



Global Programme on Strengthening the Rule of Law in Conflict and Post-Conflict Situations



Annual Report 2009

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United Nations Development Programme (UNDP)

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For further information please contact:

United Nations Development Programme
Bureau for Crisis Prevention and Recovery
11–13 Chemin des Anémones
1219 Châtelaine
Geneva, Switzerland
Tel: 41 22 917 8547
Fax: 41 22 917 8060
www.undp.org/cpr

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United Nations Development Programme
Bureau for Crisis Prevention and Recovery
One United Nations Plaza
New York, NY 10017, USA
www.undp.org/cpr

“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*

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ACRONYMS

8PA	8-Point Agenda
A2J	Access to Justice
AU	African Union
ASEAN	Association of Southeast Asian Nations
ASWL	Association of Somaliland Women Lawyers
BCPR	Bureau for Crisis Prevention and Recovery
BCR	Bureau of Corrections and Rehabilitation (Liberia)
BDP	Bureau for Development Policy
BiH	Bosnia and Herzegovina
BIN	Bureau of Immigration and Naturalization (Liberia)
CAR	Central African Republic
CBCD	Community Based Corrections Department (Sri Lanka)
CLJAS	Criminal Law and Judicial Affairs Section
CO	Country Office
COGWO	Coalition of Grassroots Women's Organizations (Somalia)
CSO	Civil Society Organization
DCAF	Geneva Center for Democratic Control of Armed Forces
DFID	Department for International Development (United Kingdom)
DPA	Department of Political Affairs
DPKO	Department of Peacekeeping Operations
DRC	Democratic Republic of the Congo
DSG	Deputy Secretary-General
EA2J	Equal Access to Justice
EC	European Commission
ECOWAS	Economic Community of West African States
EULEX	European Union Rule of Law Mission in Kosovo ¹
EWS	Early Warning Systems
FSU	Family Support Units
GBV	Gender-Based Violence
GOS	Government of Sudan
GOSS	Government of South Sudan
GP	Global Programme
IASC	Inter-Agency Standing Committee
IAWJ	International Association of Women Judges
ICTY	International Criminal Tribunal for Yugoslavia
IDP	Internally Displaced Person
ILAC	International Legal Aid Consortium
ISSAT	International Security Sector Advisory Team
JCC	Justice and Confidence Center (Sudan)
JIPU	Joint Integrated Police Unit (Sudan)
JSCO	Justice Sector Coordination Office (Sierra Leone)
JSP-TL	Justice and Security Programme
JSP	Joint Strategic Plan
KCA	Kosovo Chamber of Advocates
KJI	Kosovo Judicial Institute
KOSSAC	Kosovo Small Arms Commission
LAC	Legal Aid Commission (Sri Lanka)
LAC	Latin America and Caribbean
LEP	Legal Empowerment of the Poor
LTTE	Liberation Tigers of Tamil Eelam
M&E	Monitoring and Evaluation
MDG	Millennium Development Goals
MINURCAT	United Nations Mission in the Central African Republic and Chad
MINUSTAH	United Nations Stabilisation Mission in Haiti

¹ Hereafter referred to in the context of the UN Security Council Resolution 1244 (1999).

MOJ	Ministry of Justice
MOLACD	Ministry of Legal Affairs and Constitutional Development (South Sudan)
MOU	Memorandum of Understanding
NGO	Non-Governmental Organization
NWFP	North-West Frontier Province (Pakistan)
OECD	Organization for Economic Co-Operation and Development
INCAF	International Network on Conflict and Fragility (OECD)
OHCHR	Office of the High Commissioner for Human Rights
OPT	Occupied Palestinian Territory
OROLSI	Office of Rule of Law and Security Institutions
OSCE	Organization for Security and Cooperation in Europe
PAPP	Programme of Assistance to the Palestinian People
PBF	United Nations Peacebuilding Fund
PBSO	United Nations Peacebuilding Support Office
PD	Police Division
PJCM	Provincial Justice Coordination Mechanism (Afghanistan)
PLC	Paralegal Service Programme
PNH	National Police of Haiti
PRS	Poverty Reduction Strategy
RBAP	Regional Bureau for Asia-Pacific
REJUSCO	Programme for the Restoration of the Judicial System in Eastern Congo
ROLCRG	Rule of Law Coordination and Resource Group
ROLJS	Rule of Law, Justice and Security
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
UNICEF	United Nations Children's Fund
UNIFEM	United Nations Development Fund for Women
UNIPSIL	United Nations Mission in Sierra Leone
UNMIK	United Nations Mission in Kosovo
UNMIL	United Nations Mission in Liberia
UNMIT	United Nations Mission in Timor-Leste
UNODC	United Nations Office of Drugs and Crime
UNOPS	United Nations Office for Project Services
UNOWA	United Nations Office for West Africa
WCD	Women and Children's Desks
WSSI	Women's Safety and Security Initiative

OVERVIEW

The importance of strengthening the rule of law in conflict/post-conflict countries cannot be underestimated. During an armed conflict, the rule of law is replaced by the ‘rule by force’. Violations of international and domestic law, injustice and insecurity dominate the lives of millions of people living in fear, or forced to flee their homes and communities. In the absence of the rule of law, no people can recover from war and no post-conflict society can be rebuilt.

In response to these realities, the United Nations Development Programme (UNDP) launched its *Global Programme on the Rule of Law based on Justice and Security in Conflict/Post-Conflict Situations* in January 2008. In doing so, UNDP, through its Bureau for Crisis Prevention and Recovery (BCPR), made a renewed commitment to forging global partnerships on the rule of law, justice and security. It reaffirmed the value of empirical knowledge in responding to the needs of communities and institutions. More so, UNDP pledged to bridge the gap between law and reality, and to make a difference where it matters the most: in societies dispossessed of justice and security as a consequence of armed conflict. The Global Programme is the key pillar of UNDP’s contribution to the UN-wide efforts to deliver capacity-building on rule of law in a coordinated and mutually re-enforcing manner, as set out by the Secretary-General in its 2009 *Annual Report on Strengthening and Coordinating United Nations Rule of Law Activities*.

Since 2008, the Global Programme has methodically been rolled out. By the end of 2009 - half-way through its implementation - the Global Rule of Law Programme has made significant progress in achieving its key projected output, namely to rapidly and effectively provide rule of law assistance in conflict and post-conflict countries. For that purpose, it established and/or strengthened UNDP rule of law, justice and security programming in 18 priority conflict/post-conflict situations (out of 20) at a total programming value of USD 202 million.²

As Box 1 shows, individual rule of law programmes are at varying stages of maturity. The clear majority of the rule of law programmes is either in progress or advanced, indicating that the implementation of the Global Programme is on track and delivers concrete results.

In 2009, nearly 3,000 people and families accessed free legal aid. Women’s legal aid facilities were put in place in nine countries, reaching out to women and girls previously unable to pay for legal advice or fearing the consequences of coming forward. In the Democratic Republic of the Congo (DRC) alone, where rape is endemic, five new legal aid clinics were established for women. On the supply side, training was completed in 2009 for 5,400 law-enforcement and justice providers in 17 countries (1,400 police officers, 1,400 legal professional, nearly 600 government officials and 2,000 traditional leaders).

The momentum for impact is building. By deploying mutually reinforcing capacity development activities that address both the demand and the supply side, the Global Programme is yielding results, while also paving the way for impact on a broader scale. In strengthening the rule of law, every step and every case count and represents an important way forward in combating a culture of impunity—the ultimate measurement of impact and the driving principle of the Global Programme.

Without the support from the Global Rule of Law Programme:

- Legal aid and access to justice would have remained beyond reach for thousands of displaced and war-affected populations in countries like Chad, Nepal, Sierra Leone and Somalia;

Box 1: Status of Rule of Law Programmes	
Bosnia and Herzegovina	→
Central African Republic	↗
Chad	↗
Colombia	→
Democratic Republic of the Congo	↗
Guinea-Bissau	↗
Haiti	↑
Iraq	↑
Kosovo	↗
Liberia	↗
Nepal	↗
Occupied Palestinian Territory	→
Sierra Leone	↗
Somalia	↑
Sri Lanka	↗
Sudan	↑
Timor-Leste	↑
Uganda	→

Legend:

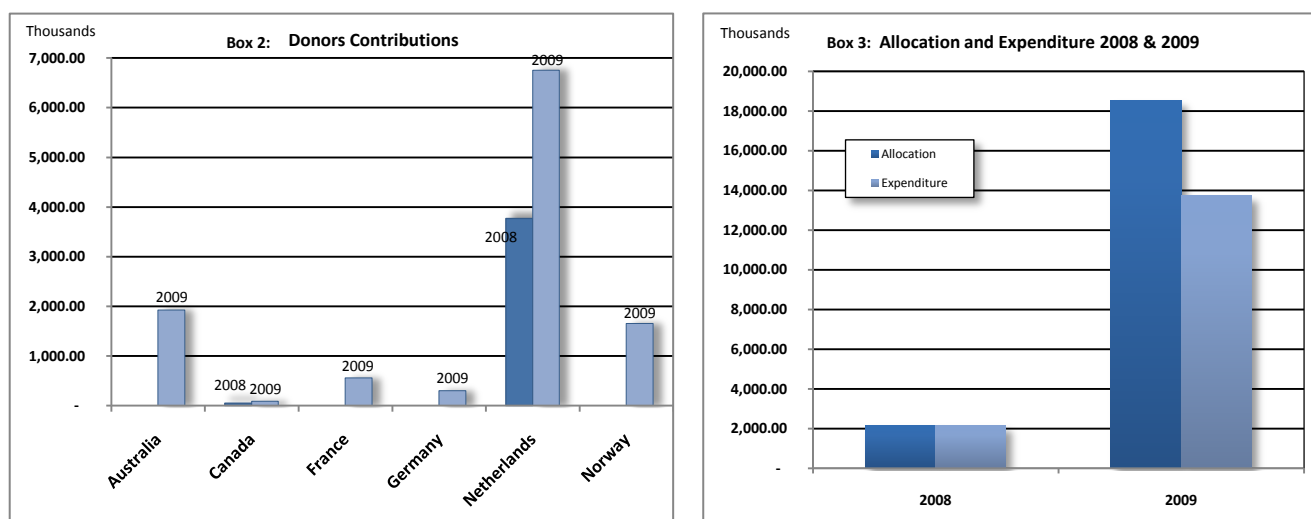
- ↑ Advanced
- ↗ In progress
- Nascent

² The Global Rule of Law Programme priority conflict/post-conflict situations are: Afghanistan, Bosnia-Herzegovina, Burundi, Central African Republic, Chad, Colombia, Democratic Republic of the Congo, Guinea-Bissau, Haiti, Iraq, Liberia, Nepal, Occupied Palestinian Territory, Sierra Leone, Somalia, Sri Lanka, Sudan, Timor-Leste, Uganda and Kosovo.

- Women subjected to rape would have little, if any recourse, to reclaim their rights and dignity in a court of law in Chad, the Democratic Republic of the Congo, Kosovo³, Sierra Leone and Sudan;
- Previously exposed communities would not have experienced security in their day-to-day life through community policing in Liberia, Somalia, Sri Lanka and Sudan;
- Calls for support to draft legislation and strategic frameworks for rule of law reforms would have remained unanswered in Bosnia and Herzegovina, Central African Republic, Kosovo⁴ and Timor-Leste; and,
- Critical justice and security institutions would have been left unattended, unable to begin institutional capacity development and recovery in Central African Republic, Democratic Republic of Congo, Haiti, and the occupied Palestinian territory, among others.

The building blocks for delivering those results have systematically been put in place through the Global Programme. Thanks to a comprehensive package of support, UNDP country offices have increasingly been equipped with the capacity to respond in a timely and effective manner to requests by host-government and national stakeholders.⁵

This support package entails a series of steps, which include: in-country diagnostic assessments; design and establishment of multi-year programmes; and strengthened human and financial resources. This includes support for political dialogue to obtain agreements on justice and security assistance with each of the 18 host-governments, which now allows UNDP to access and provide capacity development to over 100 rule of law institutions.



The progress of the Global Programme can to a certain extent also be measured by its access to financial resources, made available from our development partners, in particular by Australia, Canada, France, Germany, the Netherlands, and Norway. The total resources allocated, based on stringent quality control, for rule of law programming from the CPR Thematic Trust Fund in 2009 amounted to USD 18,428,362.81, with an additional commitment amounting to USD 19,300,524 for the period 2010-2011. These figures exclude allocations from the Peacebuilding Fund (PBF), amounting to an additional USD 9 million for the same period, which reaffirms UNDP's role on justice and security in peacebuilding contexts. However, additional financial resources for an approximate amount of USD 26 million are still needed to sustain the comprehensive support currently offered to conflict and post-conflict countries and achieve the initial expected results by the end of 2011.

The Global Programme is also well on track with regard to its second key projected outcome: contributing to integrated and coherent UN system-wide assistance and coordination on rule of law. It has enabled UNDP to become a credible partner and catalyst for bringing together the UN family in optimizing resources and capacity in-country. By the end of 2009, UNDP/BCPR had established institutional partnerships and joint programming on rule of law, justice and security in 10 countries with UN and other international partners, including the Department for Peacekeeping Operations (DPKO), the Office of the High Commissioner for Human Rights (OHCHR), the Peacebuilding Support Office (PBSO), the Peacebuilding Fund (PBF), UN ACTION against

³ Referred to in the context of the UN Security Council Resolution 1244 (1999).

⁴ Referred to in the context of the UN Security Council Resolution 1244 (1999).

⁵ Box 1 provides a snapshot of the status of the rule of law programmes in the Global Programme priority conflict/post-conflict situations. A more detailed analysis is provided in Chapter 2.

Sexual Violence in Conflict (UNACTION), the UN Office on Drugs and Crime (UNODC), the United Nations Development Fund for Women (UNIFEM), and the European Commission.⁶

Globally, UNDP's active engagement in international policy making on rule of law, justice and security is underpinned by its efforts to support international consensus-building towards collective action. UNDP - together with UN and donor partners - plays a catalytic role in advancing a shared vision of security providers that are accountable to civilian oversight, and justice providers that are empowered to protect human rights. In 2009, an OECD/INCAF reference group led by UNDP and the World Bank, with support from the United Kingdom's Department for International Development (DFID), the UN Rule of Law Unit, DPKO and the OECD secretariat and other donors, developed a joint conceptual framework on the justice and security nexus, which bridges the divide between the justice and security communities under the umbrella of the rule of law.

Another area of priority to the Global Programme is that of the Eight-Point Agenda for Women's Empowerment and Gender Equality in Crisis Prevention and Recovery with a strong focus on Point 1 and Point 2: Women's Security and Access to Justice. The Global Rule of Law Programme has played an instrumental role in advancing concrete programming in this domain. In 2009, UN ACTION designated UNDP as a co-lead with OHCHR and DPKO to coordinate the UN system-wide preparations for rolling out Security Council Resolution 1888 Operative Paragraph 8 under the leadership of the Special Representative of the Secretary-General (SRSG) on Sexual Violence in Armed Conflict. UNDP/BCPR's significant investments in women's security and access to justice to combat impunity against sexual violence in all priority countries have thus also been recognized at the global level.

In his Annual Rule of Law Report in September 2008, the United Nations Secretary-General recognized UNDP's strengthened capacity to address rule of law in conflict/post-conflict countries. The progress made by UNDP was also recognized by BCPR Review Team in 2009, which concluded that the Global Rule of Law Programme had 'broken new ground', which should be built upon to strengthen UNDP/BCPR's ongoing efforts to achieve results and impact.⁷

"It is important to provide women and children traumatized by these crimes access to justice, and to end the impunity afforded to perpetrators. It is also important to work with grassroots organizations, both in the prevention of and response to sexual violence. Response may involve recruiting more women police officers, and by training police, judges, paralegals, court administrators, and religious leaders so that women are given the means and the space to speak out about their suffering and receive justice through informal and formal systems."

*Statement by UNDP
Administrator Helen Clark on
Adoption of Security Council
Resolution 1888, October 2009*

This is not to say that the roll-out of the Global Programme has reached optimal impact or is without challenges. The theatre for its implementation is by default the most complex in the world: countries in active armed conflict or in its immediate aftermath. Volatile security situations, reoccurrence of hostilities, armed violence and severely marginalized institutions and communities pose serious challenges to access.

In 2009, the attacks on the UN compounds in Hargeisa and Kabul led to the relocation of UNDP staff in Somalia and suspension of a planned UNDP/BCPR rule of law mission to Afghanistan, while assassination attempts against high-level counterparts in Guinea-Bissau slowed down the momentum for broad security sector reform. In fact, support to the 20 priority countries is frequently curtailed by instability in various degrees. However, this should not be seen as a discouragement, but rather as a reason for doubling the efforts to creatively and flexibly managing and overcoming those obstacles.

While the broader security landscape constitutes a major challenge, the nature of development assistance as well as corporate challenges must be given due consideration. The most critical added value of development programming in a humanitarian or post-crisis setting is its approach of empowering national capacities—as opposed to substituting them—and thereby creating self-reliance and sustainable local capacity for 'building back better'. This requires time. In measuring impact of the Global Programme, it is also essential to have a sound understanding of the full scope of sequenced activities, or building blocks, that are required in establishing an effective and sustainable in-country programme.

⁶ Central African Republic, Chad, Colombia, Democratic Republic of the Congo, Haiti, Liberia, Nepal, Sri Lanka, Timor-Leste, Uganda.

⁷ The main objective of the strategic review of BCPR, initiated in 2009 and currently finalized, is to assess how the Bureau is performing against its strategic goals and to develop and implement recommendations that fundamentally improve its performance against mission.

Once the human, technical and programmatic capacity is put in place, additional time is required to establish the programme and roll out activities, which includes building partnerships with UN agencies, identifying local NGOs and conducting procurement. The process of establishing a responsive capacity for a country office takes an average of 12 months—depending on the country office capacity at the outset, external security situation and political support from in-country partners. An additional 6 to 12 months are required to roll out visible activities and see first results.

UNDP Country offices must receive technical and operational support to establish in-country teams that have the required rule of law, justice and security expertise. Coupled with the high-staff turnover in difficult environments, it has proven to be a challenge to find qualified staff. An option for this is to establish a rotation system that capitalizes on institutional memory and field-experience of UNDP staff, while also investing in staff development.

Staffing and programming must be matched with operational support for procurement, recruitment, establishment of sub-offices and skilled monitoring and evaluation (M&E) expertise. The capacity to respond has to go beyond rule of law and even beyond programming to encompass the country office operational capacity in its entirety, including monitoring and evaluation. Effective M&E and reporting is currently under review and being improved at the corporate level. Indeed, this has been made a top-priority for the UNDP Administrator, who has stated that the organization must “embrace a culture of evaluation” - a call echoed by the BCPR Director and the BCPR Review Team.

The Global Rule of Law Programme is developing a new monitoring and evaluation system. A comprehensive database containing activities, results and impact for all priority countries has been established. For that purpose, regular reports have been solicited from UNDP Country offices. These reports constitute the informational foundation of this progress report, and will be translated into a regular reporting mechanism to generate relevant M&E data on an ongoing basis.

While the report makes progress towards documenting “performance against mission,” it is planned that the monitoring and evaluation system will be further strengthened. Concrete steps to be implemented in 2010 include: conducting baseline studies and operationalizing a standardized M&E mechanism for each priority country, based on clearly identified indicators and with a single streamlined reporting structure. It is anticipated that the renewed corporate commitment to M&E will further strengthen and build upon the early ground that the Global Rule of Law Programme has broken.

