ADVANCING ACCESS TO JUSTICE AND LEGAL AID IN SITUATIONS OF FORCED DISPLACEMENT

UNDP-UNHCR Workshop
26-27 September 2022
UNHCR Headquarters, Geneva, Switzerland

REPORT
FOREWORD

There are now over 100 million forcibly displaced people in the world due to conflict, violence, fear of persecution and human rights violations. These crises are compounded by the growing impact of the climate emergency. In the current context, the importance of ‘Leaving No One Behind’ including refugees, internally displaced and stateless persons is more important than ever.

Access to justice for forcibly displaced populations is fundamental for their protection, inclusion and for solutions and ultimately to advance sustainable development. SDG 16 of the 2030 Agenda highlights the importance of equal access to justice for all and for the development of peaceful and inclusive societies. Accountable and accessible systems for addressing disputes and justice needs contribute to stronger rule of law, greater legitimacy of the state and resilience. These are key factors in preventing displacement, helping to achieve solutions for displaced and host communities and contributing to conflict prevention and peacebuilding. Strengthening national capacities for access to justice in forced displacement situations is a prime example of the Humanitarian-Development-Peace nexus at work.

However, access to justice in forced displacement situations remains a challenge and needs more attention from international actors and national authorities. UNDP and UNHCR have fully recognized the need to develop long-term, sustainable solutions. We agreed to step up collaboration on rule of law and local governance in 2015 and UNDP pledged to recommit to this effort at the 2019 Global Refugee Forum.

Since then, more than 18 joint interventions have taken place around the globe, from Colombia to Lebanon to Myanmar, from the Democratic Republic of Congo to Pakistan, or more recently, in Moldova, to address the needs of Ukrainian refugees. In all these situations, UNDP and UNHCR have collaborated in innovative and complementary ways to improve the lives of the people they serve.

A Workshop on Advancing Access to Justice and Legal Aid in Situations of Forced Displacement was convened by UNDP and UNHCR on 26-27 September 2022. UNDP and UNHCR colleagues at country, regional and global levels committed to the advancement of meaningful access to justice, took the time to reflect and formulate a set of joint recommendations. This includes the development of a new Joint Roadmap on Access to Justice in Forced Displacement which will be rolled out in 2023 with a view to enhancing country focused action on access to justice for forcibly displaced people.

This work will continue within the newly adopted UNDP-UNHCR Global Collaboration Framework for Inclusion and Solutions (2023-2025).

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I. INTRODUCTION

On 26-27 September, UNHCR’s Division of Resilience and Solutions, with the support of the Division of International Protection, convened with UNDP’s Rule of Law, Security and Human Rights Team a workshop on Advancing Access to Justice and Legal Aid in Forced Displacement Situations.

The workshop focused on access to justice as a prime example of the Humanitarian-Development-Peace (HDP) nexus at work and as a central concern of UNDP and UNHCR based on their respective mandates. Its objectives were twofold:

- Nurture the sharing of knowledge and experiences amongst UNDP and UNHCR practitioners from various country settings and regions and identify ongoing gaps and challenges.
- Contribute to furthering the partnership between UNDP and UNHCR through the development of a joint roadmap for advocacy, policy, and programmatic work at global, regional and/or country levels on access to justice and rule of law within the Humanitarian-Development-Peace Nexus, aligning with SDG16 and putting people and their needs at the centre of justice.

UNDP and UNHCR staff from Burkina Faso, Colombia, the Democratic Republic of Congo, Lebanon, Myanmar, Pakistan, Somalia and Syria took part in the meeting. Staff from UNDP Regional Hubs in Addis Ababa, Amman, Istanbul, Bangkok, Panama, Dakar and the UNDP Geneva Office; from UNHCR Regional Bureaux in Europe, Asia-Pacific, MENA, East and Horn of Africa and the Great Lakes, the Americas and West & Central Africa; and from UNDP and UNHCR Headquarters also participated. A pre-workshop survey was conducted with all participants to help design the agenda and content of the event (see Annex).

The meeting was opened by Agi Veres, Director of the UNDP Geneva Office, and Bernadette Castel-Hollingsworth, Deputy Director at UNHCR’s Division of International Protection. Betsy Lippman, Head of UNHCR Development Partnerships, Analytics and Research Service at the Division of Resilience and Solutions, and Katy Thompson, Head of the Rule of Law, Security and Human Rights Team at UNDP Crisis Bureau, intervened as well.

