



Accelerating Access to Justice for Human Development

-A UNDP Rule of Law Initiative-

2010 Global Programme Annual Report



Access to Justice/Rule of Law/ Security
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SECTION ONE: INTRODUCTION

1.1 OVERVIEW OF THE RoL-A2J GLOBAL PROGRAMME

Rule of law and access to justice lie at the centre of UNDP's mandate as essential to human development and the reduction of poverty.¹ In recognition of the importance of rule of law and access to justice for enhancing human development, UNDP's Bureau for Development Policy established the **Accelerating Access to Justice for Human Development Global Programme – A UNDP Rule of Law Initiative (RoL-A2J GP)** in 2009 (2010-2012). It forms part of UNDP's broader effort to promote the rule of law which includes the Global Programme on Strengthening the Rule of Law in Conflict and Post-Conflict Situations (2008-2011) implemented by the Bureau for Crisis Prevention and Recovery. The RoL-A2J GP works to realize UNDP's strategic objective of **“effective, responsive, accessible and fair justice systems promoting the rule of law, including both formal and informal processes, with due consideration to the rights of the poor, women and vulnerable groups.”**²

The RoL-A2J GP takes as its point of departure that rule of law and access to justice gains are long term, and also reflected in the day-to-day empowerment of individuals. It subscribes to the principle that sound national development strategies based on assessments of need and capacity, combined with strong national leadership are the basis for successful development that strengthens the rule of law, and that such national ownership is a prerequisite for **sustainable human development**. Advancing comprehensive security and justice

THE AIM AND OBJECTIVE OF RoL-A2J GP:

To significantly strengthen and expand UNDP's ongoing engagement and contribution to rule of law and access to justice services, particularly for poor and otherwise disadvantaged people. The focus is on the right of the individual to seek redress through adequate, timely and equitable justice and security services based on a balanced approach that marries bottom-up demand with strategic national capacity building and reform planning at the institutional level. The objective is to increase people's legal protection, opportunities and choices so that they are empowered to defend themselves and improve their lives and livelihoods. The programme thus contributes to an enabling environment for the achievement of the MDGs based on the principles of the Millennium Declaration.

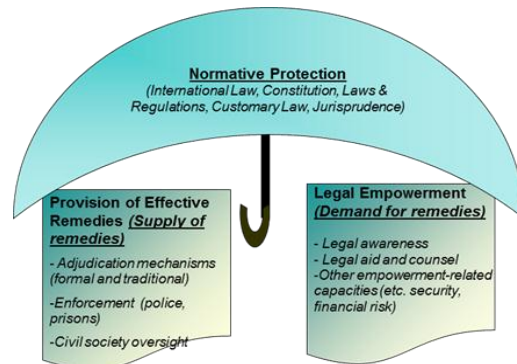
¹ 60/1. World Summit Outcome, September 2005.

² UNDP Strategic Plan 2008-2013.

approaches based on national ownership requires **sustained engagement and support from the grassroots to national levels.**

Drawing on UNDP's considerable experience in rule of law and access to justice, the RoL-A2J GP emphasizes a **bottom-up approach**, which complements strategic reform of institutions and responds to the rights and needs of people, particularly the poor and most marginalized. This approach is grounded in an appreciation that **legal empowerment – the demand for the**

fulfillment of rights³ - must be met by justice and security systems which provide responsive remedies. In line with a comprehensive legal empowerment approach, the RoL-A2J GP encompasses engagement with the key legal areas of most significance to the poor, including land and property, employment and economic empowerment.⁴



1.2 IMPLEMENTATION OF THE RoL-A2J GP

This Annual Report presents the achievements of the Global Programme in its first year and represents the initial advances in UNDP's longer term engagement under the RoL-A2J GP. Supported by the Government of Germany and the Democratic Governance Thematic Trust Fund (\$2,818.940), the initial phase of the RoL-A2J GP covering 2009-2011 seeks to develop the **knowledge and policy foundation** that will enable strategic approaches to justice and rule of law programming. This period is intended to help clarify UNDP's strategic policy direction, build UNDP and partners capacity through Communities of Practice and South-South learning initiatives, establish the global practice architecture needed to ensure support to country programme implementation and regional knowledge and experience-sharing.

In its first year the RoL-A2J GP focused on building a foundation, including through **Communities of Practice** of UNDP practitioners and national partners. These forums ensure that UNDP's experience, trusted partnerships and expertise are harnessed at country, regional and global levels to maximise knowledge, share good practice and enhance the strategic policy direction of the RoL-A2J GP. Communities of Practice also foster and support innovative and catalytic approaches to programming at country level. This

³ "Legal Empowerment Substantive Report and Guidance Tool", Stephen Golub, 2010. See also, Programming for Justice: Access for All, UNDP Practitioner's Guide on Human Rights-Based Access to Justice (2005).

⁴ "Making the Law Work for Everyone" Vol 1, Report of the Commission on Legal Empowerment of the Poor 2008.

approach is fundamental to strengthening the capacities of UNDP and its partners to respond to increased demand from national partners for assistance and future programming.



Beyond this, the RoL-A2J GP in 2010 made knowledge and programming advances in three key substantive areas: **strategic justice and security reform, legal awareness and assistance as legal empowerment, and women's empowerment and legal pluralism**. This work provides the basis for strategic and effective interventions in these critical areas and serves as the first steps in developing and scaling-up innovative engagement and programming.

Throughout the work in 2010, the RoL-A2J GP was successful in emphasizing **peer-to-peer learning**, giving strong impetus to South-South cooperation, and establishing the UNDP architecture to provide the framework for multiple levels (global, regional and country) of **policy dialogue, intervention and knowledge development**. It has delivered at the global level in the area of knowledge creation and through UNDP's Regional Centers to consolidate and **motivate regional approaches** on rule of law. UNDP's Country Offices from different regions were supported in developing or continuing to implement particular **innovative and catalytic programmes** in the substantive focus areas of the RoL-A2J GP.

UNDP also drew on expertise across the wider family of UN agencies and broader partners to expand the reach and impact of the RoL-A2J GP. This was implemented strategically to **mobilize partnerships** and funding support in order to draw on and apply partners' expertise to the rule of law and access to justice field.

Building on the initial achievements of 2010, this Annual Report also outlines the **key challenges** and provides insight into the RoL-A2J GP's **priority initiatives** in 2011. Throughout 2011, substantial reflection will also be given to the experiences and successes of the RoL-A2J GP in its initial phase in order to craft a new phase of engagement from 2012 onwards.

