

United Nations Development Programme
2015 Global Programme Annual Report
Eight Years On



50
YEARS

Empowered lives. Resilient nations.



STRENGTHENING THE RULE OF LAW IN CRISIS-AFFECTED AND FRAGILE SITUATIONS



TURN'S HUMAN RIGHT



TS FROM A PRINCIPLE

» Residents in Bangui voice their complaints about closed polling stations during the constitutional referendum in the Central African Republic.



INTO REALITY

› Students from Exodus Junior Academy in Moroyok, South Sudan.

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FOREWORD

STRENGTHEN COLLECTIVE

JAN ELIASSON

DEPUTY SECRETARY-GENERAL

The rule of law is a principle that underpins each pillar of the United Nations and serves as a connecting vein throughout the whole system. When we strengthen the rule of law, we strengthen every area of our work: peace and security, development, and human rights.



FINANCING OUR EFFORTS

Rule of law assistance is especially critical in promoting sustainable peace in fragile and crisis-affected contexts. The restoration of stability requires effective institutions, human rights protection, access to independent justice services and accountability mechanisms to address serious violations of human rights.

Throughout 2015, the United Nations engaged in important processes of reflection on the challenges we face. The High-Level Panel on Peace Operations, the Advisory Group of Experts on the UN Peacebuilding Architecture, the Global Study on the implementation of Security Council resolution 1325 on Women, Peace, and Security, and the High-Level Panel on Humanitarian Financing offered expert advice and agreed on key points, including the need to prioritize prevention and to “deliver as one UN.” One new tool we are using to strengthen prevention is the Human Rights up Front (HRuF) initiative, which aims to enhance our ability to respond early to the risk of conflict.

The rule of law also figures prominently in another milestone of 2015 — the 2030 Agenda for Sustainable Development. The 17 Sustainable Development Goals acknowledge that peaceful and inclusive societies, access to justice and accountable institutions will be essential if we are to fulfill our commitment to “leave no one behind.”

These developments provide a strong foundation for our collective efforts to deliver rule of law assistance in fragile and crisis-affected situations. Strengthening the rule of law and human rights must remain a priority as we work to create a more peaceful, just, and sustainable global community.



PREFACE

ENHANCING THE RULE OF LAW FOR HUMAN DIGNITY

HELEN CLARK

UNDP ADMINISTRATOR

Seventy years ago, the UN Charter placed human dignity at the heart of the compact that governments committed to on behalf of their people: *“We the peoples of the United Nations, determined to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small...”*



Upholding and celebrating human dignity continues to unite us in all of our efforts across the UN system — from sustainable development to gender equality — from conflict prevention to protecting our planet. The freedom for all people to live in dignity ultimately underpins human rights and rule of law.

The 2030 Agenda for Sustainable Development moves us closer to a world in which our governance systems reinforce human dignity by serving our needs and fostering equality, justice, and peace. The UN Member States' commitment to 17 Sustainable Development Goals puts people at the center of development efforts and aims to “leave no one behind,” reaffirming the inherent worth of every human being. Goal 16 — “Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels” — is not only a goal in its own right, but also an enabling goal for the entire sustainable development agenda.

UNDP's *Global Programme to Strengthen the Rule of Law in Crisis-Affected and Fragile Situations* aims to support the implementation of Goal 16, ensuring that justice and security institutions continuously evolve, in order to remain accountable to society and responsive to the needs of the people. UNDP supports over 100 countries to strengthen the rule of law, including in 40 development contexts where conflict, crisis, and fragility have affected the ability of institutions to meet people's needs. Strengthening the rule of law is important in all societies, but is especially crucial for those experiencing violence or transitioning out of conflict and where human dignity has been or continues to be compromised.

Violence and persecution forces over 40,000 persons to flee their homes every day. This is a scale of human suffering that is preventable and is frequently based on political, ethnic, or religious differences. Through UNDP's Global Programme, we aim to uphold human dignity in these fragile contexts, in order to prevent violence from consuming communities and escalating across regions.

This requires concerted and co-ordinated action. UNDP recognizes that we cannot deliver quality assistance in these complex environments on our own. We believe that our best chances of achieving transformational change is through working across the pillars of peace and security, human rights, and development. Our goals will only be realized if we work holistically with our partners across the UN and make

significant efforts to ensure that the system is fit for purpose. Since 2012, UNDP and DPKO have led joint programming approaches through the Global Focal Point for Police, Justice, and Corrections Areas in the Rule of Law in Post-Conflict and other Crisis Situations (GFP). The GFP has enabled us to bring together UN rule of law support, making use of the expertise of the whole system to deliver coordinated assistance, so far to 19 countries. UNDP also charted “working together” with UN partners as the way forward in our Strategic Plan: *Changing with the World (2014–2017)*.

UNDP and the UN Assistance Mission in Somalia (UNSOM) provide an integrated programme of support for justice and police reform, which is aligned with the national development plan of the government (the Somali Compact). In the Central African Republic, UNDP and the UN Multidimensional Integrated Stabilization Mission (MINUSCA) work together to support the resumption of justice services and the redeployment of gendarmes and police in five districts of Bangui. In June 2015, the first criminal justice hearings since 2010 took place, addressing serious conflict-related crimes. Together we are also supporting the new national court to deal with special crimes arising from the conflicts in CAR.

A number of significant UN policy developments have also taken place in recent years, including the Secretary General's report on The Future of United Nations Peace Operations, the Secretary General's Report on The World Humanitarian Summit, Security Council Resolution 2282 on the Review of the United Nations Peacebuilding Architecture, and the Global Study on the Implementation of Security Council resolution 1325. All of these, underline the importance of our efforts to “deliver as one UN,” prioritizing prevention, strengthening partnerships, increasing opportunities for women and girls, and the need for a sustainable framework to ensure adequate financing of these efforts.

We must not let our momentum falter. The UN system's ability to assist in strengthening the rule of law will be crucial to the achievement of the 2030 Agenda for Sustainable Development, and ultimately, in creating a world where human dignity prevails.

A handwritten signature in dark ink, reading "Helen Clark". The signature is fluid and cursive, with the first name "Helen" and last name "Clark" clearly distinguishable.

INTRODUCTION BREAKING THROUGH BOUNDARIES WITH THE GLOBAL PROGRAMME

MAGDY MARTÍNEZ-SOLIMÁN

UN ASSISTANT SECRETARY GENERAL AND UNDP ASSISTANT ADMINISTRATOR
DIRECTOR OF THE UNDP BUREAU FOR POLICY AND PROGRAMME SUPPORT

At a time where short of 60 million people are displaced from their homes, it has never been so important to focus on supporting societies in crisis-affected and fragile situations. Collective resilience to economic, political, and environmental shocks is the best antidote to vulnerability. With the ever-widening gap between needs and resources, it is essential that we narrow and deepen our efforts in supporting the people and nations that require it the most.



Addressing the root causes of mass displacement is one of the numerous challenges facing the international community. Political transitions continue to cause tension and violence for many. Endemic insecurity obstructs development. Furthermore, political efforts to end protracted Syrian crises have repeatedly stalled.

We must work together to overcome these deep-rooted challenges. *UNDP's Global Programme for Strengthening Rule of Law in Crisis-Affected and Fragile Situations* has paved the way for partnerships to take place across the UN System, specifically through the Global Focal Point for Police, Justice, and Corrections Areas in the Rule of Law in Post-Conflict and other Crisis Situations (GFP).

UNDP and DPKO co-chair the GFP that fosters joint assessment, planning, and delivery of rule of law assistance. Through the GFP, UNDP and DPKO partner with OHCHR, UN Women, UNODC and other UN entities under joint programmes, and facilitate resource mobilization efforts in service of the whole UN system. Specifically, the GFP has been key in supporting service delivery for Syrian refugees in Lebanon and Jordan in order to help ease tensions between communities and prevent further outbreaks of violence. Additionally, the GFP facilitated the deployment of specialized rule of law experts from the DPKO Standing Police Capacity in Brindisi to Sri Lanka and Sierra Leone to assist with combatting sexual and gender-based violence.

Through the GFP, UNDP's Global Programme partners with other UN organizations to deliver quality and coherent support. For example, in Colombia, UNDP alongside OHCHR, engaged victims and civil society in the transitional justice process to address the legacy of violence within the country. In Somalia, UNDP, UNOPS, and UNODC worked together to increase safety and security for all through biometric registration of police officers, reaching nearly 100 percent of 5,300 officers in South Central, and 1,315 out of an estimated 4,000 officers in Puntland to date. In Yemen, UN Women and UNDP worked to improve the delivery of justice and security for women by training 14 civil society organizations to document violations and provide psychosocial support to women and girls that are victims of war and sexual and gender-based violence.

These documentations are routinely used by OHCHR as credible sources to monitor the human rights situation on the ground. In Haiti, DPKO and UNDP have made a concerted effort to build confidence through accessible and effective justice and security institutions, in preparation for the drawdown of MINUSTAH.

This Annual Report, *Eight Years On* "spotlights" seven countries: Bosnia and Herzegovina, Central African Republic, Colombia, Liberia, Somalia, Tunisia, and Timor-Leste. We provide an account of how UNDP has supported the efforts of these Member States in strengthening the rule of law since the Programme's initiation.

The next phase of the Global Programme (2016–2019), will build on these experiences to generate new ideas and mobilize resources for even greater impact. It aims to address the drivers of instability: in particular, the prevalence of inequalities and gross human rights violations.

Over the past eight years of implementing the Global Programme, we have seen that enhancing the rule of law in crisis-affected and fragile situations is crucial for development; it sets the foundation for creating resilient states and acts as a catalyst for sustaining peace.

We carry out this important work with the generous support of Australia, Austria, Belgium, Canada, Denmark, France, Germany, Ireland, Japan, Luxembourg, the Netherlands, Norway, Sweden, Switzerland, Qatar, the United Kingdom, and the United States of America. We also recognize that our work would be meaningless without the dedication and commitment of our national partners who relentlessly strive to improve the rule of law and respect for human rights in their countries. We look forward to continuing this important work together.

A handwritten signature in black ink, appearing to be 'D. G. R.', located at the bottom right of the page.

PART I

Part I of this Annual Report, *Eight Years On*, looks back to look ahead and depicts the transformational change brought about by rule of law programming during the Global Programme's first eight years. We provide the following spotlights: Bosnia and Herzegovina, Central African Republic, Colombia, Liberia, Somalia, Timor-Leste, and Tunisia. Each spotlight highlights key lessons learned from delivering rule of law assistance in crisis-affected and fragile situations, setting the stage for the implementation of Phase III of the Global Programme (2016–2019).

» The South Sudan Police Service completed a workshop on confidence and trust building policing strategy, with specialized human rights and child protection components.



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**LOOKING BACK TO
K AHEAD**

WHEN...

- COMMUNITIES' JUSTICE & SECURITY NEEDS DRIVE REFORM**
- INSTITUTIONS PROTECT & PROMOTE HUMAN RIGHTS**
- POLITICAL ENVIRONMENTS ENABLE TRANSFORMATIVE CHANGE**

THE RULE OF LAW SUSTAINS PEACE

**UNDP'S RULE OF LAW SUPPORT
CONTRIBUTES TO SUSTAINING PEACE
IN CRISIS-AFFECTED SITUATIONS
IN SEVEN KEY WAYS:**



POLITICAL ENVIRON MENT

**ACCOMPANYING REFORM
WITH NORMATIVE AND
CULTURAL CHANGE** IN LIBERIA

**SUPPORTING LEADERSHIP
FOR SUSTAINABLE JUSTICE
SYSTEMS** IN TIMOR-LESTE

**BUILDING
TRUST IN
DEMOCRATIC
TRANSITIONS**
IN TUNISIA

**PUTTING PEOPLE AT THE
CENTER OF TRANSFORMATIVE
PROCESSES** IN THE CENTRAL
AFRICAN REPUBLIC

**BRIDGING FORMAL
AND INFORMAL
JUSTICE SYSTEMS**
IN SOMALIA

**FACILITATING
COLLABORATION
BETWEEN STATE
AND SOCIETY**
IN BOSNIA AND
HERZEGOVINA

**GUARANTEEING
VICTIMS'
PARTICIPATION
IN TRANSITIONAL
JUSTICE**
IN COLOMBIA

INST ITUT IONS

COM MUN ITIES

BOSNIA AND HERZEGOVINA

FACILITATING COLLABORATION BETWEEN STATE AND SOCIETY



BACKGROUND

In the early 1990's, Bosnia and Herzegovina (BiH) was the site of a large-scale armed conflict characterized by systemic and widespread violations of international humanitarian law. Approximately 100,000 lives were lost as the violence became driven by ethnic and religious hatred. 2.2 million people became refugees or displaced persons, and around 35,000 went missing during the conflict. The Dayton Peace Agreement,

which ended the war, has served for over two decades as an interim constitutional framework. It created a complex system of political and institutional structures and mandates between the internationally-operated Office of the High Representative, national, entity, and local authorities. This convoluted system was successful in delivering peace dividends but now becomes a barrier to progress. BiH lags behind other countries in the region in meeting its obligations towards the European Union accession targets, including those related to the justice system and other rule of law areas.

To date, the country remains heavily divided along ethnic and political lines, despite an absence of large-scale conflict. These divisions are reinforced by the same kind of political rhetoric and behavior that fueled the civil war and are further exacerbated by the ineffectiveness of civil society in building trust between the various population groups. Views on how to address the profound legacy of serious human rights violations left from the conflict differ radically within the three communities in BiH (Bosniaks, Serbs, and Croats). Complicating matters even further are the tensions regarding inequality and lack of opportunity stemming from poor economic progress and the creeping pace of transitional reforms. Against this backdrop, there remains a glaring need for the state and society of BiH to come together to heal the country's pervasive legacy of violence and hatred, to foster forgiveness and reconciliation, and to build the empathy and trust needed to ensure that large-scale atrocities such as those committed in the 1990s can never again occur. Facilitating transitional justice is one powerful means to this end.



ASSISTANCE AND IMPACT

Despite the significant post-war international investments in helping BiH to rebuild and ensure accountability for the crimes committed during the civil war, the widespread view is that the need for an adequate platform for facilitating recognition and redress for victims has not been met. An estimated 15 years are still required for domestic courts to pursue the prosecutions of war crimes within their jurisdiction, according to the National Strategy for processing war crimes. In addition, the work of the International Criminal Tribunal for the former Yugoslavia is nearing completion. Adding to the challenges, no truth commission was ever established in BiH – either nationally or regionally. Apart from a property and title restitution programme, victims have received no other reparations.

Over the course of its engagement in BiH, UNDP has worked to facilitate transitional justice processes, to assist efforts to reconcile the unhealed wounds of the civil war, as well as to help overcome obstacles created by the country's complex political system. In 2009, UNDP embarked on a comprehensive effort to find sustainable solutions for access to justice and redress for victims of the conflict. Since then, UNDP efforts have been underscored by a holistic, three-pronged approach aiming to encourage dialogue and collaboration between the authorities, which represent each constituent people group, victims, and the government, and amongst civil society actors. In practice, the pillars of UNDP's programme have aimed to: strengthen national and regional capacity for war crime prosecutions and accompaniment of victims; assist the government in consultations with victim's communities and long-term comprehensive planning of national transitional justice measures; and enable harmonization between legal aid policies and practice through a sustainable free legal system, tailored to varying needs at the local level.

STRENGTHENING WAR CRIMES PROSECUTIONS

In 2008, a decision was made to limit the national jurisdiction of the State Court of BiH.⁶ As a result, a significant number of non-priority war crime cases were transferred to local courts for geographical proximity to victims and relevant communities.

To meet this need, UNDP used its existing engagement with local courts in both entities and was the first provider of support for these local jurisdictions. This assistance strengthened institutional, professional, and operational capacity to process the legally complex and politically sensitive cases. In addition, UNDP worked at the local level with courts, law enforcement, civil society organizations, and community leaders to establish a support network for victims' access to proceedings, legal aid, and psycho-social support.

Regional cooperation between prosecutors in BiH, Croatia, and Serbia was key to creating a sustainable process. Given that the constitutional frameworks of these countries prevented extraditions, transferring cases from state prosecutor's office from one country to another was the only way of supporting the evidence gathering process. Accordingly, between 2005 and 2013 BiH, Croatia, and Serbia, all signed bilateral agreements to enable this process but a permanent mechanism to operationalize these agreements was lacking. In 2015, UNDP was invited by the three lead prosecutors on war crimes cases from these three countries to host and facilitate a regional mechanism for transferring cases. The national agencies for missing persons from the three countries joined this regional mechanism in order to enhance the mutual information exchange. The facility was opened in early 2016 and the chief prosecutors from BiH, Croatia, and Serbia publically praised it for enhancing their ability to cooperate to resolve cases.

DEVELOPING A NATIONAL TRANSITIONAL JUSTICE STRATEGY THROUGH DIALOGUE

Following UNDP's organization of consultations with a broad range of transitional justice stakeholders in Fojnica in 2008, the BiH Cabinet of Ministers requested additional UNDP support to help develop a National Transitional Justice Strategy. In doing so, the Government of BiH highlighted for the first time its intention to deal with the legacy of conflict in a comprehensive manner and with a view towards long-term engagement with victims to provide remedies and redress. In response, UNDP established a secretariat for the interagency working group tasked to draft the strategy. The draft submission, currently under consideration in BiH Parliament,⁷ contains strategies for delivering redress to victims previously not



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» UNDP supports the people of Bosnia and Herzegovina receive reparations for past abuses and build a cohesive and peaceful future.

recognized by the government. If approved, reparations will be made, official truth-telling and memorialization efforts will be undertaken, and sanctioned guarantees of non-recurrence will result from institutional reforms.

The process of drafting the National Transitional Justice Strategy was multi-dimensional, and engaged victims and the public at large to identify priorities for and tools to assist implementation of the strategy. It facilitated an extensive process of multi-stakeholder consultations including with victims and victim associations from diverse constituencies, with line ministries such as the Ministry of Justice and other national institutions, as well as with relevant local institutions, civil society groups, and independent experts. Importantly, these consultations were held across national, local, and grassroots levels. UNDP also worked with key civil society actors to launch a campaign to publicize information regarding the National Transitional Justice Strategy and increase the population's awareness of rights and mechanisms for redress. This initiative also targeted parliamentarians to assist with developing a thorough understanding of transitional justice models and processes. Finally, UNDP developed policy documents including an index, which mapped all actors and programmes in BiH relevant for transitional justice, and an analysis of different international truth-telling practices. These have informed the transitional justice agenda in BiH.

In parallel to this national initiative, UNDP provided small grant funds and operational support for victim's associations and civil society organizations involved in local transitional justice processes.

SUPPORTING FREE LEGAL AID THROUGH CIVIL SOCIETY ENGAGEMENT

The maze of laws and policies which govern free legal aid in the many levels of the BiH system have resulted in incompatible legislative frameworks and delivery of legal aid in BiH at national, sub-national, and local levels. As such, a key long-term objective of UNDP is to help consolidate and reform the entire free legal aid system in a manner tailored to each delivery context.

As a first step, UNDP tapped into civil society to help develop an informal network of free legal aid providers that could bridge the gap in service provision until comprehensive state legislation on free legal aid is adopted. Currently, the network consists of approximately 20 providers from a range of backgrounds including state-sponsored institutions, the Bar Association, and civil society organizations. Not only is this network providing services, it is also facilitating the harmonization of practices through joint exercises such as training and knowledge sharing. These providers have also received support to develop sustainable budgets that go beyond the period of UNDP's financial assistance. In 2015 alone, four new



government-financed free legal aid offices opened and approximately 22,000 clients have received legal counsel or representation under the free legal aid network. Finally, UNDP is assisting efforts to develop the free legal aid legislative framework that reflects the specificities of the different jurisdictions in BiH.

CHALLENGES

Despite the progress made on numerous fronts in BiH, the constitutional structure of post-Dayton BiH remains a complex web. These structures complicate implementation and often render decision-making processes unpredictable. The country remains at a standstill in the process of European Union integration,⁸ including in bringing reform to the justice sector and meeting benchmarks for providing access to justice as per the Copenhagen Criteria.⁹ UNDP needs to continue efforts to reinforce the judiciary and improve the efficiency and quality of the justice system or the progress made towards national reconciliation may be further stalled. Overcoming these challenges will be no small feat. However, UNDP can help to remedy them in part through continuing to build and strengthen relationships with people across a wide span of interests, capacity, and experience in BiH. As the last decade demonstrates, this engagement is vital not just for achieving programmatic results, but for helping the country build the empathy and social capital needed to cross divides and work together.

LESSONS LEARNED AND THE WAY FORWARD

With this in mind, a key lesson learned from UNDP's work in BiH is that **facilitating collaboration, dialogue, and engagement between state and society is critical to supporting holistic national transitional justice proceedings**. Such processes recognize and empower victims through their participation, engage the general public in reckoning with the legacy of past abuses, and prioritize fostering accountability through state-sponsored processes. To these ends, a great strength of UNDP's work in BiH is its ability to build trust and partnerships between actors, even when reform processes are stalled over political differences.

UNDP works with and encourages collaboration between relevant institutions such as the Ministry of Justice and the Ministry of Human Rights and Refugees, as well as the High Judicial and Prosecutorial Council, the State Court of BiH, the National Commission for Missing Persons, district courts, local governments, and law enforcement in both entities. Concurrently, an immense effort has been made to engage with the

broadest range of victims, their associations, and civil society organizations that advocate for victims' rights. This approach has involved actors across all societal sectors in identifying priorities for national transitional justice processes and has ensured broad participation both in criminal justice proceedings as well as in planning government-led policies for victims' redress. UNDP's convening ability enabled prosecutorial capacities to come together and strengthen collaboration through the regional mechanism.

