

GLOBAL PROGRAMME ON STRENGTHENING THE RULE OF LAW IN CONFLICT AND POST-CONFLICT SITUATIONS



*Building peace through
justice and security*





United Nations Development Programme (UNDP)

UNDP is the United Nations' global development network, advocating for change and connecting countries to knowledge, experience and resources to help people build a better life. We are on the ground in 166 countries, working with them on their own solutions to global and national development challenges. As they develop local capacity, they draw on the people of UNDP and our wide range of partners.

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Introduction from UNDP BCPR Director



UNDP Assistant Administrator and Director of the
Bureau for Crisis Prevention and Recovery (BCPR),
Mr. Jordan Ryan

The poorest countries in the world are overwhelmingly those also most affected by conflict and vulnerable to natural disasters. Millions experience conflict and its effects – undermining basic security and access to justice. As the catastrophic events of 2010 in Haiti and Pakistan show, natural disasters also devastate capacities to provide security and protection. The legacies of both conflict and disaster – including injustice, poverty and insecurity – are frequently among the root causes of renewed cycles of violence and instability, and continue to impede progress on the Millennium Development Goals.

During a crisis, national capacities must be empowered to tackle impunity and respond to immediate justice and security needs. In the aftermath of conflict, unobstructed access to functional justice and security institutions is crucial for rebuilding shattered societies and preventing relapse into violence. These are fundamentals for sustainable peace and development. The World Bank's World Development Report 2011 on *Conflict, Security and Development* stresses the importance of addressing justice and citizen security from the earliest stages of the development process and the central role of 'rule of law' in preventing and recovering from crisis.

The *Global Programme on Strengthening the Rule of Law in Conflict and Post-Conflict Situations* forms the basis of UNDP's support to justice and security in fragile contexts, and its principal contribution to

UN system-wide efforts to develop capacity on rule of law in a coordinated and mutually reinforcing manner. The Global Programme provides comprehensive technical, operational and financial support to UNDP country offices working in crisis settings. It also helps to advance substantive partnerships with Member States, the Department of Peacekeeping Operations (DPKO), and the Peacebuilding Support Office and Fund (PBSO/PBF). It also facilitates joint initiatives with UN agencies, including UNHCR, UNODC and UNWOMEN, and other actors such as the African Union, ECOWAS and the EU.

In 2010 the Global Programme reached maturity. It now supports comprehensive initiatives in over 20 conflict and post-conflict situations, with a total programming value exceeding US\$ 221 million. An external mid-term review undertaken in 2010 highlighted the Programme's innovative approach and results-oriented delivery. From Afghanistan to Liberia and Nepal to Somalia, the Global Programme has enhanced capacity, enabling the achievement of tangible development results in justice and security service provision, legal aid, and security sector governance.

Tackling sexual and gender-based violence (SGBV) is a major focus and a core component of the Global Programme in the majority of countries. When a 5 year-old girl was indecently assaulted in Northern Sierra Leone, support from UNDP's Access to Justice Project ensured that the perpetrator was convicted and



sentenced to prison. “I am pleased that we got justice,” said the girl’s grandmother. “This will help ensure that peace reigns in the community.” Across Sierra Leone 1,879 SGBV survivors received legal assistance as part of UNDP’s efforts to combat sexual violence. Local courts pronounced 45 convictions on SGBV in 2010, compared with none at all two years before. This is one example among many of programme achievements in supporting national efforts to reinstate rule of law, citizen security, and access to justice.

I am pleased to introduce the 2010 report, which summarizes results that our national partners have achieved with our support, as well as the challenges faced. The report is being issued for the third consecutive year, and reflects UNDP’s interest in making our rule of law, justice and security work accountable – as well as UNDP’s willingness to share and discuss experiences.

In 2010, UNDP’s Bureau for Crisis Prevention and Recovery (UNDP-BCPR) embarked on a major strategic review and transformation process with the goal of enhancing the effectiveness of support across its focus areas, and responding better, and more strategically, to the ever-growing demand for its services from UNDP programme countries. Under the strengthened structure of the Bureau, rule of law, justice and security assistance plays a central role in crisis prevention and post-crisis recovery. We also seek to maximize our assistance to fragile countries by strengthening sup-

port to aspects of recovery related to rule of law and citizen security: post-crisis job creation and economic recovery, enhancing governance institutions, and developing national capacities.

The current programme comes to an end in 2011. We are, thus, already preparing a new phase to be designed and implemented in close collaboration with all relevant units in UNDP, in particular the Bureau for Development Policy and the Regional Bureaus. In designing the next phase, we will take full account of important initiatives such as the United Nations Civilian Capacities review, and the World Bank’s 2011 World Development Report.

I want to thank, in particular, The Netherlands, Sweden, Germany, Australia, Canada, Norway, the United States, France and the United Kingdom for their sustained support to the Global Programme. We look forward to continuing to work closely with these and other partners in the difficult but indispensable task of advancing justice and security in crisis contexts.

Mr. Jordan Ryan
BCPR Director and
UNDP Assistant Administrator

Part 1





What is the Global Programme?

Since 2008, UNDP's *Global Programme on Strengthening the Rule of Law in Conflict and Post-Conflict Situations* (the Global Programme) has worked to make an impact on the ground and a lasting difference in people's lives. This objective permeates every activity of the Global Programme – be it our country office support, inter-agency partnerships or global policy-making.¹

Resting on the two pillars of justice and security, the Global Programme offers comprehensive operational, technical and financial support to UNDP Country Offices (COs), seeking to build their capacities to implement comprehensive rule of law, justice and security programmes. UNDP's tight network of over 160 Country Offices provides the avenue through which this assistance reaches institutions and communities. To this end, COs receive a comprehensive support package, starting with project design and initiation and continuing throughout the programme cycle. By the end of 2010, all 20 priority countries of the Global Programme were receiving support, details of which are provided in more detail in Part II of this report.

The Global Programme also enables UNDP to engage in global policy formulation on rule of law, justice and security, advancing partnerships with the broader UN system and member states. UNDP's approach, niche and core activities in this regard in 2010 are contained in the section of this report entitled 'The United Nations and Rule of Law Assistance: The Role and Contribution of UNDP'. UNDP is committed to strengthening these partnerships, contributing to policy-making, and ensuring results-based reporting and evaluation, measuring success through demonstrable impact on the ground.

In line with UNDP's Strategic Plan 2008-2011 and drawing on its past and current programming, the UNDP Global Programme seeks to provide high quality support, including:

- Responding rapidly and effectively to programme countries in providing rule of law assistance in conflict and post-conflict situations;

- Recruiting UNDP staff with proven expertise in rule of law programming in conflict and post-conflict situations to the restructured UNDP/BCPR Rule of Law, Justice & Security Unit and in Country Offices programmes;
- Providing assistance with programme design (including seed-funding) and rolling technical advice to UNDP Country Offices to initiate and implement comprehensive rule of law programmes;
- Contributing to integrated and coherent UN system-wide assistance and coordination on rule of law, justice and security; including, engaging in joint UN planning and programming; and,
- Optimising existing resources through optimal cross-Bureau collaboration within UNDP.

In particular, the Global Programme assists UNDP to deliver in the following areas:

- 1) Empowering national capacities and stakeholders (institutions, civil society, displaced populations) to address legal aid and sustainable protection in conflict situations and lay the building blocks for justice and security sector reforms;
- 2) Strengthening Women's Security and Access to Justice based on Security Council Resolutions 1325, 1820 and 1888, and on UNDP's Eight-Point Agenda for Women's Empowerment and Gender Equality;
- 3) Conducting capacity development of key Justice and Security institutions, such as the Judiciary, Ministry of Justice, Prosecutor's Office, Law-enforcement, Corrections and Customary Law mechanisms;
- 4) Supporting transitional justice processes (i.e. prosecutions, reparations, truth-seeking, vetting, etc.); and,
- 5) Supporting confidence building measures to restore trust and revive non-violent conflict resolution mechanisms, informal and formal.

¹ The 2009 Annual Report of the Global Programme outlines its 'Vision and Strategy' in more detail on pp. 11-12.



How do We Work?

In reflecting the Global Programme's country support in 2010, Chad provides an insightful example of how we work:

After several years of ongoing hostilities, the start of 2010 was marked by the signing of an “*accord de rapprochement*” between Chad and neighbouring Sudan, resulting in the deployment of mixed forces along the border. Although conditions have become more conducive for durable solutions for Internally Displaced People (IDPs), the security situation remained a principal concern throughout 2010. The lack of effective law enforcement and justice institutions continued to foster impunity for crime and human rights abuses against civilians, including arbitrary arrests and detentions, and sexual and gender-based violence.

Building on the positive partnership between UNDP and the United Nations Mission in Central African Republic and Chad (MINURCAT) in the rule of law sector since April 2008, both organisations continued to work hand-in-hand towards the reestablishment of justice service delivery in the region. Work focussed on establishing legal aid clinics and training paralegals, establishing a Lawyers’ House in Abéché, building the capacity of Chadian NGOs working on human rights and legal assistance, supporting mobile courts at the district level, and training judicial police officers.

The decision by the Security Council and the Government of Chad not to renew MINURCAT’s mandate set a challenge for UNDP and the UN Country Team (UNCT) to ensure that the most critical activities carried out by the mission would not be discontinued. In the area of the rule of law, the joint support for the justice sector in eastern Chad and the support to the *Détachement Intégré de Sécurité (DIS)*² were the critical peacebuilding areas for the UNCT to ensure sustainability.

Already supporting rule of law assistance in Chad, the Global Programme had to increase its technical and financial support to take over MINURCAT’s justice and security related work. To that purpose, BCPR provided resource mobilisation assistance,

and signed a cooperation agreement with the German Foreign Ministry to support UN rule of law activities in eastern Chad. A contribution was made available to support the Lawyers House in Abéché, and the establishment of several legal aid clinics. These resources were essential to leverage and sustain the technical and financial support that had been provided to the Chadian Bar Association since April 2009. In supporting the hand-over planning process between MINURCAT and the UN Country Team, the Global Programme deployed a justice expert to review programmatic interventions, measure progress and impact, and adapt the strategic priorities for the period 2011-2013, in consultation with a wide range of national and international partners.

In October 2010, BCPR also participated in an integrated PBSO/UNDP/UNHCR/DPKO mission to look into the early recovery and peacebuilding priorities for eastern Chad. Following this mission, the Global Programme also worked with UNDP’s Regional Bureau for Africa to explore the modalities through which UNDP and UNHCR could support the DIS beyond 2010. As a result, the Global Programme deployed a police expert to develop a joint project with UNHCR for submission to the Peacebuilding Fund’s Immediate Response Facility. The financial contribution from the PBF was instrumental in providing bridging support to the DIS to continue carrying out its core functions (policing in and around refugee camps, IDP sites and key towns in eastern Chad and to provide security escorts to humanitarian workers) after MINURCAT’s departure, as well as in laying the foundations for a larger joint programme to support the DIS in 2011 and beyond.

Overall, the support provided by the Global Programme has been essential to strengthen the programmatic approach of UNDP, and contributed to ensuring a smooth transition with MINURCAT in the rule of law sector. The added value of the Global Programme rests on the quick deployment of expertise, immediate availability of funds, strategic engagement with the UN system as a whole, and the provision of continued technical assistance to ensure quality interventions and results.

² The DIS is a Chadian national police force created by Security Council Resolution 1778 (2007) and Chadian Presidential Decree 1131/PR/08 to ensure the protection of refugees and IDPs in camps as well as humanitarian staff.

20 Priority Countries

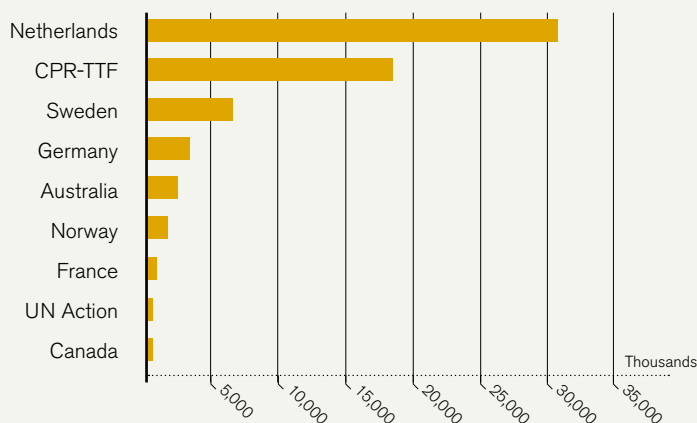
Afghanistan
Bosnia & Herzegovina
Burundi
Central African Republic
Chad
Colombia
Democratic Republic of the Congo
Guinea-Bissau
Guinea (Conakry)*
Haiti
Iraq
Kosovo (UN administered territory)
Liberia
Nepal
Occupied Palestinian Territory
Sierra Leone
Somalia
Sri Lanka
Sudan
Timor-Leste

* The initial 2008 list of 'Priority Countries' of the Global Programme was intended to be indicative only. In 2010, Guinea replaced Uganda on this list. This decision was taken on the basis of increasing requests and opportunities for furthering engagement in Guinea. Meanwhile circumstances in Uganda were not proving sufficiently conducive to warrant sustained support from the Global Programme. Already, assistance in Guinea is seeing promising results.

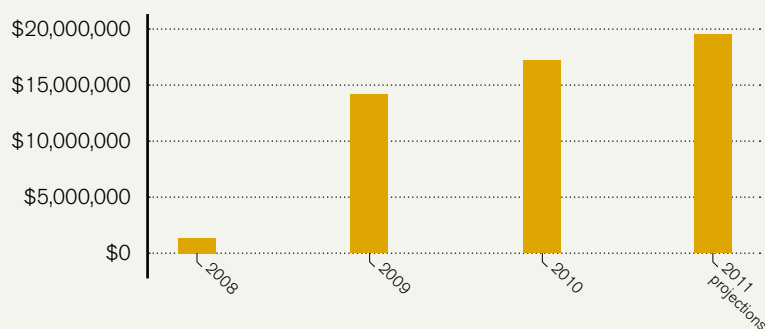
THE GLOBAL PROGRAMME IN 2010

Facts and Figures

Global Programme Resources (2008-2011)

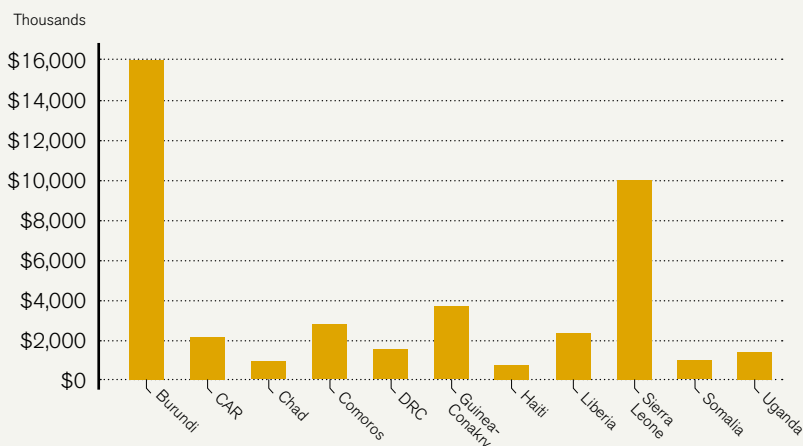


Global Programme Expenditures (2008-2011)



Countries Receiving PBF Support (RoL & SSR projects implemented by UNDP)

The data is extracted from <http://mdtf.undp.org/factsheet/fund/PB000> and represents figures as of 1st May 2011.



The Global Programme

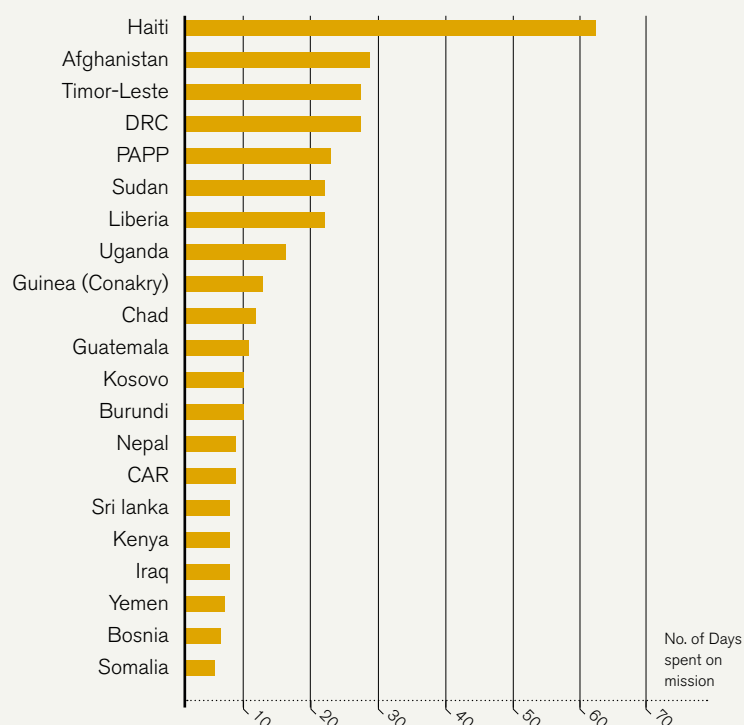
supports and monitors the resources and the expenditures of 36 projects in 18 UNDP Country Offices through ATLAS (UNDP's financial system).



327 UNDP Rule of Law project staff

working in 18 conflict/ post-conflict settings: 80 international staff members and 247 national staff members.

Country Office Support Missions in 2010

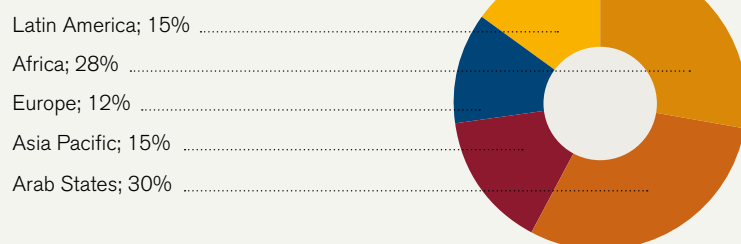


US\$64.8 million = Total Global Programme financial resources 2008-2011.

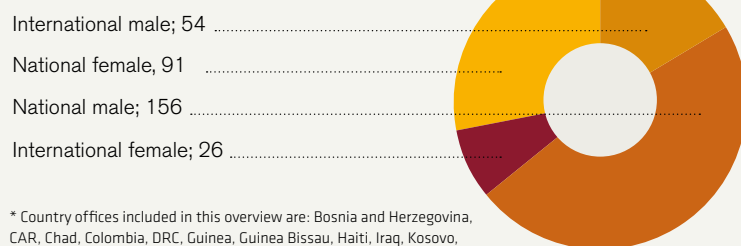
346 = number of days spent by RoLJS staff providing in situ support at the request of 21 UNDP Country Offices in 2010

US\$ 38.9 million = PBF contribution to Rule of Law and Security programming managed by UNDP. The countries receiving PBF funds are Burundi, CAR, Chad, Comoros, DRC, Guinea (Conakry), Haiti, Liberia, Sierra Leone, Somalia and Uganda.

Global Programme Allocations per Region



Rule of Law staff on the ground in Global Programme focus countries*



* Country offices included in this overview are: Bosnia and Herzegovina, CAR, Chad, Colombia, DRC, Guinea, Guinea Bissau, Haiti, Iraq, Kosovo, Liberia, Nepal, oPt, Sierra Leone, Somalia, South Sudan, Sri Lanka, and Uganda.

Total budget value of projects initiated through the Global Programme

US\$ 221,103,324

Total UNDP rule of law programming value for Global Programme priority countries:

US\$ 630,071,477

Total UNDP rule of law programming value for Global Programme priority countries, including UNDP administered trust funds (Afghanistan and Liberia)

US\$ 1,910,159,864



117 is the total number

of women working in 18 UNDP Country Offices on Rule of Law projects; 26 of them international staff members and 91 national staff members.



2010 Highlight Results

The Global Programme continues to strengthen UNDP's rule of law, justice and security portfolio, strengthening UNDP's role as the largest service provider on rule of law in the UN system. In 2010, in-country programmes have delivered tangible results on national capacity building for strengthened justice and security service provision, legal aid, accountable security sector governance, and addressing sexual and gender-based violence (SGBV).

"Without UNDP, there would be no justice in this country"

- Madame Julia Sarkodie Mensah,
Consultant Master & Registrar of the
High Court, Sierra Leone.

Promoting Access to Justice

UNDP rule of law programmes have helped establish mechanisms for free legal aid to serve conflict- and crisis-affected communities, with a special focus on women's access to justice.

- In **Sierra Leone, Somalia and Nepal**, over 3000 survivors of SGBV received access to justice in 2010. (More on the Global Programme's work fighting SGBV on page 18).
- In **Chad**, the Chadian Bar Association with support from UNDP and MINURCAT established a "Maison des Avocats" (Lawyers' House) in Abéché. 24 lawyers, including 3 women, have been deployed and have followed 141 cases (74 criminal cases, 44 civil cases, 23 social cases) pending before courts and tribunals. These cases relate to human rights violations, SGBV, land disputes and civil cases. In addition, the Lawyers' House advised more than 1200 people on dispute settlement and access to legal aid.
- In the **Democratic Republic of Congo**, legal aid clinics were established in Walikale, Goma, and 6 localities in South Kivu. An additional 5 legal aid clinics have been established with the Kisangani Bar Association and are fully functional in Bunia, Mahagi, Kasenyi, Nizi and Fataki. 40 trained students and 116 community paralegals are regularly deployed at territorial level.
- In **Kosovo**, 5 legal aid offices were made fully operational in Gjakove/ Djakovica, Dragash/ Dragas, Ferizai/ Urosevac, Gračanica/ Gračanicë and North Mitrovica/ Mitrovicë. A Legal Aid Office was opened in North Mitrovica in April 2010, after extensive negotiations with national and international partners. The new Legal Aid Offices have improved legal aid outreach, and legal aid services were provided to 1500 people (35% being women and 24 % from ethnic minorities).

*Somaliland women police officers
at the National Police Convention
in Hargeisa, April 2010.*
UNDP Photo / UNDP Somalia



- In **Nepal**, community-based paralegal programmes were expanded to 70 villages, mobile legal aid clinics provided free legal services and information to 1524 people (80 % women), and community mediation centres successfully resolved 60 % of the 230 cases registered.
- In **Sierra Leone**, with support from UNDP, the Bar Association's legal aid mechanism (the country's first ever legal aid scheme) provided legal aid services to 953 beneficiaries in 820 cases. 80 CSOs received training and are providing basic legal first aid at community level. The Scheme's experiences have informed the development of a new national Legal Aid Bill to be enacted as the primary legal framework for legal aid service provision in Sierra Leone.
- In Somaliland, **Somalia**, the legal aid provided by the Somaliland Lawyers Association, the Hargeisa Legal Clinic and the Amoud Legal Clinic was expanded to all regions, doubling the number of recipients, in particular amongst marginalised groups. With UNDP's support, they have assisted 6290 clients – a high proportion of whom were IDPs, children, women and minorities. The Somaliland Women Lawyers Association, provided legal aid to a further 601 clients (474 of them women). In South-Central Somalia, through the Coalition of Grass-Roots Women's Organisations and the Association of Somalia Women Lawyers, 573 clients benefited from legal-aid services, leading to the acquittal and/or release of 237 detainees.
- In **Sri Lanka**, UNDP support enabled the Legal Aid Commission (LAC) to establish 5 new offices, dealing specifically with criminal cases. The LAC undertook 1684 consultations, 1014 court appearances, 123 police visits, and 187 bail applications through 58 centres across the country. 424 Grama Nildhari districts received access to paralegal services. The legal aid scheme targeting the prisons located at Colombo, Kaluthara, Wariyapola and Kandy provided awareness and assistance to 7465 inmates.

Expanding In-Country Joint Programming

UNDP is working closely with DPKO and other UN entities on the ground in **Chad**, the **Democratic Republic of Congo**, **Haiti**, **Liberia**, **South Sudan** and **Timor-Leste**.

For example:

- Following the earthquake in **Haiti**, UNDP and DPKO (MINUSTAH) developed a Joint Programme for Rule of Law, Justice and Security (budgeted at US\$ 60.2 million)
- In **Chad**, UNDP and UNHCR initiated the Joint Support Programme to the Détachement Intégré de Sécurité ¹

¹ The DIS is a Chadian national police force created by Security Council Resolution 1778 (2007) and Chadian Presidential Decree 1131/PR/08 to ensure the protection of refugees and IDPs in camps as well as humanitarian staff.



*Security threats in Afghanistan
leave displaced children vulnerable*

Improving Justice and Security Service Delivery

To improve justice and security service delivery, UNDP provides capacity development support to relevant ministries, and works closely with the police, the judiciary and corrections. In 2010, UNDP facilitated infrastructure projects to increase court or police facilities (i.e. **Haiti, Liberia**), provided technical and operational support to increase the capacity and efficiency of justice and security providers (i.e. **Somalia, Colombia, Burundi**), and boosted the numbers of legal and security professionals trained and deployed in-country (i.e. **Democratic Republic of Congo, Central African Republic**):

- In **Bosnia and Herzegovina**, to increase justice delivery, efficiency of case proceedings, and advice and representation for victims and witnesses, UNDP supported the establishment of the Witness Support Offices in 2 cantonal courts and prosecutors' offices. Concurrently, the development of the National Strategy for Transitional Justice has progressed, technically supported by UNDP.
- In **Burundi**, 6 courts were completely rehabilitated and equipped. In the northern provinces of Burundi where UNDP implemented a pilot project on court administration, judicial performance improved significantly. 1000 copies of a 'guide des infractions électorales' were produced and distributed. All magistrates in Burundi (over 4000) were trained in the use of the guide during the contentious electoral period, with 82 electoral offences subsequently processed. Electoral courts played an important role in peacefully resolving disputes.
- In the **Central African Republic**, UNDP supported local courts in Bossangoa, Batangafo, Bocaranga and Paoua to organise hearings in rural areas for the first time. In Bossangoa, this allowed the adjudication of 33 cases of misdemeanours and to investigate 7 criminal cases. Bocaranga's district court adjudicated 90 cases and another 5 criminal cases. In Paoua, the court received 4553 claims for personal documents, with 1553 claims adjudicated.
- After 4 years with no sessions in **Eastern Chad**, the second circuit session of the criminal court of Abéché began, with support from UNDP and MINURCAT, addressing 34 criminal cases and 67 suspects charged with multiple offences.
- In **Colombia**, UNDP supported 1200 victims to be represented in the first judicial reparation proceeding, through 63 legal advisers and psychological experts working in 6 conflict affected regions. In Eastern Antioquia, mobile units for victim's assistance have provided services in legal, social and psychological issues to some 4,000 victims of the conflict.
- In North Kivu in the **Democratic Republic of Congo**, 68 police investigators from the National Congolese Police were sworn in after training received from UNDP, quadrupling the number of criminal investigators in this province. In Walikale and Rutshuru, UNDP has also supported mobile courts organised by Goma's Military Tribunal. 9 cases have been tried in public hearings in Walikale, including cases of rape, murder, arbitrary arrest and illegal detention. In Rutshuru, 15 cases have been tried, including 8 cases of sexual violence.
- Through UNDP's support in **Guinea Bissau**, the 5-year National Policy for the Justice Sector and Strategic Development Plan was developed, with an emphasis on improving justice service delivery for women and children. The legal aid decree law has been drafted and approved with the support of UNDP, enabling implementation of the strategy. Pilot Access to Justice Centres will be supported by UNDP, and gradually handed over to the government.
- In **Haiti**, UNDP has been working intensively with counterparts to re-establish core justice and security services following the destruction wrought by the earthquake in January 2010, including through provision of infrastructure and equipment. 7 pre-fabricated buildings were erected as temporary offices for the Ministry of Justice and Public Security (MJPS), and 1200 m2 of temporary office space was provided for MJPS staff and the Haitian National Police (HNP). UNDP also supported the Minister's concept of mobile courts.
- In **Kosovo** (UN Administered Territory), in 2010 all candidates of the 2nd and 3rd generation of the UNDP-supported Initial Legal Education Program ILEP were recommended for appointment as judges or prosecutors. Additionally, UNDP supported the establishment (legal framework, guidelines, equipment and training) of the Kosovo Mediation Commission and its Secretariat to enable an effective Mediation Service to be established and therefore court users to avoid lengthy court proceedings.
- In **Liberia**, support to the capacity of prosecutors has resulted in an increase in cases being prosecuted. During the February Term of Court, prosecutors tried 110 cases; in the May Term, 200 cases were prosecuted (over 50% more than in 2009).

Security Sector Governance

Ensuring effective civilian / judicial oversight of the security sector is vital to ensure accountability and transparency

In **Kosovo**, UNDP's support to the Parliamentary Oversight Commission for Internal Affairs and Security (POCIAS) enabled the Committee effectively to review legislation designed to improve oversight and accountability mechanisms for security institutions.

In **Timor-Leste**, through embedded technical expertise, the Office of the President was strengthened to oversee the security sector through the review and control of legislative frameworks for security institutions.

Raman and Gangadevi, receive their 'official' marriage documentation after 40 years, multiplying opportunities for them and their children, with the assistance of a UNDP-sponsored mobile legal aid clinic in Sri Lanka

- In the **occupied Palestinian territory**, UNDP supported the development and implementation of individual work plans for each unit of the Ministry of Justice, as well as internal planning, monitoring and evaluation mechanisms to enable the Ministry to plan and manage its service delivery more effectively. UNDP provided technical support to the Ministry of Justice to prepare a modern draft Penal Code and to build institutional links with Birzeit University's Institute of Law, the legal advisors to the Prime Minister and the President, and Palestinian Legislative Council civil service staff.
- In **Somalia**, With UNDP's support, 2905 police were trained across the country (including new police recruits, skills and management training). UNDP helped to establish Police Advisory Committees as independent oversight mechanisms, which now monitor, mentor and train police force and prison personnel on gender, human rights, and how to treat detainees with dignity.
- In **Sierra Leone**, UNDP funded mobile courts in the Southern Province, bringing magistrates and judges to 3 new towns for the first time as part of the Southern court circuit. In their first three months in service 77 cases were heard and 31 concluded.
- In **Sri Lanka**, UNDP financial and technical support enabled 39 court houses to be re-established in the north and east of the country, and the training of 228 judges and lawyers.
- In **Timor-Leste**, the recruitment of international justice actors has complimented UNDP's provision of logistical and administrative support to improve the capacity of the central and district justice institutions to deliver justice services. As a result, 3770 new prosecution cases were registered and 3712 processed. Provision of justice through mobile courts was also increased, hearing 12 criminal cases in 4 districts in the last 2 months of 2010.
- In **Guinea** (Conakry), the criminal court system (cour d'assises) has been reactivated and held sessions after several years of paralysis, with technical and logistical support by UNDP (through a PBF supported project). After three years without justice decisions in criminal cases, 115 criminal cases have been presented to court. Alleged drug smugglers have been brought before the court, with 2 judgments rendered in such cases.



2010 Highlight Results



Two Stories

Prison in a rural area in Sudan

Sudan's High Court rules in favour of a minor victim of rape in a remote war-torn village in West Darfur, with the support of UNDP legal aid efforts

Garssila, a small village in war-torn Darfur, was the theatre of a shocking case in 2010, when a 13 year old girl was brutally raped by an adult man. Defying prevailing stereotypes and social taboos the girl and her family courageously took the case to court, seeking justice. To their shock, the Court in Garssila dismissed the case and accused the victim of adultery.

It was at this stage that the case was brought to the attention of the UNDP rule of law office in West Darfur. The team immediately dispatched a mobile legal aid clinic to Garssila. But by the time the clinic arrived, the Court had already issued its verdict, convicting the young girl of adultery and sentencing her to one hundred lashes, after the delivery of her baby.

Racing against the clock, with the support of UNDP, legal aid lawyers filed an immediate appeal to the General Court of Zalingei, arguing that the age of the girl and the fact that she had been coerced should reverse the earlier decision. Yet the same conservative legal mentality prevailed, and the previous ruling was upheld. Appealing against this decision, legal aid lawyers brought the case to the State Appeal Court in El Geneina, the capital of West Darfur. Here the conviction was again upheld – though the sentence mitigated to ten lashes.

Citing the National Constitution and international laws pertaining to the rights of the child, the lawyers finally took the fight to the Sudan High Court – the highest Appeal Court in the land. After lengthy deliberations, the Judges of the Court issued a landmark verdict,

quashing all previous verdicts, and setting a new legal precedent which will now inform the decisions of the lower courts in similar cases.

In its reasoning, the High Court of the Republic of the Sudan stated that it did not agree with the decision of the Appeal Court of West Darfur that signs of maturity, including the pregnancy of the accused, constituted grounds for criminal responsibility. The Judges stressed that only the age of the accused should have been considered. In doing so the High Court, practically and implicitly, applied the Child Act of 2004 which emanates from the UN Convention on the Rights of the Child. Having established that the crucial factor is age and not maturity, the mere allegation of the accused that she had been raped was sufficient, according to the Islamic jurisprudence, to lift any sentences against her. Accordingly, the High Court reached the following ruling:

- Repeal the ruling of both the first court and the appeal courts; and
- Repeal the conviction and the sentences against the accused and release her immediately.

Although the decision did not go far enough to incriminate the perpetrator, it will certainly open the door wide for a re-trial should the family of victim wish to do so.

**Yousif Ahmed,
UNDP Rule of Law Officer,
West Darfur, Sudan**

from the Field

The new courthouse in Delft

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නව
KAYTS CIRCUIT COURT
DELFT

A new court house enhances access to justice in Sri Lanka

May 21, 2010: M.H.M. Ziyath watches with heartfelt pleasure as throngs of men, women and children fill the public benches and every available space of the new court house in Delft. It is the day of the inaugural sitting of the circuit court house newly established in the island and the first time after over 30 years that a judge sits to hear the grievances of the Delft islanders, in the Jaffna peninsula.

Ziyath, the District Project Officer (North) of the UNDP Equal Access to Justice Project (EA2J) recalls how he first visited the solitary islet in February, 2010 along with his team mates on a needs assessment visit. "We travelled throughout the island and listened to the problems of the people who were in extremely indigent circumstances following decades of conflict. The island's court house had been destroyed in the 1970s following which the people had to take a 50 kilometre boat ride across the sea to the court in Kytes (another island) to seek justice. That very moment we decided to help the establishment of a court house and it is a must if the Delft people are to have access to justice," he says.

