies:** The modernization of the justice system is accepted by other development agencies as an important part of governance improvement and public sector modernization in Guyana. In order to ensure that all initiatives properly complement one another, the Bank has held individual consultations with other donors and benefited from some of the work already started by them. More importantly, these agencies have participated fully in the process of stakeholder consultations for the drafting of the Justice Sector Reform Strategy. Selected ongoing assistance is summarized as follows:
- a. USAID has been working with the justice sector to introduce Alternative Dispute Resolution (ADR) approaches to address the backlog of civil cases. Also, USAID funded a study to assess the High Court and Court of Appeal’s efficiency, including court administration, policy making process and execution, case management and related bottlenecks, court fees and payment schedules, and staffing and training. The conclusions of this study were taken into account for the design of this operation.
  - b. United Kingdom’s Department for International Development (DFID) has a strong presence in Guyana, including public sector reform initiatives, especially in relation with the justice administration system. DFID funded a study to review the rules for the administration of the courts of justice. The conclusions of these studies were also considered in the design of the operation.
  - c. UNICEF has funded the review of two Acts relating to children (Children’s Rights Bill and Training Bill) and is also funding a HIV/AIDS program at the New Opportunity Corps for juveniles.

## **II. THE PROGRAM**

### **A. Objectives and description**

- 2.1 The overarching goal of the program is to achieve a better investment climate and citizen rights enforcement in Guyana through improved public sector governance. To achieve this objective, the operation is intended to assist the Government of Guyana in taking initial steps towards: (i) strengthening the accountability and administrative efficiency of service delivery in the justice sector; (ii) enhancing linkages and coordination within justice sector institutions; and (iii) improving access to justice.

### **B. Structure of the program**

- 2.2 These objectives are to be attained by means of two interrelated components: (i) a policy-based component supported by a Policy-Based Loan (PBL) of US\$15 million; and (ii) an investment and technical support component supported by an investment loan of US\$5million. The investment component will help to implement the policy reform program and also support initial capacity-building activities in justice sector institutions.

#### **1. Policy-based component (US\$15 million)**

- 2.3 This component is intended to support the adoption of a series of policy reforms, including legislative and administrative actions, that are necessary to improve the accountability, efficiency and accessibility of Guyana's justice sector. The financial support under this PBL component will be disbursed in two tranches. For each tranche, specific benchmarks will be agreed with the Government of Guyana to monitor program implementation. The sequence of actions that will constitute this set of benchmarks is laid out in the conditionality matrix attached as annex II-1. The purpose of each tranche is summarized as follows:

- 2.4 **First tranche (US\$5 million):** The tranche will support the drafting of a new legal framework that will change the fundamental rules governing justice sector functioning, as well as the implementation of key institutional aspects of the reform (including the approval of new self-governance rules for the Judiciary and a framework for ensuring greater judicial financial autonomy, and the adoption of new sector reform strategic plans and the creation of relevant sector-wide institutions).

- 2.5 **Second tranche (US\$10 million).** Program actions will support final approval of legislation and administrative rules drafted under the first tranche; additional measures designed to further implementation of first tranche conditionality; assumption of human resource management responsibilities by the Judicial Services Commission (an entity more closely linked to the judiciary); and approval of a modernized legislative framework for alternative dispute resolution.

#### **2. Investment and technical support (US\$5.2 million)**

- 2.6 The activities included in this component will assist the justice sector in achieving and sustaining the reform benchmarks previously identified by financing required operational improvements of leading institutions in the sector. The resources included in this component will finance training, consultancy services, the procurement of computer software and hardware, and the refurbishing of physical facilities.

**a. Subcomponent 1: Enhancement of institutional capacity (US\$2.6 million)**

- 2.7 Investments aimed at improving governance of the sector, building institutional capacity, strengthening accountability, and modernizing administrative systems will include the following activities: (i) strengthening of the JSC; (ii) backlog and delay reduction (including case management systems, compensation for “settlement weeks”, expansion of court-connected ADR, and court ICT enhancements), (iii) strengthening court administration (including support to the Supreme Court Registry for budget/financial management and controls, human resource management, court information systems, and reporting); (iv) skills and productivity enhancement for judges and magistrates (including specialized continuing education and provision of legal materials/resources); (v) criminal justice improvements (including institutional strengthening of the DPP, and training for police and prosecutors); and (vi) physical improvements to courtrooms and courthouses.