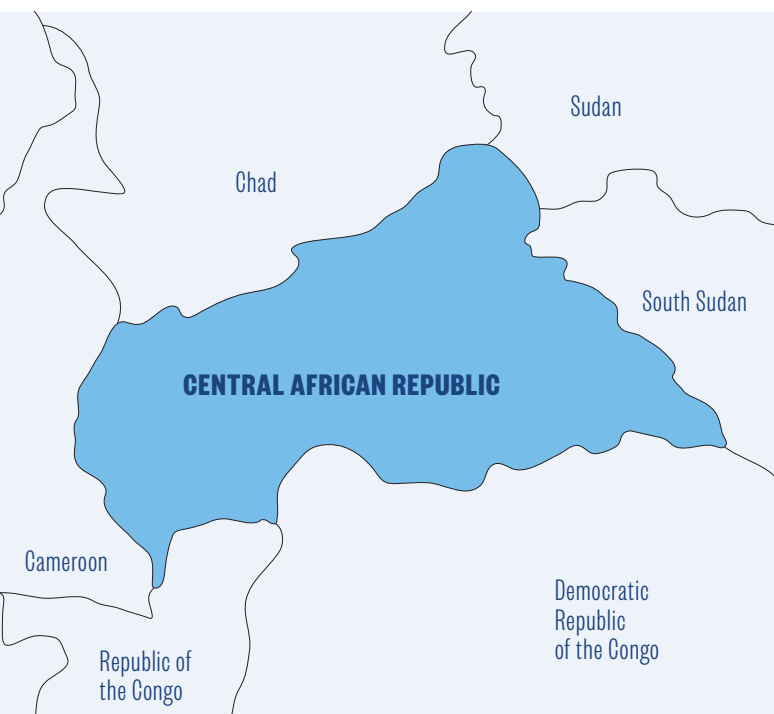
Looking ahead, UNDP will build on these lessons to help BiH overcome both the legacy of the past, as well as the current challenges which threaten to perpetuate the cycle of violence. Ultimately, the aim of these efforts is not only to contribute to a successful transitional justice strategy but to help bring healing and foster resilience in a deeply-scarred society that deserves sustained peace.

FINANCIAL SNAPSHOT

PROJECT NAME	BUDGET
Access to Justice (2009–2013)	\$2,848,653
Rule of Law And Transitional Justice (2013–2018)	\$1,577,755
Strengthening Parliamentary Capacities and Key Institutions Mandated with Fighting Corruption in BiH (2013–2015)	\$202,287
Strengthening Parliamentary Capacities and Key Institutions Mandated with Fighting Corruption in BiH – Interim Response (2015–2017)	\$117,702
TOTAL (2009-2018)	\$4,746,398

CENTRAL AFRICAN REPUBLIC

PUTTING PEOPLE AT THE CENTER OF TRANSFORMATIVE PROCESSES



Most international actors did not anticipate the 2013 crisis in CAR, despite many years of in-country engagement. Prior to then, the United Nations provided continuous support to consolidating peace and reconciliation and strengthening democratic institutions through several peacekeeping missions: MINURCA¹⁰ (1998–2000), BONUCA¹¹ (2000–2009) and BINUCA¹² (2010–2014). In 2005, peaceful presidential elections provided momentum for national institutional reform, and the international community stepped up its assistance to national partners in CAR, including in the rule of law sector. For many years, the UN largely adhered to the statebuilding narrative of peacebuilding, although the state had little presence outside of Bangui and even less legitimacy in the North of the country. This meant that initiatives were aimed at bolstering top-down political processes and supporting the elites-in-place instead of addressing the complex struggle over access to resources and national identity that culminated in the increasing division of communities along ethnic and religious lines, and the further marginalization of Muslim communities.

Nonetheless, progress towards “statebuilding as peacebuilding” was made. In 2007, an all-inclusive political dialogue with politico-military groups was launched and a national unity government was established in early 2009. Furthermore, CAR finalized its first Poverty Reduction Strategy Paper from 2008 to 2010. The justice sector also organized the National Justice Conference (Etats-Généraux) for the first time in 2007 and agreed on priority justice sector reforms. All of these initiatives paved the way for greater support from the international community; however, they eventually proved to miss the history of exclusion in the country, which erupted in the 2013 crisis.

BACKGROUND

Decades of armed conflict and political instability in the Central African Republic (CAR) have left the country with one of the lowest human development situations in the world. The country is characterized by profound inequalities and has a legacy of the use of violence as the primary means to gain political power and access to natural resources. In 2013, the state collapsed and a serious humanitarian and human rights crisis erupted when rebels from the Seleka group seized power. This is the latest in a series of internal conflicts that have plagued the country since gaining its independence in 1960.



ASSISTANCE AND IMPACT

Concurrently with the successive peacekeeping missions, UNDP launched a rule of law programme in 2008. Through this programme, UNDP contributed to the statebuilding agenda through its support to justice and security institutions. UNDP played a prominent role in security sector reform in CAR along with BONUCA/BINUCA and the European Union. UNDP quickly became the main supporter of justice institutions, especially in Bangui and the four most conflict-affected regions: Ombella-Mpoko, Ouham-pendé, Kemo, and Nana-Gribizi. Over the years, UNDP supported comprehensive reform of the legislative framework (particularly Penal and Criminal Process Codes), the preparation of the 10-year plan for judicial reform, and developed the capacity of numerous magistrates and justice personnel, as well as police and traditional authorities. UNDP has provided large-scale infrastructure and equipment support, from computer hardware to forensic identification materials, uniforms, and boots. More than eight courts and nine detention facilities were built throughout the country while the Appeal and Supreme Court were undergoing renovations in Bangui.

In 2011, UNDP conducted a Human Rights-Based Approach analysis of its institutional support in order to determine the impact these efforts were having in the country. The analysis showed that the top-down approach to statebuilding was limiting the impact of UNDP's assistance and producing very few concrete results. UNDP's efforts to rehabilitate infrastructure, provide equipment to rule of law institutions, facilitate legal reform and build capacity through modalities such as trainings, had not only failed to improve the performance of justice institutions, but had also not increased access to justice or rights protection for the population. UNDP also realized that its approach to security sector reform was merely a technical vehicle to attract international resources, and there was little political will to actually demilitarize institutions and reform the sector. Furthermore, the pretrial detention rate reached 66 percent, which was a likely indicator of due process violations. Following the assessment, a Steering Committee of 20 representatives from the justice sector, civil society, and UNDP, was convened to discuss the nature of the findings. Everyone agreed that, unfortunately, the analysis produced an accurate picture of the situation.

BACK TO BASICS - PUTTING PEOPLE AT THE CENTER

Following this assessment, UNDP shifted its approach from top-down statebuilding and focused its support on increasing access to justice for the population. However, this also had unintended consequences,

as some core government functions – such as birth registration – were not effectively supported by national authorities and were ultimately suspended. But over time, UNDP's efforts started to result in real change on the ground. For example, by 2013, legal awareness campaigns had reached more than 100,000 people, and a civil society run legal aid system was created to provide free criminal legal aid. Additionally, with UNDP assistance, local courts in Bossangoa, Batangafo, Bocaranga, and Paoua held hearings in rural areas for the first time in several years. The number of cases tried through mobile courts in remote areas increased from 142 cases in 2010 to 731 cases in 2012. Additionally, pre-trial detention rates started to diminish in the four regions, from 66 percent in 2011 to 59 percent in 2012, partly through UNDP's support in organizing the first penitentiary inspection mission since 1995.

The sudden onset of the 2013 crisis in CAR served as a wake-up call for UNDP, as the need to address exclusion and put conflict victims and other vulnerable or marginalized groups at the core of assistance became readily apparent. Accordingly, UNDP anchored its rule of law support in a broader conflict prevention and recovery programme that aimed to stabilize communities and restore social cohesion, both among communities and with the government. Rule of law assistance was quickly reoriented towards building societal confidence and trust, through measures such as legal aid, alternative dispute resolution, and assistance to victims, particularly for survivors of sexual and gender-based violence. Statebuilding activities, such as infrastructure renovation or efforts to reopen courts in regions still prone to violence, were suspended. Government buildings continue to be vandalized during various security incidents, making infrastructure renovation futile until the root causes of the violence are addressed. Meanwhile, UNDP provided food stipends to rule of law officials when salaries were not paid; and subsequently, sponsored the salaries for 3,800 police and gendarmerie personnel, with support from the Peacebuilding Fund, from May to August 2014. Before distributing the salaries, UNDP vetted the police and gendarmerie personnel in accordance with the Human Rights Due Diligence Policy of the United Nations to protect against gross human rights violations during that period. This support avoided the complete collapse of law enforcement institutions and enabled security to progressively return in Bangui.

APPLYING A DEVELOPMENT APPROACH TO JUSTICE

To accompany efforts to facilitate transformative peace through people-centered efforts, UNDP began to place equal importance on how it was working, not just on what it was trying to achieve. In practice, this meant operating through the lens of a development approach, where rather than creating new statebuilding

processes or dynamics, UNDP came alongside national and local partners to build on their relationships and efforts. UNDP took the time to engage with and listen to all stakeholders and restructured its timeframe for assistance to match the pace at which national partners were comfortable working. Accordingly, UNDP chose not to engage in certain standard peacebuilding processes in CAR – such as non-judiciary transitional justice and security sector reform – because there was no national demand for them. UNDP instead made a strategic decision to only support political processes clearly backed by the intent of national actors to drive them for the good of the population.

The establishment of the Special Criminal Court was one such opportunity, and despite some hesitation at the magisterial level, the highest level of the Ministry of Justice in CAR pushed for the creation of this institution in 2014. Likewise, civil society expressed both its wish to have a special court prosecuting gross human rights violations and its fear that such a court would never be fully functional. UNDP seized the opportunity to come alongside national reform efforts and has been actively engaged in the process since its inception. UNDP works alongside MINUSCA, the new peacekeeping mission in CAR (2014–present),¹³ to offer assistance and guidance to the process. In a view to end impunity in CAR, MINUSCA was mandated by the UN Security Council in April 2015 to support the establishment of the Special Criminal Court. To lend credence to the process of establishing the Special Criminal Court, UNDP spent time developing a shared vision of the principles for the foundation of the court through bilateral consultations and national workshops. A main outcome of the workshops was the national momentum to leverage the establishment

of the Special Criminal Court to apply new judicial practices to the entire justice system and thereby transform the whole of the rule of law sector in CAR.¹⁴

The focus on fostering transformative and lasting change through this type of inclusive process also proved to be successful with the 2015 Criminal Sessions. In June and July of 2015, UNDP successfully supported these sessions with MINUSCA, the first to be held since 2010. The organization of the Criminal Sessions was a first step in reforming the justice sector with a number of innovative measures by the Task Force of magistrates, Ministry of Justice officials, and Bar Association members. UNDP assisted the Task Force to provide legal assistance to detainees to help diffuse tensions in the prisons ahead of the sessions. Additionally, UNDP encouraged the Appeals Court to increase transparency by regularly communicating about the Criminal Sessions to the population. Furthermore, UNDP prepared the jurors ahead of the sessions to avoid having them drop out before or during the sessions. For the first time, no juror left the criminal sessions. Importantly, these sessions were the first to be planned and executed in a succinct timeframe, rendering them more cost-effective and efficient than in the past. The results were not perfect, as several individuals accused of serious crimes were never tried. However, an unprecedented amount of 132 people were judged, including 22 accused of belonging to the Ex-Séléka and 61 accused of belonging to the Anti-Balaka. This indicates that making an effort to plan and engage with national partners throughout the process, taking the time to understand the issues, and working to find solutions together by prioritizing inclusive and participatory processes, does indeed lead to concrete results.

» Children in CAR express their hopes for the future of their country.



DELIVERING AS ONE UN

The crisis of 2013 presented an opportunity and challenge to the UN to engage in building peace differently and to “build back better” through working to deliver fully aligned and coordinated support. Through the framework of the Global Focal Point for Police, Justice, and Corrections, UNDP, MINUSCA, and UN Women, developed a joint rule of law programme and established a joint unit to pool their political, technical, and financial resources. Through this process, UNDP and the UN Department of Peacekeeping Operations have cultivated a shared understanding of the crisis and subsequent rule of law priorities. Now UNDP, MINUSCA, and UN Women – at both working and senior management levels – are charged with developing a culture of working together in order to make the best use of the diversity of expertise available, implement comprehensive services, and be held jointly accountable for the results they deliver.

CHALLENGES

In the coming years, UNDP intends to further build on these results to foster transformational change and contribute to broader efforts to sustain peace in CAR. However, despite the recent progress, UNDP continues to face challenges to delivering rule of law assistance in CAR. Some of these main challenges include: persistent divisions among communities and frequent outbreaks of violence in the country, notably in rural areas; the little presence of state authority outside of Bangui; and the continued exclusion of communities and absence of inclusive politics within the country. These challenges continue to impede the reach of the formal justice system to rural areas throughout the country and these populations still need access to justice. Additionally, the frequent reshuffling of cabinet members in recent years has made it difficult for certain reform processes to take root. Furthermore, embracing new approaches to fostering reform has been an equal challenge for some national and international partners and there remains a need to build consensus around these efforts to bring about real change.

LESSONS LEARNED AND WAY FORWARD

UNDP’s approach to reforming the rule of law sector in CAR is vastly different from what it was at the outset of its engagement in the country. UNDP’s engagement in CAR is now founded on the fact that **putting people at the center of rule of law assistance and spending time on transformative processes is crucial to achieving incremental progress towards sustainable peace.**

UNDP believes this lesson, if applied to any peacebuilding process in CAR, can have a profound impact on the country’s social cohesion and resilience to future shocks. This people-centered, development approach that values incremental change necessitates time and patience to achieve lasting transformation. But this approach can, and should, be applied to new peacebuilding initiatives in CAR, such as the New Deal¹⁵ if actors truly prioritize sustaining peace.

Looking forward, UNDP will continue to make the application of this lesson a priority in its aim to reinforce the efforts of national actors to ensure that societal tensions stemming from inequality and discrimination never again erupt into widespread conflict and violence. UNDP will prioritize: access to justice for the victims of the crisis, notably vulnerable groups such as Muslim communities and women; peaceful management of conflicts within communities; and the fight against impunity, including by continuing to support the Special Criminal Court. UNDP hopes that this work implemented together with MINUSCA, UN Women and other Global Focal Point for Police, Justice and Corrections partners, will not only serve to increase a culture of unification in the UN system but more importantly throughout the whole of a war-weary country, for the sake of its people.

FINANCIAL SNAPSHOT

PROJECT NAME	BUDGET
Strengthening the Rule of Law (2008–2012)	\$4,358,254
Security Sector Reform Preparatory Phase (2009–2010)	\$88,288
Strengthening Judicial Services and Facilitating Access to Quality Justice (2010–2012)	\$2,200,000
Project to Support Reactivation of the Criminal Justice System in Bangui (2014)	\$197,524
Emergency Restoration of the Police and Gendarmerie in Bangui (2014–2015)	\$2,217,621
Payment of Salaries of the Police and Gendarmerie (2014–2016)	\$899,135
Joint Project to Fight Against Human Rights Violations and the Revive the Justice System in the Central African Republic (2014–2017)	\$16,553,925
TOTAL (2008–2017)	\$ 26,514,747

COLOMBIA

GUARANTEEING VICTIMS' PARTICIPATION IN TRANSITIONAL JUSTICE



BACKGROUND

Colombia is currently experiencing one of the most significant moments in its history, as it awaits the signing and implementation of a peace agreement that will end its 60-year internal conflict.¹⁶ This conflict has included a multitude of actors: the state, guerrillas, paramilitaries, and criminal groups. It has affected the whole population and all parties to the conflict have been accused of and affected by massacres, disappearances, cases of torture, and forced displacement. Seven million Colombians have been internally displaced.¹⁷ Weak state presence in conflict-affected regions and a focus on militarization and security, rather than the provision of basic social and justice services has exacerbated inequalities between rich and poor populations, and further marginalized groups such as indigenous peoples and afro-descendants. Drug trafficking, extortion, corruption, violence, and other crimes have flourished in this context of conflict and impunity.

Colombia's peace process has been especially significant given the unprecedented participation by victims of the conflict. Eight national and regional forums thoroughly engaged civil society by bringing together 10,000 people from 16 social sectors. Furthermore, the process included 60 conflict victims at the negotiating table, including victims of sexual violence, women, indigenous peoples, and afro-descendants affected by all warring parties.

Violence has steadily decreased since the start of peace talks in Havana in 2012. As of December 2015, the homicide rate was the lowest that the country has experienced in the last 35 years (26/100,000),¹⁸ and the amount of people displaced by the conflict has fallen by a third.¹⁹ On the other hand, Human Rights Defenders remain very much at risk.

In late 2015, the peace agreement arrived at a chapter on transitional justice, which was publicized to much acclaim. This proposed a comprehensive system for: facilitating truth, justice, reparations, and



guarantees of non-repetition; addressing the needs of conflict victims; and fighting against impunity through the establishment of a Truth Commission and several special judicial institutions. Civil society and conflict victim networks were created across the country through consultations and their participation in the peace negotiations. These networks have become an effective mechanism for advocates to galvanize support within the population around the future agreement and communicate their needs.

However, continued challenges for development and discontent among the general public in Colombia persist, including impunity, obstacles to access justice, and the absence of formal means to resolve conflicts. Therefore, some people remain skeptical about the peace process, the possibility of a successful and fair implementation of the agreement, and the likelihood that there will be peace dividends for all. In order for peace to prevail, trust must be re-established between and within this deeply divided society and the state.

ASSISTANCE AND IMPACT

Since 2005, UNDP has engaged with national partners in peacebuilding processes in Colombia, particularly in support of victims' participation and transitional justice, including reparations, but also for human rights and security more broadly. To these ends, UNDP built institutional capacities, but also supported the conflict victims themselves and empowered them to claim their rights.

SUPPORTING INSTITUTIONS TO UPHOLD HUMAN RIGHTS

UNDP supported the development of the required legal framework towards peace, including Law 975 on Justice and Peace, which addressed the demobilization of paramilitaries, as well as Law 1448 on the Rights of Victims and Land Restitution.

In parallel, UNDP supported the capacity of the institutions responsible for promoting justice and rights in Colombia. This included the Victim's Unit, established through the Justice and Peace Law in 2011, in charge of managing the operational aspect

of registering victims and providing reparations. The Victim's Unit has thus far restored land to 4,127 families and provided economic reparations to an estimated 500,000 people. At the local level, UNDP supported the municipal Ombuds-institution for comprehensive assistance to victims in accessing justice and reparations.²⁰ UNDP also worked with 40 local governments to formulate and implement peace and development territorial policies.

Aiming to promote a people-centered, participatory, and inclusive process, UNDP ensured the involvement of more than 19,000 citizens from all of the regions in the country in contributing to the creation of the National Policy for Human Rights 2014–2034, and a national plan for women human rights defenders.

EMPOWERING PEOPLE

Through support from UNDP's programmes since 2011, access to justice was promoted for more than 66,000 victims in total. 45,000 of these victims from 86 ethnic communities received reparations, including the restoration of their land through formal judicial decisions, while 26,000 victims were supported in the process to receive reparations. Psychosocial support was provided to 2,000 victims of sexual violence. Concurrently, support to victims of forced disappearances was provided with search, and identification on disappeared relatives, clarifying 4,727 cases, 364 with exhumation, and finding 320 bodies. Furthermore, 3,096 additional people, including 1,505 women were registered formally with the Victim's Unit in 2015 for access to full reparations.

To promote the culture of participation, accountability, and inclusion of voices of the most marginalized, UNDP has supported 800 civil society organizations from seven regions of the country to actively participate in peacebuilding initiatives since 2008. This included 50 women's organizations and involved a total of about 100,000 Colombians. UNDP also assisted 936 victim organizations in 22 territories to consolidate a network of victims for strengthened leadership capabilities to influence public policies. The network includes more than 1,500 male and female leaders.



» Some of the main victims of Colombia's armed conflict are indigenous communities caught in the cross-fire between insurgents and the army in an escalating struggle for their territory. UNDP works to ensure they receive full reparations for past abuses.

CHALLENGES

The primary challenges awaiting the signature of the peace agreement are related to the intrinsic difficulties in the implementation of the agreement. Specifically, the mechanisms for transitional justice in Colombia will require a complex judicial and non-judicial system, political will, and great resources.

Another important factor has been the difficulty of implementing programs and projects in distant regions of the country where the conflict is still ongoing and there is little state presence. This particularly affects victims, human rights defenders, women leaders, indigenous communities, Afro-descendants, and land claimants.

Another key challenge is the need for the state to gain trust from the population after such a long-standing internal conflict. It is crucial that the state delivers peace dividends to all populations within a short period of time to show the change of culture from a militarized security-focused apparatus to a people-centered, inclusive, transparent, and responsive state that can guarantee justice, security, and rights for all. UNDP will continue to offer support to this aim.

LESSONS LEARNED AND WAY FORWARD

UNDP, as well as other actors and stakeholders, have learned the value of inclusive processes and the involvement of civil society in the Colombian peace process as beneficial for citizens and political actors. This experience demonstrates that **victims' participation, in particular, must be guaranteed in transitional justice processes, from the initial design through to implementation and follow up.** This lesson will inform UNDP's programmes going forward.

In terms of achieving transitional justice and the rule of law more broadly, institutional and legal frameworks need to be adaptable as peace negotiations evolve. For example, UNDP offers support to the newly established Ministry of Post-Conflict to assume leadership in the peacebuilding process, as a result of the first agreements between the National Government and the Revolutionary Armed Forces of Colombia. Such adaptable mechanisms are crucial to the effective implementation of the agreement.

UNDP leads numerous programs promoting coordination of international and state actors, as well as innovative financing mechanisms such as basket funds, which have contributed to enhancing the impact and avoiding duplication of efforts in Colombia. UNDP is able to play a catalytic role in identifying the most important issues on the political agenda,



and promoting both institutional and civil society support for them, while also building their capacity. This has also resulted in significant cost-sharing with the government. These aspects have been highly valued in external evaluations of the programmes. Significant results have been achieved in relation to the coordination within the UN system through agreements and common work-plans, with a number of UN agencies.

A principal opportunity for UNDP is to contribute to people-centered and human rights-based approaches during the planning and implementation of the Sustainable Development Goals in Colombia. UNDP will continue to bolster the capacity of state actors, at the national and local levels to sustain the peace process. UNDP will focus on supporting municipalities and populations highly affected by the armed conflict, and building the capacity of present institutions to perform their core functions in an accountable and efficient manner. This will include engaging with citizens, victims, and marginalized communities, to contribute to the creation of policies and plans to guarantee the most adequate services. Continued engagement with the Ombuds-institution, civil society, and victims' organizations at national and local levels will support the careful management of expectations by populations while promoting the fulfillment of human rights and peace dividends for all.