Determined to make equal access to justice a reality for Delft, the EA2J team had continuous meetings with the government officials and authorities in the island to discuss the feasibility of setting up a court house, and it was during one such discussion that the Divisional Secretary, Delft offered the Divisional Secretariat's conference room to be used as a circuit court house. "The people in Delft were in a truly dismal situation with regard to access to justice. Due to the geographical inac-

cessibility and the cost attached with travelling to Kytes, most disputes, including crimes like theft and rape were settled within the island. Having witnessed it, we could not but work tirelessly to set up a court house in Delft.

Jointly with the Ministry of Justice, we refurbished the DS conference hall into a court house and got approval for the judge of Kytes to sit there once a month. Everything was done within a couple of months due to the sheer enthusiasm of all the EA2J members and the court house was inaugurated by the Chief Justice in April," says Charuka Samarasekera, Project Officer – EA2J.

"During the inaugural sitting, we were able to hear 25 cases from inhabitants of the island. Initially, the court will sit once a month. But, we hope to gradually increase the number of sittings, as the Deft people are anxious to get their disputes settled through the formal judicial process," said the Magistrate of the new circuit court house in Delft, Mr. N. Wasanthasena.

**Equal Access to Justice Team
UNDP Sri Lanka**

In Focus

Strengthening Women's Security and Access to Justice³

The Global Programme has maintained a solid emphasis on strengthening women's security and access to justice – a thematic area that forms a core component of the majority of programmes being delivered on the ground in 2010.⁴ This work has become increasingly pertinent with the passing of UN Security Council Resolutions on Women, Peace and Security, in particular UN SC Resolutions 1820⁵ (2008), 1888⁶ (2009), and 1960⁷ (2010), which focus on combatting impunity for sexual violence in conflict.

Importantly for UNDP, Resolution 1820 urges UN entities to support *'the need for development and strengthening of the capacities of national institutions ... and of local civil society networks in order to provide sustainable assistance to victims of sexual violence in armed conflict and post-conflict situations'*⁸ Accordingly, and in order to implement the Global Programme's commitment to strengthening women's security and access to justice, the following interventions and approaches are being implemented:

- Supporting the provision of legal aid and strengthening representation of survivors of Sexual and Gender Based Violence (SGBV) in court;
- Capacity building support to lawyers' networks and bar associations, and support to social workers to provide legal representation and psycho-social support to SGBV victims;

- Capacity building and training of criminal justice actors;
- Legal and procedural reform;
- Establishment of Legal Information and Awareness Centres;
- Confidence building measures, including awareness-raising and policy dialogue;
- Access to justice as a pillar of multi-sectoral support for survivors of SGBV; and
- 'One UN' and national ownership coordination and coherence on prevention and response to SGBV.

Some samples from the results that UNDP-BCPR is reporting for 2010 under the Global Rule of Law Programme include the following:

In **Sierra Leone**, UNDP supported the establishment of a legal aid mechanism through which six local civil society organisations provided legal aid to survivors of SGBV. To date, 1879 SGBV survivors have received legal support through the programme. This, in turn, has resulted in 45 convictions (compared to just 10 in 2009 and zero in 2008, according to the government). In 2011, more civil society organisations will receive support in order to fill the current gap in legal services. UNDP will also continue to build the capacity of the Sierra Leone

3 Strengthening Women's Security and Access to Justice forms the second 'programme area' of UNDP's Global Rule of Law Programme. Corporately, this is rooted in points 1 and 2 of UNDP's Eight Point Agenda for Women in Crisis, available at: <http://www.undp.org/cpr/we_do/8_pa.shtml>.

4 The contribution of UNDP programmes supported by the Global Rule of Law Programme with regard to "access to justice and security for women and girls, especially victims of sexual violence" was also recognised by the UN Secretary-General in his 2009 *Report pursuant to Security Council 1820* (UN Doc. S/2009/362), para. 44.

5 UN Security Council Resolution 1820 (UN Doc. S/RES/1820), 19 June, 2008.

Good practices in 2010

- In spite of the challenges of entrenched patriarchal values and attitudes, stigma and silence in terms of SGBV in many countries, UNDP's work is already showing results in an area that is critical to improving women's access to justice and security, through informal legal aid and supporting coordinated mechanisms for legal aid and security.
- Integrated services (one-stop shops) and referral mechanisms are proving to be effective service providers for victims of SGBV in all countries. For example, in Somalia, the Sexual Assault Referral

Centre acts as an integrated one-stop shop, providing medical, psychosocial and legal services to survivors of sexual violence.

- Creative use of legislation and procedure is useful. For example, by referring cases directly to the Attorney-General's Office, the SARC in Somalia secured a landmark decision by the Attorney-General in April 2010 in which a convicted rapist was sentenced to five years in prison even though the case had been 'settled' in the informal courts.

Bar Association to ensure institutional sustainability of legal service provision on SGBV.

In **Somalia**, since tensions between formal and traditional legal systems can perpetuate gender inequality, a referral system was established in Somaliland, through which Clan elders refer cases of SGBV to formal courts. These referral systems have resulted in a 44 per cent increase in sexual violence cases reaching the formal courts since the previous year. The Sexual Assault Referral Centre (SARC) in Hargeisa dealt with 107 cases (59 rape cases and 48 attempted rapes), 89 involving minors.

In **Nepal**, UNDP facilitated and supported informal legal aid desks. Four SGBV-oriented legal aid desks operating in police stations provided information and legal assistance to 790 claimants, with 403 of the cases related to domestic violence. Mobile legal aid clinics in three Districts provided a range of free legal services and information to 1524 people (80 per cent of whom were women). At the community level the paralegal programme was expanded to 360 wards of 70 Village Development Committees and over 2000 paralegal committee members received training on SGBV and justice, helping to mainstream SGBV awareness and ensure an appropriate level of expertise in the process.

In the **Democratic Republic of Congo**, UNDP supported the establishment of 8 paralegal centres. In 2010, 183 survivors of SGBV benefited from paralegal services (information and orientation) at such centres. In partnership with Avocats Sans Frontières, UNDP supported the South Kivu Bar Association to launch a pro bono office providing legal aid in Bukavu. In collaboration with EUPOL, UNPOL and MONUSCO Rule of Law Unit, UNDP trained 112 police officers in North and South Kivu on SGBV investigation and victim's reception. UNDP also trained 120 medical staff on SGBV victim's

rights and medico-legal procedures. Additionally, 50 judicial investigators and prosecutors were trained on investigation techniques on SGBV as a massive crime. As a result of these trainings, an important investigation has been conducted in Walikale territory following the massive rapes which occurred August 2010. The judicial investigation is on-going and an indictment is expected to be issued in late Spring. UNDP supported the training of the investigation and prosecution team, the investigation itself (logistical support), and the paralegals assisting the victims.

Billboard sponsored by UNDP Sierra Leone raises awareness about domestic abuse and gender-based violence



6 UN Security Council Resolution 1888 (UN Doc. S/RES/1888), 30 September, 2009.

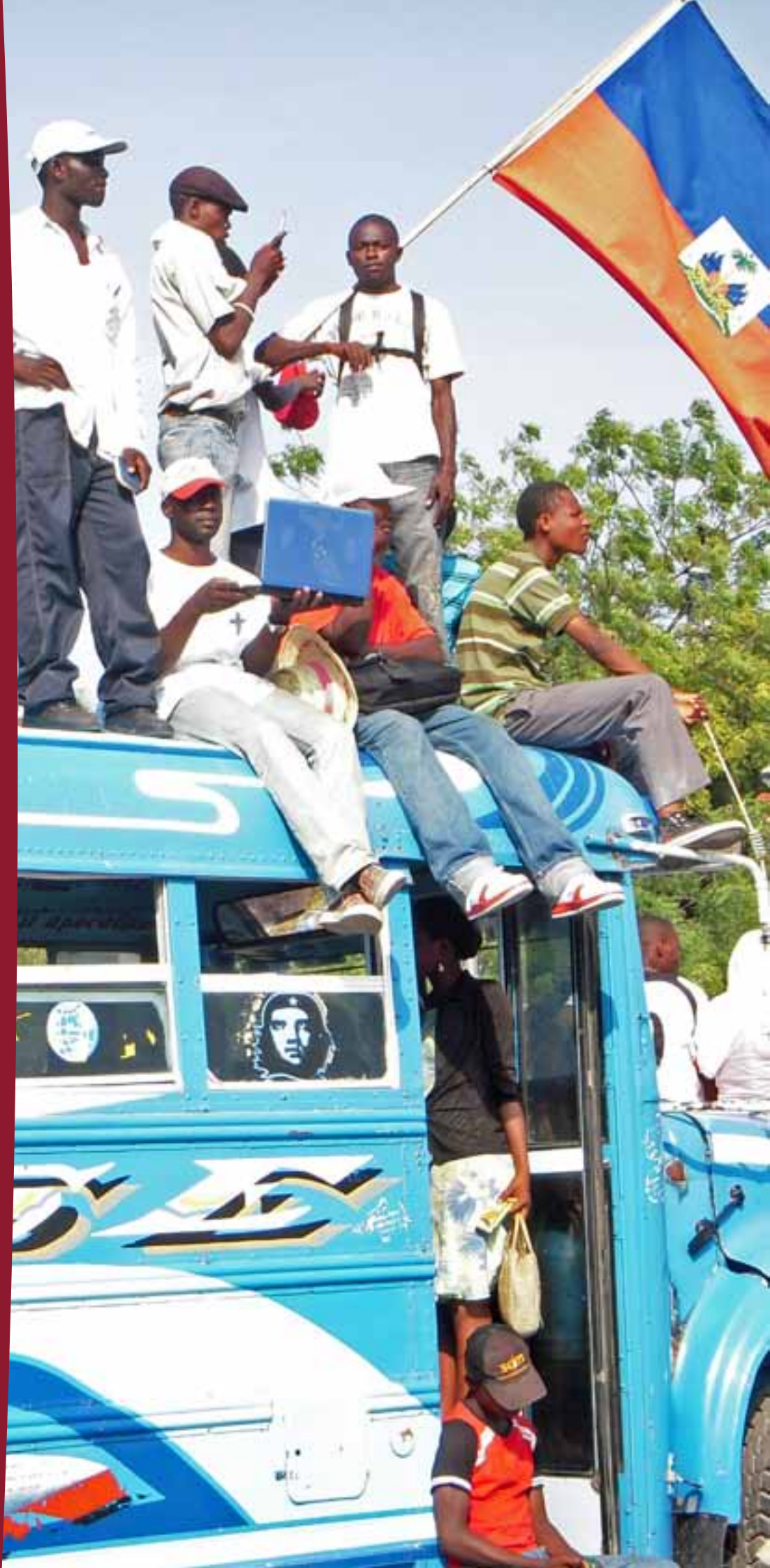
7 UN Security Council Resolution 1960 (UN Doc. S/RES/1960), 16 December, 2010.

8 UN Security Council Resolution 1820 (UN Doc. S/RES/1820), 19 June, 2008, at para. 13.

"The absence of rule of law [...] has undermined the confidence of the people in their Government, allowed corruption to flourish and is also a major contributing factor to the political instability in Haiti. The Rule of law, of course, is police, prisons, justice. But rule of law is also a land registry, a birth registry, construction and building codes, commercial laws: it is the capacity of the State to collect taxes, to guarantee a level of legal security, to promote entrepreneurship investments, job creation, and to facilitate economic development."

SRSR Edmund Mullet, Haiti

Earthquake survivors in Haiti



RAPID RESPONSE TO CRISIS: *The 2010 Haiti Earthquake Disaster*

Following the earthquake in Haiti on 12 January 2010, UNDP-BCPR was quick to respond, rapidly deploying experienced rule of law technical staff to be stationed in the country for three months to help support the recovery efforts of the Haitian authorities. This ensured that rule of law and security were appropriately incorporated into the post-disaster needs assessment (PDNA) and that UNDP's activities were properly re-prioritised in light of the new situation, in concert with the plethora of other actors on the ground, including the UN Stabilisation Mission in Haiti (MINUSTAH), other UN agencies, the EU, and numerous non-governmental organisations.

From the very beginning, UNDP and MINUSTAH worked closely with the Haitian Ministry of Justice and Public Security (MJPS) to design and implement a recovery plan for the justice and security sectors, alongside immediate measures to prevent crime and violence in the IDP camps. Jointly with MINUSTAH, UNDP developed a new programme that captured the Minister's priorities for the sector. This *Joint Programme for Rule of Law, Justice and Security 2010 – 2011*, budgeted at US\$ 60.2 million,⁹ identified a number of urgent activities for the ensuing 24 month period, in order to:

- i) Help re-establish basic justice and security service delivery capacity;
- ii) Ensure preventive measures in potential conflict areas and provide remedies to their legal needs; and,
- iii) Support a reform process to build a sustainable and efficient security and justice system.

The programme in Haiti is one of the most significant on-going joint programmes between UNDP and DPKO. This joint approach, initiated before the earthquake, was instrumental in allowing the UN

to respond quickly to the post-earthquake recovery needs. While the implementation context remains a challenge, the joint programme has helped to present a unified UN face to the Haitian Government, and to external partners.

UNDP and MINUSTAH's rapid response facilitated early gains, assisting the MJPS in resuming work in the first weeks following the earthquake with the provision of more than 1200 square metres of temporary infrastructure for the Ministry, the courts, the police and the prison administration. Decentralised support to justice service providers continued, allowing pre-trial detention rates to decrease. The creation of "Relais de justice," or mobile justice services, is helping to normalise the loss of personal documentation of people affected by the earthquake, and increasing the provision of justice services in affected areas.

The experience in Haiti highlights the importance of ensuring fast and flexible responses to crises. In this instance, UNDP's SURGE mechanism for rapid response deployment of technical experts was invaluable for enhancing the capacity of the UNDP Country Office to step up to the recovery demands immediately following the disaster, and maximising synergies with other UN and non-UN actors.

The Palais de Justice immediately after the earthquake



⁹ With financial support secured from different sources (including Canada, Norway, and the UNDP CPR Thematic Trust Fund) UNDP made available US\$ 17.1 million to the recovery plan for 2010-2011.



Two Special

Human rights training in Sudan

Special contribution from the PSRSQ in Timor-Leste

I am grateful to the Bureau for Crisis Prevention and Recovery (BCPR) for its continued technical and financial support to the United Nations system in Timor-Leste in the areas of rule of law, security sector reform, peace building and disaster risk management (DRM). This assistance has helped UNMIT and UNDP in many aspects of rule of law in the post-conflict society of Timor-Leste. It has supported strategic interventions towards the country's justice system, which is fundamental for peace, security and development. The assistance has enabled us to support national efforts to tackle the challenges of access to justice, IDP reintegration and camp closure. Moreover, it has contributed to UN efforts in addressing the problem of access to justice from the point of view of the poor, the marginalized, and the disadvantaged, and opened a niche for the UN to promote good governance and capacity development in the security sector.

While UNMIT is expected to draw down its services by the end of 2012, UNDP will maintain its long-term support to the justice sector, particularly in supporting the national justice institutions in implementing the recently approved national justice sector strategic plan. We are conscious that sustainability will only be

achieved once capacity development in the justice sector translates into improved access to justice for all citizens and increased opportunities to pursue their rights. The sustainability of programmatic involvement also applies to UNDP's current support to the National Department of Peace Building and Social Cohesion and DRM. UN involvement in promoting civilian oversight and supporting capacity development in the security sector is also key to strengthening long-term peace and stability and laying strong foundations for development.

I also wish to take this opportunity to thank all those who have contributed to this 2010 Annual Report and I would like to encourage all of them to keep doing their best to convert noble aspirations into the reality of peace, stability and justice for all.

Mr. Finn Reske-Nielsen
Deputy Special Representative of the Secretary-General, United Nations Mission In Timor-Leste (UNMIT)
UN Resident Coordinator

Contributions

Afghan National Police Academy



Special contribution from UNDP Afghanistan

As a leading partner of the Government of Afghanistan in the area of police and justice, UNDP Afghanistan is implementing major initiatives in the country. At the start of 2011, after completion of five phases since 2002, UNDP commenced implementation of phase VI of the Law and Order Trust Fund for Afghanistan (LOTFA), with a total budget of US\$ 1,229,140,723. This constitutes the principal mechanism for the international community to mobilise additional resources for the establishment, payment, equipment and capacity development of the police force in Afghanistan. In addition, our US\$ 37 million project on Justice and Human Rights in Afghanistan (JHRA) provides comprehensive justice sector support at the national, district and provincial levels.

UNDP-BCPR has been a key source of assistance in these areas. UNDP Afghanistan has relied heavily on

the technical expertise of BCPR for review of on-going work, and adjustments of project activities for enhanced results delivery. In particular, BCPR support helped the Country Office (CO) re-position our police reforms project. BCPR's assistance in this regard has strengthened the substantive content of the project, and helped position UNDP with a substantial role in the police reform process in Afghanistan. Similarly, BCPR's help in facilitating a comprehensive review of work in the justice sector was instrumental in realigning the JHRA project with the immediate justice needs of the country. The rolling support provided by BCPR presents an invaluable source for formal consultations and informal, advisory guidance to the CO and its project teams.

**Mr. Manoj Basnyat,
Country Director,
UNDP Afghanistan**



*The Women and Children police
desk in Hargeisa, Somaliland*

AN ERA OF TRANSFORMATION FOR UNDP-BCPR: *Implications for the Global Rule of Law Programme*

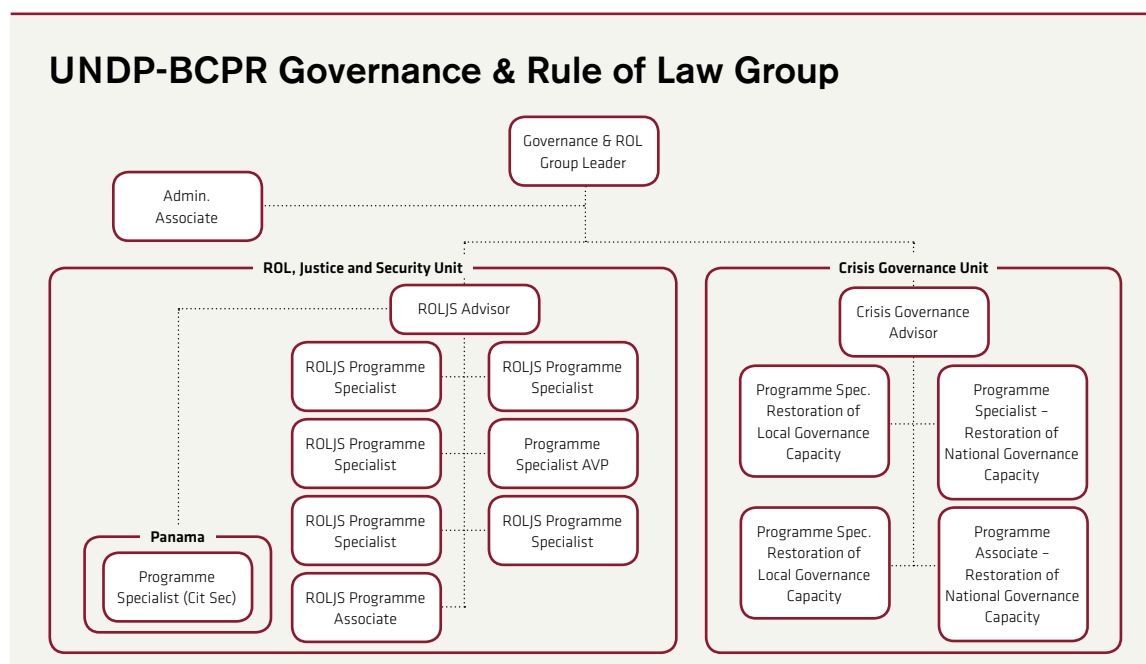
In 2009, UNDP-BCPR, conscious of the need to ensure that it was collectively performing at the highest level and achieving a measurable change in people's lives, commissioned a strategic review to identify areas where the Bureau could improve its performance against its critical mission: to advance peace and development by strengthening Country Office capacities to prevent and recover from crisis. At the end of 2010, on the basis of this review, the UNDP Administrator approved a transformation plan for the Bureau, with a new structure effective 1 March 2011.

By better pooling and focusing its resources, the Bureau will be able to respond more effectively and strategically to the ever-growing demand for its services from Country Offices. Under the new structure, BCPR

consolidates its critical mass of expertise into a more fully integrated crisis prevention and recovery practice, with collaboration from across the organisation, on a more focused set of strategic priorities.

Rule of law emerges from this process as one such core strategic priority for BCPR. The human capacity of the Rule of Law, Justice and Security Unit (RoLJS) that administers the Global Programme will be expanded accordingly in 2011 (see fig. 1), and relocated to UNDP HQ in New York City. BCPR's rule of law work will be more closely aligned with the Bureau's governance portfolio, and integrated with armed violence prevention and citizen security. This development will better combine and enhance UNDP's support to institutional development of justice and security with community based work to prevent and control violence.

Fig. 1



*The UN Security Council holds an Open Debate
on Rule of Law in Peace and Security, June 2010*
UN Photo/Eskinder Debebe



THE UNITED NATIONS AND RULE OF LAW ASSISTANCE: *The Role and Contribution of UNDP*

RULE OF LAW is a core principle of the United Nations' mission to provide security, foster development, and protect human rights.¹⁰ It is also a top priority on the peacebuilding agenda.¹¹ Successive reports of the UN Secretary-General have stressed the critical importance of rule of law, justice and security in conflict and post-conflict situations,¹² while member states, regional and international organisations and NGOs are all variously seized of key issues in this field.

In countries affected by crisis or conflict, the gaps in the rule of law sector are vast, and encompass a number of areas, from law enforcement, corrections and the judiciary, to the plight of communities and the displaced, as well as highly disputed issues such as compensation, land tenure, and many others. The magnitude of destruction wrought by conflict and natural disaster is such that shattered institutions are frequently unable to respond to the basic protection needs of vulnerable communities and individuals, and crime is perpetrated with impunity. Capacity deficits, endemic corruption, proliferation of small arms, and weak civil society organisation are all pivotal issues, which need to be addressed in a coherent and mutually reinforcing manner. By helping to develop capacity in the justice and security sectors, raise awareness and build civil society, United Nations rule of law assistance serves both to enable responsible national rule of law institutions to provide stability, accountability, efficiency and oversight, and simultaneously to empower communities to claim

their rights. Accordingly, for the United Nations, rule of law is both an aim of the Organisation, and a means to achieve its ends.¹³

In a statement before the UN Security Council in June 2010, the Deputy Secretary-General, Dr. Asha-Rose Migiro, echoed by representatives of donor countries, recognised the contribution made in this area by UNDP's Global Programme,¹⁴ through which UNDP has consolidated its role as the largest service provider on rule of law, justice and security in the UN system. On justice issues, UNDP has a traditional role and long-standing experience promoting human rights and access to justice, together with legislative and judicial reform, and strengthening criminal justice systems at every stage of the penal chain - from investigation through prosecution and rehabilitation. UNDP has also carved out an important niche and comparative advantage on addressing Sexual and Gender-Based Violence (SGBV) from a legal perspective through, *inter alia*, legal aid. On issues related to security sector governance (SSG), UNDP has extensive expertise assisting national authorities to strengthen democratic governance of security institutions as way to strengthen the rule of law. UNDP's policy and approach on SSG is captured in more detail in the 'In Focus' piece on page 30 of this report.

However, UNDP is one of several UN entities engaged in rule of law activities. Responding effectively to the challenges on the ground requires joint efforts from

10 This is explicit in the Outcome Document of the 2005 World Summit (UN Doc. A/Res/60/1), 24 October 2005.

11 2009 Report of the UN Secretary-General (SG) on Peacebuilding in the Immediate Aftermath of Conflict (UN Doc. A/63/881-S/2009/304), 11 June 2009.

12 Report of the UN SG: 'The Rule of Law and Transitional Justice in Conflict and Post-Conflict Societies' (UN Doc. S/2004/616), 23 August, 2004; Report of the UN SG: 'Uniting Our Strengths: Enhancing United Nations Support for the Rule of Law' (UN Doc A/61/636-S/2006/980), 14 December, 2006; Report of the UN SG: 'Strengthening and Coordinating United Nations Rule of Law Activities' (UN Doc A/63/226), 6 August, 2008; Report of the UN SG: 'Annual Report of the SG on Strengthening and Coordinating UN Rule of Law Activities' (UN Doc. A/64/298), 17 August, 2009; Report of the UN SG: 'Second Annual Report of the SG on Strengthening and Coordinating UN Rule of Law Activities' (UN Doc. A/65/318), 20 August, 2010.

13 Report of the UN SG: 'Strengthening and Coordinating United Nations Rule of Law Activities' (UN Doc A/63/226), 6 August, 2008.

multiple actors, and effective coordination. In addition to partnering with host governments, civil society actors and communities, UNDP actively supports a coherent, UN-wide approach to rule of law programming, both at the country and the global level.

The Global Programme is a vehicle for UNDP to engage in policy debates around rule of law, justice and security with other key UN actors, and to support international consensus-building towards collective action in this area. As such, UNDP is a core participant in the Rule of Law Coordination and Resource Group (RoLCRG), a coordination body for nine UN entities chaired by the Deputy Secretary-General. In 2010, UNDP reassumed its role as co-chair of the Inter-Agency Security Sector Reform Task Force (SSR TF), together with DPKO. Under the Global Programme, UNDP is also co-leading the roll-out of the 'Team of Experts' envisioned under Security Council Resolution 1888 for rapid deployment 'to situations of particular concern with respect to sexual violence in armed conflict,' in order 'to assist national authorities [...] to strengthen the rule of law.'¹⁵ UNDP's involvement in each of these forums in 2010 is captured in more detail in this Annual Report.

The broad priority for UNDP, in terms of policy in 2010, was to maximize one-UN approaches to rule of law assistance. Because of its presence in all development contexts (peacekeeping, peacebuilding and transitions), and its well established rule of law and security expertise, UNDP is uniquely positioned to assist governments and societies to transition from crisis to peacebuilding to development. This unique position also entails the responsibility to maximize UNDP's comparative advantages in the service of the whole UN, and to be a catalyst for common approaches.

For this reason, in 2010, through its Global Programme, UNDP decided to increase efforts to strengthen common approaches in UN mission areas, with the purpose of improving the effectiveness of UN assistance, and preparing the transition from peacekeeping to peacebuilding and development phases. Joint programming with DPKO in peacekeeping areas (including in Haiti, the Democratic Republic of Congo and Liberia), and joint initiatives and approaches in other crisis contexts (collaborating with DPA in Guinea, and with UNHCR in Chad) has been a priority. In 2010,

several joint programmes have been developed and/or begun implementation. While it is still too early to distil particular lessons from these experiences, UNDP is convinced that there should be no turning back from the joint programming experience, as it provides clear and nationally-owned outcomes and outputs, and determines well defined responsibilities for each UN actor on the ground, based on their capacities and comparative advantages. Joint programming makes UN actors more accountable and UN rule of law assistance more effective.

Acknowledging the importance of investing on justice and security development in peacebuilding contexts, PBF/PBSO/PBC are playing important roles on supporting rule of law assistance. UNDP is the primary recipient of PBF funds, which also entails the responsibility to lead the UN response in peacebuilding contexts in this area, and to ensure that the whole UN family works together in support of the same principles. In 2010, building on lessons learned, UNDP, through the Global Programme, engaged early in designing programmes for PBF engagement. This early engagement proved effective in maximising the catalytic character of PBF funding. The cases of Chad, Guatemala, Guinea (Conakry), Liberia, and Somalia are good examples of this. Stronger dialogue on rule of law and security issues between UNDP and PBF/PBSO is aimed at improving results orientation, monitoring and evaluation.

At the start of 2010, the General Assembly of the United Nations reiterated its conviction that the 'advancement of the rule of law at the national and international levels is essential for [...] the protection of all human rights and fundamental freedoms.'¹⁶ The Global Programme has continued to engage member states in 2010, consulting on UNDP's response to the earthquake crisis in Haiti, and liaising with donor partners at the Programme's Executive Board meeting in June.¹⁷ The Global Programme also continues to facilitate engagement between UNDP Country Office programmes and bilateral donors, encouraging open partnerships and a steady exchange of ideas and information.

In sum, UNDP's role and contribution in this area is both catalytic and programmatic, and maintains a primary emphasis on maximising collective impact of UN efforts on rule of law, justice and security on the ground.

¹⁴ Briefing by UN Deputy Secretary-General, Dr. Asha-Rose Migiro, to the Security Council at its open thematic debate on the promotion and strengthening of the rule of law in the maintenance of international peace and security (UN Doc. S/PV.6347), 29th June 2010. See also the statement by the representative of Norway, Ms. Juul (UN Doc. S/PV.6347 Resumption 1).

¹⁵ Resolution 1888 of the UN Security Council (UN Doc. S/RES/1888), 30 September, 2009, at paragraph 8.

¹⁶ Resolution 64/116 of the UN General Assembly: 'The Rule of Law at the National and International Levels' (UN Doc. A/RES/64/116), 15 January, 2010, at preamble.

¹⁷ The 2010 meeting of the PEB of the Global Rule of Law Programme took place in New York on 6th June.

Strengthening Partnerships with UN Member States

On 7 June 2010, UNDP held the Second Partnership meeting for the Global Programme. This was attended by more than 60 participants, including ministers of justice from the Central African Republic, the Democratic Republic of Congo and the occupied Palestinian territories, as well as a senior representative from Haiti, thirteen representatives of member states, and ten different UN entities, including the World Bank.

This meeting provided an opportunity for UNDP to present its 2009 Annual Report on the Global Programme, and to reflect on the challenges that UN rule of law assistance faces in fragile contexts. The meeting was also useful to bring together UN coordination mechanisms, in particular the Rule of Law Coordination and Resource Group (RoLCRG) and the Security Sector Reform Task Force (SSR TF),

to discuss complementarities on rule of law, justice and security. In addition, it provided space to engage substantively with existing partners, and develop relationships with new donors.

Additional meetings were held on 8 June with the UNDP Associate Administrator, the UNDP Regional Bureaux, and the 'Friends of Haiti.' A Peacebuilding Configuration meeting on the Central African Republic and a roundtable discussion with the Ministers was attended by some 200 representatives from Permanent Missions as well as UN entities (sponsored by the RoLCRG). The meetings were chaired by the Ambassador of Belgium and concluded with a presentation by the Deputy Secretary-General for Rule of Law. These activities further helped raise awareness of the rule of law situation in Haiti, CAR, DRC and the occupied Palestinian territories and, overall, contributed to increase visibility of the rule of law agenda amongst UN Member States.

Training for Women Legal Aid Lawyers and Police Personnel on Gender Justice, UNDP Nepal, July 2010



Contribution from the UN Peacebuilding Support Office

Rule of law and security sector capacity building are significant components of the Peacebuilding Fund's (PBF) first priority area: Implementation of Peace Agreements. Cumulatively since 2007, US\$ 64.5million (29.4 %) of PBF funding has been allocated to projects in these two areas. Of this total support, US\$ 38.9million (60.3%) has been allocated to UNDP, whose capacity is critical for United Nations success. The Peacebuilding Fund (PBF) supports, including through its partnership with UNDP, projects aimed at helping national actors to enhance or re-establish security within the broad framework of the rule of law.

The PBF pursues a vision of being fast, catalytic, and relevant for peacebuilding made possible through its facilities. Its Immediate Response Facility enables quick reaction. For instance, the PBF was able to respond in 72-hours to a request for US\$ 1.8m to support, through UNDP, a last-minute gap in security efforts during the most critical elections held in decades in Guinea. The elections were peaceful, with a large voter turnout.

In Central African Republic, the PBF has contributed to UNDP's efforts to strengthen and improve access and delivery of justice in conflict-affected areas, including through the construction and equipment of tribunals and prisons, including a specific "maison d'arrêt" for youth, legislative reform efforts, training of judicial staff and the provision of legal assistance to vulnerable groups.

In September, 2010, the Peacebuilding Support Office (PBSO), UNDP/BCPR, and DPKO responded to a joint MINURCAT/UNCT request to look at how the UN could better support stabilization and peacebuilding in the east of Chad. Upon the mission's return in October, PBF indicated a willingness to support a joint programme to UNDP and UNHCR on short notice for the Détachement Intégré de Sécurité (DIS). The support from PBF totalling US\$2.7m enabled the UN to ensure the continuation of the DIS on 1 January 2011, thus

assisting a smooth transition during MINURCAT's withdrawal, and aims at catalysing additional support from other donors. The DIS plays an essential role in stabilizing Eastern Chad.

To complement the engagement of the international community in supporting rule of law in Puntland, Somalia, the PBF is supporting UNDP and UNHCR to provide immediate support to critical security sector activities in the region.

Peacebuilding is primarily a national challenge and responsibility. Developing national capacity is a priority from day one. The collaboration between UNDP and the PBF lies on principles of national ownership, including through the establishment and the support of Joint Steering Committee co-chaired by the national authorities and the United Nations.

Looking ahead, the PBF has developed a two-year Business Plan covering 2011-2013. Thematically, the PBF expects demands in security sector and rule of law to remain high, and will continue to work closely with UNDP to adequately address these root causes of conflict and instability.

**The PBF Team,
UN Peacebuilding Support Office,
New York**

In Focus

Supporting the Democratic Governance of Security Institutions¹⁸

In January 2008 the UN Secretary-General released a report on the UN's role on Security Sector Reform (SSR).¹⁹ This provides the foundation for UN engagement in this area. The report sees SSR as a nationally-led process aimed at transforming security institutions in order to provide efficient and accountable security services to the people and the State. While SSR remains primarily a Member State's responsibility, the UN can play a significant support role – one that is linked to the overall framework of the rule of law, an approach that has been reiterated by the General Assembly Special Committee on Peacekeeping Operations ("C-34")²⁰ and the Security Council Presidential Statement of May 2008.²¹

Effective and accountable security institutions are a foundational element for peacebuilding. The UN Secretary-General's Report on Peacebuilding in the Immediate Aftermath of Conflict (2009) lists "support to basic safety and security, including [...] strengthening the rule of law and initiation of security sector reform" among the top peacebuilding priorities.²² Strengthening the democratic governance of security institutions aims to improve security and consequently to help bring about an environment in which real improvements in people's lives, and in the choices and opportunities open to them, are possible.