Several external speakers contributed to the workshop. His Excellency Salaheddin al-Bashir, Chair of the Justice Leaders, Former Minister of Justice in Jordan, Board Chair of the Justice Center for Legal Aid, shared his insights and perspective as a key national actor of a major host country. Martin Gramatikov, Director, Measuring Justice at the Hague Institute for Innovation of Law (HiiL), briefed participants on justice needs surveys for displaced and host communities. Maaike de Langen, independent expert currently leading the Task Team of the Justice Action Coalition, presented on people-centered justice, access to justice and legal aid. She also facilitated the meeting and presented the results of the pre-workshop survey.

1 The Burkina Faso team and colleagues from the Regional Office in Dakar were not able to travel but participated virtually.
II. KEY INSIGHTS

The workshop discussions as well as the pre-workshop survey (see Annex) addressed both institutional and thematic issues, often reinforcing existing approaches while highlighting the need to widen collaboration in certain areas and develop new tools to enhance joint effectiveness and impact. Takeaways are as follows:

1. The justice needs of people in situations of forced displacement go beyond access to asylum; their everyday justice problems must be addressed, especially in protracted situations. This is fundamental to their protection, to ensure their inclusion and to achieve solutions, ultimately advancing sustainable development. These justice needs include access to civil and identity documentation, access to public services, livelihood and labour markets, and resolving disputes within families and around housing, land, and property. There is also a reservoir of ‘latent’ justice problems – problems in their home country or region that will have to be dealt with from afar or when they return.

2. People in situations of forced displacement often face more acute justice problems than the general population and host population; they also face greater hurdles in seeing these problems resolved. They are subject to a vicious cycle of marginalization due to intersectional factors such as their lack of legal status and/or documentation, physical violence, gender-based violence, discrimination, exploitation at work or exclusion from public services. When recourse does exist, they may not attempt to resolve their justice problems because they are unaware of where to turn or lack trust in the authorities.

3. There are varying degrees and layers of legal systems – sometimes operating in a parallel or even competing fashion – in all programme countries; all contexts have a range of different actors that provide justice services and/or work for legal empowerment. This includes non-State actors with de facto authority on part of the territory, religious authorities or informal brokers. Local or area-based approaches that ensure proximity with displaced and host communities, informed by an understanding of the local political dynamics and empirical knowledge of who provides justice services, can effectively increase access to justice. This can enable collaborations between different actors that work towards protecting rights and resolving problems, brokering locally acceptable solutions for people’s justice problems and building legitimacy and trust over time.

4. Getting more and better people-centered justice data is essential to designing justice services, enhancing advocacy, policy and programming, and assessing what works to provide access to justice for all. Both UNDP and UNHCR use a variety of tools such as baseline studies, mappings, participatory assessments and protection monitoring to ensure their interventions are evidence-based. The joint tool Facing the Challenges of Forced Displacement in Central America and Mexico focuses on data collection to support local authorities’ responses, including access to justice services. UNHCR has also partnered with HiiL to conduct surveys to identify the specific justice needs and challenges displaced persons face in Ethiopia, Burkina Faso and Iraq. Understanding – from a people’s own perspective – the justice problems internally displaced persons (IDPs), refugees, stateless persons, and host communities face, how this impacts them, as well as which actors they turn to if/when they attempt to resolve their problems, is critical to informing
II. KEY INSIGHTS

programming efforts, as well as to connecting access to justice, protection and inclusion in advocacy with national governments, development partners and donors.

5. While justice needs may differ between refugees, IDPs and host-communities, these needs are best addressed in an integral and inclusive manner. This calls for disaggregated data to understand the full picture of justice problems for different groups, combined with integrated responses that consider host-communities’ perspective, strengthen social cohesion and prevent conflict. Addressing specific clusters of problems or vulnerabilities that affect several segments of society and developing people-centered justice services that are inclusive of all groups will prove more sustainable and adaptable than a singular focus on the needs of refugees or IDPs.

6. The justice services UNDP and UNHCR provide or support cannot address needs at the scale a country or region requires, particularly in countries characterized by limited State capacity. It is therefore important to invest in development approaches that look at building or strengthening functioning systems which reinforce the work of local service providers (including community policing) through support to civil society organizations and alternative dispute resolution mechanisms. Almost all programmes support or provide justice services through legal clinics, paralegals, legal aid providers, mobile courts, hotlines, etc. Consistent consideration is needed in relation to scalability, long-term affordability, and sustainability of programmes, including through long haul legislative and justice sector reforms and proper coordination mechanisms between relevant State authorities, international organizations, donors and/or civil society.