FINANCIAL SNAPSHOT

PROJECT NAME	BUDGET
Transitional Justice Programme (2008–2016)	\$38,957,000
Human Rights Programme (2008–2015)	\$12,429,000
Citizen Security and Coexistence Initiation Programme (2014–2018)	\$300,000
Territorial Alliance for Peace Program (2014–2016) & ART-Redes Program (2004–2014)	\$47,000,000
TOTAL (2008–2018)	\$98,686,000

LIBERIA

ACCOMPANYING REFORM WITH NORMATIVE AND CULTURAL CHANGE



In 2003, Liberia embarked on its path to democracy with the signing of the Comprehensive Peace Agreement.²² This agreement formally ended the conflict and created a National Transitional Government, which subsequently ushered in Africa's first democratically-elected female president in organized elections in 2005. From here, the Liberian government, with support from the international community, made remarkable progress in its recovery and peacebuilding efforts by addressing some of the root causes of the conflict, including working towards the New Deal Peacebuilding and Statebuilding goals since 2011.²³ Today, Liberia is building on nearly 13 years of peace, 10 years of democratic governance, and improved economic development, with a gross domestic product growth which, until the outbreak of Ebola in 2014, averaged over seven percent annually.²⁴

The outbreak of the Ebola crisis in 2014 demonstrated that Liberia is still highly vulnerable to shocks and emergencies; much remains to be done to further reduce risks and avert development setbacks. The outbreak caused more than 4,800 deaths²⁵ and eroded many of the important gains Liberia had made in reducing poverty and fragility. The epidemic caused a considerable slowdown of the Liberian economy: real gross domestic product growth dropped from 8.7 percent in 2013 to less than one percent in 2014.²⁶ Currently, almost two-thirds of Liberians live below the poverty line and it is expected that it will take many years for the economy to fully recover from the Ebola crisis. Moreover, Liberia continues to experience political and economic exclusion, nepotism, corruption, land disputes, ethnic divisions, and weak governance. If not addressed, these challenges could prevent the country from achieving its vision of becoming a middle-income country by 2030.

BACKGROUND

Liberia has had a long history of political, social, and economic instability. The country's civil war from 1989 to 2003, claimed the lives of over 250,000 people, internally displaced 314,000, and saw 340 refugees registered with UNHCR in neighboring countries. Rape and other forms of sexual violence became an integral part of the pattern of violence that was inflicted upon communities. This culture of impunity for sexual and gender-based violence left a legacy that affects the country to this day. The protracted conflict severely undermined the development of the country's economic and social infrastructures, causing an external debt of \$3.7 billion in 2005, per capita gross domestic product of \$163 and unemployment rate of over 80 percent.²¹ This contributed to intensifying the already widespread poverty.



ASSISTANCE AND IMPACT

The rule of law is central to preventing conflict and violence, protecting and upholding human rights, and enabling sustainable and inclusive development. Strengthening the rule of law and establishing legitimate national security agencies have therefore been crucial aspects of Liberia's peace- and state-building efforts for some time.

At the end of the civil war, Liberia did not have an effectively functioning judicial system that could protect and uphold the rights of its citizens. The sheer scale and seriousness of atrocities committed during the war fundamentally devalued societal norms and a culture of respect for human dignity. The legacy left behind by the conflict deeply damaged the nation. Violent crime and sexual and gender-based violence rates remained extremely high. Traditional practices widely used by Liberians for dispute resolution were manipulated, including the use of trial by ordeal. This resulted in public mistrust in the justice system at every level and necessitated post-war efforts that were not only aimed at restoration of the Liberian rule of law sector to its pre-war state but also to re-establish the country's overarching legal framework to legitimately govern and shape public and private actions. Furthermore, an entire overhaul of the security sector, including its governance structure, was essential upon conclusion of the war. But above all was the need to restore the social norms that fostered a culture of civility and respect for human dignity among Liberians. As such, UNDP in Liberia scaled up its rule of law assistance considerably in the aftermath of the civil war.

ENHANCING JUSTICE AND SECURITY SERVICE DELIVERY AT THE LOCAL LEVEL

Since 2005, UNDP has sought to help Liberia establish a rule of law and human rights culture, and has played a critical role in strengthening access to justice, security and protection services, particularly at the county level. By providing tailored infrastructural support and facilitating the deployment of scores of police officers, prosecutors, judges, public defenders, and human rights monitors to the different counties, UNDP in conjunction with UNMIL²⁷ and the Peacebuilding Support Office have been instrumental in extending the reach of the formal justice system and sustainably enhancing its service delivery beyond the capital Monrovia, in efforts to build back trust between state and society.

UNDP has also helped bring unification across the rule of law sector through efforts to increase functional communication, coordination, and cooperation

among the institutions. This assistance contributed to the launch of three regional justice and security hubs in 2010, which now serve to increase access to justice, security, and protection services at the local level by covering eight out of 15 counties. By pooling justice and security service providers in consolidated presences across the country's various regions, Liberians living in rural areas now experience much better access to the formal justice system.

INCREASING EFFICIENCY IN CASE DISPOSAL AND REDUCING PRISON CONGESTION

Following the end of the civil war, UNDP and UNMIL supported the government in recruiting and deploying 60 prosecutors, 338 judges, 33 public defenders, and numerous parole and probation officers, to rapidly fill glaring gaps in the justice system. These efforts helped to significantly reduce case backlogs and increase the speed of trials. UNDP also supported other government-led initiatives²⁸ to ultimately foster a 33 percent reduction in prison overcrowding and a 15 percent reduction in the number of detainees on remand awaiting trial. During the Ebola epidemic, the use of alternatives to detention reduced the percentage of detainees on remand in Monrovia Central Prison from 71 percent to 63 percent in the short time period between August and October 2014. This demonstrates the dramatic potential for innovative approaches to address deficiencies in the justice system.

INCREASING ACCESS TO GENDER-RESPONSIVE JUSTICE AND SECURITY SERVICES

Measures have also been taken by the UN system in Liberia to strengthen the gender-responsiveness of justice and security actors, and to increase women's and girls' awareness of and access to the justice system. Notably, a specialized court and units in the Police and Ministry of Justice have been created and the respective officials have been trained in investigating, prosecuting and trying sexual and gender-based violence (SGBV) crimes. Additionally, SGBV services are provided at the county level, within the framework of the UNDP-supported regional hubs, enabling targeted support for survivors.

SGBV services have been provided for the first time in 2015 to inhabitants of the Southeast Region, enabling 16 people to access gender-based violence support services. Continued support to the specialized SGBV Crimes Prosecution Unit led to a total of 167 new cases received through its victim hotline in 2015, up from 99 in 2014.

STRENGTHENING COMMUNITY SAFETY AND SECURITY

With an improved strength of 4,880 local police officers, enhanced mobility and communication capacities, and the recruitment and deployment of trained officers at the regional hubs, the Liberian police have been able to respond early and prevent escalation of communal conflicts. As a result, public confidence in the police is on the rise.²⁹ To complement the efforts of the police, UNDP and UNMIL supports regional and county peace committees, which actively hold community dialogues, mediation, and other conflict transformation initiatives, based on early warning signals. This has strengthened people-centered grassroots approaches to increasing safety and security. Additionally, coordinated border control by the Bureau of Immigration and Naturalization between all six border entry points and the central command in Monrovia has been reinforced. Liberia now enjoys the resulting good relations with its neighboring countries.

INCREASING LEGAL AND HUMAN RIGHTS LITERACY

Importantly, public awareness of the availability of justice, security, and protection services has been expanded through the establishment of local public outreach offices. The police, civil society organizations, and community members jointly carry out regular community outreach campaigns to speak against illegal behavior, such as mob justice. The Independent National Commission on Human

Rights that was established in 2010, has also raised public awareness about basic human rights. All of this has helped to increase the levels of legal literacy in the country and facilitate acceptance of new norms and voluntary behavioral changes which are ushering in a rule of law and human rights culture. Through the joint cooperation of UNDP and UNMIL with the Independent National Commission on Human Rights, human rights monitoring, investigation, and advocacy is now conducted on a regular basis to prevent serious and large-scale violations.

CHALLENGES

These concerted efforts have undoubtedly led to remarkable gains in Liberia's peace consolidation efforts. However, in the country's justice and security sectors, a number of obstacles remain and, in some cases, hinder further progress. These challenges include, *inter alia*: the continued lack of state authority and legitimacy across large parts of the country; deep-seated institutional capacity deficits and inefficiencies; entrenched discriminatory attitudes and behaviors; and endemic corruption, which continues to undermine public trust and confidence. Legal pluralism and low levels of legal literacy also remain critical national issues. For most Liberians, informal justice processes are the dominant, if not the only system realistically available to resolve conflicts and disputes, even despite their frequent delivery of inequitable results and failure to protect rights.

» Local elders arriving for the dedication of the 9th Judicial Circuit Court at the UNDP-supported Gbarnga Peace Hub in Liberia, 28 April, 2014.



Notwithstanding the fact that a great deal has been achieved over the last decade, there is a clear need for ongoing investment in justice and security in Liberia. In addition to improving Liberia's legal framework, including through the ongoing Constitutional Review Committee process, efforts must still be made to foster adherence to key rule of law principles, such as equality before the law, fairness in the application of the law, and avoidance of arbitrariness. It is equally important to focus on sustainably developing institutional capacities to provide robust and effective access to justice, security, and protection services, based on a sector-wide approach that includes the provision of legal information, advice, and representation for marginalized groups in particular and the engagement of informal justice actors and processes.

The sector-wide Justice and Security Joint Programme designed in 2011 between the Government of Liberia and the international community formed the basis for UNDP's rule of law support until 2015. The implementation of the programme was negatively affected by dysfunctional governance arrangements. Currently, a new joint programme is under development, which offers UNDP an opportunity to create a new funding mechanism and to re-engineer partnerships. It will also address inconsistencies between UNMIL and the UN Country Team (UNCT), in relation to mandates and governance structures, including misaligned timeframes and budgetary cycles, as well as different funding streams. The joint programme will aim to support integration and interoperability in the context of mission drawdown and facilitate a seamless transition between UNMIL and the longer-term UNCT to ensure that the people of Liberia receive the highest quality of support the UN system has to offer.

LESSONS LEARNED AND THE WAY FORWARD

UNDP's engagement in the rule of law in Liberia has focused largely on institution building and consequently demonstrated the importance of accompanying reform with normative and cultural change as a way to sustain rule of law gains. Normative change, stemming from improving policy and the legal framework, provides an enabling environment for reforms to thrive and to facilitate change that is truly transformational. Cultural change is two-fold; it encompasses changing the behavior within institutions to enhance professionalism and performance management, as well as the behavior of the public at large to ensure buy-in to the reforms and accountability. Based on over a decade of experience

in the country, UNDP affirms that **the potential for achieving long lasting impact in the rule of law area is much higher if we work to put in place a normative framework that is founded on internationally accepted standards, and invest sufficiently in creating cultural change** through internal accountability and oversight mechanisms, proper platforms for interest representation and feedback, and opportunities for public engagement in the rule of law.

UNDP will utilize these lessons learned in the next programming phase and in the forthcoming joint programme with UNMIL to deliver comprehensive rule of law assistance and place greater emphasis on supporting normative and cultural change for sustainable reform. Future efforts will be geared towards further strengthening the different justice and security institutions, as well as continuing to build capacities at the grassroots level to ensure access to justice and security for local communities, particularly women and children. UNDP will ensure that efforts build on existing infrastructure to expedite the decentralization of justice and security services through the regional hubs and will take into account available capacities for quality and efficient service delivery. Importantly, the Liberian government will continue to own and drive the reform process to ensure that UNDP's work remains responsive to the overall country situation, and to the needs of the people it intends to serve.

FINANCIAL SNAPSHOT

PROJECT NAME	BUDGET
UNDP Rule of Law Programme (2009–2017)	\$5,317,550
Access to Security and Justice at the Decentralized Level (2012–2016)	\$5,786,532
Justice and Security Trust Funds Programme (2011–2016)	\$9,328,747
Joint Programme with the Global Focal Point for Police, Justice and Corrections (2015)	\$450,000
Enhancing Border Surveillance (2015–2016)	\$3,600,000
European Union /Economic Community of West African States programme for Reduction of Small Arms (2015–2017)	\$634,486
TOTAL (2009–2017)	\$25,117,315

SOMALIA

BRIDGING THE FORMAL AND INFORMAL JUSTICE SYSTEMS



BACKGROUND

For many years, Somalia has been marked by poverty, famine, and recurring violence. These factors have created a complex system of political tension, insecurity, and low levels of human development. However, in 2012, Somalia entered into a new period of opportunity for peace. After decades of conflict and instability, a federal government was established through national dialogue and consensus and was unanimously recognized by the international community.

The federal system has yet to be fully consolidated, and national rule of law institutions remain weak, especially outside of Mogadishu, Garowe, and Hargeisa. Furthermore, institutional knowledge and physical infrastructure are insubstantial. Many communities continue to rely primarily on traditional justice mechanisms and militias to fill the vacuum left by the absence of state security forces. Three different types

of laws – National, Sharia, and Xeer (a customary framework) – often contradict each other. This has resulted in a confused justice sector, where a complex web of mechanisms and mandates blur the lines of formal and informal justice. Moreover, the federal government and regional authorities have limited access to resources, and the rule of law sector remains highly dependent on international support and financial assistance.

The security situation in Somalia also is highly volatile, as Al-Shabaab threatens major routes between urban centers and maintains a high propensity to engage in asymmetrical warfare. This, inevitably, hinders the ability of international actors to seamlessly operate alongside national partners within the country.

Under the umbrella of the New Deal, the Somali Compact was launched in 2013 and radically changed the landscape of Somalia, bringing about a more coordinated governmental effort that is now providing the basis for a new development plan for the country. It also ushered in a new era of international assistance, in which actors such as the United Nations, the World Bank, the European Union and other bilateral partners were able to begin planning with national partners for a more robust approach, combining development assistance with progress in the political sphere. The Somali Compact articulates strategic objectives for strengthening the rule of law and human rights within the country, namely: establishing unified, capable, accountable, and rights-based Somali federal security institutions; providing basic safety and security for all; and forming independent and accountable justice institutions capable of addressing the needs of the people of Somalia by delivering justice for all. In 2013, the UN Security Council mandated UNSOM³⁰ to support the government of Somalia in achieving the Somali Compact Peacebuilding and Statebuilding Goals.³¹ Through the arrangement of the Global Focal Point for Police, Justice and Corrections, UNDP worked with UNSOM to put together a joint team and develop a



Joint Rule of Law Programme for Somalia. This flagship joint programme was based on the Somali Compact and is a milestone in international efforts to enhance justice and security for all Somalis by maximizing the impact of UN interventions, and minimizing the overlap of activities. The programme also takes full advantage of the resources and experience of the UN Multi-Partner Trust Fund in administering joint UN initiatives. Ultimately, this programme was designed to enable Somali national partners to engage the UN system through a single set of interlocutors, all working together to help them establish and sustain peace in their country.

ASSISTANCE AND IMPACT

The UNDP Somalia Rule of Law and Security Programme was established in 2002 to “support the delivery of security and protection under the rule of law for all Somalis.” This work was implemented in all three regions of Somalia until 2012. It consisted of three programmatic components – access to justice, civilian police, and armed violence reduction – and initially focused on establishing formal justice and law enforcement services by supporting strategic planning and legislation, infrastructure development, basic recruitment and training, and management of payroll systems. UNDP also extensively engaged in empowering women in the legal and judicial profession and in the provision of legal aid, especially for sexual and gender-based violence cases. After 2013 and the adoption of the Somali Compact and the Joint Rule of Law Programme, UNDP shifted its focus to enhancing safety and security for all, increasing access to effective justice, building confidence through capable institutions, and incorporating informal justice mechanisms.

ENHANCING SAFETY AND SECURITY FOR ALL

Through the combined efforts of the UN system and partners over the years, the Federal Government now commands a police force of approximately 5,300 trained officers, which operates in and around Mogadishu. Despite imperfections, the force has provided necessary static security to government offices, in addition to setting out plans to work with communities to build confidence by applying community oriented policing.

An important component of UNDP’s support to the police, particularly in Puntland, has been a scholarship programme within the police service aimed at developing professional officers that will adhere to international standards and promote the use of best practices to ensure safety and security for all. In total, 25 officers composed of 20 men and five women, have graduated with assistance from this scholarship programme.

Accordingly, UNDP maintains a focus on supporting the Somali police force to develop more gender sensitivity. This includes efforts to encourage both the integration of female officers within the Somali police force, as well as promoting gender-responsive community policing committees. Two committees have been established with the joint support of UN Women, which are used to facilitate meetings between the police, ministry, and community to foster a better understanding of how the three can work together to proactively address differentiating needs for safety and security.

INCREASING ACCESS TO EFFECTIVE JUSTICE

UNDP’s support to the justice sector continues to expand throughout the three regions of Somalia, and to date, nearly all actors in the judiciary have been trained in the areas of sexual and gender-based violence and human rights. In addition, UNDP also assists with increasing professionalism in the justice system, developing the ability of relevant actors to dispense justice effectively, and bolstering the assistance of legal aid through financial and technical support. In turn, thousands of cases have been processed through these legal aid providers. In Puntland, legal aid reached 2,097 clients, including 1,473 women and 624 men in 2015 alone. In Somaliland, 1,186 individuals, including 392 women and 794 men were also supported by legal clinics.

Mobile courts in Somalia have proven to be a very effective measure to bring justice to areas where permanent courts have not yet been established. In 2015 in Puntland, mobile courts adjudicated 413 (158 criminal and 255 civil) cases in 16 districts and villages, in which 158 women were assisted and 117 judgments were successfully endorsed. Reports indicate that most of the clientele were satisfied with the services received. In Somaliland, mobile courts adjudicated 574 (337 criminal and 231 civil) cases, in which 234 women were assisted, with a total of 1,380 beneficiaries. Overall, these mobile courts have fostered positive changes for the population through facilitating access to justice and reducing community-level conflict.

BUILDING CONFIDENCE THROUGH CAPABLE INSTITUTIONS

Over the course of its engagement in Somalia, UNDP focused on ensuring that rule of law institutions are adequately resourced to guarantee their long-term sustainability. Recently, UNDP supported the Policy and Legal Drafting Unit of the Federal Ministry of Justice to develop the overall legal framework for the justice system. UNDP also advocated for national actors to exhibit ethical practices and behaviors in the judiciary by supporting initiatives aimed at increasing professionalism and rooting out corruption in the justice sector. In Somaliland and Puntland, UNDP helped to establish inspection schemes in 2012, under

each respective High Judicial Council. In Puntland, these inspection schemes enabled the High Judicial Council to inspect 12 courts and two offices under the Attorney General. In Somaliland, UNDP worked to operationalize two Judicial Codes of Conduct and an inspection scheme was activated at the federal level. These efforts all contributed to building the faith of the populace in the capability of the formal justice system to uphold their rights and administer justice legitimately and effectively.

INCORPORATING INFORMAL JUSTICE MECHANISMS

Given the prevalence of the informal justice system in Somalia and lack of formal justice institutions, UNDP has worked to help bridge the two systems, in order to prevent them from contradicting each other and to ensure that the traditional system is exposed to the principles of human rights. This has entailed training judges, prosecutors, and legal aid providers on how to utilize aspects of key informal justice mechanisms within the formal justice framework while training traditional elders carrying out informal justice on human rights and sexual and gender-based violence. Additionally, the use of mobile courts to engage with customary courts by offering arbitration has proven quite effective. As a result, informal justice providers are increasingly reaching out to formal courts for support to reach settlements and elders have even begun registering cases as the first instance in court as a part of a pilot scheme in Puntland. 672 cases were heard and resolved by customary elders from October to December including cases on family disputes, minor injuries, land disagreements, and monetary issues. This model will be rolled out in other regions in the years to come, bridging the gap between formal and informal systems and utilizing the strengths of both to the benefit of the Somali people.

UNDP also supported traditional dispute resolution mechanisms and policies in Somaliland. With the help of UNDP and other international partners, a Traditional Dispute Resolution Policy was drafted by the Ministry of Justice to articulate a structure for engagement between formal justice systems and traditional providers. UNDP is at present providing technical inputs to this policy based on the results that have been achieved through its support to mobile courts and legal aid, where engagements between the traditional leaders and formal legal actors occur on a regular basis.

CHALLENGES

Although UNDP has supported many rule of law gains in Somalia, there are numerous challenges that remain. The continued volatility in Somalia still impedes UNDP's ability to access government counterparts

as well as the general population on a regular basis. Subsequently, it is difficult to implement consistent programming; however, co-locating with UNSOM in the joint rule of law programme has greatly improved the security situation.

Furthermore, despite significant efforts to facilitate the national ownership of statebuilding and reform processes, the expectations placed on the joint UN assistance to transform the entire rule of law system in Somalia are vast in a time when resources are scarce. Adding to this challenge is that some of the initial pledges made by donors during the formulation of the Joint Rule of Law Programme in 2013 have not translated into funds.

In the face of these challenges, aligning the UN's priorities under the Joint Rule of Law Programme has yielded substantial benefits and has made the most of the limited resources. This provides grounds for optimism about the ability of the UN system to overcome these challenges and find innovative and sustainable approaches to supporting Somali counterparts in consolidating peace and improving the development situation.

LESSONS LEARNED AND WAY FORWARD

UNDP has learned many lessons from its engagement in Somalia over the years. Working under the Somali Compact agreement has brought much-needed unity and a single vision to the rule of law and other sectors in Somalia. The compact operates as an effective coordination mechanism and fosters national ownership.

Specifically, **bridging informal and traditional justice mechanisms with the formal justice system has proved crucial to increasing access to justice and building trust between the population and the state.** Additionally, broad consultations have been key in bringing civil society actors and the state together. These consultations help to promote inclusion and facilitate an environment where civilians readily engage in the rule of law sector. Providing legal aid services to disadvantaged groups has also been an effective method to both concretely improve the lives of individuals, and have a systemic impact on the responsiveness of justice institutions to the needs and demands of the people.

Furthermore, looking at security from a people's safety perspective has changed the way in which the police carries out its work, by focusing on community oriented policing. Supporting the police by setting up effective oversight mechanisms helped to establish command and control in the force and provide transparency to hold police accountable for their actions.





» Somaliland female police officers received scholarships from UNDP to attend a Police Studies and Criminology diploma programme.

Moving forward, more focus will be placed on ensuring effective service delivery, particularly for women and marginalized populations. Efforts must be scaled up to institutionalize gender responsiveness through specialized rule of law services to advance women's access to justice and rights. In addition, with more than one million internally displaced people in Somalia, the state must pay special attention to issues of displacement, human security, and people's safety, when assuming its responsibility to deliver services to the population.