The rule of law staffing capacity of BCPR at headquarters has grown significantly over the last two years, from three to seven professional staff. Yet, human resources remain below the staffing capacity originally estimated under the Global Programme. So far, it has been possible to offset this gap through strong personal commitment and short-term consultancies. However, the human resources need to be strengthened in order to sustain quality and timeliness of BCPR’s support on rule of law, justice and security to conflict and post-conflict countries.

This report continues with Chapter 1, outlining the Vision and Strategy of the Global Programme. Chapter 2 gives an account of each of the priority conflict/post-conflict situations, including context, activities, results/impact and lessons learned. Chapter 3 describes the partnerships that have been forged both in-country and at global level, while Chapter 4 summarizes knowledge products and practice management. Chapter 5 reflects on key challenges and lessons learned, followed by a financial update in Chapter 6. The report concludes with the Way Forward and relevant annexes.

CHAPTER 1: Vision and Strategy

The vision of the Global Programme is to make an impact on the ground and a lasting difference in people's lives. Challenging as it is, this objective permeates the activities of the Global Rule of Law Programme. Country office support, inter-agency partnerships, global policy-making or knowledge products are all geared at enhancing more effective and timely rule of law assistance in countries affected by armed conflict.

The Global Programme outlines UNDP's renewed efforts and services to translate the aspiration for the rule of law into tangible deliverables that are relevant in-country. Drawing on some of UNDP's most comprehensive and innovative rule of law programmes, the Global Programme is driven by practical lessons learned and an analysis of those experiences. These are lessons revealing the profound complexity of restoring the rule of law in an environment ruled by the gun, and lessons reminding us of the benefits of working together in partnership with others to optimize our collective efforts.

The Global Programme brings together diverse experiences of UNDP, the UN and its partners and tailors support to address each of the factors that are conducive to results and impact. The focus is on quality and depth, timely response, impact and sustainability. The objective is to empower UNDP country offices in a corporate and sustainable way to implement one of its core mandates—rule of law—consistently and across the board.

By working closely with host-governments, communities, civil society and international partners, the network of UNDP Country offices is the avenue through which assistance is delivered. In responding to host-governments' requests and complementing other UN and bilateral partners, BCPR provides a comprehensive support package through UNDP country offices, starting with the project initiation and continuing throughout the programme cycle.⁸

Programmatically, at the in-country level, working alongside the humanitarian and the peacekeeping community, the Global Programme establishes close linkages between protection and the rule of law, between humanitarian, peacekeeping and development principles. Through a sequenced approach tailored for both conflict and post-conflict situations, and aligned with Outcomes 3, 4, 7 and 8 of the UNDP Strategic Plan (see Annex 3), the Global Programme focuses on:

1. *Strengthening the Rule of Law within an Early Recovery Framework and during Transitions.* National capacities (government institutions, civil society, and displaced populations) are empowered to respond to the immediate needs related to security, justice and impunity, while also laying a foundation for capacity development of rule of law institutions in the recovery phase.
2. *Addressing Women's Security and Access to Justice.* Based on Security Council Resolutions 1325, 1820, 1888 and UNDP's Eight-Point Agenda for Women's Empowerment and Gender Equality in Crisis Prevention and Recovery, particular emphasis is placed on ensuring access to justice for victims of Sexual and Gender-Based Violence (SGBV) and domestic violence.
3. *Supporting Capacity Development of Rule of Law Institutions.* Technical assistance is provided to conduct capacity development of critical rule of law institutions, such as the Judiciary, the Ministry of Justice, the Prosecutor's Office, Law enforcement and Corrections.
4. *Facilitating Transitional Justice.* Support is provided to national stakeholders in addressing past legacies of violations of human rights and humanitarian law, while also ensuring parallel capacity development of rule of law institutions.
5. *Promoting Confidence Building and Reconciliation.* Particular attention is given to rebuild trust and nurture reconciliation. Cutting across the full spectrum of assistance, all activities are geared at confidence-building and seek to promote dialogue, communication and peaceful conflict resolution.

⁸ The Global Programme identifies 20 priority conflict/post-conflict situations for the period 2008-2011: Afghanistan, Burundi, Central African Republic, Chad, Colombia, Democratic Republic of the Congo, Guinea-Bissau, Haiti, Iraq, Liberia, Nepal, occupied Palestinian territory, Sierra Leone, Somalia, Sri Lanka, Sudan, Timor-Leste, Uganda and Kosovo.

The Global Programme introduces a more comprehensive and systematic approach to country office support—one that strengthens the capacity of UNDP to work effectively with its partners in achieving collective outcomes. To this end, UNDP/BCPR's support through the Global Programme entails the full spectrum of capacities required to establish, manage and achieve a new level of sustainable and effective rule of law assistance. In line with UNDP's Strategic Plan 2008-2011 and drawing on its past and current programming, the UNDP Global Programme provides high quality support through:

- Rapid deployment of experienced UNDP rule of law experts;
- Inclusive consultations with host-governments, UN Country Team, peacekeeping, donors and communities.
- Assessments in identifying programmatic entry points on rule of law, justice and security and joint development of sequenced, integrated and multi-year programme documents;
- Design of conflict- and gender-sensitive programmes, and identification of linkages to other relevant UN assistance (e.g., democratic governance, humanitarian action, peacekeeping);
- Advocacy and resource mobilization 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) process⁹;
- Establishment of effective partnerships with Interagency Standing Committee (IASC) and UN Country Team (UNCT) members, DPKO, civil society organisations (CSO) and bilateral donors.

As a result of the Global Programme, UNDP offices increasingly have in place the capacity to manage and implement comprehensive rule of law programming, working with policing, legal representation, prosecution services, courts and corrections in an integrated and systematic way. This is done in a complementary partnership with host governments, civil society, DPKO, PBSO/PBF, DPA, humanitarian actors, the World Bank and other partners.

Since its roll-out in 2008, the Global Programme has played an instrumental catalytic role in supporting joint programmes to serve the field faster and more effectively through joint programmes on rule of law, justice and security. Ten joint programmes have been initiated with DPKO, OHCHR, UNIFEM, UNODC and other UN agencies, including in DRC, Haiti, Liberia and South Sudan. The Global Programme also serves as a compass and a tool for the implementation of justice and security projects funded by the PBF.

While support to conflict-affected countries has been a key priority for the Global Rule of Law Programme throughout 2009, UNDP/BCPR has also given due attention to internal coordination and complementary approaches within UNDP so to advance corporate efforts to strengthen delivery overall. In this respect, BCPR, the Bureau for Development Policy (BDP) and the Regional Centers have deepened their collaboration in 2009 in the areas of: anti-corruption, legal empowerment, economic and land rights, justice and governance of the security sector. Integrated programme support has been developed and/or initiated in the Democratic Republic of the Congo, Nepal, Sri Lanka, Timor-Leste and Uganda.




Another top priority for the Global Rule of Law Programme is that of the Eight Point Agenda with a strong focus on Points 1 and 2, women's security and access to justice. The Global Rule of Law Programme has played an instrumental role in advancing concrete programming in this domain. Also in 2009, UNDP was designated to co-lead with OHCHR and DPKO the UN system-wide preparations of translating Security Council 1888 Operative Paragraph 8 on combating sexual violence in armed conflict under the leadership of the SRSG.

⁹ All projects requesting funding from Crisis 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 Chapter on Financial Status for more details.

CHAPTER 2: Field Support

This chapter presents a progress report on each of the priority conflict/post-conflict situations receiving support under the Global Programme. This entails key information about the operational environment, the objectives of each project, the major activities and, most importantly, what concrete results have been achieved, along with challenges and lessons learned.

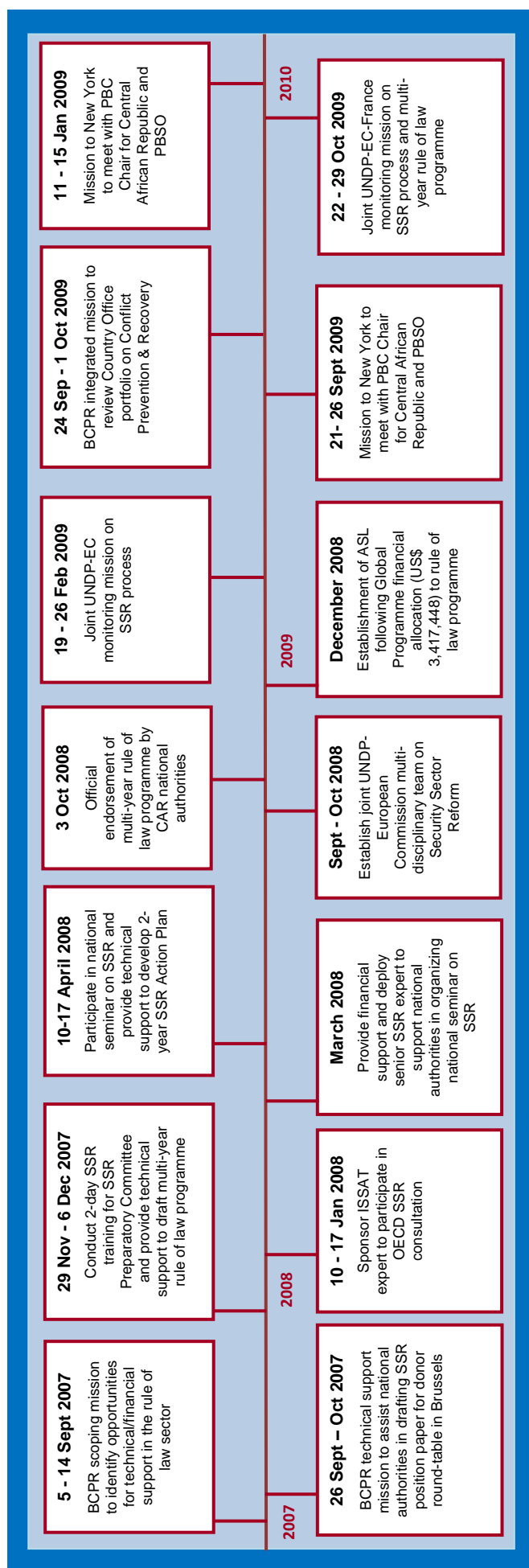
By the end of 2009, 18 out of the 20 conflict/post-conflict situations were receiving support through the Global Programme. Only Afghanistan and Burundi have yet to receive support; these countries are therefore not included in this chapter. A technical mission to Afghanistan was planned for late 2009, but was postponed due to the attack on the UN guesthouse and the subsequent security restrictions. In Burundi, the Country office is now entering a new programming cycle, and BCPR support will start the first quarter of 2010 to build upon previously PBF-funded joint programmes on security sector reform/small arms and justice/human rights.

Halfway into its lifetime, the Global Programme is delivering strong results, as the individual profiles in this chapter demonstrate. Progress however, is uneven across the conflict/post-conflict situations. Partly, this is due to external factors, such as the political volatility and insecurity. It is also a reflection of the fact that developing a comprehensive rule of law programme is a time-consuming process. Depending on the situation in the country, it may take up to two years to build a programme and achieve first results. This is why this chapter offers a detailed analysis situation by situation. Icons on each profile graphically illustrate the status of the programmes:  Advanced;  In progress;  Nascent. Especially for nascent programmes, the evidence base for measuring impacts and results needs to be enlarged. As the programmes mature over time and with strengthened monitoring and evaluation efforts, the reporting of concrete results will be further improved.

During all phases of a programme cycle, the rule of law programmes in priority conflict/post-conflict situations receive substantive assistance from BCPR. The support provided to the Central African Republic since September 2007, outlined in the timeline on the next page, is illustrative of the type of support and time invested by BCPR in any UNDP Office.

In addition to the 20 conflict/post-conflict situations countries, six fragile states or conflict countries have sought and received support on rule of law. In this respect, UNDP/BCPR has mainly provided technical advice on developing and implementing rule of law programmes and enabled partnerships, for example with the UN Peacebuilding Support Office. These activities are outlined in the section on ‘other countries’ at the end of this chapter. While these activities have not negatively impacted on the implementation of the Global Programme, additional human and financial resources will be required if UNDP/BCPR is to respond positively to requests made by crisis-affected states, which are not accounted for in the Global Programme.

Global Programme Support to UNDP Country Office in the Central African Republic (2007 – 2009)



Box 3: Country Office Support in the Central African Republic

The development of the CAR rule of law programme entailed one scoping mission in September 2007 followed by two in-country missions in late 2007 and April 2008 to agree on the programme activities and partnerships with national partners. The programme document was finalized in July 2008 and approved by the Government in October 2008 following intensive consultations with international partners, including the European Commission, France and the United Nations Office in the Central African Republic (BONUCA). Regular technical advice and support has been given to the Country Office on recruitment processes, programme implementation and resource mobilisation throughout 2008 and 2009.

At the request of the Country Office, BCPR has also provided direct support to the national authorities, including: training on SSR concept for members of the Preparatory Committee on SSR; technical and financial support to organize the national seminar on SSR; technical support during the drafting process of the 2-year national action plan on SSR; establishment of a multi-disciplinary team on SSR with the European Commission; and, participation to joint assessments/monitoring missions with the European Commission in February and October 2009.

BOSNIA AND HERZEGOVINA 2009

Situation Analysis

Among the regions of the former Yugoslavia affected by the violent disintegration of the country, Bosnia and Herzegovina (BiH) suffered the largest toll in terms of human life and suffering. The destruction of resources and infrastructure was also widespread and, in some places, complete. Recovery is thus likely to take much longer than in other parts of the former Yugoslavia. Likewise, addressing the consequences and root-causes of the conflict still requires attention and effort.

Addressing the legacy of war in the current transitional context evokes complex questions: how to bring war criminals to justice, how to ensure justice for victims and survivors, and how to bring a sense of normalcy to the lives of post-war generations. Despite various initiatives since the 1995 Dayton Peace Agreement to address past abuses, most efforts have been limited in scope and failed to adequately include the government.



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increasing legal awareness among the public, and providing free legal aid, with a focus on GBV and domestic violence survivors. Through these efforts, confidence in state institutions is expected to grow.

Currently, the programme on Building Capacities of Cantonal and District Prosecutors and Courts includes several additional components: establishing a witness support network, developing the capacity of the War Crimes Chamber and Prosecutor's Office, and building regional cooperation and support for

the BiH Strategy on ICTY Legacy. The overall goal of this project is to strengthen capacities for dealing with war crime trials.

Country Office Support

BCPR has provided ongoing support to the Country office on transitional justice initiatives. Aiming to complete the Transitional Justice Project in July 2009, and requested by the government to support drafting of the National Transitional Justice Strategy, BCPR assisted in developing the follow-up project. After an assessment of the justice sector, BCPR proposed extending UNDP assistance to broader confidence-building measures. The new project proposal was jointly formulated and submitted to the Project Appraisal Committee in April, 2009, to ensure a smooth transition between programmes. BPAC allocated USD 2.6 million for the project rollout in August 2009, and later helped to recruit programme staff. A follow-up review mission was conducted in October, 2009, to train new staff, assist in strategic and work planning, and offer substantive inputs to framework documents.

Partnerships

Given the sensitive nature and need for national ownership of transitional justice processes, UNDP has established a solid relationship with national partners. UNDP works particularly closely with the Ministry of Justice and the Ministry of Human Rights and Refugees, and has conducted consultations with government institutions in the BiH Federation and the Republika Srpska.

Activities

- Organized major nationwide consultations on transitional justice with key government and CSO actors. The report and recommendations from this conference have been endorsed by the Council of Ministers, making it effectively government policy.
- Finalized a Transitional Justice Guidebook with a repository of relevant legislation, summary of projects and lessons learned, policy documents and

→	Supporting National Capacities for Transitional Justice		
	Building Capacities of Cantonal and District Prosecutors and Courts in BiH to Process War Crimes Cases		
Period	2006- 2009	2008-2011	2009-2012
Budget (in USD)	Total : 1,143,390	Total: 1,432,251	Total: 5,555,766 BCPR: 2,691,818

Programme Objectives and Strategy

UNDP assisted in a government-led initiative to strengthen transitional justice processes, by conducting outreach, trainings, and multi-stakeholder forums in partnership with civil society. After a series of local and national consultations and events organized by UNDP, the government requested assistance in establishing a working group to draft a national strategy for transitional justice.

The follow-up Access to Justice Project seeks to increase the accessibility of state legal institutions and services for standard court users, and to systematically address remaining access to justice challenges for victims of the 1992-95 conflict. Simultaneously, the project addresses overall access to justice by strategically enhancing courts' communication capacity,

* The maps included in this chapter are provided by courtesy of the ReliefWeb Map Centre, UN Office for the Coordination of Humanitarian Affairs.

directory of transitional justice organizations in the region.

- Supported local CSO transitional justice projects under the Small Grants Fund component of the programme; and continues to monitor implementation.
- Reinitiated and formalized coordination with the Ministry of Justice and the Ministry of Human Rights and Refugees through a core support group. This led to the establishment of the Working Group, which will draft the National Transitional Justice Strategy.
- Initiated consultations with a broad range of CSO actors and networks on the participation of civil society groups in the Working Group.
- Developed terms of reference, and identified a PR agency to conduct an early warning system study, measuring public interest in dealing with the past, understanding of the transitional justice process, and awareness and needs regarding access to justice.
- Conducted five-day capacity-building trainings for 40 representatives of women's organizations that provide basic legal services at the community level.
- Supported the development of a National War Crimes Strategy by conducting a needs assessment of cantonal and district-level courts. This assessment helped to prioritize capacity needs, and informed a larger strategy on dealing with war crimes, drafted later by the BiH working group and Prosecutor's Office.
- Held a series of consultations with the Ministry of Justice, resulting in an agreement to begin capacity development for judicial and prosecutorial training centers, gender agencies, and CSOs. As a result of these consultations, legal aid organizations will be permitted to deliver training on free legal aid in 2010.

Results and Impact

Prior to the UNDP-led assessment and consultations, the government was not fully included in developing transitional justice mechanisms, and the public appeared either unfamiliar or uncomfortable with the concept of transitional justice itself. Today, the public and government are beginning to discuss transitional justice in an open and informed manner.

National multi-stakeholder consultations have reached a consensus with the government that the National Transitional Justice Strategy is a viable way to address victims' grievances and instil public confidence in government initiatives concerning war crimes and human rights violations committed during the conflict.

The knowledge products and policy guidance developed by UNDP in 2009 play a significant role in informing the collective decision-making process both in regards to findings of the Working Group and consultations

with the public. In this respect, the recommendations of the Fojnica consultations report, endorsed by the government, and the Transitional Justice Guidebook constitute important resources for informed discussions.

Local consultations, designed to raise public awareness about transitional justice, have transformed the public discourse on the subject. An Early Warning System study, due for completion in early 2010, will show significant improvement compared to a similar study done at the project's inception in 2005.

Recent developments indicate a new momentum to pursue comprehensive strategies for dealing with the past. This is a result of a consistent engagement to ensure outreach and inclusion of multiple stakeholders coupled with positive dialogue with the government.

Remaining Challenges

- There is a risk that a decentralized BiH may stall the transitional justice processes, and not fully pursue the recommendations of the Working Group to harmonize norms and policies.
- CSOs outside the Working Group working on transitional justice-related issues may become alienated by the strategy development process if they perceive it as disregarding their input. This could lead to CSO frustration and public recriminations.

Lessons Learned

- Given the sensitive subject matter at the heart of transitional justice initiatives, inclusion of the government is necessary for successful implementation. The membership of the Ministry of Justice and the Ministry of Human Rights and Refugees on the project and advisory boards is thus appropriate and important, given that their mandates roughly reflect the issues that will emerge from a transitional justice consultation process.
- Interventions in the area of war crimes must be consistent with the National War Crimes Strategy. Support should be extended to the lower level courts, including training and possibly material equipment.