1.3 SNAPSHOT OF THE RoL-A2J GP IN 2010

- **Communities of Practice supporting South-South engagement** established in West and Central Africa and in Europe and the Commonwealth of Independent States; Regional Bar Associations of Central Asia and Caucasus shared experiences; Access to Justice Week held in Asia-Pacific covering justice assessments and informal justice systems; and Asia-Pacific Consortium on Human Rights Based Approach to Access to Justice established;
- **Justice Needs Assessment Guide** intended to strengthen the design and delivery of justice programming developed for the Asia-Pacific region and needs assessments implemented around the region, including in the Maldives and Lao People's Democratic Republic;
- **Innovative Legal Awareness and Legal Assistance Programmes** that improve citizens' understanding of and access to justice implemented in Serbia (National Action Plan for Strategy on Free Legal Aid), Georgia (Media Legal Awareness Campaign), and Lao People's Democratic Republic (Legal Aid Clinic and Mobile Clinics);
- **Practitioners Meeting on Legal Aid Programming in Africa** convened in Dakar in cooperation with UNICEF, leading to the development of a Legal Assistance Programming Knowledge Tool to support implementation based on good practices;
- **Impact of citizen security programming** in Nicaragua reviewed and analysed, leading to several reforms that increased security for women victims of gender-based violence;
- **Grassroots women's engagement in contexts of legal pluralism** initiative commenced in Africa, focusing particularly on issues of land, inheritance and property rights;
- **Study on Informal Justice Systems** jointly commissioned with UNICEF and UN Women; Asia-Pacific region convened Symposium on Principles of Engagement with Non-State Systems;
- **Global Practice Architecture for RoL-A2J** established and **knowledge products** produced on emerging topics in access to justice and rule of law, including climate change and the socio-economic impact of pretrial detention.

SECTION TWO: KEY ACHIEVEMENTS

2.1 STRATEGIC PLANNING FOR SUCCESSFUL JUSTICE AND SECURITY REFORM - *Laying the foundation for reform through assessment and strategy*

The RoL-A2J GP spearheads UNDP's efforts to ensure that **justice and security system reforms** are responsive to people's needs, and can develop the capacities of service providers to meet those needs as part of strategic development processes intended to deliver sustainable improvements. It responds to the recognition that justice programming that is focused on top-down institutional reform at the expense of service delivery to people, fails to bring about **long term strengthening of the rule of law and access to justice and security**. The RoL-A2J GP thus targets strategic justice and security institutional reform, balanced with a bottom-up legal empowerment approach.

As the key first step for strategic justice and security reform, UNDP seeks to better enhance the capacity of national partners to carry out **assessments of needs and capacity as the basis for reform planning and programming**. Through the RoL-A2J GP, UNDP recognizes the growing call for tools to undertake assessments that are grounded in systematized lessons learned and good practices from countries that have designed and embarked on successful reform processes.

GOOD PRACTICE: LAO PDR ACCESS TO JUSTICE SURVEY

As part of UNDP's direct support to national partners to carry out justice needs assessments, technical and financial support was provided to the government of Lao PDR through the RoL-A2J GP to undertake an access to justice survey. The first of its kind in Lao PDR, the survey sought to ascertain people's knowledge, interactions and perceptions of justice. It was complemented by the documentation of customary law in Lao PDR, also supported by UNDP. The process of the survey itself was catalytic - facilitating government and fledgling civil society groups to work together towards legal reform grounded in community realities. Survey findings will be reviewed by government and partners in early 2011 to guide the design of activities under a comprehensive national justice reform programme supported by UNDP.

For justice and security reform efforts to be strategic, UNDP promotes assessments that can form the basis for national justice and security strategic planning or be used to integrate rule of law concerns into national development strategies. The RoL-A2J GP laid the foundation for increasing UNDP's capacity to ensure that justice and security are integrated into national strategic planning, and are linked to development and the achievement of the MDGs. In 2010, UNDP reviewed the practice of integrating **rule of law in national development plans**, looking at the role of sector-wide approaches and related



assistance such as pooled donor funds. To complement this, UNDP commissioned a series of internal research papers on **the linkages between access to justice and achievement of the MDGs** against the background of the 2010 United Nations Summit. Drafted in coordination with experts from the American Bar Association-UNDP International Legal Resource Center, the papers identified areas for strategic justice programming engagement to accelerate progress towards reaching the MDGs.

In 2010, UNDP's Asia-Pacific Regional Centre in Bangkok developed a **Justice Needs Assessment Guide** to spearhead the development of practical tools. As UNDP emphasizes development reforms which are contextual, relevant and nationally-owned and led, the Guide includes a review of methodologies used and guidelines on what should be taken into account when formulating assessments, as well as a consolidation of the methodological tools used for the assessments and case studies. It was produced through a consultative process involving government officials, civil society, academia, and UNDP justice practitioners from 11 partner countries which have undertaken or are embarking on justice needs assessments. A draft of the Guide was presented during **The Access to Justice Assessments Regional Consultation**, organized by UNDP's Asia-Pacific Regional Centre in October 2010 in Bangkok, Thailand, which involved 50 representatives of government, civil society, academia, UNDP justice practitioners and other international organizations from **Indonesia, Sri Lanka, the Maldives, Vietnam, Mongolia, Cambodia, Timor-Leste, the Philippines, Lao PDR, India, and Pakistan**. This initiative highlighted UNDP's strong role in facilitating South-South networks and cross-regional cooperation for the advancement of access to justice generally and in emerging areas. In 2010, implementation of justice needs assessments in **Maldives** and Lao PDR was supported by UNDP.

In line with its approach to reform grounded in empirical assessment, UNDP is also partnering with the Folke Bernadotte Academy of Sweden to pilot a **self-assessment tool on Rule of Law in Public Administration**. In 2010, a scoping mission identified Quezon City in the **Philippines** for piloting of the self-assessment tool in 2011 to address rule of law challenges experienced by urban squatters.

In 2011, the RoL-A2J GP will build on this foundation to scale-up and develop practical tools that provide **justice and security guidance across the programming and support cycle** to UNDP and its partners: from needs and capacity assessments to strategic planning, to measuring the impact of reforms in justice and security. The development of guidance on **measurement** responds to the demand for increased knowledge and national capacity development to determine the impact of interventions to strengthen the rule of law.