Looking forward, UNDP aims to build on these lessons learned and engage more rigorously with civil society in hopes to balance its institutional support with a more people-centered approach. Extending state service delivery that is responsive to people's needs will be the major focus in the coming years as a means to help a rule of law culture take root. This will be no small task, and will require serious political commitment from the government of Somalia. Based on its track record in promoting the rule of law since the enactment of the Somali Compact, UNDP believes the Somali government is completely capable of achieving this important goal and is eager to underscore these efforts with continued support to both the government and the people for which it exists to protect.

FINANCIAL SNAPSHOT

PROJECT NAME	BUDGET
Access to Justice and Police Project (2008–2012)	\$84,214,805
Rule of Law Bridge and Inception Project (2013–2014)	\$56,420,828
Joint Rule of Law Programme (2015)	\$20,168,072
TOTAL (2008–2015)	\$160,803,705

TIMOR-LESTE

SUPPORTING LEADERSHIP FOR SUSTAINABLE JUSTICE SYSTEMS



BACKGROUND

Following a long struggle for self-determination against Indonesian military occupation, the Democratic Republic of Timor-Leste gained independence in May 2002. However, the country paid a very heavy price. According to the National Truth and Reconciliation Commission, at least 200,000 people died from the conflict and its impact, and over 50 percent of the population was forced to flee their homes. Furthermore, Indonesia's decades-long occupation destroyed an estimated 75 percent of the country's infrastructure.³²

Since independence, the government and the people of Timor-Leste have made great strides in building state structures and progressing human development. Thanks to vast offshore reserves in the Timor Sea, the country is a major producer of oil and gas; the value of the Timor-Leste Petroleum Fund, the fund into which surplus wealth generated by oil and gas

revenues is deposited, amounts to almost \$15 billion. Economic growth has averaged more than 10 percent per year since 2007, and non-oil-related gross domestic product grew at an average rate of 12 percent annually during the period 2009–2014. However, according to the World Bank, 49.9 percent of its 1.2 million people live below the poverty line. In 2014, the gross national income per capita amounted to \$ 2,680 making Timor-Leste a 'lower middle income' country.³³

In April and May 2006, Timor-Leste witnessed a major political crisis characterized by a serious divergence between the President and the Prime Minister, both key historical leaders of the main party. This crisis led to the resignation of the Prime Minister on the 27th June and exacerbated tensions within the security sector forces-military versus police. The violence that erupted from this crisis, wracked the capital Dili, leaving at least 30 dead and more than 200,000 people displaced. The crisis also impacted the nascent justice sector at the time, as the Prosecutor-General's office was raided. Reports on the raid stated that files from the Serious Crimes Unit, on some of those indicted for the 1999 violence, were among the missing records. Despite this several-year setback, Timor-Leste has made impressive strides in establishing a national government. This includes significant progress in improving security and consolidating the rule of law. At the time of independence, the judicial system, similar to much of



the public service in Timor-Leste, was nearly destroyed or non-existent. To help fill this vacuum, the United Nations established an internationally-operated Transitional Administration in East-Timor in October 1999, which was tasked to oversee the transition to independence and in turn ceded place to the UN Mission of Support in Timor-Leste.

During the UN Transitional Administration in East-Timor, a basic transitory judicial framework for the country was established. Three district courts and a court of appeal in the capital Dili were also rebuilt and later staffed by international judges and prosecutors to administer justice throughout the country.

ASSISTANCE AND IMPACT

Against this backdrop, UNDP has worked alongside national stakeholders in Timor-Leste since 2003 to facilitate the transition from internationally-operated to a nationally-owned justice system. For over a decade, UNDP has supported national efforts to build and develop a fair and equitable justice system from scratch, addressing the immediate need for reinstating confidence in rule of law institutions and developing the capacity and ability of all justice sector professionals and leaders to own and effectively manage these institutions. Through this two-pronged approach, UNDP and national partners ensured sustained, transformational impact in the justice sector.

INVESTING IN TIMORESE LEGAL EDUCATION

Investing in the design and delivery of legal education to sustainably train legal and judicial professionals has been a key focus of UNDP's engagement in Timor-Leste. UNDP supported the establishment of a professional training institution, the Legal Training Centre, to develop a new cadre of legal and judicial specialists to gradually take over the line functions that international experts and specialists were carrying out. Over the years, more than 150 justice sector actors have been trained and certified to sustain justice delivery in the country. UNDP played a critical role in enhancing the institutional capacity of the Legal Training Centre and improving its ability to provide quality training, through supporting "train the trainers" programmes, peering with the Timor-Leste National Law Faculty

for higher education, increasing on the job training and oversight mechanisms, and providing sustained pedagogical support to national trainers.

As a result, the number of Timorese judges, prosecutors, public defenders and lawyers has steadily increased in recent years, allowing for the gradual phasing-out of international experts and advisers. In 2007, the first batch of 27 graduates from the judicial training center was sworn in; at present, there are 177 fully-trained and certified legal professionals and their numbers are likely to further increase in the coming period.

DEVELOPING NATIONAL CAPACITY AT ALL LEVELS

In addition to building a new cadre of legal professionals, UNDP has been heavily invested in the institutional development of the different rule of law sector institutions, including the Ministry of Justice, the National Police, the Office of the Prosecutor-General, the Court of Appeal, and the Public Defender's Office.

Aimed at ensuring effective justice service delivery, support has been geared towards building capacities at the local level to ensure better access to justice and security for local communities, as well as strengthening institutional responsiveness to community justice and security needs. UNDP supported sector-wide planning and coordination in the justice sector from the beginning of its engagement. Strategic planning and institutional capacity were key for supporting informed decision making by the justice sector leadership. Addressing bottlenecks through assessments and sector audits supported the gradual development of integrated case management systems. This was an effort supported by UNDP alongside other like-minded partners.

In parallel, strengthening access to justice and extension of justice services throughout the country was a priority for the UN and UNDP since early times. The UNDP supported a 'mobile courts' initiative, which allowed judges, prosecutors and public defenders to regularly travel to outlying districts to resolve cases and raise public awareness of the formal justice system. Since 2010, thousands of disputes have been settled and countless people have been educated about the formal justice system, including in some of the most inaccessible parts of the country.

ENGAGING WITH COMMUNITIES AND INFORMAL JUSTICE ACTORS

While effective, accountable and accessible justice sector institutions are essential for sustainable protection and development, change will be swifter and more resonant if it is also driven by grassroots demands. Local communities must be empowered to demand access to improved justice services, including by raising legal awareness and by providing legal aid and assistance. As such, UNDP has been supporting “equality of arms” in the sector, focusing on the Public Defender’s Office, as well as an array of local civil society organization’s to provide quality legal aid services and help ensure that immediate barriers to justice are overcome.

Informal dispute resolution is part and parcel of life in Timor-Leste and many are averse to using formal justice processes, except as a last resort. The overwhelming majority of Timorese rely upon informal justice actors and processes to resolve their disputes and conflicts. As such, UNDP has engaged with informal justice actors and processes to increase observation of international norms and standards, and to monitor their impact on women and children. Alongside other partners, UNDP provided informal justice providers with tailored training on human rights, gender and juvenile justice, and relevant domestic laws. UNDP also involved informal justice actors in a network, inclusive of civil society organization’s and other stakeholders, to facilitate the sharing of information, local solutions, and encourage rights compliance. UNDP additionally supported the promotion of women into positions of authority and decision-making in the informal justice system.

CHALLENGES

UNDP has been actively engaged in the Timorese justice sector for well over a decade. During this period, Timor-Leste has made great gains in terms of peace- and state- building. The government has worked to establish effective, responsive, and accountable institutions and improve access to justice, particularly for women and children. However, the system was still relying on international magistrates and advisors when, in October 2014, the government dismissed eight international judges and prosecutors, on the grounds of “national interest,” which was seen by the courts as a curtailment of judicial independence.

While at the time 87 percent of the country’s justice institutions were served by professional Timorese judges, prosecutors, and public defenders, 13 percent still relied on international advisors performing line functions and mentoring their national peers on more complex cases. The dismissal of international

magistrates represented a setback for both the sector and the programme, and forced UNDP, and the international community at large, to revisit and rethink its support to the justice sector in Timor-Leste. This came at a time when several donors and development partners had gradually phased out their support, as Timor-Leste is now perceived as a country that is capable of sustaining its development relying on its own natural resources.

Nonetheless, the courts continued to ask for UNDP support to the judicial branch, as they felt that capacity development was still needed in complex civil and criminal cases. In 2015, UNDP along with its national and development partners did a substantive redesign of the Justice System Programme. This included strengthening the Legal Training Center to accelerate the “Timorisation” of the justice sector by scaling up engagement with international and national lecturers and expert trainers, and concluding all international assistance related to line functions in the courts. At the same time, efforts in relation to access to justice at the local level were prioritized and scaled up. In line with this revision, UNDP has been phasing out all international assistance and has re-oriented its support to focus more on the coordination of high-level reforms and on the demand side of justice, by working on localized solutions to reach the most vulnerable.

LESSONS LEARNED AND THE WAY FORWARD

A key lesson learned from UNDP’s engagement with Timor-Leste has been that **supporting political leadership and national commitment at the highest levels of state to uphold the rule of law in complex and fragile contexts is vital to ensuring sustainable justice systems.** The success of Timor-Leste statebuilding in the justice sector is largely credited to the leadership and national ownership that steered the creation of the judicial system from scratch in a very complex context. This leadership was anchored in high-level engagement, inclusive strategic planning, and inter-institutional coordination amongst the three separate branches of power: legislative, government, and judicial. The establishment of a high-level Council of Coordination by decree law tasked with planning sector and donor coordination was key in setting development on the right track, at a time when Timor-Leste was flooded with international assistance and fragmentation of donors and approaches.

Another important lesson is that political economy and incentives for reform evolve as countries gradually move from crisis to stability. Development assistance needs to be constantly underpinned by sound political economy analysis to readjust strategies



and programmes, innovate, and sustain ownership and political commitment for longer-term reforms. Timor-Leste gained independence fully reliant on international assistance and went through cycles of political instability; expectations from peace dividends were extremely high amongst the leaders, the population, and the international community alike. Crises were eventually managed and the influx of income from the petroleum fund enabled the country to steer its own development. It is important that partners continue to readjust and innovate as they accompany Timor-Leste in its transformation, in order to sustain effective governance, accountability, and the rule of law in the longer term.

Going forward in an environment with limited resources, UNDP is revisiting its plans to re-focus its engagement in the justice sector, looking at localized solutions for increasing access to justice and security, and the extension of state presence in the most remote areas where services are still scarce. Relevant support for inter-institutional coordination and cooperation at a national level will be maintained through targeted strategic policy advice to address key bottlenecks and support oversight in areas that are still critical for the consolidation of reforms.

FINANCIAL SNAPSHOT

PROJECT NAME	BUDGET
Enhancing the Democratic Rule of Law through Strengthening the Justice System in Timor-Leste (2008–2013)	\$31,156,328
Consolidating the Democratic Rule of Law and Peace through a strong Justice System in Timor-Leste (2014–2018)	\$3,010,988
TOTAL (2008–2018)	\$34,167,316

» A UNDP-supported mobile court session taking place in Liquica District, Timor-Leste.



TUNISIA

BUILDING TRUST IN DEMOCRATIC TRANSITIONS



BACKGROUND

Following the self-immolation of Mohamed Bouazizi in Tunisia in 2011, a youth-led Jasmine Revolution ushered in the overthrow of the long-standing authoritarian regime. In just a few years following the revolution, the country achieved important milestones as it moved towards democracy. The first free elections were held in 2011, followed by the first free and fair presidential and legislative elections in 2014. Also in 2014, the National Constituent Assembly adopted a new constitution considered a “historic compromise between identity and modernity.”³⁴ Since the revolution, the country has maintained a high level of social capital, a cohesive society with a broad middle class, and a vibrant civil society that serves to strengthen its democracy. Tunisian civil society was recognized for its contribution to the peaceful

and democratic transition in 2015 when the National Dialogue Quartet won the Nobel Peace Prize.

Tunisia’s progress in the post-revolution political realm is undeniable; however, it continues to be accompanied by challenges. Instability due to tensions between Islamists and secular liberals, as well as a lagging economy, caused some political uncertainty shortly after the revolution. Recently, the country has been tested by the rise of radical jihadist violence. Tunisia serves as a transit corridor for aspiring jihadists wishing to join the Islamic State in Iraq and the Levant, and numerous clashes at the Libyan border have occurred between militants and Tunisian security forces that are cracking down on illicit trade.

Additionally, unemployment and the cost of living are on the rise, especially in the impoverished South where higher levels of poor and more socially conservative people feel at odds with those in the North. Protests against unemployment have spread across the country and have grown more violent over the last few years, notably in Kasserine, a focal point for the 2011 protests.

The population also has limited confidence in rule of law institutions. At the outset of the political transition, the police force was tarnished by a reputation for mistreatment and injustice from the years of its service to the dictatorship. Furthermore, the justice system was marked by widespread corruption, impunity, and lack of independence. To resolve these and other issues in the rule of law and human rights areas, Tunisia has undertaken a substantial transitional justice process, aimed at addressing the gross human rights violations of the former dictatorship. The government has also initiated a process to transform its justice system into a model of judicial integrity, as well as to facilitate reforms within the security sector and the Ministry of the Interior.



ASSISTANCE AND IMPACT

Against this backdrop, UNDP together with OHCHR supported transitional justice measures at the request of Tunisian authorities in the immediate aftermath of the revolution. The overall aim of this engagement was to support the Tunisian people in their journey toward democracy through assisting them in mechanisms for dealing with the past, as well as efforts to reform the justice and security sectors.

COMPREHENSIVE SUPPORT TO TRANSITIONAL JUSTICE

A major milestone of this journey was achieved in December 2013, when the National Constituent Assembly adopted the UNDP-supported Law on Transitional Justice, following a comprehensive advocacy campaign. The Independent Commission on Truth and Dignity was subsequently established with UN support and was mandated to reveal the truth about gross human rights violations committed from 1955 to 2013. By 2014, the commission was fully operational and started collecting victim's statements. Victims mapping and assessments across the country were also conducted and identified groups in need of particular assistance, notably women. Additionally, small grants to civil society organizations supported the delivery of assistance to victims, rehabilitation, and memorialization.

UNDP also encouraged the reforms of both the Ministries of Justice and Interior, in order to ensure guarantees of non-repetition for the victims of the previous regime. UNDP supported the first comprehensive justice sector reform strategy by the Ministry of Justice in 2014. This was the result of an inclusive consultation process that involved the participation of over 4,000 actors, including magistrates, justice personnel, and civil society representatives since 2011. An action plan for the period 2015–2019 was accordingly produced, in order to translate the strategic vision into concrete steps for justice sector reform and is currently being implemented.

TAKING THE TIME TO DEVELOP RELATIONSHIPS BASED ON TRUST

Since 2011, UNDP has supported the Ministry of Interior to transition policing from a repressive model to one centered on public service and respect for the rights of citizens. This was a dramatic shift from previous eras, but the Minister of the Interior demonstrated strong political will to move forward. However, there was limited understanding of what the reform efforts should entail, and initial skepticism among senior officials of the police and National Guard surrounding the need for such in-depth processes.

The Ministry of Interior initially requested UNDP's support for a very limited set of activities, such as improving institutional communication of the Ministry and developing trainings on human rights. UNDP took on these short-term activities, in order to respond to the demand of national partners and take the time to build relationships based on trust with the Ministry of Interior. UNDP supported the production of Standard Operational Procedures on maintaining public order during demonstrations, and new training curricula on human rights for the Police School. However, the limitations of these short-term technical activities quickly became apparent within the context of the radical change the country was experiencing, and the Ministry quickly realized a deeper need to better foster public confidence in security institutions.

BUILDING CONFIDENCE THROUGH IN-DEPTH REFORMS

In 2012, the Ministry acted on the need to enact more in-depth reforms and held a ground-breaking seminar to discuss the new objective for the police and National Guard in the context of democratic transition. A key takeaway was the glaring lack of trust in the police and the understanding that building confidence between security services and the communities in which they served would need to start from scratch. As such, the Ministry of Interior – with UNDP support – opted to develop a new community policing model.

In 2013, UNDP assisted the Ministry in adopting a national policy on community policing. The document was strategic and forward-looking, but also recommended concrete implementation mechanisms, including a required organizational structure, as well as new training methods, operational tools, and communication elements. From 2014 to 2015, UNDP and the Ministry established six community policing pilot programmes in Tunis and five regions of the country. In each of the pilot programmes, police stations were equipped with new procedures and tools to help identify security threats and respond to the demands of the population. UNDP also helped develop and implement management and oversight tools and mechanisms, enabling the Ministry of Interior to oversee the work of the community policing programmes.

Within each pilot programme, UNDP also supported the creation of local security committees to bring together civil society, local authorities, and national police representatives to discuss security issues for the first time. The committees proved to be a lively forum for dialogue on security issues and enabled all actors to understand their respective roles and contributions. All stakeholders went beyond their initial apprehension and skepticism to build relationships with others in the forums. The local committees produced security analyses and action plans in each municipality, which prioritized prevention and the need for relationships between the authorities and civil society. These community policing pilot programmes represent a comprehensive governmental response to the population's demand for change in security provision.

CHALLENGES

Unlike other countries in the region, Tunisia has benefited from a political environment conducive to political transitions and wide-range reforms. It has a vibrant and engaged civil society. However, support from the international community to carry out such reforms, especially community policing, remains very limited.

Many elements of the Law on Transitional Justice have yet to be established. Additionally, the Independent Truth and Dignity Commission is facing important challenges in conducting its investigations and cannot tackle them alone. Community policing still needs to be institutionalized to ensure that this precedent becomes deeply rooted throughout the country. The lack of justice felt by many Tunisians, as well as persistent corruption and human rights violations, are among the root causes of continued economic malaise and political disillusionment in some areas of the country. All of these factors pose key threats to a continued democratic transition.

Furthermore, Tunisia now faces new political and security challenges, such as political and jihadist violence; Tunisia has been the subject of repeated terrorist attacks. The state's response and international support in the aftermath of such attacks will be critical to the continuing journey to democracy in Tunisia. Regarding the prevention of violent extremism, it will be important that the engagement of the international community is consistent with the promising rule of law reforms underway in the country.

LESSONS LEARNED AND THE WAY FORWARD

UNDP has an important role to play as a neutral convener in transition contexts, where justice and security sectors undergo important changes and where public confidence in institutions needs to be established. UNDP has learned that reforming rule of law institutions in a sustainable manner to guarantee non-repetition of past abuses is a generational undertaking and needs to be approached with care.

UNDP engagement in Tunisia demonstrates that the key ingredient to supporting rule of law institutions in countries transitioning to democracy is taking the time to plan closely with national partners and to avoid a one-size-fits-all technical fix. Furthermore,





» UNDP summer university graduate Sumayya Amouni casting her ballot in the Tunisia Constituent Assembly elections in 2011.

the efforts of UNDP and the Ministry of the Interior to establish initial trust between different stakeholders enabled confidence-building measures with civil society and the broader population to take place for the first time in Tunisia's previously authoritarian history. Therefore, **establishing trust between all actors is a prerequisite for undertaking comprehensive reforms in transitioning contexts.**

The transitional justice process and the reforms engaged in by the Ministries of Interior and Justice are a promising practice. As UN Secretary-General Ban Ki-moon said, upon the adoption of the new constitution in 2014, "Tunisia can be a model to other peoples who are seeking reforms."³⁵ Such transformative reforms require strong and continuous support from the international community. UNDP will continue to support Tunisia's journey to democracy. By utilizing the lessons it has learned from its engagement in Tunisia, UNDP will ensure that building relationships based on trust remains a cornerstone of its approach to strengthening the rule of law in transitioning contexts.

FINANCIAL SNAPSHOT

PROJECT NAME	BUDGET
Security Sector Reform (2011–2014)	\$2,276,320
Justice Sector Reform and Transitional Justice (2012–2014)	\$2,625,785
Support to Crisis Prevention, Preparedness, and Response (2013–2017)	\$1,370,354
Operationalization of the Transitional Justice Process in Tunisia (2014–2017)	\$2,025,696
TOTAL (2011–2015)	\$8,298,155

PART II

The UN system has made tremendous policy changes over the past few years in order to enhance delivery of services and adapt to global complexities. These system-wide adjustments have enabled us to implement rule of law programming in a more strategic, cohesive, and efficient manner, as well as to ensure that we harness expertise across the UN system.



* Somali Custodial Corps march during a ceremony to mark the 46th anniversary since the corps was established, in Mogadishu, Somalia. The ceremony coincided with the laying of a foundation stone for the new Police and Court Complex.



Part II of this report explores these trends and policy developments from the perspectives of senior officials from across the UN system. Each of them discuss the importance of rule of law assistance to their mandates and highlight the advancements that have taken place in relation to the following themes: Joint Delivery of Rule of Law Assistance in Crisis and Post-Conflict Contexts; Integrating the Women, Peace, and Security Agenda and Rule of Law Assistance; and Prioritizing Prevention to Strengthen the Rule of Law and Human Rights. UNDP's Global Programme is dedicated to serving the UN system in the years to come.



SERVING THE UN SYSTEM

JOINT DELIVERY OF RULE OF LAW ASSISTANCE IN CRISIS AND POST-CONFLICT CONTEXTS

THE GLOBAL FOCAL POINT FOR POLICE, JUSTICE, AND CORRECTIONS AND THE HIGH-LEVEL INDEPENDENT PANEL FOR PEACE OPERATIONS

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Communities that live in fear of crime and violence are communities deprived of their full human capital. During conflict and crises, fear over basic safety and security is compounded by anxieties over livelihoods and economic security. For this reason, the World Bank has concluded that “investing in citizen security, justice and jobs is essential to reducing violence.”³⁶ Peace and security actors must join with development colleagues to advance the rule of law together.

The global community faces unprecedented challenges: asymmetric threats, terrorism, migration, organized criminal networks, climate change, natural resource exploitation and major social upheaval. Such problems may seem intractable. However, in remarks unveiling his Plan of Action for Violent Extremism, Secretary-General Ban Ki-moon told the General Assembly, “We...know the critical elements for success: Good governance. The rule of law. Political participation. Quality education and decent jobs. Full respect for human rights.”³⁷

In 2012, the Secretary-General promulgated the Global Focal Point (GFP) arrangement for police, justice, and corrections – which now brings together DPKO, UNDP, UN Women, OHCHR, UNODC and other partners.³⁸ It has proven to be an effective, flexible and flat arrangement, which helps address peace sustainment challenges through evidence-based practices while allowing rule of law actors across the United Nations system to take advantage of economies of scale. Because it maximizes impact, leverages limited resources, encourages innovation and reduces

competition for funding, the Secretary-General has expressly recognized the GFP as a promising platform for coordinated work in cross-cutting areas, which he wishes to enhance further.³⁹

In Somalia, for example, the GFP has put a whole-of-government approach into practice with the New Deal Compact. UNSOM and UNDP have been co-located, in the same office, for more than two years, coordinating on many activities and working on a single path for change within the Somali Police Force. Joint support has led to the deployment of police officers into areas recovered from Al-Shabaab; biometric registration of law enforcement personnel; and the re-establishment of state authority in regions such as Benadir.