**b. Subcomponent 2: Strengthening linkages among justice institutions (US\$1.3 million)**

- 2.8 In this component the approach will be to strengthen linkages between justice institutions from the “top down” and from the “bottom up”. Top down interventions will be concerned with sector-wide policy, planning and resource allocation. There is also scope for enhanced communication, coordination and cooperation between institutions at the operational/local level. Activities in this component will include: (i) introducing of sector-wide policy leadership; (ii) developing change management teams and methodologies coordinated across the sector; (iii) instigating cooperative, joined-up, processes (e.g. outcome orientated sectoral budget submissions to the Ministry of Finance on the basis of the Justice Sector Reform Strategy’s performance indicators); (iv) developing a sector-wide monitoring and evaluation framework; (v) mapping of end to end organizational processes; and (vi) establishment of Criminal Justice Committees at the local level, centered on each Magistrates Courts (comprising representatives of all stakeholders involved in the processing of criminal justice cases and focused on improving inter-agency cooperation, communication and co-ordination at the operational level).<sup>6</sup>

**c. Subcomponent 3: Improvement of access to justice (US\$1.1 million)**

- 2.9 Improving access to justice in Guyana includes enhancing citizen awareness of their rights and responsibilities, as well as provision of services to court users to facilitate legal advice and representation, and access to information, courts and alternative dispute resolution mechanisms. To achieve these aims, activities to be financed under this subcomponent will include technical assistance for: (i) expansion of legal aid services, community ADR, and specialized community outreach initiatives targeted at disadvantaged groups; (ii) development and implementation of a public legal awareness strategy, action plan and campaigns (and support for related public consultations); and (iii) support to MLA for updating of Guyana Law Reports, drafting of Legal Practitioners Act, ADR Act, and to the Law Revision Commission for updating and consolidating the Laws of Guyana.

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<sup>6</sup> See paragraph 1.21 for areas where there is scope to improve performance by such low-cost measures.

## C. Cost and financing

- 2.10 The total cost of the program is estimated at US\$20.6 million, consisting of a US\$15 million policy-based component and a US\$5.2 million investment component, as shown below. The Bank will finance 90% of the costs with resources of the FSO. The rationale for the inclusion of a PBL component is that there is a risk that material investments in administrative capacity building alone will be unsustainable if not accompanied by substantive reforms and government commitment pertaining to overall governance of the sector, including to its policy and legal framework.

<b>Table II-1. Cost and financing (US\$ thousands)</b>				
<b>Category</b>	<b>IDB/FSO</b>	<b>GOG</b>	<b>Total</b>	<b>%</b>
<b>1. Policy-based component</b>	<b>15,000</b>	<b>-</b>	<b>15,000</b>	<b>72.8</b>
1.1 First tranche	5,000	-	5,000	
1.2 Second tranche	10,000	-	10,000	
<b>2. Investment component</b>	<b>4,798</b>	<b>437</b>	<b>5,235</b>	<b>25.4</b>
2.1 Subcomponent 1: Service Delivery	2,399	200	2,599	
2.2 Subcomponent 2: Strengthening Linkages	1,199	137	1,336	
2.3 Subcomponent 3: Access to Justice	1,000	100	1,100	
2.4 Audit and Evaluation	200	-	200	
<b>3. Financial Costs</b>	<b>202</b>	<b>163</b>	<b>365</b>	<b>1.8</b>
3.1 FIV	202	-	202	
3.2 Credit fee	-	163	163	
<b>TOTAL</b>	<b>20,000</b>	<b>600</b>	<b>20,600</b>	<b>100.0</b>

## III. PROGRAM EXECUTION

### A. The Borrower and executing agency

- 3.1 This operation will build upon the institutional structures planned for implementation of the national Justice Sector Reform Strategy. Under the strategy, a Steering Committee (SC) is to be established to reflect the involvement of the various branches of government in the strategy (including, at minimum, the Ministry of Finance, the Attorney's General Chambers, the MLA, the Ministry of Home Affairs, the Chancellor of the Judiciary and the Chief Justice). The SC will provide overall policy and administration guidance for this program and ensure its linkages and complementarities with other programs.
- 3.2 According to the strategy, the SC is to be supported by a Technical Secretariat, which will provide coordination and technical support to all justice sector institutions and change management teams. The Secretariat will house a Project Coordination Unit (PCU), staffed by MLA personnel and consultants, and responsible for ensuring effective coordination and execution of activities under this program. In the case of the policy component, the PCU will coordinate the implementation of the reforms and submit evidence to the Bank that the conditionality has been met. In the case of the investment component, the PCU will be additionally responsible for the direct execution of activities planned for the MLA.
- 3.3 In the case of the other two autonomous agencies in charge of reform implementation, namely the High Court and the Director of Public Prosecutions, separate Project Execution Units (PEUs) will be established for the execution of relevant activities. Mechanisms will be put in place to ensure that the principle of separation of powers is observed. Each entity will sign a memorandum of understanding with the PCU, which will include, at a minimum, the roles and responsibilities of each party, including the designation of an official responsible as a counterpart to the PCU. This execution

structure has been proposed on the basis of lessons learned in previous operations in Guyana, which show that setting up individual execution units in autonomous agencies is the most effective way to ensure project ownership.

**B. Disbursement period**

- 3.4 It is expected that the PBL component will be disbursed in a period of 24 months, while the investment component of the program will require a 48-month disbursement period.

**C. Program monitoring and evaluation**

- 3.5 The monitoring and evaluation arrangements for this operation will be established as specified by the JSRS. Accordingly, the program will support the creation of a permanent monitoring system operated by the technical secretariat. Monitoring of the sector's performance will include: (i) systemic use of existing administrative data by the sector institutions and (ii) a user survey to be financed by the program.
- 3.6 During the month of November of each calendar year, the executing agencies will submit to the Bank an operating plan for the execution of the investment and technical support component. At the annual supervision and evaluation meetings, the pace of execution will be analyzed in accordance with the program's indicators and goals, and any changes necessary to ensure adequate execution will be identified.