2.2 LEGAL EMPOWERMENT – *Supporting legal assistance and legal awareness*

A key barrier to accessing justice is the **low level of public awareness of rights** and the lack of legal and paralegal assistance, including public legal aid and defense in many of UNDP's partner countries. Particularly for the poor and marginalized, the **lack of legal awareness and assistance** has a significant impact on people's access to justice and well-being. For example, the absence of legal representation has meant that the majority of persons held in pretrial detention worldwide are poor.⁵ In addition to public defense, public legal aid, paralegal support, other forms of counseling, and community advocacy also contribute to the **social and economic empowerment** of vulnerable and disadvantaged communities by providing them with assistance to seek redress for claims related to their labour, property, economic, and family and inheritance rights.

GOOD PRACTICE: GEORGIA LEGAL AWARENESS MEDIA CAMPAIGNS

The RoL-A2J GP supported a novel media campaign aimed at empowering internally displaced persons and minority groups to know their legal rights and ways to obtain legal aid through the newly formed Georgian Legal Aid Service (LAS). A TV programme was aired during prime time, featuring legal aid lawyers who answered questions about their role, accompanied by a public service announcement about LAS broadcast in minority languages. Building on this initiative, a workshop was held for journalists and lawyers about the functions of LAS, including issues such as the right to freedom of expression. The media campaign precipitated a significant increase in the demand for legal aid rendered through LAS and subsequently enhanced LAS's capacity to provide legal aid through increased profile and partnerships. A meeting on *Legal Empowerment of the Poor on Vulnerable Groups* was also held in Georgia to foster policy dialogue for LAS to render legal advice on civil and administrative cases. As a result, a partnership was established between the Ministry of Economy and Sustainable Development, LAS and private lawyers to enable engagement on legal assistance in the housing sector.

⁵ "The Socio-Economic Impact of Pretrial Detention" Open Society Justice Initiative and UNDP publication, 2010.

To address the weaknesses in the **demand side of justice**, the RoL-A2J GP funded initiatives at regional and national levels which aim to raise legal awareness on access to justice issues and to improve access to legal and paralegal assistance. It supported programmes to strengthen and foster good practice in **legal aid and awareness in a number of countries** (see Boxes), working with partners to use new and innovative means of developing legal knowledge, informing people of their legal rights and how to access them. The initiatives specifically target marginalized groups, such as women and rural communities.



Through the support of the RoL-A2J GP, UNDP in the **Africa and Europe and the Commonwealth of Independent States (CIS)** has also recognized the need to scale up good practices beyond the country level in order to promote South-South learning, sharing of experience and advocacy for a more consistent and comprehensive approach to legal assistance by states across regions.

A **Round-table Meeting of the Bar Associations from Central Asia and Caucasus**, was convened by UNDP's Europe and CIS Regional Centre in April 2010 in Kiev, Ukraine, bringing together over 20 representatives from four Central Asian countries (Kazakhstan, Kyrgyzstan, Tajikistan and Uzbekistan), plus Georgia and Azerbaijan, as well as lawyers and academics from Russia, Ukraine and Slovakia. To further galvanize legal aid in the region, the RoL-A2J GP supported UNDP Country Offices in **Armenia, Georgia, Kazakhstan, Kyrgyzstan, Tajikistan and Uzbekistan** to commission a **comparative analysis of regional trends** and identify good practice for the delivery of legal aid. The analysis will provide the foundation in 2011 for future programming at national and regional levels to further augment legal aid in the CIS region.

GOOD PRACTICE: SERBIA'S NATIONAL ACTION PLAN FOR FREE LEGAL AID

In response to the request of the Serbian government, UNDP provided assistance in drafting a legal aid action plan which sets out a framework to implement the government's strategy on free legal aid. The Action Plan was crucial for the development of the first legal framework in Serbia for the delivery and support to legal aid. A law on Free Legal Aid is now being drafted by the government and is expected to be implemented in 2011.

In follow-up, the UNDP Regional Centre convened a **Community of Practice**, held in September 2010, in Podgorica, Montenegro, which brought together 45 participants from national counterparts and UNDP Country Offices to deepen understanding on access to justice, with a focus on legal empowerment including legal assistance and alternative dispute resolution. This practitioners gathering played a

catalytic role for many initiatives, including in Kosovo where a legal aid and alternative dispute resolution programme was initiated. As a result, UNDP identified an **urgent need for technical and advocacy support** to the legal profession to enhance the provision of legal aid in the Europe and CIS region, which remains inadequate both in quantity and quality.

To strengthen the capacity of practitioners and promote exchange and partnership on coherent legal assistance programming in Africa, the **Practitioners Meeting on Legal Aid Programming in Africa**, held in June, 2010 in Dakar, Senegal, brought together 75 practitioners from the region and beyond to learn about legal assistance methodologies and best practices from across the world.⁶ Jointly organized by UNDP and UNICEF, the meeting also fostered partnerships between UN agencies and governments, including establishing an **African Access to Justice Community of Practice** dedicated to taking forward initiatives for legal aid in countries and the region. A resource package was also produced by the forum. As follow-up in 2011, a network of practitioners from UNDP Country Offices will produce a **Legal Assistance Programming Knowledge Tool** developed **by practitioners for practitioners** on legal assistance support in Africa.

GOOD PRACTICE: PIONEERING LEGAL AID CLINICS IN LAO PDR

The Lao Bar Association (LBA) was supported by UNDP to re-open a full time legal aid clinic in Lao PDR's capital city and a mobile clinic for surrounding rural villagers. Both clinics dispense leaflets and posters about people's legal rights developed under the Village Outreach Programme, also supported by UNDP, which targeted public legal awareness designed for disadvantaged and remote village populations. The legal aid clinics also give advice mainly on criminal, family and contractual matters. As a result, the LBA has been encouraged to consider the feasibility of establishing a legal aid fund. The programme has advanced the capacities of lawyers and paralegals to dispense legal advice and also resulted in the LBA being a key partner of the Ministry of Justice in carrying out the justice needs assessment.

In 2011, the RoL-A2J GP will continue to develop **knowledge tools and packages** on legal awareness and assistance, as well as support **innovative programmes** at the country level. In collaboration with UN and other partners, the RoL-A2J GP will seek to encourage increased **policy dialogue and standard-setting** at the regional and global levels on the need to increase international support and resources for legal awareness and assistance programming.