In the Central African Republic (CAR), with joint United Nations support, national courts last year initiated the first Criminal Sessions since 2010. These have addressed 26 serious crimes involving 61 accused persons. The credibility of these proceedings was reinforced by support to a court spokesperson engaging in outreach, preparation of jurors and improved jail inspections and legal assistance, which has diffused tensions in the Ngaragba prison. DPKO and UNDP will also work to ensure that police, justice, and corrections elements are included in the planned compact between the United Nations and the government, which aims to solidify commitment to developing the rule of law.

Together with GFP colleagues, DPKO/OROLSI is already planning for the future in other country settings, which may include support to Libya, Yemen, and Colombia. At the same time, the GFP framework has made it much easier to plan in advance for smarter mission transitions. Where UN peace operations are preparing for exit, the United Nations as a whole is working towards a smooth transfer of responsibilities



and handover of tasks. In Haiti, Darfur and Liberia, in particular, the international community must step forward with political support and resources if the United Nations Country Teams are to sustain over a decade's worth of peacekeeping investment in the rule of law sector. Hard-won peace dividends must not be allowed to dissipate.

Last year's "Report of the High-level Independent Panel on Peace Operations" recognized the importance of making programmatic funding available from the assessed budget to support mandate implementation.⁴⁰

Deploying people without access to programmatic resources "can lead to a heavy footprint without the capacity to deliver, for example when police trainers deploy but are unable...to conduct training courses for host country counterparts".⁴¹ The Department of Peacekeeping Operations and the Department for Field Support – along with bilateral partners and Member States – are making headway to unlock these crucial resources. However, much more is needed, especially for a handful of priority projects.

For example, the Special Criminal Court in CAR, once functioning, will demonstrate to the Central African people – as well as the world at large – that the state is capable of addressing the most serious

crimes. In Somalia and South Sudan, the international community also has a chance to make a significant leap forward in helping these Governments provide security to their citizens. Both the "Heegan Plan" for the Somali national police and the "Joint Integrated Police" for South Sudan deserve a chance for success.

To paraphrase Nelson Mandela, "safety and security don't just happen; they are the result of collective consensus and public investment". We must keep sustained commitment focused on the rule of law area, together with development colleagues. I am confident that investment in this area will produce higher growth, public sector development and, ultimately, better outcomes for all global citizens.

» DPKO and UNDP work together to promote peace and stability in Darfur through the Global Focal Point for Police, Justice, and Corrections.



THE PEACEBUILDING FUND AND REVIEW OF UN PEACEBUILDING ARCHITECTURE

OSCAR FERNANDEZ-TARANCO

ASSISTANT SECRETARY-GENERAL FOR PEACEBUILDING
SUPPORT, UN PEACEBUILDING SUPPORT OFFICE

The rule of law is critical to peacebuilding and the prevention of violent conflict. Conflicts are inherent to all human interactions and societies, but they can be managed and resolved through well-functioning institutions. Justice institutions are among the most critical to ensure that conflicts do not escalate into violence. In societies where violence is regularly used to settle conflicts, strengthening the rule of law is an essential way to build sustainable peace.

At the same time, enhancing the rule of law is one of the most challenging areas of peacebuilding, as it typically takes decades to see results and requires difficult choices regarding priorities, timing, and sequencing. Strengthening the rule of law encompasses a wide range of matters, including the constitution; civil, commercial, and criminal laws; judicial, security, and human rights institutions; as well as training, education, and enforcement. All of which, involve a complex relationship between the formal and informal or traditional justice systems. Rule of law reforms require careful analysis of the historical and societal context to which programmes need to adapt and is highly political and cannot be approached as merely a technical issue. Furthermore, measures need to be taken to combat corruption.

Despite these intricate issues, rule of law reforms should not be postponed because they are too difficult, too political, too long-term, or because it is not the right moment. In situations where the political environment is contentious and national capacities low, systemic reforms, grand designs, or blueprints to

rule of law should be avoided. However, approaches that are based on conflict analysis, nationally driven, and have iterative and inclusive learning processes that start with a clearly identified problem – such as a case-load build-up in the justice system or high-levels of crime – generally have more success.

Inclusive dialogues should be organized to provide space for broad segments of the population, including women, youth, marginalized groups, victims, and opposition parties, to discuss and agree on the objectives of and resources for the specific programme, and define the why, who, what and when. Such processes should increase the trust in the state, build local ownership, and lead to more sustainable results. Inclusive dialogues cannot be limited to a distinct set of meetings and must continue beyond the design phase. The population that is supposed to benefit from the rule of law programme should have the opportunity to provide feedback on an ongoing basis, participate in the monitoring of outcomes and results, and complain if necessary. This would demonstrate that the government takes the voices of the people seriously and build the trust in, and legitimacy of, the government.

International support can also play an important role in strengthening the rule of law. This support can include political accompaniment, for example by the Peacebuilding Commission, technical support, such as provided by UNDP, and financing, from the Peacebuilding Fund. Early, rapid, predictable and sustained financing is essential regarding the development of justice institutions. Yet, funding for rule of law is very low, perhaps because results for other initiatives materialize quicker and are easier to measure. For a group of 31 conflict-affected countries, justice institutions received only 2.4 percent of total Official Development Assistance for the period 2002–2013.⁴²





» During construction of the Justice and Peace Regional Hub in Gbarnga, Liberia that now serves to increase access to justice, as well as security and protection services at the local level.

The Peacebuilding Fund (PBF) has played an important role in providing early and rapid funding for rule-of-law projects, and also in bringing various UN peacebuilding actors together around a common plan in support of national efforts. The Peacebuilding Fund has financed about 65 rule-of-law projects in various countries since 2011, amounting to \$131 million, which is 32 percent of the total PBF allocations.⁴³ UNDP received 50 percent of the rule of law allocations.

To give a few examples of PBF funded projects, in Liberia, the Peacebuilding Fund has continued to support the Regional Justice and Security Hubs. The hubs in Gbarnga, Harper and Zwedru were rolled out even amidst the Ebola crisis. In addition, the Fund has provided support to the constitutional review, which also has been the case in Sierra Leone. In Somalia, the PBF has funded strengthening of the rule of law, corrections and justice sector. In Guinea, the PBF is financing three projects, including Proximity Police, High-Level Advisory support to the Presidency in security sector reform, and support to the institutionalization of prevention and response to gender-based violence.

In Burundi, the PBF provides support to and was crucial to the establishment of, the National Independent Commission for Human Rights, which carries out human rights investigations throughout the country, including of extrajudicial executions.

In the Democratic Republic of the Congo, with PBF funding, the UN supported the construction and rehabilitation of four prisons and five Peace Tribunals in Eastern DRC, including training of prison and judicial staff and some support for revenue generating activities of the prisoners. In Comoros, the PBF funded training on human rights and rule of law for the security forces, and in Kyrgyzstan on promoting the rule of law and human rights. The Fund has also supported the International Commission against Impunity in Guatemala and the creation of a Technological Information Platform and a Criminal Statistics and Strategic Analysis Unit within the Ministry of the Interior.

The United Nations system as a whole should continue to focus on peacebuilding, and rule of law in particular, in order to be more effective in the prevention of lapse and relapse into violent conflict. Our collective efforts received strong support from the recent resolutions adopted in the General Assembly and the Security Council on the 2015 Peacebuilding Architecture review, which stressed “the importance of... strengthening the rule of law at the international and national levels... including through... access to justice and transitional justice... and respect for, and protection of, human rights and fundamental freedoms.” The agenda laid out by these resolutions will guide us for years to come.

INTEGRATING THE WOMEN, PEACE, AND SECURITY AGENDA AND RULE OF LAW ASSISTANCE

GLOBAL STUDY ON THE IMPLEMENTATION OF SECURITY COUNCIL RESOLUTION 1325

PHUMZILE MLAMBO-NGCUKA,
EXECUTIVE DIRECTOR, UN WOMEN

The recent independent review “Preventing Conflict, Transforming Justice, Securing the Peace: A Global Study on the Implementation of Security Council resolution 1325” (2015) demonstrates conclusively that integrating women’s empowerment and gender equality goals into justice and rule of law areas contributes to sustainable peace, accelerates economic recovery, strengthens protection efforts and counters violent extremism. The Study defines the crucial relationship between protection and empowerment and the negative corollary that the lack of rule of law and functioning justice systems in conflict areas contributes to women’s insecurity and affects their ability to participate and lead in public life.

Noting significant progress on normative frameworks and advocacy at the international level, the Study highlights critical remaining gaps between the aspirations of the Women, Peace and Security (WPS) agenda and its implementation. These gaps result from obstacles such as lack of political will, resources, institutional and attitudinal barriers, and a lack of accountability. This is particularly evident in fragile/crisis countries that are likely to prioritize militarized security options and stabilization strategies. Meaningful and systematic participation of women in state-building processes and accommodation of their perspectives and needs are often forgotten.

I regularly emphasize that justice, including transitional justice mechanisms, must be transformative in nature. It must address not only the violations experienced by women but also the underlying inequalities that make women and girls vulnerable during times of conflict. The Study observed the paucity of programmes on sexual and gender-based violence (SGBV) and that those in existence were limited in scope and duration, and do not fully address lack of survivor services and weak rule of law responses throughout the justice chain. Approximately 80 percent of claims or disputes are resolved by parallel justice systems, indicating that most women access justice outside formal legal structures. I believe that plural legal systems could be better understood and supported in order to challenge gender norms and influence structural inequalities. To further improve women’s access to justice, it is important to protect women’s land rights and identity documentation, as well as ensure that victims of violence have legal protection, immediate services, and reparations.

The Study finds that women’s participation is fundamental to establish new, inclusive systems and policies and to counter systemic violence and oppression. We have evidence that increasing the number of women judges and other frontline justice sector officials can create more supportive environments for women in courts and makes a difference to outcomes in SGBV cases. Promoting an increase in women police officers helps to reduce corruption and improper use of force, improves trust in the legal system and reporting of sexual violence cases.



The vision of Agenda 2030 for Sustainable Development is underpinned by action on women, peace and security. This inextricable link emphasizes the importance of positive initiatives such as the Secretary-General's Seven-Point Action Plan on Gender-Responsive Peacebuilding⁴⁴ and UNDP's eight-point agenda on gender equality. In addition, UN Women is taking every opportunity to leverage partnership with the Global Focal Point for Police, Justice, and Corrections in order to systematically integrate WPS analyses into country assessments, rule of law programmes and advocacy. On the ground, this collaboration has enabled translation of WPS policy into concrete results in joint UN Women and UNDP justice programmes.

Funding is critical, and it is vital that donors ensure that rule of law assistance is financed to achieve longer term development goals, increasing their support for WPS and development justice areas in rule of law, including investments in women's grassroots organizations. I am convinced that there is no better time to translate rhetoric into action, to build on the momentum presented by the Study and advance real options for states emerging from crisis to engage half of their populations to ensure lasting peace, security and prosperity.



» Promoting an increase in women police officers helps to reduce corruption and improper use of force, improves trust in the legal system and reporting of sexual violence cases. Here a policewoman in Afghanistan reviews the Code of Conduct.

TEAM OF EXPERTS ON THE RULE OF LAW AND SEXUAL VIOLENCE IN CONFLICT

ZAINAB HAWA BANGURA

SPECIAL REPRESENTATIVE OF THE SECRETARY
GENERAL ON SEXUAL VIOLENCE IN CONFLICT

My tenure as Special Representative of the Secretary-General on Sexual Violence in Conflict has strengthened my conviction that women and girls can have peace and security only where there is a justice sector that represents them and responds to their needs. Indeed, a country can only be considered secure when a survivor of sexual violence, whether woman, girl, man, or boy, can report the crime to a sensitive and responsive police force; when that police force can work together constructively with a court system that will hear the case fairly; and when the perpetrator will face imprisonment and provide reparation if convicted.

In 2015, the Security Council renewed its commitment to the women, peace, and security agenda by adopting resolution 2242. In that resolution, the Council “[u]rged Member States to strengthen access to justice for women in conflict and post-conflict situations, including through the prompt investigation, prosecution and punishment of sexual and gender-based violence, as well as reparation for victims....” Yet Member States in conflict, or recovering from it, are challenged by capacity constraints that inhibit women and girls from accessing justice. Therefore, it is incumbent on the United Nations to work together with Member States to re-establish the rule of law and provide justice for survivors of conflict-related sexual violence (CRSV).

As part of my office’s mandate, the Security Council created a tool for Member States to call upon in conflict or post-conflict situations in order to strengthen their capacity to deal with CRSV: the Team of Experts on the Rule of Law and Sexual Violence in Conflict (TOE). The TOE deploys globally to countries afflicted by the scourge of CRSV to strengthen those countries’ rule of law institutions and provide justice to survivors. In 2015, the TOE deployed to the Central African Republic, Colombia,

Guinea-Conakry, the Democratic Republic of the Congo (DRC), Iraq, Mali, South Sudan, Syria (and other countries affected by the Syrian crisis), and Uganda.

One of the strongest and most innovative aspects of the TOE is its inter-agency nature. The United Nations Development Programme (UNDP), alongside the United Nations Department of Peacekeeping Operations and the Office of the United Nations High Commissioner for Human Rights, provides an important contribution of personnel and resources to the TOE. Indeed, UNDP is one of the TOE’s key implementing partners, which allows the TOE to deliver globally for Member States and produce tangible results.

Here are a few examples from 2015: In the DRC, the TOE works together with UNDP to assist military justice authorities and the DRC’s Special Police for Women and Children to create prosecutorial strategies and prioritization criteria to advance investigations and trials of CRSV. As part of the project with UNDP, the TOE worked closely with the Forces Armées de la République démocratique du Congo to create an action plan to prevent and eliminate sexual violence in the military. This past year, the TOE created a matrix of activities in accordance with this plan and numerous commanders signed undertakings signaling their commitment to it. In Mali, the TOE conducted a joint technical assessment mission with UNDP to determine Mali’s needs and capabilities regarding the elimination of conflict-related sexual violence in that country, which informed the Global Focal Point’s recommendations on how to strengthen Mali’s rule of law activities. My Office continues to seek a joint communiqué with Mali to strengthen the country’s efforts against CRSV and UNDP will be a key partner in the future for those activities.

The collaboration between UNDP and the TOE demonstrates that the United Nations can deliver as one to change cultures of impunity for CRSV into cultures of deterrence and prevention. We do so by strengthening the rule of law so that every survivor can obtain justice.



» The TOE works alongside UNDP and the Special Police for Women and Children in the DRC to advance investigations and trials of CRSV.



PRIORITIZING PREVENTION TO STRENGTHEN THE RULE OF LAW AND HUMAN RIGHTS

NATIONAL HUMAN RIGHTS INSTITUTIONS AND HUMAN RIGHTS UP FRONT

ZEID RA'AD AL HUSSEIN

UN HIGH COMMISSIONER FOR HUMAN RIGHTS

Combatting impunity and strengthening accountability and the rule of law remained a main priority for OHCHR in 2015, both at headquarters and in our 64 field presences worldwide.

My office continued to support transitional justice processes and related national dialogues across various regions. In the Central African Republic, together with other UN partners, we provided advice on the law establishing a special criminal court to deal with serious human rights violations committed since 2003 and, in September 2015, the fight against impunity was discussed at an international seminar co-organized with MINUSCA and national partners. In Mali, South Sudan, and Sudan (Darfur), OHCHR provided advice on possible accountability and transitional justice arrangements foreseen by peace agreements. We also continued to support the Extraordinary African Chambers in the Senegalese Courts and monitored the trial of Hissène Habré. In Sri Lanka, we supported national stakeholders in the initial steps of establishing credible, effective and comprehensive transitional justice mechanisms to deal with allegations of violations of international humanitarian and human rights law. We supported national efforts in several countries to put in place legislative frameworks for the protection of victims and witnesses of gross human rights violations and serious violations of international humanitarian law. Our Rule of Law Tools for Post-Conflict States series

now includes a new tool identifying good practices relating to the management of records and archives in the context of the right to truth.⁴⁵

OHCHR continued to assist governments in establishing and strengthening national human rights institutions (NHRIs) by providing technical assistance and legal advice on constitutional and legislative frameworks regarding NHRIs. The strategic partnership framework set up in 2011 between OHCHR, UNDP and the Global Alliance of National Human Rights Institutions has led to better coordination and leverage of knowledge, expertise and capacity to strengthen NHRIs. In Timor-Leste, for instance, OHCHR and UNDP supported the NHRI to draft and implement a human rights training manual for the police.

In Tunisia, OHCHR and UNDP supported the authorities in designing a national plan of action to reform the judicial and prison institutions. OHCHR also continued to advocate for the abolition of the death penalty worldwide, including through support to United Nations country teams in Madagascar, Malawi, and Zambia in implementing activities to advance abolition. In Uganda, OHCHR supported the Judicial Studies Institute to roll out a curriculum for judges on the enforcement of economic, social and cultural rights. In Geneva, it held expert consultations in July 2015 to explore the links between violations of economic, social and cultural rights and conflict and to identify the essential elements of an effective early warning system. OHCHR also remained fully involved in the implementation of the Human Rights Up Front initiative (HRuF), including by providing support and advice both at headquarters and in the field to UN





» OHCHR, alongside UNDP, engages the public in the transitional justice process to address the legacy of violence and promote human rights in Colombia.

partners. Experience shows that HRuF has mitigated situations, and dialogue with governments has helped avert potential crises. In other instances, it has made it possible for Resident Coordinators to respond more quickly to requests for support from national authorities on concerns which may fall outside the normal development assistance framework.

HRuF also supports progress on the 2030 Agenda for Sustainable Development, which recognized that development grievances, lack of access to justice and failing institutions often are drivers of crisis and conflict. As the Agenda advances, we must ensure that all processes adhere to international human rights

standards, in particular with regard to Goal 16, and we will closely cooperate with UN partners and states in this regard.

In light of the challenges faced and the large number of actors involved, pursuing a coordinated, coherent and responsive approach to combating impunity and strengthening the rule of law will remain a high priority on my agenda for the coming years. In this context, OHCHR welcomes its partnership with UNDP, DPKO, UN Women and other relevant entities in the Global Focal Point for Police, Justice, and Corrections.



THE SECRETARY GENERAL'S AGENDA FOR HUMANITY AND THE WORLD HUMANITARIAN SUMMIT

©UN Photo / Isaac Billy

IZUMI NAKAMITSU

ASSISTANT SECRETARY-GENERAL
DIRECTOR OF CRISIS RESPONSE UNIT, UNDP

The humanitarian and development fields are drawing closer together as the world becomes more interdependent and the nature of conflict more complex. We have seen that conflict drives 80 percent of all humanitarian needs.⁴⁶ As such, the Secretary-General has made it a priority to scale up the UN system's investment in prevention, in order to lessen the crises that produce this great humanitarian burden. In his report *One Humanity: Shared Responsibility*, he declared that the United Nation's First Core Responsibility is to prevent and end conflict: "An end to human suffering requires political solutions, unity of purpose, and sustained leadership and investment in peaceful and inclusive societies."

Indeed, prevention lies at the heart of the work of the UN system. We must no longer think of prevention as a linear process that only occurs before the immediate eruption of conflict, but as central to everything that we do. Prevention demands a comprehensive approach: through developing good governance and implementing peacebuilding measures, supporting local livelihoods and economic opportunity, and taking swift action to support populations in crises contexts. All of these efforts aim to help societies develop the resilience needed to withstand political, social, or economic shocks, and "build back better" if and when crisis does take hold. In these situations, setting the stage for rapid recovery requires that humanitarian and development actors work cohesively, with one goal in mind – establishing and sustaining peace.

I participate in policy discussions surrounding sustainable development, peace operations, and the upcoming World Humanitarian Summit; in which, I remain cognizant of the devastating effects violent conflict has on developing communities, states, and entire regions. I place the utmost importance on prioritizing prevention to strengthen the rule of law and human rights, especially in crisis-affected areas. UNDP is uniquely placed to work at the nexus of humanitarian action and development by aiding in both the prevention and resolution of conflict, and fostering service delivery before, during, and after conflict. UNDP has always been present in humanitarian contexts, engaging in both short-term programming to address immediate needs, as well as long-term programming to sustain peace. Even in countries such as Syria, Lebanon, Iraq, and Yemen, UNDP tries to deliver justice and security services at the local level for the protection and promotion of human rights.

As we enter into our 2030 Agenda for Sustainable Development, the United Nations system is taking steps to bring our humanitarian and development efforts together. In 2016, the Secretary-General's World Humanitarian Summit will examine the linkages between humanitarian action and sustainable development, focusing on stronger delivery in five key areas: Dignity, Safety, Resilience, Partnerships, and Finance. The Summit will also address shifting our modalities of work to utilize a joint approach that is financed rather than funded.

With the gap between humanitarian need and capacity to respond ever-widening, we must double our energy and attention to preventing and rapidly responding to crisis situations, and to reduce the need. In the Secretary-General's words, "The World Humanitarian Summit must be for the people living on the frontline of humanity. They count on us. We cannot let them down."



» A specialized course for police on evidence management of illicit small arms and ammunition taking place in San Jose, Costa Rica.

INTERNATIONAL SMALL ARMS CONTROL STANDARDS

KIM WON-SOO

UN HIGH REPRESENTATIVE
FOR DISARMAMENT AFFAIRS

In 2015, Secretary-General Ban Ki-moon observed that “countries suffering from sustained levels of armed conflict or violence are also those furthest from reaching their Millennium Development Goal targets. The complex linkages among arms, violence, conflict and development continue to play out in states around the world.”⁴⁷ We must apply this insight to the pursuit of the successor to the Millennium Development Goals—the Sustainable Development Goals. Only by working together to prevent conflict and the illicit trade in the tools of violence, can we hope to create the conditions necessary for peace, security, and sustainable human development.