7. Robust and meaningful UNDP-UNHCR collaboration is ever more critical to advance justice for all in situations of forced displacement; the added value of collaboration between UNDP and UNHCR is reaffirmed. UNDP and UNHCR have complementary mandates, technical expertise, networks and approaches that can optimize impact. UNDP’s strong partnerships with national actors, especially State authorities, and its experience in capacity development towards systemic transformations complement UNHCR’s ability to provide tangible people-centered services and to contribute directly to understanding and resolving justice problems in forced displacement contexts. Systematic collaboration between the two agencies has the potential to effectively increase accessibility and quality of services for all and advance protection and solutions.

8. In particular, the UNDP-UNHCR collaboration is key to ensuring inclusion of forcibly displaced persons in development planning and service delivery, including at local level and for access to justice services. UNHCR’s support of direct service delivery to refugees, IDPs and stateless persons can be connected to UNDP programmes that strengthen national and local systems and formal and informal justice actors. Both can work together to ensure that those in situations of forced displacement are included in public service delivery where possible while leveraging UNHCR support to strengthen inclusive national systems. Area-based approaches that include coordination with local governance structures can be particularly relevant. Where this is not possible because of the political context or lack of national capacity shadow alignment to national services can provide a basis for future handover to national actors.

9. UNDP and UNHCR’s joint priorities and approaches on access to justice, including the focus on people-centered justice, need to be better articulated and positioned within the HDP nexus. This conceptual understanding should be supported by effective policy and guidance at national, regional and global levels to provide a more solid foundation to programming and a stronger basis for resource mobilization. The collaboration and complementarity between UNDP and UNHCR are an integral part of this message, especially in relation to donor countries. Global events can be used to position the partnership as critical for achieving justice in situations of forced displacement.
III. LESSONS LEARNED

The workshop explored existing and future collaboration on access to justice in distinct, yet overlapping, contexts.

In chronic crises and conflict-affected settings, such as Burkina Faso, the Democratic Republic of Congo, Myanmar and Somalia, securing access to justice remains particularly challenging, due to, amongst other factors, ongoing insecurity and lack of access to conflict areas, as well as weak institutional capacity. The volatile political and operational context, the presence of non-State actors taking on State prerogatives – including justice and the existence of multiple and sometimes competing justice providers – compound the difficulties of achieving justice objectives, particularly for those in vulnerable situations such as women and the forcibly displaced. Additionally, any response to address justice needs during or at the outset of crises must be designed to strengthen the protection environment and the capacity of national and local rule of law actors in a sustainable manner. The complex balance between addressing immediate needs and achieving longer term objectives on access to justice was highlighted by both UNDP and UNHCR colleagues working in these contexts.

Notwithstanding these challenges, colleagues highlighted their achievements in empowerment and legal information work through hotlines, awareness-raising activities, community outreach, capacity-building of legal aid providers and supporting sustainable mechanisms for conflict resolution. In Somalia, alternative dispute resolution centres based on a transformative change model are being implemented in Galkayo and Baidoa, laying a foundation for greater access to justice. The projects address underlying issues such as the power imbalances affecting current dispute resolution mechanisms, particularly within the larger context of displacement, which effectively impede access to justice for women and minority clans. Moving forward, UNDP and UNHCR will support community capacity to facilitate restorative dialogue where all parties to a conflict, direct and indirect, can be heard and understood. The implementation of non-violent communication techniques will support the negotiation skills of IDPs so they can engage effectively with community power structures.
UNDP and UNHCR in Myanmar provide justice services, including legal counselling and mediation through mobile clinics, which have served 1,600 people, hotlines, which have registered 912 cases, and representation, which has supported 592 cases. They have also worked on awareness raising and trained 549 paralegals, though fewer than 50 are still active due to the current situation.

