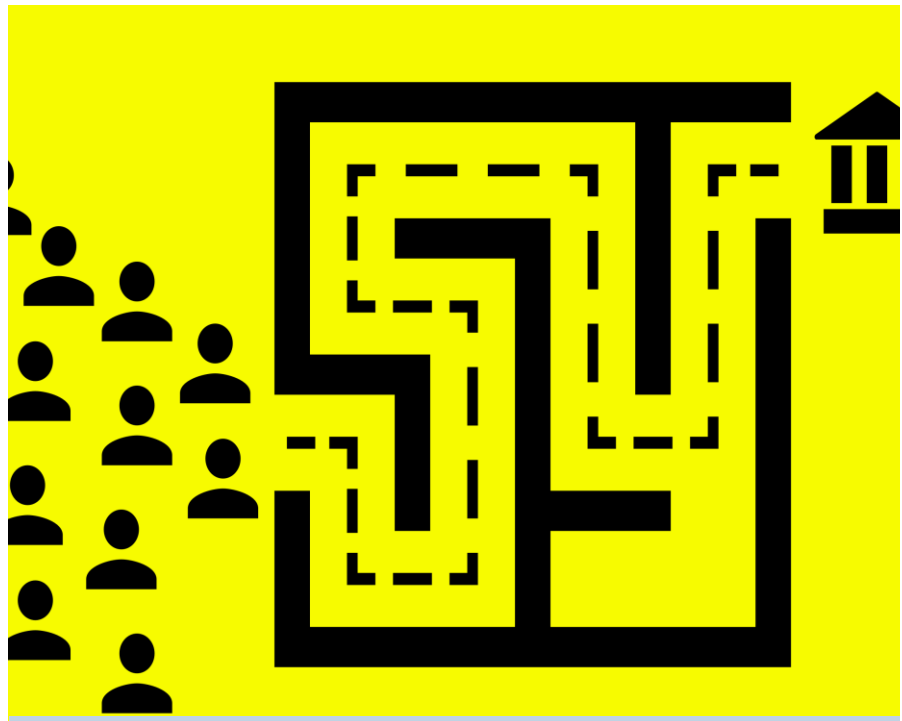


EVALUATION OF HUMAN RIGHTS TRAINING PROGRAMMES FOR JUDICIAL OFFICERS, COURT STAFF AND JUSTICE SECTOR PROFESSIONALS IN THE OECS 2012-2017



24 October 2019

Report

“Where justice is denied, where poverty is enforced, where ignorance prevails, and where any one class is made to feel that society is an organized conspiracy to oppress, rob, and degrade them, neither persons nor property will be safe.” – Frederick Douglass (April 1886)

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The journey to completing this report has been arduous yet filled with interesting lessons in project management, managing consultants, and planning and executing training programmes. It is a good feeling to have arrived at this stage with a final report which captures in essence “the impact of human rights training on the Judiciary of the OECS” and the wider involvement of UNICEF’s training interventions in the OECS as it relates to promoting best practices in juvenile justice under the wider rubric of access to justice in the sub-region.

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The final product was a real team effort consisting of personnel from the UNICEF, ECSC, OECS Commission, Sub Registries of the OECS, Judiciary and constituent Bar associations of the OECS, and other participants interviewed in compiling the data. Special thanks to all.

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ACRONYMS

CEDAW	Convention on the Elimination of All forms of Discrimination Against Women
CRC	Convention on the Rights of the Child
ECA	Eastern Caribbean Area
ECSC	Eastern Caribbean Supreme Court
HR	Human Rights
JEI	Judicial Education Institute
JJRP	Juvenile Justice Reform Program
LGBTQI	Lesbian Gay Bi-sexual, Transgender, Queer, Intersexual
MSTs	Member States and Territories
OECS	Organization of Eastern Caribbean States
OTs	Overseas Territories
PCA	Programme Cooperation Agreement
UNICEF	United Nations Children's Fund
UNEG	United Nations Evaluation Group
USAID	United States Agency for International Development

EXECUTIVE SUMMARY

Introduction: Facilitating safety and justice for children is a key priority of UNICEF in the Eastern Caribbean Area. As such, UNICEF has supported the Eastern Caribbean Supreme Court (ECSC) and the Judicial Education Institute (JEI) efforts to strengthen the capacity of judicial systems in its nine (9) -member states¹ and overseas territories with a view to ensuring each child benefits from all the rights and protection offered by the region's legal systems. Over the period 2012 to 2017, the ECSC with UNICEF support, has conducted training programmes aimed at enhancing the knowledge and skills of justice personnel on principles of women's and children's rights, facilitating access to social, safety and justice services that are more respectful of their rights and participation and improving the quality of interactions between children and stakeholders by implementing standard operating procedures tailored to children. In this regard, the ECSC contracted Mrs. Alexa Khan on March 22nd, 2018 to evaluate the human rights training programmes conducted in the Eastern Caribbean over the period 2012 to 2017. The report was then reviewed by UNICEF's Regional Office for Latin America and the Caribbean Consultant to ensure compliance with UNICEF's evaluation report standards.

Project Background, Objectives and Description: Since 2012, increasing numbers of development partners provided support in the adaptation and enactment of legislation under the OECS Family Law Project. The project aimed to: remove all discriminatory differences between children born in and outside wedlock; erase time limits for the establishment of paternity and enforcement of maintenance agreements; eliminate impunity for violence against children in state institutions; expand definitions of abuse and violence against children; modernize approaches to the management of young offenders and expand diversionary measures for young people; and remove all gender differentials in the sanctions against the abuse of girls and boys. The ECSC was instrumental in supporting this initiative and has continued its collaboration with UNICEF most prominently around capacity building. As such, Programme Cooperation Agreements (PCAs)² 2015/2016 and 2017/2019 identified the training of judicial officers and attorneys on implications of the new legislation, as a priority intervention. In addition, in support of the establishment of a Family Division in Antigua and Barbuda, a study tour to Trinidad and Tobago's Family Court by key personnel was also included.

Methodology: The evaluation methodology utilised the Kirkpatrick model³ for evaluating effectiveness of training programmes and comprised primarily qualitative techniques including document review, individual and group interviews, one electronic survey targeting training participants and field visits to three (3) OECS Member States: Antigua and Barbuda, Grenada and Saint Lucia. Work planning and primary data collection for the evaluation took place from 26 March and 27 April 2018. An inception mission to Saint Lucia was conducted from 26 to 28 March 2018 to clarify the parameters of the evaluation and client expectations as well as to finalise the evaluation matrix and methodology.

Limitations: The evaluation was constrained by several factors including:

¹ (Independent States of) Antigua and Barbuda, Dominica, Grenada, St. Kitts and Nevis, Saint Lucia, St. Vincent and the Grenadines (and United Kingdom Overseas Territories of) Anguilla, British Virgin Islands (BVI), Montserrat.

² A PCA for the period 2012 to 2014 was not available for review.

³ The evaluation focused on levels 1, 2 and 3 regarding participant's reaction to the training delivery methods, changes in knowledge, skills and attitudes and behavioural changes, respectively.

- The absence of project documents, results frameworks and reports for some of the training conducted during the period;
- The significant length of time lapse since respondents had participated in the targeted training interventions which impacted effective recall; and
- The poor response by participants to the Electronic Survey despite several reminders.

Findings

Design and Relevance: Overall, the evaluation determined that human rights focused training for professionals allied with the Judicial sector was not only relevant but also critical to supporting reform of the system of juvenile justice, among other things. Further, increasing the knowledge, awareness and sensitivity of justice sector professionals to the implications for the sector of international conventions, rules and guidelines was necessary and timely given the legal requirement to incorporate underlying principles in national policy and programming. The evaluation also noted that the training interventions supported by UNICEF were consistent with UNICEF's Eastern Caribbean Area Multi Country Programmes 2012 to 2016 and 2017 to 2021. However, the process and analyses that informed the selection, design and implementation of the interventions were not clear. Capacity building initiatives are generally designed based on some assessment of the capacity (knowledge, skills, behaviours, systems, processes, procedures) of target stakeholders. There was no evidence to suggest that the focus of the interventions was based on a comprehensive capacity needs assessment. That said, participants generally expressed their appreciation for training interventions and noted that their expectations were well met.

Effectiveness: The evaluation made every effort to assess the effectiveness of the training at the first three levels of the Kirkpatrick model using a sample of training workshops. The evaluation indicated that most survey respondents strongly agreed/agreed that the content of the workshops attended, delivery methods, and quality of facilitation met or exceeded expectations. Key themes emerged about the need for more experiential methods in future training programmes and the development of communities of practice to facilitate ongoing learning from peers. The training interventions appeared to support overall sensitization and understanding of key juvenile justice principles. There was also significant feedback reflecting that these principles and guidelines have been internalized by some persons targeted by the training interventions. Respondents shared that the new skills and knowledge gained helped them to introduce rights-based approaches to adjudication and other measures, although its translation into real impact has been hindered by the lack of supporting legislation and support systems.

Respondents, including training participants, cited several enabling factors that supported their ability to integrate juvenile justice principles into their work processes and procedures including the passage of relevant legislation and knowledge gained from training interventions. At the same time, respondents noted several obstacles that continue to hinder efforts at integration of juvenile justice principles including, negative public perception of restorative justice, lack of supporting legislation, rules and guidelines (in several jurisdictions⁴) and limited or no buy-in by relevant actors. In addition, the lack of legal representation for marginalized and vulnerable populations, limited diversion

⁴ Antigua and Barbuda, Grenada, St. Vincent and the Grenadines, and St. Kitts and Nevis.

programmes and other support systems were identified as bottlenecks to ensuring integration of juvenile justice principles.

One of the most effective interventions pursued by the ECSC was the Study Tour to Trinidad and Tobago's Family Court and Children's Authority by key stakeholders from Antigua and Barbuda. Participation in the Study Tour was instrumental to the design and implementation of several interventions related to establishment of the Family Division and related services in Antigua and Barbuda.

Conclusion: The capacity building interventions targeting judicial professionals and related sectors have supported enhanced awareness, sensitization and knowledge regarding the implications of international conventions and agreements. The evaluation also determined that training supported attitudinal and behavioural changes in several persons targeted. The effectiveness of the interventions was limited by a range of cultural and structural issues that were beyond the influence of the partner agencies involved.

Lessons Learned: In the context of **design and relevance**, the key lessons that emerged included (i) the need for capacity building interventions to be based on a comprehensive training needs or capacity gap assessment utilizing task analysis combined with individual analysis; (ii) capacity building initiatives need to take into account changes in the enabling environment required to support behavioural changes; (iii) comprehensive implementation plans should be established with feasible timelines (taking into account the lengthy process for legislative amendments, for instance); and (iv) continuous advocacy on the integration of human rights perspectives into formal education is needed to build a rights based culture in the region.

In relation to **effectiveness**, key lessons included (i) the need for clear, realistic and measurable objectives; (ii) the need to establish a comprehensive data collection, analysis and reporting system to ensure that effectiveness can be adequately monitored; (iii) capacity building for adults is generally more effective when experiential methods are utilized and future programmes should incorporate more 'learning by doing'; and (iv) communities of practice constitute an effective mechanism for ongoing learning, sharing of experience and peer support and should therefore be supported to sustain outcomes.

The **recommendation** related to **design and relevance** is that capacity building interventions need to include a clear articulation of their theory of change.

In the context of **effectiveness**, (i) Measurable objectives that are closely linked to the interventions and the related indicators, data collection, analysis and reporting system must also be built into the programme. (ii) Programme proposal documents must also clearly acknowledge the limitations of the interventions and the expected roles of Governments and related agencies. This will ensure that the programme intervention logic articulates the implications for programme effectiveness if complementary initiatives are not implemented.

1. INTRODUCTION

UNICEF is involved in many activities to promote and protect human rights in the administration of justice, including legislative reform, capacity-building, advocacy, coordination and partnership, aimed at improving justice for children in conflict with the law and for child victims and witnesses. These efforts include strengthening child justice systems to promote prevention, diversion, restorative justice and reintegration for children in contact with the law.

UNICEF contributes to the development of robust, rule of law-based justice systems by providing ongoing support for various justice sector initiatives to ensure alignment with the Convention on the Rights of the Child (CRC) and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). Such assistance includes human rights capacity development of justice sector stakeholders in dealing with cases involving minors and adopting measures aimed at protecting the best interest of children and the rights of women during court procedures.

Towards this goal, UNICEF has supported the Eastern Caribbean Supreme Court (ECSC) in several training programmes within the Organisation of Eastern Caribbean States (OECS) Commission, aimed at strengthening the capacity of judges and magistrates in child protection. The ECSC comprises nine (9) member states and territories - Antigua and Barbuda, Anguilla, British Virgin Islands, Dominica, Grenada, Montserrat, St. Kitts and Nevis, St. Lucia, St. Vincent and the Grenadines. These islands all form part of an association under the revised Treaty of Basseterre, under the wider supervision of the OECS Commission, whose basic function is to strengthen social, economic and political cooperation among Member States. The ECSC headquarters is based in St. Lucia but supervises the work of the national courts in the nine (9) Member States and Territories. The Judicial Education Institute (JEI) is the training and development arm for the ECSC. It initiates and coordinates training activities at all levels for the judiciary. This would include training for judges and magistrates as well as training for the support staff.

This report presents the consolidated findings, conclusions and recommendations of the evaluation of several training programmes carried out by the ECSC. These training programmes introduced basic human rights principles with a focus on women's and children's rights; provided specialized training to key personnel who work with children; and built skills of participants to interview and draw children's testimony in court hearings.

1.1. Organization of the Report

Section 1 contains the Introduction and a structure of the report and offers a brief description of UNICEF and the ECSC's involvement and history with integrating human rights principles in the Justice sector across the OECS, including building sector capacity and the rationale for implementing the interventions to date;

Section 2 presents the description of the evaluation, including the object of the evaluation, its purpose, objectives and scope;

Section 3 details the evaluation approach, evaluation criteria and sample, data collection tools and techniques, triangulation methods and limitations encountered;

Section 4 provides the evaluation findings including the issues related to the project's design, relevance and effectiveness;

Section 5 includes an overview of general conclusions;

Section 6 details lessons learned;

Section 7 reflects key recommendations.

1.2. Background of the intervention

The UNICEF Eastern Caribbean Area 2016 Annual Report noted the organization's continued emphasis on removing bottlenecks in the legislative environment for children's protection. "Countries have accelerated progress on drafting rights-based child protection laws. At the time of writing, all countries⁵ had new draft legislation in at least one of six agreed priority areas, a vast improvement over the baseline situation. Moreover, some countries have approved, and started implementation of these new laws. These results were largely achieved through the creation of a critical mass of national level duty-bearers. Through dialogue, they better understand legislative deficiencies and have the knowledge to support the adoption of rights-based child protection legislation. UNICEF ECA support for convening and standard-setting has been largely provided through the Eastern Caribbean Supreme Court. Together with UNICEF, the agencies used their convening power to bring together judges, magistrates, social workers, parliamentarians and chief policy advisers on child protection. Work with a broad cross-section of parliamentarians contributed to a relatively non-partisan approach to the evolution of jurisprudence on children's rights"⁶.

In line with this approach, UNICEF has supported the ECSC and the JEI efforts to strengthen the capacity of judicial systems in its nine (9) member states and territories (MSTs)⁷. Over the period 2012 to 2017, the ECSC JEI, with UNICEF support has conducted programmes aimed at:

- Enhancing the knowledge and skills of justice personnel on principles of women's and children's rights to increase access to justice for marginalized and vulnerable populations;
- Facilitating access to social, safety and justice services that are more respectful of their rights and participation;
- Providing justice personnel with customized tools and advanced skills to better protect children;
- Improving the quality of interactions between children and stakeholders by implementing standard operating procedures and new procedures tailored to children; and
- Developing the capacities of courts to integrate women's and children's rights principles.

⁵ Antigua and Barbuda, Anguilla, BVI, Dominica, Grenada, Montserrat, St. Kitts and Nevis, St. Lucia, St. Vincent and the Grenadines.