**D. Policy Matrix and Logical Framework**

- 3.7 The program aims at providing: (i) an incentive structure for legal and institutional change to be implemented in a timely fashion in accordance with the policy matrix (Annex II-1); and (ii) a series of specific investments defined as priorities by the roadmap contained in the Justice Sector Reform Strategy. Both the policy-based and investment components are geared towards the same purpose and goal, as described in the logical framework (Annex III-1). The logical framework includes indicators of outputs and outcomes resulting from both components and, therefore, substitutes the results matrix usually accompanying stand alone policy based programs. It is complemented by a separate matrix (Annex III-2) which links identified problems and program objectives to specific policy conditions and investment activities and their expected impact.

#### **IV. DEVELOPMENT IMPACT**

**A. Benefits and beneficiaries**

- 4.1 The purpose of this program is to improve the dispensation of justice through more efficient, effective and equitable service delivery. This will be achieved in three main ways: **firstly**, through enhancements to the efficiency of individual justice sector institutions, including expedited court processes and a reduction in court case backlogs and delays; **secondly**, through the strengthening of linkages among justice sector institutions, helping to eliminate wasteful processes and introduce cooperative, joined-up policy, planning and resource allocation processes; and **thirdly**, through improved access to justice services among disadvantaged groups and greater availability of public information on legal rights and proceedings. The direct beneficiaries of these improvements will be the users of the justice system, who will enjoy quicker and more effective resolution of their cases. Taxpayers are also

expected to benefit in the medium- to long-term from a more cost-effective delivery of justice services.

- 4.2 The overarching goal of the program, however, is to enhance citizen security and the investment climate in Guyana through an improved system of governance. To the extent that the program is successful in achieving this goal, the ultimate beneficiaries will be all Guyanese citizens, who will benefit from reduced rates of crime and improved economic prospects stemming from higher rates of investment.

**B. Expected results**

- 4.3 The program's three components will support a series of activities, whose main outcomes are: (i) to reduce backlogs and delays in delivering civil justice, (ii) to improve human capacity and human resources management, (iii) to strengthen criminal justice processes, (iv) to render budget formulation and execution compatible with constitutional provisions, (v) to provide better service capacity to users, (vi) to improve users' rights protection, and (vii) to widen the levels of awareness in regard to users' rights and responsibilities.
- 4.4 An outcome of these activities will be that the sector as a whole will be perceived as more autonomous, accountable and efficient, and therefore, more legitimate.

**C. PTI/SEQ classification**

- 4.5 This operation does not qualify as a social equity-enhancing project, as described in the indicative targets mandated by the Bank's Eighth Replenishment (document AB-1704).

**D. Environmental and social impact**

- 4.6 It is expected that the program will have no direct environmental impact, as all the initiatives are limited to policy reform in the justice sector area. As the program will include activities directed at increasing access to justice by poorer segments of society, it will have a direct and positive social impact.

**V. ISSUES**

**A. Special features of the program**

- 5.1 Justice sector reform is a difficult and slow process, requiring careful preparation and planning, effective execution, elaborate coordination of disparate institutions and the agreement (or, at a minimum, acquiescence) of those directly affected by it. In the case of Guyana, the reform process is clearly at an incipient stage, with stakeholder consultations on the Justice Sector Reform Strategy only recently concluded. Nonetheless, Bank support for the drafting of the strategy has proven highly valuable in creating the necessary momentum for justice reform, and the draft document enjoys demonstrated commitment from the Government and other stakeholders. The policy matrix for this operation is based upon those measures, which were identified during the strategic consultation process as fundamental for real reform.

- 5.2 The project team believes that in order to maintain the current momentum behind the reform process, prompt approval and execution of this operation is crucial. A Project Preparation and Execution Facility will be prepared to support compliance with a number of the conditions included under the first tranche, but Bank approval for the program will nonetheless be sought before all first tranche benchmarks are met. Instead, full compliance of the conditions is expected to occur before the end of 2006.

**B. Exceptions to Bank policies**

- 5.3 No exceptions to Bank policy are foreseen for this program.