⁶ The meeting was jointly funded with the BCPR Global Programme on Rule of Law in Conflict and Post-Conflict Societies.

2.3 EMPOWERING WOMEN AND LEGAL PLURALISM–

Strengthening their legal situation and position in plural legal orders

Globally, women are more likely to be denied access to justice for redress for harm that specifically affects them (i.e. domestic violence), excluded from justice proceedings that directly impact them (i.e. divorce), and afforded lesser rights within those proceedings (i.e. inheritance rights).

Women’s experience of justice systems is often through non-state or quasi-state justice systems in contexts of legal pluralism; in some countries and regions 80 per cent of interactions with justice systems are through informal mechanisms.⁷ These encompass a range of different mechanisms that administer justice in a variety of areas of the law, which are traditionally those most important to women, such as family, land and inheritance matters. These primarily non-state mechanisms can be complex, highly-varied structures embodying community values and identity, which can often reflect patriarchal power structures. Despite the importance of these mechanisms to people’s lives in many countries, **legal pluralism is an underserved area**, which has not traditionally received the necessary attention from UNDP and other international partners.

GOOD PRACTICE: SUPPORTING WOMEN’S ACCESS TO JUSTICE IN CUSTOMARY JUSTICE SYSTEMS IN ACEH, INDONESIA

UNDP has long been a partner of the Indonesian government and local communities to promote justice in the crisis- and conflict-affected province of Aceh. The Aceh Justice Project (AJP) seeks to strengthen the current Adat customary justice system with clarity on jurisdiction, practices and procedures rooted in international human rights standards and principles of equality for women and minority groups. The RoL-A2J GP supported training in Aceh for Adat (traditional leaders) to this end. Adat Justice Guidelines and related training modules were distributed along with training for Adat leaders, including a module “Gender from the Acehnese Adat perspective”. This training resulted in an improvement in the delivery of justice in accordance with human rights norms at the community level. National partners working on the project have reported a significant shift in the perceptions of Adat leaders particularly in relation to the legal basis for women’s representation in Adat structures and justice systems. UNDP also commissioned a study to capture the lessons learned and successes of the AJP to assess the impact of such support to non-state justice systems on people’s lives and the target communities.

The RoL-A2J GP thus has a specific focus on supporting initiatives to **enhance women’s access to justice, through formal and informal mechanisms**, so that they can seek and

⁷ “Doing Justice: how informal systems can contribute” Ewa Wojkowska, 2006.

obtain their rights and realize their human potential through dedicated justice solutions and protection of the rule of law. In 2010, the RoL-A2J GP commenced working in

GOOD PRACTICE: SYMPOSIUM ON PRINCIPLES OF ENGAGEMENT WITH NON-STATE JUSTICE SYSTEMS

Building on the work being undertaken at the global level, UNDP's Asia-Pacific Regional Centre conducted a symposium in October, 2010 in Bangkok, Thailand, on *Principles of Engagement with Non-State Justice Systems*. The initiative brought together 50 practitioners and experts to assess programming experience in the region, including those in Afghanistan, Indonesia, Lao PDR, Pakistan and Timor-Leste. Drawing on conceptual expertise and case studies, the symposium deepened understanding of the necessary steps in programming for informal justice systems. It also highlighted key principles for engaging with these systems, including the imperative for detailed and targeted research, strong local partners and participation of involved groups, and a 'do no harm' analysis in the development of programmes that seek to address injustice or to facilitate conflict resolution in contexts of legal pluralism.

partnership with the Huairou Commission, a global network which develops strategic partnerships and creates linkages among grassroots women's organizations, advancing their capacity to collectively influence local to global policy dialogue on behalf of their communities. This partnership will consolidate good practice in policy and programming and generate tools and strategies to achieve **increased access to justice for women through non-state justice systems in Africa**. It includes a research component to ascertain the effective methods employed by NGOs to enable women's access to justice at the community level, with a focus on engagement with customary justice modalities and women's key justice concerns, such as **property and land, disinheritance, HIV/AIDS affected communities** and **gender-based violence**.

This partnership also includes the establishment of a network for women

and women's organizations called **iKnow law** to facilitate the exchange of information, strategies and the development of partnerships. It is intended to be a dynamic space for women and other justice stakeholders to share experiences with community-based tools and innovative solutions to women's empowerment, with a particular focus on bridging the divide between formal and informal justice processes concerning **land disputes in Africa**. The RoL-A2J GP will monitor its impact in 2011 with a view to potential scaling-up of the tool to cover other regions and legal areas.

In response to the increasing demand from national partners for UNDP assistance to engage in this area, the RoL-A2J GP supported a **joint study on informal justice systems**, commissioned by UNDP, UNICEF and UN Women, with a particular focus on women's and children's rights. To be published in 2011, the study presents a comprehensive analysis of non-state justice systems using a human rights framework, finding that some systems are flexible in adapting to change that empowers women (for example, integrating female adjudicators) and that in some contexts, they can serve to protect women's rights (i.e. protection mechanisms for widow's communal property). It identifies potential **entry points for programming** in legal pluralism which will enable UNDP and its partners to implement the most effective and innovative approaches. On this basis, UNDP will shape its engagement and scale-up its programming with informal justice systems, particularly focused on enhancing women's empowerment in 2011 and beyond.



The RoL-A2J GP recognizes that religious laws, often related to the use of customary and non-state systems, are critically linked to women's empowerment in many plural legal orders. In 2010, UNDP finalized an internal paper on the **"Relationship between gender and Islamic law: a comparative study of Malaysia, Nigeria, Tunisia and Egypt"** which examines the interaction between Islamic law and women's legal position in these countries, in terms of the legal reforms implemented and the practical reality of women's experiences. The findings will help UNDP develop policy and programming in this area, by providing a deeper understanding of the place of Islamic law in the promotion of women's legal empowerment.