UNDP functions alongside, and in coordination with, other UN actors in the area of Security Sector Reform (SSR), particularly DPKO, DPA and other members of the United Nations Inter-Agency SSR Task Force. Different parts of the UN system have developed specific expertise and capacity in supporting SSR. Within the broader United Nations family, UNDP's support for democratic governance of security institutions falls into the following six areas: legal frameworks; strategic security policy development; institutional management; democratic oversight; support to civil society and the media; and women's rights and representation in security institutions.

Consequently, UNDP's engagement in the security sector is focused on strengthening civilian management and oversight, and capacity development of law enforcement agencies. Line ministries in charge of managing and overseeing the design and implementation of security policies, as well as legislative bodies and civil society groups that play an oversight role, are also beneficiaries of UNDP's support, as the former have political responsibilities over security institutions and the latter play a key role in bridging the gap between the people and the security institutions. It must be said that UNDP does not directly engage with military/defence forces, as it does not have an explicit mandate on this regard. However, UNDP's mandate does encourage it to assist

18 UNDP-BCPR's *Concept Note on Supporting Democratic Governance of Security Institutions* sets forth UNDP's approach in this area. In addition, UNDP is leading the development of a system-wide Interim Technical Guidance Note on *Democratic Governance of Security Institutions* under the auspices of the Inter-Agency Security Sector Reform Task Force.

19 2008 Report of the UN Secretary-General, 'Securing Peace and Development: the Role of the United Nations in Supporting Security Sector Reform' (UN Doc. A/62/659 –S/2008/39), 23 January 2008.

20 Report of the Special Committee on Peacekeeping Operations, 2010 substantive session, 22 February – 19 March 2010 (UN Doc. A/64/19), para. 108.

"The goal of the United Nations in security sector reform is "to support States and societies in developing effective, inclusive and accountable security institutions so as to contribute to international peace and security, sustainable development and the enjoyment of human rights by all"

2008 Report of the UN Secretary-General, 'Securing Peace and Development: the Role of the United Nations in Supporting Security Sector Reform'

governments to strengthen the democratic governance of security institutions by, inter alia, supporting the development of legal security frameworks, improving civilian management and strategic leadership, or developing parliamentary oversight, as a way to strengthen the rule of law.²³

To this end, UNDP's portfolio on SSR has increased considerably with the implementation of the Global Programme. UNDP has received PBF funds for SSR in Burundi, Comoros, Central African Republic, Guinea (Conakry), Somalia, and Timor-Leste, and new PBF contributions are currently being prepared for Chad, Guatemala and Liberia, all with security sector development components.

In Guinea (Conakry) for example, the President asked the United Nations to carry out an assessment of the security sector. UNDP, together with UNOWA and the support of DPKO, supported an ECOWAS-led exercise that identified the main security challenges for the country and for the people, and analysed the current situation of the security institutions and its personnel. A participatory assessment process led to a common understanding, beyond political labels, of the needs and the strategies required. On this basis, the Government is now leading a reform process with a broad consensus, both nationally and internationally.

Capacity development for national authorities lies at the core of UNDP's approach, and is reflected throughout UNDP programming worldwide. To ensure that governments provide relevant and appropriate security services, UNDP also supports people's participation in shaping

security affairs. Incorporating the public's interests and needs into the provision of security services is a key principle for UNDP, and supports UNDP's bottom-up approach to development assistance.

Somali Minister of the Interior, Hon. Mohamed Gaboose, at the start of the Rights-Based Partnership Policing Training in Mandeera, Somaliland, November 2010.



21 Statement of the President of the Security Council (UN Doc. S/PV.5890), 12 May, 2008.

22 2009 Report of the UN Secretary-General on Peacebuilding in the Immediate Aftermath of Conflict (UN Doc. A/63/881-S/2009/304), 11 June 2009.

23 UNDP Operations Group Decision OG-2009-06-03-4ii.



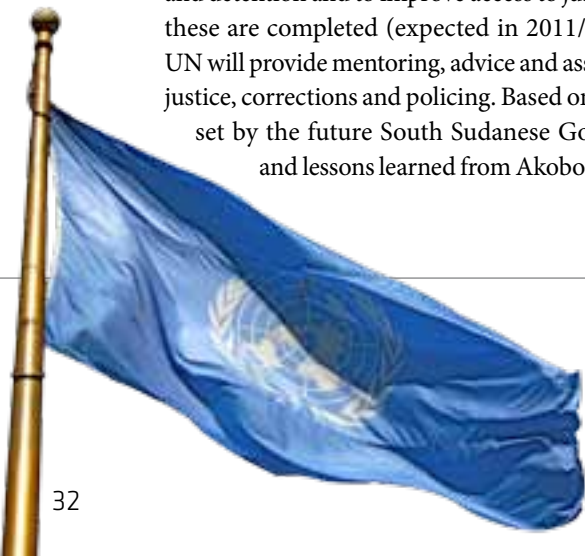
WORKING WITH *Peacekeepers*

Within a short period of two years, there is a readily identifiable trend of strengthening UN partnerships on rule of law on the ground in peacekeeping environments. In particular, the number of joint initiatives and the volume of joint programming activities between UNDP Country Offices and the peacekeeping missions have increased significantly. In 2010, this development was further accelerated in several mission-settings:

- In **South Sudan**, UNDP and UNMIS are implementing jointly the Jonglei Justice Programme which ensures the provision of targeted infrastructural and other support for justice and security facilities in Akobo and Pibor. UNMIS and UNDP will continue to work with the Government to establish integrated rule of law facilities in Akobo and Pibor for the administration of courts, prosecution, police and detention and to improve access to justice. Once these are completed (expected in 2011/2012), the UN will provide mentoring, advice and assistance on justice, corrections and policing. Based on priorities set by the future South Sudanese Government and lessons learned from Akobo and Pibor,

the UN will be positioned to identify other locations to replicate this approach.

- Following the January 2010 earthquake in **Haiti**, UNDP and MINUSTAH jointly embarked on recovery work, which proved largely to rely on the ability to provide integrated support for rule of law (justice, police and corrections) in Haiti. Based on assistance to the Government for developing a broader framework (Recovery Plan of the Ministry of Justice and Public Security), MINUSTAH and the UNDP Country Office developed a Joint Programme for Rule of Law, Justice and Security 2010 – 2011, and continue jointly to lead collective efforts in this area, in addition to regular consultations with Member States in New York and all key national stakeholders.
- In **Democratic Republic of Congo**, as mandated in May 2010 by the Security Council, UNDP, UNODC and MONUSCO/DPKO have initiated, in support of the Congolese authorities, the development of a “multi-year joint United Nations justice support programme, in order to develop the criminal justice chain, the police, the judiciary and prisons in



conflict-affected areas and a strategic programmatic support at the central level in Kinshasa” (paragraph 12 of resolution 1925). The cooperation between UNDP and UN Police in the Ituri district to support the National Congolese Police has also increased with the training of two Congolese police battalions in 2009 and 2010, and prospect for an additional 2 battalions in 2010-2011.

- In **Liberia**, in 2009 and 2010 UNDP, working with UNMIL, established a Justice and Security Trust Fund (JSTF) that aims at harmonising all support to the Liberia National Police (LNP), the justice system, the Bureau for Corrections and Rehabilitation (BCR), and the Bureau for Immigration and Naturalisation (BIN), under national leadership, with UN support. An interagency UNDP-DPKO-PBSO technical mission was conducted in early 2011 to develop a Liberia Peacebuilding Programme (that included the JSTF) in order to support strategic planning and coordinated implementation, especially given UNMIL’s drawdown. This looked specifically at the establishment of five regional hubs for the police (and other justice and security actors) in order to enhance service delivery at the county and district levels, funded in part by the PBF.
- Based on two joint UNDP-DPKO missions in 2010 (Technical Assistance Mission in January and follow-up mission in August) a framework for expanding on-going collaboration in **Timor-Leste** has been developed. Technical support was provided to the UNDP-UNMIL integrated SSR team, which is working together with the Government on follow-up capacity-building initiatives to the near-completed Security Sector Review. In addition, a joint programme on policing is under development, enabling UNMIT Police to expand its support, while also providing a two-year phase-in bridge for UNDP to assist national policing efforts following the departure of UNMIT in 2012.
- In view of MINURCAT’s drawdown process in **Chad**, a joint hand-over strategy has been developed

to build on MINURCAT and UNDP’s collective achievements on strengthening access to justice. This cooperation has produced concrete results. For example, on strengthening prosecutorial capacity the second circuit session of the criminal court of Abéché started in July 2010 with 34 criminal cases docketed against 67 accused.

- In **Guinea (Conakry)**, UNDP, together with the United Nations Office for West Africa (UNOWA) and DPKO, undertook an assessment of the security sector, to form part of the basis for a national action plan for the security sector. UNDP has been requested by both the Guinean authorities and the international community to play a leading coordination/facilitation role to support the implementation of the national action plan.

These initiatives were set in motion with a concerted view that joint programming is an effective vehicle to strengthen UN delivery on the ground, including overall coherence, coordination and ability to mobilise resources. Nevertheless, the joint in-country initiatives broadly designated as “joint programming” have not followed a single pattern or a particular pre-set arrangement for becoming operational. The initiatives have been flexible enough to leave it to relevant national and international actors to find the most appropriate arrangements, based on evolving conditions on the ground.

In spite of the sizeable improvements in joint efforts, there is still a need to identify viable mechanisms for enhancing common programmes at the country level, addressing operational obstacles stemming from different organisational settings and practices, and providing system-wide incentives for joint programming for and beyond UNDP-DPKO initiatives. UNDP is currently working with DPKO, through RoLCRG and external partners, to gather better insights on lessons learned, and what is needed to clear operational hurdles and create necessary incentives through on-going reviews of the UN rule of law architecture.



UNDP and the Rule of Law Coordination and Resource Group (RoLCRG)

The RoLCRG is responsible for the overall coherence and coordination of the UN's efforts on rule of law. Since its establishment, UNDP has worked closely with the Rule of Law Unit in the Executive Office of the Secretary-General, which acts as a secretariat, as well as with the other eight UN entities that form the RoLCRG: DPKO, DPA, OHCHR, OLA, UNHCR, UNICEF, UNODC, and UN WOMEN.

The collective efforts of the RoLCRG in 2010 converged on two main areas:

- i) Reviewing UN capacities on rule of law, and the impact of UN programmes; and
- ii) Steps taken to establish stronger complementarity between international and national prosecutions of crimes of international concern.

Review processes: In 2010, owing to the need to ensure and assess the impact of rule of law programmes on the ground (especially given heavy investment in recent years), a number of internal and external processes were initiated to review the state of UN delivery on rule of law assistance. In June, UN Security Council under Mexican presidency debated the rule of law in the UN system and requested within a year, a Progress Report from the Secretary-General on his 2004 report Strengthening rule of law and transitional justice in conflict countries. Through its membership in RoLCRG, UNDP has actively contributed to consultations and drafting of the report and is supporting other internal and external review initiatives including:

- The World Development Report 2011 on 'Conflict, Security and Development' by the World Bank;
- The 'Review of International Civilian Capacities' by the UN Senior Advisory Group named by UN Secretary-General;
- The 'Review of UN Rule of Law Architecture' by the Centre for International Cooperation;
- The OECD-INCAF's mapping for donor funding in security and justice sectors; and,

- Review of country-level impact of UN rule of law programmes (the "ground truthing" exercise) by the RoLCRG.

Acutely aware of the need for effective monitoring and evaluation to assess the impact of programmes on the ground, UNDP has consistently advocated for a system-wide review of joint programmes, and greater understanding of the impact of UN rule of law assistance to national authorities. In 2011, UNDP will continue engaging with all the review processes to ensure that the exercise leads to stronger incentives and vehicles for joint programming, more sustainable impact and accountable UN Rule of Law assistance to the field.

Complementarity: The issue of complementarity between international and national efforts to prosecute for serious crimes came into focus at the first International Criminal Court (ICC) Review Conference, held in Kampala in May 2010, as one of the most pressing issues related to the ICC mandate, and international criminal justice in general. UNDP was asked to participate in the initial stocktaking exercise on complementarity at the Conference and represent the development community within an audience comprised mostly of human rights actors and ICC State Parties.

In November, the International Centre for Transitional Justice (ICTJ) and the ICC Assembly of State Parties jointly organised a retreat bringing together key actors for strengthening assistance and coordination at international and national levels on this issue. At the retreat, UNDP provided a more elaborate description of the modalities of assistance by development and rule of law actors, and their ability to assist on developing national capacity for domestic war crime prosecutions.

At its last meeting in 2010, RoLCRG principals decided on the next steps for strengthening complementarity initiatives within UN system. UNDP was asked to develop guidelines for operationalising support for the development of national capacity to prosecute serious crimes and will be taking this forward in 2011.

CONTRIBUTION FROM THE RULE OF LAW UNIT IN *the Executive Office of the Secretary-General*

Promoting the rule of law through on-going operational and programmatic support at the national level has emerged as a major area of work for the UN in all contexts, from crisis, peacemaking, peacekeeping, post-crisis and peacebuilding to long-term development settings. The challenges - both in terms of technical assistance and coordination - are profound, and an effective response requires the concerted efforts of multiple actors.

The Rule of Law Unit, established by the UN Secretary-General in 2006, acts as the secretariat for the Rule of Law Coordination and Resource Group (RoLCRG), where UNDP plays a vital role in advancing collective UN action on rule of law. Chaired by the DSG, RoLCRG provides the principal forum for maximising coordination and coherence on rule of law in the UN system. UN-wide policy design is critical to improve effective and integrated rule of law assistance for all development contexts.

UNDP brings to the RoLCRG the vast experience gained from its global presence and longevity in conflict, post-conflict and development settings. Such experience is critical in informing the establishment of system-wide strategies and ensuring the seamless engagement of all UN actors involved in rule of law assistance in countries.

In this context, UNDP plays one of the key roles in implementation of RoLCRG's Joint Strategic Plan 2009-2011. To highlight one aspect of the joint work, UNDP has been instrumental for our collective efforts to enhance impact on the ground and identify most effective mechanisms for joint programming. Among other things, this is exemplified in a strong contribution made towards all activities aimed at reviewing outcomes of the UN in-country assistance, and providing continuing technical and operational support for joint RoLCRG pilot initiatives in Nepal and Liberia.

Mr. Edric Selous
Director
Rule of Law Unit
Executive Office of the Secretary-General
United Nations, New York

CONTRIBUTION FROM DPKO: THE INTER-AGENCY TASK FORCE ON SECURITY SECTOR REFORM

Working together to enhance the United Nations support to SSR

A basic principle for the United Nations approach to security sector reform (SSR), as identified in the Secretary-General's report on SSR of 2008, is to support 'States and societies in developing effective, inclusive and accountable security institutions, so as to contribute to international peace and security, sustainable development and the enjoyment of human rights by all'. As co-chairs of the UN Inter-Agency SSR Task Force (IASSRTF), UNDP and the Department of Peacekeeping Operations (DPKO) work closely together both in the field and at Headquarters to address the immediate and longer-term challenges of SSR.

The UN's efforts to build effective, efficient and accountable security institutions through support to national SSR processes contributes to the timely withdrawal of peacekeeping operations, facilitates early recovery from conflict, and helps to build the conditions necessary for sustainable peace and development. For the UN, SSR goes beyond critical yet narrow exercises like "right-sizing" the security services or training and equipping uniformed personnel. Instead, SSR relates to the combination of effectiveness and accountability in all security structures and processes, including by enhancing the oversight and governance capacities of security institutions. In addition, a key priority is also to ensure a smooth transition between the closely interlinked peacekeeping and development phases of the United Nations presence, in accordance with principles of integration. Thus, UNDP and DPKO have essential and complementary roles to play in ensuring the coordinated and coherent delivery of sustainable SSR support to national actors. Guinea, Southern Sudan, and Timor-Leste, are a few cases where UNDP and DPKO are exploring opportunities for joint planning and programming in the area of SSR.

Meeting the complex challenges of SSR in the field requires that UNDP and DPKO work closely together

in Headquarters. UNDP (through its Bureau for Conflict Prevention and Recovery) and DPKO (through its Security Sector Reform Unit) co-chair IASSRTF, which brings together eleven different United Nations entities engaged in providing SSR support. The Task Force aims to strengthen coordination and enhance system-wide capacity to deliver coherent and effective support to national SSR efforts in accordance with the UN's objective to "deliver as one". A major achievement of the Task Force in 2010 was the development and deployment of the United Nations Roster of SSR Experts, which consists of 41 specialists in 21 areas of expertise, who stand ready to rapidly deploy to support national authorities, Missions and United Nations offices around the world. Immediately after the launch of the Roster, a request for assistance from UNDP led to the deployment of a French-speaking police and gendarmerie expert to contribute, for three months, to a comprehensive security sector assessment in Guinea, the result of which is today used by the Government in Conakry as a foundation for SSR in the country.

There are no blueprints or quick fixes for establishing effective and accountable security institutions in support of peace and long-term sustainable development. It is up to national actors to identify the most appropriate solutions to address their national needs and SSR priorities. For UNDP and DPKO, our shared objective is to strengthen our capacities to provide consistent and effective support in the important area of SSR.

Mr. Adedeji Ebo,
Chief, Security Sector Reform Unit (SSRU),
Office of Rule of Law and Security Institutions
(OROLSI),
Department of Peacekeeping Operations
United Nations, New York.

UNDP and the Inter-Agency Task Force on Security Sector Reform

Throughout 2010, UNDP has been substantively engaged in the Inter-Agency Security Sector Reform Task Force (IASSRTF), with the overarching purpose of ensuring UN system-wide coherence on SSR, under the broader framework of the rule of law. Though its active participation in this forum, UNDP has contributed to policy development, supported training initiatives, and sought to ensure coordination and consistency with the work of the Rule of Law Coordination and Resource Group (RoLCRG), where UNDP also plays an important role.

The adjacent contribution from our DPKO colleagues on the IASSRTF highlights more about the Task Force's activities in 2010 – including the innovative development of a UN roster of rapidly deployable SSR experts, which has already produced tangible results. In addition, under the umbrella of the IASSRTF, UNDP has taken the lead in developing system-wide guidance on the Democratic Governance of Security Institutions, and is jointly developing an interim technical guidance note on National Ownership of Security Sector Reform with DPKO.

However, there remains a need to explore the justice–security nexus further, and to improve coordination in the field and at headquarters. With the increasing focus on security issues, resources and initiatives in the international community under the banner of ‘Security Sector Reform’ have multiplied. The conceptual framework of SSR has, at times, blurred the lines between justice and security, leading to a lack of clarity on how this nexus should be addressed. UNDP has already played a key role in shaping policy on this issue within the UN system, and the broader rule of

law ‘community.’ Through the Global Rule of Law Programme, UNDP strongly links justice and security as the two pillars of rule of law programming. Together with the World Bank, and the OECD/INCAE, UNDP has played a critical role in developing concept material which reinforces this linkage. In 2010, this has been carried through in joint programmes with other UN entities, such as with DPKO in Haiti and Timor-Leste.

As highlighted earlier, UNDP's overall portfolio on SSR has increased considerably with the implementation of the Global Rule of Law Programme, and UNDP is now a major recipient of PBF funds for SSR-related initiatives. Considering the increasing demand of Government partners and its subsequently escalating role in this area, UNDP announced at the Principal's Level Meeting on 30 November 2010 its decision to resume co-chairmanship responsibilities of the IASSRTF, which it temporarily suspended in mid-2008.

In 2011, given our experience on programming, UNDP will work with DPKO, DPA and the other SSR TF members in developing and expanding joint assessments and programmes, and will work with DPKO and the TF to ensure coherence of the whole SSR guidance package. UNDP stands ready to play a larger and more substantive role in the implementation of TF activities and in furthering the SSR agenda.



IMPLEMENTATION OF SECURITY COUNCIL RESOLUTION 1888:

The Team of Experts

UN Security Council Resolution 1888 was unanimously adopted on 30 September 2009.

This resolution builds on the principles and commitments of earlier Security Council resolutions on women, peace and security – in particular SC Resolution 1820 (2008), which recognised sexual violence in conflict as an issue affecting international peace and security,²⁴ thereby placing the problem of sexual violence in conflict firmly within the remit of the Security Council. SC Resolution 1888 complements this move with a strong focus on countering impunity for sexual violence and strengthening national capacities to establish and uphold the rule of law.

Through the Global Programme, UNDP is co-leading (with DPKO and OHCHR) the roll-out of the ‘Team of Experts’ (ToE) envisioned under Operative Paragraph 8 of Resolution 1888, for rapid deployment ‘to situations of particular concern with respect to sexual violence in armed conflict,’ in order ‘to assist national authorities [...] to strengthen the rule of law.’²⁵ Under the office of the SRSG on Sexual Violence in Conflict, and within the broader objective of strengthening the rule of law, the ToE will:

- Work closely with national legal and judicial officials and other relevant government personnel in the civilian and military justice systems to address impunity, including by the strengthening of national capacity;
- Identify gaps in national response and encourage a holistic national approach to address sexual violence in armed conflict, including by enhancing criminal accountability, responsiveness to victims, and judicial capacity;
- Make recommendations to coordinate domestic and international efforts and resources to reinforce the government’s ability to address sexual violence in armed conflict; and,

- Work with a variety of United Nations mechanisms towards the full implementation of resolution 1820.

The designation of UNDP-BCPR as co-lead to make operational the Team of Experts is recognition of UNDP’s rule of law expertise in conflict and post-conflict countries and our prioritisation of Gender Based Violence as a focus area. UNDP’s comparative advantage with national partners and our accumulated experience in rule of law programming will give ‘teeth’ to this resolution, amplify a coordinated UN response through this mechanism, and make sure that it has lasting impact on the ground.

At the end of 2010, UNDP recruited an expert to represent UNDP on the ToE. The expert is already working closely with other members of the ToE, and staff and units working with the Special Representative of the Secretary-General on Sexual Violence in Conflict.

Dili District Court, Timor-Leste
UNDP Photo / UNDP Timor-Leste



²⁴ Resolution 1820 of the UN Security Council (UN Doc. S/RES/1820), 19 October, 2008, at para. 1.

²⁵ Resolution 1888 of the UN Security Council (UN Doc. S/RES/1888), 30 September, 2009, at para. 8.

Some Words from our Donor Partners

Through the Global Programme, UNDP maintains close working relationships with donor governments. Two of our main donor partners explain their rationales:



THE NETHERLANDS AND *the Global Programme*

The Government of The Netherlands has been the largest supporter of the UNDP Global Rule of Law Programme since its inception.

When its first national strategy on fragile states was launched in 2008, the Netherlands was looking for a strategic partnership with an international organisation to give body to this new policy with as much impact as possible.

One of the main objectives of the Dutch policies towards fragile states is to contribute to the legitimacy of governments by helping them to gain sufficient capacities to ensure the security of their own populations. The Netherlands has been closely involved in the Global Rule of Law Programme from the very beginning, because of the way the Programme stresses the importance of building up capacities in the field of rule of law, and assuring that justice is accessible to all. The programme puts particular emphasis on supporting activities to improve the position of women in conflict areas, which is a significant theme in the Dutch security and justice policies as well. The UNDP-BCPR Rule of Law team has achieved a lot over the last couple of years, by working closely together with UN country teams, national governments and civil society in the field.

Dutch national political realities have shifted since the launch of the Global Programme: a stronger emphasis on national security interests impacts foreign policies. This translates into a stronger focus on security and justice on the Netherlands' international agenda. The field of peacebuilding and stabilisation has been in motion as well: new experiences in (post) conflict areas have created new insights on possible ways to go. The Global Programme has been of great help in shaping opportunities to gain these experiences and has helped to map out the way forward in the field of rule of law.

**Netherlands Ministry of Foreign Affairs
Peacebuilding and Stabilisation Unit**



SIDA AND UNDP IN

the occupied Palestinian territory

The Government of Sweden, through its International Development Cooperation Agency (SIDA), supports UNDP's Rule of Law and Access to Justice Programme in the occupied Palestinian territory

One of the main objectives for Swedish development cooperation in the occupied Palestinian territory is to promote Palestinian democratic state building. Rule of law and access to justice is an integral and central part of that. In oPt it is of particular importance to balance the strengthening of the security sector with a parallel development in the justice sector.

When Sweden in 2008 decided to support rule of law in oPt, we looked for a suitable entry point and a channel which could meet our requirements. This meant going beyond strengthening state justice institutions to include also civil society and, more specifically, to include the link and dialogue between the two.

We looked for a programme for equal access to justice taking into account the primary justice needs of women and men, girls and boys, and the obstacles they encounter in finding justice. We looked for a programme to empower the people to access and utilise the justice institutions, to empower the people to demand necessary reform from the government institutions but also to strengthen the capacity of the government institutions to deliver justice. In other words, a programme based on a human rights perspective, in order to enhance the principles of non-discrimination, participation, openness, transparency and accountability. For Sweden it was crucial that the support should also include the whole oPt including Gaza.

UNDP shared these views and allowed for our input into the planning of a programme that we felt would both meet the needs in the Palestinian justice sector and complement other ongoing or planned initiatives. Some important steps forward have already been taken, but many challenges remain.

Coordination is key; not only between the many donors and interventions in the sector but also between the different justice institutions as well as between the government institutions and civil society. We believe that UNDP through this programme has the potential to play an important role in the support to Palestinian state building in the West Bank and Gaza.

**Maria Bjernevi (SIDA, Jerusalem)
and Camilla Redner (SIDA HQ, Stockholm)**

In Focus

Facilitating Transitional Justice Processes²⁶

Transitional justice (TJ) refers to a broad set of post-conflict measures that address the legacy of war crimes and gross human rights violations, provide access to justice for victims, and facilitate a community-wide process of dealing with the past. Based on the UN Secretary-General's 2004 report on the *Rule of Law and Transitional Justice in Conflict and Post-Conflict Societies*,²⁷ and lessons learned from practice in the field, UNDP's approach to transitional justice includes:

- i) Capacity development of national stakeholders to carry out transitional justice processes;
- ii) Addressing conflict-related crimes and human rights violations as a part of a comprehensive approach towards strengthening rule of law institutions; and
- iii) Assisting society's efforts to come to terms with the legacy of armed violence through facilitation of multi-stakeholder dialogue.

The principles that define TJ are developed from two distinct approaches. The first is rooted in equitable application of norms for redress of past abuses based on the notion of individual accountability. This is part of the broader human rights field and movement, and advocates implementation of international human rights norms and standards. The second approach focuses on the ability of society at large to remedy the legacy of conflict. This is based on a causal claim that societies that are able adequately to face their history of collective violence will be less likely to repeat it. In this context,

TJ measures should seek to achieve their outcomes through social transformation in reconciliation, conflict prevention and peacebuilding. The success of transitional justice programmes will to some extent depend on the ability to integrate these two approaches effectively, in accordance with the requirements of the specific context.

At the explicit request of national counterparts, or in support of other UN agencies with a lead role in this area (such as OHCHR), UNDP's transitional justice engagements find their main activities tied to capacity development of national institutions and civil society organisations, based on the following principles:

- **Support for national stakeholders to carry out transitional justice processes:** TJ processes are highly dependent on the extent of national and local ownership. This is largely because, in order to be effective, the difficult process of facing the past needs to be undertaken by members of affected communities themselves. Indeed TJ processes are poorly served if they are or appear to be driven by the international community. The role of national institutions and actors as members of reform constituencies is therefore decisive in recognising war crimes and gross human rights violations, irrespective of who committed them, and for demanding redress for abuses. To ensure national ownership it is often necessary to develop the capacity of local actors and institutions to drive the process. In this regard, one of UNDP's main roles is to identify and develop professional

²⁶ 'Facilitating Transitional Justice' is the fourth 'programme area' of UNDP's *Global Programme on Strengthening the Rule of Law in Conflict and Post-Conflict Situations*. These are excerpts from UNDP-BCPR's *Draft Concept Note on Facilitating Transitional Justice Processes*, which captures the key tenets of UNDP's engagement in this area.

²⁷ 2004 report of the UN Secretary-General on the Rule of Law and Transitional Justice in Conflict and Post-Conflict Societies (UN Doc. S/2004/616), 23 August, 2004.

capacity, provide technical support, and socially empower such actors.

- **Comprehensive approach to rule of law and transitional justice:** There is an increasing understanding among agencies working in the field that international assistance for TJ mechanisms has limited impact if undertaken in isolation of wider rule of law and peacebuilding efforts. The “added value” of UNDP’s involvement in the field lies in its ability to link up support for access to justice for conflict-related crimes with a systematic effort to institute reform throughout the justice and security sectors, such that activities are mutually reinforcing.

Some highlights of UNDP’s global and national TJ engagement in 2010 include:

- In **Bosnia and Herzegovina**, UNDP assisted the government with establishing and launching an Expert Working Group for drafting a National TJ Strategy. An elaborate consultative process was launched involving some 320 government and civil society representatives. Special attention was also paid to participation and inclusion of the voices of victims, facilitating dialogue for 45 key victims’ organisations.
- In **Colombia**, UNDP supported the drafting of the game-changing Victims and Land Restitution Law, and has continued to coordinate implementation of the Justice and Peace Law, ensuring impact at the local level. UNDP provided institutional support for the establishment and operation of Victims’ Assistance Boards in six territories; for developing capacity of the Victims’ Territorial Network of some 730 victims; and for two offices of the NCRR (National Commission

for Reparation and Reconciliation), availing assistance and advice to 2874 victims.

- At the UNDP Administrator’s initiative, UNDP participated in the stocktaking exercise on complementarity between international and national efforts to prosecute Rome Statute crimes at the first ICC Review Conference in Kampala in May 2010. UNDP subsequently took a lead on articulating potential contributions of development agencies to building national capacities within the broader rule of law assistance framework, through follow up consultative events involving the ICC Assembly of State Parties.

*Sessions to Support Victims: Mobile Units, Eastern Antioquia, Colombia. UNDP
Photo / UNDP Colombia.*





What Have We

The external Mid-Term Review (MTR) of the Global Programme, conducted in 2010, provides objective reflections on the Global Programme's implementation to date. The review report represents our most important learning exercise this year, and provides a critical basis from which to carry the work of the Global Programme forwards in 2011 and beyond. It gives a detailed account of findings in 11 focus countries and describes the way the Global Programme has interacted with a multiplicity of national and international partners at country as well as at Headquarters levels. This section provides a brief summary of the main objectives, findings and recommendations in the review report. Many of its conclusions are also reflected firmly in the 'Way Forward' section of this Annual Report.

Mid-Term Review of the UNDP Global Programme

The start of 2010 marked the half-way point of the UNDP Global Programme's present implementation cycle. As a requirement of its monitoring and evaluation framework, this independent Mid-Term Review took place between October and December 2010.²⁸

The objectives of this process were:

- To review the ability of BCPR to function as an effective global service provider on rule of law, justice and security programming, and the extent to which the Global Programme has made BCPR more responsive to UNDP Country Office needs;
- To review achievements in UN cooperation on rule of law, and UNDP's contribution to coherent system-wide assistance and coordination; and,
- To provide preliminary findings on the Global Programme's contribution to development results at country level (in line with the UNDP Strategic Plan).

The review pointed to a number of noteworthy achievements:

- UNDP has become an important actor in Rule of Law, Justice and Security programming coordination, funding and technical expertise, in conflict and post-conflict situations;
- The Global Programme works in a proactive, rapid-response, results oriented way with a focus on CO support;
- The Global Programme has been consistently delivered with a focus on national ownership, based on sound analytical work, adapted to country context, conflict-sensitive, and supportive of innovation;
- The Global Programme has made a substantial contribution to supporting UNDP Country Offices' financial and capacity needs and priorities for

²⁸ The mid-term review report of UNDP's Global Programme on Strengthening the Rule of Law in Conflict and Post-Conflict Situations has now been circulated amongst all major stakeholders. Available on request.

"The overall objective of the Global Programme to positively impact on people's access to justice and security services is well on track, and the Global Programme is nurturing new development-oriented approaches to chronic dilemmas of justice and security."

Mid-Term Review Report, page 2

Learned?

engagement in the rule of law, justice and security (police and governance) sectors;

- The approach promoted by the Global Programme to building partnerships in the field has been timely and of good quality. It has generated positive results and can be considered as a best practice in the way HQ units work with field offices and partners on the ground; and,
- DPKO appreciates having UNDP as its main partner on rule of law, and acknowledges the benefit of having UNDP as the interlocutor between DPKO and UN programmes, funds and agencies for the purposes of coherence and streamlining cooperation with other UN agencies.

As a direct result of support received through the Global Programme, UNDP plays a more prominent role in the countries reviewed in supporting a coordinated and mutually beneficial interplay between external and internal actors, as well as adopting a more strategic approach to the rule of law.

The Global Programme has provided strategic planning, flexible funding, institutional partnership and quality control to an area of international support that has only emerged in its own right over the past decade. In each case, the Global Programme has sought to ensure that its objectives and methods match national capacities and priorities.

The mid-term review also offers recommendations and encourages the Global Programme team to:

- Examine projects where there are serious doubts over the financial and political sustainability at country level;
- Ensure systematic collection of baseline data and production of results-oriented reporting;
- Strengthen its capacities, including those for strategic reflection and internal planning;
- Clarify its engagement on policing and security sector reform/development within the UN system;

- Assess the lessons learned from project activities and analyse the validity of the current 5 'programmatic areas,' especially in light of the BCPR transformation and potential engagement in fragile and post-disaster settings; and,
- Ensure stronger linkages with UNDP's livelihoods / economic recovery interventions.

In many cases, the report highlights that effective partnerships in the countries reviewed depend on the degree and quality of relations established with partners. A more systematic approach to sustaining these partnerships is required through greater focus in defining partnership protocols and procedures, assessing partners' interests and profiles, assessing resource requirements that can be brought to bear, and providing partners with information to set priorities.

On thematic issues, the report encourages continuous thinking on how UNDP should approach Security Sector Reform, meaning, in simple terms, supporting the process of improving the efficiency, effectiveness and accountability of a state's security sector in delivering services for the benefit of its people. In many case studies, UNDP has been drawn towards an increasing involvement in a wide range of SSR activities. It is essential that the Global Programme prepare a strategy for its engagement in SSR, which conforms to its mandate and to the reality on the ground.