**C. Risks**

- 5.4 The risks associated with this program are included in the attached logical framework. The most significant relate to (i) the forthcoming national elections, (ii) ongoing political resolve, (iii) sustainable financing, and (iv) weak implementation capacity.
- 5.5 Elections will be held in Guyana during 2006, which poses two main risks. Firstly, this could result in a diversion of efforts from implementation of the program as it starts execution with the resulting loss of momentum. In order to minimize this risk, the public awareness campaign could include a re-launching of the strategy to regain support and commitment from the main involved institutions. Secondly, in the event of a change in government or loss of parliamentary majority by the current ruling party, there could be a risk that support for the various pieces of legislation envisioned in the program would be compromised. The team considers this to be a very minor risk because of the high level of cross-institutional and cross-party consensus that has been demonstrated in relation to this legislation (and indeed, all elements of the program) during the consultation process.
- 5.6 The complex problems of justice sector reform require coordinated and sustained actions in a number of areas, some of them related to the political milieu. The program will span several institutions in different branches of government, raising the possibility of resistance to the creation of enhanced linkages or, indeed, to the more independent functioning of some institutions. This can be mitigated by the high visibility the sector reform initiatives will have due to communication campaigns and the resulting political incentives for cooperation, as well as by effective leadership through the JSRS Committee.
- 5.7 Another risk would be an inadequate future availability of funding for justice sector institutions and a resulting failure to sustain capacity improvements initiated under the program. In the case of the judiciary, this risk should be mitigated by expected increases in court user fees, which will provide a strong argument for enhancing budget allocations to the Judiciary. Also, it is envisioned that after linkages among the various justice institutions are strengthened, sector budget submissions could be developed, thus reinforcing the case for adequate funding.

- 5.8 Finally, the beneficiary institutions have little demonstrated experience in executing programs. One – the Office of the Chief Justice – is the executing agency for the Bank-financed technical cooperation Establishment of a Commercial Court/ADR Mechanism. This TC is now proceeding satisfactorily, with creation of the Commercial Court imminent, but it has been slow to reach this point. In recognition of the capacity constraints in the executing agencies, the decision has been taken to limit the initial scope of investment program and to focus on “quick win” activities as the first step in a long-term process. The investment program itself will help to strengthen the executing agencies for future phases in the reform process.

## **VI. PROGRAM PREPARATION AND ACTION PLAN**

- 6.1 As reflected in the policy matrix and logical framework, the program is advanced in its basic architecture. There is a general and basic consensus on most issues included in the policy matrix, with the exception of judicial financial autonomy. GOG has expressed its agreement with this basic principle, as set out in the Constitution, but has concerns regarding the potential fiscal impact. Precise mechanisms for ensuring autonomy still need to be defined and two consultancies are expected to start shortly. The team is also in contact with the IMF regarding the possible impact upon program targets.
- 6.2 A PPEF will be prepared to facilitate fulfillment of a number of first tranche conditions under the policy matrix as well as to advance the establishment of execution mechanisms.
- 6.3 The consideration of the Project Report by the Loan Committee is anticipated to take place in May. The presentation of the Loan Proposal before the Board is expected to occur in June 2006.



Policy Conditionality Matrix			
Objectives	Previous actions taken by the Borrower	First Tranche	Second Tranche
<b>Macroeconomic Framework</b>			
Macroeconomic stability		The macroeconomic framework of the Borrower is consistent with the objectives of the program.	The macroeconomic framework of the Borrower is consistent with the objectives of the program.
<b>A. Service Delivery</b>			
To enhance the capacity of justice sector institutions to deliver services efficiently and effectively	<ul style="list-style-type: none"> <li>• Case audit undertaken in the High Court leading to the reduction of backlogs by more than 50 percent.</li> <li>• Updating process of High Court rules for civil cases under way.</li> <li>• High Court Mediation Centre 2-year pilot successfully completed (October 2005).</li> <li>• Creation of a Commercial Court division of the High Court advanced (expected to start operations in 2006).</li> <li>• Improvements made to the High Court library.</li> <li>• Staff appraisal system ongoing within the High Court</li> <li>• Study tours undertaken by judicial officers.</li> </ul>	A.1.1. Judicial Service Commission (JSC) Rules and Regulations are drafted and presented to Cabinet by Attorney General. (JSC Rules and Regulations include, <i>inter alia</i> : code of conduct and ethics for judges and magistrates, sanctions provisions, mechanisms for filing of complaints, timeliness guidelines, policies for establishment and operations of a JSC Secretariat, and provision for periodic review of judicial salaries/ benefits.)	A.1.2. JSC Rules and Regulations are approved by Parliament. A.1.3. Evidence of commitment of funding for the ongoing operation of JSC Secretariat. A.1.4. JSC functioning as per new rules and regulations. A.1.5. JSC assumes human resource management (including recruitment and discipline) of court administration staff from the PSC.
		A.2.1 Attorney General's Office oversees review of criminal and civil procedural provisions/rules in consultation with Judiciary and Bar, and completes and submits to Cabinet draft amendments to: Summary Jurisdiction (Petty Debt) Act; Summary Jurisdiction (Magistrates) and Criminal Law (Procedure) Acts; Summary Jurisdiction (Offences) Act; Criminal Law (Offences) Act; High Court Rules. A Contempt of Court Act also drafted. A.2.2. Juvenile Offenders Act and Training Schools Act drafted.	A.2.3. Amendments to Summary Jurisdiction (Petty Debt) Act; Summary Jurisdiction (Magistrates) and Criminal Law (Procedure) Acts; Summary Jurisdiction (Offences) Act; and Criminal Law (Offences) Act approved by Parliament and enacted. High Court Rules approved by Parliament; and Contempt of Court Act enacted. A.2.4. Juvenile Offenders Act and Training Schools Act enacted.