Through these initiatives, the RoL-A2J GP has assisted in promoting understanding, analysis and engagement in plural legal orders to advance greater access to justice for local communities, especially for women. In 2011, the

GOOD PRACTICE: LAUNCHING REGIONAL HUMAN RIGHTS-BASED APPROACH TO ACCESS TO JUSTICE CONSORTIUM

UNDP's Asia-Pacific Regional Centre's good practice in fostering South-South solutions was exemplified in March 2010 when the Asian Consortium for Human Rights-Based Approach to Access to Justice (HRBA-A2J) was launched at the "Asian Conference on Enhancing Capacities for Human Rights-Based Access to Justice Programming: 1st Meeting of the Asian Consortium for HRBA/A2J", in Manila, Philippines. It brought together 47 participants representing 32 institutions and organizations engaged in access to justice work from all over Asia including civil society, academia, judicial academies and lawyers. The Consortium focuses on three areas: Capacity Development, Advocacy and Networking across the region. With support of the RoL-A2J GP, it has developed training modules on HRBA-A2J and a set of case studies documenting the application of HRBA to A2J for both advocacy and skills development purposes.

RoL-A2J GP will be building on this **knowledge base** to develop an approach which **enhances programming support** in this area, and to **lead global policy dialogue** within the UN system and with partners on this emerging and complex area.



2.4 GLOBAL PRACTICE

ARCHITECTURE FOR RULE OF LAW AND ACCESS TO JUSTICE –

Providing technical advisory services and knowledge products

UNDP provides policy and programmatic support for the rule of law and access to justice at the **global, regional and country levels**. A key achievement of the RoL-A2J GP in its first year was to strengthen this practice architecture, in particular UNDP's Regional Centres for

GOOD PRACTICE: SHARING INNOVATIVE APPROACH TO ALTERNATIVE DISPUTE RESOLUTION IN SERBIA

In November 2010, UNDP organized a side event on legal empowerment during the UN Global South-South Expo in Geneva. The event showcased innovative South-South initiatives in access to justice. Widely well-received by national partners and development organizations alike was the RoL-A2J GP supported project, Serbian Alternative Dispute Resolution (ADR) for Economic Justice for the Poor. The project developed a database of existing ADR programs available to the public in Serbia at the local level through municipalities, social work centres and NGOs, to provide the public with information that will increase the utilization of ADR as a low cost, effective justice mechanism. A cost-benefit analysis of court-resolved compared to ADR-resolved cases in Serbia was also undertaken, illustrating the cost, time and psycho-social benefits of ADR.

West and Central Africa in Dakar, **Asia-Pacific** in Bangkok, and **Europe and CIS** in Bratislava. The architecture is now better placed to respond to increasing demands for regional initiatives that draw together **practitioners and good practice**, and generate knowledge based on the principles of **South-South cooperation** and national ownership. It further supports **increased programming by Country Offices** with a view to expanding UNDP's engagement in rule of law.

In the Africa region, UNDP's Western and Central Africa Regional Centre in Dakar responded to Country Office demand for support in formulating and reviewing justice reform programmes in **Sierra Leone, Chad, Central African Republic, Guinea-Bissau, Burkina Faso** and **Niger**. Support included facilitating a study visit of **The Gambia** national partners to **Ghana** to study approaches to legal aid and alternative dispute resolution. UNDP in Eastern and Southern Africa supported UNDP's contribution

to the Review Conference of States Parties to the **Rome Statute of the International**

Criminal Court in June 2010 in Kampala by highlighting UNDP's role as an enabler and its Country Office programming to assist states in the region to strengthen their capacities to investigate and prosecute serious international crimes, in line with the principle of complementarity.

GOOD PRACTICE: TRAINING FOR NATIONAL PARTNERS AND STAFF ON ACCESS TO JUSTICE

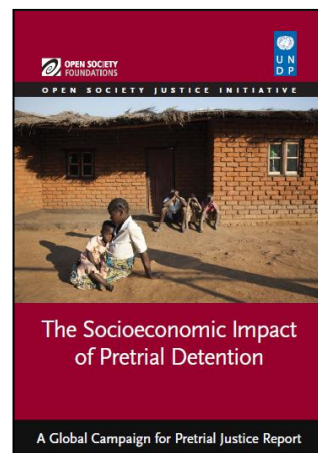
The UNDP in Asia Pacific continued to support Country Offices in the region with training programmes for the staff and project partners working on access to justice. In 2010, training was held in the Maldives and Timor-Leste. These were based on the Practitioner's Guide on Human Rights-Based Approach to Access to Justice. The training was also successful in bringing together national partners (including judges, staff from the prosecutor general and attorney general's offices, the registrar of the Supreme Court, the police, judicial services and human rights commissions) to learn from comparative experiences in the region on conducting access to justice assessments and discuss the possibility of conducting a similar assessments in their own countries.

2010 also saw the Asia-Pacific Regional Centre provide assistance to national partners in a number of countries seeking justice reform strategy and programme advice. The work included training on access to justice for both national partners and UNDP staff as well as programme advice on the development and implementation of access to justice programmes in **Sri Lanka, Mongolia and Afghanistan**. At the 2010 Annual Roundtable of Asia Pacific Judicial Forum in Beijing, China, the Regional Centre helped showcase regional good practice and launched the Chinese language version of a UNDP supported publication **"Searching For Success in Judicial Reform – voices from Asia Pacific Experience."**

In Latin America and the Caribbean, a review and analysis of the impact of **citizen security programming in Nicaragua** led to several reforms including the establishment of voluntary promoters and mobile community units in the Women's Office of National Police to address gender issues and family violence. UNDP further supported the development of the chapter on criminal justice and security in the **Human Development Report for the Caribbean**.

At the global level, the RoL-A2J Team oversaw implementation of the programme, including the RoL-A2J GP's role in fostering new thinking and identifying innovative mechanisms to advance access to justice and security. In 2010, UNDP's knowledge products matched RoL-A2J GP programming priorities, as well as developing thinking in new and high demand justice areas. An internal paper on **"Climate Change and Access to Justice"**, for example, explores the linkages between justice systems and the vulnerable populations most impacted by climate change to encourage understanding and identify entry points for UNDP justice programming in this area.

Throughout 2010, UNDP launched the publication, **“Justice for the Poor – Perspectives on Accelerating Access”** which covers major issues such as access to justice in plural legal systems, denial of women’s rights, public interest litigation and the effects of globalization. The RoL-A2J GP also supported the launch of the study on **“The Socio-Economic Impact of Pretrial Detention”** with the Open Society Justice Initiative (OSJI) to highlight the wide-ranging socio-economic costs of pretrial detention. An integral part of the Global Campaign on Pretrial Detention, the study provides the springboard for further initiatives in 2011 on pre-trial detention to be taken forward in Sierra Leone, Ghana and Guinea in West Africa by UNDP and OSJI. In 2011, the RoL-A2J GP will launch and promote new ground-breaking publications, such as the Study on Informal Justice Systems.