Next Steps

UNDP will support the selection process for members of civil society seated in the Working Group tasked with drafting the National Transitional Justice Strategy, and the launch of the Working Group activities in April, 2010. UNDP will also provide technical support for the development of the Working Group's strategic plan, and assist in the rollout of access to justice components of the programme, which will complement current transitional justice support.

CENTRAL AFRICAN REPUBLIC 2009

Situation Analysis

The Central African Republic (CAR) currently faces numerous justice and security-related challenges. The combination of instability, widespread poverty and weak infrastructure has severely eroded the capacity of national institutions to deliver security and justice. To the extent that such institutions operate at all, their reach is mostly confined to the capital. This creates pronounced geographic disparities in access to justice.

Moreover, the formal justice system's lack of capacity to address impunity has severely impaired public confidence. Correctional facilities are increasingly overcrowded, unsanitary, unsafe, and managed by an ill-trained, underpaid staff.

The national police lack the technical, human, and material capacity to provide public safety and law enforcement, and have also suffered pillaging and destruction during security crises.



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At the request of the Country office, BCPR has also provided direct support to the national authorities on security sector reform, including the establishment of a multi-disciplinary team with the European Commission; and participation in joint assessments/monitoring missions with the European Commission in February and October 2009.

Partnerships

UNDP has built robust partnerships with the Ministry of Justice and Ministry of Public Safety and Decentralization, as well as the

European Commission, France and the UN Peacebuilding Office. UNDP and the European Commission jointly established a multidisciplinary team composed of seven international experts to support the SSR process. Joint initiatives were launched with France on judicial and police reform.

Activities

- Provided technical and financial assistance to the Ministry of Justice in developing a 10-year strategic development plan for a fair, accountable and service-oriented justice system.
- In order to support the promulgation of the new Penal Code, Code of Criminal Procedure, and Code of Military Justice, UNDP facilitated 20 meetings to discuss and improve the draft laws, and organized a workshop with 60 members of parliament, 20 government representatives, as well as journalists and civil society representatives, to review the new provisions.
- Undertook data collection, verification, and analysis of court cases in several areas, which allowed the quantifiable measurement of justice system deficiencies. This baseline will be used to measure programme impact in the long run.
- A human rights educational programme was launched in five *préfectures*. Training, which reached hundreds of residents, focused on international human rights standards, domestic violence, and property rights.
- Building and renovating legal aid and information centres in the five targeted *préfectures*. A business plan to ensure the financial sustainability of these centres is currently under development. Additionally, UNDP furnished and equipped the local district courts, remand centres, police stations, and gendarmerie brigades.

	Strengthening the Rule of Law through Justice and Security
Period	2009-2011
Budget (in USD)	Total: 12,144,639 BCPR: 3,417,268.45 PBF: 2,000,000

Programme Objectives and Strategy

The programme empowers national and local institutions to address immediate needs while laying the foundation for long-term development in the justice and security sector. At the national level, the programme seeks to strengthen the capacity of rule of law institutions that immediately impact public safety and the administration of justice—the Ministry of Justice, judiciary, police, and corrections. At the community level, UNDP strengthens the capacity of local rule of law institutions, communities, traditional leaders and civil society organizations to respond to immediate security threats. The programme pays particular attention to gender justice and common crime fuelled by small arms, military activity and banditry.

Country Office Support

The Country office has received regular technical advice and support for recruitment, programme implementation, and resource mobilization throughout 2009.

- Conducted a nationwide prison audit and provided recommendations to strengthen the corrections system. These recommendations also explored alternatives to imprisonment.
- Women's prisons were also built and equipped in four provinces, which will enable gender-sensitive practices, including cross-gender supervision and gender-specific reintegration opportunities.
- Provided technical and financial assistance for the development of new prison legislation, and helped to organize the first-ever gender-specific training programme for four female prison directors and 12 female guards.
- Provided support for infrastructure rehabilitation and procurement of information technology and operational equipment. This includes the full construction and equipment of 14 police stations, one high court, and three district courts, and a radio communication network between Bangui and the provincial capitals.
- In order to strengthen police capacity, UNDP provided professional trainings on investigative techniques, report writing, and human rights, provided uniforms and professional ID cards, and developed and disseminated a Code of Ethics for Police Officers.
- In order to move towards national implementation—as requested by the government—and to ensure that the national counterparts can manage funds for future initiatives, the project should invest in building the capacity of the Ministry of Justice and Ministry of Public Safety and Decentralization, to manage finances, and plan and administer projects.
- The lack of coordination among international partners in support of security sector reform risks gradually reducing the original, holistic vision into a technical exercise that focuses primarily on the armed forces. UNDP can play an important role to ensure continuing attention to areas of justice and police.
- The insufficient number of magistrates and police officers has hindered decentralization of the formal justice system, and continues to impede the delivery of basic security services at community level. Additionally, CAR has a severe shortage of judges, numbering less than 120, because those who retire, die, or transition to politics are not replaced.
- The various projects under the Country office conflict prevention and recovery portfolio are isolated and do not sufficiently reinforce each other. A more integrated and coherent approach should be developed.

Results and Impact

The development and adoption of the 10-year strategic development plan for the justice sector constitutes a milestone in moving justice sector reform forward. The drafting and dissemination of a Code of Ethics for the National Police has triggered behavioural changes and the trust between the police and communities in targeted provinces has increased. As a result, communities feel safer, according to first-hand accounts gathered during the October 2009 monitoring mission.

The national prison audit and subsequent development and adoption of new legislation, policies and procedures will enable the system to function in a coherent, integrated and accountable manner. Considerable progress has been made towards the achievement of the SSR action plan. This is largely due to the government's ownership of and commitment to the process, both at technical and political levels.

Remaining Challenges

- Despite efforts to mobilize resources for rule of law, justice and security programming, the resources currently available are too limited to make a significant impact nationwide. Due to weak procurement capacities in the Country office, the construction/rehabilitation of police stations and local courts was delayed by 6-9 months, and most targets in this area were not achieved in 2009.

Lessons Learned

- Intense recruitment efforts are necessary to ensure highly qualified staff with management and strategic experience in development programming for justice and security.
- Collaboration with local NGOs to implement field-level activities is effective only where the NGOs receive comprehensive support. This requires external planning, funding, and training for all NGO activities on the rule of law. In such cases, collaboration has proven effective in ensuring continuous implementation and cultivating local ownership of projects.

Next Steps

UNDP/BCPR will co-organize a joint resource mobilization event with the EC and the PBC in New York after the 2010 elections.

BCPR will support the Country office in expanding programming efforts to increase access to justice at community level through establishing new legal aid and information centres, supporting mobile courts, and bringing a system of peaceful conflict resolution closer to the people.

Situation Analysis

Eastern Chad is a powder keg with the potential to destabilize the entire country as well as neighbouring states. The massive influx of refugees from Sudan and CAR, armed opposition to the government, and unaccountable security forces have produced a dire security and humanitarian situation. IDPs, refugees from CAR and Sudan, and host communities bear the brunt of this burden. The national and regional conflicts have also exacerbated local discord stemming from ethnic tensions and resource scarcity. The government has yet to restore *de facto* control in Eastern Chad.

The justice sector is constrained by a severe lack of institutional capacity and lack of judiciary independence. While government provision of justice services is virtually unknown in Eastern Chad, traditional justice mechanisms have also deteriorated due to displacement and ruptured social cohesion. Consequently, the population has few mechanisms of redress. Women, who comprise a large majority of the displaced, suffer gender-based violence with virtually no recourse. Impunity persists for arbitrary violence, pillaging, and human rights violations.

	Recovery Programme in Eastern Chad
Period	2008-2010
Budget (in USD)	Total: 707,580.30 BCPR: 707,580.30

Programme Objectives and Strategy

While a broader national approach to good governance and the rule of law is necessary to bring about sustainable solutions in a country of chronic poverty and under-development, the current crisis in Eastern Chad has prompted UNDP to actively respond to the rule of law vacuum in this region. The programme seeks to address immediate needs for physical, legal and material protection through prevention and redress; build the capacity of rule of law institutions (both formal and informal); empower communities to reclaim their rights and exercise peaceful conflict resolution; and promote social cohesion and confidence between communities. Increasing basic access to justice is essential to combat impunity and restore confidence in state authorities.

Country Office Support

Support was provided for the drafting of the early recovery programme document, resource mobilisation, recruitment of staff and initiation of partnerships. Programme implementation officially started in April 2009.



Regular technical advice and support was given to the Country office on programme implementation throughout 2009 and culminated in a November follow-up mission to review ongoing activities, and identify opportunities for increased partnerships in Eastern Chad.

Partnerships

Following the inter-agency mission on justice and corrections in April 2008, UNDP and MINURCAT have developed a strong partnership on rule of law and access to justice. While UNDP offers the overall programmatic

framework and funding facility, MINURCAT provides logistical/operational support and follows up on activities in areas where UNDP has no field presence. Technical expertise is jointly provided.

The offices exchange information daily and cooperate through relevant clusters and other coordination mechanisms, such as the Inter-Agency Coordination Mechanism on Rule of Law (composed of MINURCAT, UNDP, UNHCR, UNICEF, UNFPA, the EC delegation and donor partners). UNDP has established similar cooperation with UNHCR, especially on legal aid and the organization of mobile courts.

UNDP, MINURCAT and the Chadian Bar Association jointly established a Lawyers' House in Abéché and are in the process of establishing 12 legal aid clinics to provide judicial assistance and legal aid throughout eastern Chad. This important initiative will enable lawyers from N'Djamena to come on a rotational basis to Abéché to follow up on cases pending before courts, with specific focus on GBV and other serious human rights violations.

UNDP's rule of law activities are fully integrated into the CAP 2010 protection strategy and UNDP is an active member of the Protection Cluster led by UNHCR.

Activities

- Provided logistical and technical support to the Court of Appeals in Abéché, which began conducting criminal proceedings in rural areas through the organization of mobile courts.
- UNDP and MINURCAT signed an agreement with the Chadian Bar Association to set up a lawyer's house in Abéché, establish a fund for legal assistance, initiate support to legal aid NGOs, and establish 12 legal aid clinics in Eastern Chad.
- In order to empower civil society actors in protecting and defending human rights, UNDP established a network of leaders of IDP communities, and organized human rights training sessions throughout eastern Chad.

- Conducted two training sessions for traditional leaders and military personnel on how to prevent and respond to gender-based violence.
- As part of an effort to engage the informal justice sector, UNDP conducted a study to map out and increase understanding of the various customary justice mechanisms in Eastern Chad.
- Fifty investigators and gendarmerie officers received training from UNDP on criminal proceedings and human rights.
- A participatory approach during the drafting process has facilitated the ownership of the programme by the main beneficiaries, both at national and local levels.
- Joint planning, joint programming and cost-sharing among rule of law actors is the most cost-effective and strategic form of integration and delivery.

Results and Impact

In 2009, the Abéché Court of Appeal organized the first-ever criminal sessions in Abéché, Alti, Mongo and Am Timan. These sessions were jointly supported by UNDP, MINURCAT and UNHCR. Forty cases were examined and verdicts imposed. For the first time, lawyers and citizens were seen presenting and defending their cases before a court of law in Eastern Chad.

The rule of law has gained remarkable visibility due to the establishment of the lawyers' house in Abéché. The provision of legal assistance for displaced and host communities, as well as operational and technical support to local justice institutions (e.g., district and mobile courts) have strengthened access to justice for rural populations that would otherwise continue to endure impunity.

For the first time during the crisis in eastern Chad, there is an opportunity for access to justice for vulnerable populations.

Remaining Challenges

- Criminality, particularly banditry, compromises the effectiveness of humanitarian operations and civilian protection. Kidnapping is a new threat to relief workers, prompting several aid agencies to temporarily suspend their activities. UN agencies are obliged to travel with an armed escort provided by the government or by UN troops.
- Poor capacity of the judicial system with regards to infrastructure and equipment persists. UNDP has provided equipment to the Abéché Court of Appeal and relevant jurisdictions, but the needs are still tremendous.
- Judges and magistrates are not deployed in all courts and tribunals. This is also true for bailiffs and clerks.

Lessons Learned

- Rule of law programming during an ongoing crisis must be linked to humanitarian protection in a complementary fashion. Strengthening capacities of judicial actors as early as possible to combat impunity and restore trust amongst communities must be a priority.

Next Steps

The Country office has allocated a significant amount of investment into starting the programme, including the establishment of field offices in Abéché and Goz Beida.

The establishment of partnerships with MINURCAT, UNHCR, local CSO; the signing of a memorandum of understanding with the Chadian Bar Association; support to mobile courts in rural areas—most of this investment has been made since April 2009 and the lessons from the activities have not been fully gathered.

Because of the absence of legal structures in rural areas, it is important that cases make it to town. Establishing paralegal groups and ensuring proper linkages to legal aid lawyers in towns will be crucial to the overall success of the legal aid initiative. In addition, the paralegal groups will be engaging the informal justice system, which currently handles the overwhelming majority of cases.

COLOMBIA 2009

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, as well as victims who seek justice.

Since his election in 2002, President Alvaro Uribe has sought to restore security through negotiations with illegal armed groups. The 2006 Justice and Peace Law offered leniency in exchange for demobilization, confessions, and cooperation with the government. While violence and kidnappings have declined precipitously in the past several years, long term solutions remain elusive.

Impunity for crimes committed during the conflict remains a significant barrier to reconciliation. In June 2009, the Colombian Congress did not pass the Victims Law, which conditioned compensation to victims of state violence on the perpetrator's conviction in court.



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strengthen local justice, truth, and reparations mechanisms.

Country Office Support

In March, 2009, BCPR conducted a multidisciplinary mission to help design rule of law projects and coordinate with donors. The mission provided technical support for two transitional justice programmes and contributed to the design of rule of law activities within the REDES programme. BCPR also proposed ways to enhance intra-governmental and donor coordination, and

introduce new initiatives, based on lessons learned in other contexts. BCPR also developed terms of reference and assisted in recruitment for programme staff positions.

Rule of law initiatives were integrated into the broader Strategic Partnership Framework between BCPR and the UNDP Country office. In September, 2009, BPAC approved USD 500,000 for overall rule of law support to the Colombia Country office. A joint donor conference planned for 2010 with UNIFEM will seek to further mobilize resources.

Partnerships

As a part of a global partnership on delivering gender justice, UNDP/BCPR and UNIFEM have identified Colombia as a pilot country for joint programming. In order to expand their existing collaboration under the REDES programme to other rule of law efforts, they developed a model for coordination that will soon be formalized through a memorandum of understanding.

The Country office is currently in consultations to finalize an agreement with the International Centre for Transitional Justice (ICTJ) to systematize best practices and provide mutual support.

Activities

- To further the Convivencia programme, UNDP supported capacity development efforts in the Inter-Institutional Centres in Valledupar and Medellin. These institutions are responsible for the Early Warning System related to victims' support.
- As part of a holistic effort to enhance local support mechanisms for victims, UNDP identified and consulted with victims' rights organizations in 18 regions, and developed proposals to augment victim support in five communities. UNDP also assisted in developing the operational capacity of mobile units that provide holistic support for victims.
- In support of efforts to build the culture of peace in Colombia, a communication strategy was developed and other preparations made for a nationwide public campaign about the plight and needs of victims,

→	REDES (Programa de Reconciliación y Desarrollo)	Strengthening of the Justice System	Programme for the Promotion of Coexistence
Period	2007-2010	2007-2010	2007-2010
Budget (in USD)	Total: 18,400,000 BCPR: 2,000,000	Total: 5,950,000	

Programme Objectives and Strategy

UNDP plays a central coordinating 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 basket funds for projects that strengthen national and local capacity to undertake peacebuilding initiatives.

The Strengthening of the Justice System (Justicia) programme addresses transitional justice mechanisms, while the Programme for the Promotion of Coexistence (Convivencia) promotes peaceful coexistence through processes of truth-telling, justice-making, and reparations.

The REDES programme concentrates on supporting victim's organizations and community based initiatives to support conflict survivors. The newly-introduced rule of law pillar within the REDES programme aims to

which will be launched in early 2010. UNDP also conducted trainings for journalists as part of the campaign to build a culture of peace.

- Established cooperation agreements with various national institutions to advance the Justicia programme, including the Ombudsman, National Commission of Missing Persons, Legal Medicine Institute, General Procurator, and Attorney General's Office.
- Conducted consultations and developed a conceptual framework for supporting the National Plan of Missing Persons, with particular emphasis on sexual violence, public defence of victims, and a strategy to promote victim participation in the judicial process.
- To advance the REDES programme, UNDP conducted an assessment of the situation of local justice institutions, and consulted with the regional offices of Montes de Maria and Meta on victims' rights and local gender initiatives.
- Conducted a range of consultations with transitional justice stakeholders at the national level, including with the Ombudsman Office, the Ministry of Justice and the Transitional Justice Director, the national Procurator, the Attorney General's Office, and the Federation of Personeros. These consultations have informed strategic planning for the rollout of the rule of law component of the REDES programmes, and identified priorities for institutional capacity development, gender justice, and victims' rights.

Results and Impact

Through consistently engaging with all relevant stakeholders, UNDP has contributed to a momentum for transitional justice. As a result, the Colombian people and government have an unusually strong awareness of the importance of transitional justice measures, and a large number of actors and stakeholders are engaged.

UNDP's strong programmatic focus on victims, which includes a communication strategy on victims' rights and needs, has strengthened nationwide advocacy for victims' rights legislation. By working with grassroots organizations, for example through mobile victim support units, it also reinvigorated local efforts to strengthen victims' support institutions and access to justice, particularly in most vulnerable regions.

Remaining Challenges

- Transitional justice processes have hitherto focused primarily on demobilized people rather than victims. A balance must be achieved that recognizes the right of victims to participate in all processes of transitional justice.
- Improving coordination among the different national institutions remains a challenge due to the existence of individual, non-harmonious interests.

- Strengthening the administrative staff remains a priority as these programmes develop.
- For the Justicia programme, UNDP must determine and mobilize the necessary financial resources to implement proposals for protection programs and psychosocial assistance to victims.
- Further resources for the Convivencia programme must be mobilized to continue implementation, particularly with respect to the Inter-Institutional Centres to Victims' Attention, the network of victims' organizations, and community-level proposals.

Lessons Learned

- The transformative impact of programmes increases dramatically when they are implemented in close cooperation with local stakeholders, particularly government actors and NGOs.
- Programmes must be designed with sufficient flexibility to accommodate proposals from local communities that become engaged after the programme is already underway. This is critical to securing local buy-in and avoiding alienating target communities.

Next Steps

BCPR will conduct a review mission in 2010 to support the rollout and smooth integration of the rule of law component into the broader REDES project.

Furthermore, the partnerships with UNIFEM and ICTJ will be consolidated and expanded to focus on civilian victims.

DEMOCRATIC REPUBLIC OF CONGO 2009

Situation Analysis

The Government of the Democratic Republic of Congo (DRC) faces huge challenges in social and economic reconstruction, peace and stability consolidation, extension of state authority, and promotion of the rule of law. State presence is limited in large areas that have become impoverished by years of neglect and armed conflict. A centrally inflated and inefficient public administration has resulted in the dilapidation of public infrastructure and the near total absence of social service delivery. Local and regional armed groups, still powerful in some areas, control resources and systematically subject the population to serious human rights abuses. Sexual and gender-based violence continues to seriously affect the population, with full impunity for perpetrators. According to UNIFEM, 8,000 women were victims of sexual violence in 2009 alone.