⁶ UNICEF Annual Report 2016, Eastern Caribbean Multi-Country Program. https://www.unicef.org/about/annualreport/files/Eastern_Caribbean_Multi-Country_Program_2016_COAR.pdf

⁷ Antigua and Barbuda, Anguilla, BVI, Dominica, Grenada, Montserrat, St. Kitts and Nevis, St. Lucia, St. Vincent and the Grenadines.

1.3. Human Rights Training Programmes - Rationale for Rights Based Approaches to Judicial Education

This section of the report provides some background regarding the ECSC's approach to Judicial Education and its relationship with UNICEF and the OECS interventions related to reform of the justice system and integration of human rights-based approaches. This is foundational information and essential for responding to the question about relevance of the programme, both in terms of design as well as fit with the needs of ECSC, UNICEF and OECS.

A 2008 Guidance Note on the UN approach to justice for children states that the treatment of children by:

“...national legal, social welfare, justice systems and security institutions is integral to the achievement of rule of law and its related aims. Despite important progress over the last two decades, children are yet to be viewed as key stakeholders in rule of law initiatives. Work to implement child justice standards is still frequently handled separately from broader justice and security reform. It is also often undertaken through vertical approaches, aimed at improving either the juvenile justice system or responses to child victims and witnesses, without acknowledging the frequent overlap between these categories and the professionals and institutions with responsibility towards them. Access to justice, though increasingly recognized as an important strategy for protecting the rights of vulnerable groups, and thus for fighting poverty, rarely takes children into account”⁸.

The UN maintains that the following principles should guide all justice interventions for children:

- ✓ Ensuring that the best interests of the child is given primary consideration
- ✓ Guaranteeing fair and equal treatment of every child, free from all kinds of discrimination
- ✓ Advancing the right of the child to express his or her views freely and to be heard
- ✓ Protecting every child from abuse, exploitation and violence
- ✓ Treating every child with dignity and compassion
- ✓ Respecting legal guarantees and safeguards in all processes
- ✓ Preventing conflict with the law as a crucial element of any juvenile justice policy
- ✓ Using deprivation of liberty of children only as a measure of last resort and for the shortest appropriate period of time
- ✓ Mainstreaming children's issues in all rule of law efforts.

Analyses completed by UNICEF ECA, USAID (2010) and the OECS Commission, among others, determined that many of the family and child protection laws derived from British Colonial times were still in force in the Eastern Caribbean, even though countries in the region had ratified the UN CRC since the early 1990s. As such, there has been a general recognition that laws, systems, processes and procedures pertinent to the justice sector need updating. Consequently, all key stakeholder agencies require sustained capacity building to support effective implementation.

⁸ “Guidance Note of the Secretary General: UN Approach to Justice for Children” (September 2008)

In this regard, UNICEF has partnered with the ECSC, an organization that shares UNICEF's values and principles and has a special ability to undertake activities that are crucial for implementing relevant initiatives under the 2017-2021 UNICEF Multi-Country Programme of the Eastern Caribbean Area. The ECSC has special expertise in judicial education.

1.4. Role of UNICEF in the Human Rights Training Objectives and Approach

UNICEF has been involved in a range of activities in the Eastern Caribbean to promote and protect human rights in the administration of justice, including legislative reform, capacity-building, advocacy, coordination and partnership, aimed at improving justice for children in conflict with the law and for child victims and witnesses. These efforts include strengthening child justice systems to promote prevention, diversion, restorative justice and reintegration for children in contact with the law.

UNICEF contributes to the development of robust, rule of law-based national justice systems by providing ongoing support for various justice sector initiatives to ensure alignment with the Convention on the Rights of the Child (CRC) and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). Such assistance includes human rights capacity development of justice sector stakeholders in dealing with cases involving minors and adopting measures aimed at protecting the best interest of children and the rights of women during court procedures.

UNICEF ECA has been instrumental in supporting sensitization and capacity building related to the CRC over the last 25 years. Since 2012, an increasing number of development partners have committed to support the adaptation and enactment of legislation under the OECS Family Law Project. The project aimed to:

- ✓ Remove all discriminatory differences between children born in and outside wedlock;
- ✓ Erase time limits for the establishment of paternity and enforcement of maintenance agreements;
- ✓ Eliminate impunity for violence against children in state institutions;
- ✓ Expand definitions of abuse and violence against children;
- ✓ Modernize approaches to the management of young offenders and expand diversionary measures for young people;
- ✓ Remove all gender differentials in the sanctions against the abuse of girls and boys

Towards this goal, UNICEF has supported the ECSC in several training programmes within the OECS aimed at strengthening the capacity of judges and magistrates in child protection. Training programmes introduce basic human rights principles with a focus on women's and children's rights; provide specialized training to key personnel who work with children; and build skills of participants to interview and draw children's testimony in court hearings.

The 2015/2016 PCA noted that retooling court officers across the OECS was a priority given that juvenile justice and care and protection matters were usually heard by the generalist magistracy who:

“...frequently do not have the training, experience or the time in a busy magistrate's court list to give proper consideration to all the family law issues, particularly the complex issues which relate to the determination of what is in a

child's best interest. Neither for that matter do judges have this training. Among the critical gaps is the absence of creative and innovative responses to juvenile delinquency and the social service infrastructure needed to give meaningful effect to those responses. Youth justice requires a sound appreciation of the psychological, emotional, social, financial and physical needs of young people. This awareness should inform all stages of the legal process, including charging and sentencing alternatives that are more creative and effective than the traditional responses to youth involvement in crime"⁹

2. EVALUATION DESCRIPTION

2.1. Purpose, objectives and scope of the evaluation

According to the 2015/2016 PCA the following outputs and related training activities were identified:

Table 1: Programme Outputs 2015/2016 Programme Cooperation Agreement

Outputs	Training Activities	Time Frame	Budget (USD)
<i>Institutional Reform A fully functional Family Division in Antigua and Barbuda</i>	Study Tour of Key Officials to Family Court in Trinidad	Within 6 Months	10,000.00
	Capacity building workshops for court administration, probation, legal, child protection and law enforcement professionals and civil society organizations	Within 7-18 months	5,000.00
<i>Children are better served by judicial officers who apply a child rights perspective to their rule making by December 31st 2016</i>	Sub-regional workshops for judicial officers on Management of Children and Vulnerable Families	Over the 18 months	65,400.00
	Sub-regional workshops for magistrates on children in the judicial system	Over the 18 months	30,000.00

In view of the above, the ECSC contracted Mrs. Alexa Khan on March 22nd, 2018 to evaluate the human rights training programmes conducted in the nine (9) MSTs over the period 2012 to 2017. The **purpose** of the evaluation is to assess the extent to which expected results of the human rights training of judges and magistrates have been achieved.

The specific objectives of the evaluation were to:

- Establish the extent to which the goals and objectives of human rights training programmes were met;
- Examine the impact/change realised through training programmes on desired modification in behaviour as it relates to human rights approaches to court administration and adjudication;
- Assess whether training has demonstrable effects on the judicial management of cases and court services as it relates to the treatment of vulnerable groups such as women and children;

⁹ Ibid p. 2.

- Identify possible gaps/weaknesses in training programme design, approach and implementation and provide recommendations on what aspects of the training should be strengthened or improved to sustain learning and behaviour change after the end of the programme;
- Analyse challenges and critical risk factors and how they may have affected the impact of the training programmes; and
- Identify lessons learned and good practices to inform learning and critical reflection in the design and implementation of future training programmes.

In view of the changes to the Terms of Reference (ToR), during the Inception Mission¹⁰, the Evaluation Consultant and the ECSC discussed the following and agreed on the following scope of the evaluation:

- ✓ The specific period and related Programme Cooperation Agreements (PCA) that the evaluation should cover would include 2012-2017. These encompass PCAs from 2015-2016 and 2017 to 2019.
- ✓ The ECSC indicated that an Audit of the PCA 2015/2016 had been completed and there was no need to assess efficiency questions in the evaluation. This was subsequently removed from the evaluation purpose.
- ✓ All efforts should be made to provide an overall assessment of the effectiveness of Juvenile Justice Reforms (specific to capacity building) including those involving partnerships with the OECS and UNICEF, particularly where evaluation and other reports from the OECS could be sourced.
- ✓ The approach to design and development of interventions identified in the results framework after signing of the PCAs should be reviewed. Preliminary review of the PCAs revealed expected results such as, “children are better served by judicial officers who understand and apply a children’s rights perspective to their rule-making by December 2016”. Related activities identified included “sub-regional workshops for judicial officers on management of children and vulnerable families”.
- ✓ Antigua and Barbuda was a significant beneficiary of funding given the intent to pilot the Family Division. As such, Antigua was identified as one of three countries scheduled for in-depth assessment, together with St. Lucia and Grenada.
- ✓ All efforts should be made to assess issues related to the UK Overseas Territories, considering the challenges¹¹ experienced to date.
- ✓ Review of the governance arrangements including the extent to which an oversight entity was established to monitor implementation will also be assessed.

¹⁰ 26 to 28 March, 2018.

¹¹ For example, USAID (Juvenile Justice Reform Program) does not fund the participation of representatives of Overseas Territories (Anguilla, BVI and Montserrat) for any programmes.

- ✓ An electronic survey will be launched to ensure that the evaluation benefits from the widest possible input of judicial officers. In each of the countries scheduled for a field mission, all efforts will be made to obtain feedback from key stakeholders/informants regarding their perception of the extent to which the rights of vulnerable persons (children, women, disabled, poor) are being integrated into the safety, social and justice services. These will include Probation and Parole Services, Ministries of Social Development/Transformation, Justice, Diversion/rehabilitation programmes, Social Workers, Police Officers and Legal Aid, among others.

This document constitutes the **evaluation report** including key findings, issues, and recommendations. It is anticipated that the findings will inform improved design of similar interventions to support effective implementation and achievement of results.

3. EVALUATION APPROACH AND METHODOLOGY

3.1. Evaluation Approach

This evaluation utilized the theoretical framework developed by Donald Kirkpatrick¹² as it is the most widely known and used model for measuring the effectiveness of training programs. The basic structure of Kirkpatrick’s four level model is detailed in Table 2. Based on discussions with the ECSC during the inception mission, it was agreed that the evaluation would focus primarily on levels 1 to 3 of the model¹³.

Table 2: Kirkpatrick Model for Evaluating Effectiveness of Training Programme	
Level 1- Reaction	How did participants react to the program?
Level 2- Learning	To what extent did the participants improve knowledge and skills and change attitudes as a result of the training
Level 3- Behaviour	To what extent did participants change their behaviour back in the workplace as a result of the training?
Level 4- Results	What organizational benefits resulted from the training?

Data related to levels 1, and 2 were gleaned from the conference/workshop evaluation reports, where these were available. This data was supplemented by document review, interviews with UNICEF, ECSC, informal interviews with participants to verify findings of the course evaluations and probe for underlying issues. The e-survey also included questions related to participants’ reactions to the training interventions.

In respect of levels 2 and 3 the evaluation assessed participants’ ‘learning’ and the extent to which participants applied acquired skills within the work place, through an electronic survey targeting all Judges, Magistrates and other professionals related to the justice sector across the OECS.

¹² Kirkpatrick, D.L. “Techniques for Evaluating Training Programs”, Evaluating Training Programs, Alexandria, VA. 1975, ASTD, p. 1.

¹³ Objectives related to organizational benefits were not identified in the training interventions, and therefore assessment of level four was not applicable.

3.2. Evaluation Criteria

The evaluation considered the following criteria: Relevance and Design; and Effectiveness for developing evaluation questions. The evaluation also included questions to facilitate identification of Lessons Learned and elaboration of recommendations.

Evaluation Questions: The key questions reflected in the evaluation matrix¹⁴ constituted the foundation for the evaluation and included:

- I. **Relevance and Design:** (a) To what extent did a needs assessment adequately identify the deficiencies and limitations in institutional capacity in the ECSC member countries judiciaries? (b) To what extent did programme curricula/workshop content respond to the needs assessment? (c) To what extent did the delivery methods incorporate good practices in HR training? (d) How relevant was the program's structure, content and delivery to the preferred learning modes of participants? (e) Did the training interventions address the needs of rights holders?
- II. **Effectiveness:** To what extent did the project achieve: (a) Enhanced knowledge and skills of justice personnel to increase access to justice for marginalized and vulnerable populations? (b) Facilitate access to social, safety and justice services that are more respectful of women and children's rights and participation? (c) Improved quality of interactions between children and stakeholders due to new standard operating procedures and new procedures tailored to children? and (d) Integration of women's and children's rights principles into the justice system?
- III. **Lessons Learned:** What lessons have been learned related to effectiveness, relevance and design and project administration? Based on the experiences and lessons learned, what are the key recommendations relevant to informing future interventions?

3.3. Evaluation Sample

Given that most interventions appeared to focus on supporting operationalization of the new Child Justice Bill and issues related to diversion, the evaluation selected a sample of capacity building interventions related to these focal areas. These included:

- Regional Magistrates and Judges: Training in Juvenile Justice Reform (Oct. - Nov. 2017)
- Family Mediation Training (3-7 April 2017)
- Pre-Sentencing Diversion Conference (December 2015)
- Judicial Ethics and Independence, Coroner's Jurisdiction (2014)
- Regional Consultation on the Development of the Legal Framework to Support Diversion (August 2013)
- Gender and the Law: Magistrate's Conference (2012).

3.4. Data Collection Methodology

The evaluation utilized a primarily qualitative methodology and three main sources of data: people, documents and observation. To ensure client expectations were clarified and to facilitate preliminary

¹⁴ See Appendix 2.

data collection, an Inception Mission has been conducted during 26-28 March 2018. Issues discussed during the inception mission were detailed in section 2.1.

Document Review

The Evaluation Consultant reviewed a range of documentation including the Consultant's Terms of Reference, Programme Cooperation Agreements, Diagnostic studies related to Juvenile Justice, the three (3) Workshop and Conference Evaluation Reports made available, Progress Reports where available, Workshop Agendas, newspaper reports related human rights issues in the OECS countries, International Reports on Human Rights issues and literature related to the design of access to justice interventions. A complete list of the documents reviewed is included in Appendix 7.

Field Missions

As agreed with the ECSC, the Evaluation Consultant conducted missions to the OECS Member States and Territories (MSTs) with the highest number of beneficiaries of PCA interventions. This approach facilitated feedback on key interventions such as, the establishment of the Family Division in Antigua and the role of capacity building to date, assessment of the status of the Family Law Bills implementation in St. Lucia and Grenada and potential challenges that need to be addressed. Missions to St. Lucia, Antigua and Barbuda, and Grenada were undertaken between April 11th to 27th 2018.