Many participants stressed the challenge of remoteness, the sheer distance between the areas where IDPs and refugees are hosted and the main urban centres where formal justice providers sit. In Burkina Faso, there are only 25 intermediate courts across the country, seven of which are currently non-functional due to security reasons. In these contexts, area-based approaches and support to local governance processes are of prime importance. In the Democratic Republic of Congo, UNDP and UNHCR have supported local development planning processes that ensure participation and inclusion of the forcibly displaced, reflect the concerns and needs of refugees and IDPs, and utilize participatory budget processes and efficient management of resources. These approaches can go a long way in achieving local solutions and addressing the justice needs of refugees and IDPs in an inclusive manner, fostering social cohesion and trust at the local level. The programme supports a local community development committee which includes refugees and IDPs to strengthen their position as members of the community and ensure their perspectives are considered. The team also engages justice and security sector actors and works with them to align roles and responsibilities, improve accountability and increase citizen control.

Housing, land and property are among the most common justice problems people face across all regions and in most contexts. In Myanmar, UNDP and UNHCR have conducted a housing, land and property mapping exercise to develop a practical strategy to achieve durable solutions.

The value of ‘counting the uncounted’ in these difficult environments was also highlighted. In Burkina Faso, UNHCR conducted with HiiL a survey on justice needs of IDPs and host communities in two major areas. The findings highlighted similarities in the justice problems encountered by host communities and IDPs, yet the latter faced additional hurdles in seeing these resolved. This data will be used by UNDP to design programming on people-centered justice in these areas.

Some of the above examples are equally relevant to middle-income countries where large numbers of persons live in protracted displacement. In these contexts, however, inclusion in national systems and access to related services, such as justice, is the key priority. This is in line with the SDGs’ call to leave no one behind and with States’ commitments under the international protection regime, including the Global Compact on Refugees. The engagement of development actors like UNDP on capacity-building, data and analysis is crucial to address normative, institutional and practical barriers to achieving inclusion in justice systems and advancing protection.

Lebanon and Pakistan are two countries that have hosted refugees for decades while faced with multiple crises. In Pakistan, for instance, data suggests that multi-faceted threats, such as climate change and lack of access to environmental justice, impact the most at-risk communities, including the displaced. UNDP is working on the emerging nexus between access to justice, environmental justice and gender justice, which calls for rethinking sustainable multi-sectoral responses for both displaced and host communities.

UNDP and UNHCR have made significant strides in advancing inclusion and access to justice in these countries. In Pakistan, the gender desk mechanism was set up as a referral system to provide information and free legal and psycho-social services. UNHCR and partners also facilitate access to legal aid for refugees and asylum-seekers, provide technical and financial support to the local legal aid providers, provide capacity-building support to the judicial and law enforcement systems at federal and provincial levels, operate helplines and provide counselling...
support. UNDP, in coordination with UNHCR and other key government and human rights stakeholders, has set up a multi-stakeholder coordination network comprising government entities, national human rights actors, parliamentarians, key duty-bearers and community representatives.

In Lebanon, UNDP and UNHCR have supported national actors in the justice sector and work to include access to justice efforts in a more holistic justice sector support programme. This has been achieved through the establishment of an Access to Justice Working Group under the leadership of the Ministry of Justice, which also includes representatives of Lebanon’s two Bar Associations. The programme supports the development of a national strategy for free and comprehensive legal aid. Following a qualitative and quantitative legal needs assessment, legal aid help desks have been established in three host municipalities piloting two different service delivery models. The first is operated through one of the Bar Associations in Lebanon and the other two through the municipality with support from a partner civil society organization. Two additional models will be piloted in 2023, including a university legal clinic. The help desks provide legal awareness, information, counselling, assistance, representation and alternative dispute resolution services to host communities and refugees and organize referrals to other State and non-State institutions. These models will be assessed based on their accessibility, trust of beneficiaries, reach, quality of service and sustainability in the long run. The aim is to see the adoption of a national strategy and consolidated tools to ensure access to justice for the most vulnerable.

Access to justice and rule of law have long been recognized as critical to lasting solutions in the wake of conflict. At a time when global forced displacement figures stand at 100 million, the need for solutions is more pressing than ever. Creating conducive conditions for return requires long-term investments to strengthen the capacity of national institutions, and facilitate access to civil documentation, justice and security, housing land and property, and economic self-reliance. These contribute to addressing the root causes of conflict and to achieving peacebuilding objectives. Based on data and evidence of what works, better people-centered programming can increase the effectiveness of UNDP and UNHCR’s joint work in this area. Area-based approaches may prove effective in prioritizing certain areas for return and reintegration.