The 2030 Agenda for Sustainable Development sets the direction for the UN system over the coming 15 years. It underlines our determination to “foster peaceful, just, and inclusive societies which are free from fear and violence” and reaffirms that “there can be no sustainable development without peace and no peace without sustainable development.”

Addressing the needs of conflict- and crime-affected countries requires strengthened horizontal cooperation between the humanitarian, peace and security and development pillars of the UN in order to prioritize conflict prevention and strengthen the rule of law and human rights.

The illicit trade in arms—especially small arms and light weapons—continues to fuel violence in crisis-affected and fragile situations and is a key enabler of conflict and endemic crime. Whether in the context of gang violence in urban settings, conflicts over access to grazing or water in societies grappling with climate change, or transnational organized crime and terrorism, easy access to arms poses a serious obstacle to sustainable peace and development.

UN Member States recognize this problem and have taken action to address it by negotiating four

global agreements designed to significantly reduce illicit arms flows: the UN Programme of Action against the illicit trade in small arms and light weapons, the UN Firearms Protocol, the International Tracing Instrument and, most recently, the Arms Trade Treaty. Taken together, these agreements enshrine a corpus of international norms and commitments, which – if fully implemented – would in itself contribute to promoting the rule of law in disarmament and arms regulation and help to create the conditions in which human rights and justice can take root and flourish.

Building on these agreements, UNODA works with governments to create practical tools to help states enhance their capacities in the area of arms control. Examples include the UN Register of Conventional Arms, the International Ammunition Technical Guidelines and the International Small Arms Control Standards (ISACS).

UNODA and UNDP have jointly led the UN system in developing ISACS, whose purpose is to help build national capacity to prevent illicit flows of small arms and light weapons and prevent them from fueling conflict and exacerbating violence.⁴⁸ The standards are based on norms agreed by states and were developed through a collaborative effort by 23 UN entities and hundreds of experts from governments, international and regional organizations, civil society and the private sector. Since their launch in 2012, the UN and our partners have used ISACS in at least 90 countries.

The ISACS initiative is a good example of how the humanitarian, peace and security and development pillars of the UN can work together in partnership to help states prevent conflict and achieve the SDGs. Working in such a collaborative way, the UN can better help states to clear a path towards the achievement of these important goals.



PART III

UNDP provides support to nearly 170 countries, about 40 of which are affected by crisis and have received support through the Global Programme. Part III of this report provides a synopsis of the key results achieved by UNDP in 2015 in assisting countries to deal with the legacy of violence, increase safety and security, build confidence through accessible and effective justice and security institutions, and improve the delivery of justice and security for women. For detailed country-by-country support please see the online “2015 Country Profile Pamphlet” and interactive map.⁴⁹

⁴⁹ UNDP's Access to Justice and Rule of Law Project promotes the rule of law and human rights in South Sudan through outreach activities in five states.

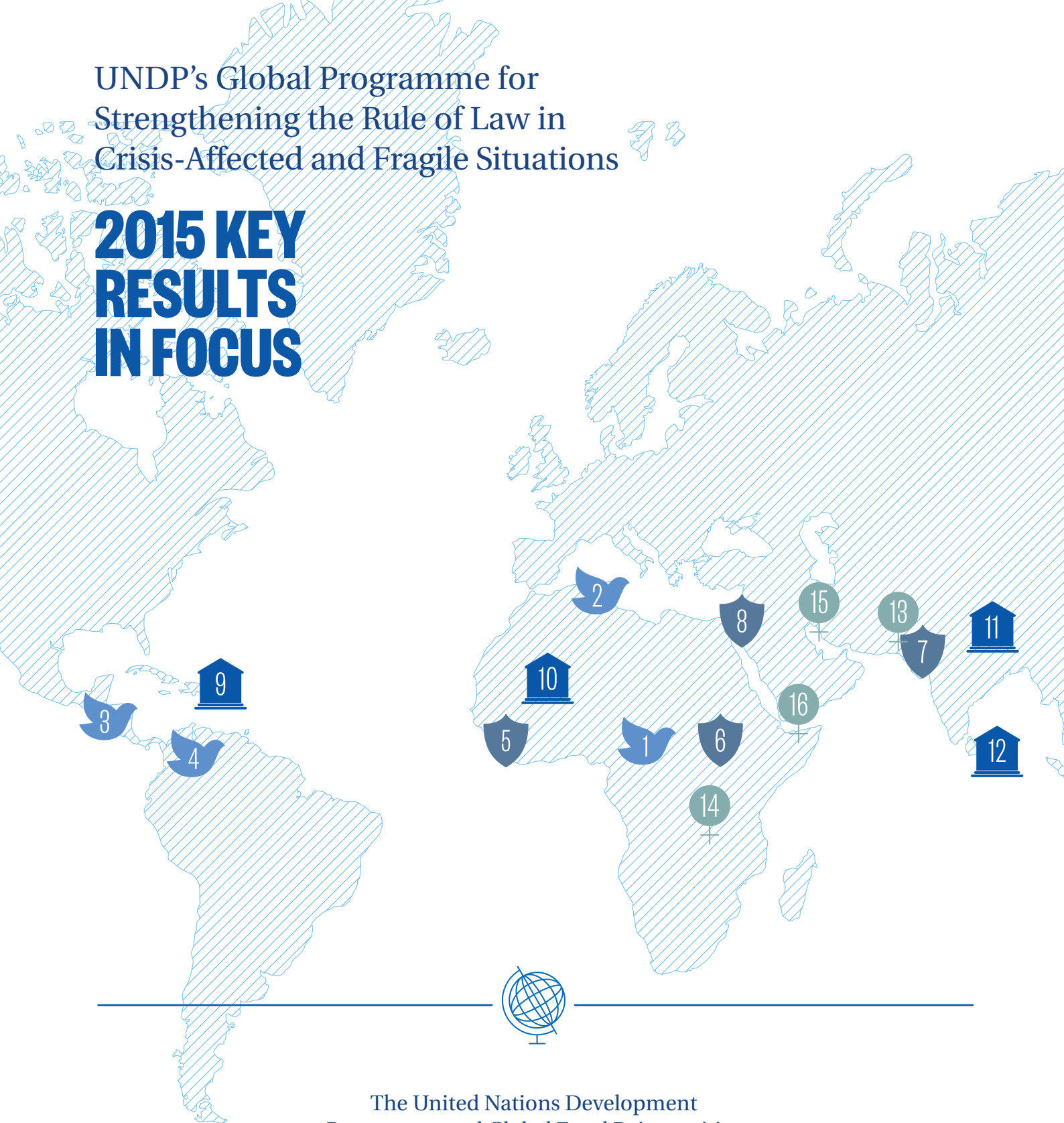


A close-up photograph of two women from South Sudan, smiling warmly at the camera. They are wearing traditional clothing, including a patterned shawl with orange, green, and black floral designs. The woman on the left is wearing a black top and a blue beaded necklace. The woman on the right is wearing a purple beaded necklace. The background is blurred, showing other people in colorful clothing.

YEAR IN REVIEW 2015

UNDP's Global Programme for Strengthening the Rule of Law in Crisis-Affected and Fragile Situations

2015 KEY RESULTS IN FOCUS



The United Nations Development
Programme and Global Focal Point entities
support national partners to strengthen

**THE RULE OF LAW IN OVER 40
CRISIS-AFFECTED CONTEXTS
AROUND THE WORLD**





DEALING WITH THE LEGACY OF VIOLENCE

- Supported Transitional Justice
- Elevated the Voice of Victims
- Promoted National Reconciliation

1. CENTRAL AFRICAN REPUBLIC

The National Transition Council passed the law to establish the Special Criminal Court. National consultations with civil society, the justice sector, and internal security institutions were held to define support for and the direction of the court.

2. TUNISIA

The Independent Commission on Truth and Dignity registered close to 22,000 victims and nearly 2,000 were interviewed. Transitional justice outreach campaigns reached a total of 17,722 people, including 5,689 women.

3. GUATEMALA

The Public Prosecutors Office facilitated working groups between victims, civil society organizations, psychologists, and prosecutors to promote effective coordination throughout the investigation in Coban.

4. COLOMBIA

3,096 victims, including 1,505 women, were supported in registering with the Victim's Unit to receive assistance and reparations in the transitional justice process.



INCREASING SAFETY AND SECURITY FOR ALL

- Reduced Armed Violence
- Increased Police Services
- Improved a Sense of Security

5. SIERRA LEONE

The police established an Independent Police Complaints Board to transparently investigate citizens' grievances involving the police.

6. SOUTH SUDAN

Police-community relations committees established joint night patrols to identify crime hotspots. The Special Protection Units, processed 113 cases, 39 related to sexual and gender-based violence, and 74 related to children in conflict with the law.

7. PAKISTAN

23 community policing forums held 100 meetings and created dedicated women's and community policing desks in 18 police stations.

8. STATE OF PALESTINE

Standardization of disciplinary actions for police misconduct progressed, with 4,202 cases processed and 54 dismissals.



BUILDING EFFECTIVE AND ACCESSIBLE INSTITUTIONS

- Increased Access to Justice
- Strengthened Legal Frameworks
- Rebuilt Confidence

9. HAITI

A comprehensive top-to-bottom institutional review of the Superior Court of Accounting & Administrative Disputes was conducted.

10. MALI

9 courts, 7 prisons, and 17 access to justice centers were refurbished. 1,423 members of justice personnel received specialized training to enhance service delivery.

11. NEPAL

3,405 females and 1,986 males, including 533 earthquake survivors benefitted from access to justice programming and legal aid outreach reached over 26,020 people.

12. SRI LANKA

The access to justice programme reached and provided documentation for an estimated 1,000 persons of Tamil descent.



IMPROVING JUSTICE AND SECURITY FOR WOMEN

- Tackled Sexual and Gender-Based Violence
- Increased Women's Participation in Justice and Security Institutions
- Empowered Women and Girls

13. AFGHANISTAN

580 newly recruited female officers received training in the Sivas Police Academy in Turkey and were successfully deployed. Female police officers have increased from 2,145 officers in April 2015 to 2,630 in December 2015.

14. BURUNDI

1,160 SGBV survivors, including 1,031 women and girls received holistic assistance. 12 legal clinics led by civil society organizations were opened, providing legal services to 629 people, including 363 women.

15. IRAQ

An estimated 3,000 sexual and gender-based violence survivors from displaced populations benefited from legal aid services.

16. YEMEN

14 civil society organizations received training to document violations and provide psychosocial support to women and girls that are victims of war and SGBV.

DEALING WITH THE LEGACY OF VIOLENCE



States with histories of violent conflict are particularly fragile and vulnerable to instability. Frequently when violence ends, the root causes of the conflict are left unaddressed, citizen grievances are not heard, and impunity riddles communities trying to rebuild, deepening marginalization and discontent. These triggers are easily reignited, undermining opportunities for development. UNDP recognizes that enhancing rule of law institutions' capacity through transitional justice processes, helps provide the truth, redress, and voice to victims, which advances societal healing, peace, and development.⁵⁰

UNDP works to support states in addressing their legacy of violence through transitional justice mechanisms, including truth commissions, local and traditional processes, strengthening of formal justice institutions to enable complementarity,⁵¹ and facilitating reparations for victims. UNDP's approach to transitional justice is focused on creating nationally owned mechanisms, ensuring the involvement of and attention to vulnerable groups, and partnering with other UN and international agencies.

Enabling nationally owned mechanisms that are responsive to all victim and society groups requires a sophisticated understanding of context, in order to ensure that the processes are inclusive, equitable, and break down societal divisions rather than deepen them. To this aim, UNDP focuses on implementing context-specific and participatory transitional justice processes in advance of broader peacebuilding objectives, particularly inclusive governance, and sustainable peace.



2015 KEY RESULTS

UNDP strengthened **military justice prosecution** in the **DEMOCRATIC REPUBLIC OF THE CONGO**, jointly with the Team of Experts on the Rule of Law and Sexual Violence in Conflict (TOE) and MONUSCO.⁵² In the provinces of Katanga, Orientale, North Kivu, and South Kivu, military courts conducted six investigations and held 20 public hearings for 188 cases, 58 percent of which related to sexual violence. The efficiency of the Military Justice Prosecution Office was strengthened: through the establishment of Prosecution Support Cells, with support from international experts, which produced guidelines for investigations and provided on-the-job technical support for investigations of sexual violence constituting crimes against humanity; the creation of coordination frameworks to improve the investigation, prosecution, and adjudication of serious crimes in North Kivu, South Kivu, and Ituri and accelerate the implementation of the national strategy on serious crimes; and the development of an index to map and prioritize serious crimes within the Military Prosecution Office. Despite a 2013 law establishing jurisdiction to civilian courts, investigation, prosecution, and adjudication of serious crimes has been done solely by military justice in DRC. In 2015, UNDP and the European Union **supported civil justice** through the launch of an ambitious project. The Special Cell of Goma and Mongbwalu organized inspection missions in North Kivu and Ituri, leading to the initiation of 363 civil justice proceedings.

UNDP continued and **intensified support to families of victims** of enforced disappearances in **GUATEMALA** whose remains were exhumed in Coban.⁵³ By the end of 2015, over 90 of the 580 bodies exhumed from the site since 2012, had been identified using DNA technology. UNDP delivered psychosocial counseling, legal advice via civil society organizations acting as civil parties in the criminal investigation, as well as translation services via a community liaison officer. This support was complemented by assistance provided to the Public Prosecutors Office to strengthen evidence and facilitate working groups between victims, civil society organizations, psychologists, and prosecutors to promote effective coordination throughout the investigation.

In collaboration with the Office of the Special Representative on Sexual Violence in Conflict and the TOE, UNDP continued to **support the efforts of the panel of Guinean Judges** established to investigate and prosecute the grave human rights violations that took place in 2009 in **GUINEA (CONAKRY)**. Since 2012, the panel has interviewed over 400 victims and witnesses, which has been critical for justice and reconciliation in Guinea (Conakry). In 2015, former President Moussa Camara was indicted over the massacre that took place at the stadium in 2009, in which soldiers are accused of killing at least 157 people. This prevented Camara from being able to run in the presidential election again in 2015.

UNDP's work on dealing with the past in **KOSOVO**⁵⁴ has led to an **increased awareness amongst the citizens on transitional justice**, and a coordinated institutional approach through the Inter-ministerial Working Group. Advancements were also made in the drafting process of an initial concept for the Transitional Justice Strategy, including a consultation process to map the reparation initiatives in Kosovo.

UNDP, jointly with OHCHR, continued to **support the Independent Commission on Truth and Dignity** mandated to address the gross human rights violations committed from 1955 to 2013 in **TUNISIA**. This year, the commission registered close to 22,000 victims and nearly 2,000 were interviewed. The commission also opened four regional offices in the cities of Sfax, Sidi Bouzid, Kasserine, and Gafsa, and a new communications strategy was implemented to reach a wider range of the population. Additionally, a total of 17,722 people, including 5,689 women were sensitized on transitional justice mechanisms through outreach campaigns organized by 19 civil society platforms in the 24 governorates of the country. Furthermore, the civil society platforms provided an orientation on how to file a case to a total of 2443 victims, 1054 of which filed a case, including 461 women.

DEALING WITH THE LEGACY OF VIOLENCE

FEATURE

ESTABLISHING THE SPECIAL CRIMINAL COURT TO ADDRESS THE LEGACY OF VIOLENCE IN THE CENTRAL AFRICAN REPUBLIC

In 2014, the Central African Republic (CAR) made the historic decision to set up a Special Criminal Court to investigate, prosecute, and pass judgment on serious human rights violations, including crimes against humanity and war crimes. The National Transition Council in CAR passed the law to establish the Special Criminal Court in June 2015. UNDP has actively supported the establishment of the court since its inception, alongside MINUSCA.⁵⁵ The Security Council mandated MINUSCA to support the establishment of the court in April 2015, recognizing “the urgent and imperative need to end impunity in CAR and to bring to justice perpetrators of violations of international humanitarian law and of abuses and violations of human rights, underlining in this regard the need to bolster national accountability mechanisms.”⁵⁶

While the Special Criminal Court is a national court and is part of the national justice system, it also has international judges on its benches. Holding those charged with serious violations responsible for their acts will be a first for the country, and can make an important contribution to restoring peace and security. Through its composition and the new judicial

practices it will initiate, the court has the potential to not only provide a judicial response to the crimes it will adjudicate on but also to serve as a driver for judicial reform and thus open up a new chapter in the exercise of justice in CAR.

However, the challenges surrounding the creation of the Special Criminal Court are many, as there is no precedent in CAR to investigate or prosecute grave human rights violations. Furthermore, criminal justice institutions in CAR have limited capacities in this area, and there is a need for tremendous political will to make the Special Criminal Court a reality. Also, while the population supports the courts’ establishment, people are very skeptical on the possibility for such a court to be functional in CAR because of the past history of impunity in the country.

UNDP has worked through the Global Focal Point for Police, Justice, and Corrections, in partnership with MINUSCA and UN Women, as well OLA, OHCHR, UNV, and UNODC, to overcome some of these challenges. Additionally, UNDP has drawn on lessons from the International Commission against Impunity in Guatemala, the Special Panels for Serious Crimes





» Participants in the Bangui Forum, held from 4 to 11 May 2015, pledged themselves to a National Pact for Peace, National Reconciliation, and Reconstruction. The law creating the Special Criminal Court, was one of the first steps to implementing the forum's outcomes.

in Timor-Leste, and the Special Court in Bosnia and Herzegovina. UNDP also sought the advice of Member States and led the establishment of a Reference Group to support the Special Criminal Court in New York, jointly with the Peacebuilding CAR Configuration Chair, Peacebuilding Commission, and DPKO. The Reference Group gathers about 15 Member States, notably those Member States that have first-hand experience in dealing with gross human rights violations, such as Sierra Leone, Senegal, and Rwanda. UNDP also created an Informal Sounding Board, composed of international justice and human rights civil society organizations, to provide input to the process.

Furthermore, UNDP, UN Women, and MINUSCA organized national consultations with civil society, the justice sector, and internal security institutions on the ground in CAR, to inform and define UN support to the Special Criminal Court. In these consultations, UNDP learned that communities and magistrates want to see the court transform rule of law institutions in CAR by applying new judicial practices. Specifically, the court should break with the past norms of corruption and nepotism, and operate with transparent practices.

The establishment of a special committee that includes civil society observers, to select and recruit the Special Criminal Court national magistrates, was a breakthrough moment and illustrated the transformative potential of the court.

While the Special Criminal Court process has already overcome many challenges, the key driver for the success of the court will be found in the continued political will from the recently formed government and continuous support by the UN and the international community. This is a joint endeavor that can only be successful through a sustained effort.

INCREASING SAFETY AND SECURITY FOR ALL



During periods of insecurity, people must focus on meeting their basic needs on a day-to-day basis and are unable to invest time or resources into ensuring a better future. UNDP recognizes the long-term effects conflict and violence has on a country's social fabric and economy and is committed to increasing safety and security for all in crisis-affected and fragile situations in order to eradicate extreme poverty and build resilient states.⁵⁷

Persistent inequality, social exclusion, and under-development are among the underlying causes of violence. In these contexts, security threats can emanate from numerous sources, including poorly trained or managed civilian security services; armed groups and criminal gangs; or the circulation and use of weapons. UNDP's rule of law programmes seek to reduce armed violence and increase community security by relying on community driven solutions, implementing measures to curb the proliferation of small arms and light weapons, and working with governments on security sector reform processes.

UNDP also works towards implementing police oversight mechanisms, which play an important role in fostering positive police-community relations and encourages police to adopt community-oriented and gender-sensitive policing. UNDP aims to strengthen local authorities and community representatives in the promotion of participatory processes and conflict mitigation, with particular emphasis on the inclusion of women and vulnerable groups such as youth, indigenous, and ethnic minorities, in the analysis, design, and implementation of community-based tactics to address security risks.



2015 KEY RESULTS

UNDP continued to **support the professionalization and accountability of the police** in **AFGHANISTAN**. UNDP trained 100 community police officers in eight existing community police units to develop their skills in policing of communities and is supporting the expansion of an additional 12 community police units across the country. UNDP supported the activation of four 119 Call Centers, which serve as a major channel for the public to report their complaints against the police regarding misuse of authority, corruption, and human rights violations. Additionally, a comprehensive analysis of existing complaints mechanisms with a strong focus on female police complaints was completed, and clear practical short- and medium-term action points were agreed to with the Ministry of Interior Affairs, which will lead to strengthened internal control and accountability of the Ministry.

Sixty-nine members of the internal security forces received **training on human rights** at the Abéché training center in eastern **CHAD**, including 40 officers of the gendarmerie and 29 officers of the municipal police of Abéché and Goz Beida. The officers, most of whom had never received formal training for their job, now have a better understanding of the role of the municipal police. The officers were also provided with appropriate clothing that distinguishes them from—and allows them to be more confident with—the communities they serve. As a result, there was a marked improvement in the quality of policing in the towns of Abéché and Goz Beida following the training.

In the first phase of an initiative to **curb the proliferation of small arms and light weapons** in **CÔTE D'IVOIRE** that ran until mid-2015 in collaboration with ONUCI,⁵⁸ UNDP supported the collection and destruction of more than 10,000 weapons while boosting the capacities of Côte d'Ivoire's law enforcement agencies and its National Commission on Small Arms. Based on its initial success, UNDP has expanded the initiative and extended it for a further 2 years with support from the Government of Japan.

UNDP **supported community-based dispute resolution mechanisms** in **JORDAN** and held two round-table discussions, comprising of 15 selected community leaders, four females and 11 males, including religious and thought leaders, civil society activists, youth representatives, and members of academia. The discussions serve as a safe space for inclusion and intercommunal dialogue, aimed at increasing community resilience and cohesion. The community members identified security threats, such as conflicts over property as a result of the influx of refugees from the crisis in Syria, as well as the risk of recruitment into violent extremist groups. Additionally, the participants were involved in

developing community-based solutions and identifying local counterparts for partnership with UNDP programming.

UNDP **undertook a comprehensive justice and security sector assessment** in **LEBANON**, with a specific focus on municipal police needs, work in prisons, reducing community violence, and legal aid provision. The assessment was based on: interviews with mayors, municipal police, other officials, and civil society actors; focus group discussions with Syrian refugees; and a survey, in collaboration with UNHCR, of Syrian refugees' experiences in accessing justice. UNDP and UNHCR also commenced support to the Ministry of Interior and Municipalities and the Internal Security Forces Academy to develop Standard Operating Procedures and launch the work of the Ministry of Interior and Municipalities' Security Cells. The Standard Operating Procedures will dictate a set of explicit instructions for municipal police to effectively and accountably accomplish their duties.