In Eastern DRC, human security and protection remain key priorities for displaced populations and targeted communities. While military actors continue to target civilians, law-enforcement and judiciary officials lack the capacity and/or incentives to guarantee and protect human rights. Consequently, the Congolese people remain vulnerable to arbitrary violence and violations of national and international law. The lack of basic security guarantees, the prevailing conflict and lawlessness, as well as the absence of a political settlement, pose serious obstacles to any sustainable capacity-building and full-fledged recovery in the rule of law sector. Sexual violence has become institutionalized as a weapon of war, and victims have little or no means of redress. Police lack the necessary training and resources to investigate, verify and punish sexual violence.



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la justice, as adopted in 2007, the Feuille de route du Ministère de la justice pour l'exercice 2010, and the STAREC (Programme de stabilisation et de reconstruction des zones sortant des conflits armés); (b) UNDP, as set-forth in the Strategic Partnership Framework (2008-2012) between UNDP Country office and BCPR; and, (c) the United Nations Development Assistance Framework and United Nations Integrated Strategic Framework for Eastern DRC.

In order to address the multi-layered challenges, BCPR has provided technical and financial support to three mutually reinforcing projects: Access to Justice and Legal Protection for Women Victims of Sexual and Gender-based Violence in North and South Kivu; Security, Empowerment and Reintegration of Women in North and South Kivu; and, Community Security and Social Cohesion in Ituri.

Additionally, UNDP currently works closely with the United Nations Mission in the Congo (MONUC) and the United Nations Office on Drugs and Crime (UNODC) to develop a comprehensive and multi-year joint-programme on Strengthening the Rule of Law in the Democratic Republic of Congo.

Country Office Support

Support to the Country office has involved four in-country missions, including a joint planning mission by UNODC and UNDP's Bureau for Development Policy (BDP) in July, 2009. At the request of the Comité de Suivi de Réforme de la Police Nationale Congolaise, BCPR deployed two senior policing experts to assist in conceptualizing a community-based policing approach and to provide policy advice on a possible demobilization process for police officers. Additionally, the Global Programme deployed senior experts on judicial reform, access to justice, and corrections, to initiate the drafting process of a joint UNDP-UNDOC-MONUC programme on Strengthening the Rule of Law in the Democratic Republic of Congo. Regular technical support and policy advice has also been provided from Geneva.

Partnerships

New partnerships have been established with MONUC, UNODC, Comité de Suivi de Réforme de la Police, the Ministry of Justice, the Provincial Ministries of Justice in North and South Kivu, the Kisangani Bar Association, the Official University of Bukavu, the Catholic University of Bukavu, the Faculty of Law of the Free University of the Great Lakes Region, the Faculty of Law of the University of Bunia, Synergie pour l'Assistance Judiciaire, Action Sociale pour la Paix et le Développement, Dynamique des Femmes Juristes, and Arche d'Alliance.

	Access to Justice for Victims of Sexual Violence in North and South Kivu	Project for Security, Empowerment & Reintegration of Women in North and South Kivu	Community Security & Social Cohesion in Ituri
Timeline	2008-2011	2009-2011	2009-2012
Budget (in USD)	Total: 4,619,992 BCPR: 1,500,000	Total: 3,700,000	Total: 4,000,000

Programme Objectives and Strategy

Support from the Global Programme is based on priorities identified by: (a) Congolese authorities as set-forth inter alia in the Plan d'Actions pour la réforme de

Activities

- UNDP laid the foundation for the establishment of five legal aid centres and paralegal groups in 2009. Eight additional centres should follow in 2010. UNDP trained over 275 paralegals on sexual and gender-based violence, Congolese criminal and procedural law, and international human rights standards. In addition, the specific roles and responsibilities of paralegals, legal aid lawyers, and other service providers were discussed extensively.
- As part of a comprehensive effort to counteract impunity for sexual violence, UNDP trained both the police and investigating judges on investigation techniques—particularly with respect to sexual violence—and on applicable national and international conventions and agreements. UNDP has also provided specialized investigation units of the police with logistical and communication equipment.
- In an effort to ensure that all victims of sexual violence have access to justice and adequate resources, UNDP has engaged in a sensitization campaign for traditional leaders that delineates the limits of their jurisdiction in cases of sexual violence. The training encourages leaders to refer cases involving sex crimes to competent government authorities. In 2009, UNDP offered this training to 50 traditional leaders in North Kivu.
- UNDP assisted local authorities and community leaders in establishing early warning mechanisms for incidents of SGBV and strengthened capacity of judges on matters related to sexual violence.
- A rule of law seminar series, coordinated in partnership with REJUSCO, brought together local academia, government officials, civil society organizations and community representatives, to raise awareness on rule of law and human rights issues. This included debates on DRC's new "Zero Tolerance Policy on Sexual Violence" and on fighting sexual violence in rural areas.
- Following a call for proposals, a number of local lawyers' associations and human rights groups have been selected to form the UNDP Legal Aid Network in Eastern DRC. While the project cooperation agreements will be signed in early 2010, a number of local organisations have already received training on financial and operational management to build local capacities and strengthen civil society, promoting full self-reliance and national ownership.
- UNDP organised a first monitoring mission in North Kivu with the State Minister of Justice and the chief civilian and military prosecutors to assess the functioning of the criminal justice system in towns like Kanyabayonga, Kahina, Kirumba, Lubero, Musienene, Butembo, Beni and Oïcha.
- Training and awareness-raising on rule of law and human rights took place all across North and South

Kivu, including in Goma, Bukavu, Rutshuru, Massisi, Nyiragongo, Walikale, Beni and Butembo.

Results and Impact

The Access to Justice Programme enabled UNDP to shoulder a stronger role in addressing SGBV and combating impunity. By focusing on the demand side, UNDP provides targeted support to those who could not otherwise obtain remedies for their grievances through the informal or formal systems.

Bringing to light a number of grave human rights abuses, the monitoring mission resulted in the immediate release of more than 25 people who were being arbitrarily detained. Disciplinary charges subsequently ensued against a number of local government officials.

The UNDP/REJUSCO Rule of Law Seminar Series actively encouraged discussion and dialogue, prompting participants to reflect upon their own rights and responsibilities in the specific context of Eastern DRC. This has contributed to a change of attitudes and mindsets.

The Great Lake University's Faculty of Law in Goma, four legal aid NGOs and 275 paralegals are now equipped to provide legal aid and information to victims of sexual and gender-based violence through five new legal aid centres. This has resulted in an expansion of access to justice in Eastern DRC, allowing women to obtain legal representation and pursue justice.

Remaining Challenges

- Many challenges remain in providing legal aid—personal threats as well as the overall political environment may affect cases and the willingness of lawyers to take up sensitive matters.
- Insecurity in some parts of North and South Kivu impedes the implementation of the project and limits its impact in war-affected areas.

Next Steps

The value-added of UNDP's engagement remains in its particular focus at the community level, working both with local governments and civil society.

UNDP will explore the possibility of building partnerships with other donor partners and development actors to enhance access to justice at the community level.

The services provided through legal aid centers will be closely monitored to ensure that they are reaching their target groups and that adequate services are being provided.

A multi-year joint MONUC-UNODC-UNDP programme document on Strengthening the Rule of Law in the Democratic Republic of Congo will be finalized during the second quarter of 2010.

GUINEA-BISSAU 2009

Situation Analysis

Chronic political instability in Guinea-Bissau culminated in 2009 in the assassinations of President João Bernardo Vieira and the Chief of the Armed Forces. Elections subsequently elevated Malam Bacai Sanha to the Presidency, but political divisions and signs of instability persist. Armed banditry and drug trafficking contribute to a climate of crisis that exacerbates social conflict, economic dislocation infrastructure degradation, and violence. Despite remaining tensions, the successful elections and macroeconomic improvement provide optimism that Guinea-Bissau may experience more stability in the future. Still, in order to develop into a truly just and safe society, Guinea-Bissau must reform its justice and security sector.

The judicial system suffers from institutional weakness, an insufficient legislative framework, pervasive corruption, and a tradition of impunity for grave crimes. Insufficient documentation of laws and judicial holdings causes long delays in the processing of cases. Dysfunction in the penitentiary system has increased the rate of prolonged pre-trial detention, and has progressively shifted responsibility for incarceration to the military and police. Consequently, much of the public perceives the formal justice system as inaccessible, unresponsive, and prohibitively costly. Most people thus seek redress through informal justice mechanisms, which vary significantly by ethnic group and location.

Movement towards stability progresses slowly. The armed forces and internal security census in 2009, as well as the development and approval of security sector reform and modernization, represent a good first step towards a more professional corps of security actors. The demobilization of irregular armed forces, perceived as critical for political stability, is expected to begin in early 2010.



Strategic development plans are developed to increase civilian governance over the military and police.

UNDP is also assisting the government in its effort to adjust the security sector's size and responsibilities to ensure fiscal sustainability. In order to address weaknesses in the justice sector, UNDP strengthens the capacity of judicial institutions and improves access to justice for vulnerable groups, in particular women.

Country Office Support

Since 2008, BCPR played an instrumental role in formulating and facilitating the implementation of the programme. Country office capacity to manage the programme was developed by deploying four rule of law experts. Since the inception phase, regular strategic and technical advice has been given to the Country office through in-country missions, including a joint BCPR/BDP mission undertaken in December 2009 to review and extend the programme's purview.

Partnerships

UNDP partnered with the European Union ESPD mission and provided training to the civilian staff of the Ministry of Interior on strategic policy design and management related issues. The new UN mission in Guinea-Bissau, UNIOGBIS, is one of the main partners for the Rule of Law and Security project, in particular on police matters. The cooperation will be intensified in 2001, in particular with regard to capacity building for the police.

The University of Bissau partnered with UNDP and produced the most comprehensive study on customary law ever done in the country. The findings and recommendations of this study are currently debated in Parliament.

Activities

- A strategic development plan aimed at enhancing institutional and human resources capacity in the National Assembly was established. This plan focuses also significantly on gender policy.
- Established documentation center in the Ministry of Justice, which includes an urgently needed legal library for Ministry staff. The library has been furnished and equipped, and contains 200 legal books, thus contributing to the professionalization of the Ministry.
- The Justice and Governance Coordination Group was established. A comprehensive coordination matrix with all partners' interventions and respective budget for justice has been established to support the Ministry of Justice's planning efforts for reform. In

	Strengthening Justice and Security Sector Reform in Guinea-Bissau
Period	2008-2011
Budget (in USD)	Total: 8,268,532 BCPR: 815,000

Programme Objectives and Strategy

UNDP's comprehensive programming approach in Guinea-Bissau reflects the Global Programme's efforts to link justice and security components to a coherent set of priority measures. To maintain momentum for security sector reform, UNDP continues its focus on civilian oversight and respect for human rights in the security sector.

this way, the Ministry was enabled to oversee and manage its sector and to assume responsibility.

- Conducted thorough assessment of the deficiencies in the Ministry of Justice's human resources management and planning systems. Based on this assessment, the government agreed to participate in a month-long training for 15 senior Ministry officials, which focused on management, leadership, and budgetary skills.
- A study of traditional justice and customary law was conducted among six major ethnic groups, which will be instrumental to future efforts to enhance this system and link it to the formal judicial sector. This study, executed in collaboration with the Faculty of Law and National Institute of Research and Studies, is in its final stages.
- By supporting the census of the military, UNDP provided to government and the international community the programming basis for the defense reform (including pension arrangements) that is currently ongoing.

Results and Impact

By strengthening administration and professionalism of the judiciary, UNDP has been able to increase public confidence in the institution. However, due to the interference by the military and politicians in the judiciary, a confidence-gap in the justice sector persists. This is why most people access traditional justice mechanisms to settle disputes. With its study on customary law, UNDP has developed the basis for better integration of traditional and formal justice systems. This represents a first step towards increased accessibility and confidence in the traditional system, and a more responsive formal justice system, which will benefit vulnerable and rural populations.

Due to political instability prevailing throughout 2009, little progress was made in advancing the security-related goals of the programme. This demonstrates that the reform of security sector institutions in post-conflict environments is a most sensitive endeavour and that progress can only be made in parallel with political developments.

Remaining Challenges

- UNDP programming must balance the need for capacity development and policy support assistance. The physical conditions of judicial institutions remain appalling, and access to justice outside urban areas is almost non-existent.
- It is critical to improve access to justice from both the demand and supply sides. Currently, there are very few regional and/or community courts, no legal aid mechanisms, and traditional justice is the common remedy for the majority of the population. Awareness raising and legal education is required.
- The most critical challenge is to combat a deeply-instilled culture of impunity and increase confidence

in the justice system. This requires enormous effort from all actors in a country where high-level assassinations have gone unaddressed, interference in judicial decision making is rampant, and prisons practically do not exist.

Lessons Learned

- All justice stakeholders must be involved in a rule of law programme to ensure coherence and the balanced development of the sector. The Rule of Law and Security Programme in Guinea-Bissau was formulated mostly with governmental partners, and did not involve the courts, prosecutors, or bar association from its inception. This is being addressed with the revision of the programme that will seek to include all main judicial actors in its steering committee.
- National and international coordination at both the policymaking and technical levels is critical for broader-impact results in justice and security sector reform.
- It is vital to work simultaneously on the supply side and the demand side of justice, and to focus on the most vulnerable populations.
- It is necessary to not only strengthen the technical capacities of national actors for implementation of reform, but also to strengthen the overall capacities for oversight and meaningful participation at all levels and among all actors, including civil society, parliamentarians, and beneficiary groups.

Next Steps

An internal review conducted in December 2009 found that there is a significant window of opportunity for UNDP to make an even more substantive contribution to justice and security in Guinea-Bissau. To achieve this end, UNDP will put stronger emphasis on ensuring that marginalized groups have access justice, that the engagement in capacity development is sustainable in the long-term, and that the justice and security sectors are well-coordinated and equipped with appropriate accountability mechanisms.

In 2010, and following a division of labor with the United Nations Peacebuilding Support Office in Guinea-Bissau (UNIOGBIS), a focus will be put on justice and security service delivery at the provincial level.

Situation Analysis

The poorest nation in the Western Hemisphere, Haiti has a long history of socioeconomic fragility, susceptibility to natural disasters, and high levels of insecurity. Since the overthrow of President Jean-Bertrand Aristide in 2004, Haiti has struggled to find political stability and has suffered a series of shocks, including severe hurricanes, earthquakes and increasing food prices. The inability of the government to respond effectively to its setbacks enables armed actors to engage in banditry, drug trafficking and other forms of organized crime.

Judicial and law enforcement structures remain particularly frail. Political influence and corruption undermine judicial independence and reliability. Much of the rural, Creole-speaking population perceives state institutions, which operate in urban areas and in the French language, as remote and inaccessible. Consequently, they have low levels of awareness of their legal rights and responsibilities, as well as difficulty accessing legal assistance. Those who do engage the formal justice sector endure long delays.

Prison officials work in a particularly challenging environment, characterized by over-crowded prison facilities and poor infrastructure. Studies also indicate that sexual and gender-based violence is prevalent in both rural and urban areas, while police remain ill-equipped to respond. Yet, Haiti is not impervious to change. Before the catastrophic earthquake of January 12, 2010, crime rates were trending downwards and Haiti's police, once a source of terror, were becoming one of the nation's most trusted institutions.



The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the United Nations.

UNDP also strengthens the capacities and infrastructure of the National Police through materials provision and trainings aimed at increased professionalism. In 2010, UNDP will commit significant resources to help Haiti recover from the January 12 earthquake.

Country Office Support

Support has been provided to the Country office to redesign the Rule of Law and Security programme. To this end, BCPR conducted missions in

2009 to provide substantive technical support to re-align the programme and enhance the partnership with MINUSTAH.

In the aftermath of the earthquake of 12 January 2010, BCPR has again deployed a Rule of Law Expert for six weeks to support recovery efforts in the rule of law sector. A major joint UNDP-MINUSTAH programme is currently under development.

Partnerships

MINUSTAH and UNDP made a strong commitment to act together in Haiti in all areas of the rule of law sector, maximizing human and financial resources. After the earthquake, MINUSTAH and UNDP continued and deepened joint UN programming and response. The Ministry of Justice and Public Security received joint support from MINUSTAH and UNDP to design a recovery plan for the sector and to resume justice and security services in the affected areas.

Other partnerships have been built with International Legal Assistance Consortium (ILAC) to provide legal aid to prison inmates in nine provinces, a partnership now expanded to provide assistance to female victims of gender-based violence.

After the earthquake, new partnerships have been built with local CSOs to provide legal advice to the displaced population on issues related to civil registry, inheritance and other family issues.

Activities

- To increase the presence, skill, and credibility of the National Police, UNDP renovated and equipped police stations with investigation tools and information technology.
- As part of an integrated strategy to improve prison efficacy and conditions, UNDP supported the Department for Prison Services in building institutional capacity, including a strategic plan for interventions in urgent prison situations, and the systems to collect, track and reference information on detainees. This allows the department to develop policies based on objective indicators and data.

↑	<i>Strengthening the Rule of Law and Security in Haiti</i>
Period	2007-2011
Budget (in USD)	Total: 35,890,066 BCPR: 3,000,000

Programme Objectives and Strategy

UNDP's principal objective is to achieve greater professionalism and effectiveness in Haiti's police and justice systems, while enhancing respect for human rights. To this effect, UNDP empowers rule of law institutions to deliver quality services in a timely manner, increase understanding of citizens' rights, promote the participation of citizens in planning and implementation of justice system reform, and facilitate broader access to legal information. Within the penal system, UNDP seeks to reduce unwarranted pre-trial detention, and reform prisons to improve security and living conditions for the detainees.

- UNDP conducted trainings to increase the skills and accountability of prison administrators, and delivered carefully designed and targeted trainings to key prison personnel. Nearly 90 prison managers received training on managerial skills, 85 prison inspectors received training on riot response, and 62 prison authorities in three regions received training on disciplinary regulations.
- In an effort to strengthen trust between the state and civil society, UNDP facilitated the Citizens' Forum for the Reform of the Judiciary. More than 450 participants, including representatives of relevant government ministries and CSOs, participated.
- To enhance judicial capacity, UNDP helped to develop a documentation centre for judicial resources, provided financing for a juvenile court, and began to provide equipment to courts in three pilot districts. Reports indicate that this pilot project has resulted in swifter processing of cases.

Results and Impact

UNDP interventions in capacity building of the Haitian police have been one of the most significant achievements of UNDP/BCPR. Measured in both professionalism and access, the perceptions of the police work have improved dramatically. In 2009, 64 percent of Haitians surveyed reported that the police are more active in their community now than when this project began. Such improvements in police-community interaction are essential to restoring public confidence in the state and its institutions of justice.

Due to UNDP's work in prison reform, the project has contributed to better prison conditions and prisoners' welfare through improved infrastructure and administration. In addition, UNDP's decentralized support to Haiti's justice system has led to a 10 percent decrease in pre-trial detention in piloted districts.

Remaining Challenges

- The biggest challenge in the aftermath of the earthquake that struck Haiti on 12 January 2010 is to rebuild the human and physical infrastructure of the justice sector in Haiti. Around 80 percent of the infrastructure and equipment of the sector, including the main prison, was destroyed in Port-au-Prince. The Global Programme's renewed activities will be integrated into the broader reconstruction effort in Haiti.
- Unnecessarily duplicative and contradictory procedures within the penal chain, along with lack of competent personnel, continue to result in lengthy pre-trial detention. In August 2009, 76 percent of prisoners in Haiti had not yet been convicted of any crime.
- The weakness of coordination mechanisms can lead to duplicative activities. Thus, actors in the area of justice are working to improve coordination, especially regarding the exchange of information.

However, the Ministry of Justice is not sufficiently involved in a regular monitoring of the different interventions.