COUNTRY	DATES
Saint Lucia	11 th -13 th April 2018
Antigua and Barbuda	23 rd to 25 th April 2018
Grenada	26 th to 27 th April 2018

Interviews

Forty-seven (47) individuals were consulted through face to face and telephone interviews during the evaluation. A complete list is provided in Appendix 6. The key methods used were as follows:

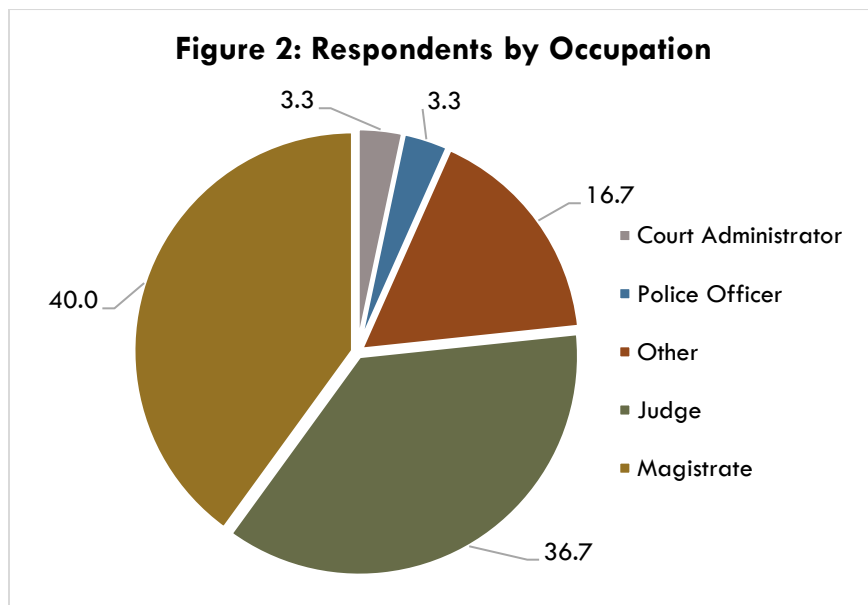
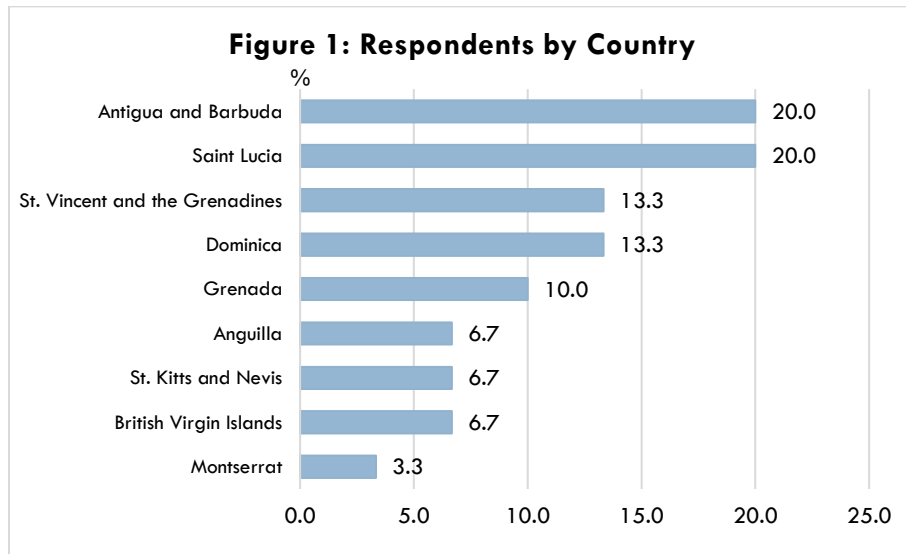
- Individual interviews were conducted with key informants in St. Lucia, Antigua and Barbuda, and Grenada.
- A brief questionnaire was forwarded via email on 3rd of May 2018 to 15 respondents in Anguilla, Montserrat and BVI.
- Interviews with staff of the ECSC and UNICEF, and Project Coordinator and Chairman of the Judicial Education Institute.

Electronic Survey

An electronic survey targeting the current Judges and Magistrates across the 9 MSTs was undertaken utilizing the contacts from the ECSC database (see Appendix 3). The survey instrument was issued as a census to the 73 email addresses. An additional 50 email contacts including registrars and other justice sector professionals (Probation Officers, Social Workers, Directors of Family/Social Services, Police,) were also included. Emails were obtained from workshop participation lists from the ECSC

and OECS Commission. The survey was 'live' from 1st April to 27th April 2018. Six reminder notices were sent out after the initial invitation. After the initial launch of the survey, it was determined that ten email addresses contained errors, as evidenced by the fact that the questionnaire returned an 'undeliverable' error. Of the 113 respondents who received the questionnaire, 50 started the survey resulting in a response rate of 44%. However, only 30 respondents fully completed the survey, that is, answered all the survey questions.

The survey respondents constituted a representative sample of the nine (9) MSTs with the highest rates of response from St. Lucia (23%) Antigua (15%), and Grenada (15%), followed by St. Vincent and the Grenadines (13%). As reflected in Figure 1 below, the proportion of completed responses reflected highest participation from Antigua (20%) and St. Lucia (20%), followed by Dominica and St. Vincent and the Grenadines at 13% each.



As a reflection of the population targeted, the highest response rates for completed questionnaires were for Magistrates (40%) and Judges (37%). Responses from 'other' included: an Alternate Magistrate, a Chief Probation Officer, a Magistrate in Dominica presently on secondment at OECS/USAID in Juvenile Justice Reform Project, a Manager of a Juvenile Facility and a Director of Family & Social Services Division.

3.5. Limitations

The following is a list of constraints that affected the evaluation process:

The absence of project documents, results frameworks and reports: No comprehensive project or programme document was available describing the rationale/ strategy (intent intervention logic etc.) and the specific outputs anticipated for some of the training interventions between 2012 and 2017. As such, the consultant relied on the situation analysis included in the UNICEF PCA "Judicial Reform in the Eastern Caribbean" May 2015 to November 2016. Although the PCAs reviewed included results matrices and some indicators such as "# of Judges and Magistrates who self-report the application of children's rights to their sentencing and rulemaking", no data collection strategy had been implemented to collect the relevant data, for analysis and reporting. The lack of performance data was further compounded by the inclusion of broad objectives, in the ToR, that may not have been consistent with the specific intent of each of the training interventions. For example, objectives such as "Enhanced knowledge and skills of justice personnel on principles of women's and children's rights to increase access to justice for marginalized and vulnerable populations" suggest not only that indicators related to specific knowledge and skills enhanced would be included, but also indicators reflecting increased access to justice for marginalized and vulnerable persons.

Length of time since respondents participated: One of the constraints to the evaluation process was the significant time that had elapsed since some of the conferences, seminars and workshops. This negatively impacted respondent participation and recall. In most cases, respondents only recalled content from sessions attended over the 2016 to 2017 period. Additionally, from as far back as 2007, the JEI had conducted training related to the CRC. For example the "Juvenile Justice Seminar for Judges, Magistrates, Child Protection Officers, Probation Officers and Law Enforcement Officers of the Eastern Caribbean, Barbados and the Turks and Caicos Islands" in partnership with UNICEF, the Austrian Government and the British Embassy, took place during July 26 – 28, 2007. The seminar focused on:

- Children in Need of Care and Protection by Clementia Eugene
- Convention on the Rights of the child by Justice Renate Winter
- International Instruments in Juvenile Justice by Jean Zermatten
- Juvenile Justice – Caribbean Reality by Hazel Thompson–Ahye
- Looking after the Interests of Victims, Witnesses and Offenders by Anne Grandjean
- Reforms for Justice for Children by Margaret Nicholas
- Resilience and Restorative Justice by Justice Renate Winter
- Resolutions – Justice for Children Seminar
- Support Group for Sexually Abused Children by Elizabeth Lewis et al
- The Juvenile Liaison Scheme by Sergeant Seilest Bradshaw
- The Protection of Child Victims by Justice Renate Winter
- The Work of the Juvenile Judge by Jean Zermatten

Comprehensive interventions such as this one may have had lasting effects, however separating the effects of earlier training was virtually impossible. As such, no definitive assessment of the contribution of more recent training interventions to changes in awareness, attitude or behaviour could be made. The evaluation findings are essentially indicative contributions of interventions and cannot be exclusively attributed.

Limited response to the Electronic survey: The E-survey went live on 1st April 2018. The initial response rate was very low. Although the deadline was extended twice, six notices reminding about completion were sent combined with formal communication from the ECSC, 50 of the 113 persons responded and only 30 of respondents fully completed the survey.

3.6. Triangulation

The evaluation used data triangulation comparing data from interviews with the information obtained through desk review and the survey data to complement the findings and strengthen the evidence used to generate conclusions.

3.7. Ethical Considerations

The evaluation is guided by the United Nations Evaluation Group (UNEG) Code of Conduct for Evaluation in the UN System and ethical considerations have been assessed and addressed during the development of the ToR and research fieldwork. In accordance with the UNICEF Procedure for Ethical Standards in Research, Evaluation, Data Collection and Analysis, the evaluation design aligns with recommended ethical standards and included ethical safeguards during the implementation, including protection of confidentiality, dignity, rights and welfare of human subjects particularly children, and respect of the values of the beneficiary community.

The evaluation work involved the use of secondary data sources and reports and limited direct data collection. The findings included in the report, from the electronic survey and key informant interviews, are presented at an aggregated level (no individual information) to ensure anonymity and confidentiality of participants.

4. KEY EVALUATION FINDINGS

4.1. Programme Design and Relevance

This section of the report examines the **relevance** of the training interventions, including their design and presents findings on the extent to which the approach taken was relevant to the capacity constraints identified and the objectives ascribed to the intervention in the Terms of Reference. As no concept notes or reports for most of the training was provided on the 'design' of training programmes, the evaluation could not assess the programme design questions included in the original ToR:

- Could the training programmes be more effective and efficient if the components were designed or delivered differently?
- What worked well and why? What did not work well and why? What needs
- improvement/strengthening?

Finding 1: The human rights focused training for judicial officers was timely and relevant for the participants.

As noted earlier¹⁵, the rationale for building the capacity of judicial professionals derived from the ratification of a range of international conventions requiring drafting of new legislation or amendment of existing legislation, as well as upgrading of systems and services to ensure compliance. Despite the ratification of the CRC by all the OECS member states between 1990 and 1994, and CEDAW between 1980 and 1989, as well as agreement to the Beijing Rules and Riyadh Guidelines, among others, progress related to integrating rights principles into legal systems, social welfare services, justice systems and security facilities has been slow. USAID (2011)¹⁶ noted that UNICEF conducted extensive reviews of juvenile justice laws in the Caribbean in the 1990s and 2008 and that similar reviews have been conducted at the OECS and within member countries.

“Nevertheless, the pace of reform efforts is staggered and at times in conflict with “tough on crime” approaches to rising rates of youth delinquency. Status offenses, low benchmarking of ages of criminal responsibility and majority, punitive approaches to law enforcement, and the underfunding of juvenile justice remain persistent. As a result, Caribbean lock-ups, correctional centres, and adult prisons retain a higher than desirable number of child inmates without addressing the root causes of juvenile crime and resulting high rates of recidivism.

The political impetus to change in the Caribbean is hampered by the low level of priority often afforded to children’s programming combined with the desire of political actors to be seen as championing causes that are supported by a large population of voters. The Assessment team found that even in countries in which the national thrust for juvenile justice reform is strong, change is hindered by the high cost of implementation, slow pace of legislative reforms, and an often-fragmented approach to the administration of juvenile justice.”¹⁷

Another variable that supports the need for continuous capacity building is the requirement that judicial professionals participate in at least seven (7) days of training per year, as per international standards. Note:

“The concept of ongoing judicial education is a relatively recent phenomenon, at least in common law jurisdictions. It used to be thought that any type of training for judges was a threat to judicial independence. Now in most jurisdictions it is seen as a necessity. This shift in attitude can be attributed to a number of factors. Other professions, including the legal profession, had recognized the need for continuing education and ongoing education programmes had become commonplace. It was therefore natural for newly appointed judges to expect that opportunities for ongoing education would continue after their appointment to the bench. There had also been more specialization within the legal profession.

¹⁵ Section 3.1 of the report.

¹⁶ Caribbean Basin Security Initiative Juvenile Justice Assessment: Final Report (June 2011)

¹⁷ Ibid p. 1.

This meant that it was no longer true, if indeed it ever was, that new appointees to the bench came ready equipped with the general skills needed to perform their role. Further, the task of judging had become more complex with the emergence of new and difficult social and technical issues. Judges were also working in a climate where their work was being scrutinized more closely. Finally, it had been recognized that judge-led judicial education programmes could enhance rather than threaten judicial independence”¹⁸

This recommendation is consistent with the finding that many of the Judges and Magistrates appointed to the bench in this region, do not come with the requisite knowledge and skills for determining what is in the best interest of children, for instance.¹⁹ Feedback from the JET indicated that a number²⁰ of Judges and Magistrates who had participated in training programmes related to children and women’s rights between 2007 and 2015 were no longer serving in the region. As such, there continues to be a need for continuous training and upskilling judicial professionals.

Finding 2: The training interventions were also consistent with UNICEF’s Eastern Caribbean Multi Country Programmes 2012 to 2016 and 2017 to 2021 and relevant for partner agencies and their strategic priorities.

The proposed programme under the UNICEF Eastern Caribbean Multi Country Programme 2012-2016 included an objective that, “b) Governments have enhanced capacities to develop comprehensive systems of national policies, laws and institutions to ensure positive development and protection of all boys and girls, especially those who are income poor and vulnerable to neglect, violence, exploitation and all forms of discrimination”²¹. A review of UNICEF Eastern Caribbean’s 2015 Annual Report stated that:

“As part of continuing efforts to address violence against children (VAC) and to create new norms for interacting with children, UNICEF ECA supported governments on capacity development for key duty bearers.... Through an ongoing series of complementary processes, in partnership with the ECSC and the OECS Commission, government and opposition parliamentarians, judges, magistrates, law enforcement and probation officers became aware of i) the strengths and weaknesses of their criminal justice system for children; and ii) impacts on children’s brain development and possible maladaptation. Consequently, they conveyed greater receptivity to the need for diversion efforts and consideration for raising the age of criminal responsibility. This was evidenced in part by public declarations to raise the age of criminal responsibility from 11 to 12 years and to expressly prohibit flogging in

¹⁸ Judicial Education and Training, Journal of the International Organization for Judicial Training. Vol. 1 No. 1 August 2013. p. 9.

¹⁹ UNICEF ECSC Programme Cooperation Agreement 2015/2016.

²⁰ Specific numbers could not be obtained from the ECSC’s database.

²¹ UNICEF ECA Programme Action Plan 2012-2016

Barbados and the express prohibition of flogging in the 2015 Juvenile Justice Act in Antigua and Barbuda”²².

The interventions aimed at building the capacities of key stakeholders in the justice sector were therefore clearly relevant to partner agencies strategic plans and facilitated the achievement of key outcomes as noted above.

Finding 3: Although the Judicial Education Institute (JEI) implements a survey instrument to assess needs of the Judiciary to inform its training plan, the use of surveys to assess the training needs of judges/magistrates had methodological deficiencies.

Feedback from the JEI indicated that over the last six years, the JEI utilized a survey of Judges and Magistrates to determine the specific training needs of the Judiciary. Such an analysis would have used the feedback from Judicial Professionals based on self-assessment. This approach, though, tends to reflect the perspective of those in service.

Even though the assessments are carried out, use of judges/magistrates’ surveys instead of job task analysis is methodologically deficient. “A job-task analysis is a systematic breakdown of a job into its component parts. The goal of job-task analysis is to produce a list of tasks required to perform a particular job, and then for each task, to identify the skills and competencies needed to perform the task. This will provide a solid foundation for the design of your training. Information from this part of the analysis should be used to decide what to include in the training and determining the standards for performance.”²³ This would be followed by an analysis of specific court staff - Judges, Magistrates, Registrars, Clerks etc- to determine gaps and deficiencies.

For example, what are the specific skills, knowledge and attitudes as well as behaviours that Judicial Professionals are expected to demonstrate based on the new Family Laws/legislation? If international assessments²⁴ have noted that, since the passage of the CRC, social and institutional responses have not always been child centred as required by the Convention and have advocated child sensitive procedures and methods to ensure the child’s full-fledged participation in judicial, administrative and community-based processes, what might this require, at a bare minimum? In a region where children are still perceived as ‘chattel’, do we first need to shift mindsets about child participation? What behaviours do duty bearers need to model to encourage children’s voice and participation?

As a consequence of the above, some interventions lack context and coherence. That is, there is no articulation of how capacity building interventions are linked to complementary efforts required to achieve stated objectives. There is no articulation of how interventions are expected to contribute to behavioural changes. There is no information on how political, economic and social context issues

²² Ibid

²³ Ibid.

²⁴ UNODC “Criteria for the Design and Evaluation of Juvenile Justice Reform Programmes” Inter-agency Panel on Juvenile Justice, June 2011 and Guidance Note of the SG: UN Approach to Justice of Children.

across the OECS have been incorporated in the design of capacity building interventions. This is an area that should be addressed as a priority.

Finding 4: Workshop design and methodology, while appreciated for contents and objectives, required improvements and adaptation.