The global RoL-A2J Team also provided dedicated technical support to national partners to address emerging challenges and transitions. For example, following **Kyrgyzstan’s** political changes in late April 2010, UNDP assisted the Country Office in identifying an international constitutional law expert to advise on the drafting of the new Constitution. The UNDP Regional Centre in Europe and CIS provided subsequent support to the UNDP Country Office to for enhancing the rule of law access to justice programming in the country. In response to a request from the UNDP Country Office in **Yemen**, the global RoL-A2J Team deployed jointly with the Bureau of Crisis Prevention and Recovery to assist in identifying entry points for access to justice and rule of law programming.

In 2011, the RoL-A2J GP will continue to support this practice architecture providing technical advisory assistance to UNDP Country Offices and national partners, particularly to emerging countries of concern. The RoL-A2J GP will foster increased attention to rule of law, including justice and security programming regionally in the **Middle East**, with support for a half-time Justice Advisor position in the **Regional Centre**, as well as in specific countries, such as **Tunisia** and **Egypt**.

SECTION THREE: 2010 RoL-A2J GP EXPENDITURE SUMMARY

3.1 PAST OVERALL BUDGET PERFORMANCE

In November 2009, the Government of Germany and UNDP signed a cost sharing agreement to support the implementation of the RoL-A2J GP with an amount of 2 million Euros (roughly USD 2,700,000) for a two year period of 2010 and 2011. In addition, an amount of USD 100,000 was budgeted for the Global Programme from the DGTTF in 2010, which represents approximately 4 % of the total funds.

3.2 BUDGET PERFORMANCE 2010

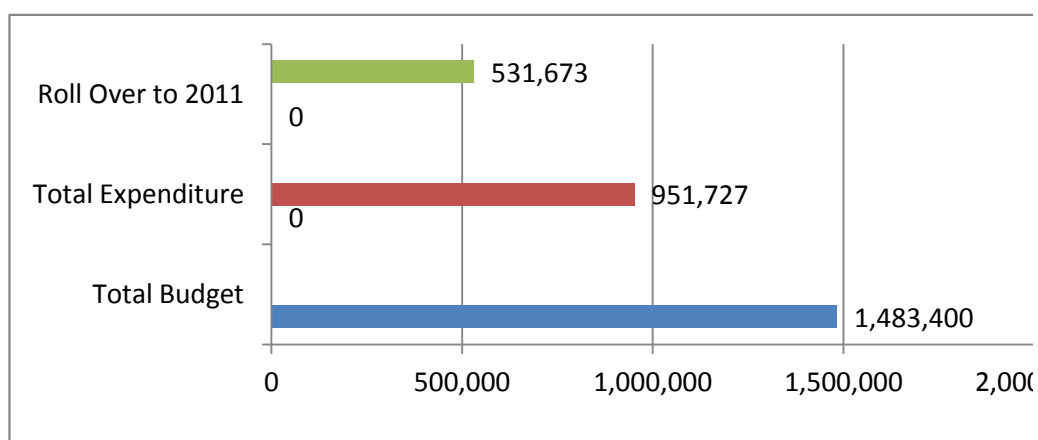
i) 2010 Budget

The total budget allocated for activities in 2010 amounted to USD 1,483,400 consisting of USD 1,383,400 (95%) from the German contribution and USD 100,000 (5%) from the DGTTF.

Source	RoL-A2J GP Funds Available (US\$)	Budget allocated and approved 2010 (US\$)	Expenditure at 31 Dec, 2010 (US\$)	Roll Over to 2011	Remaining balance
Total Funds for GP from Germany (Fund Code 30000)	2,778,940	1,383,400	907,795	475,605	1,871,145
Funds from DGTTF (Fund Code 20006)	100,000	100,000	43,932	56,068	56,068
Total	2,878,940	1,483,400	951,727	531,673	1,927,213

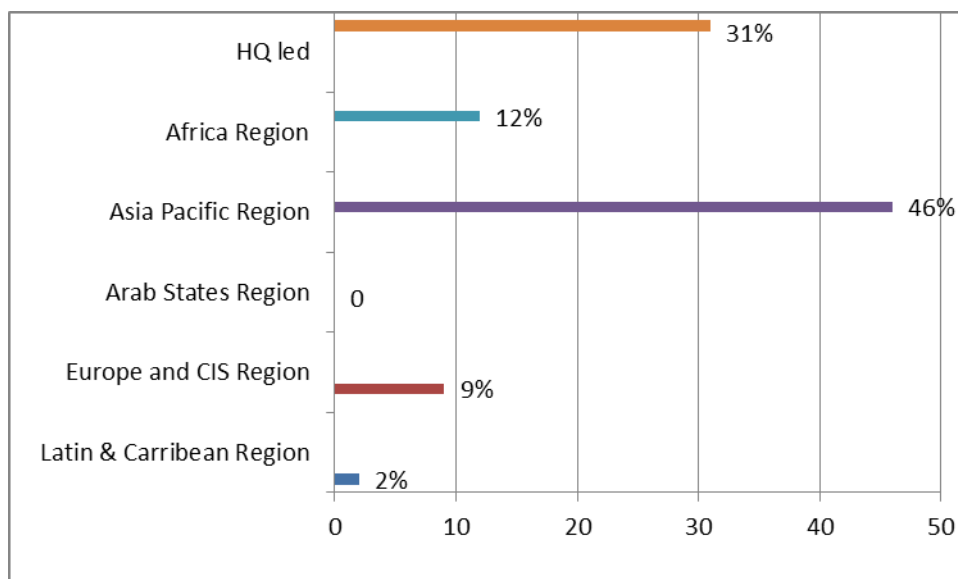
ii) 2010 Budget Performance

The budget performed at 64% and USD 531,673 will be rolled over to the 2011 budget.