- Communities do not receive the fruits of millions of dollars invested by the international community in the justice sector over the years. A more decentralized approach to support justice and security actors in the provinces is needed.

Lessons Learned

- Decentralised support to the whole penal chain is a viable mechanism to strengthen justice service delivery.
- Partnership with MINUSTAH is essential to produce results on the ground; joint programming must be deepened.
- Supporting civilian capacities to manage security forces (i.e., police) is critical to sustainability and accountability. Important efforts to enhance operational capacities need to be complemented with support to civilian leadership.

Next Steps

In the aftermath of the earthquake, UNDP/BCPR deployed its rule of law, justice and security focal point for Haiti to the country to re-phase the joint programme with MINUSTAH and restore the Country office capacities to take forward its implementation.

The project will seek to reestablish basic justice and security service delivery capacity by providing equipment to rule of law institutions, establishing temporary courthouses and rebuilding police stations and prisons. Specific attention will be paid to crime prevention and public safety in areas particularly affected by the earthquake.


In order to ensure sustainability throughout the recovery phase and beyond, UNDP will support the Haitian government in developing a long-term vision for reconstruction and development in the rule of law sector.

IRAQ 2009

Situation Analysis

Iraq is still marred by a multitude of security and developmental challenges. Iraqi women especially suffer from violence perpetrated by militia members, insurgents, Islamic extremists, law enforcement, and family members. While some modest legislative reforms in Iraq's Kurdish region have improved the legal status of women, the national legislative framework still offers little protection for women's rights. Moreover, while the Constitution guarantees gender equality, other articles contradict this provision and are otherwise incompatible with international human rights standards.

Reported gender-based violence in Iraq consists primarily of (1) domestic violence, mostly by husbands against wives, but also by fathers and brothers against daughters and sisters, (2) "honour crimes" against female family members considered to have disgraced the family or violated social norms, and (3) opportunistic or politically-motivated violence perpetrated by non-family members or strangers. However, the actual figures are likely much higher than reported, since many victims choose not to report crimes due to stigma, fear of retaliation or honour killing, or low confidence in the police. Victims who have reported crime also face pressure to retract their reports. Many women even choose suicide rather than face the wrath of their families.

	<i>Family Protection, Justice and Security</i>
Period	2009-2012
Budget (in USD)	Total: 4,801,097

Programme Objectives and Strategy

The Family Protection, Security and Justice in Iraq Programme supports government efforts to ensure that survivors of violence, including domestic and gender-based violence, can access refuge and support. The programme addresses issues faced by survivors comprehensively, from their first encounter with the justice system, to their economic well-being after the case concludes. In addition to engaging state institutions, UNDP collaborates with other UN and civil society initiatives to train various actors in providing support to GBV survivors.

The programme focuses on three major components: (1) increasing access to justice for GBV survivors, including through legislative reform; (2) improving law enforcement's responsiveness to GBV and support for GBV survivors and; (3) empowering GBV survivors socially and economically through livelihood support.



The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the United Nations.

This final element contributes critically to the achievement of Iraq's National Development Strategy and the Millennium Development Goals.

Country Office Support

At the beginning of 2009, the country office had a conflict prevention and recovery advisor who worked closely with BCPR to develop this programme. BCPR fielded a mission to the Iraq Country office to develop a programme focusing on GBV within the framework of the Global Programme.

BCPR has provided technical support and advisory services throughout 2009, including additional missions to finalize the programme document and budget. At the end of 2009, the programme document was ready to receive funding from BCPR. A senior gender advisor was in place in the CO working closely with the conflict prevention and recovery advisor in taking programme implementation forward.

Partnerships

The Country office works with a number of entities and individuals to ensure that the programme is implemented successfully. These include: (i) UNAMI Human Rights Office, UNDP Programme on Governance in the Arab Region, UNICEF and UNHCR; (ii) senior staff from the Family Protection Units and directorates; (iii) senior staff from the Iraqi Higher Judicial Council and the Ministry of Justice (Kurdistan Regional Government).

A technical committee will be set up under the UN Gender Task Force to work on this programme and will coordinate with the other relevant programmes on gender-based violence. The Protection Cluster (including UNICEF and UNHCR) has a programme addressing violence against women. This programme was developed to complement their work and will work closely with that cluster to ensure coherence and coordination.

Activities

- Drafted plans to establish Family Protection Units, to which domestic violence cases are referred. These special units consist of police officers, medical staff and social workers who are trained to respond to GBV. The Family Protection Units empower survivors with emotional, legal, medical, and trade-based knowledge, enabling them to care for themselves and their children while contributing productively to society.
- Preparations for the first round of police trainings were finalized, which are scheduled to begin in early 2010.
- Developed activities to support women's shelters in the Kurdish Region, to be implemented in 2010.

Additionally, UNDP will support Iraqi NGOs in enhancing legal aid provision in cases of family violence.

- Multiple preparatory meetings were held with authorities in Baghdad and Erbil, including the Ministry of Justice and Ministry of the Interior, as well as with civil society. These meetings have ensured the political will to follow through on this programme and share costs for certain programme activities.

Results and Impact

UNDP has played a critical role in advancing issues that were taboo just two years ago. Violence against women was rarely discussed in Iraqi society or substantively addressed by national authorities. Now, as a result of the preparatory work for this programme, authorities such as the Ministry of Interior, Ministry of Human Rights, and Ministry of Labour and Social Affairs are collaborating to find ways to protect survivors of violence.

Both the national authorities in Baghdad and the Kurdistan Regional Government have shown immense interest in this programme and contributed with cost-sharing.

A full-fledged committee in Baghdad has been established, to which the Kurdistan Regional Government has contributed staff, including the head of criminal investigations. The Ministry of Interior and the High Judicial Council are also represented on the committee.

These major steps forward are a consequence of the programme development process, which considered political delicacies and found entry points that were acceptable to all major stakeholders, such as focusing on family protection rather than just gender-based violence.

Remaining Challenges

- The security situation in Iraq remains a serious risk to the implementation of Family Protection Units, directorates and the shelters. UNDP will hold as many of its training courses and workshops inside Iraq as conditions permit, but any decline in security may compel the relocation of trainings to neighbouring countries, which would have cost implications.
- National ownership of the programme is essential and must be sustained throughout the life of the programme.
- Sustainability is a key challenge. Activities must focus on building the capacity of the ministries and other relevant institutions.

Lessons Learned

- Persistent engagement with national and regional authorities, especially in areas of political importance, was critical in gaining their ownership and their will for project implementation.

- An assessment and understanding of country context and linguistic nuances is essential to identifying entry points. For example, broadening and re-branding the programme as a family protection, justice and security programme rather than as a GBV programme went a long way towards getting traction and moving forward with the Iraqi authorities.

Next Steps

BCPR will continue to provide technical advice to the Country office and assist in mobilizing financial resources.


Particular support will be given to the implementation of the Family Protection, Justice and Security programme by working closely with the conflict prevention and recovery advisor and the senior gender advisor. BCPR and the Country office will jointly identify options to support the implementation of Security Council Resolutions 1820 and 1888, especially regarding data collection to maximize redress.

Complementing existing initiatives, BCPR will assist the Country office in identifying possible areas of support in relation to border management and community policing.

Situation Analysis

The political landscape of Kosovo¹⁰ is characterized by complexity caused by continuing uncertainty over its status. Over 60 UN member states have recognized Kosovo as a sovereign state, but no true consensus on the matter has emerged. Kosovo continues to make significant strides toward building stable governance institutions and securing peace but continued economic decline, poor infrastructure and public services, ethnic divisions and lack of confidence in national and international institutions threaten to undermine this progress.

Consolidating the rule of law in Kosovo therefore remains a significant challenge. Legislation to underpin an impartial, professional and independent justice system has been put in place, however implementation remains ineffective. Poor access to justice weakens public confidence, aggravates perceptions of injustice and insecurity, and undermines social cohesion.

	Justice and Security Programme 2009-2011 (JSP)
Period	2009-2011
Budget (in USD)	Total: 15,940,000 BCPR: 3,795,420

Currently, there is no Kosovo-led strategy for strengthening rights awareness and legal education that would augment the self-confidence of citizens to seek legal redress.

Violence against women is widespread and is inadequately addressed by Kosovo institutions and communities alike. Trafficking in human beings also remains a pressing human rights and law enforcement issue. Ethnic tensions are still apparent, especially in the north of Kosovo where it undermines effective governance and social cohesion. Kosovo's fragility has regional reverberations: The impact of status determination could affect peace and stability elsewhere, such as Bosnia and Herzegovina and Serbia.

Studies reveal that the legacy of the Kosovo conflict continues to impact the lives of citizens on a daily basis. Issues of personal and public security are of paramount concern. Lack of adequate security sector architecture and the widespread possession of small arms aggravate the sense of insecurity at the community level. New security institutions must be empowered to develop and implement policy as competencies are transferred from international entities to local actors. There is an urgent need to build the capacity of the Kosovo civil service.



Programme Objectives and Strategy

The programme Justice and Security 2009-2011 (JSP) unifies six pillars within a single strategic framework, and invests in critical new areas previously underserved by UNDP. The programme's overall goal is to strengthen 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. It will offer

joined-up solutions to the challenges that impede duty-bearers from effectively fulfilling their responsibilities, and claimants from accessing public services.

The JSP program has six pillars. The Access to Justice Project seeks to strengthen the rule of law through the development of the institutional and community capacities to ensure access to justice for all. The KOSSAC Project supports the Kosovo institutions and civil society in the formulation and implementation of small arms reduction and community safety initiatives, with special focus on gender-sensitive practices.

The Rule of Law Project focuses on the development of an independent and efficient justice system that applies human rights standards and builds and strengthens the capacity of justice institutions centrally. The Support to Security Sector Development Project ("3SD") acts as an umbrella for UNDP assistance to the security sector, supporting policy formulation and promoting regional security cooperation.

The Women's Safety and Security Initiative emphasizes the establishment of sustainable capacities among security and justice providers to address violence against women and to develop durable, nationally-owned monitoring and verification structures in partnership with Kosovo civil society groups.

Finally, enhanced institutional and community capacities for promoting social cohesion at a local level is a new programme pillar focusing on fostering peaceful co-existence at district level to support active engagement in the decentralization process.

Support to UNDP Office Kosovo

The development of the Kosovo JSP took three weeks of staff time on missions in Kosovo and daily virtual and telephone support to the office during the development of the overall project document and the elucidation of the previously non-existent Access to Justice pillar. The programme took only six months to finalise from the first mission to BPAC authorisation.

¹⁰ Hereafter referred to in the context of the United Nations Security Council Resolution 1244 (1999).

Regular technical advice and support has been given to the office on recruitment and resource mobilisation activities as well as technical issues such as the development of the access to justice strategy and the refocussing of the 3SD programme.

The strategy is to build on the sound experience of the UNDP Kosovo office in central-level institution building but also to ensure that the rule of law focus is extended to the districts of Kosovo; in particular, to vulnerable communities. The programme united two, previously separate, UNDP Kosovo clusters: rule of law and peace and security. The aim is to bring together projects that were previously atomised to promote joint planning and to optimise impact of the activities, e.g., linking initiatives such as community safety and access to justice and judicial outreach. The unification of these pillars enhances the coherence and strategic positioning of UNDP's programming in the justice and security sectors in Kosovo, and it provides support to the management of the UNDP office to enable them to position the organisation to expand their programming in these sectors in the light of the role of the OSCE and UNMIK and the mandate of the EULEX (EU Rule of Law) mission.

Partnerships

In addition to working closely with national institutions and civil society actors, UNDP established effective partnerships with international actors such as the Geneva Centre for the Democratic Control of Armed Forces (DCAF), EULEX, OSCE and UNMIK.

Activities

- Focused efforts on increasing legal aid provision to vulnerable communities by partnering closely with the Kosovo Legal Aid Commission and the Kosovo Chamber of Advocates. As a promising illustration of the benefits of this partnership, five district Bureau for Legal Aid offices were expanded. Regional Chamber of Advocates offices are also being strengthened to include systems and services that will facilitate increased access to free legal aid, support public complaint processes, and increase rights awareness among citizens.
- Brought together 45 local and international experts to focus on legal empowerment, legal literacy and legal aid provision in Kosovo as a follow-up to the previous year's Kosovo-wide access to justice forum.
- Assisted in the development of a Kosovo strategy for the reduction of court backlogs, the implementation of which will be supported by the program.
- In the context of the initiative to establish a modern and representative judicial profession, UNDP supported the Kosovo Judicial Institute (KJI) and Kosovo Judicial Council with education programs. The KJI Initial Legal Education Programme saw its first graduation, and 30 graduates were

recommended to the Kosovo Judicial Council for appointment as judges and prosecutors. The second tranche of 21 candidates was initiated in September 2009. Additionally, 20 sessions of KJI Continuous Legal Education Program in criminal and civil law for judges and prosecutors were successfully delivered and were complemented by three expert level round tables on the harmonization of civil law practice in Kosovo. Three training cycles for potential candidates for Bar Examination took place.

- As part of an integrated approach to community safety and small arms control UNDP drafted an implementation plan for the law on weapons and for the establishment for the Unit for weapons and ammunition. In addition community safety activities were rolled out in over 12 areas.
- In strengthening multi-sectoral efforts to combat gender-based violence UNDP supported the draft Law on Domestic Violence by providing technical and advisory support to partners in Kosovo. The process strengthened cooperation among stakeholders from civil society, Kosovo institutions and international agencies committed to GBV prevention. In addition UNDP conducted a series of training workshops on GBV for 90 lawyers, judges, ministry officials, and police officers. UNDP strengthened the capacity of service providers to respond to violence against women in five women's shelters across Kosovo and supported training for service providers on psycho-social and educational support for GBV survivors.
- Supported the Ministry of Internal Affairs in drafting the Kosovo Security Strategy on behalf of the Kosovo Security Council. To engage the minority Serb population in security sector development, UNDP continued to support the production of the successful and innovative *Sve je Moguce* talk show.

Results and Impact

The Programme has successfully consolidated UNDP's support to the justice and security sectors in Kosovo and enabled UNDP to demonstrate the advantage of working with and for Kosovo institutions. Through this approach, UNDP strengthened Kosovo's own capacity to police, to legislate, to adjudicate and to empower its people. Engagement is showing that the institutions of Kosovo, civil society groups and rural communities are increasingly working together to advance justice and security.

Joint-planning efforts are strengthening community safety and women's security and ensuring that the security sector is responsive. Strong and sustained support to activities to combat violence against women has ensured that the issue remains firmly on the agenda in Kosovo and that multi-sectoral support is being provided to women survivors. By ensuring an influx of young, quality individuals to the legal profession, UNDP's institution-building support will have a lasting

impact that will ultimately pervade Kosovo's entire rule of law sector. This transformative activity is evidence that UNDP is supporting Kosovo in becoming a modern, diverse and peaceful society.

Remaining Challenges

- There is a unique opportunity to lay the foundation for long-term stability and priority must continually be placed on enhancing institutional and community capacities for conflict transformation and peacebuilding.
- There is need for greater institutional cooperation on legal aid provision, innovative methods for improving access to information by citizens, especially vulnerable populations, about their legal, human rights and legal aid system.
- The absorption capacity of the Kosovo security sector institutions has required adaptation and diversification of the 3SD project in particular with regard to needs and expectation of beneficiaries.
- The capacity building of the existing judiciary through legal education programmes remains a continuous challenge due to the ongoing reappointment and vetting process for judges and prosecutors; court backlogs plague the efficient administration of justice.

Lessons Learned

- The Legal Education Program is a demonstrable good practice in capacity building of the justice institutions, especially given the challenging environment; it should be built upon for adaptation to other environments.
- The review of grant applications from shelters for women and the strategic planning processes showed that plans for the long-term sustainability of shelters are crucial. While this will be a responsibility of the Kosovo institutions according to the Draft Law on Domestic Violence, ongoing support will be needed. Technical and knowledge gaps in data-collection and analysis skills of the Agency for Gender Equality shows that long term policy development on women's security and access to justice is challenged. WSSI will target its support to fill this gap.
- The division of Kosovo at the Ibar River remains a challenge for a possible small arms and light weapons collection initiative and the lack of detailed information with the police force, as well as with the emergency centers, remains a challenge for monitoring of armed violence incidents and the huge backlash in the courts has its impact on the SALW strategy. This has to be factored into the next year's workplan with the careful targeting of activities to overcome these problems.

- Intense efforts need to be made to ensure the recruitment of highly qualified staff with management and strategic experience in development programming for justice and security sectors.

Next Steps

Sustained support will be given to the UNDP Office in Kosovo in terms of technical expertise and resource mobilisation but primarily to the strategic management of the programme including a programmatic review.

Furthermore, support will be provided to expand outreach to IDP communities and returnees to ensure access to justice and security services across Kosovo, including rural areas.

Situation Analysis

Following a destructive civil war that commenced in 1989, a Comprehensive Peace Agreement (CPA) was reached in August 2003. The conflict was characterized by brutal and widespread atrocities fueled by inter-ethnic tensions and a complete collapse of the rule of law. With the subsequent departure of then-president Charles Taylor, Liberia gained a new chance for peace and stability. The establishment of the National Transitional Government of Liberia facilitated the subsequent holding of landmark national elections in January 2006.

Since then, the government, with the support of the international community, has made considerable progress towards achieving its immediate post-conflict agenda of enhancing peace and security. Nonetheless, Liberia's Poverty Reduction Strategy (PRS) recognizes that the country continues to suffer from a lack of justice services, weak public institutions, corruption, and a lack of capacity to quickly remedy these deficiencies. SGBV remains a major and tragic legacy of the war.

The government has expressed its resolve to address the weaknesses of the state. Importantly, it has highlighted the importance of the rule of law in consolidating peace. Effective and accountable legal and justice institutions, access to justice, and the protection of human rights are not only essential for sustainable peacebuilding, but underpin PRS objectives in general.



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development through the training of legal professionals.

BCPR also administers a programme, financed by the Peacebuilding Fund, to support prosecution services. This programme contributes to the establishment of a credible criminal justice system that is capable of ensuring that criminals are fairly prosecuted, the innocent are acquitted, and victims have fair and

effective redress through the justice system. This ultimately seeks to

enhance public trust and promote public safety and justice.

Country Office Support

In mid 2009, the Country office received funds from PBF and BCPR for their respective projects. At that time, however, only one full-time staff member was available to manage project implementation. The chief technical advisor and the project manager were brought on board in late 2009. Through three successive in-country missions, BCPR supported the Country office in consolidating the various projects in the justice area into one rule of law programme, re-phasing the annual work plan to align with new government priorities, as well as addressing the anticipated drawdown of UNMIL.

In addition, a field mission examined the Strategic Plans developed by the Liberia National Police, the Bureau of Corrections and Rehabilitation (BCR) and the Bureau of Immigration and Naturalization (BIN), and identified ways to present their priorities in a donor-friendly way at a partners' forum. A logframe was developed, reviewed and cleared by national counterparts, country office senior management, and top UN officials.

Partner UN agencies such as UNIFEM and UNOPS were closely involved to ensure coherence and complementarity. Additionally, in order to support cross-bureau collaboration, BCPR provided technical support for the development of an open Justice and Security Trust Fund for the Liberia National Police, BCR and BIN. This fund will enable donors to channel funds to these security institutions, either generally or earmarked for specific agencies or projects.

Finally, an integrated BCPR mission provided technical support and advisory services for the development of a community security programme, as well as advice on the gender dimensions of a UNDP study on violence.

Partnerships

The Deputy Special Representative of the Secretary-General for the Rule of Law provides overall leadership for the UN in this sector. UNMIL's Legal and Judicial System Support Division provides monitoring, legal advice, and legal education and training.