The reviewed evidence suggests that not all workshops had clearly identified objectives. Workshops where the objectives were clearly identified included:

Workshop/Conference	Objectives
<p>“Getting “Smart” on Juvenile Justice”: A Training Workshop for Judges and Magistrates of the OECS Member States Oct-Nov. 2017</p>	<ul style="list-style-type: none"> ✓ To develop an awareness and understanding of adolescent development and factors that affect youth behaviour that will inform decisions at all stages of court contact with the child in conflict with the law. ✓ Strengthen knowledge and capacity to use alternative sentencing and restorative justice practices for children in conflict with the law. ✓ Promote identification and use diversion measures proposed by the child justice legislation. ✓ Increase knowledge on international standards and effective reform measures that protect the rights of children in conflict with the law. ✓ Improve knowledge of the OECS Child Justice Bill. ✓ Facilitate feedback from judicial officers on how the working of the Juvenile Justice System in the Eastern Caribbean can be truly reformed. ✓ Advocate for support of the OECS/USAID Juvenile Justice Reform Project Phase 2 objectives and member states initiatives.
<p>Presentencing Diversion Conference 2nd to 4th December 2015</p>	<ul style="list-style-type: none"> ✓ This workshop aimed to prepare participants from select Member States (MS) of the OECS for the implementation and application of the provisions of the new Juvenile/Child Justice Act. It targeted the MS (Antigua, Grenada, St. Kitts/Nevis Dominica, Saint Lucia and St. Vincent & the Grenadines) which have already enacted the legislation and focused on the key sector groups (Judges, Magistrates, Directors of Public Prosecution, Police and Probation Officers). ✓ To expose participants to the various diversion options which can be employed under the legislation and provide an opportunity for the planning and execution at the national level. ✓ To introduce the participants to the concept of restorative justice, victim offender dynamics and the various approaches to Restorative Justice.

Some information is included under the effectiveness section related to what worked well and what could be done to improve training delivery for adults.

The participants identified the following related to improved design of the trainings:

- More handouts should be made available on some topics; impossible to write some important points

- To make more efficient use of time, background information can be circulated in advance, so presenters get straight to substance
- Practical application needed – how to process a juvenile in a particular scenario
- More interactive exercises

Interview feedback also supported the need for training to utilize more experiential methods to reinforce the specific skills and behavioural changes essential to a rights-based approach to justice. This is supported by the Report on the Presentencing Diversion Conference (2015). One of the objectives of the conference was “to introduce the participants to the concept of restorative justice, victim offender dynamics and the various approaches to Restorative Justice”. The report noted,

“The session on restorative justice, though not new to some of the participants, appeared to have a cultural fit that would militate against its implementation in a Caribbean setting in the exact manner in which it was presented. Since much of the training in restorative justice is based on role plays which given the time constraint could not be facilitated, the JRP planners recognized that further training ...would have to be facilitated by the JRP for other practitioners and persons within this group who would need that follow up”²⁵

The foregoing suggests that the building of certain skills/capabilities for judicial professionals may be more effective through a ‘learning by doing’ method, such as in restorative justice.

In addition, establishing communities of practice appears to facilitate learning. Several respondents noted that the ability to share with others and the network that emerged from the process also facilitated ongoing learning. In this regard, an evaluation of a judicial college’s education program²⁶ supported the importance of communities of practice and recommended that professional development courses and sessions should incorporate a variety of techniques and should emphasise the importance of networking and engaging in a community of practice. Literature review supports the engagement of adult learners through multiple techniques and learning communities/communities of practice. The evaluation also noted:

“Teaching methods can be reviewed for principles of andragogy — understanding how adults learn. (i) Include teaching strategies that capture (a) networking and collaborative problem-solving aspects of the training; (b) the various types of content, such as substantive law and mandated topics; and (c) techniques that capture a variety of learning and presentation styles (e.g. responders, small group discussions, Q&A and case examples). ii. Teleconference is an acceptable strategy for professional development courses, for certain types of course content. iii. Listening and learning from others/ other counties is effective.”²⁷

²⁵ Report on Presentencing Diversion Conference, 2nd -4th December 2015, p. 5.

²⁶ “Impact Evaluation of Judicial College Education for Juvenile Court Judicial Officers”, Anna O’Connell and Joy Edington in *Judicial Education and Training: Journal of the International Organization for Judicial Training*, Vol. 1 No. 1, August 2013.

²⁷ Ibid.

Key informants interviewed during the evaluation suggested that lectures were not as effective as techniques focused on learning by doing. Others suggested that training interventions could be improved by:

- Continuous refresher training on human rights implications re judicial practice;
- The provision of a manual, compendium on best practices and check lists for dissemination to all persons involved with juveniles along the spectrum of the justice system, especially new entrants;
- Increased training for all key stakeholders across the system and within the courts;
- Inclusion of contrasting real life videos of interactions by juveniles in the judicial system, including interactions with police and administrative staff, to demonstrate best and bad practices
- Include more case law from other jurisdictions

4.3. Effectiveness

To reiterate, the specific objectives of the training programmes aimed to:

- Enhance the knowledge and skills of justice personnel on principles of women's and children's rights to increase access to justice for marginalized and vulnerable populations;
- Facilitate access to social, safety and justice services that are more respectful of their rights and participation;
- Improve the quality of interactions between children and stakeholders by implementing standard operating procedures and new procedures tailored to children; and
- Develop the capacities of courts to integrate women's and children's rights principles.

Keeping in mind the methodological and information constraints described in the sub-chapter "Limitations", this chapter of the report will assess the extent to which training objectives were achieved as well as mitigating factors affecting effectiveness using the Kirkpatrick model:

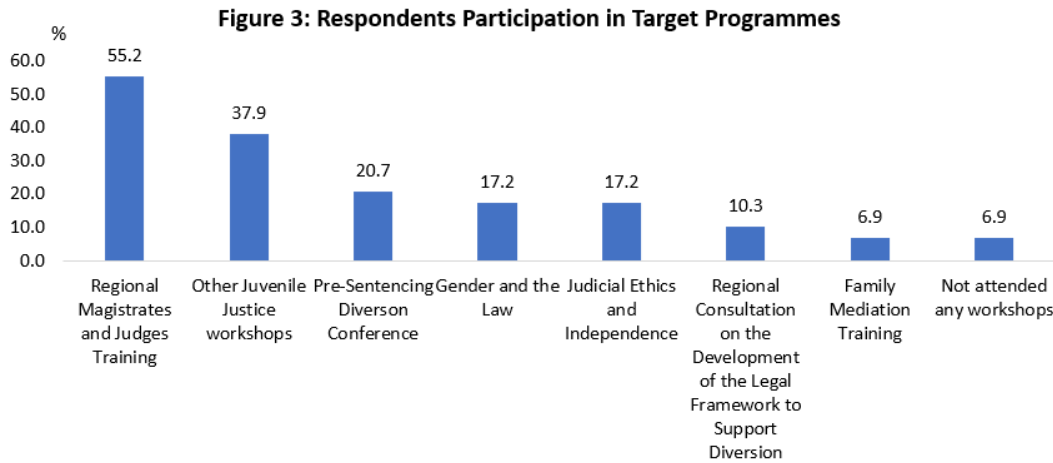
Level 1 – Reaction: How did participants react to the program?

Finding 5: There was a high degree of satisfaction with the content and delivery of training interventions supported by UNICEF, ECSC/JEI and USAID/OECS, with the participants expressing appreciation with the capacity building interventions and indicating that their expectations were met.

A sample of training workshops was selected for inclusion in the e-survey. Participants were asked whether they participated in any of the following conferences:

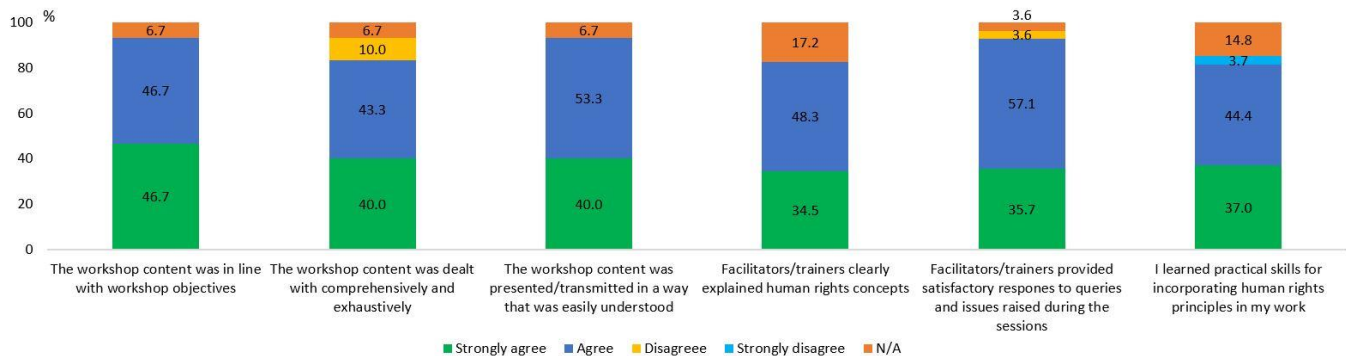
- Regional Magistrates and Judges: Training in Juvenile Justice Reform (Oct. Nov. 2017) St. Lucia
- Family Mediation Training (3-7 April 2017) Antigua
- Pre-Sentencing Diversion Conference (December 2015)
- Regional Consultation on the Development of the Legal Framework to Support Diversion (August 2013)

- Gender and the Law Magistrate's Conference (2012)
- Judicial Ethics and Independence, Coroner's Jurisdiction (2014)



Most respondents (55%) recalled attending the Regional Magistrates and Judges: Training in Juvenile Justice Reform (2017) and 38% indicated that they attended juvenile justice workshops but not any on the list. 20% of respondents recalled attending the Presentencing Diversion Conference held in 2015, followed by the 17% who recalled the Gender and Law (2012) and Judicial Ethics (2014). Asked to rate the quality of the sessions they attended, almost 90% of respondents strongly agreed/agreed that the workshops' content was in line with workshop objectives, the content was dealt with comprehensively and exhaustively, the content was presented/transmitted in a way that was easily understood, facilitators/trainers clearly explained human rights concepts, facilitators/trainers provided satisfactory responses to queries and issues raised during the sessions, and that they learned practical skills for incorporating human rights principles in their work.

Figure 4: Respondent Satisfaction Rating of Workshops Attended



This feedback is supported by the findings included in specific workshop evaluation reports. Feedback from the 2017 Juvenile Justice for Judges and Magistrates Evaluation report determined that:

- Three quarters of respondents strongly agreed that overall the session was a positive learning experience. When amalgamated, about 94% agreed or strongly agreed that the training was positive.
- Roughly 91% of participants felt that they identified ways to build on their current skills and knowledge with 50% of the opinion that this was achieved to a high degree.
- About 94% of respondents thought that the training assisted them with improving their discretion and decision making in dealing with children coming into conflict with the law; 66% felt this occurred.
- The facilitators were considered knowledgeable and skilful by a notable 94% of respondents with 56% of participants regarding them as highly knowledgeable and skilled.
- 84% also felt that the facilitators had good presentation skills with 34% categorising them as highly skilled presenters.
- 84% of participants felt that the handouts were relevant and useful with about half of that number classifying them as highly relevant and useful.
- Together, 88% thought that the venue was suitable or comfortable; out of these, 59% agreed and 28% strongly agreed.

Participants were asked whether the following workshops/seminars/conferences met their expectations:

- Regional Magistrates and Judges: Training in Juvenile Justice Reform (Oct. Nov. 2017)
- St. Lucia
- Family Mediation Training (3-7 April 2017) Antigua
- Pre-Sentencing Diversion Conference (December 2015)
- Regional Consultation on the Development of the Legal Framework to support Diversion (August 2013)
- Gender and the Law. Magistrate's Conference (2012)
- Judicial Ethics and Independence, Coroner's Jurisdiction (2014)
- I attended other Juvenile Justice related training but not those above
- I have not attended any of these training programmes

The majority (85%) of respondents indicated that the sessions were consistent with their expectation and helped them understand implications of new legislation, approaches to diversion and supported sharing of experiences across the nine (9) MSTs. A sample of responses are detailed below regarding expectations:

“To gain knowledge and information on the laws relating to juvenile offenders and children, understand their needs and how they should be treated within the criminal justice system. To gain knowledge and understanding of international standards and guidelines relating to juveniles, and to adopt best practices and alternative sentencing measures to deal with juvenile offenders.”

“Alternative approaches to sentencing of young offenders and the role of the child in that procedure. Strategies to implementing same. Expectations were met.”

“In the Oct-Nov training I facilitated and helped organize on behalf of JJRP11. In the other four I ticked I am not certain if I attended the August 2013 training. As a Magistrate dealing with Juvenile and family matters all these trainings were of benefit to me as I gathered useful information and was able to share experiences with colleagues. In the future I suggest that the surveys be sent at most one year after the training not lumped together and in one case 6 years after if the responses are to give a true picture”.

“My expectations were to have better knowledge as to how the system functions and to establish a framework for all entities to synergize in the best interest of the juvenile”.

A small proportion (10%) of respondents stated that their expectations were only partially met and noted that resource challenges back in their home countries did not support implementation of some of the new approaches:

“I expected to learn of the reforms in juvenile justice and how they were proposed to be implemented. Yes by and large the expectations were met however no tangible progress has been made on the ground since.”

“I would say that to an extent my expectations were met, but upon returning home the resources for implementation were not in place.”

“Expected that the amendments in the Child Justice Bills would have been completed it was not.”

“Expectation was to learn new approaches of dealing with juveniles. I am of the view it was met to a certain extent.”

These findings were supported by feedback in specific conference reports including the AJC 2015, the Juvenile Justice Workshop for Judges and Magistrates (2017) and the Pre – Sentencing Diversion Conference (2015), among others.

Regarding the study tour to Trinidad and Tobago’s Family Court, the PCA Progress Report 1 (July to September 2015) indicated five persons comprising High Court Judge, Crown Counsel in the Attorney General Chambers, Deputy Court Administrator ECSC, Court Administrator High Court Antigua and Senior Clerk Magistrate Court Antigua toured in 20-25 July, 2015. Six persons comprising the Minister of Social Development, Magistrate, Registrar, practicing Attorney, Architect and Chief Welfare Officer (ag) toured in April 4-8, 2016. Each of the participants noted that the experience was ‘transformative’, an ‘eye opener’ and completely re-oriented their understanding of how a ‘Family’ centred court system should function including the physical environment, the specific capacities required by all staff, the range of staff required to support the court, the systems for case management and the need to ensure a child/family friendly atmosphere. More about the impact of the study tour will be discussed in the Effectiveness section of the report.

Level 2 – Learning: To what extent did the participants improve knowledge and skills and change attitudes as a result of the training?

Finding 6: The interventions appeared to support overall sensitization and understanding of key juvenile justice principles and guidelines, which have been internalized by some persons targeted by the training interventions resulting in certain changes in behaviour.

The respondents were asked if they recalled any principles of juvenile justice, and if they did, they should indicate those they recalled. 70% (21) revealed that ‘the best interest of the child’ was the most significant principle that they recalled, followed by the need to use diversion approaches. Feedback from the remaining third or 30% (9) of respondents indicated that they did not recall any juvenile justice principles. A sample of the specific feedback is reflected below:

“That every child has a right to be heard and their views should be respected and to receive a fair trial. That children should be treated differently from adults in the criminal justice system, and there should be diversion measures and alternative sentencing which focuses on rehabilitation for juvenile offenders”.

“Best Interest of the child is paramount for any policy or action in relation to a child in conflict with the law (child according to CRC definition); non-discrimination; dealing with their matters in a timely manner; imprisonment or detention should be a measure of last resort for the shortest possible time; no cruel, inhumane or degrading treatment; participation in the process;”

“intervention without judicial proceedings ensuring fairness, re-offending and accountability the right to be heard, best interest of the child”

“Generally, to divert children and young people away from the criminal justice system so as not to criminalize them but to rehabilitate. But to also hold them accountable.”

“There is a difference between bias and prejudice. If you know your biases but do not let them prejudice you, you can better uphold rights of defendants before you.”

Respondents were also asked if they recalled any international guidelines relevant to juvenile justice, 50% (15) respondents could not recall any international guidelines while the remaining 50% (15) generally recalled the UNCRC, followed by the Riyadh Guidelines and Beijing Rules.

Level 3 – Behaviour: To what extent did participants change their behaviour back in the workplace as a result of the training?