In Colombia, UNDP and UNHCR have partnered for many years in one of the more comprehensive and ambitious experiments to provide lasting solutions in the wake of conflict. Colombia established a robust, normative and institutional architecture for victims’ attention and reparation, as well as innovative transitional justice mechanisms. Free of charge and quality legal aid was provided to around 20,000 IDPs annually through UNHCR’s network of legal clinics and about 300,000 people (90% of whom were IDPs) were supported through the programme for judicial representation via UNDP support. The programme also supported the collection of over 700 testimonies and the participation of IDPs in Colombia’s transitional justice process regarding reparations. Further, UNDP and UNHCR have aided civil society engagement in strategic litigation and in developing a robust normative framework on IDP’s rights, a valuable complementary model of engagement between both agencies.

Syria exemplifies the myriad of challenges resulting from long-lasting conflict and protracted displacement which has led to a massive increase in justice problems, the destruction of civil registries and cadastral offices, and the lack of access to personal documentation, due in part to the fact that many civil events have gone unregistered. UNDP and UNHCR are working together to address these challenges. UNHCR has set up a large-scale legal aid and rehabilitation programme with its implementing partners, reaching around 250,000 beneficiaries per year with counselling, targeted interventions and awareness raising activities. The programme collaborates with relevant national institutions, including the civil registry and the cadastral department. This is complemented by UNDP’s digital legal aid platform created to reach
Syrians wherever they are. It provides online legal aid and confidential services to the most vulnerable Syrians, including IDPs, refugees, women, youth and the elderly. The confidentiality of the online platform makes it safe for people to use, which is particularly important for women. The platform server is hosted by UNDP to ensure anonymity.

As in other conflict settings, housing, land and property are a major justice problem for IDPs and refugees. UNDP rule of law programme works with universities which has led to greater focus on localization and home-grown solutions. It also links the informal and formal justice systems and introduces collaborative dispute resolution mechanisms in local communities.

Lastly, regional collaborations on rule of law and access to justice offer promising avenues to achieve economies of scale and pool existing resources, particularly in cross-border situations and in the context of regional refugee responses. Latin America benefits in this regard from solid regional cooperation, with the Comprehensive Regional Protection and Solutions Framework (MIRPS), established in 2017, and the signing of the San Pedro Sula Declaration. As a regional application of the Global Compact on Refugees, the MIRPS regional programme brings together the governments of Belize, Costa Rica, El Salvador, Guatemala, Honduras, Mexico and Panama. It promotes a coordinated regional response to forced displacement, engages all relevant stakeholders, and galvanizes essential humanitarian, development, public and private sector initiatives. One of the four technical fora between the participating States, the MIRPS Working Group on Local Governance in which UNDP and UNHCR participate, provides a platform for local authorities to share their experiences, good practices and knowledge for the inclusion of IDPs, asylum-seekers, refugees, returnees or deportees with protection needs. The ‘peer-to-peer’ nature of the process also aims to achieve greater ownership and accountability for these activities.

Consultations in 2021, linked to the regional initiative ‘Ciudades Solidarias’, brought together municipalities from Costa Rica, Guatemala, Honduras and Panama and led to the adoption, in October 2021, of the UNDP-UNHCR Regional Local Governance Framework. The Framework identifies four complementary pillars of engagement: 1. Integration of forced displacement in local development planning; 2. Protection and access to essential services; 3. Rule of law and e-governance; and 4. Socioeconomic integration and social cohesion. The pillar on rule of law seeks to ensure that displaced persons and host communities understand and claim their rights and local institutions guarantee those rights in an equitable, fair, accountable, transparent, inclusive and participatory manner. Work includes increasing transparency, access to information and open public data, promoting citizen participation and creating collaborative platforms. Pilots have been implemented in several municipalities in Costa Rica, Guatemala, Honduras and Panama.

While collaboration between UNDP and UNHCR on access to justice is less formalized in other regions, there are many other valuable examples of common work on regional comprehensive solutions. Collaboration focuses on joint analysis, localization and communication strategies, such as the SSAR (Solutions Strategy for Afghan Refugees) Support Platform in the Asia region, the Regional Refugee and Resilience Plan (3RP) – co-led by both UNHCR and UNDP in the Middle East –, and other regional refugee response plans such as the current response to the Ukraine crisis in Europe. Regional frameworks also support the pre-identification of entry points and the readiness to start joint work from the onset. Other joint thematic work worth exploring was highlighted, including statelessness prevention, legal identity and personal documentation, regional dialogues on access to justice and legislative reforms. Participants also discussed ongoing challenges such as the existence of multiple regional coordination platforms that do not always speak to each other, the lack of coordination around development efforts and, in some instances, the lack of buy-in from governments and other national authorities.
IV. RECOMMENDATIONS: TOWARDS A UNDP-UNHCR ROADMAP ON ACCESS TO JUSTICE

Small group discussions were held on both days of the workshop to brainstorm concrete actions participants can take and commitments UNDP and UNHCR can make at the national, regional, and global levels. This section offers a set of recommendations reflecting the ideas generated during the workshop.