Policy Conditionality Matrix			
Objectives	Previous actions taken by the Borrower	First Tranche	Second Tranche
		A.3.1. A framework is approved by Cabinet outlining the specific mechanisms which will be implemented to ensure greater autonomy to the Judiciary in relation to the approval of its budget and the management of its expenditures.	A.3.2. The legal instrument(s) providing for the new budget approval process and expenditure management procedures enacted. A.3.3. The judiciary's budget and expenditure processes executed in accordance with the governing legal instrument.
<b>B. Linkages among institutions</b>			
To strengthen linkages among justice sector institutions	<ul style="list-style-type: none"> <li>• Consultation process for drafting the Justice Sector Reform Strategy started and led by Government.</li> <li>• New strategic plan being developed by Police.</li> <li>• New Police initiative on domestic violence, drug crime and community policing.</li> </ul>	B.1.1. Justice Sector Reform Steering Committee (apex policy making body) established by Executive Order and its TORs (including rules of procedure, objectives, benchmarks) developed. B.1.2. Justice sector reform strategy and plan (2006-2010) approved by the JSRS and publicly announced.	B.1.3. Technical secretariat to Justice Sector Steering Committee established, staffed and operational. B.1.4. Monitoring and Evaluation framework developed and approved. Change management support teams and methodologies established. First of biannual monitoring reports assessing progress of reform implementation plans against goals and targets completed.
		B.2.1. Police reform strategic implementation plan, subsequent to comprehensive consultation process, approved by Cabinet B.2.2 Prison reform strategic implementation plan approved by Cabinet.	B.2.3 First of biannual monitoring reports assessing progress of police and prison reform implementation plans against goals and targets completed.
		B.3.1. Plan approved by Cabinet for strengthening the functional and operational relationship between DPP and Police, including sequenced plan for DPP assuming responsibility for indictable cases and narcotics cases). B.3.2. Amendments to Evidence Act drafted by MLA.	B.3.3. Amendments to Evidence Act enacted. B.3.4. Phasing out of prosecution of indictable cases and narcotics cases by the police underway.

Policy Conditionality Matrix			
Objectives	Previous actions taken by the Borrower	First Tranche	Second Tranche
<b>C. Access to Justice</b>			
To improve access to justice for all	<ul style="list-style-type: none"> <li>Amerindian Bill (currently in Parliament) acknowledging the role of Village Councils in dispute resolution presented to Parliament</li> <li>Social workers trained by Probation Service.</li> </ul>	<p>C.1.1. Subsequent to stakeholder consultations (i.e., Bar, judiciary) new Legal Practitioners Act drafted by Ministry of Legal Affairs (including, <i>inter alia</i>: qualification requirements, disciplinary guidelines, contingency fee provisions, and granting authority to judges to refer cases to Legal Practitioners Committee).</p> <p>C.1.2. Law Revision Commission re-established.</p>	<p>C.1.3. Legal Practitioners Act enacted.</p> <p>C.1.4. New UNCITRAL-based Alternative Dispute Resolution Act enacted to replace 1931 Arbitration Act.</p> <p>C.1.5. Plan completed by Law Revision Commission for updating and consolidation of the Laws of Guyana.</p>

<b>Logical Framework</b> <b>Modernization of Justice Administration Program (GY-L1009)</b>			
<b>Narrative Summary</b>	<b>Indicators</b>	<b>Means of Verification</b>	<b>Assumption</b>
<b>Goal</b>			
G1. To contribute to improved public sector governance to reach better investment climate and citizens rights enforcement.	<p>At the completion of the program and during the next two years:</p> <ul style="list-style-type: none"> <li>Stakeholders' (i.e., private sector, Bar, judiciary) assessment of service delivery standards of Guyana's justice institutions improves in at least xx% (TBD). Baseline TBD.</li> <li>At least xx% of users trust in the administration of justice (TBD). Baseline TBD.</li> </ul>	<ul style="list-style-type: none"> <li>Independent consultant's report.</li> <li>User survey, disaggregated by income, gender, and race.</li> </ul>	<ul style="list-style-type: none"> <li>Broad and sustained political commitment to the reforms introduced by the program.</li> <li>The Justice Sector Reform Strategy and related action plans approved by the GOG.</li> <li>The justice sector has adequate resources to perform its functions.</li> <li>Macroeconomic stability.</li> </ul>
<b>Purposes</b>			
P1.To improve the dispensation of justice through more efficient, effective and equitable service delivery.	<p>24 months from program completion:</p> <ul style="list-style-type: none"> <li>50% reduction of backlogged cases; and 50% improvement in key case flow indicators. (Baseline: xx%)</li> <li>Users' satisfaction with the timeliness of court processes is at least xx% (TBD). Baseline TBD.</li> <li>The average length of time between the arrest and the first contact with a legal advisor or attorney improves by xx% (TBD). (Baseline: xx%).</li> <li>The proportion of pre-trial/remand prisoners (% of prison population) is lower than x% (TBD). (Baseline: xx%)</li> <li>The proportion of disputes resolved through ADR is at least xx% (TBD). Baseline TBD.</li> </ul>	<ul style="list-style-type: none"> <li>Case flow indicators (i.e., # of cases backlogged; pendency rate, clearance rate); Registrar's reports.</li> <li>User survey, disaggregated by income, gender, and race.</li> <li>Administration data from police and probation institutions.</li> <li>Prison and detention statistics (prison brief by the International Centre for Prison Studies). Follow-up evaluation will apply the same methodology.</li> <li>User survey, disaggregated by income, gender, and race.</li> </ul>	<ul style="list-style-type: none"> <li>Political commitment to the Justice Sector Reform Strategy remains wide and sustained.</li> <li>Policy commitments are fulfilled in a timely manner.</li> </ul>