The review suggests that sustainability can be underwritten in various ways: (a) Strategic sustainability at the project's design level, by ensuring a clear vision and feasible goals, including implementation plans, national level follow-up, evaluation of outcomes and an exit strategy; (b) Human capital and skills sustainability, by ensuring that there is commitment to expertise, training and resources over the long term; and, (c) Financial sustainability, by working on national resource allocation as well as building national revenue and fiscal allocations to continuously address priorities. Part of the agenda of sustainability also involves ensuring links between rule of law and other types of UNDP interventions.



Monitoring and Reporting on Results

Evaluating the effectiveness of rule of law support is a major challenge – especially in contexts where on-going instability and shattered institutions severely impact the ability of national counterparts to collate salient information, and international actors face an up-hill battle to effect meaningful change. There is also little experience amongst the international community in this regard. Nevertheless, effective monitoring and evaluation (M&E) is essential to the accountability and ultimate effectiveness of all UN rule of law programming.

The MTR of the Global Programme was clear in its recommendation to strengthen systematic monitoring and evaluation of UNDP's rule of law programmes further, in particular with regard to collection of baseline data against which to measure progress. Indeed, within the UN more broadly, the need for such data in order to enable greater outcome-focused, rather than output-focused, reporting is well recognised.²⁹

In 2010, the Global Programme made significant progress on M&E, through the adoption of UNDP-BCPR's Multiyear Results Framework (MYRF). This is a bureau wide effort to strengthen UNDP's capacity

to monitor and measure results in crisis affected countries. Strengthening Justice and Security is one of the outputs of the MYRF (output 4), which includes indicators and annual milestones. The Global Programme contributes to achieve results under outputs 4 and 6.³⁰ These provide the corporate milestones against which to measure and report on our in-country achievements on a regular basis (bi-annually and annually). In 2010, the proscribed milestones for each indicator were achieved through the Global Programme (three out of four were exceeded). The data in the "highlights" section of this annual report is drawn from this M&E system this year.

Since the launch of the Global Programme, significant efforts have been made to improve our capacity to measure impact. A number of baselines have been established in priority countries, including Afghanistan, Haiti, Guinea Bissau and Guinea (Conakry). Where such initiatives can be utilised to the benefit of all relevant actors, they are most efficient and effective. In Haiti, for instance, the Post Disaster Needs Assessment (PDNA), concluded immediately following the earthquake, can be considered a common basis both for the government and international partners, setting

²⁹ Report of the UN Secretary General, 'Strengthening and Coordinating United Nations Rule of Law Activities' (UN Doc A/63/226), 6 August, 2008, at 16.

³⁰ The relevant outputs and indicators are Output 4 (indicators 2, 3 and 4) and Output 6 (indicator 1). These are titled as follows: Output 4 [National and local capacities strengthened for improved justice and security service delivery in conflict, post-conflict and fragile settings], indicators 2 (*Access to justice increased through legal advice and representation*), 3 (*Improved capacities of institutions and customary law mechanisms to deliver justice & security services*), and 4 (*Strengthened civilian management and oversight mechanisms to ensure accountability of law-enforcement and security forces*); and Output 6 [Better gender equality outcomes in crisis and post-crisis contexts], indicator 1 (*Number of countries effectively responding to Gender-based and Sexual violence in conflict by providing justice and security services to women*).



baselines for a number of sectors, including justice and security. In Guinea (Conakry), a joint security sector assessment was conducted in May 2010, with ECOWAS, DPKO and UNOWA, against which it will be possible to assess progress in the sector as rule of law assistance continues. While these examples illustrate some progress, baseline work still needs to be systematized and mainstreamed in UNDP rule of law interventions.

While these developments represent considerable progress, M&E systems to date have tended to focus more on project- or output-level reports. The challenge remains to capture and assess results at the outcome level – in other words, how project results contribute to improvements in the overall rule of law situation. This is certainly the main challenge ahead, not only for the Global Programme, but for all international assistance in the rule of law area.³¹

At the same time, we acknowledge that developing and maintaining outcome-level methodologies for evaluating rule of law assistance presents significant practical challenges. To begin with, the cost is considerable, and outcome level M&E processes are demanding of

significant human and financial resources. Practitioners in crisis countries are frequently faced with a lack of basic information upon which to found baselines (no court records for example). Moreover, assessing the durability of the impact engendered by rule of law assistance requires sustained monitoring over several years. Methodologies are sometimes disputed, or insufficiently coordinated, and while buy-in from national actors is essential, this is not necessarily easy to secure.

In spite of the challenges, the Global Programme will continue improving M&E of results, and expand collection of baseline data. Looking forward, as several international actors face the same challenge regarding outcome-level M&E, the Global Programme will seek to facilitate coordinated work with all actors in developing methodologies for M&E which can be tailored to the particular context and ensure the ownership of national authorities. Given the demands and needs of effective M&E, it eventually may be necessary to outsource elements of this process to NGOs or think tanks. Accordingly, the next phase of the Global Programme will ensure that significant funds are allocated specifically to improving M&E in UNDP's rule of law programming.

³¹ One promising initiative in this regard, developed by OHCHR and DPKO and backed by the RoLCRG, is an on-going Rule of Law Indicator Project (RoLIP) designed to help measure delivery of criminal justice in a given country. UNDP has fed into this process and will continue to take such developments into account.

Access to justice cannot be obtained to its full potential or sustained unless it is linked with programmes aimed at increasing economic power for vulnerable and disadvantaged groups. Most disadvantaged groups cannot afford to pay for legal services, or the transportation and accommodation costs related to seeking justice. Linking the rule of law projects supported by the Global Programme to UNDP's economic recovery projects / agenda will ensure a stronger institutional response to achieving legal empowerment for the poor.

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In Focus

Rule of law and Economic Recovery

One recommendation to emerge from the Mid-Term Review of the Global Programme (MTR) was the need to ensure closer linkages between UNDP's rule of law work and improving economic recovery and livelihood outcomes for the poor.

A 2010 UNDP-UNICEF Practitioners' Meeting on Legal Aid in Africa (see below, p 51) also emphasised the relationship between legal aid and assistance and economic empowerment. The meeting highlighted the need to increase assistance on civil legal concerns in order to address the socio-economic plight of individuals and communities, for example, with regard to issues surrounding property and business rights, access to education, and participation in the economic sphere. A causal connection between the rule of law and national economic development has also been asserted by scholars and development actors for some time, based on the premise that 'security of property rights and integrity of contracts underpin, respectively, investment and trade, which in turn fuel economic growth.'³²

The proximity of rule of law and economic recovery as priorities on the ground following a crisis is well established. The Early Recovery Policy Implementation Plan in Sudan, for instance, identified both 'Rule of Law and Access to Justice' and 'Livelihoods' as the main pillars for its recovery programming, recognising that the basic right to access livelihood opportunities should be protected and supported by a strong rule of law and justice system. In the Democratic Republic of Congo, the UNDP's PSAR project (Project for security and socio-economic reintegration of women survivors of SGBV in North and South Kivu) was specifically designed to dovetail livelihoods with UNDP's access to justice work for survivors of SGBV. This US\$ 4.6 million Project is now being implemented within the framework of the Government of DRC's Stabilisation Programme (STAREC: programme de stabilisation des zones sortant des conflits à l'Est de la RDC) and the national strategy to fight against SGBV. The PSAR project also complements other initiatives, such as the Joint UNDP-UNICEF-FAO recovery project funded by the Netherlands. The major concept behind PSAR is that

32 S. Haggard, A. MacIntyre and L. Tiede, 'The Rule of Law and Economic Development,' *Annu. Rev. Polit. Sci.* 2008.11: 205-234, at 205.

The Global Programme should consider as part of its technical assistance that of assisting Country Offices in making the link between rule of law and economic activities. In other words, it should explore linking the beneficiaries of two projects/programmes. It is critical that rule of law, justice and security interventions ensure long-term approaches that are sustainable and able to facilitate linkages with economic and social projects, as part of long term stabilisation, peace building and human security initiatives.

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of multipurpose community centres (Centre Communautaires Polyvalents), where women survivors of SGBV are received, provided with legal assistance and advice, and prepared for a sustainable economic and social reintegration into their communities, after medical and psycho-social treatments have been provided by other partners. In Haiti, following the earthquake, it was a priority for UNDP to facilitate access to ID cards for victims, providing them with the legal identity to pursue jobs and economic recovery.

Lessons can be learned from such initiatives, and translated into programming elsewhere. UNDP's comparative advantage is grounded in its ability to support human development as a whole, linking the dimensions of justice and security to the advancement of economic recovery. In 2011, we will continue to explore possibilities for maximising complementarity in these areas.

Rural trade at the Bijago Archipelago in Guinea-Bissau



Two Important Workshops

during 2010 distilled edifying and practical lessons for practitioners with regard to legal aid, and reparations and gender, highlights of which are detailed below.



UN Photo / Pasqual Gorriz,
Haiti 2010

PRACTITIONERS' MEETING ON LEGAL AID *Programming in Africa*

Dakar, Senegal, 1st to 3rd June, 2010.

With financial support from the Global Programme, UNDP and UNICEF held a regional meeting of practitioners on Legal Aid Programming in Africa. The meeting gathered participants from over 40 UNDP and UNICEF country offices, as well as regional and headquarters staff, external experts and national counterparts to learn about cutting-edge legal assistance approaches and share best practices, enriching UNDP and UNICEF legal aid programming to benefit the communities that they serve. Fostering closer partnerships, the meeting established a regional Community of Practice on access to justice dedicated to taking forward initiatives for legal aid.

The meeting achieved its objectives, showcasing impressive achievements, discovering the factors which made them possible, and identifying what UNDP and UNICEF need to do to build on them. Focus was placed on legal aid legislation and national legal aid strategies; the special needs of women and children; the importance of community-level initiatives; the role of legal aid actors including paralegals, bar associations, legal aid clinics, law faculties, and legal aid boards; and on cross-cutting issues for legal aid programming, such as partnerships, assessments, financing and sustainability.

Some of the main conclusions to emerge from the discussions included:

- i) A balanced approach to legal aid that supports both defendants and plaintiffs/claimants is essential. UNDP and UNICEF must adopt a comprehensive approach that engages with the justice system as a whole, along the full length of the justice chain;
- ii) As part of a comprehensive approach, parallel programmatic interventions must aim to prevent people, especially children, from coming into contact with the law, and look to assist with the reintegration of those returning to their communities;
- iii) Civil matters are among the most pressing justice issues that many women face. Accordingly, it is

often a mistake to prioritise the criminal justice system alone;

- iv) Despite some demerits, alternative dispute resolution often has positive attributes. The role of traditional mechanisms in maintaining stability and promoting peacebuilding should not be underestimated, and care should be taken with attempts to 'strengthen' the interface between customary and statutory justice systems; and
- v) While ensuring sustainability and overcoming resistance is often challenging, paralegal aid services can achieve dramatic results in enhancing legal aid.

In addition, it was recognised that:

- Women, children, and other marginalised groups are most affected by a lack of access to legal aid, and are consequently most vulnerable to issues such as SGBV, denial of rights to property, and inability to access essential public services such as health and education;
- Legal aid should be understood to refer to a range of justice services, including advice, assistance, education, alternative dispute resolution, and representation; it also incorporates a far greater array of providers, from traditional leaders to paralegals;
- Moreover, legal aid is at once a legal, social, cultural, political, and economic issue. It is at the same time a concern of rule of law and access to justice, governance, gender and livelihoods programmes; and,
- The price of not investing in legal aid is an array of socio-economic costs: higher levels of crime and violence, and depressed economic growth.

As a follow-up in 2011, the Outcome Report of the meeting is to be developed into a comprehensive Legal Assistance Programming Tool. This will allow practitioners in the region to better assist national and local actors to ensure that the universal right to legal assistance is realised, and that real changes in people's lives are made possible.

National Consultation on Citizen Security and Social Peace Promotion Policy – Costa Rica

The Global Programme also supported UNDP in Costa Rica to respond to a request from President Laura Chinchilla to organise a national consultation to design a national integral policy on citizen security and social peace, with the participation of all sectors of society and the State. The process began with a base document that was discussed by citizens from across the country in a participatory manner under the guidance of UNDP (in 10 local forums and 8 thematic seminars), identifying concrete action lines, goals and indicators for an integral and sustainable inter-institutional policy. The Policy upholds the legitimacy of human rights, rule of law and democracy, was launched in December 2010, and is currently under implementation. Its main purpose is to reduce crime rates and improve the perception of security amongst citizens.

INTERAGENCY WORKSHOP ON *'Reparations, Development and Gender'*

Kampala, Uganda, 1st and 2nd December, 2010.

As a part of a global partnership on gender justice in conflict and post-conflict countries, UNDP and UN Women jointly organised a 2-day workshop for UN practitioners in the field, focusing on reparations from the gender perspective, and their delivery in development settings. Attended by 42 UN practitioners working on transitional justice issues and reparations experts from academia and NGOs, its objective was to initiate conversation between human rights and development actors on a more integrated UN approach to reparations. Gender was the focus of this discussion because of the paramount importance of reparations programmes for women's empowerment, and the unique ability of gender actors to create effective interface between rights-based and needs-based approaches.

The workshop gathered lessons learned from the field, and encouraged more intense consultations and collaborative work between UN actors using right-based and needs-based approaches. It concluded that there is an added value in providing reparations to victims within the wider framework of development assistance and by optimising use of development resources, provided that key human rights standards for inclusive reparative processes are respected.

Based on an on-going discussion, UNDP looked specifically at the implications for reparations and development programming. Some conclusions reached included:


- i) An acknowledgement of the added value of complementing human rights advocacy and assistance on reparations with development methods and resources;
- ii) The advantages of delivery of reparations programmes through development means include additional support and resources for economic recovery, and on health and education issues;
- iii) In contrast to targeted development assistance to victims, however, reparations require state recognition of harm to victims, recognition of state's obligations, and readiness to compensate victims; and,
- iv) Ensuring the state's role in compensating victims, and providing symbolic reparations to the victims, is critical to successful delivery of reparations programmes – and closer collaboration between human rights and development actors can create an added value.

In addition, it was recognised that:

- Integrated UN missions and UNCTs should, whenever possible, be the country-level loci for establishing integrated reparations programmes in support of the "One UN" policy;
- Reparations programmes should be introduced into long-term strategic planning frameworks, including through multiyear UN-based assistance tools, broad national development frameworks and peacebuilding strategies, and national frameworks for assistance; and,
- The integration of reparations programmes will provide an effective vehicle for coordination of UN agencies present on the ground, in support of OHCHR's lead on reparations in the UN system.

LESSONS FROM TIMOR-LESTE:

Improving justice service delivery by enhancing Case Management Systems

 In 2010, the UNDP Justice System Programme in Timor-Leste assisted the country's key justice institutions to establish a new integrated case management system (CMS). The new CMS provides a great boost to the timely, efficient and accurate administration of justice within the Office of the Prosecutor General (OPG) the Corrections Service, the Ministry of Justice, the Public Defender's Office (PDO) and the National Police (PNTL).

With support from UNDP and AusAID, a Timor-Leste delegation visited Portugal and the USA to see different types of Case Management Systems in use, observe best-practices and learn about the technical requirements of implementing a CMS in those countries. These findings enabled UNDP to customise the CMS to the precise needs of Timor-Leste.

By the end of 2010 the CMS went live, with full deployment and connectivity at the OPG in the capital, Dili, and in the district capital of Baucau. Two other district capitals of Oecusse and Suai were connected at the start of 2011. Thanks to the new CMS, Dili and district prosecutors and judicial clerks from the OPG have instantaneous access to the same case information.

To compliment this endeavour, a capacity-building plan to strengthen the ICT skills of both justice actors and IT staff was developed. Justice sector actors were trained in how to use the CMS, and a comprehensive training was developed on systems and network ad-

ministration, which will enable IT staff to manage and troubleshoot their own systems.

UNDP is also providing each of the beneficiary institutions with an ICT specialist who is responsible for mentoring and on-job training of IT staff. In addition, UNDP has provided legal and management advice to national institutions regarding the options available to them when implementing a CMS. Within the PNTL, an Incident and Investigation Management System was finalised at the end of 2010. Systems for the PDO and Corrections Service are currently being finalised for deployment in 2011.

UNDP will continue to provide advice in the areas of management development for the justice sector and it will further support the IT units in the operation and maintenance of each of those systems within the justice institutions.

**Justice System Programme
UNDP Timor-Leste**

THE WAY FORWARD:

2011 and Beyond

Overall, the UNDP Global Rule of Law Programme emerges from 2010 both more able to demonstrate the impact that its support is having in-country, and with a renewed appreciation of its catalytic role in fostering 'One-UN' approaches on rule of law, justice and security assistance. Operationally, the Global Programme has made solid progress strengthening and supporting UNDP Country Offices to produce tangible impact in priority countries. Strategically, the Global Programme has continued to place forging partnerships and maximising comparative advantages high on its agenda, with visible success. Conceptually, the Global Programme also remains on a firm footing, in line with the findings underpinning the World Bank's World Development Report 2011.

The external Mid-Term Review (MTR) report on the Global Programme noted areas of particular achievement, as well as aspects upon which the Global Programme needs to build in order to secure lasting impact. In addition to the accumulated lessons learned since the Programme's inception, the MTR will be critical for considering the way forward for 2011 and beyond. The World Development Report 2011 and the forthcoming independent report of the UN Senior Advisory Group on 'Civilian Capacity in the Aftermath of Conflict' will also provide pivotal reflections for the future.

Our country support is our first and foremost priority. Ensuring results in justice and security service delivery, and assisting women and men to access these services, will remain our principal concerns for 2011 and beyond. Accordingly, we will continue to support our colleagues on the ground with identifying high quality technical resources, mobilising financial support, and ensuring that achievements are known and good practices shared.

UNDP-BCPR's Multiyear Results Framework (MYRF) identifies four results related to justice and security that the Global Programme is charged to take forward.³³ These provide the corporate milestones against which

to measure and report on our in-country achievements on a regular basis. In 2010, the proscribed milestones for each result were achieved (three out of four were exceeded) through the Global Programme. While this provides some level of quantifiable monitoring, the MTR highlighted that we still need to improve systematic monitoring and evaluation (M&E) further. For this purpose, the Rule of Law, Justice and Security team will continue to support country offices to undertake base-line studies, and measure progress against field-tested indicators.

Yet rule of law development is a complicated and dynamic enterprise with multiple variables affecting results – variables that permeate well beyond a country's justice system or security sector. Since monitoring and evaluation is a technically challenging endeavour, the Global Programme is also engaged with a system-wide effort to develop a set of rule of law indicators.³⁴ In the future, the Global Programme would like to engage further with other development actors, such as the World Bank, to find innovative ways of embedding nationally-owned indicators into national development strategies. The Global Programme recognises the need to go beyond project-based indicators and would rather engage national counterparts in defining their own indicators into which the Global Programme – and other development partners – can feed.

The MTR also pointed out the need for better synergies between rule of law and security interventions and other crisis-related response areas. On this basis, BCPR will strengthen its work on those aspects of rule of law linked to enhancing economic recovery, both in post-conflict and post-disaster settings. Aspects related to land, property and tenure, as well as access and repossession of personal documentation, will be part of renewed efforts to strengthen the rule of law as part of a larger more comprehensive approach to peacebuilding and recovery.

The idea of comprehensive support in crisis settings underpins BCPR's recent transformation process,

³³ See page 46 of this report for more.

³⁴ This project on 'United Nations Rule of Law Indicators' is being undertaken under the auspices of the RoLCRG. It is being led by DPKO and OHCHR, with the active participation of UNDP and other RoLCRG members. It is anticipated that the project will be finalised early in 2011.

and the new structure encourages and facilitates such integrated efforts. From 2011, BCPR's support on rule of law, justice and security will be integrated with its work on violence prevention and citizen security. This development will better combine and enhance UNDP's support to institutional development of justice and security with community-based work to prevent violence and address the drivers of conflict.

The efforts begun in 2010 to promote and design joint approaches and programmes with other UN entities will continue to be strengthened. UNDP believes that joint programmes, by setting clear outcomes, outputs and deliverables, are a critical tool to enhance accountability, predictability and effectiveness of rule of law assistance. Joint programming in mission settings is an effective way to optimise resources – strategic, technical, operational and financial. If undertaken from the planning phase, this can reduce the chances of duplication, enhance early results, and ensure sustainability. Based on the on-going experiences in Chad, Democratic Republic of Congo, Haiti, Liberia, Southern Sudan, and Timor-Leste, UNDP will continue serving the whole UN system to deliver as one in fragile and conflict affected situations. UNDP is committed to using its unique position in the UN system to continue working in particular with DPA,

DPKO, PBSO/PBF, UNHCR, and UNODC to ensure coherent, efficient and accountable UN rule of law, justice and security assistance. This includes both joint programming at country level, and coordinated support at headquarters.

As the experiences of 2010 in Haiti have underscored, the Global Programme needs to retain the flexibility to respond to changing contexts as they emerge. Already in 2011, the Global Programme has adopted strategic actions for response in the Arab States, in particular following specific requests for engagement on security sector reform. To be able to respond quickly and more effectively, the Global Programme will examine and expand synergies within UNDP. Accordingly, UNDP's Bureau for Development Policy and Regional Bureaux will be integral to the new phase of the Global Programme.

2011 will be a year to take stock of the work done until now – based on our own experiences in-country, as well as on the Civilian Capacity review, the World Development Report 2011, and BCPR's own transformation plan. As the programme cycle comes to an end in 2011, a new Global Programme document will be designed and widely discussed with key partners, to take UNDP's work on rule of law, justice and security into a new phase.

UN Photo / Evan Schneider



Part 2



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UN Photo / Christopher
Herwig, Liberian prison

20 Priority Countries

Afghanistan
Bosnia & Herzegovina
Burundi
Central African Republic
Chad
Colombia
Democratic Republic of the Congo
Guinea-Bissau
Guinea (Conakry)*
Haiti
Iraq
Kosovo (UN administered territory)
Liberia
Nepal
Occupied Palestinian Territory
Sierra Leone
Somalia
Sri Lanka
Sudan
Timor-Leste

* The initial 2008 list of 'Priority Countries' of the Global Programme was intended to be indicative only. In 2010, Guinea replaced Uganda on this list. This decision was taken on the basis of increasing requests and opportunities for furthering engagement in Guinea. Meanwhile circumstances in Uganda were not proving sufficiently conducive to warrant sustained support from the Global Programme. Already, assistance in Guinea is seeing promising results.

Ivorian Refugees in Liberia
UN Photo / UNHCR / Glenna
Gordon



FROM THE FIELD:

Supporting the Rule of Law Where it Matters Most

By the end of 2010, all 20 priority countries of the Global Programme were receiving technical and/or financial support. In addition, three further UNDP Country Offices have sought and received support.

While a common approach to rule of law programming is applied in all priority countries, the Global Programme recognises that each crisis or post-crisis situation brings with it a particular set of challenges, and requires context-specific analysis and response. The type and degree of support provided to Country Offices is also dependent on the existing capacity on the ground. If a Country Office already benefits from rule of law expertise, this is further strengthened. If not, the Global Programme supports the Country Office in establishing human and institutional capacity on rule of law programming. The support provided to the UNDP Country Office and national authorities in Chad in 2010, outlined in Part I of this report, is illustrative of the type of support and time invested by the Global Programme in any country.

To ensure prompt and comprehensive support, each staff member of the UNDP/BCPR Rule of Law, Justice and Security Team assumes principal responsibility for a number of priority countries under the Global Programme. Services provided have included, but have not been limited to, the following:

- Rapid deployment of experienced UNDP Rule of Law experts;
- Assessments in identifying programmatic entry points on Rule of Law, Justice & Security and development of sequenced, integrated and multi-year programme documents;

- Design of conflict- and gender-sensitive programmes, and identification of linkages to other relevant UN/UNDP programming (e.g. democratic governance);
- Advocacy and resource mobilisation for programme implementation;
- Training and staff development on the rule of law, and rolling technical advice, back-stopping and knowledge-sharing throughout the programme implementation;
- Allocation of seed funding through BCPR Project Appraisal Committee (BPAC) process³⁵; and,
- Establishment of effective partnerships with Inter-Agency Standing Committee (IASC) and UN Country Team (UNCT) members, UN missions, Civil-Society Organisations (CSOs), and bilateral donors.

This section, by providing analysis of the Global Programme's work in these 24 countries, presents key information about the operational environment, the objectives of each project, the major activities and, most importantly, highlights the concrete results that have been achieved in 2010.

³⁵ All projects requesting funding from Conflict Prevention and Recovery Thematic Trust Fund (TTF) resources that are unearmarked or earmarked for specific thematic areas are submitted to the BCPR Project Appraisal Committee (BPAC). See section on Financial Status for more details.

AFGHANISTAN



	<i>Justice and Human Rights</i>	<i>Afghanistan's Law and Order Trust Fund (LOTFA)*</i>
<i>Period</i>	<i>2009-2012</i>	<i>2002-2013</i>
<i>Budget (in USD)</i>	<i>Total: 36,958,430</i>	<i>Total: 1,229,140,723</i>

Situation Analysis

Afghanistan faces severe security challenges that have stalled development progress. While the cause of much insecurity is continuing insurgency, the drivers of conflict are more diverse - with resource conflicts, criminal networks, tribal conflicts and factional disputes fuelling violence, particularly in rural areas. According to the UN Secretary General's Report on Afghanistan of September 2010, the security situation has continued to deteriorate. Despite this, however, the Afghan Government has made major strides over the past two years in planning and harmonising justice and security sector assistance. A comprehensive National Justice Programme (NJP) was developed and integrated into the Afghan National Development Strategy in 2008, and in 2010 the Minister of the Interior set forth an Afghan National Police Strategy. The latter strategy identifies specific threat areas and priorities, and divides the Afghan National Police (ANP) into six pillars: (i) Civilian Police; (ii) Gendarmerie; (iii) Border Police; (iv) Anti-Crime Police; (v) Public Protection Force; and (vi) Enablers (i.e. the administrative and institutional reforms required to support the expansion of the police).

Assistance and Impact

UNDP has supported the Government of Afghanistan in taking forward their justice and security initiatives. With the reorientation provided by the adoption of the NJP, UNDP launched its programme on Justice and Human Rights in Afghanistan (JHRA) in July 2009. JHRA is a consolidation of three previous projects (Support for Justice Institutions at the National Level, Access to Justice at District Level, and Support for Justice Coordination at the Provincial Level) into a single justice programme.

UNDP has also played an important role in supporting the ANP and the Ministry of Interior (MoI) since 2002. This support emerged initially with UNDP's management of the Afghanistan Interim Authority Fund (AIAF), and the subsequent establishment of the Law and Order Trust Fund for Afghanistan (LOTFA) in May 2002. Since then, various iterations of LOTFA have focused on: remuneration of police and prison personnel; institutional development; procure-

ment of non-lethal police equipment; rehabilitation / maintenance of facilities; and gender mainstreaming (with a focus on women's recruitment and training). Given UNDP's success in ensuring fair and timely distribution of salaries over the past few years (with 99 per cent of 106,000 police officers in 34 provinces now covered by the Electronic Payroll System), and based on the Afghan National Police Strategy, in 2010 several donors, including the European Union, indicated a desire for UNDP to expand the capacity development interventions of LOTFA. This is something that Phase VI of LOTFA, under implementation since January 2011, is taking forward.

BCPR's support to UNDP Afghanistan has been two pronged: (a) support to the justice and human rights portfolio; and (b) support to the development of Phase VI of the Law and Order Trust Fund for Afghanistan (LOTFA). Government Partners include the Ministry of Interior; the Ministry of Justice; the Ministry of Women's Affairs; the Ministry of Labour, Social Affairs, Martyrs and Disabled; the Attorney General's Office; and the Ministry of Finance. Other partners include the Afghan Bar Association; UNIFEM; UNODC; EUPOL; and UNAMA.

BCPR undertook a mission in mid-2010 in order to: (a) undertake an assessment of the justice sector in Afghanistan and make recommendations for UNDP support; and (b) to review and revise LOTFA as it enters its sixth incarnation. The mission noted the added value of UNDP Afghanistan's engagement in the justice sector, with a particular focus on conflict prevention, access to justice, linkages to policing and gender, and legal empowerment of the poor - including extending security, legal protection, and development opportunities to informal sectors. The mission recommendations have established the foundations for a longer-term 'Rule of Law, Justice and Security Strategic Plan,' linked to Afghan priorities emerging from the Kabul Conference, and shifting from institution building to focus on the demand side, expanding engagement at the sub-national level to protect the poor and vulnerable, including linking the formal and informal sectors to ensure comprehensive access to justice.

BCPR's support included the re-drafting of Phase VI of LOTFA. The new phase, informed by the National Police Strategy and UNDP's

*The Global Programme is providing technical support only to UNDP Afghanistan for development of phase VI of LOTFA (2011-2013). Accordingly, the budget figure for LOTFA is not included in the overall programming value of the Global Programme.

support to the ANP, looks not only at capacity development initiatives to ensure sustainability after the eventual hand-over of budgetary functions to the Ministry of Interior, but also LOTFA's support to women's recruitment and training. In addition, given its promising results, the pilot Democratic Policing Project (known also as 'police e mardumi') was folded into LOTFA, to enhance coordination and cohesion of its efforts targeting the ANP. This project will be extended to 60 districts in 2011.

As an example of the work being done, in October 2010, despite the dire security conditions, the first Regional Crisis Response Centre in Kandahar was established with four telephone lines and operators trained with the support of international counterparts, including UNDP, the United States and EUPOL. In addition, with UNDP's support, over 92 legal literacy classes have been conducted across eight districts with approximately 1726 participants since June 2010, and eight information desks have been established with signposts. Through UNDP's Democratic Policing project, local crime and security plans have been developed in eight districts of Kabul province between the Afghan National Police and the communities (Maliks, male and females Shuras, local NGOs and the provincial and district authorities).

Challenges, Lessons Learned and the Way Forward

As a consequence of the on-going insecurity in Afghanistan, the support of UNDP and other international partners has tended to focus predominantly on Kabul. This has led to heavy engagement with national institutions. In order to increase impact on the ground, however, there is a need to strengthen focus at the local level, especially for the poor and vulnerable, who continue to lack confidence in the justice and security system.

While LOTFA has demonstrated flexibility in implementing earmarked funds from bilateral donors to procure goods and develop infrastructure, these activities have not always been clearly linked to capacity building. While infrastructure projects are important, from a development perspective UNDP needs to ensure that these efforts lead to measurable improvements in police service delivery, and changes in people's lives.

Some useful lessons to emerge from the particular context include:

- Use local terminology that is context-specific and culturally sensitive, i.e. *police e mardumi* instead of democratic policing.
- Monitor and evaluate activities on a regular basis focusing on impact in the community.
- Engage with the Governor and other provincial and district officials to ensure political will for UNDP interventions and, when possible, facilitate dialogue between Provincial Councils and their constituents to improve their outreach.
- Training and other learning activities must be clearly linked to capacity development activities.

2011 will see the implementation of Phase VI of LOTFA and the revised JHRA, in line with mission recommendations.

*Information Booth in Mirbachakoot, Afghanistan,
funded the Democratic Policing Project (LOTFA)*
Photo UNDP Afghanistan



BOSNIA & HERZEGOVINA



	<i>Access to Justice: Facing the Past and Building Confidence for the Future</i>	<i>Building Capacities of Cantonal and District Prosecutors and Courts in BiH to Process War Crimes Cases</i>
<i>Period</i>	2009-2012	2008-2011
<i>Budget (in USD)</i>	Total: 5,555,766	Total: 1,432,251

Situation Analysis

Of the countries affected by the violent disintegration of the former Yugoslavia, Bosnia and Herzegovina (BiH) suffered the largest toll in terms of human life and suffering. There have been various initiatives since the 1995 Dayton Peace Agreement (DPA) to address past abuses but none of these have been comprehensive, nor have they had the strong involvement of the government. The post-conflict period left BiH's justice and security institutions weak and rule of law strategies lack coherence as they derive largely from entity- rather than state-level government.

In March 2010, UNDP completed a broad public survey on transitional justice and access to justice. The development of a National Strategy for Transitional Justice was supported by the vast majority of those polled (87 per cent), whose key priorities included providing justice to victims, establishing truth and building confidence between communities. Ultimately though, the survey shows that there is still a lack of confidence in the judiciary in BiH, and the majority of respondents see the need for a Supreme Court.

Assistance and Impact

Following national multi-stakeholder consultations on transitional justice in 2009, the BiH Government decided to formalise its approach to remedying the legacy of the 1992-95 conflict. The decision to develop a comprehensive National Strategy on Transitional Justice marked an effort to enhance public confidence and address the grievances of victims from all communities. As the facilitators of the consultative process from which this decision emerged, UNDP was requested to support the initiative by establishing a secretariat to support an Expert Working Group (EWG) for drafting the National Strategy.

The Access to Justice (A2J) Programme, initiated in 2008, had two main objectives: (i) to assist the designated ministries (Ministry of Justice (MoJ) and Ministry of Human Rights and Refugees (MoHRR)) in setting up the EWG, conduct a consultative process, and draft the national strategy; and (ii) support the MoJ in implementing the

access to justice component of the Justice Sector Reform Strategy, issued in 2007. The A2J Programme seeks to increase the accessibility of legal institutions and services for ordinary court users, and systematically to address the access to justice challenges for victims of the conflict. This project complements an existing UNDP BiH project on *Building Capacities of Cantonal and District Prosecutors and Courts*, which includes: establishing a witness support network, developing the capacity of the War Crimes Chamber and the Prosecutor's Office, and building regional cooperation and support for the BiH Strategy on the ICTY Legacy.

In 2010, partnering with the MoJ and MoHRR, UNDP initiated the EWG and assisted conducting a robust, countrywide and multi-stakeholder process of consultations on transitional justice. The A2J Programme also completed three major studies to inform policy and programming on justice sector reform and Transitional Justice (i) a survey on public awareness, expressed needs and expectations on transitional justice and access to justice (ii) a comprehensive study of legal aid policies and practices in BiH for the MoJ; and (iii) an independent study, mapping truth-telling practices in BiH and providing lessons from other contexts.