Finding 7: New skills and knowledge gained has helped them to introduce rights-based approaches to adjudication and other measures, though these have been limited by the lack of supporting legislation and support systems.

In most cases, respondents noted ways in which they have tried to demonstrate internalization of child friendly practices including how they interact with children, understanding the need to clarify and educate the court's clients and facilitating the right of children to voice their issues/concerns and participate in the process. The following are instructive:

“Adoption of a more patient and less stern and rigid demeanor as a judge. To create a more friendly and relaxed atmosphere in the court room so that children who appear before the court either as offenders or victims feel more relaxed and are able to give their evidence. To empower them and give them a voice and ensure they are provided with legal representation and their social and psychological needs are met by requesting evaluation and other professional intervention where necessary. Use of special measures where available that will enable victims of crime to be able to give their evidence without fear or intimidation”.

“I have left the training with a better appreciation of the need to cater to the needs and expectations of litigants, witnesses and other court users to make their experience with the court a more user friendly, informed and satisfying one. In this regard, I am more alive to the need to provide more detailed information to the court's clients, regarding what the processes entail and also more amenable to getting input and feedback from them, even when they are represented by counsel.”

“The skill I mentioned above was important. Now instead of looking outward at the litigants only, immediately after meeting them I examine myself for what biases I might have toward them and prepare to refrain from prejudice toward them.”

Several respondents noted the challenges with trying to implement some of the new knowledge gained, including diversion, noting that the supporting systems are generally unavailable to support these new approaches.

“Skills and knowledge, I have, but don't have empowerment or support to do so”

“In the absence of legislative empowerment, I have asked the police to try implementing diversionary measures in some instances to avoid certain trivial juvenile matters coming before the court.”

While the observation was not included in the methodological proposal contained in the Inception Report, during the evaluation missions, the Consultant took advantage of the opportunity to observe sittings of the Family Court in St. Lucia and Antigua and Barbuda and the Juvenile Court in Grenada. The following observations were made:

- The demeanour and approach to clients of the courts was markedly different. The consultant noticed that some courts appeared to be sensitive to the clients before them and made every effort to directly hear the client, even where an Attorney was present, that is they questioned the client directly; while in the disposition of the care and protection cases the level of inquiry was somewhat superficial.
- The experience in Grenada²⁸ was particularly enlightening. The Magistrate's tone, manner and general interaction with clients, parents and support staff in the court was intended to support an environment of mutual respect and trust in the process. Support staff including the Probation Department, Legal Aid and Counselling, Coordinator of Alternatives (Diversion) Programme, Ministry of Education (Substance Abuse Prevention Unit) were all present to provide required feedback in relevant cases and appeared to have an excellent rapport with the Magistrate. In each of the cases²⁹ observed, the Magistrate had clearly reviewed the files and took the time to question all parties concerned, particularly the accused juveniles. In all the cases, the Magistrate showed sensitivity to the circumstances of the individuals involved³⁰, made every effort to hear from the accused, explained to them how a conviction would follow them the rest of their lives and explored options for diversion programming. In one particular case, a Grandmother was insistent that the 15-year-old should be sent to the Bacolet Juvenile Centre, even though he had not committed an offence warranting a custodial sentence. Despite a great deal of pressure from the Grandmother, the Magistrate indicated that she believed the child deserved a second chance. In this, and several cases, the Magistrate called the child aside and spoke to them privately. Cases were only completed when the views and opinions of all concerned were considered.

Asked, "to what extent have training sessions/workshops on juvenile justice made a difference in how you perform your job?", most respondents 60% (18) indicated that the sessions were very beneficial to their performance.

"The training has made me more sensitive to the needs of children and juvenile offenders within the criminal justice system. To ensure that all child offenders are provided with legal representation. To ensure that child offenders receive psychological and social support such as counselling and other forms of intervention at an early stage of the process. To ensure that child witnesses are able to give evidence in an environment that is comfortable and that they have the necessary support and facilities to do so in the form of special measures and social support services".

²⁸ The Evaluator also spent 2 hours in the District 1 Court, allowing time to observe adjudication of several cases.

²⁹ Six cases were dealt with between 9.30 and 11.00 am. The court was recessed for a brief time to consider urgent bail applications for adults and resumed at 11.30.

³⁰ In several cases, juveniles before the court had remained in form 1 for three years; a frustrating and humiliating experience that contributed to their delinquency.

“Enhances my awareness of the proper way to deal with children. I realized what we have been doing in the past is wrong and a change will lead to a reduction in number of cases juvenile who are in conflict with the law.”

“They have allowed me to become aware of what needs to be taken into consideration when dealing with juveniles and gave me the confidence to apply them”

“It has influenced my treatment of cases in the absence of legislation to support many articles and rules of the international instruments. It also inspired me to be an advocate for reform.”

“I am more alert to the emotional and mental challenges facing juveniles, attributable to their under-developed thinking capacity; and their inability to process problems and everyday situations in a mature fashion. I am more inclined (post training) to explore wider options to facilitate a more engaging interaction (from inception to resolution) with juveniles caught up in the justice system.”

“It was a great reminder of principles which were already known but the medical presentation was particularly illuminating, and I was happy to learn of the practical options which were available”

In addition, respondents in areas such as social services and probation indicated that the training supported re-orientation of their thinking on how they interact with juveniles:

“The focus is on the care and wellbeing of the juvenile and ensuring that policies and practices are in line with those: Complaints policy, Resident Meeting, Resident input in reports being written on/about them among other things.”

“Personally, it has propelled me to study deeper on the issues of Child Rights. I was the Principal Probation Officer and I ensured that I equip myself with the necessary skills to inform in this area (Child Justice) to a point where I am now the Director that can inform to policy changes in regard to children and youth”

One key informant indicated that the various human rights conventions including the UNCRC, CEDAW and others were increasingly cited in judgements of the High Court in the region. A keyword search of the ECSC website indicated a little over 12 cases that referenced Human Rights conventions, agreements and guidelines, however the evaluation did not probe further to determine the extent to which training interventions contributed to the citing of human rights related clauses in these judgements.

Although the sample of respondents may represent the best-case scenario³¹ regarding the effectiveness of training interventions to date, the feedback certainly suggests that some of the key rights principles have resonated with some participants and bodes well for sustained capacity building in this area.

Level 4 – Results: What organizational benefits resulted from the training

Finding 8: Participation in the Study Tour to Trinidad and Tobago’s Family Court and Children’s Authority was considered instrumental to the design and implementation of several interventions related to establishment of the Family Division and related services in Antigua and Barbuda.

Two Study tours to Trinidad and Tobago’s Family Court and Children’s Authority were conducted from 20-25 July 2015 and April 2016. In July 2015, five persons comprising High Court Judge, Crown Counsel in the Attorney General Chambers, Deputy Court Administrator ECSC, Court Administrator High Court Antigua and Senior Clerk Magistrate Court Antigua participated in a tour of Trinidad’s Family Court, followed by a six-person contingent comprising the Minister of Social Development, Magistrate, Registrar, practicing Attorney, Architect and Chief Welfare Officer (ag) in March 2016. These appeared to be the most effective interventions, based on the impact on participants and the subsequent utilization of lessons in the development of infrastructure, systems, processes and capacity building for the model Family Division in Antigua and Barbuda. The following feedback reflects the lessons learned and applied since participating in the study tour:

- a) Participants deemed the experience ‘eye opening’, ‘transformative’, ‘inspiring’, ‘convincing’ and indicated they ‘learnt what to do and what not to do’. The general consensus from all study tour participants was that before the tour, they had a fair understanding of what was required for establishing a Family Court, or in their case a Division³², however the reality was much more than they had envisaged.
- b) First of all, they were struck by the **atmosphere/environment** which seemed designed to facilitate the comfort and participation of clients. The setting for the hearing of matters (conference room styled courts) significantly reduced the intimidation factor of the traditional court process. One participant indicated that at first, she was uncomfortable with that setting since she was accustomed to sitting at the bench. However, she understood during the study tour how intimidating the traditional setting was to children. She shared a recent experience in which she had made an error on the Order she had written regarding a family matter related to the names of the parties, only to be subsequently alerted by the clerk that the wrong names were on the order. When she asked the parties why they did not speak up, the response was that they did not know who she was talking about but were afraid to say anything. This drove home the extent to which even adults are intimidated in the Court.

³¹ The willingness of the 30 persons to participate in the survey suggests an interest in the area and a level of commitment to making changes.

³² Master Christie Ann Morris Alleyne had completed a strategic plan for establishing Family Courts in Antigua and Barbuda and Grenada in 2012.

- c) Participants noted the **layout** of the ground floor was almost like that of an assembly line following the natural progression of a matter from initial filing to listing and ending with the accounts department and cashier windows which were close to the exit of the building. They were impressed by how seamlessly the staff of both the Magistrates' Division and High Court Division of the Family Court appeared to work together

- d) The emphasis on **Customer Service** was a striking feature. Clients, on entering the facility, were referred by a Customer Service Representative to an Intake Officer where persons could receive counseling or be directed to other social services including legal aid. Access to family support services was an essential feature of the Family Court and was a distinguishing characteristic compared with other Divisions of the Court. Since the study tour, the Family Court Magistrate has engaged staff in customer service training ensuring that all staff have an appreciation of how to interact with clients and have a basic understanding of the legislation. The Director of Social Services was engaged to conduct a session on dealing with vulnerable persons and the Court's First Open House was held in August 2017. During the Open House, persons were invited to come to the Family Court and were informed about the functions of the court and services offered. In addition, the Magistrate developed a manual to explain how all the Court's services operated and could be accessed.

- e) In the **accounts department** the most notable feature of the system was that the beneficiary of a maintenance order could receive payment in cash immediately upon payment of those monies into the Court. Further, that monies uncollected over a three (3) month period were deposited into an interest-bearing account in the name of the beneficiary. Each customer had an accounts ledger card on which the terms of the maintenance order were noted, and payments were recorded which provided easy reference for enquires regarding compliance with the maintenance order. This system was a significant improvement over the current system in Antigua and Barbuda which still utilizes antiquated ledgers for recording payments. There are no separate files for persons which creates issues for the large contingent of self-employed and seasonal workers. Based on the Trinidad experience, the Magistrate was convinced that the system could be improved and sought training for the staff in the GEMS system, however half of the staff that were trained have since been transferred.

- f) Another key feature was the **security system** for the Family Court. From the time persons entered the Court they were scanned through a metal detector, bags were scanned by an x-ray machine and cell phones were strictly prohibited. In the Court room, an access code was used to enter, and a buzzer was available for the Magistrate. Again, this was very different from the Antigua situation; no security checks are done. The Magistrate noted that the design of the Family Division in Antigua and Barbuda, would require far greater emphasis on security than currently exists, to ensure the security of judicial officers and customers, as family matters tend to be highly emotionally charged and may involve parties who may have previously exhibited criminal or other anti-social behaviour. All reasonable measures would need to be taken to mitigate this inherent security risk.

- g) The **File Storage System** was also noted as an improvement that would need to be adopted. It was observed that an electronic filing system was used which lends itself to greater efficiency in the management of cases. Files were stored in a vault with members of staff specifically dedicated to the generation of case files and monitoring the movement of those files. The system utilized was obviously highly organised and staff appeared well-trained and proficient in the execution of their duties. After her return, the Magistrate tried to re-organize the filing system including colour coding of matters. In December 2017, the Antigua Family Court successfully secured a Court Recording System and Printer with the financial support of the ECSC. This has facilitated the printing of final Orders that are given to both parties related to a given matter.
- h) Another major highlight of the study tour was the visit to the **Children's Authority**. Participants were 'blown away' by the functioning of the authority, the level of support staff available and specifically dedicated to children's issues and the systems to support investigation of child sexual abuse for example. The 24-hour hotline service where complaints were received and investigated and the fact that the Authority had its own team of attorneys-at-law who prosecuted applications on behalf of the Authority, before the Court, were also noted.
- i) The Architect contracted to design the Family Division facility, noted that the Family Court team in Antigua had been unable to provide prior guidance regarding the issues that needed to be considered in the design of the space. Therefore, the study tour experience provided concrete evidence of what to do as well as what could be improved upon. As noted earlier, the 'child friendly' environment was instructive and informed the inclusion of play spaces for very young children in the design. Noticing that the Maintenance Section was a significantly crowded area of the Family Court, resulting in people obstructing the entrance to the facility, the Architect noted that in her design she included separate entrances for Maintenance matters, Hearing Dates, Intake, Magistrates and Judges and Court staff. Recognizing the stressful nature of the Court matters, the design also incorporates a protected outdoor space as well as an internal courtyard conceptualised as a 'green space' for staff. On the other side of the building, another interior courtyard for children was also designed, as well as a separate space for teenagers. To ensure optimal use of the high ceilings in the old parliament building identified for renovation, the space will be split allowing for establishment of an archive on the upper level.
- j) Participants also noted the extensive support available to both the Family Court and the Children's Authority, especially the dedicated social workers and other key support staff. The comprehensive systems for treating sexually abused children underlined the need to have similar systems on stream in Antigua. The vagaries of small societies where, "... everybody know yuh business before you leave the hospital"³³ means that privacy and confidentiality must be built into the system.
- k) The Registrar of the High Court noted that much of the focus had been on transforming the Magistrate's Court and less on the High Court. The study tour increased her knowledge of how the Family Division incorporating two jurisdictions (Magistrate and High Court) could

³³ Key informant.

function. She noted that based on the visit and the 2012 assessment completed by Master Christie-Ann Morris-Alleyne, she was able to develop job specifications for the staff required to support the High Court jurisdiction of the Family Division.

Enabling and constraining factors

Respondents cited several enabling and constraining factors that supported and/or hindered their ability to integrate juvenile justice principles into their work processes and procedures.

Finding 9: The respondents highlighted enabling factors that supported their ability to integrate juvenile justice principles such as the passing of relevant legislation and knowledge gained in training.

The primary variables cited were the impact of the new legislation and training interventions conducted:

“The knowledge gained on child development and mental issues will enable me to understand how this affects the behaviour of children who offend. Also knowledge of the international conventions and guidelines and understanding the needs of children and the need for diversion and alternative sentencing will enable me to adopt a new approach to juvenile offenders and child victims and witnesses.”

“The Juvenile Justice Act 24/2012 and the recognition of the Government of Grenada of the importance and need to have juveniles treated differently from adults”

“The Government has provided the infrastructure to make integrate juvenile justice guidelines into the system. We have a number of trained probation officers and a Correctional facility for juveniles in our efforts to rehabilitate them. Probation officers provide wrap around services for those outside the correctional facility.”

“1. The increased knowledge of the positive impact such an approach would have on the system. 2. The unceasing efforts of the Chief Justice, the Chairperson and staff of the JEI and their partners in providing training in this area. 3. The government's commitment to facilitating the endeavours by making training accessible. 4. The practical recommendations to achieve this without significant financial outlay are all factors which make this possible.”

Finding 10: The respondents noted negative public perception of restorative justice, lack of supporting legislation, rules and guidelines, limited or no buy-in by relevant actors, among other issues, that hinder efforts to integrate juvenile justice principles.

Respondents were asked about any factors that hindered their ability to integrate juvenile justice principles and many noted the delays in passing and/or enacting the Juvenile Justice legislation, development of related rules. Limited buy-in of stakeholders, challenges related to the mindset of justice sector professionals as well as the population and availability of comprehensive diversion programs and facilities for juveniles. The following are instructive:

“Lack of child rights legislation. Lack of adequate legal aid which provides for legal representation of children. Lack of facilities for special measures for use in the courts. Lack of proper support for psychological assessment. Lack of diversion, and adequate social and rehabilitation programmes”

“The training received while helpful would provide little practical effect if the relevant actors: prisons, prosecutors, probation etc do not have similar information and there is no strategic intervention methodology”

“Magistrates are creatures of statute and must be guided by the written law. In the absence of certain empowering legislation, the magistrate is limited in options that are available which is often inadequate.”