1. Develop a joint roadmap that is action-oriented, can inspire and align UNDP-UNHCR collaboration on justice for all in situations of forced displacement, and that leverages the energies and ideas of the participants in the workshop.

2. Embrace people-centered approaches in providing access to justice in situations of forced displacement, increase understanding of people-centered justice, make programme design more data-driven and evidence-based, and align programmes with global priorities of transforming justice systems to achieve the SDGs and provide justice for all, not just for the few.
3. **Jointly develop networks and grow a joint knowledge base** on access to justice in situations of forced displacement:

   - Encourage and consolidate experience and information sharing as a stepping-stone to developing a community of practice on access to justice in situations of forced displacement.
   
   - Compile and publish a list of existing resources and corporate tools on access to justice.
   
   - Convene quarterly webinars on specific thematic issues with participation from both UNDP and UNHCR experts.
   
   - Organize quarterly calls on justice for all in situations of forced displacement, bringing together UNDP and UNHCR staff for a given country or context at the local, national, regional and global levels to discuss progress and bottlenecks and to share relevant data and evidence.

4. **Develop a shared narrative and a communication strategy**, aligned with the United Nations’ New Vision for the Rule of Law, about UNDP and UNHCR’s joint contribution to achieving people-centered justice for all in situations of forced displacement.

5. **Produce practical joint guidance** on access to justice and legal aid in situations of forced displacement:

   - Position access to justice within the HDP nexus and link it to the achievement of the SDGs.
   
   - Support people-centered justice programming.
   
   - Define key terms as well as roles and complementarities.
   
   - Set out sample indicators and guidance on collecting evidence of what works.

6. **Collect, analyse and leverage data** on justice problems people face in situations of forced displacement:

   - Identify countries or contexts where more data on justice problems and experiences, including gender-specific data, will be collected before the SDG Summit in 2023.
   
   - Present this data in a joint report that can be featured at the 2023 SDG Summit and the Global Refugee Forum in 2023.

7. **Showcase UNDP-UNHCR collaboration for justice for all in situations of forced displacement** in donor coordination working groups on justice in at least three countries.

8. **Invest in global, regional and country-specific advocacy for justice for all in situations of forced displacement**:

   - Prepare a joint UNDP-UNHCR publication on best practices in people-centered justice in situations of forced displacement.
   
   - Write a joint UNDP-UNHCR letter to the members of the Justice Action Coalition asking for political and financial support.
   
   - Develop joint advocacy messaging for the High-Level Political Forum on Sustainable Development, the 2023 Global Refugee Forum pledging process and in the process leading up to the 2024 Summit of the Future.
For any further information on UNDP-UNHCR work on Access to Justice and Legal Aid, please contact:

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Survey results

UNDP-UNHCR Workshop on Advancing Access to Justice and Legal Aid in Forced Displacement Contexts

26-27 September 2022, Geneva

Results of the pre-workshop survey

Total of 26 participants, most questions between 21 and 24 responses
Most common justice problems that refugees, IDPs, and stateless persons face

Most common justice problems that host communities face
Tools and methods

- Legal needs assessment
- Sessions with communities
- From civil society organizations (informally or through their data)
- From institutions (such as ombudsman, ministry of justice)
- Through UNHCR field presence and tracking systems
- Through UNDP supported projects
- Surveys and participatory assessments
- Individual counseling
- External data
- Data collection (Cash for data strategy)

... Lack of tools to understand people’s justice problems
Desired information or data

- Primary data or people-centered justice data
- Information from country offices
- Official judicial statistics and data from other services providers
- Data on limitations to access to justice
- Data on detention
- Initiatives from other stakeholders
- Disaggregated data
- Specific population data on displaced people
- Participatory assessments
- Data to compare with host communities

Main actors working to resolve and prevent people’s justice problems

- Civil society actors / specialized / international NGOs
- Legal clinics / legal aid providers
- Bar associations / legal practitioners
- Community / grassroots / women’s organizations
- Traditional / religious leaders
- Local actors (family services offices, churches, school mediators, mediation and dispute resolution initiatives, conciliation committees, peace judges)
- National and State-level institutions (ombudsman, procurator, courts, judges, police, AG’s office, MoJ, other ministries administrative bodies, NHRI)
- Humanitarian agencies / development actors / donors
- Mechanisms for indigenous / transitional justice
- Ethnic armed organizations
People-centered justice is ...