With the help of the UNDP-supported **LIBERIA** Commission on Small Arms, the National Legislature **passed into law the Liberia Firearms and Ammunition Control Act** on 13 October 2015. The act constitutes a new legal framework for regulating the possession and use of small arms and light weapons in the country and brings the rule of law firmly to bear in this critical area. The new law is an important step on the road to the full transition of national security responsibilities from UNMIL to the Liberian security apparatus.

In the **STATE OF PALESTINE**, **standardization of disciplinary actions for police misconduct** progressed, with UNDP support. 4,202 cases of internal police conduct were addressed, resulting in 54 dismissals. In April 2015, 20 police officers graduated from Sawasya, a UNDP and UN Women Joint Programme training course on public administration, monitoring and evaluation, gender mainstreaming, and accountability.

In **SOUTH SUDAN**, UNDP in close consultation with UNMISS, **strengthened community policing** and facilitated police-community relations committees, which provide a platform to discuss local security issues. The committees established joint night patrols with community members to help identify crime hotspots. This resulted in increased trust in the police, more reported crimes, and improved security. UNDP also supports the South Sudan National Police Service in producing statistics to analyze crime patterns to strategically address crime and insecurity. The Special Protection Units, which aim to address gender-based crimes, processed 113 cases, 39 related to sexual and gender-based violence, and 74 related to children in conflict with the law.

INCREASING SAFETY AND SECURITY FOR ALL

FEATURE

INCREASING SAFETY AND SECURITY THROUGH COMMUNITY POLICING IN KHYBER PAKHTUNKHWA PROVINCE IN PAKISTAN

The Malakand Division in Khyber Pakhtunkhwa Province is in the northwestern region of Pakistan, sharing a border with Afghanistan. High levels of displacement and insecurity, including from insurgency and military operations, have characterized the province. In 2011, UNDP, in collaboration with international development partners and the Khyber Pakhtunkhwa Government, developed and initiated the Strengthening Rule of Law in Malakand Project to support re-establishment of the rule of law and increase safety and security in Khyber Pakhtunkhwa. The lack of public confidence in rule of law institutions and in the police to maintain law and order warranted a pragmatic and people-centered approach to policing and law enforcement.⁵⁹

In 2013, UNDP supported the launch of the community policing initiative, in ten police stations in the Swat, Buner, and Dir Lower districts of Malakand Division. The project was scaled up in 2014 and extended to Dir Upper, Chitral, Malakand, and Shangla districts with a total of 23 police stations. In 2015 alone, the Strengthening Rule of Law in Malakand Project

established 23 community policing forums that carried out 100 meetings and created dedicated women's and community policing desks in 18 police stations. These community police services serve to promote effective communication between the police and public; foster cooperation between the police and the community in addressing local security needs; raise community awareness of their rights and responsibilities; and offer an opportunity for the community to pinpoint policing objectives and specific targets in the creation of an annual district policing plan.

Although the community policing initiative is still in its initial phase, communities and police officers have provided positive feedback on the results achieved thus far, and in 2016, the initiative will be expanded to the southern districts of Khyber Pakhtunkhwa province.





» The Independent Police Complaints board ensures that the police serves the country well and builds citizen's trust in the police.

FEATURE

INDEPENDENT POLICE COMPLAINTS BOARD TO ENSURE GREATER ACCOUNTABILITY AND PEACE IN SIERRA LEONE

In 2015, the Sierra Leone Police established an Independent Police Complaints Board, with funding from the Peace Building Fund and technical support from UNDP. The complaints board complements the police's internal investigation unit – the Complaints, Discipline, and Internal Investigations Department – and is led by professionals with previous experience from other agencies like the Anti-Corruption Commission.

The complaints board not only investigates allegations of abuse of police brutality but also tracks complaints over time to establish any trends or patterns for a more structural response to addressing complaints from citizens. This allows for systemic challenges afflicting the Sierra Leone Police to be addressed.

UNDP's support to the complaints board came out of a joint initiative between UNDP and the UN Peacebuilding Mission to Sierra Leone, which closed in March 2014. The initiative was tailored to ensure ongoing support for the government's safety

and security reform agenda, including an effective independent policing oversight body in line with the governments' commitments made in the *Agenda for Change* in 2008–2012.

The Independent Police Complaints Board demonstrates Sierra Leone's readiness to improve on its democracy and accountability mechanisms, as well as shows marked improvement in the governance of the Sierra Leone Police. Citizens now have access to a prompt and transparent process in handling and investigating complaints against the police. This accountability will lead to increased safety and security in the country and lay the foundation for building sustainable peace.

BUILDING CONFIDENCE THROUGH ACCESSIBLE AND EFFECTIVE JUSTICE AND SECURITY INSTITUTIONS



The rule of law is fundamentally about the relationship between people and state. When this relationship is tarnished by past injustices or the states' prior inability to protect its people from atrocities, the foundation of rule of law weakens – leaving room for further human rights abuses to take place. Restoring trust between authorities and communities is critical in enabling countries to transcend the cycle of violent conflict. In contexts like this, UNDP supports states in delivering accessible and effective justice and security services to their populations, sparking a renewed confidence in a just government.

UNDP's approach to institution building is holistic in nature, and emphasizes confidence building between the society and the state, and involves engagement with national human rights institutions. UNDP strives to both rapidly provide justice and security services after crises to demonstrate a break from the past and to develop long-term, comprehensive security sector reform with national ownership for sustainable peace. A significant part of UNDP's work is in strengthening national capacities to deliver justice and security services by working with many key actors, including judges, prosecutors, lawyers, ministries, civil society, and police to provide conflict and gender sensitive services.

UNDP places particular focus on ensuring access to justice especially for women, youth, persons with disabilities, marginalized groups, displaced communities, and in hard to reach areas. To do this, UNDP supports the establishment of mobile courts, legal aid, and paralegal services, including through supporting community legal awareness programmes, as well as working directly with justice and security institutions to address the needs of disadvantaged groups in accessing justice – from language and geographic barriers to issues of systemic discrimination and marginalization.



2015 KEY RESULTS

In **HAITI**, UNDP and MINUSTAH⁶⁰ helped to establish the Superior Council of Judicial Power and continues to strengthen its institutional capacities to manage over 1,000 magistrates and judges in the country. UNDP also **conducted a comprehensive top-to-bottom institutional review** of the Superior Court of Accounting & Administrative Disputes, which for the first time, demonstrated the strengths and weaknesses of the court, and proposed a practical way forward to operationalize changes for more effective outcomes. UNDP in collaboration with MINUSTAH further supported the Ministry of Justice to standardize field-based inspections of prosecutors and establish a Judicial Inspectorate to review the efficiency and performance of the courts.

Access to justice and provision of justice services continued as core components of UNDP's work in **KOSOVO**⁶¹ for the rule of law sector. UNDP provided 60 licensed mediators with refresher trainings, which contributed to **enhancing skills of mediators** to resolve more cases. As a result, the mediators were able to solve 747 more cases, a 40 percent increase, during 2015 in comparison to 2014. The success of mediation as an alternative form of dispute resolution is also attested by the 847 cases referred to the Mediation Centers by prosecution and courts this year, which is a 2 percent annual increase. At the same time, UNDP continued its support to the Legal Aid System by opening eight legal aid offices, including a mobile clinic which targeted marginalized groups in rural communities, mainly Serbs, Bosniaks, Ashkali and Romani people.

UNDP together with MINUSMA⁶² continued to support the Government of **MALI** to **foster rule of law and restore state authority in the North**. By the end of 2015, the joint project supported the refurbishing of nine courts, seven prisons, and seventeen access to justice centers. By the end of 2015, 1,423 members of justice personnel received specialized training with the support of UNDP on the thematic areas of criminal justice and penal code, transitional justice, combating corruption and human rights mainstreaming. The joint project also supported the finalization and government adoption of the Urgent Plan for the Amelioration of the Justice Sector, which is currently guiding the prioritization and sequencing of justice reform activities.

UNDP helped **establish three additional Rule of Law Centers** in **MYANMAR** in Mandalay, Taunggyi, and Myitkyina, with the fourth to open in Yangon in January 2016. These centers are running full training programmes and community outreach activities to legal professionals, justice sector actors, community representatives, and the general public. To date, 152 people, including a core group of national trainers, have been trained in general rule of law and human rights knowledge, principles, skills, and values.

In **NEPAL**, UNDP strengthened people's access to justice for 5,391 people in 2015. The access to justice programme focused on the most vulnerable people, reaching 3,405 females and 1,986 males, including 533 earthquake survivors. UNDP supported the **establishment of Socio-Legal Aid Centers** in 10 programme districts, providing remedial legal aid services. Preventive legal aid services reached over 26,020 people through outreach programmes.

UNDP supported efforts to **promote access to justice for an estimated 1,000 persons of Tamil descent** who have been working in the tea and coffee plantations in central **SRI LANKA**. Through mobile legal clinics providing legal aid and advisory services as well as legal documentation, the Tamil population working in the plantation sector - who have lived for generations without recognition of their citizenship - are now able to gain access to services and entitlement that had previously been denied to them. This legal documentation enables Tamil plantation workers to register their children in schools, access medical services, seek dependency benefits, access legal guidance, and other state-provided services, as well exercise their rights as full citizens by voting.

In **SUDAN**, UNDP provided technical assistance to the Ministry of Justice in designing a government-administered structure for providing legal assistance, including criteria for eligibility and a plan for sustainable funding, and provided support to a number of legal aid organizations and individual lawyers who made free legal aid available. In Darfur, UNDP **supported mobile legal aid clinics** reached 15,000 inhabitants, 35 percent female, through mobile legal aid clinics. Both in Khartoum and Darfur, UNDP continued to support the work of paralegals to promote human rights, rule of law, and access to justice for members of their community.

BUILDING CONFIDENCE THROUGH ACCESSIBLE AND EFFECTIVE JUSTICE AND SECURITY INSTITUTIONS

FEATURE

FOSTERING TRUST THROUGH STRENGTHENING NATIONAL HUMAN RIGHTS INSTITUTIONS IN THE PROMOTION AND PROTECTION OF HUMAN RIGHTS

In 2015, UNDP continued its engagement with national human rights institutions (NHRIs) as cornerstones of national systems for human rights promotion and protection. NHRIs are independent state institutions with the mandate and authority to monitor and support other state institutions, such as the government, judiciary, parliament, as well as security and law enforcement. In fragile, conflict, and post-conflict contexts NHRIs can play a particular role to bridge accountability gaps, where other justice, oversight, and complaints systems fail.

In Nigeria, UNDP supported the National Human Rights Commission to deploy 60 human rights monitors to regions affected by Boko Haram and violence in the North-East (Adamawa, Borno, and Yobe). The human rights documentation led to a reduction in deaths relating to human rights abuses in the North-East, internal investigation of human rights infraction by the armed forces, and a statement of commitment by the Nigerian Presidency to safeguard rights in the North-East.

During the transition process in Sri Lanka, UNDP support to the Human Rights Commission facilitated the passing of the 19th Amendment to the Constitution of Sri Lanka, which reinstated the Constitutional independence of the commission.

In Ukraine, UNDP supported the Ombuds-institution presence at the regional level in 13 regions, who in turn assisted 121 Internally Displaced Persons, 78 military personnel, monitored 218 court hearings, provided 819 legal consultations, examined 411 citizens' appeals, and conducted 95 visits to institutions of deprivation of freedom, as part of the National Preventive Mechanism. Further UNDP support consisted of: institutional capacity development on documentation of conflict-related human rights violations; detention monitoring; rights of the Roma population; strengthened advocacy, monitoring, reporting, and documentation abilities; and support to the establishment of regional networks of human rights defenders.





» Officials from the National Human Rights Commission of Nepal gather information on flood rescue and relief efforts in Bhotekoshi.

UNDP also supported the Ukrainian Ombuds-institution to organize the International Conference on the Role of National Human Rights Institutions in Conflict and Post-Conflict Situations, with other NHRIs operating in conflict settings. The conference provided a space to identify common challenges, strategies, and recommendations on the role of NHRIs in conflict-affected and fragile settings. The discussions resulted in the *Kyiv Declaration*, calling for a stronger role of NHRIs in conflict and post-conflict settings.⁶³ The declaration provides recommendations on actions for NHRIs to carry out their mandate in times of conflict and serves as a solid entry point to guide the international community's support to NHRIs, including through peer-to-peer exchanges, targeted capacity building, and advocacy for NHRIs at the global level.

UNDP through its rule of law and Human Rights work, and in partnership with the Global Alliance of NHRIs and OHCHR, will build on this opportunity to scale up targeted support to NHRIs in conflict over the next years.

IMPROVING THE DELIVERY OF JUSTICE AND SECURITY FOR WOMEN



During times of violent conflict, cases of sexual and gender-based violence (SGBV) and other violations of human rights increase exponentially as systems of protection, security, and justice deteriorate and impunity increases.

SGBV crimes disproportionately affect women and girls and have devastating long-term effects on the lives of the victims, their families, and their communities. In complex contexts such as conflict- and crisis-affected situations, the state's capacity to holistically respond to SGBV – including to foster a culture of awareness of the ills of SGBV, to create and employ preventative mechanisms, to fight impunity for these crimes, and to provide survivors with much-needed redress and psychosocial and socioeconomic support – often do not exist. Consequently, the vast majority of women with claims do not pursue justice. Furthermore, SGBV survivors who do attempt to access justice are often 're-traumatized' by the very institutions charged with protecting their rights and are further marginalized from their communities.

UNDP explicitly prioritizes prevention and response to SGBV and views it as essential to fulfilling women's human rights and security and therefore security for all, in accordance with UN Security Council Resolutions 1325 and 1888.⁶⁴ UNDP seeks to tackle impunity for SGBV crimes and improve access to justice, legal aid, and service delivery for women and girls. This extends to the provision of medical,

psycho-social, family, legal and economic assistance to survivors of SGBV. Furthermore, UNDP works to implement community-level prevention efforts that raise awareness and mobilize men to advocate against the discrimination against women and the prevalence of SGBV.

UNDP also recognizes that tackling SGBV is only part of the picture of strengthening human rights, justice, and security for women. UNDP focusses on expanding justice and security services for women by addressing issues most relevant to them, including land disputes, property rights, and inheritance, as well as SGBV. UNDP works with countries to increase women's access to and participation in the provision of their own justice and security services, including through representation in the justice and security sectors, access to education and vocational opportunities, efforts to raise awareness regarding women's human rights and how to access them, and measures to address cultural norms and systems that perpetuate discrimination against women and girls. Additionally, recognizing the critical role that women play in sustaining peace, UNDP advocates for women's participation in transitional justice processes.



2015 KEY RESULTS

UNDP invested in **increasing female personnel in the Afghan National Police** and addressing the challenges associated with the organizational culture and discriminatory attitudes toward female police. In 2015, 580 newly recruited female officers were trained in the Sivas Police Academy in Turkey and successfully deployed across **AFGHANISTAN** to perform police duties and promote respectful, gender-aware, and non-violent behavior within the police. This has increased female police officers in the police from 2,145 officers in April 2015 to 2,630 in December 2015. In addition, UNDP trained 270 female police officers to develop an Action Plan for the Police Women's Council to ensure equal opportunity for career development, improved working and service conditions, and strong protection measures against workplace harassment and violence.

UNDP **provided holistic assistance to 1,160 SGBV victims**, including 1,031 women and girls in **BURUNDI** over the course of the year. 12 legal clinics led by civil society organizations and opened with UNDP support, provided legal services to 629 people, including 363 women. However, in October 2015, the General Prosecution Office froze the civil society organizations' activities and bank accounts, which has hampered the delivery of legal aid services.

UNDP worked extensively to improve legal assistance to the displaced and most vulnerable through the **provision of legal aid service delivery to specifically address SGBV in IRAQ**. UNDP supported ten Legal Aid Centers and nine court-based legal aid help desks in five cities across Iraq: three in Baghdad and Basra, and six in Erbil, Sulaimaniya, and Dohuk in the Kurdistan Region of Iraq. Legal aid awareness raising activities were also conducted inside the Internally Displaced Persons and refugee camps. An estimated 3,000 SGBV survivors from the displaced populations benefited from legal aid services, while approximately 5,000 individuals benefitted from public outreach activities on legal information and legal inquiry.

UNDP continued to **provide support services to victims of SGBV** during the Ebola crisis in **SIERRA LEONE**. Because the Ebola virus restricted movement of people to access services, UNDP, together with the Sierra Leone National Ebola Response Center, issued Laisser-Passer authorizations⁶⁵ to six selected local civil society organizations to enable them to support SGBV survivors to access medical treatment, shelter and the limited courts available during the crisis. The initiative enabled the referral of 260 critical SGBV cases across six administrative districts. Out of this number, 125 matters were charged to court, with 35 convictions secured. With limited court hearings during the crisis, UNDP's interventions helped uphold the rule of law during this emergency period.

In **YEMEN**, UNDP, together with UN Women, contracted and **trained 14 civil society organizations to document violations and provide psychosocial support** to women and girls that are victims of war and SGBV. This training increased the capacity of the civil society organizations to perform this role and their reports are routinely submitted to OHCHR, as credible sources to monitor the human rights situation on the ground during the conflict.

In 2015, UNDP in **PAKISTAN** focused on **improving the quality of justice delivered** by enhancing capacities of justice sector actors and encouraging the participation of more women in the sector. This included establishing a regional police training center where 1,500 people, including 546 women, were trained; supporting the Khyber Pakhtunkhwa Judicial Academy where more than 2,000, judges and court staff, including 137 women were trained; and training judges on mediation skills to strengthen alternative dispute resolution.

FEATURE

MAYA Q'EQCHI WOMEN FROM SEPUR ZARCO ACHIEVE HISTORIC MILESTONE AGAINST IMPUNITY FOR GENDER-BASED VIOLENCE AND JUSTICE FOR WOMEN

Fifteen indigenous women from the remote Maya Q'eqchi village of Sepur Zarco in Izabal, eastern Guatemala, received long-awaited justice on the 25th of February 2016 when the Supreme Court of Justice, High-Risk Tribunal "A", tried and convicted sexual slavery as a war crime.

The suffering of the women of Sepur Zarco dates back to the Maya Q'eqchi's struggle for land rights against mining interests of the state and private sector. A military base in Sepur Zarco was established in 1982 and operated as a "recreational center" until 1986, a period in which local women were forced to work at the base and were raped repeatedly by members of the army.

During the internal armed conflict, the whole of society suffered, and many were victims of human rights violations. The exacerbation of gender-based violence in times of conflict and impunity, mixed with the multiple levels of discrimination against Guatemalan women, and rural indigenous women and girls, in particular, resulted in many cases of systematic rape. According to the Historical

Clarification Commission, 88.7 percent of rape victims belonged to Maya indigenous groups: 62 percent were between the ages of 18 and 60, 35 percent were young girls, and three percent were elderly women.

Since 2010, UNDP's Programme to Accompany Transitional Justice has been supporting the realization of victims' rights to truth, justice, and reparations, as well as promoting measures to prevent a repetition of human rights violations in the future. The programme has included strengthening the investigative and legal capacities of the Human Rights Division with the Public Prosecutor's Office, in order to prosecute cases of sexual violence against women during the conflict. As a result of this work, the *General Instruction for the Investigation of Sexual Violence committed during the Internal Armed Conflict*, was adopted by the Attorney General in 2012, and manuals and training processes were carried out with prosecutors. In addition, UNDP has supported the work of civil society organizations, including human rights and feminist organizations, that provide key legal and psychosocial counseling to victims in criminal proceedings.





» Maya Q'eqchi women survivors of sexual violence during the internal armed conflict at the Supreme Court of Justice, awaiting the verdict of the Sepur Zarco case.

Over the five years prior to the trial, UNDP supported the civil society organizations alliance *Breaking the Silence*, to implement a holistic strategy which included: legal support to ensure the full participation of the women and utilize multidisciplinary evidence; psychosocial assistance to the women of Sepur Zarco before, during, and after the investigation; protection strategies to safeguard the women from potential backlash; and communication campaigns to raise public awareness about the case and the importance of ending impunity for gender-based and sexual violence both past and present.

On the 25th of February 2016, *National Day for the Dignity of the Victims of the Internal Armed Conflict*, two members of the military, a former lieutenant colonel and a former military commissioner accused of the crimes, received sentences, totaling 360 years in prison, and reparation measures were ordered for each of the survivors. The judge acknowledged the use of rape as a weapon used throughout the 36 years of internal armed conflict: “*In the pursuit of the enemy, women became objects of war [...] We firmly believe that recognizing the truth helps to heal the wounds of the past and raises awareness so that such crimes never happen again.*”

“*We fight so that history does not repeat itself and so that no woman suffers ever again what we've been through,*” said the women, who are now between 58 and 65 years old. After the verdict, with their faces covered, they raised their hands in victory. Thanks to their courage and persistence, other victims of sexual violence during the conflict, have begun to break the silence and to seek the support of UNDP's Programme to Accompany Transitional Justice.

“The Sepur Zarco case, supported by UNDP over the past five years, serves as a powerful example to the world on the need for comprehensive and inclusive justice strategies involving the justice and security sectors and civil society and survivors. By applying a model for promoting justice for women which includes both legal and psychosocial comprehensive assistance, the survivors were supported and empowered to break the silence and end impunity, and ultimately gain justice – if very delayed. We hope that the resilience and courage of these Maya Q'eqchi women provides hope and inspiration for many other women, both in Guatemala and the world.”

RESIDENT COORDINATOR

UNITED NATIONS SYSTEM IN GUATEMALA



SUPPORTING THE GLOBAL PROGRAMME

A WORD FROM THE NETHERLANDS

» UNDP's programme in Pakistan, Strengthening the Rule of Law in Malakand Division, promotes the rule of law by enhancing justice and security, contributing to the whole of UN efforts to achieve SDG 16 for just, peaceful, and inclusive societies.



UNDP's 2015 Annual Report on the Global Programme's rule of law programming in crisis-affected and fragile situations is particularly significant because it documents the transformational changes resulting from programmatic engagement over the last eight years (Phase I and II). The Government of the Netherlands has been a key supporter of the Global Programme since the beginning.

2015 was a year of both triumphs and tribulations. A remarkable triumph was the adoption of the Sustainable Development Goals (SDGs). The importance of the adoption of this universal agenda should not be underestimated. In particular, Goal 16 to "promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels," forms a cornerstone for the realization of all the SDGs. The UNDP Global Programme has a key role in helping countries to realize the SDGs, which provide a unique opportunity to move humanity forward and "leave no one behind."