Amongst the concrete results of the programme there was a public survey on dealing with the past, and needs regarding access to justice, based on a broad sample of 1600 individuals from throughout BiH. Its purpose was multiple: to provide legitimacy to the work of EWG in developing the TJ Strategy; to inform CO strategy on access to justice initiatives; and to measure impact over time of UNDP programmes on TJ.

Direct assistance for establishing the EWG was also provided: setting up a Secretariat composed of four experts on TJ, including a process and gender specialist; advice on composition of the EWG and selection process of civil society members; formal launch of the EWG in March, including a public awareness campaign; and conducting capacity development exercises for the members of the EWG, particularly on reparations and memorials, truth telling, institutional reform, and international best practices.

UNDP supported a consultative process to underpin the drafting of the National TJ Strategy. Seven 2-day events across the country, involved a total of 320 government and civil society representatives to discuss key issues and objectives for the National Strategy. With special attention paid to participation and inclusion of the voices of victims, UNDP organised six meetings of ‘thematic working groups,’ involving 45 key victims’ organisations. Overall, a strategic approach to victims’ needs was identified.

In the area of access to justice, *UNDP mapped out the current state of free legal aid in BiH* and provided recommendations for system-wide improvements, and harmonisation of practices. The report examined government efforts to establish equal access to justice by providing free legal aid in civil, administrative and criminal cases. Based on report’s findings, the MoJ will be better equipped to make policy decisions and strategic planning for reform of the legal aid system.

Challenges, Lessons Learned and the Way Forward

There is a risk that there will be political attempts to stall the transitional justice processes and reject the recommendations of the Working Group to harmonise norms and policies. On the other hand, there is also some risk that CSOs that did not take part in the consultative process may try to undermine the efforts to implement the recommendations of the national strategy. UNDP’s efforts in 2011 are focused on finalising the drafting process by June and identifying viable government implementing agencies to carry out the recommendations in the National Strategy.

UNDP will be scaling up its efforts on access to justice based on the findings of the study of legal aid policies. This will include support for legal awareness activities, developing capacities of free legal aid providers, and government efforts at harmonisation and establishment of minimum equal standards for all citizens of BiH.

A consultation session on National Transitional Justice Strategy jointly organised with MoJ and MoHRR



BURUNDI



	<i>Justice Integrated Unit (CORE)</i>	<i>CD - Burundi National Police</i>
<i>Period</i>	<i>2007-2010</i>	<i>2007-2011</i>
<i>Budget (in USD)</i>	<i>Total: 4,097,487</i>	<i>Total: 6,900,000</i>

Situation Analysis

In 2010, Burundi held its second post-transitional elections. Overseen by an Independent National Elections Commission with support from UNDP, this landmark event marked a significant step forward in the consolidation of peace and legitimacy for this fledgling democracy. Despite sporadic violence, and restrictions by the government of opposition parties' right to peaceful assembly and free of expression, the first round of elections saw a 90 per cent turnout - hampered later by opposition claims of fraud and the boycotting of subsequent elections. Critically, however, Burundians did not revert to ethnic-based violence. With the reintegration of the Forces Nationales de Liberation (FNL), the disarmament and demobilisation of ex-combatants and 'adultes associés', the programme for reintegration of war affected populations, the establishment of transitional justice mechanisms, the entrance to the East African Community, and the completion of the 2010 electoral cycle, Burundi has made notable progress, passing from peace process to sustainable economic development and democratic consolidation.

Despite these improvements, Burundi continues to face major challenges in the areas of justice and security. More than 15 years of civil war left Burundi's justice system in disarray - lacking qualified staff, equipment and infrastructure. The judicial system faced additional challenges due to lack of independence and accountability, impunity and corruption. The security situation remains fragile throughout the country. Criminal activities and armed violence are high, with acts of robbery, killings and sexual violence attributable to widespread circulation of weapons, land disputes and the socio-economic situation.

Assistance and Impact

Based on the Ministry of Justice's strategic plan for 2006-2010, as well as the UNDAF and the Peacebuilding strategic plan, the objective of UNDP's justice programme in Burundi is to ensure an effective, equitable and transparent justice system. To this end, the programme focuses on eight major areas: professionalization of the judiciary, professional and ethical court administration, juvenile justice, legislative reforms, access to justice, tackling SGBV, penitentiary

reform, and support to peaceful elections. The justice programme is complemented by a security sector reform programme that focuses on ensuring that better and more accountable security services are delivered to the population.

To ensure peaceful elections in Burundi, UNDP strengthened the capacities of the judicial system to handle cases of electoral offences. It produced a model guide on elections-related offences, and distributed it to magistrates, lawyers, police officers, presidents of polling stations, and members of civil society. UNDP trained 44 national trainers on how to use the guide, who in turn trained 610 magistrates and lawyers throughout the country. The high number of cases of electoral offences processed - 82 between the municipal and legislative elections - indicates the relevance and success of these activities.

To improve the efficiency and professionalism of the courts of first instance (Tribunaux de Résidence), UNDP produced a magistrates' bench book, distributing this to all 1600 magistrates and court clerks nationwide. In the northern provinces of Burundi, UNDP implemented a pilot project on court administration, rehabilitating five courts and five prosecutor's offices, providing legal books, specialised training and equipment. Judicial performance in this area is now among the highest in the country, and the Belgian Cooperation has decided to replicate the project in four additional provinces.

The results of a mapping study on access to justice in Burundi, conducted by UNDP, were shared with the Ministry of Justice and relevant actors to enable a nationally-owned consensus to design a comprehensive strategy to improve access to justice and legal aid. UNDP also led an initiative to establish the country's first 'one-stop-shop' for victims of SGBV, and to end the reign of impunity. The centre seeks to provide victims with a comprehensive range of services including medical, psycho-social counselling, legal aid and shelter.

UNDP assisted the General Prosecutor's Office to conduct inspections of prosecutors' offices throughout the country to review the legality of pre-trial detentions, the first-round of which resulted in the

release of 196 pre-trial detainees. UNDP also continued to support the Ministry of Public Security with the establishment of an efficient child protection unit within the police. It trained 50 judicial police officers on international juvenile standards, designed an innovative data collection tool on juvenile justice, and produced a manual on juvenile justice for children for judicial police officers.

UNDP improved prison management and access to justice for detainees by strengthening legal services in prisons through provision of equipment and training. It organised IT training for 30 prison legal officers, rehabilitated four prisons and implemented two projects through local NGOs - one assisting prisoners with mental illnesses and the other providing psychosocial support to children accompanying mothers in prison. A UNDP-led working group on prison security has also helped reduce violent incidents and escapes in 2010.

The integrated BINUB/UNDP SSR section organised a series of training sessions aimed at enhancing the professionalization of the security forces, focussing on ethics and justice, the prevention of sexual and gender-based violence, and crowd control. Progress was also achieved in the area of gender mainstreaming at the police and army. BINUB/UNDP, in collaboration with the Government of Germany, assisted in the establishment of a national women's police network to promote more active participation by female police officers.

Against the backdrop of the 'down-sizing' of BINUB, a UNDP/BCPR planning mission to Burundi was undertaken in the last quarter of 2010, in order to assist the CO to develop a comprehensive conflict prevention and recovery strategy for Burundi for the next three years, with a strong component on rule of law.

Challenges, Lessons Learned and the Way Forward

The results of the general elections in 2010 left the executive and legislative branch almost entirely in the hands of a single party, and the government began cracking down on dissent. As such, the judiciary is left as the only viable institution capable of balancing the executive power. Its independence, however, is in question. Executive interferences in select cases involving high-profile journalists, for example, have been regularly denounced by civil society. Ensuring the independence of the judiciary is a matter of urgency and requires multi-layered reforms particularly regarding the selection, appointment and promotion of judges, the security of tenure, the drafting and management of judicial budgets and the functioning of the Supreme Council of Magistrates - all of which remain weak. Stakeholders tend to favour short term measures that might have an immediate and visible impact. However the results are generally short-lived if in-depth reforms, capable of addressing the underlying causes of deficiencies, are not undertaken simultaneously.

UNDP's programmatic know-how, leadership and technical expertise, financial resources and procedures, have been instrumental in the context of the UN joint justice programme, alongside DPKO, OHCHR, UNICEF, UNIFEM and UNFPA. Pertinent examples of UN cooperation include integrated work on SGBV and juvenile justice. While the joint work yielded positive effects, the full integration of staff into one unit posed a challenge for ensuring continuity when the Integrated Mission was closed at the end of 2010. At the beginning of 2011, UNDP will organise an external assessment to measure the impact of its past three years of rule of law assistance in Burundi. As BINUB transitions to a smaller political office, UNDP's capacity to continue its strong programming will require investments in its national and international staff.

Congolese Refugees Voluntarily Repatriate from Burundi to DRC

UN Photo/Sebastian Villar



CENTRAL AFRICAN REPUBLIC



Strengthening the Rule of Law through Justice and Security

<i>Period</i>	2008-2012
<i>Budget (in USD)</i>	Total: 12,144,639

Situation Analysis

Several decades of armed conflict and political instability, aggravated by a record of poor economic performance, have done extensive damage to the main institutions of justice and security across the CAR. In 2010, the overall security situation in the country remained volatile owing to the internal rebellion in the north of the country, the activities of road bandits and poachers, the lack of significant progress in the implementation of disarmament, demobilisation and reintegration, the setbacks in the electoral process and the presence of foreign rebel elements, including those associated with the Ugandan Lord's Resistance Army (LRA).

The withdrawal of MINURCAT, whose term extended north-eastern CAR, has exacerbated the security situation in the area, in particular given the low level of preparedness of the national security forces (FACA). The prominence accorded to justice and security in the country's key planning documents, such as Poverty Strategy Reduction Paper and the Peacebuilding Framework, indicate that these are central to address the country's chronic institutional and territorial vulnerability.

In 2010, the political situation has been characterised by continued efforts to implement the recommendations of the December 2008 Inclusive Political Dialogue, particularly those relating to the DDR process and preparations for the conduct and organisation of transparent and credible presidential and legislative elections.

Assistance and Impact

The scope of UNDP's rule of law programme in CAR (PRED) is holistic. Designed with BCPR's support, the programme includes in its mandate training for formal justice and traditional courts, infrastructure building, reforms to the legislative framework, modifications to the governance of police and prisons, and the construction of legal assistance systems in five provinces. The programme, funded by a variety of donors, including seed money from the Global Programme. Despite a small lull in the resource flow at the start of 2010, the allocation of US\$ 2.2 million from the PBF has guaranteed that the

programme will continue until 2012. Since 2008, successful partnerships have been nurtured and strengthened with national and international partners, including the Ministry of Justice, Ministry of Public Security and Decentralisation, National School for the Judiciary, Faculty of Law, Danish Refugee Council, COOPI, ICRC, UNHCR, UNICEF and BINUCA.

In 2010, UNDP continued to support local courts in Bossangoa, Bangafo, Bocaranga and Paoua to organise, for the first time, public hearings in rural areas. Through this support, 33 cases of misdemeanours were adjudicated and seven criminal cases investigated in Bossangoa. The Bocaranga district court adjudicated 90 cases and five criminal cases. Direct support from UNDP was complemented with technical support to promote education and training of judges, strengthen court administration, improve judicial ethics and accountability, and increase public outreach.

UNDP also launched a comprehensive procurement process to equip jurisdictions and security institutions with computer hardware, radio equipment, internet connection, forensic identification materials, boots, uniforms, whistles and flashlights for prison and police officers, copies of the penal code and the criminal procedure code, as well as rehabilitation work at the Supreme Court and the Faculty of Law.

A series of workshops was organised with judges, clerks, prison staff, police officers, gendarmes, members of civil society and the bar association to revise, develop and endorse various forms to improve information sharing and criminal records management by criminal justice institutions. UNDP also undertook additional data collection, verification, and analysis of court cases in several areas, which allowed the quantifiable measurement of justice system deficiencies. These baselines will be used to measure programme impact in the long run.

The prolonged pre-trial detention of individuals held with or without charges, cases of unlawful arrest and detention and the ill-treatment of detainees have been documented during visits to prisons and detention centres by BINUCA and UNDP. The conditions of detention

remain well below international standards, while escapes by detainees have become prevalent, critically affecting the fight against impunity. UNDP initiated legal aid support in prison as well as promoted alternatives to imprisonment (community work).

At local level, hundreds of community leaders continued to receive legal education and human rights training as part of a large awareness raising campaign which was initiated in 2008. The construction of legal aid and legal information centres continued and support to mobile courts provided.

On the basis of the Code of Ethics for the National Police that was developed in 2009, the national police continued to deliver training and enforce its application. According to the Ministry of the Interior, this has continued to trigger behavioural change, and citizens are more confident in reporting cases to police stations.

UNDP convened governmental and non-governmental experts to formulate an action plan to fight against acts of violence towards individuals accused of sorcery. This was followed by a seminar on “the dynamic partnership around safety,” which led to the signing of a ‘contract on security’ outlining joint actions to be implemented by police forces, judiciary services, elected officials and civil society over the next three years.

The 10-year strategic development plan for the justice sector, finalised at the end of 2009, was officially presented to the international community in October 2010. The plan sets an ambitious agenda to reform the justice sector, through greater professionalism, transparency, efficiency and accountability.

Challenges, Lessons Learned and the Way Forward

Performance reviews and statistics compiled at provincial level have underlined the lack of public trust and confidence in the formal justice system, including low capacity to deliver justice services and a high number of unexecuted court decisions. The absence of judicial proceedings and the poor management of cases have a negative impact in the permanent burden of backlog cases.

Progress on SSR has been limited. The absence of a mid-long-term strategy poses a serious challenge which could eventually reduce the SSR process to a technical exercise without strategic coherence. There is a need to reorient the process, and it is recommended to do so away from the comprehensive OECD model. The OECD approach, on which the SSR Action Plan was based, now appears unviable in the CAR context, where resources and capacities are extremely limited. Recommendations have been made to refocus the process exclusively on core security institutions (i.e. FACA, PNC and Gendarmerie).

As the country moves towards the second generation poverty reduction strategy, the elaboration of the next UNDAF and the end of the PBC’s strategic framework by the end of 2011, particular efforts are needed to raise the country profile on the international agenda. A donor round table will be jointly organised by the PBC, the World Bank, the European Union and UNDP during the first half of 2011 to take advantage of the positive momentum created by the successful holding of the elections.

UN Photo/Marie Frechon



CHAD



Strengthening the Rule of Law in Eastern Chad based on Justice and Security

Period	2009-2013
Budget (in USD)	Total: 4,861,180

Situation Analysis

Tensions between Chad and neighbouring Sudan have significantly decreased after the signing of an “accord de rapprochement” in January 2010, and the deployment of mixed forces to guard the border. Conditions have become more conducive for durable solutions for IDPs, some of whom started to return. However, the humanitarian needs in eastern Chad remain grave. Some 70 international organisations continue to provide aid to 319,000 refugees, as well as to 168,000 internally displaced persons and an estimated 150,000 members of the host population.

In 2010, security was a principal concern. Attacks by armed bandits (often men in uniform) presented a continuing threat, and regularly included car-jacking, burglaries and abductions targeting UN and humanitarian personnel. The lack of effective law enforcement institutions has fostered impunity for crime and human rights abuses against civilians, including arbitrary arrests and detentions, SGBV against women and girls, and forced recruitment of child soldiers. Small arms and light weapons proliferate.

Early in 2010, the Chadian Government also called for the withdrawal of the United Nations Mission in Central African Republic and Chad (MINURCAT) and declared to take full responsibility for the security of the civilian population in the eastern part of the country. With the accelerated withdrawal of MINURCAT in December 2010, a period of three years’ peacekeeping presence ended.

Assistance and Impact

UNDP continued to implement its Rule of Law and Access to Justice Programme in accordance with national priorities contained in the *Programme de Réforme de la Justice* (PROREJ). In so doing, UNDP has worked in coordination with the United Nations Mission in the Central African Republic and Chad (MINURCAT), the Office of the United Nations High Commissioner for Refugees (UNHCR) and the European Union’s Justice Support Programme (PRAJUST).

A five month training of 158 non-professional Justices of the Peace in 48 sous-préfectures was concluded in May 2010. An additional 50 investigating officers of the *Détachement Intégré de Sécurité* (DIS),³⁶ national gendarmerie and national police received professional training in criminal law, rules and procedures. In September, UNDP and MINURCAT conducted a joint assessment mission within the jurisdiction of the Court of Appeal of Abéché to assess impact and identify ways to strengthen further the capacity of the judiciary in eastern Chad. The findings were extremely positive about the changes in professional behaviour induced by the training course. UNDP also supported the deployment of newly appointed judges and prosecutors to the Court of Appeal in Abéché and continued to equip tribunals. With support from UNDP and MINURCAT, the second circuit session of the criminal court of Abéché started on 2 July 2010, with 34 criminal cases and 67 suspects charged with multiple offences.

With support from UNDP and MINURCAT, the Chadian Bar Association opened a Lawyers’ House in Abéché in February. The Lawyers’ House has ensured the permanent presence of legal professionals by deploying three lawyers from N’Djamena to Abéché on a monthly basis. In total, 24 lawyers were deployed, including three women, to follow 141 cases pending before courts and tribunals, including cases of human rights violations, SGBV, land disputes and civil cases. The backlog is a direct consequence of security and capacity deficits.

A legal clinic was established within the Lawyers’ House to provide information and advice to vulnerable persons, with a special focus on refugees, IDPs, women and children. Throughout 2010, the Lawyers’ House expanded its legal information reach to communities across eastern Chad. Thousands have benefitted from awareness raising sessions on human rights, domestic and gender-based violence and peaceful conflict resolution. The number of people seeking support for dispute settlement and access to legal aid leapt exponentially to reach 1,200 by the end of November (excluding consultations provided by telephone on a daily basis).

³⁶ The DIS is a Chadian national police force created by Security Council Resolution 1778 (2007) and Chadian Presidential Decree 1131/PR/08 to ensure the protection of refugees and IDPs in camps as well as humanitarian staff.

In addition to providing technical assistance to lawyers on defence counselling and legal aid, UNDP initiated a resource mobilisation campaign to support national non-governmental organisations in opening additional legal aid clinics in eastern Chad, resulting in pledged resources from the German government. In August, UNDP launched a competitive process to contract NGOs to establish and operate three new legal aid clinics in eastern Chad. The selected NGOs are responsible for operating the clinics, as well as arranging training for legal aid providers and humanitarian protection officers.

To ensure a smooth hand-over from MINURCAT to UNDP, a drawdown strategy was adopted with specific focus on improving due process in the prosecution of criminal cases, enhancing basic judicial capacity at the community level and facilitating access to justice within the jurisdiction of the Court of Appeal in Abéché. In an effort to ensure the continued operation of DIS across Eastern and Southern Chad, and following a request by the Chadian Government, UNDP and UNHCR have agreed to implement a joint programme to extend direct support to DIS in 2011. This joint programme, developed with the close support of BCPR, builds upon the *Plan de Pérennisation* presented by the Government of Chad in October 2010, and focuses on logistical and capacity building support to ensure that DIS remains a mobile and effective presence.

Challenges, Lessons Learned and the Way Forward

The main challenges to the establishment of an efficient judicial system in eastern Chad remain the security conditions for magistrates, the lack of basic infrastructure for courts and tribunals, the inadequacy of financial and human resources allocated to the justice sector, the absence of regular training of personnel, the ineffectiveness of disciplinary oversight mechanisms, the interference of administrative and security authorities in judicial matters, and the prevalence of customary law mechanisms for dispensing justice, including on criminal matters.

The experience of joint programming with MINURCAT has produced positive results, which UNDP should build upon. Following the departure of the peacekeeping mission, considerable attention needs to be given to improving living conditions in prisons. Basic service deficiencies, such as the provision of food and water, as well as insufficient numbers of trained prison guards, continue to account for prison disturbances and escapes. Detention facilities remain seriously overcrowded, largely owing to the number of persons in pre-trial detention.

The support provided to the DIS should be seen as an entry point to engage further on security sector development. It is widely acknowledged that in order to improve the performance of its defence and security forces, the Government of Chad should raise the recruitment standards, provide initial and continuing training, strengthen operational capacities, ensure financial stability, establish accountability/oversight mechanisms, and instil a sense of effective service provision to the people.



A woman carries water at a settlement for displaced people in Goz Baeda, Eastern Chad

COLOMBIA



	<i>REDES (Strengthen mechanisms for access to justice to en- force the rights to truth, justice and repara- tions under the rule of law)</i>	<i>Strengthen- ing of the Justice System (Justicia) Programme</i>	<i>Programme for the Promotion of Coexistence (Convivencia)</i>
<i>Period</i>	2007-2010	2007-2010	2007-2010
<i>Budget (in USD)</i>	Total: 4,186,113	10,741,411	15,142,936

Situation Analysis

Despite Colombia's relatively stable democracy and economic growth, decades of violence between the government, guerrilla groups, and paramilitary forces have displaced between two and four million people. Civilians have suffered disproportionately from widespread kidnappings, trafficking and the assassination of indigenous, union, and human rights leaders. The 2006 Justice and Peace Law provided a framework for addressing transitional justice claims related to past violations but largely ignoring the fact of an on-going low intensity conflict. The law predominantly addresses ex-combatants rather than victims, offering leniency in exchange for demobilisation, confessions, and cooperation with the government. Impunity for crimes committed during the conflict remains a significant barrier to reconciliation. An initial proposal for a Victims' Law to complement the Justice and Peace Law failed to be enacted in the Colombian Congress. In June 2009, the Congress passed an amended version that conditioned compensation to victims of state violence on the perpetrator's conviction in the court, while other victims had access to compensation through an administrative process. After winning the presidential election in May 2010, Juan Manuel Santos announced his intention to remove the discriminatory clauses from the Victims' Law, and commit institutional and financial resources for comprehensive reparations for victims.

Assistance and Impact

UNDP plays a central role in facilitating implementation of the Justice and Peace Law, which is the backbone of the transitional justice process in Colombia. This involves the administration of two distinct basket funds for two programmes aimed at strengthening national and local capacity to undertake peacebuilding initiatives. The Strengthening of the Justice System (*Justicia*) Programme addresses criminal accountability mechanisms, while the Programme for the Promotion of Coexistence (*Convivencia*) promotes truth-telling, reparations and reconciliation. In addition, the ART REDES Programme, an area-based programme with a broader scope of development assistance, concentrates on supporting victim's organisations and community based initiatives to assist conflict survivors. The rule of

law pillar within the REDES programme, introduced in 2010, aims to strengthen local justice institutions and access to justice for victims of conflict and vulnerable populations.

UNDP actively contributed to the formulation of the new Victims and Land Restitution Law. In collaboration with the International Centre for Transitional Justice (ICTJ) and the Interagency Group working on the Victims Law, UNDP provided assistance for technical analysis and facilitating an inclusive process of consultations that informed the drafting of the bill. In particular, UNDP's efforts focused on aligning the new legislation with international standards, and ensuring participation of victims' groups in the congressional consultative process.

Since 2008, UNDP Colombia has played a key role in facilitating implementation of the Justice and Peace Law. It assumed a coordinating function through *Justicia* and *Convivencia* programmes in the intergovernmental process, consultations with the civil society and donor coordination with the aim of implementing the accountability and reconciliation provisions of the law. At the same time, the emphasis in these transitional justice processes was on providing direct assistance to the victims using institutional and non-institutional settings even before the new legislation was passed. Through the combined input of UNDP programmes, the total number of victims who have access to processes of legal and psycho-social support in conflict-affected territories in 2010 has reached 166,403.

The strategic initiative to assist victims in a comprehensive fashion has produced concrete results. In 2010, the programme provided institutional support for the establishment and operation of Victims' Assistance Boards in: Bogotá, Santa Marta, Putumayo, Nariño, Magdalena and Córdoba. Advocacy and networking were conducted, facilitating and developing the capacity of a Victims' Territorial Network of some 730 victims' and other associations organised in 18 territories of the country. This strategy seeks to build common agendas for advocacy in forums for dialogue under the auspices of national and territorial level institutions. In terms of support to reconciliation programmes, capacity development was provided for two offices of

the NCRR (National Commission for Reparation and Reconciliation) in the Departments of Bolívar and Meta, allowing assistance and advice to 2,874 victims in Individual Administrative Reparations processes, assets recovery, and Justice and Peace processes.

The programme also seeks to provide access to legal aid and psycho-social counselling to victims. Through the design of the victim's assistance protocol and the operation of two Models of Interagency Assistance to Victims (MIAV) in the cities of Medellín and Valledupar, legal and psychological assistance and advice has been provided to 23,622 victims. In addition, access to justice support includes establishment of eight Victims' Desks to provide legal assistance to victims in the cities of Bogotá, Santa Marta, Apartadó, Pasto, Mocoa and Montería. Some 4,707 victims have received assistance through these programmes.

A further project assists families with lists of disappeared persons and identification of bodies discovered in mass and individual graves. Through this project victims are identified and their bodies are returned to their families. (In recent months through the office of Eastern Antioquia ten bodies were identified and returned to their families; in turn, the office of Meta returned seven bodies fully identified). Of a total of 35,471 registers in the National Registry of Missing Persons, 4,727 people have been found alive and 915 were found dead.

Challenges, Lessons Learned and the Way Forward

With financial support from the Global Programme, UNDP has managed to strengthen further an important alliance with international partners supporting the transitional justice process in Colombia. Currently, eight different agencies are collaborating on strengthening justice and promoting the rights of victims, through on-going dialogue with state institutions and organisations of victims. This allows for an important step in the process of harmonisation and alignment of international cooperation. Based on the demonstrated results and successful partnerships, the Country Office has secured a commitment of resources for continuation and expansion of rule of law programmes in the access of US\$ 12,300,000 for ART REDES and US\$ 8,263,065 for Justicia and Convivencia programmes.

The year 2011 is thus likely to mark an expansion of UNDP programmes in access to justice. The CO will scale up its assistance on gender justice issues, based on local and global partnership between UNDP and UN Women. Prioritised for actions in the Meta region, for example, is an interagency plan to develop adequate ability to monitor cases of SGBV and develop capacity for a coordinated institutional response to violence targeting women.

*Support to victims, Eastern Antioquia, Colombia.
UNDP Photo / UNDP Colombia.*



DEMOCRATIC REPUBLIC OF THE CONGO



	<i>Strengthening access to justice and legal protection for GBV victims in Eastern DRC (Phase I)</i>	<i>Strengthening Women's Access to Justice: Securing and empowering Populations in the Kivus and Ituri (Phase II)</i>	<i>Support to Judicial and Penitentiary Institutions in eastern DRC (UNDP-MONUSCO-IOM-UNOPS)</i>
<i>Period</i>	2008-2011	2011-2013	2011-2012
<i>Budget (in USD)</i>	Total: 4,619,992	Total: 8,288,457	Total: 4,148,936

Situation Analysis

The Democratic Republic of Congo celebrated the 50th anniversary of its independence in June 2010. In reasserting its sovereignty, the DRC Government, earlier in the year, requested the UN Mission (MONUC) to start its drawdown from the country by June 2010 and to complete the withdrawal of its military component by August 2011. In the meantime, the country has broadened its options for security through its *rapprochement* with Rwanda and Uganda, to significantly reduce the continuation of violence and unrest in the eastern provinces and the likelihood of wider political instability. This understanding led to joint military operations against the *Forces Démocratiques pour la Libération de Rwanda* (FDLR), and the Lord's Resistance Army (LRA).

Multiple factors still impact peace and security in the DRC. Conflict dynamics are multi-faceted, rooted in competition for minerals, land, and other natural resources, and compounded by ethnic tensions. The Government faces vast challenges in stabilising the country and re-establishing its presence, in particular a complex process of demobilisation, disarmament and reintegration of rebel groups, and the lack of progress on justice and security sector reform. Against a backdrop of crisis in eastern DRC, the socio-economic and financial situation in the country also worsened significantly in 2010. Internally, the security situation in eastern DRC compelled the Government to allocate unforeseen budgetary resources to military activities. Over a one-year period, inflation reached over 44 per cent while the Congolese Franc depreciated by nearly 50 per cent.

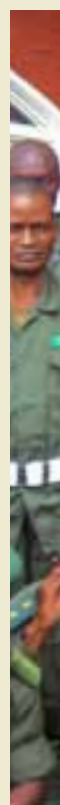
Assistance and Impact

Launched in May 2009 with support from the Global Programme, the UNDP Access to Justice Project in DRC operates in North Kivu, South Kivu and Ituri. The project aims at improving access to justice and strengthening legal protection mechanisms for local communities, and is aligned with the Comprehensive Strategy on Combating Sexual Violence in the DRC, adopted in 2009. It also contributes to the Government-led *Programme de stabilisation et de reconstruction des zones sortant des conflits armés* (STAREC).

In order to strengthen the judicial response to sexual violence, UNDP in collaboration with EUPOL, UNPOL and MONUSCO trained 112 police officers on victims' reception, and trained 50 judicial investigators and prosecutors on investigation techniques on sexual violence. 213 traditional leaders benefited from sensitisation campaigns, and 35 high-ranking officers and 400 soldiers received specific training on SGBV, command, leadership and disciplinary measures. These trainings were a joint effort of UNDP, the Joint Human Rights Office, MONUSCO and local prosecutors' offices. As a result, two important investigations were launched on the mass rapes occurred in August 2010 in Luvungi, Walikale territory.

To enhance logistical capacities of the Police Nationale Congolaise (PNC), UNDP has equipped police stations and special units for the Protection of Children and Women in Rutshuru, Walikale, Kalehe, Walungu, Uvira and Fizi with motorcycles, communication equipment, and IT material. More than 150 SGBV cases have benefited from this support. Following local security diagnostics, conducted jointly with the Ituri authorities, additional support was provided through construction and equipment of police stations in conflict-prone areas such as Djugu, Bunia and Mahagi.

UNDP supported mobile courts organised by the Goma's Military Tribunal in Walikale and Rutshuru. Nine cases were tried in Walikale, including cases of rape, murder, arbitrary arrest and illegal detention. In Rutshuru, 15 cases were tried, including eight cases of sexual violence. The communities reacted positively to the hearings, and more than 150 people attended the legal proceedings on a daily basis. These hearings were their first opportunity to see a court of law bringing military personnel (traditionally considered as untouchables) to justice. UNDP also supported and equipped thirteen legal aid clinics: two in North Kivu, six in South Kivu and five in Ituri (Bunia, Mahagi, Kasenyi, Nizi and Fataki). These clinics have assisted 265 cases. 160 paralegals were trained by UNDP and the Joint Human Rights Office, and are now serving in different geographical areas. With support from Avocats Sans Frontières and UNDP, the South Kivu Bar Association launched a pro-bono office that is now open daily to serve Bukavu's population.



In 2010, 120 Congolese medical staff also received training on victims' rights, emergency care, and preliminary medical examination. The medical staff were sensitised about the legal path available to victims as well as the important role that they can play by providing consistent medico-legal evidence.

With support from the Diocesan Office of Development and Caritas, UNDP initiated the rehabilitation of penitentiaries in Aru, Mahagi and Bunia, helping improve living conditions (new dormitories, shared spaces for minors, health centres). In Aru and Mahagi, four hectares of farm land was cultivated with support from UNDP. This provided daily occupation for inmates and helped increase the food ration. Improvements in prison infrastructure also impacted on the security situation. In Mahagi prison, for instance, seven escapes were registered in 2010 against 28 in 2009. In Bunia, the Deputy Prison Director acknowledged the work of UNDP and MONUSCO: *"deaths in prison, rate of escape as well as violent incidents between civilian and military prisoners clearly fell down... we are also reassured to see them playing together..."*

In recognition of the need for a common UN platform for action to support Congolese authorities in the justice sector, UNDP, MONUC and UNODC developed a joint justice programme to strengthen co-ordination, build synergies and maximise existing technical, financial and logistical resources. The joint programme constitutes a coherent and sequenced programmatic approach to support the justice sector (judicial integrity and accountability, access to justice, prison reform

and anti-corruption) with a clear objective to reconcile the need for immediate results with long-term structural reform efforts.

Challenges, Lessons Learned and the Way Forward

Justice sector institutions established in conflict-affected areas can only be effective if they are based on a solid foundation of judicial independence and accountability at the central level. For this reason, the reinforcement of key institutions in Kinshasa is essential to achieve stability in the east. Efforts should include the strengthening of targeted central institutions including the High Judicial Council, the Ministry of Justice and the Supreme Court.

Further, if efforts to instil law and order are to be successful, the reinforcement of the police must be accompanied by a criminal justice chain that ensures effective prosecution and corrections, including rehabilitation programmes for convicts, humane conditions of detention and secure prisons that will stem the epidemic of escapes.

In addition to funding for the deployment of judicial personnel, support for mentoring programmes and the provision of basic equipment is essential. Such measures are critical in order to restore trust in the political process and create an environment where people can resume their normal lives in safety.



"deaths in prison, rate of escape as well as violent incidents between civilian and military prisoners clearly fell down... we are also reassured to see them playing together..."

FARDC officers attending a workshop on the principles of civilian oversight and democratic control of security institutions in Goma, 8th Military Region

GUINEA-BISSAU



	Strengthening Justice and Security Sector Reform in Guinea-Bissau (project being replaced by Strengthening Rule of Law)	Strengthening Rule of Law
<i>Period</i>	2008-2011	2010-2012
<i>Budget (in USD)</i>	Total: 8,268,532	Total: 5,691,330

Situation Analysis

Chronic political instability in Guinea-Bissau culminated in 2009 in the assassinations of President Joao Bernardo Vieira and the Chief of the Armed Forces. Since then there has been a resurgence of political violence, most recently, the detention of the Prime Minister and Chief of Staff by military personnel on 1 April 2010. The political instability combined with armed banditry and drug trafficking continue to contribute to a climate of crisis that exacerbates social conflict, economic dislocation, infrastructure degradation, and violence. Despite the social and political context, national institutions have continued to function. There has been improved revenue collection and the economy has expanded demonstrating that Guinea-Bissau may experience more stability in the future. Service delivery, however, continues to be extremely weak and the security and judicial systems are compromised and dysfunctional.

On 1 January 2010 the UN Integrated Peacebuilding Office in Guinea-Bissau (UNIOGBIS) was established following Security Council Resolution 1876 (2009) focusing on (*inter alia*) strengthening the capacities of national institutions to maintain constitutional order, public security and the full respect for the rule of law including policing, security sector reform and assisting the national authorities to combat drug trafficking and organized crime. In November 2010, the mandate was renewed until 31 December 2011.