- “... informal community-based justice mechanisms ...”
- “... mechanisms to resolve conflicts ...”
- “... user-centered, data-driven, and solutions-oriented ...”
- “... consider expectations and perspectives users ...”
- “... mechanisms with differential approaches ...”
- “... not only the legal aspect, but also ethics and respect for dignity ...”
- “... informed by lived experience ...”
- “... works hand in glove with the human rights-based approach ...”
- “... helps to leave no one behind ...”
- “... brings the State closer to citizens ...”
- “... promote legitimacy, trust, and local ownership ...”
- “... increasing prevention ...”

![Pie chart showing responses to a survey question regarding the focus of programs on resolving and preventing justice problems of refugees, IDPs, stateless persons, and host communities. The chart shows a majority of responses indicating a focus on the issues, with smaller segments for other/IDK or not yet.]
Survey results: Elements of programs and projects

- Awareness raising
- Legal empowerment activities
- Advocacy
- Promoting policy change
- Training or support to civil servants or government officials
- Providing justice services
- Training or support to paralegals or community justice providers
- Training or support to judges, prosecutors or other formal justice actors
- Improving the quality of justice services
- Data collection on justice problems
- Direct support to implementation or service delivery
- Providing mobile justice services
- Training or support to other justice actors
- Offering mediation services
- Building infrastructure
- Legislative reform
- Training or support to customary justice actors
- Other
- Providing integrated or one-stop-shop services

Better Justice Journeys
- Free legal aid and assistance
- One-stop shop approach
- Mobile services / digital justice services
- Community justice platforms
- Translate legal information to local languages

Data and evidence
- Using case information to advocate for change
- Data collection
- Understanding conflicts in communities

Environmental justice
- Family Problems
- Housing, land and property
- Focus on specific justice problems

If you could add one initiative related to access to justice to your program, what would it be?
Is your program improving justice for refugees, IDPs, stateless persons and/or host communities?

- Yes
- No
- Other / IDK
- Not yet
- On a small scale

**Context**

- Political tensions and complexities
- Dysfunctional justice system
- Security situation and lack of humanitarian access
- Number of people that are displaced
- Lack of financial resources
- Multi-crisis and complexity of the situation
- Connection between environmental justice and social protection
- Frequent rotation of national and local officials
- Religious tensions between groups
- Discrimination enshrined in justice system
Benefits of UNDP / UNHCR collaboration

✓ Complementarity of expertise leading to better results
✓ Staff is learning from each other and from knowledge products
✓ Using each other’s relations with government at local and national level
✓ Reaching both displaced people and host communities, building social cohesion
✓ Advocating for inclusion of displaced people and durable solutions
✓ Joint fund raising
✓ Innovative joint programs
✓ Using each other’s data and analysis

Challenges of UNDP/UNHCR Collaboration

• Operational differences
  Different planning cycles and administrative procedures | delays in clearance of documents
• Differences in vision, mandate, approach and language
  Human mobility vs forced displacement | long-term vs short-and-medium-term | practical approach to delivery, including parallel structures if need be vs. capacity building national actors and systems
• Funding difficulties
  Limited opportunities for joint fundraising | urgent need for more funding
• Issues specific to a given context
  Reliance on consultants | communication with field colleagues | tension between UNDP support to stabilization and UNHCR’s inclusion agenda
Strategic policy guidance should ...

✓ ... take into account variety of contexts, including complex political situations, countries with advanced institutional systems, contexts of transitional justice.

✓ ... indicate how the UN can work with national and local authorities on rule of law and equality of women in particular.

✓ ... be practical and operational, including on collaboration and effective programming.

✓ ... give direction to country and context-specific strategies and be connected to justice as a priority in annual planning instructions.

✓ ... indicate how UNDP and UNHCR can jointly identify pilot communities.

✓ ... support to Resident Coordinator’s political role and advocacy.