	<i>Supporting the Ministry of Justice in Improving Prosecution Services</i>	<i>Strengthening the Rule of Law and Administration of Justice in Liberia</i>
Period	2008-2010	2009-2012
Budget (in USD)	Total: 1,099,106 (PBF)	Total: 8,254,034 BCPR: 2,817,550

Programme Objectives and Strategy

UNDP enhanced the effectiveness and integrity of legal and judicial institutions while expanding access to justice. Both of these efforts were engineered to increase protection and promotion of human rights for Liberians under national laws. Responding to the need for greater coordination of gender justice activities, UNDP leads the legal pillar of the Joint Programme on GBV.

Developed in partnership with UNMIL and other international partners, the programme takes a multi-pronged and integrated approach, targeting key rule of law and human rights institutions. Priorities include facilitating national dialogue and fostering civic

UNICEF, UNHCR, UNOPS, UNODC, UNFPA and UNIFEM are also important partners with respect to capacity development, infrastructure, standards, and the administration of justice.

Activities

- As a means of restoring public confidence in the prosecution unit of the Liberian Ministry of Justice, UNDP held a major strategy workshop in late June 2009. Legal counsels, county attorneys, city solicitors, and other Ministry of Justice officials worked together to delineate the way forward for improvements in performance and service delivery, developing a capacity development plan.
- Organized the first of a series of substantive regional trainings for prosecutors, Liberian National Police, and city solicitors in Tubmanburg, Bomi County, bringing together prosecutors, police officers and city solicitors from Monsterrado, Grand Cape Mount, Gbarmpolu and Bomi counties. The training focused on standards, the responsibility of prosecutors and the police in the criminal justice system, international human rights standards, policies and guidelines of Liberia and reporting.
- Established the Office of Training and Development, a sub-office housed within the Ministry of Justice, to build on these early developments. Training programs for county attorneys, city solicitors and prosecutors on substantive and procedural law were developed and implemented.
- In partnership with the government, defence attorneys were recruited, vetted and given legal training. Public defenders visited the Monrovia Central Prison and took cases involving pre-trial detentions. Encouraging progress was made, as defenders won favourable rulings for some indigent clients.
- Conducted a series of police-prosecutor trainings that revitalized community police forums.
- Developed mechanisms to enhance efficiency in the utilization of resources and personnel in the Ministry of Justice.
- In order to increase the capacity of the formal justice sector to respond to SGBV, UNDP supported the recruitment of three new prosecutors in the sex-crime unit of the prosecutor's office.

Results and Impact

Since programme implementation only started during the second half of 2009, limited tangible results can be reported. The community police forums made modest progress in enhancing greater police-prosecutor cooperation.

The partners' forum, in addition to meetings with the United States, Japan, India, and other donors, led to the commitment of funds for the Justice and Security Trust Fund. The fund will be established in 2010.

Remaining Challenges

- Liberia continues to have a volatile security situation and weak national institutions that do not cooperate or coordinate their activities. Failing to ensure effective coordination would therefore severely undermine the success of this project.
- The capacity constraints in the justice and security system are significant and currently depend largely on the UNCT for human and financial resources.
- As the project endeavours to contribute to state capacity-building, sustainability is a key challenge. There is a risk that the government, already overburdened, will not be able to mobilize the requisite financial resources to maintain the established foundations and pay the trained staff.

Lessons Learned

- Slow recruitment of project staff has impeded project implementation.

Next Steps

Technical assistance will be provided to develop a systematic monitoring and evaluation mechanism to measure progress and impact throughout programme implementation.

BCPR will continue to provide comprehensive support to the joint SGBV programme, which includes a rule of law/justice/protection pillar.

The Justice and Security Trust Fund has been established. BCPR will provide technical support to the implementation of the trust fund, including assistance with recruitment of the project manager and development of project proposals as requested.

Situation Analysis

Since the signing of the Comprehensive Peace Agreement in 2006, Nepal has made significant progress towards sustainable peace and democracy.

Limited access to justice was both a cause and consequence of the conflict, especially in rural areas where reliance on other informal justice providers prevailed. In general, the level of execution of judicial decisions is extremely low at approximately 10 percent of cases.

The lack of an in-country coordination mechanism between international assistance providers has led in the past to both duplication and substantive gaps in rule of law assistance. The national capacity to respond to the needs of the peace process is still weak, particularly where past abuses and outstanding transitional justice issues remain unaddressed.



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BCPR technical support resulted in a new integrated programme on Enhancing Access to Justice Through Legal and Judicial Reform. BCPR's support was provided within the Strategic Partnership Framework (SPF) between Country office and BCPR for 2009-2012.

The revision implied a strategic and geographical realignment with early recovery, DDR and conflict prevention programmes.

Support for creating a sound financial basis for the programme and ensuring

its sustainability was one of the key tasks from the outset. BCPR worked together with the Country office to prepare the project proposal for allocations at the local and HQ level. The project received USD 1.6 million from BCPR after its endorsement by the Bureau Project Allocation Committee in September 2009. It supported submission to the local basket Peace Trust Fund for the amount of USD 1.3 million, the outcome of which is still pending.

	<i>Enhancing Access to Justice Through Legal and Judicial Reform</i>	<i>Enhancing Access to Justice for Consolidation of Peace in Nepal</i>
Period	2008-2010	2009-2012
Budget (in USD)	Total: 2,000,000 UNDP: 1,200,000	Total: 5,697,232 BCPR: 1,600,000

Programme Objectives and Strategy

The rule of law programme in Nepal is aimed at the respect, promotion and protection of human rights, in addition to the promotion of gender equality, social inclusion, access to justice, and the rule of law. The programme seeks to improve the responsiveness and accessibility of both formal and informal processes of the justice system.

The establishment and replication of pilot courts and mediation systems, along with the review and amendment of laws, will contribute to wider rule of law objectives. Key outcomes include the strengthening of national capacities to carry out transitional justice processes, advancing gender justice to end impunity for women's rights abuses, extending local level access to justice, supporting justice sector management, and reforming existing laws.

Country Office Support

Since 2001, UNDP had a series of coexisting projects to support justice sector reform in Nepal. BCPR's support to the Country office was initiated in March 2009 to expand and integrate its support to the justice sector on national and local level, and to refocus its support to reflect the overall peacebuilding strategy.

Partnerships

In support of the new programme design, BCPR assisted in strengthening and broadening partnerships with a range of government institutions including the Nepali Supreme Court, Ministry of Law and Justice, Attorney General's Office, Ministry of Peace and Reconstruction and Ministry of Women and Family Affairs who will shoulder responsibility for programme implementation.

BCPR identified Nepal as one of the countries in need of strong support for gender justice programming. Thus, Nepal served as one of three pilot countries for joint in-country programming within the global partnership with UNIFEM and was formalized in January 2009. UNDP/BCPR and UNIFEM have jointly conducted a formulation mission in March 2009, which resulted in joint assessment and development of the project document.

In partnership with UNIFEM, a commitment was made by several Permanent Missions in New York to host and support a donor conference in 2010 for joint in-country programmes.

By the year's end, the Country office and UNIFEM have both developed terms of reference and advertised new positions created through the revised programme. The recruitment process is ongoing.

Following the initial needs assessment of the justice sector and peacebuilding mechanisms in Nepal, BCPR identified land disputes and access to land resources as one of the key drivers of conflict.

In this regard, BCPR sought the assistance of UNDP/BDP Legal Empowerment of the Poor (LEP) programme for complementing its rule of law programme. Working with the Country office and the LEP, it developed a concept note as a basis for a formulation mission in 2010. The LEP component addressing the conflict-related land issues will be integrated in the Enhancing Access to Justice programme.

Activities

- 450 people from various districts were trained as “community mediators” and 156 people were trained in specialized mediation services to handle court referrals. Seven mediation centres were established.
- Started seven new court pilot-programmes designed to improve court administration and case management.
- Reviewed 14 sectoral laws for compliance with international human rights standards.
- Trained 61 judges of various district courts in cadastral application and forensic science.
- Trained police officials from four districts on GBV, gender justice and the role of psychosocial counselling.
- Conducted a capacity assessment of the Judicial Council and Office of Attorney General.
- Supported paralegal service programmes in seven districts. Seventy paralegal committees have been established in seven districts. Held 12-day training for 900 paralegals on gender, GBV, and mediation skills.
- Held several trainings on GBV, gender justice and psychosocial counselling, targeting different groups such as women lawyers, police officials, judges, government attorneys.

Results and Impact

The project document Enhancing Access to Justice for Consolidation of Peace in Nepal was signed by the government on 20 January 2010, following lengthy negotiations.

As one tangible result, the legal aid desks established in four districts served over 500 women survivors of gender-based violence in rural areas. The adjudication of these cases was informed by capacity building efforts of community mediators and formal justice actors.

With only a handful of partners working on rule of law issues in Nepal, the strengthening of UNDP in-country capacity has refocused the attention of the international community towards rule of law and justice and reengaged the government through a formal commitment and cost-sharing for this sector.

Close collaboration with the government, particularly the Supreme Court and Ministry of Law and Justice, has proven fruitful. The government of Nepal has allocated Rs 35 million for mediation-related activities this year.

Remaining Challenges

- Frequent strikes, called by various political and non-political groups throughout the year, disrupt programming.
- Transfer of staff, including judges and non-gazetted staff of the courts, disrupts judicial functions and capacity development.
- Halts in Legislative Assembly sessions negatively impact government efficiency, including its ability to promulgate appropriate legal frameworks.

Lessons Learned

- It has been useful to partner with local NGOs for the implementation of field level activities.
- Local-level access to justice programming is most effective if integrated with other UNDP area-based initiatives such as conflict prevention and economic recovery.
- Sustained engagement with national authorities is essential to build trust, ensure buy-in and political support.

Next Steps

In order to ensure implementation of the programmes, the Country office’s existing capacity will be consolidated and the capacity of new programme staff developed. Specifically, the reporting and monitoring and evaluation capacity will be reinforced. Broadening the scope of activities, a Legal Empowerment of the Poor component will be designed and integrated in the programme.

BCPR and the Country office will work together towards ensuring that, through local and head quarter resource mobilization, allocations for the programme reach the budget targets in 2010.

With regard to the ongoing inter-agency cooperation, emphasis will be put on monitoring and adjusting partnership mechanisms with UNIFEM and on creating effective links between the forthcoming interagency initiative—led by the Rule of Law Coordination and Resource Group (ROLCRG)—and the Enhancing Access to Justice programme.

OCCUPIED PALESTINIAN TERRITORY 2009

Situation Analysis

The rule of law in the occupied Palestinian territory (oPt) has been dramatically impacted by the Israeli occupation and tensions between the Fatah and Hamas political parties. Destruction of physical infrastructure in Gaza, restrictions on Palestinian mobility, and uncompensated property demolition have undermined the capacity of Palestinian institutions to deliver justice. Mobility restrictions in particular undermine the official capacity to conduct criminal investigations or observe due process.

Legislative frameworks remain incomplete and fragmented, which undercuts jurisdictional clarity, efficient service provision, and the protection of vulnerable groups, particularly women and children. The statutory justice system also has weak links to customary justice mechanisms. Access to justice suffers from resource insufficiency, and the concentration of existing resources in Ramallah and other cities. The Palestinian public has little confidence in its formal justice system.



Partnerships

UNDP has cultivated productive partnerships with many Palestinian institutions, including the Ministry of Justice, the High Judicial Council, the Prosecutor's Office, the Ministry of Planning and Administrative Development, the Palestinian Bar Association, Birzeit University, and EUPOL COPPS.

Activities

- Conducted a mapping study on the perceptions and contributions of non-state actors to access to justice.
- Identified possible service gaps and collated communities' perceptions of the current legal context.

Results and Impact

As a result of BCPR's engagement, UNDP will now significantly expand its rule of law programme with the full support of national and international stakeholders.

The access to justice assessment was indispensable to programme formulation, and will maximize UNDP's effectiveness and synergies with CSOs. The study also enabled UNDP to engage and strengthen its relationships with civil society organizations that will be vital in enhancing access to justice for Palestinians.

A number of donors have made pledges under the recently finalized programme document.

Remaining Challenges

- Neither the formal nor the informal justice system adequately recognizes and implements international human rights standards. Palestinian legislation neglects vulnerable groups, including women, children and poor workers, through discriminatory laws and legislative loopholes.
- The oPt inherited much of its legal framework from a succession of foreign regimes, including Ottoman, British, Jordanian, Egyptian, and Israeli laws. The West Bank and Gaza have distinct legal systems drawn from Jordan and Egypt, respectively. Some harmonisation is necessary to reduce confusion and generate predictability.
- Coordination among judicial institutions remains weak and impedes progress in reforming the justice sector.
- Because of the occupation and checkpoints, freedom of movement is limited, hampering access to justice.

Next Steps

Implementation of the programme will begin in March 2010.

	Supporting the Rule of Law and Access to Justice for the Palestinian People
Timeline	2009-2012
Budget (in USD)	Total Project: 14,346,711 BCPR: 3,000,000

Programme Objectives and Strategy

Since 2004, UNDP has worked on developing the infrastructure of the Palestinian Authority's justice system. The new programming framework extends support for institutional capacity development and a comprehensive access to justice strategy. This strategy will engage actors at all levels, including the bar association and grassroots initiatives. Efforts will be directed towards extending the reach of free legal aid services and legal awareness programmes throughout the oPt, setting up the foundation for work with civil society in the Gaza Strip, improving gender justice, and exploring ways to engage with the informal justice systems and foster its linkages with the formal system.

Country Office Support


In 2009, BCPR conducted an in-country assessment and provided support to formulate a multiyear rule of law programme. This entailed engaging with the Palestinian Authority, UN agencies and international donors to build consensus around expanded UNDP engagement in the rule of law sector. Also, technical and financial support was provided, including assistance in mobilizing USD 6 million from the Swedish International Development Agency (SIDA).

Situation Analysis

Peace remains fragile in Sierra Leone, where an eleven-year civil war ended in 2002. The conflict disabled the country's law enforcement and judicial systems. Impunity for human rights violations and a politicized judiciary eroded public confidence in the governments' ability to provide effective governance and justice services. Even today, the administration of justice is deeply fragmented, with approximately 70 percent of the population relying on informal and customary legal mechanisms. The formal justice sector retains an outdated, colonial-era legal framework, and suffers from weak infrastructure and limited reach. When disadvantaged groups find themselves in conflict with the law, they are often denied access to a lawyer or find their cases adjourned in perpetuity. Women and girls face significant risk of sexual and gender-based violence, and find little recourse in the formal justice sector. In the first six months of 2009, women and girls reported 625 sexual assault cases nationwide to Sierra Leone's Police. Only four cases were prosecuted.

Programme Objectives and Strategy

UNDP's Improving Access to Justice in Sierra Leone Project conducts capacity development activities with judicial institutions to both strengthen these institutions and expand their reach. Further, UNDP enhances civilian oversight of local security services—and thereby increases their effectiveness—through community crime prevention initiatives. Lastly, as a means of fighting impunity, UNDP supports the investigation and prosecution of sexual and gender-based violence and builds the technical capacity of human rights organizations to raise awareness.

	<i>Improving Access to Justice in Sierra Leone</i>
Period	2009-2012
Budget (in USD)	Total: 10,981,300 BCPR: 2,981,500

Country Office Support

Following intensive preparatory support by BCPR in 2008, including the design and development of the project, funds were approved by the BPAC and transferred to the Country office in early 2009. At that time, staffing was a significant constraint on project implementation, with just one chief technical advisor for justice based in UNDP's office in Freetown, and two national staff working primarily on other projects.



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There was little Country office capacity for national coverage on rule of law issues; the Country office itself was undergoing a change management process that added to the operational and logistical challenges of working in a post-conflict country.

BCPR assisted with critical operational support and by the end of 2009 there were 15 staff members working on the Improving A2J Project, based in three offices: Freetown, Bo and Makeni. In addition to programme staff, BCPR

recruited or aligned finance, procurement, and communications specialists to work on the project as well. Hence, the joint decision to develop field offices up-country and to have operations staff dedicated to the programme itself enhanced delivery of services on the ground, especially in the area of procurement. BCPR provided technical support and advisory services throughout the year, including the recruitment of staff members. In late 2009 a mission was undertaken to review work to date and re-phase the 2010 work plan.

Partnerships

The United Nations in Sierra Leone is committed to working together “as one” in support of increasing access to justice for the population. UNDP works closely with the UN mission in Sierra Leone (UNIPSIL). UNICEF, UNFPA and UNIFEM are important partners as they are involved in a number of areas of intervention including gender-based violence and the administration of justice. UNDP also has close partnerships with international donors and organizations. For example, the UK-funded British Council implemented a Justice Sector Development Programme and is a major player in the rule of law arena; therefore collaboration is critical for the success of the project.

Activities

- Increased official capacity to respond to violence against women by providing investigative manuals and training to police and prosecutors regarding evidence-collection in cases of gender-based violence, and training hundreds of court officials on human rights and gender justice. Several judges and magistrates now work exclusively on sexual and gender-based violence cases.
- Supported the development of Family Support Units (FSUs) in Sierra Leone's police stations. The FSUs, comprised of social workers and gender-sensitized police, are mandated to investigate all offenses committed against or by women and children.

- Worked in partnership with the Sierra Leone Bar Association to provide pro bono legal services to 140 vulnerable individuals. Of these, eight clients were women, 15 were juveniles, and 117 were male adults. Many of them had been kept in “remand status” for years without access to lawyers. At the end of 2009, a total of 51 cases were discharged with 61 accused persons released from detention. Twelve cases were on remand to the High Court.
- Conducted a capacity building workshop for women-focused community organizations on the provision of effective and swift legal aid and referrals. Support was also given to the development of Family Support Units in Sierra Leonean police stations. These projects enhance awareness and resources for women at the community level.
- Awarded competitive grants to 15 CSOs for work on gender-based violence, allowing them to conduct awareness-raising and provide transport and accommodation to victims of GBV unable to pay for their travel to access justice in local courts.
- Provided substantial financial support to monitor government agencies’ compliance with a judicial sector reform strategy.

Results and Impact

In response to a high number of SGBV cases filed with the courts, UNDP, UNIFEM and the Ministry of Social Welfare, Gender and Children’s Affairs, worked together to ensure that five judges and six magistrates will preside exclusively over SGBV cases in Freetown and other judicial districts. This will ensure that SGBV cases are addressed by the courts in a timely manner, rather than adjourned in favor of other cases.

In addition, UNDP provided reference materials on investigation techniques to the Legal and Justice Support Department of the Sierra Leone Police to enhance their capacity to gather and present evidence in cases involving SGBV. This support ensures that evidence is gathered appropriately and can be used at trial without challenges to chain of custody, etc.

The project continues to support the Sierra Leone Bar Association’s legal aid services, which ensure that legal aid is provided to those most vulnerable at the community level.

Field offices set up through the programme (in Bo and Makeni) have been crucial in ensuring local justice service delivery. Furthermore, they have given UNDP a front-line position in the work to strengthen access to justice and address SGBV. UNDP has become a valued partner for legal actors, police and victims at the grass roots level, and the permanent field presence helps ensure that progress is being made.

Remaining Challenges

- There are indications that senior officers in the formal justice sector, as well as traditional authorities in the informal justice sector, often interfere with the investigations of and decisions on sexual crimes. Due to public pressure or political interests, high-level officers may limit the investigation period, resulting in insufficient evidence to prevail at trial.
- The capacity constraints in the justice and security system are severe and it depends largely on international donors for the top-up of salaries, as well as infrastructure and technical assistance.