<b>Logical Framework</b> <b>Modernization of Justice Administration Program (GY-L1009)</b>			
<b>Program Components</b>	<b>Project Outputs</b>	<b>Means of Verification</b>	<b>Assumptions</b>
<b>C1. Enhance Service Delivery</b>	<ul style="list-style-type: none"> <li>• 24 months after program completion, revised and approved legal framework to enhance service delivery, including: (i) judicial service commission policies, rules, and regulations; (ii) high court civil procedure rules; (iii) code of conduct and ethics for judges/magistrates; and (iv) civil and criminal procedural laws.- JSC operational and functioning as per new policies, rules, regulations.</li> <li>• Design and implementation of new case management procedures in High Court &amp; Magistrate Courts; and training of judges and registry staff. <ul style="list-style-type: none"> <li>○ By xx (TBD) months, at least xx (TBD) courts will be implementing the new procedures.</li> <li>○ By the end of the program, the new procedures are fully operational.</li> </ul> </li> <li>• The backlog clearance program. <ul style="list-style-type: none"> <li>○ By xx months (TBD) the backlog clearance program is implemented.</li> <li>○ By xx months (TBD) the case clear up rate is higher than xx% (TBD).</li> </ul> </li> <li>• Procurement and installation of ICT systems (including case file admin. software &amp; intra-court email comm. system); and related training of judges and registry staff). <ul style="list-style-type: none"> <li>○ By xx (TBD) months, at least xx (TBD) courts are equipped with an ICT system.</li> <li>○ By xx (TBD), the ICT system is fully operational and 100% of the professional and technical staff is adequately trained to use it.</li> </ul> </li> <li>• Consulting support to High Court Registry for design and implementation of modern MIS and accounting system; and for creating capacity to prepare medium term budget frameworks and related processes; and related training for court staff. <ul style="list-style-type: none"> <li>○ By xx (TBD) months a modern MIS is designed.</li> <li>○ By xx (TBD) months xx% of the court staff has received the relevant training.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Official Gazette</li> <li>• Annual program reports.</li> <li>• Training evaluation reports</li> <li>• Final program evaluation.</li> <li>• Court annual reports.</li> <li>• Annual program reports.</li> <li>• Court annual reports.</li> <li>• Training evaluation reports.</li> <li>• Annual program reports.</li> <li>• Consultant's report.</li> <li>• Training evaluation reports.</li> </ul>	<ul style="list-style-type: none"> <li>- Policy commitments are fulfilled in a timely manner.</li> <li>- Sufficient number of qualified candidates exists to fill positions.</li> <li>- Exist foundations and networks for new ICT systems and enhancements to be built upon.</li> </ul>

<b>Logical Framework</b> <b>Modernization of Justice Administration Program (GY-L1009)</b>			
	<ul style="list-style-type: none"> <li>○ By xx (TBD) the system is implemented in all courts.</li> </ul>	<ul style="list-style-type: none"> <li>• Court annual reports.</li> <li>• Annual program reports.</li> </ul>	
	<ul style="list-style-type: none"> <li>• Consulting support to Registry for development and implementation of HR policies (including development of performance standards); and continuing education for court staff.               <ul style="list-style-type: none"> <li>○ By xx (TBD) months approval of HR policies.</li> <li>○ By xx (TBD) months design of a continuing education program.</li> <li>○ By xx (TBD) xx% (TBD) of the court staff is registered to the continuing education program.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Consultant's report.</li> <li>• Training evaluation reports.</li> <li>• Court annual reports.</li> <li>• Annual program reports</li> </ul>	- Registrar and staff are able to commit sufficient time to accommodate administrative reforms and changes.
	<ul style="list-style-type: none"> <li>• Minor works and goods procurement for modernizing and equipping courtrooms/ court houses.               <ul style="list-style-type: none"> <li>○ By xx (TBD) months xx% (TBD) of the modernizing and equipping plan is implemented.</li> <li>○ By the end of the program, 100% of the plan is completed.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Annual program reports.</li> </ul>	
<b>C2. Strengthen Linkages among Institutions</b>	<ul style="list-style-type: none"> <li>• 24 months after program completion, revised and approved legal framework to strengthen linkages among institutions, including: (i) the police reform strategic plan; (ii) the prison reform strategic plan; (iii) the DPP-police functional and operational plan; and (iv) the evidence act.</li> <li>• Training of police prosecutors involved in the prosecution of criminal offences.               <ul style="list-style-type: none"> <li>○ By xx (TBD) at least xx% (TBD) of the police officers involved in the prosecution of criminal offences are trained.</li> <li>○ By the end of the program, 100% of the police officers are trained.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Official Gazette.</li> <li>• Training evaluation reports.</li> <li>• Administrative data from police.</li> <li>• Final program evaluation.</li> </ul>	- Policy commitments are fulfilled in a timely manner.
<b>C3. Improve Access to Justice</b>	<ul style="list-style-type: none"> <li>• 24 months after program completion, revised and approved legal framework to improve access to justice, including: (i) the legal practitioners act; and (ii) the alternative dispute resolution act.</li> <li>• Development and implementation of partnerships for ADR services.               <ul style="list-style-type: none"> <li>○ By xx (TBD) months after program startup, there is a directory of mediators approved by xx (TBD).</li> <li>○ xx (TBD) months after program startup there is a list of standards approved by xx (TBD).</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Official Gazette</li> <li>• Reports from community ADR organizations</li> <li>• Annual program reports.</li> </ul>	- Policy commitments are fulfilled in a timely manner.  - Self-financing mechanisms developed to contribute to longer-term sustainability of legal aid services.