Assistance and Impact

Since 2008 UNDP's interventions have been aimed at strengthening the capacity of the justice and security sectors and promoting access to justice for the consolidation of democracy in Guinea-Bissau and are in line with the National Strategy for Modernisation and Restructuring of the Security Sector. In 2010, in light of the UN Mission deployment and the changing political environment, the UNDP programme, *Renforcement de l'état de Droit en Guinée Bissau à travers de la réforme de la justice et la sécurité*, was revised with the support of UNDP/BCPR. Funds for this new project were disbursed in October 2010. The revised programme adopts a people-centred approach that emphasises access to justice in three pilot regions.

In summary, RoLS prioritises three key areas: i) Decentralisation of the justice system and access to justice; ii) Judicial training and mentoring; iii) Strategic planning, coordination and oversight of the justice and security systems. In implementation of this programme UNDP is engaging in joint workplanning with the mission to ensure mutually reinforcing roles.

Throughout the programme revision period UNDP continued to engage deeply in Rule of Law programming, seeing positive progress. UNDP supported improved strategic planning capacities of the Ministry of Justice. The first draft of the five-year National Policy for the Justice Sector and Strategic Development Plan was developed and approved by the Council of Ministers. This Policy is the result of a six month participative process led by the Ministry of Justice and supported by UNDP. The first draft of the policy document was presented for consultation in a National Justice Forum, chaired by the President of the Republic of Guinea-Bissau, and it was finally approved by the Council of Ministers on the 13 January 2011.

In order to strengthen the judiciary of Guinea-Bissau, UNDP has supported the rehabilitation of premises to house the Judicial Training Centre (CENFOJ) temporarily. In 2011 the first training of magistrates will be prepared and launched under CENFOJ. UNDP has also developed the legal framework and professionalised career training for the judiciary which was approved by the Council of Ministers.

With a view to launching decentralized legal aid services, UNDP has launched an access to justice assessment and baseline survey in three locations to ensure effective monitoring can be carried out in the regions where the programme will be supporting legal aid: Bissau, Cacheu and Oio. UNDP has also carried out a study of traditional justice mechanisms in six different ethnic groups in partnership with the Faculty of Law and the National Institute of Research and Studies. The overall objective of the study is to support understanding and knowledge of customary law in particular focusing on the status of women under the traditional justice mechanism and supporting the interface between formal and informal justice. Teams of Guinean

law students and researchers have examined concepts of crime, procedures, the status of women and preferred avenues for redress.

The National Assembly, with UNDP support, developed its first Strategic Development Plan 2010-2015 through parliamentary expertise. This was approved by the Parliament and presented to donors in October 2010. UNDP also supported the Permanent Secretariat of Security Sector Reform, the national body responsible for SSR planning which is comprised of the five stakeholders. Equipment and assets were handed over to the Secretariat to support its better functioning. Also UNDP supported a security sector information and awareness campaign launched during the International Conference on Awareness on SSR. The campaign has used a wide range of creative arts and the media to engage in direct sensitization activities on SSR in several regions of the country.

Challenges, Lessons Learned and the Way Forward

The foundations have now been laid for the move to decentralize the programme and to focus on legal aid and assistance provision in

three regions. UNDP has prepared memorandums of agreements to support the Minister of Justice and several CSOs, including an existing legal aid clinic. Spaces to house the Access to Justice Centres have been identified and are being prepared. The CSOs and Ministry of Justice jurists will provide legal information and advice and occasional representation in court where the law does not require registered lawyers. In the other cases, UNDP will support the Bar Association to allocate a lawyer with no fee to the clients.

UNDP has applied to the Peace Building Fund to support the Programme with a proposal of US\$ 1.7 million, which would ensure the continuation of the activities. The funds would be aimed at the rehabilitation of two Regional Courts and construction of the National Judicial Training Centre. This infrastructural support will enable the national authorities to continue its commitment to improved service provision and improved human capacity to implement the National Justice Policy with UNDP's continued support.

Access to Justice Assessment: focus groups with children
UNDP/Guinea-Bissau



GUINEA (CONAKRY)



	<i>Establishing a Secure Environment for Development</i>	<i>Appui Justice et Sécurité</i>
<i>Period</i>	<i>2010-2011</i>	<i>2010</i>
<i>Budget (in USD)</i>	<i>Total: 545,000</i>	<i>1,708,801</i>

Situation Analysis

In 2010, Guinea successfully moved from a military rule that followed the coup d'état of 2009 to a new government under the leadership of Alpha Condé, who won the presidential elections and was sworn in on 21 December 2010. This development was a major step towards re-establishing stability in Guinea. Despite fears that disagreements over the election results could trigger instability, the post-election period has seen a marked improvement in the political environment in Guinea.

Yet despite recent positive political developments, the underlying problems and grievances prevalent in Guinea have yet to be addressed. In addition to major socio-economic challenges, reforming the security sector and establishing the rule of law in Guinea remain top priorities to consolidate political gains. Indeed, as demonstrated by their lead role in the coup d'état, security institutions (both the military and the police) continue to be a source of instability. The future of peace and democracy in Guinea is therefore very much linked to the acceptance of civilian oversight of security forces and the respect of the rule of law. This challenge is exacerbated by a largely dysfunctional justice system, unable to deliver justice services to the population. Impunity, including for acts of sexual and gender-based violence, prevails with no effective legal or psycho-social support mechanisms in place.

Assistance and Impact

In 2010, UNDP used the political space created by the step-by-step transition (from military rule to the transitional government and finally the properly elected Government) to build three interrelated portfolios. In the area of security sector reform, justice and the fight against SGBV, UNDP undertook the groundwork for more substantial support to be delivered in 2011 and beyond. At the same time, the interventions undertaken in 2010 yielded concrete results and led to the establishment of strong partnerships with other UN and non-UN actors.

In the area of security sector reform, UNDP, together with the United Nations Office for West Africa (UNOWA) and DPKO, undertook an assessment of the security sector in Guinea. This assessment was conducted under the auspices of ECOWAS and the African Union. Experts of the Organisation de Francophonie, of the European Union and the United Nations were associated to the assessment teams. By providing an overview of the main challenges related to the security sector, the report makes concrete suggestions on how to ensure better control of security institutions by civilian entities, and how to improve security service delivery to the population. Importantly, the assessment was not based only on a technical review of the relevant facts and trends and a dialogue with the Transitional Government, but also included dialogue with civil society representatives across the country.

The Transitional Government endorsed the report and implemented some of the recommendations, such as pertaining to the carrying of arms by the military. Despite tensions around the Presidential elections, these measures contributed to easing the distrust between the military and the population at large.

The newly-elected Government has declared that the assessment report will constitute the basis for the reform efforts in the security sector. With financial and technical support from UNDP and the PBF, a national seminar was organised from 28 to 31 of March 2010 to review the recommendations and adopt a priority action plan until 2015. UNDP has been requested by both the Guinean authorities and the international community to play a leading coordination/facilitation role to support the implementation of the national action plan.

Complementing efforts in the security sector, UNDP has also kick-started support to the justice system. In order to respond the prevailing paralysation of the criminal justice system and the resulting prolonged pre-trial detention, the criminal court system (cour d'assises) has been reactivated and held sessions after several years of paralysis, with technical and logistical support by UNDP. After

three years of zero justice decisions in criminal cases, 115 criminal cases were presented to court in 2010.

While SGBV was and continues to be of high prevalence in Guinea, the problem reached a new dimension with the massacres of 28 September 2009, when armed forces attacked a rally against the junta, killing more than 150 persons and subjecting more than 100 women to rape and other sexual violence. Responding to these events, UNDP/BCPR deployed a Rule of Law/SGBV Expert to the Country Office who implements PBF-activities in support of the victims of the massacres (such legal aid), and helps build a broader interagency programme against SGBV.

Concretely, UNDP supports a women's network to provide legal aid and information to survivors of SGBV. To date, sixteen survivors have received legal aid and have been accompanied to the police and to medical services. Six cases have been referred to an NGO providing legal representation. To date, no judgment has been rendered as procedures take more time than the legally provided timelines. Among the cases that received legal aid, are forced marriages, rape, and desertion of the marital home. 80 members of women and human rights NGOs were trained in Conakry and Nzerekore on legal aid, and 50 survivors received a reintegration package, adapted to their needs and aspirations. More than 150 women were sensitised in Nzerekore and Conakry on their rights and on assistance to survivors of SGBV. A guide on legal aid for SGBV survivors has been prepared

in cooperation with a women's network and, and 45 journalists have been trained on ethical reporting of sexual violence and prevention of SGBV. Furthermore, UNDP coordinated the development of a Joint Interagency Programme against SGBV involving nine UN agencies. Programme implementation will start early in 2011.

Challenges, Lessons Learned and the Way Forward

PBF funding has been used strategically by UNDP to develop a UN-wide approach to SSR in Guinea. UNDP relied on its own technical expertise on SSR, and engaged UNOWA, DPKO and ECOWAS in this process. As a result, there exists an analysis of the security sector in Guinea shared by the Government, civil society, key bilateral donors and the UN at large, providing a platform for UN-wide action on SSR.

Guinea's transition from military rule to democracy and will only be formally concluded once the second round of Presidential elections is held in 2011. Several bilateral donors are carefully following the political developments and, with good arguments, are not yet ready to resume full development support to the Government. Filling this void, with the help of PBF funding, UNDP has been able to make targeted and concrete progress in the reform of the justice sector already during the transitional period. This strategic engagement is paving the way for more comprehensive support of the international community to the justice sector, once the transition phase is concluded.

UN Photo / Eskinder Debebe



HAITI



	Strengthening the Rule of Law and Security in Haiti
Period	2010-2012
Budget (in USD)	Total: 60,200,000

Situation Analysis

On 12 January 2010, a devastating earthquake measuring 7.1 on the Richter Scale struck Haiti, causing widespread destruction across the country and resulting in one of the largest human tragedies in recent decades. According to the government, over 300,000 people perished, over 1.5 million were displaced and tens of thousands of households lost all means of livelihood.

The earthquake severely damaged justice and security institutions. The Ministry of Justice and Public Security, the Palais de Justice and the Court of First Instance were all destroyed. Out of 17 prisons, eight were totally or partially damaged and 5130 prisoners escaped (including all 4215 prisoners from the Pénitencier National) - equivalent to 60 per cent of the total prison population. Out of 2488 police staff in Port-au-Prince, an estimated 460 have not reported to work to the Haitian National Police (HNP), and fifty-four police stations and the HNP Headquarters needed to be rebuilt or repaired as a result of the earthquake.

While the overall security situation remained stable in 2010, diverse forms of violence emerged including the resurgence of certain gangs - especially where their leaders escaped from the Pénitencier National - increased violence in the IDP camps, and a general increase of criminal acts, such as armed robbery, rape and murder.

Assistance and Impact

In the aftermath of the earthquake, UNDP deployed technical staff to assist Haitian authorities in developing a recovery strategy for justice and security, alongside immediate measures to prevent crime and violence. Jointly with MINUSTAH, UNDP developed a new programme that captured the Minister's priorities for the sector. This *Joint UNDP-MINUSTAH Programme for Rule of Law, Justice and Security*, budgeted at US\$ 60.2 million, identified a number of priority activities to be implemented within a 24-month period.

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a recovery strategy for justice and security, alongside immediate measures to prevent crime and violence. Jointly with MINUSTAH, UNDP developed a new programme that captured the Minister's priorities for the sector. This Joint UNDP-MINUSTAH Programme for Rule of Law, Justice and Security, budgeted at US\$ 60.2 million, identified a number of priority activities to be implemented within a 24-month period.

The objective of this joint programme is three-fold: to help re-establish basic justice and security service delivery capacity; to ensure preventive measures in potential conflict areas; and, to support a reform process that builds a sustainable and efficient security and justice system. With contributions secured from different donor partners, including Canada, Norway and BCPR's Global Programme and Conflict Prevention and Recovery Thematic Trust Fund, UNDP made available US\$ 17.1 million to the recovery plan for 2011.

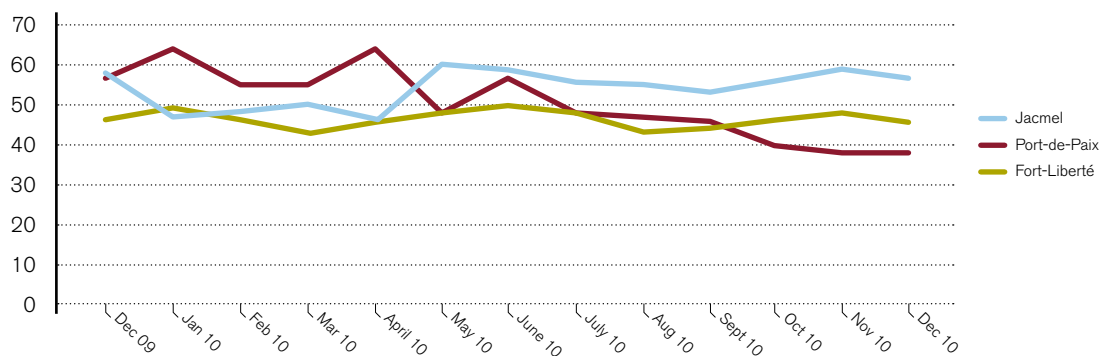
Together with MINUSTAH, UNDP assisted the Ministry of Justice and Public Security (MJPS) to resume work during the first weeks after the earthquake. UNDP provided equipment and temporary infrastructure, and supported the MJPS in renovating courts, police and prisons infrastructure.

In Fort-Liberté, Jacmel and Port-de-Paix, UNDP facilitated periodic meetings with the chief prosecutor of the jurisdiction (*Commissaire du Gouvernement*) to improve the supervision of the work of the judicial police by the Parquet and the Judicial Inspection Unit of the Ministry of Justice and Public Safety.

In order to strengthen the investigative capacity of judicial police officers and the functional relationships between the various authorities responsible for investigation, UNDP provided targeted technical assistance in Petit Goave, Miragoane, Jacmel, St. Marc, Port au Prince and Croix des Bouquets.

UNDP provided targeted technical assistance to reduce pre-trial detention and to strengthen key criminal justice institutions in their ability to manage cases more efficiently and provide services to the

Graph 1: Pre-trial detention rate between December 2009 and December 2010



most vulnerable populations. The target of a 10 per cent decrease in pre-trial detention has been largely achieved in the jurisdiction of Port-de-Paix, and a decline in relative value of 32.16 per cent was recorded. Although similar improvements were not observed in Jacmel and Fort-Liberté, the stabilisation of the pre-trial detention rate in these jurisdictions is still remarkable given the challenges faced in 2010.

With a view to enhancing justice service delivery, 15 “Relais de Justice” were established in the White Farm, Chantal, Carice, Marcelline, Ducis, Fond Fred Cost, Canon, Henry Candy, Lawrence, Conde, Figaro, Happy End, Navarre and Bon Repos.

Some additional concrete achievements include the provision of more than 1300 square meters of equipped office space were provided to ensure uninterrupted functioning of the justice sector, supply of equipment for five mobile courts to extend the reach of judicial services, support for the development of a training programme on crime scene management, and support for development of a prison database (the primary tool that the police and UNPOL used to identify escaped detainees from prison facilities).

In addition, a basic ten month-long training curriculum for new HNP cadets was conducted, and technical support was provided to strengthen capacities on border management, crowd control and judicial police. UNDP and MINUSTAH continued training of judges, judicial police officers and criminal investigators, and opened new legal aid offices throughout the country. At the end of 2010, thirteen legal aid offices were operational with an additional five to be established in 2011.

Challenges, Lessons Learned and the Way Forward

The earthquake confronted UNDP with one of its greatest tests ever in terms of its ability to respond quickly and efficiently following such a catastrophe. The newly developed fast-track procedures allowed rapid deployments and procurement of services. As such, BCPR was able to mobilise both personnel and financial resources effectively to initiate early recovery efforts within 48 hours of the earthquake.

While implementation remained a challenge throughout the year, the joint UNDP-MINUSTAH programme which was initiated just before the earthquake was instrumental to allow the UN system to respond quickly to the post-earthquake recovery needs in the rule of law sector, presenting a unified UN face to the Government and to external partners.

One year after the earthquake, the needs are still enormous. Amongst others, the courts are still underperforming, the quality and results of criminal investigations are still poor, legal aid services are insufficient, prisons are still overcrowded, the national police remains understaffed and underequipped, and the civil registry is still not functional.

As very few results have been achieved in the last 15 years by the international community in the police and the justice sector in Haiti, the most important challenge ahead is still to prove that some progress can be made and sustained. For this to happen, a strong international and national alliance – in the form of a compact for justice and security – is required to ensure political will and allow institutional changes to take place.

Haitian Policeman continues his work after the earthquake



IRAQ



	<i>Family Protection, Justice and Security</i>	<i>Rule of Law Programme</i>
<i>Period</i>	2010-2013	2007-2012
<i>Budget (in USD)</i>	Total: 4,801,098	29,514,034

Situation Analysis

Years of violence and the general degradation of state institutions since 1991 have weakened the capacity of the Iraqi state to exert legitimate authority and to support the effective application of rule of law, making the consolidation of peace challenging. The Iraqi government has made progress in recent years in regaining control over the country and has gradually improved security in most regions.

The formal Iraqi justice system is considered fundamentally capable. It was relatively ignored under the previous regime, and in some respects has been less affected than other sectors by the violence of the past few years. However, capacity constraints of formal justice institutions remain and access to justice, especially for vulnerable groups including women, continues to be limited.

Assistance and Impact

UNDP Iraq's Rule of Law (RoL) Programme consists of four projects aimed at enhancing rule of law, protection and respect for human rights in line with international standards. The 'Support the Rule of Law and Justice' project (in partnership with UNOPS) has two key objectives: to increase the efficiency of the justice system to provide greater court transparency, accessibility and accountability (involving the establishment of a model criminal court in Erbil and a model civil court in Basra); and to strengthen the capacity of key government rule of law institutions to promote a higher standard of justice. The 'Support to the Development of Justice and Rule of Law' project works on four main areas: (i) a model appellate court in Baghdad; (ii) reform of select parts of the curriculum of the Judicial Training Institute relating to human rights and gender equality; (iii) completion of the Iraqi Legal Database; and (iv) reform of the penitentiary system. The 'Reforming Judicial Training in Iraq' project will help develop the curriculum for the Judicial Development Institute which provides on-going training aimed at developing the skills of serving judges and prosecutors. Finally, UNDP's project to 'Strengthen the Administration of Justice in Iraq' focuses on strengthening the administrative and operational capacity of the Judiciary and establishing a pilot court complex in line with international best practices.

In November 2010, UNDP/BCPR undertook a mission to review these on-going interventions and to provide technical support to the formulation of a new comprehensive RoL programme. The mission recommended continuing the focus on strengthening key national and local institutions to promote the rule of law and administration of justice, but also enhancing support to the Ministry of Interior (MoI) on community policing, promoting legal aid, awareness and education, and supporting engagement with civil society, community and faith based leaders to help promote behavioural change.

In addition to providing technical support as set forth above, BCPR has provided extensive technical and financial support to UNDP's Programme on 'Family Protection, Justice and Security in Iraq' (FPJS), which supports government efforts to create a strategy that ensures that survivors of violence, including domestic violence and SGBV, are offered refuge and support. The programme strategy was designed to address the issues faced by survivors from the very beginning of their interaction with the justice system, all the way through to ensuring their livelihoods after the fact. In addition to working with the national authorities, police and civil society, UNDP has established synergies with on-going UNDP/UNCT initiatives to provide extensive training for a variety of actors in supporting survivors.

The FPJS programme focuses on three following major components: (i) strengthened access to justice for survivors of SGBV, including legislative reform; (ii) enhanced law enforcement response to addressing and combating SGBV and supporting survivors; and (iii) social and economic empowerment of survivors through livelihood support. As part of the FPJS programme, launched in April 2010, the Iraqi government has established specialized police units to support survivors of gender-based violence. Known as Family Protection Directorates (FPDs), the units connect them with support services and legal assistance, and track their cases using a national database to remedy current information gaps.

In September 2010, UNDP helped coordinate a training course in Erbil for police officers, social workers, lawyers and judges from across Iraq, showcasing regional best practices for law enforcement

responses and support services for survivors of SGBV. Jordanian police trainers taught the first set of 40 Iraqi officers in how to run FPDs, helping ensure cultural compatibility and regional cooperation. The training was the first of its kind in Baghdad and gave many officers their first insight into the skills and steps necessary for a proper investigation. Iraqi specialists located in Baghdad provided key information about Iraqi law and DNA testing which greatly increased the resources available to Directorate officers.

In Baghdad, two new FPDs have been established within existing police stations, and in Kurdistan four Directorates now operate to receive survivors of SGBV – with female police officers prominent in all of the units. With the support of UNDP, the Kurdistan Regional Government (KRG) has also drafted a new shelter policy, with similar plans for the National Government on the horizon. Both entities are also in the process of drafting legislation to enable them to better respond to SGBV.

Linking with UNDP's other rule of law projects, each running through the end of 2011, a comprehensive training programme is being undertaken to raise awareness among Iraqi judges of international and domestic standards on women's rights, and the right to fair trial. As of January 2011, more than 400 Iraqi judges had attended these training courses.

The national workshop conducted in Erbil, the work on the shelter policy, and the work on domestic violence bill have put UNDP on the map of gender work in the area of violence against women, and has translated into stronger ties with national counterparts, both government and NGOs.

Challenges, Lessons Learned and the Way Forward

A major challenge for UNDP in Iraq is the recruitment of national staff positions as the security restrictions limit the ability of international staff to move inside the country. Institutional challenges are also still significant. For example, the police in the Kurdistan FPDs have no investigative or arresting powers; they are only the first point of contact in limited cases. Government entities remain overburdened so legislative reform has taken longer than anticipated.

Some useful lessons to emerge from the particular context include:

- Officers still struggle with the core ideas that violence is wrong in every instance and that the victim should not be blamed for the violence. In the KRG, small group sessions or individual mentoring (albeit without regularity) have been used to address issues of attitude and perspective. Small group mentoring is also needed to address officers' attitudes about violence.

- The lack of trust between civil society and the police force has limited the number of civil society referrals made to the Directorates and vice versa. There are key local champions interested in partnering with the government and UNDP must facilitate connections between the Directorates and civil society.
- The capacity of the trainees is lower than expected and same-sex group mentoring and leadership training is necessary to build the capacity and confidence of the female recruits.

Moving forward, UNDP-Iraq, with BCPR support, intends to develop a comprehensive and multi-year rule of law programme, building on existing interventions and commitments made by UNDP and the Government of Iraq.

UNDP Photo / UNDP Iraq



KOSOVO



	<i>Justice and Security Programme</i>
<i>Period</i>	<i>2009-2011</i>
<i>Budget (in USD)</i>	<i>Total: 15,094,000</i>

Situation Analysis

The political landscape of Kosovo continues to be compromised by uncertainty over the status of the Territory. 75 UN member states have recognised Kosovo as a sovereign state (as of 4th February, 2011). However, no consensus regarding its final status has emerged. 2010 was a year of political stalemate followed by emergency general elections in December 2010. This did little to assist institution building, strengthened budgets and service provision by the authorities.

Issues of personal and public security continue to be of paramount concern. The legacy of proliferation and misuse of small arms and light weapons still poses a significant and credible threat to Kosovo's continued social and economic development. Continuing armed violence in Kosovo can be attributed to a number of factors, including political and ethnic rivalries, organized crime, and revenge attacks connected with blood feuds: these factors occur against a background of economic deprivation, and an under-resourced police service operating alongside an inefficient legal system. In this context, insecure civilians keep firearms in order to protect themselves from perceived threats. Violence against women is widespread and is inadequately addressed by government and communities alike. According to Kosovo Women's Network, 46.6 per cent of all women responding to a survey have been subjected to violence in their homes. Ethnic tensions are still apparent, especially in the north of Kosovo, Mitrovica, where it undermines effective governance and social cohesion.

In this context, strengthening the rule of law in Kosovo continues to be a challenge. However institutions are making some progress toward professionalization, armed violence is reducing and access to justice is steadily improving.

Assistance and Impact

UNDP's Justice and Security Programme, established with seed funding from BCPR, has the overall goal of strengthening the rule of law in Kosovo through the development of institutional and community capacities to deliver security and justice and to improve public and

personal security. In 2010, the programme saw concrete progress across the board. UNDP continued support to the training components of the Kosovo Judicial Institute. This includes the Initial Legal Education Programme (ILEP) which has had a positive, measurable impact on the calibre of judicial candidates. During the vetting and reappointment processes of judges and prosecutors, the first and second generation of ILEP candidates scored highest. As a result, all candidates were appointed as judges or prosecutors, pending signature of the President of Kosovo.

Legal aid and assistance services were improved through the establishment of five Legal Aid Offices (LAO) at district level: Gjakove/Djakovica, Dragash/Drage, Ferizai/Urosevac, Građanica/Gračanice and North Mitrovica/Mitrovicë. Legal aid services were provided to 1500 people with 35 per cent of these being women and 24 per cent being ethnic minorities. In addition, the presence of the legal profession across Kosovo was enhanced through the opening of seven Kosovo Chamber of Advocates Regional Offices. These were made fully operational and led to an increase in the registration of lawyers, better services and information to the lawyers and timely notification of the details of duty attorneys. UNDP also provided technical advice in supporting the drafting of a law of legal aid and for contributed to legal awareness through the use of mass media. Announcements have been made on local radio and television as well as through brochures, providing information on legal aid services in three languages.

UNDP also supported efforts to establish alternative dispute resolution mechanisms through technical assistance regarding strategic planning and skills training to the Ministry of Justice, Mediation Commission, and Mediation Advisory Body. This included the development of regulatory frameworks and policies on codes of ethics for mediators. With UNDP support, a secretariat for supporting the functions of the Mediation Commission was established.

With UNDP support most of the relevant Kosovo institutions for small arms and light weapons control and community safety are now operational, the legislative framework is in place and at the local level six community safety centres are operational. As a result of the

sustained efforts of the programme, independent evaluators have concluded that there has been a very significant reduction in armed violence. For example, in response to a sharp increase in stabbings in 2007/8 UNDP engaged in a number of strategies in legal regulation of weapons and prevention which had reduced the incidence of this type of violent crime by 2010.

UNDP efforts to combat violence against women also delivered measurable change. The UNDP supported Law on Domestic Violence was passed in July 2010. In addition, UNDP focussed on providing assistance to shelters for survivors of violence against women and engaged the Ministry of Internal Affairs in activities to contribute to violence prevention. With UNDP assistance the Ministry launched an sms messaging campaign with the slogan "*It's time to say NO to Violence Against Women – UNDP/MoIA*". The message was sent, in three languages (Albanian, Serbian and English), to more than one million users of a major mobile network provider in Kosovo. UNDP also supported the Ministry of Internal Affairs in implementation of the National Strategy and Action Plan against Trafficking in Human Beings "Prevention pillar" through the organisation of campaigns, debates and workshops.

Challenges, Lessons Learned and the Way Forward

The overall political uncertainty in Kosovo presents blocks to decision making and progress of activities for programming. This culminated in emergency elections by December 2010. This combined with instability in the region of North Mitrovica continues to pose challenges to the implementation of the Justice and Security Programme. In addition, funding shortages has been a major issue for initiating and expanding many activities of the programme. Donor fatigue in Kosovo and financial crisis are acting as major bottlenecks in resource mobilisation. A key lesson learned is therefore to ensure capacity-building, advocacy and policy dialogue can increase government investments and project management as part of the programme strategy. The programme will also support the establishment of a strong monitoring and evaluation system to ensure improved reporting of activities. These efforts have already begun with an improved monitoring systems being established by the Legal Aid Commission and the Kosovo Chamber of Advocates.

UN Photo/Flaka Kuqi



LIBERIA



	<i>Strengthening the Rule of Law in Liberia</i>	<i>Justice and Security Trust Fund*</i>
<i>Period</i>	<i>2010-2013</i>	<i>2007-2012</i>
<i>Budget (in USD)</i>	<i>Total: 8,254,034</i>	<i>50,947,664</i>

Situation Analysis

Since the signing of the Comprehensive Peace Agreement (CPA) in August of 2003 and the inauguration of a democratically-elected Government in 2006, the Government of Liberia and its people – with the support of the United Nations and the international community – have made significant progress in recovery and peacebuilding in the country. The United Nations has played a crucial stabilising and enabling role in facilitating the recovery effort, both through the United Nations Mission in Liberia (UNMIL) and the various resident agencies that are increasingly well-coordinated to enable the Government of Liberia to consolidate peace and development. However, challenges remain.

Extending the rule of law – including access to justice, improved capacity of justice and security sector institutions, and justice sector service delivery – beyond Monrovia and a small number of larger settlements remains challenging due to limited state capacity, porous borders and capacity gaps in the overall establishment of justice and security providers. It is also acknowledged that a functioning, credible, transparent and reliable rule of law system is a critical and indispensable requirement for economic prosperity and lasting peace and security. At present, there continues to be a significant lack of public confidence in justice and security sector institutions – including the police, judiciary and corrections – and issues of transparency, accountability and fair treatment permeate the system. The Liberia corrections system, which experiences an unacceptably high rate of pre-trial detention, is indicative of the capacity gap in the justice system as a whole. In order to confront and resolve this dire situation, a comprehensive and integrated approach is critical to improving the functioning of the entire justice and security system and is the key to long-term, sustainable solutions.

Assistance and Impact

UNDP's Programme on Strengthening the Rule of Law (ROL) in Liberia 2009-2011 was developed in parallel to the support being provided by UNMIL and other international partners, and entailed a multi-pronged and integrated approach targeting several key rule of law and human rights institutions. This involved: (i) facilitating

national dialogue and fostering civic engagement in legal and judicial reform processes; (ii) capacity development through technical and logistical support for the Ministry of Justice and national human rights institutions; and (iii) capacity development of different professional personnel in the judicial system.

With the assistance of BCPR and the Global Programme, UNDP developed a project on Supporting the Ministry of Justice in Improving Prosecution Services, funded also by the Peacebuilding Fund. BCPR further supported the Country Office in its Community Security and Social Cohesion programming, including with the development of a Justice and Security Trust Fund (JSTF) which prioritises police, corrections, and immigration sectors. The JSTF will make it possible for donors to channel funds to these security institutions in general, or ear-marked to specific agencies or individual projects. Since the development of these programmes, the tide has changed politically (both within and outside the UN), with greater emphasis now being placed on linking justice and security for a more comprehensive approach.

In 2010, the Judiciary's Strategic and Implementation Plans, were finalised with technical and financial support from the ROL programme, UNMIL and other development partners. These plans provide a roadmap for priorities for institutional strengthening over the next two years. UNDP's continued financial and technical support to the SGBV Crimes Unit of the Ministry of Justice enabled it to strengthen its delivery and operational capacity. Assistance to the institutional and administrative capacity of the Arthur Grimes School of Law was also provided, through provision of research and study facilities in collaboration with the American Bar Association (ABA).

UNDP contributed to the increased operational capacity of the Law Reform Commission to review and make recommendations to revise civil, criminal and commercial laws and statutes including the compilation and production of new volumes of Liberia Law Review (LLR). The codified text will be disseminated and made available to Legal Practitioners for research and advocacy purposes. This is critical as these laws were not widely available in Liberia before, seriously hampering the ability of legal and judicial officials. This

*The Global Programme provided technical support only for development of the JSTF.

support complements on-going work with the Liberian National Bar Association, resulting in the Bar and its affiliates recommending changes within the legal policy and suggesting reforms that impact the profession and the administration of justice.

Continuing community awareness interventions on rule of law and administration of justice in Liberia, UNDP provided NGOs with grants to do community outreach with judiciary personnel, police, the community leaders, as well as prison monitoring. UNDP's focus on bringing justice to the people can also be seen through its support to public defenders. Before the ROL programme began implementation in 2008/2009, there were less than five public defenders nationwide. Today there is at least one public defender in every county, with six based in Montserrado (including Monrovia).

In a major step forward for the reconciliation of the formal and informal justice sectors, UNDP supported a major meeting that brought together traditional chiefs and leaders, as well as judges, magistrates, and lawyers. Political participation at the highest level showed political will to take forward the recommendations from that meeting.

Finally, at the request of the Ministry of Justice, the programme provided support to a Government delegation to attend the Universal Periodic Review (UPR) process in Geneva, which is a unique avenue for the global community to discuss human rights around the world. The process availed the GOL of the opportunity to present Liberia's human rights report to the UN Human Rights Council; and for the UN in turn to review and assess the reports with a view to making recommendations for remedial or corrective measures.

Challenges, Lessons Learned and the Way Forward

The challenges remain significant. Overall, there is a lack of national capacity which has resulted in activities taking much longer to implement. There is reluctance from national counterparts to take over salaries that have been subsidised by UNDP, despite agreements to do so. Political decisions outside UN control also stall implementation and impact delivery of services as does the lack of coordination between the Judiciary and the Ministry, work in silos, forcing donor interventions to do the same. Overall, there is political will to engage in the rule of law sector, but the resources are not allocated according to the rhetoric.

Some useful lessons to emerge from the particular context include:

- Continuous dialogue and partnership with key government institutions has triggered a greater sense of national ownership, inclusion, participation.

- Need to guide counterparts in development processes and structures – putting in place a system that will remain long after UN engagement has diminished.
- Need to focus on impact and engage with national counterparts in measuring change within communities of our interventions.
- Need to have a sustainability plan to ensure that the Government can sustain the staff numbers and salaries after UNDP's engagement ends.

Based on the needs of the country and the fact that UNMIL will be drawing down over the next year, the Government has indicated its desire to develop a joint Government-UN justice and security programme. It should also be noted that the PBC has added Liberia to its agenda, and is providing substantial funding for rule of law, security sector reform, and national reconciliation. These developments will be critical as the programme is taken forward from 2011.