“Lack of a secure residential treatment facility. Inadequate numbers of child psychologists, psychiatrists, counsellors and social workers”

“The inability of some persons to separate their personal feelings from their profession; square pegs in round hole and no empowerment from those in charge for one to use their initiative”

These sentiments were also expressed by judicial professionals and key informants during the evaluation missions. For example, several key informants identified the resistance of the public to the idea that children have rights, as this is perceived as giving children ‘power’. The influence of religious leaders on this thinking was also cited as a factor in these deeply religious societies. Resistance to rights principles was also cited in the education, health and protective (Police) services sectors.

Respondents also noted the important support provided by the Probation Officers in some jurisdictions. It is interesting to note that several of these enabling factors were also cited as obstacles to incorporating juvenile justice principles. For example, while Probation Officers have made

substantial efforts to support diversion in some jurisdictions (St. Lucia), they have been less likely to support pre-charge diversion in others. The Child Protection Authority in Grenada noted that Probation Officers in Grenada insisted that they could not treat with a juvenile until after he/she was officially charged. This is clearly contrary to the arrangements included in the Child Justice Act. As a result, pre-charge diversion has not been possible. This situation may be due to lack of knowledge or understanding of the Child Justice Act which was only in force in February 2016. The other concern is the limited numbers of Probation Officers available to the Courts in each state. The number of available officers is insufficient to address the caseload from the Courts leading to delays in case disposal due to incomplete assessment reports, for example.

The inadequate human resources in this area also impacts the extent to which the Court can utilize restorative justice approaches such as community service. This requires supervision by the already overextended Probation departments.

Finding 11: Training activities were hindered by several factors outside the control of UNICEF or the ECSC including resource constraints in OECS countries related to effective implementation of the model legislation, low priority accorded women's and children's issues and limited support from key stakeholders.

As noted earlier, the scheduling of training interventions was predicated on the assumption that model Family legislation would be enacted and operationalized through supporting rules, regulations, systems, services and upgrade and/or establishment of required facilities, among other things. Antigua and Barbuda was identified for piloting the establishment of the Family Division based on their level of readiness. Interventions were also predicated on the assurance that OECS MSTs were committed to pursuing identified reforms and were therefore likely to allocate the necessary budgetary resources needed.

“Access to sufficient funding to implement all the training and awareness programs needed to sensitize the public in general of child care issues. Need to access funding to equip the High Court and Magistrate's Court with up to date technology for the protection of all child witnesses. In addition, where necessary Legislation will need to be updated and revised to improve the overall effectiveness of achieving juvenile justice on the island.” (Montserrat)

In practice, many of these assumptions did not hold, consequently, the effectiveness of training interventions has been stymied by factors outside of the control of partner agencies.

Finding 12: By far, the most pressing challenge to facilitating access to justice by vulnerable and marginalized groups, especially children, is the lack of legal representation. This was identified by all stakeholders and a range of human rights reports, as an issue requiring urgent attention.

Articles 37, 39 and 40 of the UNCRC each reflects children's rights with respect to the juvenile justice system. The right to legal representation is specifically mentioned at:

Article 37 (d) Every child deprived of his or her liberty shall have the right to prompt access to legal and other appropriate assistance, as well as the right to challenge the legality of the deprivation of his or her liberty before a court or other competent, independent and impartial authority, and to a prompt decision on any such action

Article 40 (b) (ii) To be informed promptly and directly of the charges against him or her, and, if appropriate, through his or her parents or legal guardians, and to have legal or other appropriate assistance in the preparation and presentation of his or her defence; (iii) To have the matter determined without delay by a competent, independent and impartial authority or judicial body in a fair hearing according to law, in the presence of legal or other appropriate assistance and, unless it is considered not to be in the best interest of the child, in particular, taking into account his or her age or situation, his or her parents or legal guardians;

Access to legal representation is acknowledged to be in the best interest of the child and is also incorporated in the model legislation for the OECS including the Child Justice Bill. At the same time, the lack of legal representation was identified, across the board, as the single biggest impediment to accessing justice by the vulnerable and marginalised. The issues raised relate to the high cost of legal representation, the limited availability of legal aid, limited services provided by legal aid where available, weak government/state support for ensuring legal representation and the quality of legal presentation provided by attorneys in some jurisdictions.

It is widely acknowledged that the justice system is intimidating to adults, much less children. This situation is exacerbated for poor persons (adults and children) who not only lack legal awareness and knowledge but also face challenges related to literacy/limited education, powerlessness and limited access to financial resources. The most vulnerable are the most in need of legal representation and the least likely to have the benefit of the same. States that have ratified the CRC and a series of Human Rights and Agreements are aware of the implications of these conventions and have largely tried to incorporate mechanisms to fulfil key principles such as providing access to legal representation where persons are unable to pay. That said, many of these mechanisms are in adequate.

Antigua and Barbuda has operated a Legal Aid and Advice Centre (LAAC) since 2002. The LAAC offers advice and assistance to persons who cannot afford to pay the full legal cost of a lawyer in private practice. The Service is not free. There is no absolute entitlement to legal aid. Assistance is based on need, circumstances and available resources. The programme therefore tries to ensure that those who can afford to contribute towards their legal cost do so. Once an application is made, it is processed, and applicants are subsequently informed as to whether they qualify for help, and what contribution if any, may be required. A standard processing fee of \$50.00 is requested, as well as a reasonable charge for the legal service rendered. The non-refundable processing fee may be waived in certain circumstances. With legal aid, clients pay for their disbursements. If the client can contribute to their matter based on their application, then they are assessed at a per centum of the Legal Aid list of fees for the matter - which is less than the current average Bar fees.

In **Grenada**, the Legal Aid and Counselling Clinic (LACC) is funded by a small government subvention and provides support programmes (diversion) and advice but no legal representation. As such,

families still need to have resources to ensure that children are represented in court. Unfortunately, this is rare and most clients that come before the Juvenile Court do not have representation. One initiative established by Cabinet Decision dated 17 July 2017 to address the issue, included payment by the Ministry of Legal Affairs to lawyers representing poor juveniles. Although the system was initially effective, the Ministry's failure to pay legal fees has compromised the credibility of system and attorneys stopped providing services.

Feedback from one key informant indicated that the quality of services provided by attorneys in **Grenada** was superficial at best. Often, the attorney's first meeting with the client was in the court room, just before appearing before the Magistrate. Attorneys often appeared to have little to no knowledge about the matter and often proved ineffectual on matters that could be dismissed based on the spurious nature of charges.

In **St. Lucia**, Legal Aid was established in November 2011 and was only staffed with a Director for five years. As a result, very little was achieved in that period, in terms of providing representation. In the last year and a half, an additional Attorney was procured. As a result, one attorney attends Court while the other manages client applications/advice at the office. The office now overwhelmed with referrals as the Judiciary has become more aware of the existence of the service. Over the last year the office received over 500 walk-in clients.

Montserrat noted that one of the major challenges is the absence of Legal aid. This is vital so that children from lower income families are not disadvantaged when they must answer to sometimes serious charges in the Justice System.

Finding 13: Access to justice is a substantial challenge for vulnerable populations such as persons with disabilities, LGBTQI groups, the elderly and persons living with HIV/AIDS. Intersectionality of these with poverty and a hostile culture means that there is no path to justice for these groups.

During the missions to St. Lucia, Antigua and Barbuda and Grenada, key informant feedback suggested the need to assess the extent to which the justice sector facilitates access to justice to groups treated as invisible (persons with disabilities and elderly), and those who are stigmatized and discriminated against as a result of their sexual orientation and health status. For these groups, the barriers to justice begin within the home and community. The following issues were raised:

- Persons with disabilities, including children are generally treated as if they are invisible. Historically and culturally, persons with disabilities are kept at home and hidden from the community. Their sole point of contact may be their primary caregiver who may have complete control over their wellbeing. In the instances where children with disabilities are abused, what are their avenues for redress? Who can they contact, assuming they have the capability to communicate what is happening to them? Even if they were able to access the relevant service/personnel, who would take care of them, given the dearth in places of safety for children generally, much less any catering to those with special needs. Children with learning disabilities also face challenges due to parents who are too ashamed to acknowledge that their child is a struggling learner and needs support. Feedback from

Grenada indicates that when the Special Education Division makes recommendations for children who need help, the final decision rests with Parents. Failure of Parents to act should constitute neglect, however there are no systems for addressing this;

- Similarly, feedback from GrenCHAP suggests that LGBTQI youth in Grenada are abused within their homes by primary caregivers. Fear and shame guarantee that abused children, youth and young adults do not report abuse. In their experience, GrenCHAP noted that the Police are uninterested in taking reports related to same sex abuse. Young men who have been assaulted do not report the abuse considering the stigma and discrimination.
- Discrimination also characterizes the health system in many countries including the refusal of health professionals to conduct examinations or treat persons identifying as gay;
- Similar discrimination also characterizes the education system and is reflected in the resistance of teachers to teach components of the HFLE curriculum related to reproductive health.
- Differently gendered are perceived as psychologically damaged or possessed.

Ensuring the rights of all means that professionals in all sectors require education on separating their personal beliefs from their job performance. One informant noted that cultural and religious bias is a real issue that affects equal access to justice, "...when Judges come into the workplace they do not become different people...professionals must be made aware of their biases; we live in a society guided by rules and regulations. Human rights are recognized globally...we must work and live within this".

Finding 14: A key objective of the training interventions was to facilitate access to social, safety and justice services that are more respectful of women's and children's rights and participation. The extent to which social, safety and justice services can be deemed more respectful of women's and children's rights and participation is mixed.

As noted earlier, assessing the achievement of objectives requires that specific and relevant indicators reflecting the anticipated outcomes would have been developed. Further, that a data collection strategy including baseline information, target performance and the related data collection approach would have been established. There was no information indicating that such systems were developed or implemented. As a result, assessment regarding the integration of women's and children's rights and participation in 'social, safety and justice services' is virtually impossible. Proxy indicators of 'respect for the rights of women and children' may include any specific, changes or amendments to procedures related to a more sensitive interface between the aforementioned programmes for women and children or the extent to which new systems or mechanisms have been designed and implemented to address the specific needs of these vulnerable groups.

Feedback from **Grenada** indicated that the Magistrate in Juvenile matters attempts to support the giving of evidence of sexually abused children by asking the child to turn around rather than face

the perpetrator. However, the fact that victims and perpetrators must be in the same room while the child gives evidence is clearly contrary to the CRC principles incorporated into the Juvenile Justice Act (2012). Such an experience is not in the best interest of the child and was cited as one of the reasons for lengthy delays in matters as the child is afraid to testify.

The Juvenile Court in **Anguilla** has implemented the use of Assessors, as provided for in legislation. Assessors always sit with Magistrates when the Juvenile Court is convened to ensure that the rights of juveniles are protected and respected at all times.

Video linked testimony by children in **Montserrat**: "All children and child victims are usually questioned via video link especially in sexual offences cases and in many cases the direct questioning of these witnesses is recorded on video. Child accused persons are also usually interviewed via video after the consent of a parent or responsible adult is obtained and the interview is always recorded in the presence of a responsible adult if consent is obtained. Child accused persons do suffer some disadvantage however if they are not legally represented at trial as they would be very unfamiliar with court procedure and process."³⁴

³⁴ Written Response from Montserrat Bar Association

5. CONCLUSIONS

5.1. Design and Relevance

Overall, human rights focused training of professionals allied with the Judicial sector was not only relevant but also critical to supporting reform of the system of juvenile justice. Increasing knowledge, awareness and sensitivity of justice sector professionals to the implications for the sector of international conventions, rules and guidelines was also necessary and timely

Findings 1, 2 and 3 illustrated the relevance of capacity building interventions in support of the improving the performance of the judiciary. However, there was no clear strategy from the perspective of the ECSC related to its assessment of the performance of the justice sector across the nine (9) MSTs and the identification of priority interventions for improving access to justice for all, including marginalized and vulnerable groups.

In terms of capacity building design, the evaluation considers that there is a need for more experiential techniques to ensure a learning by doing approach. In addition, the importance of ongoing performance monitoring is critical to provide evidence of deficiencies and justify related training interventions. Moving forward, partners must establish clear and realistic objectives of interventions. Measurable objectives that are closely linked to the interventions and the related indicators, data collection, analysis and reporting system must also be built into the programme. Programme proposal documents must also clearly acknowledge the limitations of the interventions and the expected roles of Governments and related agencies. This will ensure that the programme intervention logic articulates the implications for programme effectiveness if complementary initiatives are not implemented.

While efforts are being made to utilize a rights-based approach to adjudicating matters, however, the predisposition of individual judges/magistrates can affect the extent to which the child friendly approaches may be applied.

5.2. Effectiveness

Overall, capacity building interventions targeting judicial professionals and related sectors have supported enhanced awareness, sensitization and knowledge regarding the implications of international conventions and agreements. The evaluation also determined that training supported attitudinal and behavioural changes in a limited number of persons targeted. The effectiveness of the interventions was limited by a range of cultural and structural issues that were beyond the influence of the partner agencies involved.

A definitive conclusion cannot be made on the extent to which the training interventions have contributed to or conversely, had minimal effect on social, safety and justice services across the OECS. What is clear from the evidence generated in this assessment, is that more needs to be done to support the understanding of duty bearers, especially those at the front end, of the justice system regarding the rights of marginalized and vulnerable persons.

The issue of access to quality legal representation continues to be a major challenge, given that while training interventions have been focused on the Judiciary and key justice sector professionals, there has been limited focus on Attorneys, who should also have a full appreciation of the new juvenile justice legislation and the implications of same.

Behavioural and attitudinal change is generally a long arduous process. The Caribbean region was at the forefront of ratification of rights-based conventions, agreements and guidelines as early as the 1980s (CEDAW) and 1990 (CRC), yet application and full acceptance of these principles is yet to be seen across a range of sectors and among the general population. While some progress has been made, the paces is slow and requires increased effort and acceleration. This means that Governments and regional partners need to persevere while recognizing that change will be incremental. The recent landmark decision in Trinidad and Tobago regarding the decriminalization of homosexuality illustrated the kind of thinking that the Judiciary across the region must become predisposed toward.

“The implications are that this country can no longer avoid its responsibility to debate and pass its own laws and to review what has been handed down to us from the colonial era. The High Court has called on us as a society to do the right thing as an independent nation: to stop hiding behind the past and to forge boldly ahead with our future. We strongly believe that the future must be one of true equality for all, not one where the rights of minorities are violated and where we mouth platitudes then condone homophobic hate. The law plays a crucial role in setting the tone.... Rampersad’s ruling is also significant in how it makes clear that when it comes to the law and matters of the State, religious views cannot be expected to supersede the rights and interests of all. “This is not a case about religious and moral beliefs,” the judge said. “The belief of some, by definition, is not the belief of all and in the Republic of Trinidad and Tobago all are protected.”³⁵

The road ahead remains challenging, but the region can only move forward if there is a stronger commitment to transforming the culture of the region.

³⁵ “A Landmark Ruling”, 13 April, 2018. Trinidad and Tobago Newsday.

6. LESSONS LEARNED

6.1. Design and Relevance

6.1.1 Comprehensive Training Needs Assessment should inform capacity building interventions: Capacity development interventions should be developed based on a comprehensive assessment of the capacity gaps and deficiencies related to expected performance. This is especially true in circumstances where attitudinal and behavioural changes are core objectives of the training interventions. As noted at Finding 3, task analysis combined with individual analysis would reveal a clearer sense of the training interventions required, as compared with a training needs survey targeting the specific target group.

6.1.2 The enabling environment must be assessed, and strategies developed to ensure achievement of project/programme objectives. Capacity building interventions must recognize the limitations of training when developing goals and objectives. In almost all instances - except where training is aimed at sensitization/awareness raising - capacity development, aimed at enhanced knowledge, skills and techniques in support of attitudinal and behavioural change, is most effective when the enabling environment is also strengthened. In instances where the enabling environment is less conducive, this must be considered in the development of objectives/anticipated outcomes and the intervention itself. That is, complementary interventions maybe necessary to supporting achievement of specified objectives.