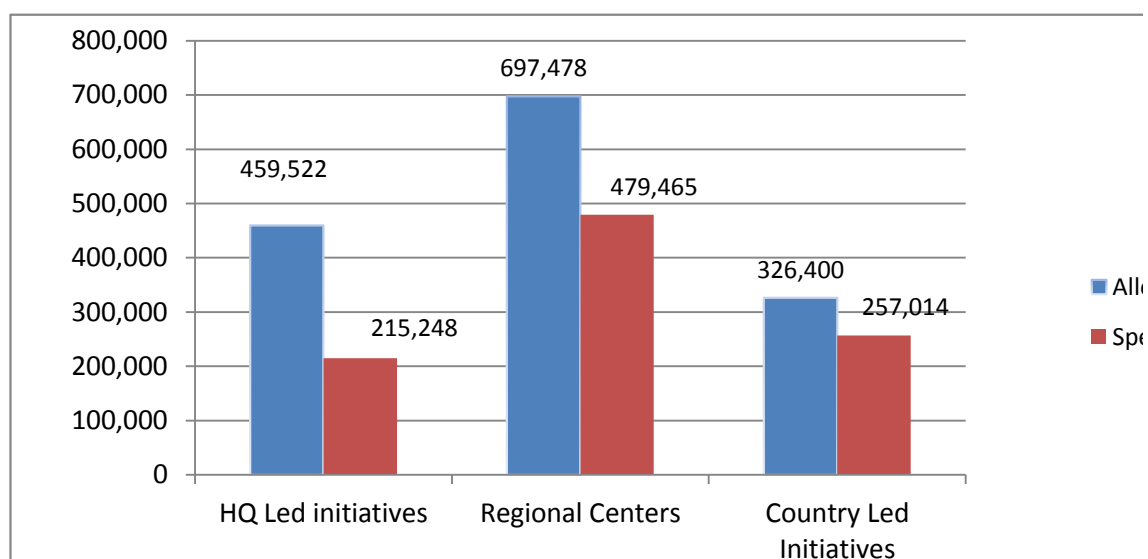
iii) Budget allocated by Region

The percentage allocation by geographic region includes funds for a Regional Centre and/or a Country Office.



A high percentage of 46% (USD 682,364) was allocated to the **Asia-Pacific Region** given their lead role in the development of capacity and needs assess tools under the Global Programme. **Africa Region** registered 12% (USD 178,008) closely followed by the **Europe and CIS Region** with 9% (USD 133,506) in comparison to a nominal percentage allocation to **Latin and Caribbean Region** of 2% (USD 30,000). USD 459,522, which translates into 31% of the budget, was allocated to **Headquarters** for the development of knowledge products as well as staff costs to support the implementation of the Global Programme.

iv) Budget allocation and Performance by HQ, RCs and CO led initiatives



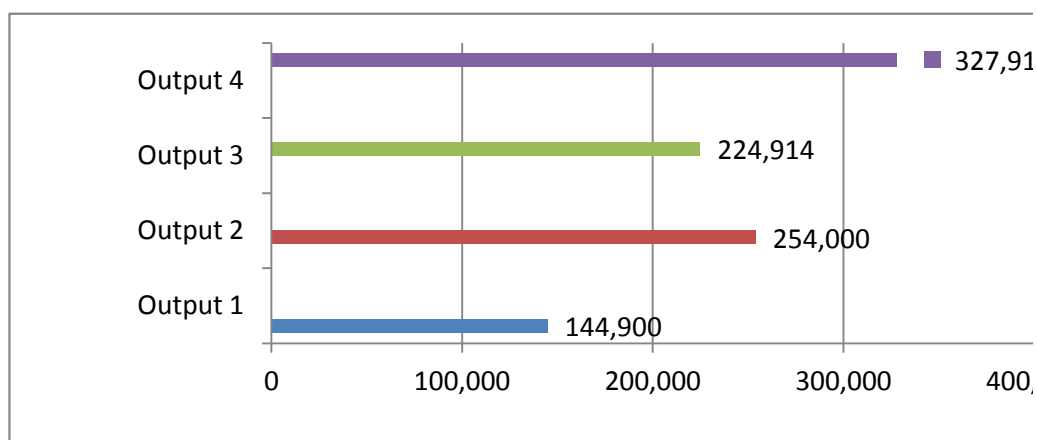
Allocations were made to four of UNDP's Regional Centers and six Country Offices. The Country Offices performed highest (79%) followed by Regional Centers at 69% and headquarters at 47%. This performance arises partly because the requisite clearance for the Direct Execution (DEX) of the Global Programme was only obtained in April 2010.

v) Expenditure per Key Outputs

KEY RoL-A2J GP OUTPUTS	EXPENDITURE 2010
1. STRATEGIC PLANNING FOR SUCCESSFUL JUSTICE AND SECURITY REFORM	
Justice Needs Assessment Guide & the Access to Justice Assessments	81,500
Regional Consultation in Asia	
Rule of Law in Public Administration	6,000
Rule of Law in National Development Plans	28,800
Access to Justice Survey Lao PDR	28,600
Total Output 1	144,900
2. LEGAL EMPOWERMENT	
Practitioners meeting on Legal Aid Programming in Africa	62,000
Georgia legal awareness media campaigns	20,000
Europe & CIS Community of Practice for Legal Empowerment	55,000
Round-table of the Bar Associations from Central Asia and Caucasus	3,000
Serbia's National Action Plan for Free Legal Aid & Alternative Dispute Resolution in Serbia	27,000
Regional Human Rights Based Approach to Access to Justice Consortium in Asia	45,000

Legal aid clinics in Lao PDR	42,000
Total Output 2	254,000
3. EMPOWERING WOMEN AND LEGAL PLURALISM	
Supporting women's access to justice in customary justice systems in Aceh, Indonesia	139,414
Joint study commissioned by UNDP, UNICEF and UN Women on Informal Justice Systems	26,000
Principles of engagement with non-state justice systems symposium in Asia	59,500
Total Output 3	224,914
4. GLOBAL PRACTICE ARCHITECTURE FOR RULE OF LAW AND ACCESS TO JUSTICE	
Global Management and Programme support	154,448
Latin America & Caribbean	59,039
Europe & CIS	15,176
Asia-Pacific	62,710
West & Central Africa	36,540
Total Output 4	327,913
TOTAL EXPENDITURE RoL-A2J GP 2010	951,727

Funds were allocated according to priorities of the RoL-A2J GP and context specific needs of UNDP's Regional Centres and Country Offices. The largest expenditure **Output 4 (\$327,913)** supported the establishment of the global practice architecture as a critical step to implement the RoL-A2J GP. **Output 2 (\$254,000)** was the second highest recipient of support, illustrating the RoL-A2J GP's emphasis on innovative legal empowerment initiatives supported by South-South knowledge exchange and collaboration. Likewise, the RoL-A2J GP's support to women's empowerment and legal pluralism **Output 3 (\$224,914)** reflects the increasing demand from national partners to utilize community based initiatives to enhance access to justice, with an emphasis on enhancing the rights of women. Allocations under **Output 1 (\$144,900)** for strategic planning will be increased in 2011 as the RoL-A2J GP moves to consolidate the best practices and lessons learnt in 2010 into practitioner's tools for engaging in strategic justice and security reform for human development.