Lessons Learned

- Establishing field offices is critical to reaching victims of SGBV in remote areas. However, this needs to be supported by a flexible mechanism, such as an assistance fund, to facilitate small scale support to victims of SGBV such as transportation assets to obtain medical certificates.
- In order to provide holistic support to the justice sector, police services must be trained on SGBV and investigation techniques.
- Working closely with security actors allows the linkages between justice and security to be made clear, and allows justice matters to be seen to be as important as security. This is especially true for gender-based violence issues. For example, through engagement with the District Security Committee (DISEC) and Provincial Security Committee (PROSEC) meetings, committee members including government officials are now discussing issues critical to SGBV, whereas SGBV was previously not discussed. As a result of this engagement, even the Resident Minister who chairs PROSEC, has begun to consistently talk about SGBV in his speeches, especially those that relate to security.

Next Steps

UNDP will develop a resource mobilisation strategy targeting donors at the local, regional and global level to ensure sustainability of its efforts past 2010.

Additional staff for the Bo office will be recruited in order to further increase the Country office’s provision of services in the Eastern province.

Changing the Lives of Victims of Sexual and Gender-Based Violence in Sierra Leone

The story of Mama B and her daughter, as told by our international rule of law officer in Makeni, Sierra Leone, best illustrates how costly it is for a woman to lose access to justice.

“Mama B’s daughter is 12 years old and was defiled by a neighbor. Mama B took her daughter’s case to the Magistrate Court, but due to lack of adequate evidence and other technical issues, the case was dropped. Because mother and daughter lived in the same area as the alleged perpetrator they suffered constant harassment by him, his family and some members of the community. Mama B and her daughter were given little choice but to move residence to avoid this situation. Upon UNDP’s insistence, this case was discussed at the District Security Committee, which asked the alleged perpetrator to stop tormenting the mother and daughter. He was asked to convey a similar message to his family and members of his community.”

This particular intervention was possible because this case had been reported to civil society organizations in Bombali district and to the UNDP office in Makeni. And because UNDP has made the effort to make the protection of women and girls a security issue for the district and provincial authorities in Sierra Leone, UNDP was able to convince the authorities to intervene on Mama B’s behalf.

In Sierra Leone, UNDP’s Access to Justice Project gave out grants to civil society actors to assist survivors of SGBV. Action Plus (AP) was one of those grantees.

“A 16-year-old schoolgirl, C.B. in Dambala, living with her elder sister and brother-in-law at a house situated in the bush had been experiencing continued sexual abuse from the 56-year-old brother-in-law, JM. The victim finally reported the matter to a family member who set a trap for the suspect so that when he next attempted to sexually abuse the 16-year-old, he was caught.


The victim was taken to the Family Support Unit in Bo where she was issued a medical form and taken to the hospital where she was examined and treated for chronic sexually transmitted infections. The matter was charged to court, during which time, Action Plus’ project officer assisted the victim as well as the wife of the accused during the court sessions. In addition, Action Plus, along with community groups, provided counselling to both the victim and the wife of the accused. The accused was found guilty of rape by the High Court judge and sentenced to life imprisonment.”

SOMALIA 2009

Situation Analysis

Somalia has been without a stable 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, but has not yet consolidated control. Although more stable than South Central Somalia, Somaliland and Puntland have suffered a deterioration in security due to terrorist attacks in October 2008, and a sharp increase in piracy along their coastlines. The reestablishment of human security is a vital condition for overall recovery and development in this fragile state.

The rule of law and security environment varies dramatically across Somalia. The police corps is comparatively well established in Somaliland, while large militias operate with relative impunity in South Central Somalia. Judicial capacity is also inconsistent across the country. Federal judicial institutions and courts remain very weak, while institutions in Somaliland and Puntland are better developed but still under-resourced.

	Rule of Law and Security Programme III (ROLS)
Period	2009-2011
Budget (in USD)	Total : 35,000,000 BCPR: 2,600,000

Programme Objectives and Strategy

UNDP's overall objective in Somalia is to secure better protection under the law, and improve access to justice for vulnerable groups. UNDP initiatives focus on the development of stronger public and external accountability, and management and transparency mechanisms. The programme emphasizes security sector governance and community security as central to the overarching rule of law framework. In particular, UNDP focuses on promoting professionalism and accountability among the police. The programme also promotes better access to justice in both the formal and informal sectors, and the capacity of institutions to better protect human rights and women's rights. The diverse projects mutually reinforce one another and operate in a cooperative fashion to advance rule of law objectives.

Country Office Support

BCPR was part of the technical assessment mission to Somalia in early 2009. It also conducted several missions to strengthen the ROLS programme, obtained funding for the programme, and provided ongoing technical support and advisory services.



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Partnerships

UNDP is working closely with DPKO and the UN Political Office for Somalia and the UNCT humanitarian agencies. A close collaboration is maintained with the national authorities and CSOs, including academic institutions.

Activities

- Based on judicial needs-assessments conducted in prior years, UNDP rehabilitated first instance and appellate courts in Somaliland and Puntland, supplying furniture and law books as well as training for support staff. The project also rehabilitated prosecutor offices and courthouses in Hargeisa.
- As part of an integrated effort to enhance police professionalism and accountability, UNDP implemented a newly-designed training program for 500 police recruits. These recruits have gained strong foundations for conducting sound police work with a focus on community service. Prior to this programme, police recruits received no training prior to deployment. UNDP also trained 189 Joint Integrated Police Unit officers in human rights, basic crime investigation and community policing. The UN's ongoing focus on the Joint Integrated Police Unit has resulted in greater police visibility and a renewed sense of security and normalcy for communities in the area.
- As part of a strategy to innovatively deploy resources for the maximum impact on people's access to justice, UNDP established four mobile courts to serve the Puntland region. In Somaliland, five mobile courts operate in the five regions, maximizing rural communities' access to justice.
- Assisted the government of Somaliland to develop a strategic development plan, entitled the Ten Point Agenda for Justice Sector Reform.
- With the support of UNDP, the Somali Women's Law Association produced a newspaper (1,000 copies circulated) and radio programme addressing women's access to justice and the rights of women under Islam.
- Provided vital support that enabled Coalition for Grassroots Women Organization lawyers to provide legal representation to 129 vulnerable individuals detained in Mogadishu Central Prison. This legal clinic provided advice and representation to 60 IDPs, 52 members of minority groups and 10 women. As a result, 75 detainees obtained release from prison on account of a lack of evidence.

- Supported the Sexual Assault Referral Centre, which has transformed the legal landscape for women in Hargeisa. In 2009, SARC provided crucial legal counsel to 130 survivors of sexual assault.
- In order to extend legal services to Somalia's most marginalized populations, UNDP supported the establishment of Women and Children's Desks (WCD) in Somaliland's police stations. At the end of 2009, two model WCDs neared completion, and nearly 50 people, mostly women, had received training to operate WCDs.

Results and Impact

The Somalia Rule of Law and Security Programme started in 2004. With strong foundations in place, measurable achievements have been observed over the past years, despite a most volatile environment.

In 2009 alone, UNDP Somalia facilitated access to justice for over 1,700 individuals, of whom 230 were IDPs or refugees. In Somaliland, five mobile courts began operating in the five regions in the fourth quarter of 2008 and continued their work through 2009. By the end of 2009, the Somaliland mobile courts had heard 305 cases in 23 districts, and settled approximately 50 disputes at the local level through mediation and application of customary law.

UNDP's focus on partnerships to advance gender justice has dramatically enhanced women's access to comprehensive legal and support services. With UNDP's support, the Sexual Assault Referral Centers, Women and Children's Desks, and Coalition for Grassroots Women Organization together offer hope and practical aid – medical, psychological, and legal – to women and other vulnerable populations who would otherwise remain isolated and unassisted.

Prior to 2009, Somali police recruits were rarely provided with professional training, resulting in abysmally poor service delivery. In response, UNDP Somalia conducted a series of trainings for the police on various administration-of-justice topics. Such activities transform the police mindset to focus on providing security and dignity to communities.

In 2009, UNDP launched a pilot case-management reform system at Hargeisa District Court in Somaliland. (Somaliland's old court filing system was ineffective at delivering judicial services in an orderly and timely manner.) The new system enabled the court to function better and to enhance service delivery. Accordingly, there has been an increase of 62 percent in the number of cases processed between 2008 and 2009. The introduction and application of the project's new case files and forms has also enhanced the court's profile, integrity and public image.

Holistic efforts to reconstitute and strengthen formal justice services, from improvements in infrastructure and case management to the provision of legal aid, have led to a doubling of the number of people using the formal state system between 2006 (1,852 cases) and 2009 (3,833 cases).

Remaining Challenges

- Persistent insecurity limits UNDP's access to all areas of Somalia. Monitoring the programme's achievements therefore remains a daunting task.
- The tense political and security environment makes it difficult to achieve both government buy-in and NGO and INGO cooperation on programme initiatives.

Lessons Learned

- The ever-changing security situation means that projects must be flexible and adaptable to context.
- Improvement is needed on communication between field offices and the Nairobi office, including through a more intensive use of technology (regular phone conferences and video conferences, for example).

Next Steps

The current ROLS programme will be further expanded in the coming two years, building upon past achievements and the Security Sector Assistance Framework developed under the leadership of the SRSG and endorsed by the International Contact Group. BCPR will jointly plan with DPKO in the eventuality of a Security Council authorized mission.

Situation Analysis

On 18 May 2009, the Sri Lankan government formally announced its military victory over the Liberation Tigers of Tamil Eelam (LTTE), claiming complete territorial control over Sri Lanka. An estimated 200,000 people fled the fighting in the final weeks of the conflict. More than 300,000 people have been displaced, many of them still living in temporary camps in the North-Central Vavuniya District. Numerous grievances have resulted from displacement; livelihoods have been compromised and personal security is elusive. Experience has shown that displacement of large populations significantly increase the likelihood of sexual violence against women and girls.

The lack of legal awareness and access to legal services has disproportionately affected IDPs, estate workers, and other populations in conflict areas. Where access to the justice is available, the courts suffer significant backlog of cases, hindering the speedy dispensation of trials. The backlog directly impacts the rate of release for those standing trial.

Prison conditions in Sri Lanka have been identified as a matter of great concern. Overcrowding, arbitrary detention, few counseling opportunities, and limited access to medical facilities are all major challenges. Alarming, women and children are housed in the same prisons with other inmates.

Distrust in the police, judiciary, and other rule of law institutions is also very high. A lack of legal documentation exacerbates the gap between Sri Lanka's most vulnerable and their government, hampering freedom of movement.



The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the United Nations.

Legal documentation in particular - in the form of birth certificates and state identification cards - offers increased freedom of movement for conflict-affected peoples.

In response to women and girls' exposure to SGBV, the programme delivers on a significant legal protection component. Lastly, as a means of addressing prison overcrowding, the programme provides extensive legal aid support.

Country Office Support

The programme strengthened and expanded the pre-existing programme to reach conflict-affected areas where the needs were the greatest. Specifically, the programme focuses on the North, the East, and the estate sector, narrowing its interventions to those persons most conflict-affected and vulnerable. BCPR provided technical support and advisory services to the country office, especially in the immediate aftermath of the conflict.

Partnerships

This project is executed through the Ministry of Constitutional Affairs and National Integration in close cooperation with the Ministry of Justice and Law as a responsible party. It works closely with other duty bearers such as the Judiciary, the police, the corrections sector, as well as human rights and other civil society organizations working on justice issues. The project partners with other UN agencies (UNHCR, UNFPA) and service providers (NGOS) to maximize in-country resources for delivery of specific outputs, and relies on close working relationships with other UN programmes active in targeted areas (i.e., UNDP's Transition Programme, and UN Joint Programmes on GBV and Human Rights). The UNDP Regional Centre in Bangkok and BCPR will be called upon to provide technical inputs to key phases of the project and its components.

Activities

- Completes groundwork for a strategic review of legal aid provision in the country.
- Conducted training programme for 28 magistrates, 50 police chiefs, and 20 judicial medical officers on various GBV topics.
- Promoted attitudinal change on women's issues among informal justice actors through legal literacy programmes.
- Supported efforts to counsel returnees through the first of several planned legal aid clinics.

	<i>Equal Access to Justice</i>
Period	2009-2012
Budget (in USD)	Total : 8,271,000 BCPR: 3,012,750

Programme Objectives and Strategy

UNDP addresses Sri Lanka's many and varied challenges through capacity and partnership building efforts, and unique programming interventions such as mobile clinics. Together, these interventions allow UNDP to expand rule of law and access to justice coverage to areas affected by conflict. UNDP provides practical tools and services such as legal documentation, legal aid, and paralegal assistance to seek justice and address marginalization of minorities.

- The Legal Aid Council was supported to facilitate its expansion of services into nine new areas, including three IDP camps. Community police forums were organized in 2009, and will be rolled out in two pilot sites in early 2010.
- Provided counselling to pre-trial detainees charged under Sri Lanka's Prevention of Terrorism Act and Emergency Regulations.
- One hundred justice actors participated in a training programme on the relationship between GBV and human rights, and legal implications of the Domestic Violence Act. Police officers were also trained on proper interrogation techniques for survivors of GBV and other evidentiary considerations of the justice system.

Impact and Results

The programme had been designed to phase out the mobile clinics that provided legal documentation to IDPs in 2009 and to ramp up the legal aid clinics in marginalized communities. However, with the end of the conflict, UNDP was asked by the government to prioritize documentation to the newly displaced. The mobile clinics program was extended, even as legal aid clinics were put in place. More than 2,000 applications for birth, death and marriage certificates and 1,553 applications for national identity cards were received and processed.

UNDP supported legal aid organizations to provide legal assistance for inmates at the pre-trial level, reducing severe prison overcrowding. In 2009, 701 inmates were interviewed, 409 of whom received legal representation; 112 received legal advice and 51 were referred to the Attorney General's department to expedite filing of indictments. Separately, 308 bail cases were also filed.

International organizations have served as the primary providers of legal aid for many years, leading to over-dependence on these funding sources. Thus in 2009, UNDP laid the groundwork for a strategic review of legal aid provision in the country. Based on the resulting recommendations, the Sri Lankan Minister of Justice identified legal aid provision as a priority and established a high-level steering committee to develop a policy and action plan to reform the sector. UNDP's efforts in strategic planning with the government initiated the development of a nationally-owned and sustainable access to justice regime in Sri Lanka.

In the eastern provinces, UNDP supported efforts to counsel 135 recent returnees through the first of several planned legal aid clinics. UNDP also provided support to the Legal Aid Commission (LAC) of Sri Lanka. Due to this support, LAC initiated legal aid desks in seven pilot sites in conflict-affected districts.

Located in Jaffna, Vavuniya, Trincomalee, Batticaloa, Anuradhapura, Hambantota and Nuwara Eliya, these desks are mandated to provide legal assistance in criminal defense cases before the magistrate courts, where the provision of 'assigned counsel' is not offered.

These programmes in turn provided legal aid services to 90 individuals over the course of the year.

The mobile clinics provided a key service; movement in Sri Lanka is restricted, especially for those with no national identity cards. By providing IDPs who have fled their homes, often leaving everything behind, with legal documentation, the clinics allowed them to have some freedom of movement within the communities where they had resettled. Legal aid desks allow those who had no voice or option before to seek justice and redress.

Remaining Challenges

- Fear of consequences prevents people from claiming their rights through the formal justice system, so the number of criminal cases which have received support through the project is below expectations.
- Results of the A2J baseline assessment point to issues that rights holders consider priorities that have not been taken into account by the programme.
- Fear of consequences, and restrictions on movement, thwart justice providers (including judges and lawyers) from taking on cases, negatively impacting project delivery.

Lessons Learned

- Close engagement with governments in most complex political environments can open the door for UNDP support to vulnerable populations in an ongoing crisis.

Next Steps

Conduct a baseline assessment that will ensure that the issues raised by the rights holders are adequately addressed by the programme. Resource mobilization will be undertaken to ensure sustainability and expansion of access to justice across the east and north of the country.

Protecting the Rights of the Accused in Sri Lanka

“Forty-eight year old P could hardly believe her ears when a breathless neighbor informed her of the arrest of her only son. With thousands of questions running through her mind, she made her way at once to the Eppawala police station where the young man was said to have been taken. At the police station, she came to know that her son S had been arrested and detained on a charge of theft, which the suspect vehemently and repeatedly denied. She was not allowed to speak to him but was informed that he would be produced before the magistrate the following day.

The mother realized that she had to act fast to prove her son’s innocence but didn’t know where to seek help. Neither P nor her impoverished relatives had the means to retain a lawyer to defend S. Upon being produced in the Thambuttegama Magistrate court, S was remanded and an identification parade was ordered to be held.

It was a few days later that P came to know of the newly-established legal aid desk in Anuradhapura which rendered free legal services to defendants.

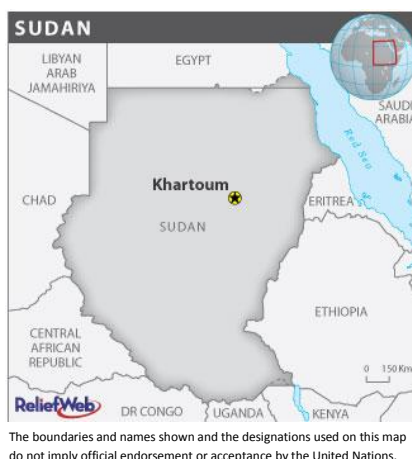
On the information gathered from the distressed mother, the legal officer of the Anuradhapura criminal defense legal aid desk visited S who swore his innocence and claimed that the police had falsely implicated him on personal vendetta. The legal officer collected all the information relating to the suspect including the B Report from the Officer-in-Charge of the Crimes Division. When visiting the suspect in remand prison, where he was scheduled to be presented for the identification parade, the Legal Aid Commission officer learnt that the complainant had visited previously and seen the suspect in prison, therefore clearly undermining the purpose of the identification parade. Representing the suspect when he was next produced before the magistrate, the Legal Officer objected to the identification parade. As a result, the identification parade was cancelled and S was released.”

In Sri Lanka, UNDP supported legal aid desks allowing Sri Lankans to access justice and seek legal remedies.

SUDAN 2009

Situation Analysis

Since the signature of the Comprehensive Peace Agreement in January 2005, considerable progress has been made in the devolution of power from the central/national level to the state and local levels. The adoption of the Interim National Constitution, the Interim Constitution of Southern Sudan and the state constitutions in the South represent significant milestones. Yet, major obstacles regarding the promotion of rule of law in Sudan still prevail.



While the Government of National Unity (GoNU) justice sector institutions have solid infrastructure and equipment at the central level in Khartoum, the rest of the country faces significant challenges, lacking basic rule of law capacity and infrastructure to deliver justice services. While ongoing efforts to create credible and accountable governance and rule of law institutions are advancing, the overall security situation in the South is deteriorating. This is manifested in inter-tribal conflicts, nascent justice and security institutions, deep-rooted military legacy, circulation of small arms and easy access to weapons across the territory, all exacerbated by a lack of effective civilian law-enforcement and access to justice.

In many parts of the country, such as Darfur, Eastern Sudan and Abyei, physical and legal protection, including due process, remains inaccessible to the large majority. The lack of dissemination of existing laws and the high level of illiteracy impede efforts to establish a functional statutory system and/or empower the predominant customary system. As law-enforcement and judicial officials, as well as traditional leaders, have very limited capacity to guarantee and protect human rights, the population remains vulnerable to arbitrary and targeted violence.

	<i>Rule of Law Programme in North Sudan</i>	<i>Rule of Law Programme in South Sudan</i>
Timeline	2004-2009	2004-2009
Budget (in USD)	Total: 55,000,000	Total: 60,000,000

Programme Objectives and Strategy

The UNDP Rule of Law Programme in Sudan is aligned with the national policy objectives and development priorities articulated in the Comprehensive Peace Agreement (CPA); the Interim National Constitution (INC); the Interim Constitution for Southern Sudan (ICSS); the Darfur Peace Agreement (DPA); and the Eastern Sudan Peace Agreement (ESPA).