<b>Logical Framework</b>			
<b>Modernization of Justice Administration Program (GY-L1009)</b>			
	<ul style="list-style-type: none"><li>• Training, registration and accreditation of qualified mediators.<ul style="list-style-type: none"><li>○ By the end of xx (TBD) xx% (TBD) of the mediators registered in the directory are trained and subsequently accredited by xx (TBD)</li></ul></li></ul>	<ul style="list-style-type: none"><li>• Training evaluation reports.</li><li>• Annual program reports.</li></ul>	

**Modernization of Justice Administration Program GY-L1009**  
**Program Summary**

CHALLENGE	PROBLEMS	CAUSES & CONTRIBUTING FACTORS	OBJECTIVE & OUTCOME INDICATORS	ACTIONS	
				POLICY BASED COMPONENT	INVESTMENT COMPONENT
1. Service Delivery	1.1. Budget decision making	1.1.1. Lack of independence - budget allocation process does not comply with constitutional provisions 1.1.2. Outdated schedule and level of court fees	To enhance the capacity of justice sector institutions to deliver services efficiently and effectively <ul style="list-style-type: none"> <li>Reduction of backlogged cases</li> <li>Improvement in key case flow indicators</li> </ul>	Revised and approved legal framework to enhance service delivery.	(i) Strengthening of the JSC;
	1.2. Human resources management	1.2.1. Different management bodies and rules (the Public Service Commission and the Judiciary Commission) 1.2.2. JSC not fulfilling its constitutional mandate 1.2.3. No coordination between the Judiciary and the Public Service Commissions 1.2.4. No career development plans 1.2.5. Lack of sufficient competent administrative staff		<i>First tranche:</i> Greater autonomy to the Judiciary in relation to the approval of its budget and the management of its expenditures.  <i>Second tranche:</i> (i) Judicial service commission policies, rules, and regulations; (ii) High court civil procedure rules; (iii) Code of conduct and ethics for judges/magistrates; and (iv) Civil and	(ii) Backlog and delay reduction (including case management systems, compensation for “settlement weeks”, expansion of court-connected ADR, and court ICT enhancements)  (iii) Strengthening court administration (including support to the Supreme Court Registry for budget/financial management and controls, human resource management, court information



CHALLENGE	PROBLEMS	CAUSES & CONTRIBUTING FACTORS	OBJECTIVE & OUTCOME INDICATORS	ACTIONS	
				POLICY BASED COMPONENT	INVESTMENT COMPONENT
	<p>1.3. Backlogs and delays</p> <p>1.4. Other deficiencies</p>	<p>1.3.1. Outdated legal framework</p> <p>1.3.2. Lack of case management system</p> <p>1.3.3. Lack of functioning disciplinary entity</p> <p>1.3.4. Lack of technology (including court reporting)</p> <p>1.4.1. Weak working conditions</p> <p>1.4.2. Lack of peer interaction</p>		<p>criminal procedural laws.</p>	<p>systems, and reporting);</p> <p>(iv) Skills and productivity enhancement for judges and magistrates (including specialized continuing education and provision of legal materials/resources);</p> <p>(v) Criminal justice improvements (including institutional strengthening of the DPP, and training for police and prosecutors); and</p> <p>(vi) Physical improvements to courtrooms and courthouses.</p>