SECTION FOUR: CHALLENGES AND FUTURE PRIORITIES

The recent events in the Middle East reaffirm the universal **demand for democratic governance and the rule of law**, reflected in justice and security systems which enjoy the support and confidence of the people. With its broad-based and responsive approach, grounded in global leadership and architecture, UNDP is well placed to provide policy and programming support to national efforts to reach these goals, enabling resilient nations and empowered lives.

As a part of an overall approach to rule of law as essential to sustainable human development, UNDP's RoL-A2J GP focuses on building the foundations for **global policy and knowledge leadership and strategic, targeted and effective programming**. The RoL-A2J GP targets sustainable strategic justice and security reform, which is based on sound assessment, strategic planning and measurement of impact. Under such long term and sustainable approaches, a key challenge is that the **impact of programming on people's lives** is less evident in the early programming stages. Nonetheless, even within the first year, the good practices emerging from country and regional initiatives supported by the RoL-A2J GP illustrate that innovative approaches can produce quick gains in the legal empowerment of people.

The RoL-A2J GP also seeks to **expand policy dialogue and programming** in response to demand for new or emerging areas of support, such as in legal pluralism and women's empowerment, and legal empowerment. A key challenge in this regard is to ensure a coherent approach that links community and country-level initiatives with regional efforts and knowledge-building and policy dialogue to **shape global practices, norms and standards**.

Likewise, UNDP's rule of law initiatives must be guided by agreed international standards, to fully enable programming and policy cycles for improved justice and security reform.

GLOBAL LEGAL EMPOWERMENT INITIATIVE:

UNDP is partnering with the Open Society Justice Initiative and World Bank to support, as part of a broader initiative, the development of a global online portal and practitioners' network to provide a space for sharing lessons learnt and dialogue on legal and paralegal assistance initiatives. In November 2010, the network of practitioners, drawn from civil society and development partners around the world, met in Geneva during the UN's South-South Event to discuss the network, share experiences and begin to shape its content, structure, and management. The joint launch of the initiative, including its on-line portal, is planned for 2011.

In its first year, the RoL-A2J GP encompassed **key social and economic justice** issues, such as family and inheritance rights, and **land and property** adjudication, as well as **security concerns and complementarity in the context of international crimes**. These are diverse and technical areas of rule of law support. Thus, another challenge is to enable greater capacity development in these technical substantive areas and to ensure that the UNDP can take a stronger role in promoting programming to address them. With a strengthened capacity in security governance in the global RoL-A2J Team, more focus will be given to this area in 2011. Greater capacity with respect to land and property will also be pursued in the coming year.

A significant **scaling-up of knowledge and programming, based on the principles of South-South learning and collaboration**, also requires substantial financial resources. The RoL-A2J GP faces a critical challenge in this regard. While initial seed funding has enabled the strengthening of the global practice architecture and supported catalytic and innovative activities, the RoL-A2J GP requires significant **additional resources to build on and sustain existing achievements**. Moreover, resources are required to enable support for enhanced and sustainable rule of law programming in emerging and innovative areas, in countries facing a range of **development challenges, particularly fragility, transition and conflict prevention**. This will also ensure that the RoL-A2J GP is flexible and able to respond to unforeseen developments in democratic transitions. This support must be an integral part of UNDP's overall policy and assistance to national partners to strengthen the rule of law.

UNDP's GLOBAL JUSTICE COMMUNITY OF PRACTICE – PREPARATIONS FOR 2011-2012 MEETING

In 2011, under the RoL-A2J GP, UNDP (BDP and BCPR) is beginning preparations for a Global Community of Practice meeting to be held in early 2012 which will bring together justice and security practitioners from around the world to share experiences and knowledge and shape the direction of UNDP's future rule of law policy. 2011 preparations will include identifying existing networks and practitioners who would contribute to the meeting based on the groundwork undertaken by the COPs held by UNDP in the regions. The gathering of practitioners will include UN agency (UNICEF, UN Women, UNODC, OHCHR, DPKO) and development partners, such as the World Bank, Open Society Justice Initiative, the Huairou Commission and bilateral aid agencies to leverage maximum engagement on rule of law, access to justice and security policy and programming.

To be successful, the RoL-A2J GP must also continue to develop a knowledge foundation, through research and piloting, and **build partnerships**, which shape future work. While important partnerships have been initiated in the first year, the challenge remains to reinforce these partnerships in order to harness UNDP's comparative advantage in convening expertise and working through inter-agency collaboration.



As highlighted in this Annual Report, the RoL-A2J GP will **build on the achievements of 2010 at the global, regional and country levels** in the coming year and will seek to ensure coherence among all levels with a view to influencing **global policy dialogue** in the focus areas of the RoL-A2J GP. In order to consolidate gains and to address current challenges, the RoL-A2J GP will also contribute to the development of the **overall strategic policy direction for UNDP in the area of rule of law, access to justice and security, with an emphasis on legal empowerment**, in partnership with the Bureau for Crisis Prevention and Recovery.⁸ In line with UNDP's comparative advantage, this strategic policy direction will be based on current demand from national partners, including countries facing fragility and transition, with a view to framing UNDP's rule of law programming at global, regional and country levels. **To consolidate this direction and ensure UNDP practitioners and partners are well placed to implement it**, the RoL-A2J GP Team is preparing to convene a **global Community of Practice covering all UNDP regions and the majority of Country Offices, as well as partners**, working on rule of law, access to justice and security in early 2012.

The rule of law is a complex field of engagement, requiring the application of technical expertise in specific areas within a holistic strategic framework. In its first year, RoL-A2J GP has helped to establish the knowledge foundation for the development of an overall UNDP strategic policy direction and a capacitated community of UNDP and partner practitioners in order to transition to a **new phase of engagement from 2012 onwards**.



⁸ UNDP's Practice Note on Access to Justice (2004) has provided the strategic policy direction for the organization to date.