Vehicles Procured for the Liberia National Police through the Justice and Security Trust Fund
UNDP Photo / UNDP Liberia



NEPAL



	<i>Enhancing Access to Justice for Consolidation of Peace in Nepal</i>
<i>Period</i>	<i>2009-2012</i>
<i>Budget (in USD)</i>	<i>Total: 5,691,192</i>

Context Analysis

Since the signing of the Comprehensive Peace Agreement in 2006, Nepal has made significant progress towards sustainable peace and democracy. The rule of law has an important role to play in supporting the peace process, from constitution-making to ensuring accountability and equal access to justice for all. Many victims of conflict still await justice, as attempts to establish a truth commission and disappearance commission envisaged in the CPA have failed, and criminal justice system is not addressing conflict-related crimes. Violence against women is both widespread and inadequately addressed, a circumstance furthering instability that has not been effectively dealt with by institutions of justice. Moreover, deficits in formal justice system capacity and political will to combat impunity and corruption have severely impaired public confidence in the institutions. As evidenced in 2010, the peace process is stalled due to stumbling blocks pertaining to a new constitution, the integration of Maoist army personnel, and a political stalemate over selection of the Prime Minister.

Assistance and Impact

Through the project Enhancing Access to Justice for the Consolidation of Peace in Nepal, the government and UNDP strive to realise access to justice as a means of promoting peace building. With technical and financial support from BCPR and the Global Programme, UNDP employs a three-pronged approach in Nepal in this regard. First, it seeks to further develop national capacity to carry out transitional justice processes through enhancing the execution of court decisions, victim support and witness protection initiatives and the provision of technical assistance to the Ministry of Peace and Reconstruction for the establishment of a Commission of Inquiry on Disappearances and a Truth and Reconciliation Commission. Second, UNDP and UN Women efforts are dedicated to mainstreaming gender justice into the peacebuilding agenda by developing the capacity of rule of law actors to respond to SGBV cases and domestic violence, and raising awareness about available legal resources to women. Finally, at the local level, UNDP concentrates on conflict-affected regions to provide a comprehensive set of services capable of augmenting access to jus-

tice for the most vulnerable and marginalised. Activities at the local level include the provision of free legal aid (both through stationary and mobile legal clinics), community mediation, court-referred mediation, strengthening local paralegal capacities, and engaging with traditional justice mechanisms towards the integration of human rights and rule of law standards into their work.

UNDP and UN Women have played a critical role in advancing issues that were taboo just a few years ago. Violence against women was neither discussed in Nepali society nor substantively addressed by national authorities. Now, the Office of the Prime Minister and the Council of Ministers has promulgated the National Action Plan for the Implementation of United Nations Security Council Resolutions 1325 and 1820, rolled out an action plan to combat SGBV and marked 2010 as year against SGBV in Nepal.

At the national level, UNDP carried out three major initiatives in 2010: i) In cooperation with UN Women and working with relevant ministries, UNDP initiated the Witness Protection Task Force whose deliberations will result in the elaboration of nationally owned witness protection legislation for Nepal; ii) In support of execution of court judgments (currently at 10 per cent nationwide), the A2J programme assisted in development of a centralized database of cases, which will be completed in 2011. 248 district court staff members of 75 District Courts have been trained in database operation and 30,000 cases entered into the system; iii) In 2010, the A2J programme facilitated the development of a draft Penal Code, Sentencing Policy Bill, Criminal Procedure Code, Civil Code and Civil Procedure Code. These draft instruments, crucial for legal standardisation in Nepal, have now been submitted to the Prime Minister and are open for public comment.

At the local level, UNDP further strengthened its assistance in a range of areas - including with regard to community mediations, working with paralegals, fighting SGBV, and supporting free legal aid services. Community mediation support in 2010 covered 16 Village Development Committees and four Municipalities within four districts of Nepal. 1089 cases have been registered with Community

Mediation Centres, of which 725 were successfully resolved. Community based paralegal activities are being implemented in 70 Village Development Committees of local government (within ten districts of Nepal) through Paralegal Committees (PLCs). PLCs provided legal information in support of 893 successfully resolved cases. Over 2000 PLC members received training on SGBV and available legal recourses through formal and informal justice delivery mechanisms. Through facilitation by UNDP, multi-sectoral SGBV response teams (referral networks) are in the process of being established in five districts of Nepal. Four legal aid desks operating in police stations provided legal assistance to 790 female claimants, 403 of which related to domestic violence. In addition, mobile legal aid clinics operating in three Districts provided a range of free legal services and information to 1524 people (80 per cent women, and 56 per cent Dalit – so called untouchables) in local languages.

yet to be established. Given political polarisation and a Constituent Assembly that is currently embroiled in drafting constitutional legislation, legislative scrutiny of the draft Codes and other Bills (the development of which were facilitated by UNDP) may not be prioritised. The frequent transfer of trained government and judicial human resources also remain challenging.

A 2010 Outcome Evaluation found that there is a significant window of opportunity for UNDP-Nepal to strengthen its contribution to the realisation of access to justice in Nepal. Looking ahead, UNDP will put stronger emphasis on local efforts, especially mediation. With regard to the on-going inter-agency cooperation, emphasis will continue to be placed on extending partnership links with UN Women (especially in the areas of transitional justice and victim protection mechanisms) and other partners, with an emphasis on national ownership.

Challenges, Lessons Learned and the Way Forward

In light of the national political situation, the Truth and Reconciliation Commission and the Commission of Inquiry on Disappearances have

Training of Judges on Women's Inheritance and Property Rights, Kathmandu, 10 July 2010





"We recommit ourselves to actively protecting and promoting all human rights, the rule of law and democracy and recognize that they are interlinked and mutually reinforcing and that they belong to the universal and indivisible core values and principles of the United Nations."

World Summit Outcome Document 2005, A/Res/60/1

Our colleague from Nepal

The close support of the BCPR rule of law team (both technical and in terms of morale) has properly facilitated our work here in Nepal. From support to programme development, to opportunities to share experiences and expertise as a 'community of practice,' BCPR has helped mainstream learning between colleagues and maximise our delivery on the ground. I have been especially grateful for the sensitivity of BCPR's support as regards the national context, political economy and national ownership.

Our colleague in Nepal expresses his thanks

Programmatically, the BCPR approach of focusing on local empowerment has been pivotal to enhancing access to justice here in Nepal. The post conflict situation requires comprehensive support for the whole rule of law sector: democratising the central justice system and rationalising and institutionalising informal justice structures at the decentralised level. Nepal is still in a restructuring process, departing from a unitary to a federal governance system. Technical and financial support is vital to enhance coordinated and collaborative efforts. As the rule of law is a multi-dimensional concern, such comprehensive support is essential to build the institutional capacity of all the rule of law actors in the country.

Mr. Tek Tamata
Programme Analyst – Justice and Human Rights
UNDP Nepal



Our colleague from Gaza

Having been born and raised in the Gaza Strip, I have a first-hand appreciation of growing up in the midst of political turmoil. Against the backdrop of low-intensity conflict and a blockade imposed by Israel, living conditions have continued to deteriorate steadily throughout my lifetime.

Dawoud al-Massri writes about UNDP's work in Gaza

Drawing on my personal experiences, and witness to the discriminations suffered by others in the Gaza Strip, I have become keenly aware of those unable to defend their rights due to the inaccessibility of the apparatus of justice. This is largely the outcome of a crippled infrastructure wherein rule of law institutions are ineffectual in their provision of basic legal services.

As a member of a dedicated team, I work as an Access to Justice analyst supporting the UNDP's strategy in Gaza of strengthening the rule of law 'from the bottom up' by raising human rights awareness and improving access to justice for both vulnerable people and marginalized groups.

Through our program, we extend support to the Palestinian Bar Association with a view to facilitating support for vulnerable groups, particularly, women and children. In addition, we support local university law schools by operating legal aid clinics where students are exposed to actual cases. Furthermore, civil society organizations are supported through the provision of legal aid, raising legal rights awareness and human rights advocacy campaigns.

By paving this path, I believe the establishment of rule of law as a foundation for a just and fair Palestine for all strata of society can be achieved.

Mr. Dawoud al-Massri
Access to Justice Analyst,
UNDP Programme of Assistance to the Palestinian People (PAPP) – Gaza Office



OCCUPIED PALESTINIAN TERRITORY



	<i>Supporting the Rule of Law and Access to Justice for the Palestinian People</i>
<i>Period</i>	<i>2009-2012</i>
<i>Budget (in USD)</i>	<i>Total: 19,120,549</i>

Situation Analysis

While the Programme of the Thirteenth Government and the subsequent Homestretch to Freedom agenda constitute visible pronouncements of statehood and independence, the Palestinian National Authority (PNA) still grapples with the on-going occupation and an array of restrictive Israeli policies. Coupled with continued political fragmentation and a prolonged impasse in the final status negotiations, the occupation continues to undermine the ability of the PNA to advance democratic governance and human development in the occupied Palestinian territory (oPt).

Nonetheless, the PNA continues to uphold several normative governance functions, including transparency, freedom of speech, and mitigation of corruption. In fact, the Palestinian justice sector has witnessed considerable success in the course of 2010. Tangible advancements include the introduction of new departments, legislation, and regulations to ensure compliance with international human rights norms and standards, as well as improve access to legal recourse. For example, institutional capacity development of judicial entities continues to bear fruit. This includes, inter alia, enhanced legislation drafting capacity, including a widely consulted draft Penal code as well as steps taken for draft legislation for establishing the Palestinian Chamber for Arbitration and Mediation. Other key legislation - such as the new Palestinian Juvenile Justice Law - is also under review.

New judges and prosecutors have been recruited, and a legal skills diploma has been designed for continuing professional training. An updated automation system of court-cases (MIZAN2) has reduced backlog and increased efficiency of court work. Moreover, a Justice Information Centre to institutionalise the justice information and media systems was recently established and staffed.

Assistance and Impact

Following the launch of the Rule of Law and Access to Justice Programme in March 2010, with financial and technical support from BCPR, UNDP has established itself as one of the main actors in

the rule of law sector in the oPt. Since June 2010, an international legal expert has been seconded to the Ministry of Justice, providing policy advice to the Minister of Justice and the Deputy Minister and working in close partnership with various units and departments. To strengthen its institutional capacity, the Ministry of Justice and UNDP have jointly developed a comprehensive needs assessment that will provide the basis for UNDP's programmatic interventions in 2011 and beyond.

In addition to the establishment of a Technical Advisory Unit, Justice Information Centre and Legal Aid Unit, UNDP has launched a quick impact initiative to strengthen a number of core functions, including legislative drafting and administration of justice, but also project management, (financial) planning, and donor coordination. By bringing in specific expertise on, inter alia, legislative drafting, legal aid, gender and juvenile justice, public relations, monitoring and evaluation, and organisational management, UNDP not only aims to transition skills, but also to bring about institutional change by putting in place proper plans, processes and procedures.

In 2010, UNDP has also supported the Ministry of Justice to develop a comprehensive training strategy for all Ministry staff. The training strategy, which aims to institutionalise all legal and non-legal training within the Ministry of Justice, will involve the development of various certified training courses in conjunction with Birzeit University's Institute of Law and Centre for Continuous Education. The agreements with Birzeit University are expected to be signed in the first quarter of 2011.

UNDP support, however, is not limited to the Ministry of Justice. A case in point is UNDP's support to the High Judicial Council to upgrade its case management system by introducing the case management software MIZAN. The system enables courts to track cases and generate customised reports, allowing for detailed analysis of trends, case volume and performance. Overall, MIZAN has made a highly positive impact on the delivery of justice, as case management has become more accurate and much faster.

UNDP has also helped to set up a Planning and Project Management Unit (PPMU) at the Office of the Attorney-General. The unit, which is led by a chief prosecutor and staffed with a planning manager, donor relations officer and administrative assistant, leads the Office of the Attorney-General's strategic planning efforts and coordinates all donor support.

Over the summer, more than 80 Palestinian, Israeli and international civil society organisations have applied to join UNDP's Civil Society Roster - a prerequisite to establishing a partnership with UNDP under the Rule of Law and Access to Justice Programme in the oPt. Following an assessment of the capacity of the applicants across a range of areas including, *inter alia*, project management, financial management, infrastructure and human resources, the organisations have been placed into one of three categories. Subsequently, these categories have been used to determine the maximum grant ceilings for each applicant per annum and the first project cooperation agreements are expected to be signed in the first quarter of 2011.

Challenges, Lessons Learned and the Way Forward

The development of a shared understanding of the reasons why the rule of law and access to justice are curtailed in the oPt has been critical to the design of the programme. UNDP, along with its key partners, including the Palestinian National Authority and civil society organisations, recognises that the rule of law and access to justice are curtailed by complex exogenous and endogenous factors.

Most pertinently, protracted Israeli occupation and the consequent lack of territorial contiguity restrain the ability of the PNA to develop

efficient and effective rule of law institutions capable of delivering justice to the Palestinian people. Additionally, internal geo-political division hinders attempts at reform within the justice sector, not least due to the inability of the Palestinian Legislative Council to convene a legal quorum. The ability of Palestinian institutions to deliver justice is further constrained by limited institutional capacities. The Ministry of Justice, UNDP's key counterpart under this programme, has historically been neglected by international development actors.

A further challenge is posed by the international boycott of the Hamas-led authorities in Gaza. Addressing access to justice and the rule of law in the absence of engagement with local decision-makers presents particular difficulties. Here, UNDP's approach is to empower civil society organisations, legal professionals and universities to enable ordinary people to demand their rights be upheld and the rule of law enforced.

In the context of the fragmentation of the oPt and heavily restricted movement and access, ensuring internal programme coherence between the West Bank and Gaza also poses a challenge. For instance, one of the team members based in Gaza was refused a permit to travel to Jerusalem for the Rule of Law Team retreat in October 2010. In this regard, the programme team has developed a culture of frank and open communication, facilitated by e-mail, videoconference and where possible, the movement of programme staff between the UNDP offices in Jerusalem, Ramallah and Gaza City.

UN Photo / Stephanie Hollyman, West Bank



SIERRA LEONE



	<i>Improving Access to Justice in Sierra Leone</i>
<i>Period</i>	<i>2009-2012</i>
<i>Budget (in USD)</i>	<i>Total: 10,981,300</i>

Situation Analysis

Poor governance in Sierra Leone – including a dysfunctional justice system – was one of the root causes of the civil war. In the absence of functioning institutions enabling communities to articulate their needs and hold the government accountable, or an effective justice system for the peaceful resolution of disputes, the rule of law quickly gave way to the rule by force. Women endured some of the most horrific acts of violence and today, SGBV remains a legacy of conflict. The consensus to emerge following the end of hostilities was that reforming the justice system is essential for peace consolidation and sustainable development in Sierra Leone. Accordingly, in 2008 the government of Sierra Leone adopted the Justice Sector Reform Strategy and Investment Plan, which identifies key national justice sector reform priorities. Government interventions, in collaboration with development partners, have mainly focused on addressing some of the logistics needs of justice sector institutions. Nevertheless access to, and the administration of, justice remains a critical challenge, particularly for the poor and vulnerable.

Though recent legislation criminalises SGBV, its victims are often unable to access justice. There are two reasons for this: firstly, weak logistical and technical capacities impede judicial and legal institutions from effectively administering justice; and second, institutions are geographically and financially inaccessible to a large proportion of the population. Consequently, it is estimated that at least 70 per cent of the population seeks redress through traditional justice mechanisms (i.e. Local Courts), in which national laws and human rights standards are often violated.

Assistance and Impact

The Improving Access to Justice (A2J) project supports institutions throughout the justice system to implement the law in an effective, timely manner. The project sought to focus on the most vulnerable communities, especially survivors of SGBV, through working with CSOs to provide services from legal awareness to transport to improving vulnerable communities' access to justice institutions.

As SGBV is sustained by discriminatory social attitudes and norms, the Project also engaged, among others, traditional and other community leaders.

UNDP supported the establishment of the Sierra Leone Bar Association Legal Aid Scheme in 2009. Between January and November 2010, the Scheme handled 728 cases for indigent citizens in districts throughout the country. The Scheme's experiences have informed the development of a new national Legal Aid Bill to be enacted as the primary legal framework for legal aid service provision in Sierra Leone.

The A2J Project's support to CSOs and justice institutions has contributed to tangible results. It is important to note that there is no co-ordinated data collection mechanism in Sierra Leone, so the following data has been gathered by the Project, in collaboration with IRC and the Sierra Leone Police.

Overall, there is greater public awareness of the seriousness of SGBV, and the criminal liability attached to SGBV-related offences – a significant achievement in a context wherein SGBV is so common that it was considered acceptable. 2010 has seen a 50 per cent increase in reporting of SGBV-related offences to A2J-funded CSOs, and a 41 per cent increase in convictions for SGBV-related offences. 41 such convictions out of 461 matters charged to court can be linked directly to the assistance of the CSOs, which have supported survivors and their witnesses. This is a 400 per cent increase over the number of convictions supported by CSOs prior to their UNDP-sponsored capacity development. A further 113 cases are pending (with survivors and their witnesses supported by the CSOs).

The Project provided equipment and training for 200 police prosecutors and investigators on effective evidence gathering and prosecution of SGBV-related crimes, and a user-friendly Case Management Guide to help Family Support Unit (FSU) personnel adequately prepare a case. As of 15th October 2010, FSU data confirmed support to 27 convictions – a 59 per cent increase on conviction figures recorded by the FSU for 2009, and a major triumph in a country where achieving a conviction is extremely challenging.

Building on its successes in 2010, the Project funded the establishment of pilot 'Saturday Courts' (extraordinary court sittings dedicated to handling the backlog of cases related to SGBV), as well as fast tracking cases involving women and girls as complainants or accused. Aside from tackling the case backlog (approx. 500 cases), these sittings send a message nationwide of the Government's commitment to fight impunity for gender based violence and discrimination.

UNDP also trained CSOs to conduct court monitoring. This has resulted in a change in the conduct of local courts. Whereas before Local Court Chairpersons applied discriminatory customary laws, allowing their decisions to be influenced by powerful local personalities, as a result of A2J support, they are now much more aware of the limits of their jurisdiction and the requirements of the law and are turning down requests to render decisions inconsistent with the available evidence or with national law.

Challenges, Lessons Learned and the Way Forward

The challenges are multiple. Improving awareness of legal concepts and overcoming entrenched practices are major obstacles in communities with low levels of literacy. Capacity is poor in critical justice sector institutions and trainings alone are inadequate to remedy these challenges, as trained personnel do not remain in their posts long (due to human resource policies and political interference).

Measuring project impact is complicated by the lack of co-ordinated data management systems. FSUs ostensibly hold 'official' data on

the number of convictions, yet this data is out of step with that gathered by UNDP. For instance, FSU data records 27 convictions for SGBV-related cases in 2010, while UNDP's A2J project records 41 convictions (and has court records as evidence). FSUs keep records of cases reported and charged to court, but courts do not always report back to the FSUs with information on verdicts. The effect of this is two-fold: it is difficult to show credible results, and programming on SGBV issues is not evidence based.

Some useful lessons to emerge from the particular context include:

- Need to advocate for better human resource policies and conduct regular trainings and post-training monitoring visits to ensure sustainability.
- Need to build the capacity of implementing partners/CSOs in project management to meet UNDP's corporate requirements in terms of financial and results reporting.
- Be creative in designing communication materials to improve awareness of legal concepts or challenge entrenched practices in communities in which illiteracy is high.

Given a lack of funding, the A2J Project has had to release some of its staff. In 2011, it will seek to regain its momentum given that loss and mobilise additional resources for the way forward.

Supreme Court, Sierra Leone



SOMALIA



Rule of Law and Security Programme III

<i>Period</i>	<i>2009-2011</i>
<i>Budget (in USD)</i>	<i>Total: 124,241,879</i>

Situation Analysis

Somalia has been without a national government since 1991. Civil war has destroyed the country's social, economic, and political infrastructure, exacerbating poverty in what was already one of the poorest nations in the world. The Transitional Federal Government was established in Somalia in mid-2005. In 2010 Somalia continued to be characterised by pervasive political instability and physical insecurity, the notable exception being Somaliland which held a democratic election and saw a peaceful transition of power resulting in improved security phasing.

South-Central Somalia, including Mogadishu, is still in a state of war, with heavy fighting between Somali government forces and some radical Islamic militia groups. Access continues to be limited with a small base established in Mogadishu Airport grounds which has allowed short missions. In Puntland, the local administration is gradually asserting control over clan-based factions and criminal networks. However, the security situation remained tense with a number of assassinations targeting officials. The number of acts of piracy apparently launched from Puntland also continues to increase.

Assistance and Impact

The Somalia Rule of Law and Security (ROLS) Programme started in 2004. With strong foundations in place, measurable achievements have been observed over the past years, despite a volatile and inaccessible environment. Having invested US\$ 2.6 million in 2009, UNDP/BCPR has continued to provide financial and technical support in 2010. The Programme focuses on civilian policing, armed violence reduction and access to justice. These elements mutually reinforce one another and operate in a cooperative fashion. UNDP is working closely with the United Nations Political Office in Somalia (UNPOS) and an Integrated Strategic Framework to frame UN efforts is being finalised.

In 2010, UNDP continued to support civilian policing capacities to deliver better policing services through recruitment, training (especially on human rights and gender), improved management capacities,

internal governance and oversight. The training saw a progression from an initial focus on recruit training to a focus on increasing the management towards the end of the year. In South-Central Somalia, UNDP has invested in the Police Advisory Committee and the Stipends Monitoring Committee to ensure that accountability, monitoring and oversight improves. Somaliland and Puntland are embarking on comprehensive reform processes designed to move from a police 'force' to a police 'service' that is more responsive to the security needs of communities.

Through its Access to Justice Project, UNDP supports legal aid and assistance in all three regions. It also provides infrastructure, equipment and capacity development of the judiciary in Somaliland and Puntland. In 2010 there were the following notable achievements: in Somaliland, mobile courts have expanded the reach of the formal justice system in rural areas, hearing 418 cases in 2010 – a 64 per cent increase from 2009. In Puntland, mobile courts dealt with 321 cases, and expanded their presence to 50 villages, including two IDP camps. Since tensions between formal and traditional legal systems can perpetuate gender inequality, a referral system was established in Somaliland, through which Clan elders refer cases of gender-based violence to formal courts. These referral systems have resulted in a 44 per cent increase in sexual violence cases reaching the formal courts. Also, the Sexual Assault Referral Centre (SARC) in Hargeisa dealt with 107 cases (59 rape cases and 48 attempted rapes).

District Safety Committees focusing on violence reduction have been developed and formalised with UNDP support bridging the gap between state and non-state actors. They coordinate community safety interventions at the district level with the help of a Resource Centre for Peace, which has been established to host the Committee, to support peace and security activities and provide a physical space where dialogue and training activities can be held. The Committees are also supported by a Peace Caravan, an outreach team of Somali experts in communication, mediation and sensitisation for issues relating to rule of law and security. At the national level, a Peacebuilding Unit has been supported in the government, bringing together relevant Ministries and civil society to coordinate

interventions under the District Safety Plans, and provide a conflict Early Warning and Response capability. The units are supported by the Somali Observatory of Conflict and Violence Prevention, a non-political institution that collects data and information on rule of law and security, analyses it, and disseminates findings in the form of policy recommendations and training. Together, these elements now constitute the “machinery” through which the project will support programming, notably to engage with criminal gangs and militias.

The UNDP project on access to justice in Mogadishu implemented by the Coalition of Grass-root Women Organisations and the Association of Somalia Women Lawyers, aims to provide free legal services for vulnerable groups as well as carrying out prison and police custody visits and providing free legal assistance and representation for individuals in detention. In 2010, 573 clients benefited from this project leading to the acquittal and release of 237 clients including women, minorities and prisoners.

With regard to violence prevention, a Peacebuilding Unit has been supported in the Somaliland government to bring together Ministries and civil society to coordinate District Safety Plans, and to provide an Early Warning and Response capability. The unit is supported by the Somali Observatory of Conflict and Violence Prevention, a non-political analytical facility based at the University of Hargeisa. District Safety Committees have been established focusing on violence reduction community safety assessments have been undertaken in 16 districts across Somalia to analyse the causes and impact of violence and conflict in communities across the country as well as providing a baseline against which progress can be measured in the future. The community safety assessments have led to the development of community safety plans designed to tackle the causes of conflict at the community level.

Challenges, Lessons Learned and the Way Forward

In 2010 the ROLS Programme has sought to become more of a learning programme, with an emphasis on developing mechanisms

for monitoring and evaluation which help to measure the successes and failures of development interventions in areas where access is difficult. The ROLS III Programme will undertake a comprehensive evaluation of the Programme and its associated projects. The evaluation will be conducted by an independent team with expertise in each of the project areas.

Meanwhile, the Programme will continue to build on its previous engagements through consolidation of the police reform initiative. In Somaliland the project will build on the success of the First National Police Convention and develop a vision for a reformed policing system with accountability and civilian oversight at its heart. In Puntland, policing will similarly focus on reform as well as capacity development to tackle some of the emergent challenges being faced including piracy, extremism and clan conflicts. In South-Central Somalia, the focus will be on increasing the management capacity of the police. The project will also be conducting further training in specialised areas such as criminal investigations.

The Armed Violence Reduction Project will use the established peace-building infrastructure to target youth currently engaged in violent activities (gangs, piracy, militias, etc). This will be done through joint programming with UNICEF and ILO. UNDP will work with over 2,000 individuals at risk of militarisation and radicalisation.

The Access to Justice Project will continue to focus on service provision as well as supporting the Law Reform Commission in Somaliland. The project will complete the final justice strategy in Somaliland and will hold a National Justice Conference for Puntland to review the need for justice reform. In an effort to expand the coverage of the formal justice system mobile courts will be enhanced in Somaliland and Puntland. Following a review by the International Development Law Organisation (IDLO), UNDP has recalibrated its work on customary law and will support paralegals to increase legal awareness. In this way knowledge of formal laws can be inserted into local customary processes, where formal institutions are not accessible.

Somali Police training on communication equipment in Galkayo, Somalia, February 2010
UNDP Photo / UNDP Somalia



SRI LANKA



	Equal Access to Justice
Period	2009-2012
Budget (in USD)	Total: 8,281,800

Situation Analysis

In May 2009, the Government of Sri Lanka formally announced its military victory over the Liberation Tigers of Tamil Eelam (LTTE), bringing to end an over quarter-century long ethno-political conflict. During the final stages of the fighting more than 270,000 people fled for IDP camps in the Northern and Eastern Provinces. In the post-conflict phase, these two provinces, in particular, suffer from severely limited access to justice, broken livelihoods, weak public institutions and scarce access to public services. The key issues with regard to access to justice and rule of law include the lack of basic civic documents, limited access to legal aid and legal awareness, land disputes, sexual and gender-based violence, and weak institutional capacity within the justice sector and prisons.

Assistance and Impact

UNDP's Equal Access to Justice (EA2J) Project, first launched in 2004 and nationally implemented through the Ministry of National Languages and Social Integration, aims at ensuring greater and more diverse access to justice redress mechanisms for all Sri Lankans. With technical support from BCP, and seed funds mobilised through the Global Programme, Phase II of the Project (2009-2012) takes a conflict-sensitive approach with a stronger focus on conflict-affected areas in the North and the East. It seeks to respond to the immediate needs at local level and enhance access to justice and trust in the justice system through confidence-building at local level. It addresses some of the root-causes of the conflict, such as: poverty and the need for accountability and greater respect for minority rights – with a focus on priority communities/areas (IDPs in the North and East, estate workers, women and other groups affected by conflict and/or marginalisation). The principal beneficiaries include conflict-affected groups, prisoners, estate workers, women, and children.

The Project's legal aid partners have undertaken significant work across eight prisons, resulting in legal representation for 774 persons. One NGO in particular provided legal aid for 223 prisoners, including 92 court appearances. This included fundamental rights cases which will have a long-term impact. For example, one remandee was held

in prison for over five years illegally after he was discharged from the case. This resulted in a Supreme Court directive to the Attorney General, the Judicial Service Commission (JSC) and the Minister of Justice to develop guidelines to prevent the recurrence of this situation. Also, an appeal resulted in the Supreme Court releasing a suspect held without bail for six years for an offence punishable with a fine of Rs. 1500/- (approximately US\$ 13).

The combination of holding legal awareness sessions directly before legal aid clinics has further proved effective at increasing the number of clients. In 2010, the LAC conducted 50 Legal Literacy Programmes in prisons, with 2659 participants. This resulted in 1658 consultations with lawyers and 1199 cases being assigned to legal staff of the litigation branch for filing bail applications and further action.

In 2010, the range of services for prisoners and prison officers expanded. On-going counselling for prison officers and inmates continued with 182 referred cases received. Several vocational training programmes were conducted and 438 (32 female) prison officers received training on best practices of prison standards and human rights.

UNDP signed an MOU with the Legal Aid Commission to establish five pilot sites covering the project focus areas, namely Jaffna, Nuwara Eliya, Vavuniya, Trincomalee and Batticaloa, to expand legal aid provided in the areas of criminal defence. This resulted in support to 1684 accused persons who would not otherwise have received legal assistance.

The Project has introduced a new concept for paralegal training programmes in over 1100 villages, whereby Grama Nildaris, or Village Officers (GNs), Community Development officers, Social Services Officers and Management Assistants received paralegal training and then replicated it at the community level. This ensured there was a filtering down of legal information to the grassroots level.

Over 17,000 inhabitants of the Northern island of Delft received access to justice redress mechanisms as a result of the establishment

of a circuit court house in the island by the Ministry of Justice based on the initiative and the support of the Project. The Delft court has been dysfunctional since 1975 owing to the conflict situation while the building which housed the court has been completely destroyed. UNDP funded the partitioning of the new building provided by the Divisional secretary to house the new circuit court.

In 2009, UNDP supported the development of a database at the main prison in Welikada, and by December 2009, 5000 case records of prisoners had been entered into the database. In 2010, positive feedback was received on the value of the database in improving the management and tracking of prisoner information, thus improving the oversight of detention facilities in Sri Lanka, with an eye towards 'computerising' two more prison institutions within the Colombo prison complex.

Work to enhance women's participation in mediation boards centred on the Estate Sector, where 17 awareness programmes were conducted with 818 participants. A strong emphasis of the programmes was highlighting the importance and role women can play as mediators. As the majority of activities were conducted in late 2010, the success of this activity in increasing the numbers of female mediators cannot be determined until mid-2011.

Challenges, Lessons Learned and the Way Forward

The challenges in Sri Lanka are both practical and institutional. On the one hand, there is a genuine need for law reforms in order truly to address sectarian issues, and allay grievances. On the other hand, practical issues have retarded progress. In 2010, for instance, the

change in the Minister of Justice and Ministry portfolios delayed discussions and progress significantly. The Legal Aid Strategy was finalised and discussions were undertaken with the Secretary of the MoJ in order to present it to the Minister in mid-October. However, due to another ministerial change in late 2010, this was postponed until early 2011.

Some useful lessons to emerge from the particular context include:

- Additional incentives and developing a culture of pro-bono service is required to integrate effectively the private bar in the provision of legal aid services.
- The distribution of easily understandable legal material increased participation in legal literacy sessions.
- Regular and systematic legal awareness raising and legal aid clinics in prisons facilitates easy and systematic follow-up in bail applications.
- Working through the Ministry of Public Administration (MPA) has institutionalised the training provided to GNs – who need sequenced and continuous training to provide paralegal services at the village level.

In 2011, the Project will continue legal awareness, legal aid, documentation and support to the prison sector; increase focus on gender related rights and issues; support policy related work to move forward; and will continue to develop the capacity of government partners.

A mobile legal aid clinic in Sri Lanka facilitates access to much needed official documentation for conflict-affected communities
UNDP Photo / UNDP Sri Lanka



SUDAN



	<i>Rule of Law Programme in North Sudan</i>	<i>Rule of Law Programme in South Sudan</i>
<i>Period</i>	<i>2004-2011</i>	<i>2004-2011</i>
<i>Budget (in USD)</i>	<i>Total: 69,000,000</i>	<i>141,000,000</i>

Situation Analysis

In 2010, UNDP's rule of law programme in Sudan continued to support institution building and service delivery for vulnerable groups. From a decentralised focus on judges training, to the rehabilitation and increased service delivery of police and prisons at State level, encouraging trends in people's access to justice and security services have been observed in the North. In Darfur, UNDP broadened the scope of its activities to strengthen the States' rule of law institutions as well as access to justice. There were some challenges - the security situation in Darfur remained fragile, with intermittent fighting and instability.

In Southern Sudan, UNDP continued to provide institutional capacity development to rule of law institutions including the Ministry of Legal Affairs and Constitutional Development (MoLACD), the Judiciary of Southern Sudan and the Ministry of Internal Affairs, to enhance service delivery across all states. Throughout 2010, the Government of South Sudan and the international community worked intensely to prepare for the referendum in January 2011, and to strengthen state capacities. There were continued outbreaks of violence in areas such as Lakes, Jonglei and Eastern Equatoria as a result of the activities of militias and cattle raiders which emphasised the protection needs of rural communities. There were also reports of human rights abuses by SPLA break away groups and SSPS officers highlighting the critical need for improved security sector governance.

Assistance and Impact

In the North, police and prison service delivery continued to progress. A literacy programme was launched for inmates in West Darfur and training courses on good prison management and basic prison duties were delivered to 270 prison officers across Northern Sudan. As a result, the director for prisons in North Darfur stressed that staff behaviour had improved significantly. UNDP also undertook rehabilitation and construction work of police stations and a police training centre in Damazine and Blue Nile State, a health facility in Rosaries prison, a detention centre and accommodation blocs for the Joint Integrated Police Unit in Abyei. In Kassala, training courses

were conducted for over 600 local police officers on human rights and rule of law concepts, crowd and riot control, forensic skills, criminal investigations and citizen complaints.

Community policing trainings were delivered to over 1,300 participants. Community Policing State Advisory committees, Community Safety Groups and Community Safety Centres/Aid Posts were established in five states. These initiatives significantly increased confidence between communities and the police.

UNDP also completed needs assessments of the Judiciary in six states. 131 traditional judges in South Kordofan and Blue Nile States received training on basic human rights and mediation and conflict resolution skills. 30 rural judges from West Darfur received training on criminal and civil law and 50 native administrators on customary law topics. UNDP organised awareness-raising campaigns and events on human rights and access to justice for local communities in Eastern Sudan, Darfur and the Three Protocol Areas, reaching over 35,000 community members.

Legal aid services were provided through thirteen justice and confidence centres. A case tracking system was established in each centre - 882 cases were processed and finalised. Legal aid for prison inmates was initiated in Darfur reducing the number of inmates by eleven per cent. In the El Geneina detention centre, twelve inmates received legal counselling, ten inmates were released on bail and seven were given legal aid.