CHALLENGE	PROBLEMS	CAUSES & CONTRIBUTING FACTORS	OBJECTIVE & OUTCOME INDICATORS	ACTIONS	
				POLICY BASED COMPONENT	INVESTMENT COMPONENT
2. Linkages among institutions	2.1. Crime reduction deficiency	2.1.1. No crime prevention strategy 2.1.2. Fear of law enforcement agents 2.1.3. Lack of investigation capacity at the police level and the prosecutor level 2.1.4. Lack of legal education on serious criminal matters (narcotics, organized crime, murder, and rape) for judges 2.1.5. Coordination issues (no regional DPP at the regional level for instance) 2.1.6. No court information system to users (victims and witnesses of crime, as well as law enforcement sector)	To strengthen linkages among justice sector institutions  <ul style="list-style-type: none"> <li>Improvement in the proportion of pre-trial/remand prisoners</li> </ul>	Revised and approved legal framework to strengthen linkages among institutions, i.e.  <i>First tranche:</i> (i) The police reform strategic plan; (ii) The prison reform strategic plan; and (iii) The DPP-police functional and operational plan.  <i>Second tranche:</i> The evidence act.	(i) Introducing of sector-wide policy leadership;  (ii) Developing change management teams and methodologies coordinated across the sector;  (iii) Instigating cooperative, joined-up, processes (e.g. outcome orientated sectoral budget submissions to the Ministry of Finance on the basis of the Justice Sector Reform Strategy's performance indicators);  (iv) Developing a sector-wide monitoring and evaluation framework;

CHALLENGE	PROBLEMS	CAUSES & CONTRIBUTING FACTORS	OBJECTIVE & OUTCOME INDICATORS	ACTIONS	
				POLICY BASED COMPONENT	INVESTMENT COMPONENT
					<p>(v) Mapping of end to end organizational processes; and</p> <p>(vi) Establishment of Criminal Justice Committees at the local level, centered on each Magistrates Courts (comprising representatives of all stakeholders involved in the processing of criminal justice cases and focused on improving inter-agency cooperation, communication and co-ordination at the operational level)</p>
3. Access to Justice	3.1. Weak regulation of attorneys	3.1.1. No satisfactory regulatory body 3.1.2. High lawyers' fees	To improve access to justice <ul style="list-style-type: none"> <li>Improvement in the average length of time</li> </ul>	<i>First tranche</i> , law revision commission re-established.	(i) Expansion of legal aid services, community ADR, and specialized community

CHALLENGE	PROBLEMS	CAUSES & CONTRIBUTING FACTORS	OBJECTIVE & OUTCOME INDICATORS	ACTIONS	
				POLICY BASED COMPONENT	INVESTMENT COMPONENT
	<p>3.2. Protection of users' rights</p> <p>3.3. Awareness of users' rights and responsibilities</p>	<p>3.2.1. No general public system of legal aid for either civil or criminal cases</p> <p>3.2.2. No systemic treatment of complaints</p> <p>3.2.3. No information network</p> <p>3.2.4. Limited ADR options.</p> <p>3.3.1. No awareness strategy</p> <p>3.3.2. Weak civil society: lack of civil society organizations in justice realm</p> <p>3.3.3. Commissions are not fulfilling their mandate (What are their functions? What have they done so far?)</p> <p>3.3.4. Lack of education in the sector on key concepts such as confidentiality and witness protection.</p> <p>3.3.5. Limited rehabilitation of offenders</p>	<p>between the arrest and the first contact with a legal advisor or attorney</p> <ul style="list-style-type: none"> <li>Improvement in the proportion of disputes resolved through ADR</li> </ul>	<p><i>Second tranche</i>, revised and approved legal framework to improve access to justice, including: (i) the legal practitioners act; and (ii) the alternative dispute resolution act.</p>	<p>outreach initiatives targeted at disadvantaged groups;</p> <p>(ii) Development and implementation of a public legal awareness strategy, action plan and campaigns (and support for related public consultations); and</p> <p>(iii) Support to MLA for updating of Guyana Law Reports, drafting of Legal Practitioners Act, ADR Act, and to the Law Revision Commission for updating and consolidating the Laws of Guyana.</p>

**MODERNIZATION OF JUSTICE ADMINISTRATION PROGRAM  
GY-L1009**

**ESTIMATED COST FOR PROJECT PREPARATION**

	US\$			
	IDB Administrative Budget	TC Funds GY-T1005	GOG	TOTAL
<b>1. Missions</b>	<b>38,100</b>			<b>38,100</b>
1.1 Identification mission (3 days, 1 person)	1,900			
1.2 Identification mission (3 days, 2 persons)	3,800			
1.3 Special mission (5 days, 2 persons)	4,800			
1.4 Special mission (5 days, 2 persons)	4,800			
1.5 Special mission (4 days, 3 persons)	6,500			
1.6 Special mission (3 days, 1 person)	1,900			
1.7 Orientation mission (5 days, 2 persons)	4,800			
1.8 Analysis mission (5 days, 2 persons)	4,800			
1.9 Negotiation mission (5 days, 2 persons)	4,800			
<b>2. Consultancies</b>	<b>100,045</b>	<b>300,000</b>		<b>400,045</b>
2.1 Best Practices Divulcation	4,245			
2.2 Institutional Analysis	30,500			
2.3 Best Practices Divulcation	4,700			
2.4 Police Sector Analysis	21,650			
2.5 Policy Reform Strategy	36,450			
2.6 Legal Analysis	2,500			
2.7 National Justice Reform Strategy		300,000		
<b>TOTAL</b>	<b>138,145</b>	<b>300,000</b>	<b>0</b>	<b>438,145</b>
<b>%</b>	<b>31.53%</b>	<b>68.47%</b>	<b>0%</b>	<b>100%</b>