But 2015 also brought many tribulations. Violent conflict continued to rage in many places, including Afghanistan, Libya, Ukraine, Somalia, South Sudan, Syria, and Yemen. Other countries remain fragile and insecure, including the Central African Republic, the Democratic Republic of the Congo, and Mali. The humanitarian needs generated by these conflicts are higher than ever before. Researchers predict that by 2025, four out of five poor people will live in fragile and conflict-affected states such as these. As the Dutch Minister for Foreign Trade and Development Cooperation, Lilianne Ploumen, wrote late last year in the *Guardian*, "the rule of law is the bridge that connects development with peace." Yet in these contexts, the rule of law is often absent or out of reach.

Additionally, these conflicts are increasingly spilling over borders. The five-year war in Syria led to an influx of refugees into countries neighboring conflict zones and onwards, causing widespread human suffering and gratuitous deaths. In addition, violent extremism claimed many lives in a wide variety of places, sowing fear, and uncertainty. These challenges make it even more difficult to build peaceful and inclusive societies and to promote stability.

The complexities we face in 2016 require fresh thinking and well-integrated and coordinated responses. We face the dual challenge of simultaneously confronting both the causes and consequences of conflict. In its Third Phase, the Global Programme intends to further integrate human rights and rule of law programming, take a more politically sensitive approach, and address asymmetric threats.

The need for further integration highlights the crucial role for integrated mechanisms such as the Global Focal Point for Police, Justice, and Corrections Areas in the Rule of Law in Post-Conflict and other Crisis Situations (GFP). We were pleased over the last year to see the GFP increasingly active in a wide variety of contexts. For example, in Mali, the GFP drafted a comprehensive justice sector reform proposal that was endorsed by the Government. In Darfur, the GFP trained more than 500 community members on community policing and established community safety committees to enable the police to fulfill their role of maintaining security and protecting citizens' fundamental rights.

We must continuously forge new partnerships, such as the GFP, that can help us to amplify the impact of our interventions in promoting justice, security and the rule of law. We look forward to continuing our support to the UNDP Global Programme in Phase III.

JELTE VAN WIEREN

DIRECTOR, DEPARTMENT OF STABILIZATION
AND HUMANITARIAN AID MINISTRY
OF FOREIGN AFFAIRS, THE NETHERLANDS

ANNEXES

FINANCIAL INFORMATION
ACRONYMS
ENDNOTES





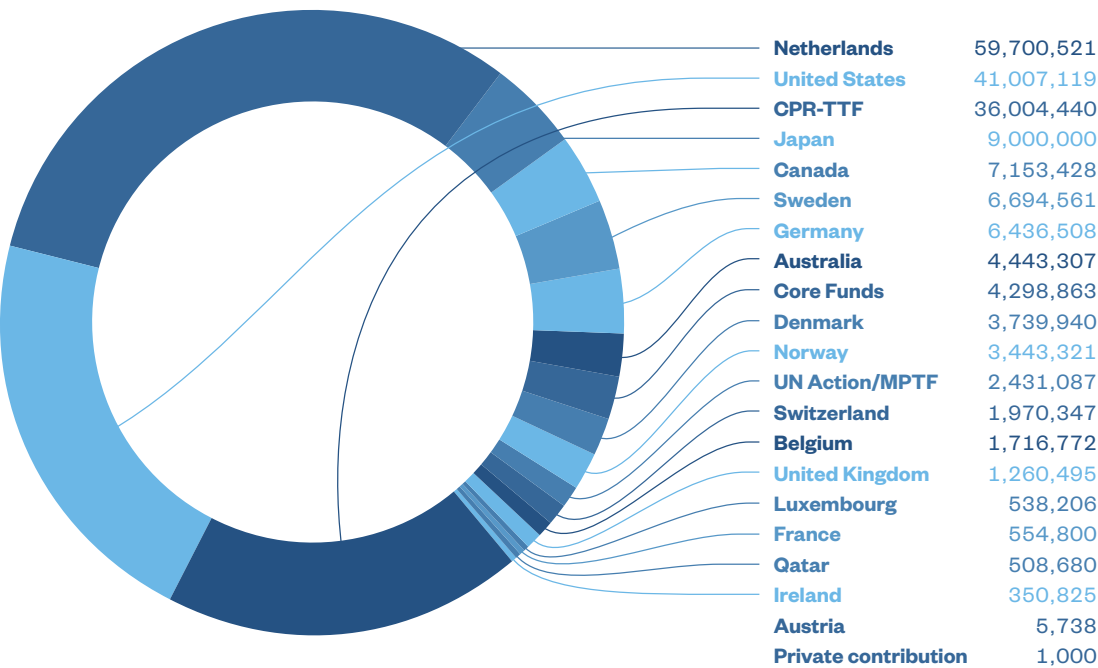
» Elena is a survivor of sexual violence committed by the army during the armed conflict in Guatemala. She presented her testimony in the trial for genocide and crimes against the duties of humanity. UNDP supported 12 women from the Mayan town of Ixil through the process, including Elena, and continues to facilitate the provision of legal and psychosocial support to the victims and their families

» UNDP would like to express our condolences to Elena and her family on the tragic passing away of her son. He is pictured here walking home with Elena.

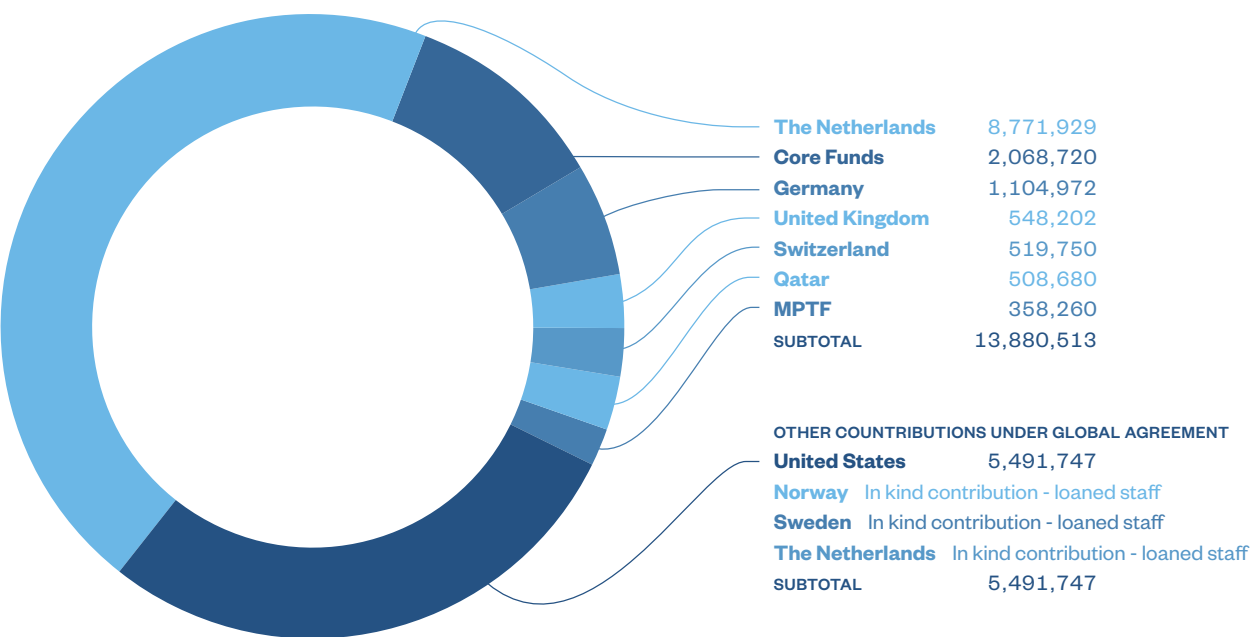
FINANCIAL INFORMATION

Through the Global Programme, UNDP has provided seed funding to over 40 countries that contributed to developing a portfolio that delivers around \$220 million per year. The following charts indicate the total mobilized resources since the Global Programme’s inception in 2008 through 2015 (Phase I and II). Additionally, 2015 contributions and expenditures are presented separately.

TOTAL MOBILIZED RESOURCES 2008–2015 \$191,259,958



CONTRIBUTIONS TO THE RULE OF LAW 2015 \$19,372,261



ALLOCATIONS AND EXPENDITURES GLOBAL PROGRAMME 2015

COUNTRY	PROJECT	AUTHORIZED SPENDING LIMIT FOR 2015	EXPENDITURES AGAINST GLOBAL PROGRAMME FUNDS IN 2015
Bangladesh	Conflict Prevention, Recovery and Peace-Building in Chittagong Hill Tracts of Bangladesh	40,000	37,172
Bosnia and Herzegovina	Supporting the Rule of Law and Transitional Justice in Bosnia and Herzegovina; Access to Justice through an enhanced Judiciary and Human Rights Mechanism	250,000	187,952
Central African Republic	Support to Human Rights and Justice in CAR	1,458,000	86,006
Colombia	Setting the Field to Strengthen Capacities to Contain and Reduce the Levels of Insecurity in Colombia	73,300	73,233
Democratic Republic of Congo	Joint Justice Programme to Support DRC Criminal Justice	1,100,000	995,322
Guinea (Conakry)	Supporting Community Police for a response to Ebola that includes Security	350,000	378,208
Guinea-Bissau	Rule of Law and Justice	546,000	400,478
Haiti	Rule of Law	527,384	489,607
Honduras	Support to Security Sector Reform in Honduras; Multi-Year Support Strategy for Crisis Prevention and Recovery in Honduras	284,527	167,782
Iraq	Security Sector Reform	59,730	—
Jamaica	Citizen Security and Social Cohesion in Jamaica - Support to the Commission of Inquiry	96,000	97,658
Jordan	Enhancing community security and access to justice in host communities and other fragile areas	321,000	334,065
Kenya	Reducing Armed Violence and Establishing Community Security in Kenya's Arid Borderlands	22,525	28,953
Kosovo (UN Administered Territory)	Support to Strengthen the Rule of Law in Kosovo; Safer Communities Phase II – Part of the Firearms Explosive Risk Mitigation (FERM)	473,140	427,734
Lebanon	PIP Community Security and Access to Justice in Lebanon	222,384	23,813
Liberia	Strengthening the Rule of Law in Liberia	625,000	612,912
Mali	Restoration of State Authority and Access to Justice in the North of Mali	203,878	193,178
Myanmar	Strengthening Police Reform in Myanmar	177,528	362,367
Nepal	Armed Violence Reduction and Strengthening Community Security	101,603	137,787
Sierra Leone	Security Sector Reform in Sierra Leone: Building Effective and Accountable Institutions for Inc. Citizen Security	597,479	566,619
Somalia	Small Arms Survey	75,000	16,552
South Sudan	UNDP – UNMIS Joint Justice Programme for Jonglei State, South Sudan	33,315	36,502
State of Palestine (PAPP)	Strengthening Rule of Law in the State of Palestine – Justice and Security for Palestine People	500,000	453,693
Sudan	Promoting Rule of Law and Access to Justice; Bridge and Interception project for Rule of Law	842,774	919,107
Timor Leste	Justice System Programme in Timor Leste	400,000	354,414
Tunisia	Support to the Operationalization of the Transitional Justice Process in Tunisia	600,000	591,276
Ukraine	Rule of Law for Stabilization in Ukraine: Addressing the Causes and Consequences of the Conflict	100,000	72,900
Rule of Law Country Support	Global Programme on Strengthening the Rule of Law in Crisis-Affected and Fragile Situations	3,047,840	2,928,646

ACRONYMS

BiH	Bosnia and Herzegovina
BINUCA	United Nations Integrated Peacebuilding Support Office in the Central African Republic
BONUCA	The United Nations Peacebuilding Support Office in the Central African Republic
CAR	Central African Republic
CRSV	conflict-related sexual violence
DPKO	United Nations Department of Peacekeeping Operations
DRC	Democratic Republic of the Congo
GFP	Global Focal Point for Police, Justice, and Corrections Areas in the Rule of Law in Post-Conflict and other Crisis Situations
HRuF	Human Rights up Front
ISACS	International Small Arms Control Standards
MINURCA	United Nations Mission in the Central African Republic
MINUSCA	UN Multidimensional Integrated Stabilization Mission
MINUSCA	United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic
MINUSMA	The United Nations Multidimensional Integrated Stabilization Mission in Mali
MINUSTAH	United Nations Stabilization Mission in Haiti
MONUSCO	United Nations Organization Stabilization Mission in the Democratic Republic of the Congo
NHRIs	National human rights institutions
OHCHR	United Nations Office of the High Commissioner for Human Rights
OLA	United Nations Office of Legal Affairs
ONUCI	United Nations Operation in Côte d'Ivoire
OROLSI	Office of the Rule of Law and Security Institutions
PBF	Peacebuilding Fund
SDGs	Sustainable Development Goals
SGBV	sexual and gender-based violence
TOE	Team of Experts on the Rule of Law and Sexual Violence in Conflict
UN Women	United Nations Entity for Gender Equality and the Empowerment of Women
UNCT	United Nations Country Team
UNDP	United Nations Development Programme
UNMIL	United Nations Mission in Liberia
UNODA	United Nations Office of Disarmament Affairs
UNODC	United Nations Office on Drugs and Crime
UNOPS	United Nations Office for Project Services
UNSOM	UN Assistance Mission in Somalia
UNSOM	United Nations Assistance Mission for Somalia
UNV	United Nations Volunteers
WPS	women, peace, and security



END NOTES

- 1 UNHCR Global Trends: Forced Displacement in 2014. <http://unhcr.org/556725e69.html>
- 2 This remains a humanitarian concern in the Western Balkans. According to the International Committee of the Red Cross, as of a June 2015, a total of 10,860 persons were still missing. <https://www.icrc.org/en/document/missing-persons-western-balkans>
- 3 This is a sub-national level, consisting of the country's two entities - the Federation of Bosnia and Herzegovina, and Republika Srpska. The Broko District is a multi-ethnic, self-governing administrative unit that is formally a part of both entities.
- 4 The Dayton Agreement was designed to share political power for the country's three constituent people groups. As provided, BiH is a unified, multi-ethnic state with a three-member Presidency composed of a member from each of the constituent peoples.
- 5 Plenary meeting of the Structured Dialogue on Justice and Additional Rule of Law Matters between the EU and Bosnia Herzegovina, Sarajevo, BiH. 13-14 May 2014.
- 6 National War Crimes Strategy, December 2008. http://www.geneva-academy.ch/RULAC/pdf_state/War-Crimes-Strategy-f-18-12-08.pdf
- 7 At the time of publication
- 8 EU Progress Report 2014. Moreover, during these years there has been "very limited progress on political and economic issues and on moving towards European standards, mainly due to "a lack of collective political will on the part of the political leaders to address the reforms necessary for progress on the EU path"
- 9 View the Copenhagen Criteria here: http://europa.eu/legislation_summaries/glossary/accession_criteria_copenhagen_en.htm
- 10 MINURCA: United Nations Mission in the Central African Republic
- 11 BONUCA: The United Nations Peacebuilding Support Office in the Central African Republic
- 12 BINUCA: United Nations Integrated Peacebuilding Support Office in the Central African Republic
- 13 MINUSCA: United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic
- 14 Reference p.64 for more information on the establishment of the Special Criminal Court in CAR
- 15 To view the New Deal reference: http://www.pbsbdialogue.org/media/filer_public/07/69/07692de0-3557-494e-918e-18df00e9ef73/the_new_deal.pdf
- 16 At the time of publication, it is expected for the Peace Agreement to be signed early summer 2016.
- 17 Statistics from the Government's Victims Unit.
- 18 Colombia Reports, Homicides in Colombia down 5 percent in 2015. 5 January 2016. <http://colombiareports.com/homicides-in-colombia-down-5-in-2015/>
- 19 InSight Crime, Internal Displacement Decreases Dramatically in Colombia. 04 February 2016. <http://www.insightcrime.org/news-briefs/internal-displacement-decreases-dramatically-in-colombia>
- 20 The Ombudsman's Office of Colombia is the national government agency that is charged with overseeing the protection of civil and human rights within the legal framework of Colombia.
- 21 10 Stories, the world should hear more about: Liberia, 2005. <http://www.un.org/events/tenstories/06/story.asp?storyID=2100>
- 22 To view the Comprehensive Peace Agreement visit: http://www.usip.org/sites/default/files/file/resources/collections/peace_agreements/liberia_08182003.pdf
- 23 To view the 2011 New Deal for Engagement in Fragile States visit: http://www.pbsbdialogue.org/media/filer_public/07/69/07692de0-3557-494e-918e-18df00e9ef73/the_new_deal.pdf
- 24 Liberia: Development Challenges top agenda as the national recovers from years of Civil Strife, 2005
- 25 World Health Organization, Ebola Data and Statistics, 2016. <http://apps.who.int/gho/data/view Ebola-sitrep Ebola-summary-20160217?lang=en>
- 26 Government of Liberia, The Economic Stabilization and Recovery Plan: The Path to Achieving the Agenda for Transformation, p. 18, 2015.
- 27 UNMIL: United Nation's Mission in Liberia
- 28 This includes implementation of measures designed by the government-led Pre-trial Detention Task Force, such as, the Magistrates Sitting programme, the jail delivery programme, and the probation and parole services programme, which provide alternatives to pre-trial detention.
- 29 Public Perception Survey on Justice and Security in South East Liberia, p. 17, 2013 and the Public Perception Survey on Justice and Security in Bong, Lofa and Nimba Counties, Liberia, 2014.
- 30 UNSOM: United Nations Assistance Mission for Somalia

- 31** View the Somali Compact Peacebuilding and Statebuilding Goals here: <http://new-deal.so/peacebuilding-and-state-building-goals-psg/>
- 32** BBC News, East Timor Country Profile, September 2015. <http://www.bbc.com/news/world-asia-pacific-14919009>.
- 33** World Bank Data Timor-Leste 2014. <http://data.worldbank.org/country/timor-leste>
- 34** Constitutional Scholar Slim Lohmani: <http://www.theguardian.com/world/2014/jan/27/tunisia-new-constitution-democracy-uprising>
- 35** Secretary-General Ban Ki-moon, Statement, 26 January 2014. <http://www.un.org/sg/STATEMENTS/index.asp?nid=7431>
- 36** World Development Report, p xii. 2011.
- 37** UN Secretary-General's Remarks at General Assembly Presentation of the Plan of Action to Prevent Violent Extremism, 15 January 2016.
- 38** The full name of the arrangement is "Global Focal Point for Police, Justice and Corrections Areas in the Rule of Law Post-Conflict and other Crisis Situations," see Secretary-General Decision 2012/13. Also referred to as "Global Focal Point on Police, Justice, and Corrections" and/or "GFP"
- 39** Report of the Secretary-General, The Future of United Nations Peace Operations: Implementation of the Recommendations of the High-level Independent Panel on Peace Operations, 2 September 2015. A/70/357-S/2015/682
- 40** Report of the High-level Independent Panel on Peace Operations, Uniting Our Strengths for Peace: Politics, Partnership and People, 7 June 2015. A/70/95-S/2015/446
- 41** Report of the High-level Independent Panel on Peace Operations, Uniting our Strengths for Peace: Politics, Partnership, and People," para 330, 17 June 2015. A/70/95-S/2015/446
- 42** The action plan requires 15% of total peacebuilding programme funds to be invested in activities that will benefit gender equality and women's empowerment. In relation to rule of law - where local development and infrastructure programmes are based on a participatory/community-development approach, these should require direct involvement of women, and women's civil society organizations in setting priorities, identifying beneficiaries, and monitoring implementation.
- 43** See a Research Brief of the Institute for Economics and Peace and UN Peacebuilding Support Office Stocktaking of Global Peacebuilding Expenditures, 2016. Total Official Development Assistance for these 31 countries amounted to \$402 billion for the period 2002-2013 and only \$9.7 billion for the assistance code for "Legal and judicial development" (15130).
- 44** Rule of Law programing is included in Peace Building Fund Focus area 1.2
- 45** For more information view: www.ohchr.org/Documents/Publications/HR_PUB_14_4_Archives_en.pdf
- 46** Report of the United Nations Secretary-General for the World Humanitarian Summit, One Humanity, Shared Responsibility, 9 February 2016.
- 47** Report of the United Nations Secretary-General, Small Arms and Light Weapons, 27 April 2015. S/2015/289
- 48** For more information on ISACS visit: www.smallarmsstandards.org
- 49** UNDP Rule of Law, Justice, Security, and Human Rights Programme: <http://www.undp.org/content/undp/en/home/ourwork/democratic-governance-and-peacebuilding/rule-of-law--justice-and-security/>
- 50** UNDP Strategic Plan Results Framework 3.4.2
- 51** Complementarity ensures impartiality and adds international backing to state prosecutions through the use of the Rome Statute and the International Criminal Court.
- 52** MONUSCO: United Nations Organization Stabilization Mission in the Democratic Republic of the Congo
- 53** In 2006, the military zone in Coban was renamed CREOMPAZ, which stands for Regional Training Command for Peacekeeping Operations.
- 54** UN Administered Territory. All designations made in this publication are without prejudice to positions on status and are in accordance with UN Security Council Resolution 1244 (1999).
- 55** MINUSCA: United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic
- 56** Security Council Resolution 2217
- 57** UNDP Strategic Plan Results Framework 3.5
- 58** ONUCI: United Nations Operation in Côte d'Ivoire
- 59** MINUSTAH United Nations Stabilization Mission in Haiti
- 60** MINUSMA: The United Nations Multidimensional Integrated Stabilization Mission in Mali
- 61** UN Administered Territory
- 62** NHRIs are accredited as independent A-Status Institutions by the Global Alliance of NHRIs if in accordance with the Paris Principles on NHRIs, more here <http://nhri.ohchr.org/EN/AboutUs/ICCACcreditation/Pages/default.aspx> and here <http://nhri.ohchr.org/EN/AboutUs/ICCACcreditation/Documents/PARIS%20PRINCIPLES-ENG.docx>
- 63** View the full Kyiv Declaration here: <http://www.ombudsman.co.me/propisi/eng/The%20Kyiv%20Declaration.pdf>
- 64** UNDP Strategic Plan Results Framework 3.5.3 and 4.2
- 65** United Nations laissez-passer is a travel document issued by the United Nations under the provisions of Article VII of the 1946 Convention on the Privileges and Immunities of the United Nations.