6.1.3 Implementation plans must ensure that scheduling of training is aligned with the enabling environment: Historically, passage and enactment of legislative amendments and/or new legislation is a lengthy process. The training interventions related to juvenile justice reform and the Family law bills assumed that the majority of OECS member states would have been at the passage and/or enactment stage and therefore scheduled training interventions to support operationalization of the legislation. Therefore, personnel in the justice sector have participated in a range of training interventions on the implications of new legislation, that with the exception of four cases, have yet to be passed or enacted. In the instances where legislation has been enacted, rules and guidelines have been delayed. The implications are that persons who have benefitted from training are either no longer in the system, have been transferred to another area³⁶, or will have forgotten the training by the time legislation is enacted. Further investments in re-training as well training for new entrants will therefore be required.

UNICEF, ECSC and the OECS Commission do not have control over the priority accorded to passing and enacting legislation and can only operate within the parameters of their respective spheres of control. That said, member states have a responsibility to invest in training relevant to the passage of new or amended legislation. Continued advocacy in this area may encourage the necessary support for continuous training.

6.1.4 Key partners need to advocate for integration of human rights perspective in formal education programmes: The provisions of human rights agreements should be built into the training curricula across all disciplines and at all levels. Building a rights-based culture must begin in the school system and must also be part of the tertiary education of all professionals. Notwithstanding that all individuals are entitled to their personal beliefs, human rights principles must be at the

³⁶ If administrative staff such as court staff have been trained.

forefront in the performance of their respective duties/functions. Understanding this therefore needs to begin in the formal education systems.

6.2. Effectiveness

6.2.1. Measurability of objectives: Capacity building interventions should reflect measurable objectives. Objectives should specify the target population to be trained and the expected outcomes in terms of new skills, knowledge, and outcomes reflecting behaviour and institutional changes. In this process, the intervention design or theory of change must be clearly articulated, in narrative and graphical representation to ensure that donor partners, executing agencies and other relevant parties (project team, project steering committee) have the same understanding of the programme.

6.2.2. Data collection: Capacity building interventions should be informed by training-specific data and the related data collection, analysis and reporting system to ensure that effectiveness can be adequately monitored and assessed during and after implementation.

6.2.3. Experiential techniques: Capacity building interventions seeking to facilitate behavioural change should as far as possible incorporate experiential learning techniques including case studies, role plays, videotaped examples, testimonials from marginalized and vulnerable persons. Theory based learning may support improved knowledge of the subject area, however 'hands on' learning-by-doing has been proven more effective for adult learners.

6.2.4. Communities of Practice: Supporting the development of communities of practice has been proven to be effective mechanism for sustaining learning outcomes. The exchange of ideas and innovative practices facilitates changes in attitude, behaviour and implementation of practical changes.

6.2.5. Building the awareness and knowledge of Rights Holders: If the region is to fully succeed in nurturing a culture of rights and respect for all, rights holders need to be educated. The issue is especially pertinent to the justice system characterised by an adversarial and punitive approach. The vulnerable and marginalized are especially disadvantaged and will not have equal access to justice if they are not aware of these rights and empowered to claim them.

7. RECOMMENDATIONS

7.1. Design and Relevance

7.1.1. Capacity building interventions need to include a clear articulation of their theory of change. It is recommended that future interventions (including the 2017 - 2021 PCA) provide more details on how the intervention is expected to achieve stated outcomes. This can be either in narrative or graphical format. This will support a common understanding of the changes anticipated, closer monitoring of progress towards outcomes and corrective actions where needed. The 2017-2021 PCA can be reviewed to ensure that capacity building interventions included therein have measurable indicators and a comprehensive data collection system for ongoing monitoring.

7.2. Effectiveness

7.2.1. Advocacy for the provision of legal representation for the poor and vulnerable should be a priority. Equal access to justice necessitates legal representation. Deficiencies in the provision of representation can hinder the achievement of objectives related to improved access to justice, unless it is addressed as a priority.

7.2.2. The front end of the Juvenile Justice System needs to be targeted for sustained training to support effective reform. Capacity building needs to target key personnel at the front end of the system including, teachers, doctors, nurses, police, social workers, probation officers. Personnel who come into first contact with children/youth as victims, offenders or witnesses should be trained in how to interact and manage cases involving the target population.

7.2.3. More emphasis should be placed on building the capacity of Attorneys and Bar Associations across the OECS to ensure the support needed for effective administration of the juvenile justice legislation.

7.2.4. All partners should support advocacy for small changes that can be impactful: Positive impact on the justice process could be achieved with a change in the charge form to reflect the age of the offender for example. Addressing issues such as these will not incur any cost, it is about the 'will' of key stakeholders to do what is necessary to improve the system.

7.2.5. UNICEF and other regional partners should advocate for the incorporation of human rights perspective in foundation courses across all tertiary education programmes.

APPENDICES

Appendix 1: Terms of Reference

EVALUATION- HUMAN RIGHTS TRAINING - ECSC

BACKGROUND

UNICEF is involved in a large number of activities to promote and protect human rights in the administration of justice, including legislative reform, capacity-building, advocacy, coordination and partnership, aimed at improving justice for children in conflict with the law and for child victims and witnesses. These efforts include strengthening child justice systems to promote prevention, diversion, restorative justice and reintegration for children in contact with the law.

In particular, UNICEF contributes to the development of robust, rule of law-based justice systems by providing ongoing support for various justice sector initiatives to ensure alignment with the Convention on the Rights of the Child (CRC) and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). Such assistance includes human rights capacity development of justice sector stakeholders in dealing with cases involving minors and adopting measures aimed at protecting the best interest of children and the rights of women during court procedures.

Towards this goal, UNICEF has supported the Eastern Caribbean Supreme Court (ECSC) in several training programmes within the Organisation of Eastern Caribbean States (OECS) aimed at strengthening the capacity of judges and magistrates in child protection. Training programmes introduce basic human rights principles with particular focus on women's and children's rights; provide specialized training to key personnel who work with children; and build skills of participants to interview and draw children's testimony in court hearings.

More specifically, the programmes have been geared towards:

- Enhancing the knowledge and skills of justice personnel on principles of women's and children's rights to increase access to justice for marginalized and vulnerable populations;
- Facilitating children's access to social, safety and justice services that are more respectful of their rights and their active participation;
- Providing justice personnel with customised tools and advanced skills to better protect children;
- Improving the quality of interactions between children and stakeholders by implementing standard operating procedures and new procedures tailored to children; and
- Developing the capacities of courts to integrate women's and children's rights principles.

The ECSC in partnership with UNICEF is undertaking an independent assessment of human rights training programmes conducted in the Eastern Caribbean over the period 2012-2017.

Purpose of Consultancy:

The purpose of the evaluation is to assess the extent to which expected results of Human Rights training of judicial officers were achieved. Specifically, the evaluation seeks to: -

- Establish the extent to which the goals and objectives of human rights training programmes were met.
- Examine the impact/change realised through training programmes on desired modification in behaviour as it relates to human rights approaches to court administration and adjudication;
- Assess whether training has demonstrable effect on the judicial management of cases and court services as it relates to the treatment of vulnerable groups such as women and children;
- Assess the adequacy and efficiency of methods of training and determine whether they are the best ones to achieve the desired results;
- Examine whether the cost of training investments is proportionate with achievements towards the desired results;
- Identify possible gaps/weaknesses in training programme design, approach and implementation and provide recommendations on what aspects of the training should be strengthened or improved to sustain learning and behaviour change after the end of the programme;
- Analyse challenges and critical risk factors and how they may have affected the impact of the training programmes; and Identify lessons learned and good practices to inform learning and critical reflection in the design and implementation of future training programmes

ANNEX B

CONSULTANT'S SCOPE OF WORK

The evaluation will assess the extent to which human rights training of judges and magistrates in OECS over the last three years have achieved the desired end-results.

Under the guidance of the ECSC, the Consultant will:

- Carry out a desk top review of all the relevant documents; this should entail a review of project documents and other related documents, such as training reports, progress reports, monitoring and evaluation reports, national strategies and documents;
- Attend an inception meeting to be held with ECSC and its partners;
- Prepare an inception report to include the objectives, Methodology scope and initial assessment;
- Conduct field research and interviews with programme stakeholders/beneficiaries;
- Develop draft report;
- Debrief and present on the evaluation findings and recommendations (for quality assurance); and
- Incorporate comments/feedback and develop final report.

SCOPE OF WORK

Methodology:

In order to undertake the aforementioned Scope of Work, the Consultant will -

- Visit MST when necessary and if requested to do so. Where such visits are approved they should not exceed three days in duration.
- Conduct face to face interviews with stakeholders, representatives from the different justice stakeholder groups in ECSC MS. Interviews should be conducted by telephone where possible to avoid the need for personal visit.
- Review existing reports, documentation, training manuals that have a bearing on the study and the reports to be finalised.
- Conduct the necessary research required under the guidance of the DCA with respect to the preparation of the draft and final reports.
- Prepare the first draft of the report and recommendations for submission to the ECSC.
- Attend and note changes recommended to the drafts at any plenary sessions convened for that purpose.
- Compile and present the final draft report.

Reporting

The Consultant will report to the Deputy Court Administrator – ECSC on all issues relating to this assignment. Draft and final documents are to be presented in written and electronic format by the date specified in this contract.

Appendix 2: Evaluation Matrix

Key Issues	Sub questions	Indicators	Source of Data	Methodology
Results Achievement (Effectiveness)	To what extent did the project achieve: Increased access to justice for marginalized and vulnerable	<ul style="list-style-type: none"> • Evidence of reformed family laws and child protection Acts in Antigua, Montserrat and BVI 	ECSC/JEI staff Participants Proclamation of relevant	Interviews Desk review

Evaluation of Human Rights Training Programmes for Judicial Officers, Court Staff and Justice Sector Professionals in the OECS 2012-2017

Key Issues	Sub questions	Indicators	Source of Data	Methodology
<p>What were the expected results to which the project should have contributed?</p> <p>How effective has the project been in achieving its stated results?</p> <p>To what extent have the project's stated outputs been achieved?</p>	<p>populations due to enhanced knowledge and skills of justice personnel?</p> <p>Access to social, safety and justice services that are more respectful of women and children's rights and participation;</p> <p>Improved quality of interactions between children and stakeholders due to new standard operating procedures and new procedures tailored to children; and</p> <p>Integration of women's and children's rights principles into the justice system.</p> <p>Customized tools and advanced skills to better protect children;</p> <p>Were the stated project outputs implemented across the ECSC member countries as intended?</p> <p>Is there supporting evidence that output level results have contributed to anticipated project outcomes?</p>	<ul style="list-style-type: none"> • Age of criminal responsibility redressed in MSTs • Establishment of Family Division in Antigua • Legislation on Maintenance and Access to children • Family proceedings rules • Family mediation training <p>Review of outputs specified in the PCA compared with actual outputs implemented</p> <p>No. of Judges and Magistrates who self-report the application of children's rights to their sentencing and rule making</p>	<p>legislation in selected MSTs</p> <p>Gazetted reference to the Family Div.</p> <p>Family Rules of the ECSC</p> <p>PCA agreements related to the agreed time frame</p> <ul style="list-style-type: none"> • Certificates of Conviction • System for collecting Magistrate's reports on application of children's rights 	<p>Interviews</p> <p>Desk review</p> <p>Desk review</p> <p>Desk Review</p>
Relevance of Project Design			<p>ECSC/JEI staff</p> <p>Course facilitators</p>	Interviews

Evaluation of Human Rights Training Programmes for Judicial Officers, Court Staff and Justice Sector Professionals in the OECS 2012-2017

Key Issues	Sub questions	Indicators	Source of Data	Methodology
<p>Did a needs assessment or diagnostic of the judicial systems inform the development of training programmes?</p> <p>Did the conceptualization of HR training programs consider the social, political and cultural contexts of Eastern Caribbean Countries/Territories?</p> <p>Were training interventions consistent with sector strategies/plans?</p>	<p>To what extent did the needs assessment adequately identify the deficiencies and limitations in institutional capacity in the ECSC member countries judiciaries;</p> <p>To what extent did programme curricula/workshop content respond to the needs assessment?</p> <p>To what extent did the delivery methods incorporate good practices in HR training?</p> <p>How relevant were the program (s) structure/content/delivery to the preferred learning modes of participants?</p> <p>Did the program incorporate the needs of rights bearers?</p>	<p>Review needs assessment</p> <p>Review of Programme Curricula and comparison to needs assessment</p> <p>Participant satisfaction rates</p> <p>Participant satisfaction rates</p> <p>Participant satisfaction rates</p>	<p>ECSC/JEI Needs assessment course curriculum</p> <p>Workshop, Seminar and conference evaluation reports</p> <p>Participants</p>	<p>Desk review</p> <p>Desk review and e-survey</p>
<p>Lessons and Recommendation</p> <p>What have been key lessons learned that can inform future training in project management?</p>	<p>What lessons have been learned related to effectiveness, efficiency and relevance?</p> <p>Based on the experiences and lessons learned, what are the key recommendations relevant to informing future training?</p>		<p>Participants</p> <p>ECSC Staff</p> <p>Course evaluation reports</p>	

Appendix 3: Survey Questionnaire

Integrating a Human Rights Perspective in the Judicial System Participant Survey

The Eastern Caribbean Supreme Court and UNICEF are conducting an assessment of the Human Rights Training Programmes to Judicial Officers, Court Staff and Justice Sector Professionals in the OECS between 2012 and 2017. The aim of the study is to determine the extent to which the project's strategy and approach were relevant and effective in building country capacity to integrate a human rights-based approach to the judicial system, process and procedures in the region. Further, it is anticipated that key lessons learned will inform improvements in future capacity building initiatives.

The following questionnaire should take 15 mins to complete. Your responses will be instrumental in ensuring improvements to future training programmes and related interventions.

1. Participant Profile

Please indicate country in which you work w 0

- Antigua and Barbuda
- Anguilla
- Barbados
- British Virgin Islands
- Dominica
- Grenada
- Montserrat
- St. Kitts and Nevis
- St. Lucia
- St. Vincent and the Grenadines
- Turks and Caicos

2. Please indicate your occupation w 0

- Judge
- Magistrate
- Registrar
- Court Administrator
- Probation Officer
- Social Worker
- Director of Public Prosecution
- Police Officer

Legal Aid

Other (please specify)

3. Have you participated in any of the following seminars, conferences, training programmes? w 0

Regional Magistrates and Judges: Training in Juvenile Justice Reform (Oct. Nov. 2017) St. Lucia

Family Mediation Training (3-7 April 2017)Antigua

Pre-Sentencing Diversion Conference (December 2015)

Regional Consultation on the Development of the Legal Framework to support Diversion (August 2013)

Gender and the Law. Magistrate's Conference (2012)

Judicial Ethics and Independence, Coroner's Jurisdiction (2014)

I attended other Juvenile Justice related training but not those above

I have not attended any of these training programmes

4. What were your expectations of the seminar/workshop/training and were they met?

5. For each of the following statements on the quality of the workshop you attended, please indicate the extent to which you agree or disagree

	Strongly Agree	Agree	Disagree	strongly disagree	N/A
The workshop content was in line with workshop objectives					
The workshop content was dealt with comprehensively and exhaustively?					
The workshop content was presented/transmitted in a way that was easily understood					
Facilitators/trainers clearly explained human rights concepts					
Facilitators/trainers provided satisfactory responses to queries and issues raised during the sessions					
I learned practical skills for incorporating human rights principles in my work					

6. Can you recall any of the principles of juvenile justice? If so, please state?

7. Can you recall any of international guidelines relevant to juvenile justice? If so, please state?

8. To what extent have the training sessions/ workshops on juvenile justice made a difference in how you perform your job?

9. What skills/knowledge do you now have to implement a rights based approach to processes, procedures and systems in your department/Court?

10. Are you aware of any efforts to use diversion programmes rather than judicial proceedings to deal with juvenile offences in your jurisdiction? If so, please give examples.

11. What factors, if any, have supported your ability to integrate juvenile justice guidelines into your work processes and procedures?

12. What factors, if any, have hindered your ability to integrate juvenile justice guidelines into your work processes and procedures?

13. What would be your top 3 recommendations to the Eastern Caribbean Supreme Court/UNICEF for improving any similar rights based training programme in the future?