In Southern Sudan, UNDP supported the Ministry of Legal Affairs and Constitutional Development, Ministry of Internal Affairs and the Judiciary as well as a programmatic focus on Access to Justice. In addition, the Global Programme committed US\$ 3 million to a Joint Justice Programme to sharpen interventions in Jonglei State, jointly with the DPKO mission. These programmes which have a dual focus on institutional and human capacities are implemented alongside UNDP support for strengthening core governance capacities. This is a scheme where UNVs (Rule of Law and Law Enforcement) are deployed to boost the capacities of Ministries in each State

In 2010, UNDP's focus on building justice capacities has provided significant infrastructure and equipment support for three Courts, a Law Library, a customary law centre and the Southern Sudan Human Rights Commission. The Law Library is now nationally managed and fully functional. In addition, MOLA legal counsellors have been trained and UNDP is working with IDLO to establish Legal Training Institute. Significant assistance was also given to the strategic management of the ministry including ensuring it was prepared for the referendum.

Alongside extensive training and infrastructural support for the Ministry of Internal Affairs and the Prisons and Police Services (including training, with UNPOL, 25,000 police for referendum security), UNDP supported the construction of 72 new police stations/ posts and six prisons and provided equipment - significantly improving police service presence at community level.

In order to strengthen services on the "demand side" of justice UNDP supported the establishment of five Justice and Confidence Centres (four were functioning in 2010) and an estimated 2,500 persons benefited from assistance. In order to boost legal rights awareness 130 community based organisations were engaged in

extensive training on legal and human rights and ten received small grants. Additionally, material support for traditional authorities was provided, a training module developed and a total of 60 trainings were conducted.

Challenges, Lessons Learned and the Way Forward

UNDP established its presence in Darfur in a conflict environment and was thus primarily focused on protection issues. However, the current approach is evolving towards a broader remit to include institutional support to justice sector institutions and to deepen work at community level to ensure sustainability of the project activities.

In 2011, UNDP will focus on up-scaling programme areas with a view to improving the quality and geographic spread of services as South Sudan achieves independence. UNDP will continue to work in close collaboration with the new peacekeeping mission on corrections, policing and justice services to this end. Most critically, UNDP will support the MOLA and MIA in development and coordination of the Rule of Law pillar of the South Sudanese Development Plan. This Plan will form the backbone of South Sudanese sectoral planning in the years following independence.

Paralegal Training in Malakal, Southern Sudan



TIMOR-LESTE



	<i>Enhancing the Democratic Rule of Law through Strengthening the Justice System in Timor-Leste</i>	<i>Strengthening Civilian Oversight and Management Capacity in the Security Sector</i>
<i>Period</i>	2008-2013	2011-2012
<i>Budget (in USD)</i>	Total: 34,225,000	1,333,760

Situation Analysis

Timor-Leste has made considerable progress since 2006, notably in the implementation of its National Recovery Strategy. The political situation, while fragile, is relatively stable and substantial progress has been made in the return and resettlement of the IDPs. Notwithstanding positive developments, the underlying causes of past conflicts are yet to be fully resolved. Challenges include security sector reform, land and property issues, limited government capacities, a weak justice system, widespread poverty, and social and political divides. Although growing in capacity and confidence, the police force is still a fragile institution, and access to justice remains beyond the reach of the majority, since most districts are served at the regional level due to persistent capacity gaps.

UNDP's rule of law assistance in Timor-Leste focuses on justice and security sector reform. The Timor-Leste Government is willing and able to advance peacebuilding and socio-economic development based on justice and security.³⁷ In the same vein, the UN integrated mission offers an environment conducive to concrete cooperation between UN agencies and programmes to 'Deliver as One.' As the UN reconfigures its presence in Timor-Leste in the coming years, it is imperative to ensure a smooth transition. UNDP's work is aligned with this approach, contributing to the capacity development of Timorese institutions and actors, and fostering partnerships within and beyond the UN system.

Assistance and Impact

UNDP's Justice System Programme (JSP), launched in January 2009, seeks to strengthen the institutional capacity of the justice system in Timor-Leste to uphold the rule of law and improve access to justice through legal empowerment of the poor and disadvantaged. In February 2010, following a comprehensive needs assessment and a broad consultative process, the Government adopted the first national Justice Sector Strategic Plan (JSSP) for Timor-Leste, which forms the foundation for a constructive, collaborative and nationally owned strategic reform process. In addition to UNDP's support in developing the JSSP, the Government has named UNDP

"lead assistant" in implementing National Priority 4 on Access to Justice (NP4).

The capacity of central and district justice institutions have been improved through recruitment of international justice actors, and the provision of logistical and administrative support. As a result, in 2010, 3,770 new prosecution cases were registered and 3,712 processed (with 804 accusations and 2,903 archived cases). UNDP supported the deconcentration of the formal justice sector through the deployment of international justice actors to the districts, with the threefold aim of advising national counterparts, performing line functions in the absence of national actors, and ensuring functionality of district justice institutions. In 2010, international judges, prosecutors and public defenders were recruited to support the justice institutions. 17 international magistrates and public defenders, and nine justice clerks were deployed at central and district levels. To help ensure quality justice service provision, UNDP supported the position of a Judge Inspector, as requested by the Superior Council of the Judiciary. The first round of inspections was finished in December 2010 and all the judges received their evaluation. In addition, support was provided for the development of the Court of Audit, with an international auditor adviser deployed in the Court of Appeals. Provision of justice through mobile courts was also increased, hearing 12 criminal cases in four districts in the last two months of 2010. UNDP's JSP also provides technical and financial support to the Government-run Legal Training Centre (LTC) to develop the capacities of justice actors. In 2010, as a result of the LTC training, five prosecutors, five public defenders and four judges graduated – while notaries, legal drafters, legal translators, and private lawyers continued their formation in the centre. In 2010, the centre formed and trained more than 290 people. In addition, the development of an integrated case management system has been initiated for the Prosecutor's Office, Public Defender Office, Prison services, the PNTL and Courts.

To implement UNMIT's mandate on security sector reform, UNMIT's SSR Unit and UNDP developed the UN Security Sector Review in Timor-Leste, and Capacity Development Facility. The project aims

³⁷ In transitioning towards peacebuilding and development, the government identified the following top-priorities in its National Priority Programme for 2010: (1) Infrastructure; (2) Food Security; (3) Human Resources Development; (4) Access to Justice; (5) Social Services and Decentralised Service-Delivery; (6) Good Governance; (7) Public Security & Safety.

to assist national counterparts in (i) conducting a comprehensive review of the security sector; and (ii) developing national capacity to manage the security sector in a sustainable, accountable and comprehensive manner and providing technical assistance for priority reform needs. With UNDP's support, the Office of the President was strengthened to oversee the security sector through improved capacities to control legislative frameworks for security institutions. Additionally, the 'Committee B' of the Parliament, responsible for the oversight of the security sector, improved its ability to input into draft legislation on security issues. Experts were deployed to the relevant national ministries to fill immediate needs for specific security oversight and governance expertise.

With UNDP's support, consultations were organised on aspects of national security. The conclusions of the roundtables served as input for the draft National Security Policy. UNDP and UNMIT supported the socialisation of the newly adopted National Security Law, Internal Security Law and National Defence Law in thirteen districts, and contributed to the development of the police promotions regime. Five presidential lecture series, study tours and trainings abroad were organised to facilitate exposure to relevant international practices and inform the national debate on the security sector. In addition, UNDP/UNMIT supported the establishment of the National Defence Institute for research and training on defence and security issues. It also undertook an assessment of the private security industry and submitted proposals for voluntary self-regulation to support the professionalization of this industry, which is larger than the national police and the army combined.

Challenges, Lessons Learned and the Way Forward

UNDP's justice work revealed that further development of the legal aid provisions need to take place in order to ensure appropriate

access to justice for all. The Public Defender's office is need of further support, and the Bar association needs to be institutionalised and provided with means. Strengthening of the relations between Public Defenders and Prison services in 2010 proved very effective, especially in the management of pre-trial detentions. It also helped protect the rights of prisoners to effective legal aid. Other challenges are in need of continuous support, such as Land and Property, Court of Audit, and Criminal Investigation.

Security sector reform is an inherently political process, subject to national political will and ownership – and often dependent on variables beyond the control of external stakeholders. The initial lack of national ownership of the SSR project in Timor-Leste led to delays in the roll-out of activities. This demonstrates how essential it is to achieve buy-in at the outset not only at the political (the project document was endorsed by the Prime Minister) but also at the operational levels. With the full support of the key government offices, Office of the President and Office of State for Security, as well as the BCPR technical support from the GP and financial from BPAC, the next round of joint UNDP-UNMIT support for the SSR in Timor will start in the second half of 2011.

Looking forward, the UNMIT mandate on policing entails maintenance of public security as well as the institutional development of Policia Nacional de Timor-Leste (PNTL). In the latter regard, it will be vital to ensure sustained support beyond UNMIT's departure. Consequently, UNDP and UNMIT Police have decided to join forces to support the PNTL in improving its capacity, complementing other interventions. This will be done in the form of a joint programme which capitalises on the technical expertise of UN Police, and UNDP's experience in capacity-building. The programme is expected to be finalized and considered at the BPAC in the second quarter of 2011.

Swearing in judges in Timor-Leste
UNDP Photo / UNDP Timor-Leste



Other Countries Receiving Support

In addition to the 20 priority countries, three Country Offices have sought and received support in 2010. In this respect, the Global Programme has mainly provided technical advice on developing and implementing rule of law programmes and enabled partnerships.



GUATEMALA



Situation Analysis

Struggling to recover from conflict, Guatemala simultaneously faces a dual crisis of security and legitimacy. Extreme poverty and high levels of exclusion persist, especially in the rural areas of the country and among women, who are exposed to high levels of SGBV. State institutions are permeated by criminal structures and therefore unable to stall rampant levels of violence, crime and insecurity. With more than 6,000 homicides per year, the rate of impunity lies above 99 per cent.³⁹ In this framework, the International Commission against Impunity in Guatemala (CICIG), a hybrid body managed by UNDP based on an agreement between the state of Guatemala and the UN Secretary-General, has been in place since September 2007. CICIG is an international mechanism designed to address the infiltration of Guatemalan state institutions by criminal organisations and the operation of violent illegal security forces outside of the control of the state.

Significant progress has been made, however, since 2009 thanks to the approval of the National Agreement for the Advancement of Security and Justice (NAASJ). Subscribed by the four powers of the State (Executive, Parliamentary, Judiciary and the General Attorney) represents the development of the sections on security and justice of the 1996 Peace Agreements. The challenge of this agreement is, in any case, its continuity after the elections of November 2011.

Assistance and impact

The main assistance provided by UNDP in Guatemala in 2010 has been on the concretization of the NAASJ, identifying those catalytic priorities to generate a dynamic and irreversible process on security and justice, according to the following areas of work: i) Policies and security institutions; ii) Police reform; iii) Penitentiary system; iv) Criminal investigation against impunity; v) Administration of justice; vi) Arms Control; vii) Business and supplemental security services; viii) Social participation; ix) Legislative agenda, and x) Commitments of joint actions of the signatories of the agreement, with the intention to achieve concrete results in the short term to guarantee the continuity of these agreements in the next government. Other more

concrete supports have been the design of a protocol of security for justice operators, as well as the election of the General Attorney in a more transparent and public manner⁴⁰.

Challenges, Lessons Learned and the Way Forward

One main challenge is the international nature of CICIG, requiring a transitional process to transfer its capacity to national authorities in the short-medium term. This project comes from a demand from Guatemalan authorities to support this process of transfer of capacities and to guarantee a sustainable strengthening of the security and justice sectors as well as the fully accomplishment of the Peace Agreements. The second main challenge is the proximity of the elections in November 2011 which could represent a change in the direction of construction of a state agenda on justice and security.

The necessity to identify concrete and short term measures to guarantee the engagement of all the key actors is the most important lesson learned in this context. An effective implementation of the NAASJ, as well as the transfer of capacities by CICIG to national authorities constitute the agenda of work of Guatemala on rule of law.

39 This figure refers to 2009 and was provided by the criminal division of the Supreme Court of Justice based on a sample of 600,000 cases, 300,000 of which had been denounced and registered by the Judiciary. See also UN Press Conference on CICIG. Available at: http://www.un.org/News/briefings/docs/2009/090224_CICIG.doc.htm

40 The accusation of relationship with organised crime made by CICIG against the former General Attorney generated the resignation of the CICIG Commissioner Carlos Castresana.

SOLOMON ISLANDS



In Solomon Islands, UNDP and the International Centre for Transitional Justice jointly supported government efforts to establish the Truth and Reconciliation Commission (TRC). The TRC was set up to investigate ethnic violence and circumstances under which 20,000 Malaitian people were displaced between 1998 and 2003. Starting in 2009, the UNDP Country Office, with support from the BCPR, provided assistance for legislative drafting and design of the TRC Action Plan. At the government's request, UNDP subsequently established an International Support Facility (ISF) to deliver technical, logistic and outreach support for the commission, particularly in the areas of communications and victim support services.

Since the start of the TRC mandate on 15 January, the ISF has acted as coordinator of international assistance, and has directly addressed all practical challenges for the functioning of the independent commission, including technical capacity, administration and financial needs. In this period, the TRC held three sets of public hearings and managed to collect 197 victims' testimonies (76 from women and girls). In addition, during November and December 2010, 24 statement-takers collected over 200 statements from victims on the islands of Malaita and Guadalcanal, which were most affected by the conflict. The ISF also facilitated TRC's communication with the public as hearings were followed by extensive coverage in the printed media.

The TRC's work will culminate in a final report, which will document the stories gathered during the TRC process. It will provide recommendations to the Solomon Islands Government about measures or policy options that may prevent similar events occurring in the future and promote long-term reconciliation.

YEMEN



Situation Analysis

The overall situation in Yemen is bleak. There has been a patent lack of genuine democracy in the country. The Government confronts an on-off rebellion in the North and secessionist tensions in the South. There are lingering issues of co-existing state-customary governance systems, and the Government has not been able to project its influence beyond major population centres. An unstable security environment, rampant underdevelopment, water scarcity and drying-up oil resources (70 per cent of current government revenues) further contribute to the fragility of the state. Causes of discord between groups and individuals are linked to land and water access, establishing legally binding rights/entitlements, treatment of women, and redressing grievances in criminal and administrative cases. In early 2011, simmering grievances by the population and popular discontent about the government have fuelled public protests, triggered by the success of the youth revolutions in Tunisia and Egypt.

Justice service delivery is hampered by weak judicial integrity, inefficiency and wide-spread corruption. Moreover, the justice system suffers from weak geographic presence, insufficient capacities and legal expertise, lack of judicial inspection and weak enforcement mechanisms for judicial decisions. As a default option, citizens resort to informal justice mechanisms, often based on tribal arbitration under the leadership of Sheiks, or on common sense arbitration decisions. While the informal justice appears more efficient in settling conflicts, it does not provide adequate access or equal treatment for many parts of the society, such as women or the poor.

The Government of Yemen has recognised some of these challenges. The National Reform Agenda (NRA) 2009-2010 highlights achievements in the area of judicial reform. These include strengthening training for judges, strengthening the independence of the High Judicial Council, developing codes of conduct to inform Judicial Inspection, establishing specialised courts (e.g. commercial, anti-corruption, administrative), allowing arbitration centres, reforming the registration system, and empowering women judges – especially in family and administrative courts, but also in the High Court and the Judicial Training Institute. Yet these interventions do not constitute a suf-

ficient reform agenda, and external support is still required. The Government plans to increase its outreach to expand reforms to the informal Judicial System. A planned Judicial Map was approved by the Higher Judicial council projecting the expansion needed to ensure judicial services cover the whole country ten years. However, this lacks detail and statistical information concerning the demographic distribution of the population, and needs further refinement.

Assistance and Impact

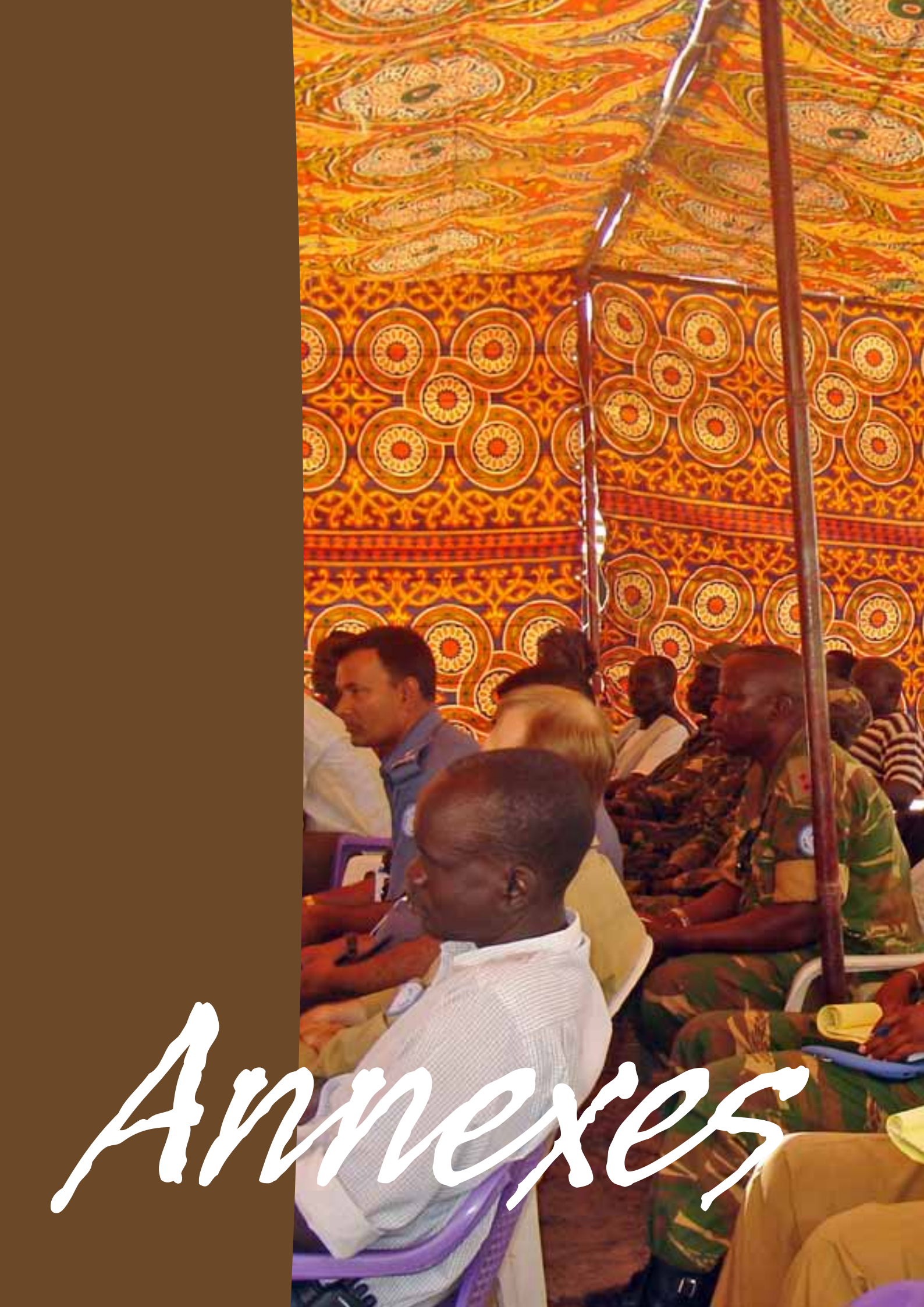
In order to prepare an engagement of the UNDP Country Office in Yemen in the area of rule of law, a technical scoping mission was fielded in 2010. The mission was conducted jointly by the UNDP/BCPR, and UNDP's Bureau for Development Policy. It was suggested to focus UNDP programmatic intervention on access to justice specific issues such as improving the access to justice and provision of legal aid, with a strong attention to the needs of women and the poor. It was envisaged to translate these findings into concrete programmatic interventions at the beginning of 2011. Furthermore, the Government of Yemen requested UNDP to support its effort to complete the Judicial Map for the country.

Together with the UNDP Country Office in Yemen, UNDP/BCPR participated in and contributed its technical expertise to the Sub-working Group on Justice and Rule of Law of the 'Friends of Yemen.' As part of the broader Friends of Yemen process, initiated in early 2010, the Sub-working Group sought to identify, analyse and tackle the issues Yemen is facing in the area of justice. It brought together developing partners, the Government of Yemen and International Organisations. In addition to sharing its analysis of the situation, UNDP highlighted the need not to approach the justice and rule of law challenges in Yemen exclusively through the lens of security/anti-terrorism. In light of the discontent among the population and the divisions within Yemeni society, it is imperative to approach justice and security in an integrated manner. A more cohesive and integrated approach to reform the whole legal system (police, security, Attorney-General's office, courts and prisons) should be collectively adopted, with a strong focus on the needs of marginalised groups.

Challenges, Lessons Learned and the Way Forward

Providing development assistance in an environment such as Yemen is impacted by the ever-changing security situation. Nevertheless, UNDP has been able to remain continuously operational. Working alongside development actors, UNDP has been able to gain access to remote and conflict-ridden areas such as Sada'a, albeit on a limited scale.

While Yemen faces a myriad of challenges, including a complex and conflict-laden relationship between the formal and the informal justice actors, defining entry points for rule of law programming did not prove to be the most challenging part. Establishing a constructive dialogue with the Government and other relevant stakeholders on how best to advance the provision of justice for the population proved to be the most challenging aspect. Interestingly, the combination of, and coordination between, in-country dialogue at both the senior and working level and the engagement of the international community in the area of rule of law through the Friends of Yemen process created an opening to advance rule of law in Yemen. However, the process of engagement is time-consuming and progress can easily be reversed if the Government's attention shifts to other issues, as witnessed at the beginning of the 2011.



Annexes





FINANCIAL *Status*

Earmarked contributions to the Global Programme can be made through the Crisis Prevention & Recovery (CPR) Thematic Trust Fund (TTF), and allow UNDP-BCPR to support projects in the area of rule of law, justice and security. This thematic area is integrally tied to the priorities identified in the UNDP Strategic Plan 2008-2011, and the BCPR Multi-Year Results Framework (MYRF). Via the Global Programme, earmarked contributions can also be made to a specific country - through the available Country Window of the TTF - to enable UNDP to address programming needs in that particular country.

<i>Total GP Mobilised Resources in US\$⁴¹</i>	
<i>Netherlands</i>	<i>30,763,725</i>
<i>CPR-TTF⁴²</i>	<i>18,850,027</i>
<i>Sweden</i>	<i>6,694,561</i>
<i>Germany</i>	<i>3,350,993</i>
<i>Australia</i>	<i>2,567,894</i>
<i>Norway</i>	<i>1,649,513</i>
<i>France</i>	<i>554,800</i>
<i>UN Action</i>	<i>236,845</i>
<i>Canada</i>	<i>134,259</i>
Grand Total	64,802,617

Since the launch of the Global Programme, BCPR has assisted country offices to develop rule of law, justice and security initiatives for a total portfolio-programmable budget amounting to US\$ 221,103,324 for the period 2008-2012. This amount is expected to grow in 2011 and beyond to respond to increasing requests for support in the Arab world.

As 28 March 2011,⁴³ earmarked financial resources to the Global Programme amounted to US\$ 45.95 million, including a multi-year funding support from the Dutch Government (EUR 20 million).

In addition, the Global Programme has also tapped into the CPR-TTF un-earmarked resources to a total amount of US\$ 18.85 million.

It should be noted that in 2010, BCPR dedicated approximately between 15 and 20 per cent of its rule of law, justice and security programming budget to address women's access to justice and security, as well as sexual and gender-based violence.

The Global Programme team tracks donor agreements, income, allocation of funds, expenditures, liquidity, and provides real-time financial reporting. Today, the Global Programme monitors the resources and expenditures of 36 ATLAS projects.

⁴¹ All figures are in USD.

⁴² Inclusive of work planning allocations from BCPR to the Rule of Law, Justice and Security Unit.

⁴³ Official UNDP closure of the 2010 accounts.

FINANCIAL

Summary

Global Programme Allocations and Expenditures (2008-2011) as of 28 March 2011 ⁴⁴			
Location	Project Title	Period	Total Project Budget
Asia Pacific	Support for the Capacity Development of Governance Institutions in the Security Sector in the Pacific (PIP)	2008-2009	790,000.00
BiH	Access to Justice: Facing the Past and Building Confidence for the Future	2009-2012	5,555,766.00
CAR	Strengthening the Rule of Law through Justice and Security	2008-2012	12,144,639.67
Chad	Strengthening the Rule of Law in Eastern Chad based on Justice and Security	2009-2013	4,861,180.00
Colombia	REDES (Strengthen mechanisms for access to justice to enforce the rights to truth, justice and reparations under the rule of law)	2007-2010	3,608,000.00
DRC	Strengthening access to justice and legal protection for GBV victims in Eastern DRC (Phase I)	2008-2011	4,619,992.00
Guinea Bissau	Strengthening Rule of Law	2008-2012	6,506,330.00
Guinea Conakry	Establishing a Secure Environment for Development	2009-2011	545,000.00
Haiti	Renforcement de l'Etat de Droit et de la Sécurité en Haiti	2010-2012	60,200,000.00
Iraq	Family Protection, Justice and Security in Iraq	2010-2013	4,801,098.00
Kosovo	Kosovo Justice and Security Programme	2009-2011	15,094,000.00
Liberia	Strengthening the Rule of Law in Liberia	2009-2012	8,254,034.00
Nepal	Enhancing Access to Justice for Consolidation of peace in Nepal	2009-2012	5,691,192.00
occupied Palestinian Territory	Supporting the Rule of Law and Access to Justice for the Palestinian People	2009-2012	19,120,548.55
ROLJS	Global Programme on Strengthening the Rule of Law in Conflict and Post-Conflict Situations	2008-2011	9,321,324.00
Sierra Leone	Improving Access to Justice in Sierra Leone	2009-2012	10,981,300.00
Somalia	Rule of Law and Security Programme III (BCPR supported component)	2009-2011	3,502,120.00
South Sudan	Joint UNDP-UNMIS Justice Programme in Jonglei State	2010-2012	3,000,000.00
Sri Lanka	Equal Access to Justice	2009-2012	8,281,800.00
Timor Leste	Enhancing the Democratic Rule of Law through Strengthening the Justice System in Timor-Leste (Revised Justice System Programme)	2008-2013	34,225,000.00
Grand Total		2011-2012	221,103,324.22

⁴⁴ All figures are in USD.

<i>Global Programme Allocations and Expenditures (2008-2011) as of 28 March 2011</i>					
<i>GP Allocations</i>	<i>Expenditures against GP Allocations 2008-2009</i>	<i>Expenditures against GP Allocations 2010</i>	<i>Planned Budget 2011</i>	<i>Funds mobilised in-country</i>	<i>Funding Gap</i>
790,000.00	402,097.37	154,165.46	233,737.17	0.00	0.00
2,691,818.00	62,819.99	758,719.39	1,870,278.62	304,100.00	2,559,848.00
3,417,268.45	2,138,381.37	870,126.21	408,760.87	2,100,000.00	6,627,371.22
1,735,273.37	231,211.95	377,024.92	99,343.43	474,686.00	2,651,220.63
2,019,302.00	20,592.64	230,191.59	1,768,517.77	1,588,698.00	0.00
1,999,564.00	685,894.00	732,699.51	81,406.49	2,620,428.00	0.00
1,776,395.00	457,846.13	305,223.27	1,776,395.00	2,805,546.00	1,924,389.00
545,000.00	0.00	258,144.05	286,855.95	0.00	0.00
6,000,000.00	0.00	859,408.92	5,540,591.08	813,587.00	53,386,413.00
600,000.00	0.00	144,337.68	455,662.32	0.00	4,201,097.00
3,795,420.09	1,985,461.10	1,538,637.40	271,321.59	4,306,459.82	6,992,120.09
2,817,550.00	646,449.35	1,348,259.99	822,840.66	3,447,209.68	1,989,274.35
1,600,000.00	0.00	816,870.08	783,129.92	1,200,000.00	2,891,192.00
9,694,560.67	55,328.24	603,323.43	2,341,348.33	9,425,987.88	0.00
7,375,463.21	4,302,869.25	2,865,654.96	2,911,012.93		1,945,860.79
2,981,500.00	1,784,758.82	1,327,227.31	0.00	2,635,500.00	5,364,300.00
3,502,120.00*	1,666,957.53	751,432.91	181,609.56	0.00	0.00
3,000,000.00	0.00	0.00	3,000,000.00	0.00	0.00
3,012,750.00	727,525.82	1,511,437.70	773,786.48	3,373,857.59	1,895,192.41
3,000,000.00	622,383.40	1,287,952.58	1,089,664.02	10,421,873.35	20,803,126.65
62,353,984.79	15,790,576.96	16,740,837.36	23,933,192.79	45,517,933.32	113,231,405.14

* Funding from the Government of Germany (approx. 902,102 USD) received only in 2011.

ACRONYMS

A2J	Access to Justice	IDP	Internally Displaced Person
ANP	Afghan National Police	ILAC	International Legal Aid Consortium
AU	African Union	ISSAT	International Security Sector Advisory Team
ASWL	Association of Somaliland Women Lawyers	JCC	Justice and Confidence Centre (Sudan)
BCPR	Bureau for Crisis Prevention and Recovery	JHRA	Justice and Human Rights in Afghanistan
BDP	Bureau for Development Policy	JIPU	Joint Integrated Police Unit (Sudan)
BiH	Bosnia i Herzegovina	JSCO	Justice Sector Coordination Office (Sierra Leone)
BINUB	United Nations Integrated Office in Burundi	JSP-TL	Justice and Security Programme
CAR	Central African Republic	JSP	Joint Strategic Plan
CBCD	Community Based Corrections Department (Sri Lanka)	JSTF	Justice & Security Trust Fund (Liberia)
CLJAS	Criminal Law and Judicial Affairs Section	KCA	Kosovo Chamber of Advocates
CO	Country Office	KOSSAC	Kosovo Small Arms Commission
COGWO	Coalition of Grassroots Women's Organisations (Somalia)	KRG	Kurdistan Regional Government (Iraq)
CSO	Civil Society Organisation	LAC	Legal Aid Commission (Sri Lanka)
DCAF	Geneva Centre for Democratic Control of Armed Forces	LOTFA	Law and Order Trust Fund for Afghanistan
DFID	Department for International Development (United Kingdom)	LTTE	Liberation Tigers of Tamil Eelam
DIS	Détachement Intégré de Sécurité (Chad)	M&E	Monitoring and Evaluation
DPA	Department of Political Affairs	MDG	Millennium Development Goals
DPKO	Department of Peacekeeping Operations	MINURCAT	United Nations Mission in the Central African Republic and Chad
DRC	Democratic Republic of the Congo	MINUSTAH	United Nations Stabilisation Mission in Haiti
DSG	Deputy Secretary-General	MOJ	Ministry of Justice
EA2J	Equal Access to Justice	MOLACD	Ministry of Legal Affairs and Constitutional Development (South Sudan)
EC	European Commission	MOU	Memorandum of Understanding
ECOWAS	Economic Community of West African States	NGO	Non-Governmental Organisation
FSU	Family Support Units	OECD	Organisation for Economic Co-Operation and Development
GOS	Government of Sudan	INCAF	International Network on Conflict and Fragility (OECD)
GOSS	Government of South Sudan	OHCHR	Office of the High Commissioner for Human Rights
GP	Global Programme	OPT	Occupied Palestinian Territory
IASC	Inter-Agency Standing Committee	OROLSI	Office of Rule of Law and Security Institutions
IAWJ	International Association of Women Judges	OSCE	Organisation for Security and Cooperation in Europe
ICTY	International Criminal Tribunal for Yugoslavia		

PAPP	Programme of Assistance to the Palestinian People	UNMIK	United Nations Mission in Kosovo
PBF	United Nations Peacebuilding Fund	UNMIL	United Nations Mission in Liberia
PBSO	United Nations Peacebuilding Support Office	UNMIT	United Nations Mission in Timor-Leste
REJUSCO	Programme for the Restoration of the Judicial System in Eastern Congo	UNODC	United Nations Office of Drugs and Crime
ROLCRG	Rule of Law Coordination and Resource Group	UNOPS	United Nations Office for Project Services
ROLJS	Rule of Law, Justice and Security Unit (UNDP/BCPR)	UNOWA	United Nations Office for West Africa
SARC	Sexual Assault Referral Centre		
SG	Secretary-General		
SGBV	Sexual and Gender-Based Violence		
SIDA	Swedish International Development Agency		
SPF	Strategic Partnership Framework		
SRSG	Special Representative of the Secretary-General		
SSR	Security Sector Reform		
SSRTF	Security Sector Reform Task Force		
SSRU	Security Sector Reform Unit		
SWLA	Somali Women's Lawyers Association		
TAM	Technical Assessment Mission		
TJ	Transitional Justice		
TOR	Terms of Reference		
UNAMA	United Nations Assistance Mission in Afghanistan		
UNAMI	United Nations Assistance Mission in Iraq		
UNAMID	African Union/United Nations Hybrid Operation in Darfur		
UNCT	United Nations Country Team		
UNDP	United Nations Development Programme		
UNFPA	United Nations Population Fund		
UNHCR	United Nations High Commissioner for Refugees		
UNICEF	United Nations Children's Fund		
UNIFEM	United Nations Development Fund for Women		
UNIPSIL	United Nations Mission in Sierra Leone		

Without the financial support and close collaboration of donor governments, UNDP's Global Programme on Rule of Law would not have been possible. By investing in the Global Programme our donors have helped to bring about the impact and changes in people's lives demonstrated in this Annual Report. Through the Global Programme's philosophy of partnerships and cooperation, our donors simultaneously invest in the efforts of the entire UN system to advance the rule of law in situations where it is most needed. Special thanks should go to the government of The Netherlands, our leading and most engaged partner, who have supported the Global Programme since its inception. Our gratitude also goes out to the governments of Australia, Canada, France, Germany, Norway, Sweden, the UK, and the USA for providing earmarked contributions to the Global Programme, through UNDP's CPR Thematic Trust Fund. In addition, generous contributions to UNDP rule of law projects at Country Office level have been provided by the European Union, and the governments of Belgium, Brazil, Denmark, Ireland, Japan, Luxembourg, Portugal, Spain and Switzerland.