Recommendation 1

Recommendation 2

Recommendation 3

Appendix 4: Interview Protocols

Interview Guide with ECSC/JEI Personnel on the Training Programme

Project Background and Relevance

- What was the rationale for introducing the training programme for justice professionals? Who initiated discussion on the project?
- What problems or challenges was the training program project attempting to address? Did this analysis emerge from the needs assessment? What were the findings of the Needs Assessment re Equal access to justice for marginalized and vulnerable populations? Children's access to social, safety and justice services, respectful of their rights and active participation? Are these issues still relevant?
- Describe, from your perspective, how the training programmes were expected to contribute to the project objectives re:
 - Enhancing the knowledge and skills of justice personnel on principles of women's and children's rights to increase access to justice for marginalized and vulnerable populations;
 - Facilitating access to social, safety and justice services that are more respectful of their rights and participation;
 - Providing justice personnel with customized tools and advanced skills to better protect children;
 - Improving the quality of interactions between children and stakeholders by implementing standard operating procedures and new procedures tailored to children; and
 - Developing the capacities of courts to integrate women's and children's rights principles.
- Was there a specific targeting strategy in terms of numbers, occupational levels, educational levels, representatives of particular agencies?

Effectiveness

- From your perspective how effective was the project in achieving its stated objectives?
 - Enhancing the knowledge and skills of justice personnel on principles of women's and children's rights to increase access to justice for marginalized and vulnerable populations;
 - Facilitating access to social, safety and justice services that are more respectful of their rights and participation;
 - Providing justice personnel with customized tools and advanced skills to better protect children;
 - Improving the quality of interactions between children and stakeholders by implementing standard operating procedures and new procedures tailored to children; and

- Developing the capacities of courts to integrate women's and children's rights principles.
- Can you identify some specific results? Would you say that the results have mostly been at the output level? What about at the outcome level? Is there any evidence supporting your assessment?
- What factors supported or limited the project in achieving the anticipated outcomes?
- Have project outputs been achieved within budget and schedule?
- Was the project cost effective, in light of the cost to output on the project components?

Project Administration

- Describe your role in the management of the project? What major challenges did you experience in managing this project? Were these challenges identified in the risk analysis of the project? If, not why not?
- What factors supported your management of this project?
- Did you experience any management issues in the following areas?
 - Financial management? Timeliness of disbursements? – Communication between ECSC/JEI and the Training providers/consultants? Between ECSC/JEI and focal points/participants?
 - Project Monitoring, for example, were indicators established at project inception? Was baseline data available for the indicators? How was data collected and reported related to the monitoring indicators? Were regular site visits conducted to training workshops?
- Were any mitigating strategies implemented to address challenges experienced? If not, why not?

Sustainability

- Have processes and systems been established that will sustain project outcomes, e.g. enabling environment for HR based approaches to access to justice services? Opportunities for further training? Train the trainers?
- Based on the experiences and lessons learned, what are the key recommendations relevant to informing future training?

Human Rights Based Training for Justice Professionals Participants

Participant Interview

Key questions:

1. What is your role and function in the Juvenile Justice System?
2. How did you hear about the ECSC/JEI training?
3. What were your expectations of the training programme/workshop/seminar you attended? Did it meet your expectations?
4. What about the methods of delivery?
5. What aspects of the programme/seminar were most beneficial and why? What aspects were the least beneficial and why?
6. Can you describe how your new skills and knowledge have improved your work functions compared to before you participated in the training? Can you give specific examples?
7. Have there been improvements at the organizational level? Can you give examples?
8. Have you experienced any barriers or challenges to applying your new skills and knowledge?
9. If you could make any changes to the programme, what would be the top three (3) changes that you would make?
10. Is there any additional information or issue that you would like to share with us/ to raise?

Thank you for your collaboration

Key Informant Interview Guide:

1. From your experience, what are the major challenges experienced by children in conflict with the law when interfacing with the justice system in your country?
2. How do any of the challenges relate to:
 - Ensuring the best interest of the child
 - Guaranteeing fair and equal treatment for every child, free from discrimination
 - Advancing the rights of children to express his or her views freely and to be heard (For example do children understand their right to adequate information about the process, options and consequences? What about the methodology used to question children and the context)
 - Protection from abuse, exploitation and violence
 - Treating children with dignity and compassion
 - Respecting legal guarantees and safe guards (such as the right to privacy, legal aid, and the right to challenge decisions with a higher judicial authority)
 - Using deprivation of liberty as a last resort for the shortest appropriate period of time
3. Judicial officers (Judges, Magistrates and Registrars) have participated in training on integrating child rights and the rights of the vulnerable into sentencing and rulemaking. To what extent have you observed any changes in how the judiciary treats with children, women, poor and marginalized persons? Please give specific examples where possible.
4. Based on your knowledge, to what extent have children's issues been mainstreamed in your country's legal rules?
5. What are the main challenges to reforming the juvenile justice system in your country?
6. What should be the top three priorities to improving administration of the juvenile justice system and ensuring equal access of vulnerable groups (women, poor disabled) to justice?

Appendix 5: The Journey of Two Abused Sisters

The Journey of Two Sexually Abused Sisters

Tuesday, 13th October, 2015 – the younger of the two sisters requested to speak to the principal of her school concerning the emotional load that she seemed to have been carrying for a while, but because the principal was absent on that day, the little 10 year old unfortunately had to carry her load alone for yet another day.

Wednesday, 14th October, 2015 – the ten year old going back to the principal hoping that she would come to her rescue. In her conversation with the principal, she stated that she and her siblings were unable to sleep at night because the little one-room house which is separated by only a thin curtain, was unable to shield them from the noise of their mother's frequent sexual activities."I think my mother has a problem because before the man reach she is already naked" said the little girl. As she grew comfortable, she further disclosed that her 12 year old sister, her 7 year old cousin and herself, were sexually abused by their neighbor who appears to be in his seventies. After listening to the story of the 10 year old, the emotional principal called the child's godmother to inform her of the child's ordeal and asked if she could help by providing a temporary home for the child also indicating that human services should be informed of the children's situation.

Thursday 16th October, 2015 – the godmother, knowing the children's family background was determined to break the cycle and took the two sisters to the Division of Human Services. At Human Services, the sisters were interviewed and their statements were documented. To be noted, Human Services did not have the two sisters' mother on file even though this same mother, six weeks prior, had abandoned her new born baby boy at Victoria Hospital because she felt she would not be able to care for him. At the end of the interview, a referral was given to the guardian to take to the Police Department's Vulnerable Unit at the Vieux-Fort Police Head Quarters.

Friday 17th October 2015 – the two sisters were taken to the Vieux-Fort police station with the referral and there they were escorted to an area which was supposed to be the Vulnerable Unit. The term supposed was not used by error, but used because nothing about that place seemed vulnerably friendly. It was just a large room with six desks for the officers of that department, so in essence it resembled the girl's house, just bigger. However, while the girls' house had a curtain as a partition, this unit, where the girls had to relay their ordeal, had no privacy.

During the interview the officer wanted to know whether the godmother would be willing to take the matter before the Court. The officer tried her best to make the girls feel comfortable, but they did not want to speak. Due to the fact that the officer was experienced in her field, she realized their discomfort and asked them to write what had happened and they did. After reading what the

girls had written, the officer then tried to schedule an appointment with a doctor at St. Jude's hospital, but was told that the sisters could not be seen until Thursday, 22nd October, 2015.

Saturday, 18th October, 2015 – two female officers assigned to the Vieux-Fort police station went to the mom's home where they interviewed the mom and the sisters individually. On Monday, 19th October, the officers returned during school hours to carry out further investigations, and accompanied the sisters to the alleged abuser's home so that they could identify the room where the abuse took place. Throughout this process, the two sisters have had to endure the fiery darts from family and neighbor who believe that they are lying and that they had no right to go and tell anyone.

Thursday, 22nd October, 2015 – the 30 year old, unemployed, mother of five, received \$50.00 from the godmother to take the two girls to St. Jude's hospital, but after waiting a while, the mother was informed that the medical examination could not be conducted because the doctor was attending a workshop, which meant that she would have needed additional funding to go back to the hospital on Wednesday, 28th October, 2015.

Tuesday, 27th October, 2015 – a call was received informing that the appointment was no longer on the 28th, but was rescheduled for Thursday, 29th October 2015.

Thursday, 29th October, 2015 – the sisters were finally examined vaginally and blood tests was carried out.

As of November 3rd, 2015, no information has been disclosed so the journey continues with no assurance that these sisters' cry will ever be truly answered.

Prepared by; Mrs. Emma Hippolyte

Appendix 6: List of Interviews

St. Lucia	Respondent
St. Lucia Department of Probation and Parole	Yolanda Jules St. Louis
Eastern Caribbean Supreme Court	Francis Letang
Judicial Education Institute	Alanna Simmons
Chair, Judicial Education Institute	Justice Gerta Thom
CARE Adolescent Development Programme	Dr. Carleen Mason Emma Hypolitte
Boys Training Centre	Wang Son, Manager
Upton Girls Garden Centre	Jacqueline M. Massiah-Simeon, Manager
Human Rights Activist	Ms. Mary Francis
Str. Lucia Crisis Corporation	Ms. St. Catherine Ms. Virginia d’Auvergne
Raise your Voice	Ms. Catherine Sealys
Family Court Magistrates	Sandra Robertson
Magistrate Court	Senior Magistrate Phulchere
Legal Aid	Samantha George
St. Lucia Youth Council	Raejean Montoute
RISE (Advocacy)	Dr. Jacqueline Bird
Police Service	ACP Crusita Pelius
Antigua and Barbuda	
	Respondent
Study Tour Participants	<ul style="list-style-type: none"> ➤ Honourable Samatha Marshall, Minister of Social Transformation ➤ Cecille Hill, Registrar, High Court ➤ Sandra Benta Richards, Protocol/Communications Officer ➤ Alicia Aska, Senior Crown Counsel, Attorney General ➤ Alethea Byers, Director Family and Social Services ➤ Magistrate Veronica Thomas, Family Court

Evaluation of Human Rights Training Programmes for Judicial Officers, Court Staff and Justice Sector Professionals in the OECS 2012-2017

	➤ Abena St Luce, Architect
High Court	Justice Clare Henry, High Court
Legal Aid	<ul style="list-style-type: none"> ➤ Jose Laurent, Coordinator ➤ Kerry Anne Knowles-Charles, Senior Counsel ➤ Daphne Edwards-Simmons
Bar Association	Ms. Debra Burnette, Former President
Youth Intervention Unit, Antigua Royal Police Service	Inspector Mrs. Nathaniel-Morgan, Coordinator
National Youth Council	Ms. Rushell Ellis, President
Grenada	Respondent
Legal Aid Counselling Clinic	Tyrone Buckmire, Director
Child Protection Authority	<ul style="list-style-type: none"> ➤ Ann Greaves, (Ag. Director) ➤ Ann David Antoine, Chairperson, CPA ➤ Shirley Ann O'Neil. Social Worker
Magistrates Court	Magistrate Tamara Gill
Department of Probation and Parole	Jennifer James ³⁷
GRENchap	<ul style="list-style-type: none"> ➤ Danielle Greer, Project Officer ➤ Ajani Benoit, Project Coordinator
Grand Bacolet Juvenile Rehabilitation Centre	Melisse Oglivy (written submission)
Human Rights Attorney	Mr. Ritchie Maitland
Court Administrators	Mrs. Paula Cato, High Court Administrator
High Court	Ms. Alana Twum-Barimah, Registrar
Magistrate Court	Mrs. Claudia Bowen

³⁷ Interviewed during Adolescent Programmes Mapping assignment for UNICEF in December 2017.

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Appendix 8: An Evaluability Assessment checklist

Rick Davies, Friday, 23 January 2015

This checklist has been extracted from pages 19-23 of the following report:

Davies, R., 2013. *Planning Evaluability Assessments: A Synthesis of the Literature with Recommendations*. Report of a Study Commissioned by the Department for International Development. Available on at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/248656/wp40-planning-eval-assessments.pdf

Please refer to that report for information on the origins and rationale for this checklist.

Project Design (as described in a Theory of Change, Logical Framework or narrative)	
Clarity?	Are the long-term impact and outcomes clearly identified and are the proposed steps towards achieving these clearly defined?
Relevant?	Is the project objective clearly relevant to the needs of the target group, as identified by any form of situation analysis, baseline study, or other evidence and argument? Is the intended beneficiary group clearly identified?
Plausible?	Is there a continuous causal chain, connecting the intervening agency with the final impact of concern? Is it likely that the project objective could be achieved, given the planned interventions, within the project lifespan? Is there evidence from elsewhere that it could be achieved?
Validity and reliability?	Are there <i>valid</i> indicators for each expected event (output, outcome and impact levels)? I.e. will they capture what is expected to happen? Are they <i>reliable</i> indicators? I.e. will observations by different observers find the same thing?
Testable?	Is it possible to identify which linkages in the causal chain will be most critical to the success of the project, and thus should be the focus of evaluation questions?
Contextualised?	Have assumptions about the roles of other actors outside the project been made explicit? (both enablers and constrainers) Are there plausible plans to monitor these in any practicable way?
Consistent?	Is there consistency in the way the Theory of Change is described across various project multiple documents (Design, M&E plans, work plans, progress reports, etc.)
Complexity?	Are there expected to be multiple interactions between different project components? [complicating attribution of causes and identification of effects] How clearly defined are the expected interactions?
Agreement?	To what extent are different stakeholders holding different views about the project objectives and how they will be achieved? How

	visible are the views of stakeholders who might be expected to have different views?
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Information availability	
Is a complete set of documents available?	...relative to what could have been expected? E.g. Project proposal, Progress Reports, Evaluations / impact assessments, Commissioned studies
Do baseline measures exist?	If baseline data is not yet available, are there specific plans for when baseline data would be collected and how feasible are these? If baseline data exists in the form of survey data, is the raw data available, or just selected currently relevant items? Is the sampling process clear? Are the survey instruments available? If baseline data is in the form of national or subnational statistics, how disaggregated is the data? Are time series data available, for pre-project years?
Is there data on a control group?	Is it clear how the control group compares to the intervention group? Is the raw data available or just summary statistics? Are the members of the control group identifiable and potentially contactable? How frequently has data been collected on the status of the control group?
Is data being collected for all the indicators?	Is it with sufficient frequency? Is there significant missing data? Are the measures being used reliable i.e. Is measurement error likely to be a problem?
Is critical data available?	Are the intended and actual beneficiaries identifiable? Is there a record of who was involved in what project activities and when?
Is gender disaggregated data available?	In the baseline? For each of the indicators during project intervention? In the control group? In any mid-term or process review?
If reviews or evaluations have been carried out...	Are the reports available? Are the authors contactable? Is the raw data available? Is the sampling process clear? Are the survey instruments available?
Do existing M&E systems have the capacity to deliver?	Where data is not yet available, do existing staff and systems have the capacity to do so in the future? Are responsibilities, sources and periodicities defined and appropriate? Is the budget adequate?

Institutional context	
Practicality	
Accessibility to and availability of stakeholders?	Are there physical security risks? Will weather be a constraint? Are staff and key stakeholders likely to be present, or absent on leave or secondment? Can reported availability be relied upon?
Resources available to do the evaluation?	Time available in total and in country? Timing within the schedule of all other activities? Funding available for the relevant team and duration? People with the necessary skills available at this point?
Is the timing right?	Is there an opportunity for an evaluation to have an influence? Has the project accumulated enough implementation experience to enable useful lessons to be extracted? If the evaluation was planned in advance, is the evaluation still relevant?
Coordination requirements?	How many other donors, government departments, or NGOs need to be or want to be involved? What forms of coordination are possible and/or required?
Utility	
Who wants an evaluation?	Have the primary users been clearly identified? Can they be involved in defining the evaluation? Will they participate in an evaluation process?
What do stakeholders want to know?	What evaluation questions are of interest to whom? Are these realistic, given the project design and likely data availability? Can they be prioritised? How do people want to see the results used? Is this realistic?
What sort of evaluation process do stakeholders want?	What designs do stakeholders express interest in? Could these work given evaluation the questions of interest and likely information availability, and resources available?
What ethical issues exist?	Are they known or knowable? Are they likely to be manageable? What constraints will they impose?
What are the risks?	Will stakeholders be able to manage negative findings? Have previous evaluation experiences prejudiced stakeholder's likely participation?