It seeks to strengthen the capacity and competence of law enforcement and justice institutions to provide sustainable protection and human security in transition from a crisis to a post-CPA environment. The rule of law programme also empowers law enforcement, judicial officials, traditional leaders and civil society to protect and promote human rights, including women's rights, and provide access to justice for communities, displaced persons and returnees.

Country Office Support

Launched in 2004, the Rule of Law Programme in Sudan has become one of UNDP's flagship programmes in the area of rule of law, justice and security. Since 2008, support from the Global Rule of Law Programme has mainly been directed to Southern Sudan, complementing ongoing efforts in other parts of the country. Several joint technical needs assessment missions were conducted in 2008 and 2009 to review ongoing programming in the rule of law sector, with specific focus on Jonglei State, where major inter-tribal conflicts emerged during this period. This led to initiating a Joint Justice Programme to support United Nations Stabilization Plan.

Partnerships

UNDP Sudan works under a Strategic Partnership Framework (SPF) with the Government of National Unity, the Government of South Sudan, the Government of the Netherlands, the United Kingdom's DFID, Denmark's DANIDA, and Sweden's SIDA. Strong partnerships have also been built with UNAMID, UNMIS, UNFPA, UNIFEM, UNHCR, as well as a wide range of Sudanese non-governmental organizations.

Activities

Given the size of the programme and the one country-two systems constellation, only a few examples to illustrate the type of activities are mentioned below:

- Assisted the South Sudanese judiciary in strategic planning to improve the judiciary's institutional and human resources capacity.
- In order to enhance the quality and professionalism of legal services, a training and certification programme was conducted for lawyers on common law and the Sudanese Bill of Rights.
- Similarly, a series of trainings on the Sudanese Bill of Rights and international standards on human rights were conducted in Darfur, Eastern Sudan, South Kordofan, Blue Nile State, Abyei and throughout Southern Sudan, to raise legal awareness at community level.

- In partnership with UNMIS and the Ministry of Justice Legal Aid Department, UNDP supported development of draft legal aid legislation, which is intended to institutionalize the paralegal profession, seek government contribution to legal aid services and provide a policy framework to sustain UNDP's programme activities beyond project life. Consultations have been held at the national level with the three key partners, at the Donor Working Group on Governance, and is ongoing with paralegals and the legal profession at state level. Tabling of legislation at the national assembly is expected within one year.
- Police headquarters and training centers were constructed in Bor and Kwajok.
- Paralegals received training in mediation, conflict transformation, and peacebuilding, in order to improve the accessibility and quality of formal legal services.
- Expanded access to formal justice institutions in Darfur by providing training and support to 190 IDP paralegals who work in the camps. These paralegals conducted 1,200 mediations for camp residents.
- To expedite the processing of cases in the formal justice system, UNDP provided training in information technology and case management to judges and court administrators.
- Conducted a joint UNDP-UNMIS rule of law assessment in Jonglei State.

Impact and Results

The Rule of Law Programme underwent a comprehensive independent outcome evaluation in late 2008. The evaluation report noted that UNDP had incrementally advanced the outcome: "Human rights upheld and protected in accordance with international and national laws through accountable and equitable justice and rule of law institutions."

The evaluation noted significant advancement had been made with regard to legal information, human rights awareness raising and advocacy for IDPs and vulnerable groups. The evaluation encouraged UNDP to seek a better balance between the supply and demand sides of its programming agenda.

It was perceived that UNDP could further advance the outcome providing Sudan's citizens and rule of law institutions not only with information about rights, but also detailed information about remedies available within Sudanese domestic law, procedures and the mechanisms for citizens to avail themselves of the justice system."

The recommendations provided in the outcome evaluation have been carefully addressed by the Country office in its new 2009-2012 Governance and Rule of Law Programme, with increased focus on supporting rule of law institutions at the state level.

Lessons Learned

- The Sudan Rule of Law Programme yielded a number of lessons learned and shaped the Global Rule of Law Programme approach. It is documented in detail in a comprehensive Lessons Learned Study, published by UNDP and available first quarter of 2010.

Remaining Challenges

- Projects are hindered by ongoing insecurity, which restricts mobility, and the harassment of lawyers and community workers. Because certain legal aid cases have been deemed "political" by Sudanese federal authorities, legal professionals working on these cases have encountered threats.
- Violence and insecurity continues in Darfur, albeit at a lower intensity. While number of deaths and new displacement has decreased there are still 2.7 million IDPs in camps across Darfur. SGBV in and around the camps remains at alarming levels, which necessitates to further scale-up programme support and work towards a sustainable response by Sudanese judicial and law enforcement institutions.
- Tribal violence with political undertones continues to destabilize Southern Sudan. In 2009, more than 2,500 people were killed in cattle raiding and revenge attacks and approximately 369,000 were displaced, mainly in Jonglei State. The resulting insecurity jeopardizes programme activities in this region.
- The capacity of the Government of Southern Sudan (GOSS), established after the CPA, remains weak, especially at state and local levels. Government finances are 98 percent dependant on oil revenues, which has led to a fiscal crisis due to the fall in oil prices and the global financial crisis. This has undermined public investments in the rule of law sector.

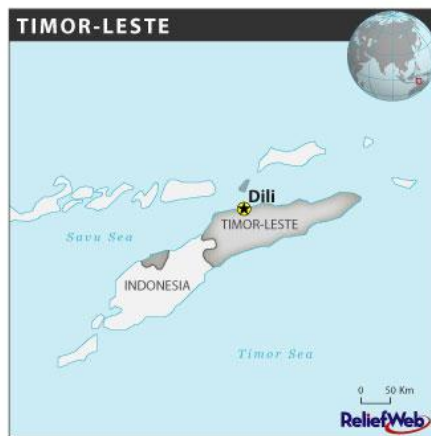
Next Steps

- Completion and roll-out of the UNDP/DPKO Jonglei Justice Programme in first half of 2010.
- BCPR technical support mission to Darfur following the 2010 elections.

TIMOR-LESTE 2009

Situation Analysis

After centuries of colonial rule and foreign occupation, the Democratic Republic of Timor-Leste won its independence after a brutal civil war in 2002. An accounting in the aftermath of that war revealed that 75 percent of the country's infrastructure was destroyed, 50 percent of the population was displaced and few judicial and law-enforcement professionals remained in Timor-Leste after the withdrawal of Indonesia. Despite these challenges, and with the support of the international community, the country has made considerable progress in building an independent and functioning state. However, fundamental political, institutional and socio-economic challenges persist. These gave rise to violent clashes in 2006 between factions of the Defense Forces of Timor-Leste (F-FDTL), the National Police (PNTL), and armed civilians. Fighting between the police and the army led to a disintegration of the rule of law, the death of 40 people, massive displacement of people and large-scale destruction of property and infrastructure. While Timor-Leste has regained stability, several key structural challenges remain.



The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the United Nations.

Programme Objectives and Strategy

In 2008, the Justice Programme was substantially revised to more effectively respond to the needs of the post-crisis context.

UNDP now provides comprehensive support to the Timorese justice sector. As the justice sector suffers a severe shortage of qualified personnel, a key element of the programme is to build up and strengthen the capacity of national institutions responsible for the

administration of justice. The programme also improves access to justice by strengthening the provision of legal aid and decentralizing the justice sector at district level. Populations in rural areas have increasing access to courts and legal representatives. Through this package of measures, UNDP Timor-Leste addresses the confidence gap between citizens and its justice institutions. While the Justice Programme already delivers tangible results, the Security Sector Review Programme aims at laying the foundation for a substantial reform process of the Timorese security sector. By providing an objective assessment of this sensitive field, the project's goal is to define technical assistance and capacity development needs for security sector reform (SSR).

Country Office Support

BCPR was instrumental in developing the Justice Programme by conducting a joint assessment and programme formulation mission with the Regional Center. It supported the development of the programme and provided seed funding, which later facilitated or complemented support received from the governments of Australia, Brazil, Ireland, Norway, Portugal, Spain, and Sweden. Along with the financial volume of the Justice Programme, the human resource capacity of the Country office increased significantly to a total of 37 staff. The security programme, in turn, complemented BCPR efforts in the recruitment of project staff. Both programmes received continuous technical support through missions or by telephone on technical questions and overall strategic vision of the projects.

Partnerships

Since 2006, the United Nations Integrated Mission in Timor-Leste (UNMIT) has operated in the country. Ensuring a coordinated approach to justice sector reform, UNDP is closely cooperating with UNMIT's Administration of Justice Support Unit.

Also, UNDP and UNMIT's Security Sector Support Unit have developed a close partnership, working as an integrated team on the review of the Timorese security sector.

↑	<i>Enhancing the Democratic Rule of Law through Strengthening the Justice System in Timor-Leste</i>		<i>Security Sector Review in Timor-Leste</i>
	Period	2008-2013	2008-2009
Budget (in USD)		Total: 34,225,000 BCPR: 3,000,000	Total: 1,164,067 BCPR: 200,000

The events of 2006 demonstrated that Timor-Leste's security forces are a challenge to sustainable peace and development. Despite progress, important questions such as the delineation of roles between army and police are not yet answered. Civilian oversight remains weak. While the United Nations Police has handed back the responsibility for day-to-day policing to the National Police in several districts in 2009, the PNTL's capacity and integrity still need to be improved.

The justice sector also faces capacity deficits, characterized by a lack of trained legal professionals. Further, legal texts are written largely in Portuguese, a language spoken by approximately five percent of the population. Consequently, few communities have access to the formal justice system. Although the government has expressed commitment to strengthen the justice institutions and the legal framework, public confidence in the system remains low due in part to inefficiencies and perceptions of favouritism.

Activities

- In the framework of its capacity-building activities, the Legal Training Center received support in training magistrates, public defenders, private lawyers, notaries, translators, police, senior prison managers, prison guards and the Ministry of Justice's legal drafters and advisors to either improve their knowledge and performance or specialize them for work in the judicial sector.
- Financed four international prosecutors and four international prosecutor clerks who provide operational support and guidance to their Timorese counterparts in order to improve the skills of the national prosecutors.
- Connecting the formal justice system and customary legal practices and codes remains a challenge in Timor-Leste. This is why UNDP supported consultations between the government and civil society which provided valuable insights for the drafting process of a law on customary legal practices.
- With a view to improving access to justice for poor and vulnerable groups and to advancing decentralization of the justice system, UNDP established a mobile court system to hear cases in 10 districts.
- Supported a radio programme—Radio Program Futuru Nabilan—to raise awareness about the roles of the Public Defender's Office, the Prosecution Services and the Courts.

Impact and Results

In a country still in the process of building state institutions, the Justice Programme makes a long-term contribution to developing a self-sustainable Timorese judiciary. UNDP has increased its support to the Legal Training Center (LTC); in 2009, ten new justice professionals graduated from its programme, further strengthening rule of law institutions. In a country with an illiteracy rate of 50 percent and with only few legal documents available in Tetum—one of the two official languages spoken by the great majority of Timorese—pro bono legal advice and representation offered by the public defender are often the only ways to seek justice. With UNDP support, four additional public defenders were appointed in 2009 alone, bringing the total number to 14.

Importantly, through its constructive engagement with the government, UNDP, together with bilateral development partners, has supported the Timorese authorities in initiating a national strategic plan for the Justice Sector. The plan, now adopted by the Council of Coordination, will serve as the guiding coordination mechanism for governments and donor efforts in this sector.

Conditions in prisons have significantly improved through initiatives to enhance security, reintroduce vocational work (e.g., computer training, Portuguese and English classes, and laundry work for prisoners), and medical support.

While SSR in Timor-Leste continues to be a slow process with a limited base of national ownership, the Security Sector Review has produced some positive effects such as creating opportunities for dialogue on security sector governance between the government, parliament, the opposition and other national stakeholders and has helped bring about new legislation governing the security sector.

Remaining Challenges

- Human resource constraints within justice institutions have hindered an effective decentralization process of the formal justice system. Improved access to justice, especially in the district courts and for vulnerable groups, is an important vehicle to improving public confidence in the justice system.
- Despite initiating some progress, the Security Sector Review needs to be further developed into a tool for reforming the Timorese security institutions. In order to achieve this goal, stronger buy-in by the government and additional support from other stakeholders for the review and the reform of the security sector needs to be attained.

Lessons Learned

- With legal texts and court proceedings written predominantly in a language spoken by a minority of the Timorese, language barriers present significant access to justice obstacles and administration of justice bottlenecks. Consequently, special emphasis must be put on improving language skills of the actors in the justice sector and on making legal documents accessible to the whole population.
- Both the review and the reform of the security sector and an ensuing reform can only be successful if national ownership is ensured through active engagement and dialogue with national counterparts.

Next Steps

The Justice Programme will continue to provide comprehensive support to the justice sector and reinforce its efforts at training private lawyers, an essential element for a functioning justice system. Also, the Security Sector Review process will be advanced, paying particular attention to national ownership.

Additionally, entry points will be identified in the course of 2010 to further strengthen the Justice Programme, in line with UNMIT's broader strategy for the coming years.

‘Justice on Wheels’: Mobile Courts in Timor-Leste

“One hundred and twenty kilometers: that is the distance of the Baucau District Court from the village of Laclubar, located in central Timor-Leste. At seven o’clock on a Saturday morning, two judges, along with a prosecution representative, and a lawyer, clambered out of their car to deliver what Timorese rural people crave at least as much as jobs, clean water and schools—justice.

“Timor-Leste's judiciary faces the challenge of providing justice for the poor and the disadvantaged,” said Judge Edite Palmira. “When decisions take 3 to 5 years, it destroys people’s faith in the formal legal system, and we, as magistrates, cannot allow this to happen.” And so the ‘mobile court’ initiative was launched, with the purpose of taking justice to the people at their doorsteps.

For Timorese people living in rural areas and who have suffered injuries, were robbed or sexually assaulted, taking someone to court is dream far from becoming true. It is expensive to afford the bus fare to the nearest town where the courts are located or even yet to hire a lawyer.

When the magistrates arrived, the population was intrigued by the judge's attire and the number of United Nations Police accompanying them. During the court's session, a sexual assault case was due to be resolved. In this particular case, the magistrates traveled to Laclubar because the victim had mental problems and was eight months pregnant as a result of the sexual abuse and could not travel. She was heard in a private session and explained how the crime took place. In the subsequent public hearing, within minutes, the room was full, as agitated witnesses leaned over their desk to explain the case.

The representative of the Public Ministry congratulated the initiative and stated: “It is with grand actions such as this one we are witnessing today that our role of bringing justice closer to the people is achieved. I certainly hope we can continue with this activity whenever is necessary to accelerate the process of providing fair and quick justice to the people of Timor-Leste”.

After two hours in Laclubar, Judge Edite declared the session ended. The suspect was notified to present himself at the court in two weeks to hear the court’s decision.”

In Timor-Leste, UNDP and the Council of Coordination of the Justice Sector have been working closely through the Justice System Programme to develop the national capacity of the courts, the prosecution and the Ministry of Justice through the public defender's office, prison services and the Legal Training Centre.

Situation Analysis

Conflict and violence have plagued Uganda since independence due to a cycle of coups and internal conflicts. The conflict in Acholiland and the activities of the Lord's Resistance Army, which lasted more than 20 years, have led to thousands of people returning after years in IDP camps. They must now re-establish themselves in a situation of economic and political uncertainty.

In northeastern Uganda, extremely low human development indicators prevail in the Karamoja region. Government and justice services are skeletal, under-resourced, and distrusted by the Karamojong. Service delivery is poor to non-existent, especially in the justice sector. Security, including basic policing functions, has until recently been led by the armed forces (UPDF), with negative consequences for the rule of law and human rights. Combined with persistent drought and land erosion, these factors have made Karamojong communities dependent on food aid, despite their nomadic pastoralist tradition.

These conditions, along with porous borders and conflicts in neighbouring lands, have led to the proliferation of small arms throughout Karamoja. Cattle-raiding, a practice which has taken root between herding communities, has intensified into violent crime against all segments of the community, including women and children. Insecurity rendered the area inaccessible to humanitarian groups until early 2009.



The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the United Nations.

Programme Objectives and Strategy

With the objective of strengthening the rule of law and empowering women in Uganda, a comprehensive national programming framework has been developed by UNDP and UNIFEM. The programme emphasizes strengthening security and access to justice in northern Uganda as a complement to existing UNDP-led initiatives in the area. The framework also focuses on the development and implementation of a gender strategy within national planning and policy in

the justice, law and order sector (JLOS), with the goal of ensuring that the sector is responsive to the security and justice needs of women. This key contribution to the JLOS emerged from a gap analysis of support in a crowded institutional and donor environment.

In order to ensure that both the demand and supply side of the JLOS are strengthened at the community level, the programme foresees support to the Ministry of Local Government and Local Councils Court, reaching down to the smallest unit of the administrative structures. This will be balanced by a focus on legal aid and services that address land issues, gender justice, and returnees, as well as support to local police units dealing with GBV. The programme seeks greater protection of rights, and access to justice, for returnees and other vulnerable populations. These will be achieved by capitalizing on complementarities with other UN, government and donor-led programmes under the auspices of the Peace and Recovery Development Plan.

The Programme document "Building Sustainable Peace in Karamoja" has been developed with UNIFEM and UNCDF, and aims to improve the capacity for peace, good governance, community security and justice service provision in Karamoja. It seeks to support local government structures in coordinating aid, promoting peace, economic development, small arms control and the rule of law. The programme will also seek to engage traditional leaders in these processes, in order to promote confidence-building and culturally appropriate solutions.

Country Office Support

The programme builds on the crisis prevention and recovery activities of UNDP in the north. In Karamoja, UNDP activities act as a lever for bringing in other UN agencies (and their funding envelopes) hitherto not active there. The programme bolsters area-based programming in the northern areas of return, which are also supported financially and technically by UNDP/BCPR. These pre-existing projects provide solid entry points for working with partners at the local level.

	Strengthening Recovery, Reconciliation, Peace Building and development in Northern Uganda	Building Sustainable Peace in Karamoja: Strengthening Capacities for Community Security, Rule of Law and Economic Recovery
Timeline	2009-2012	2007-2009 2010-2012
Budget (in USD)	Total: 4,273,000	Total: 10,854,106

In both Karamoja and Acholi, survivors of gender-based violence have no recourse, due to cultural stigma and the lack of adequate security and justice responses. Women's physical security remains a major challenge in Acholi, requiring outreach from justice, security and legal aid services in remote areas. Transitional justice processes must include women's voices in order to provide remedies to all segments of society.

Importantly, the programme capitalizes on a previous UNCDF capacity building and support programme to the Ministry of Local Government and the Local Councils Courts, and connects with new initiatives by the Dutch to strengthen them through an institutionalized training programme. This programme positions UNDP in the JLOS.

Programme development was initiated in-country as part of an integrated BCPR, UNIFEM and UNCDF team. BCPR has since provided continual technical support in project drafting and review of all UNDP Uganda's planning tools. Additionally, the programming is embedded in the CPAP and in the UNDP-BCPR Uganda Strategic Partnership framework, and management arrangements should be finalized in the first half of 2010, followed quickly by financial disbursements. UNIFEM and UNCDF contributions will augment this project. The programme should be completed during the first quarter of 2010.

Partnerships

The programmes will be jointly undertaken by UNIFEM, UNCDF and OHCHR, and implemented in close coordination with all stakeholders in the JLOS sector. These coordinated efforts will enable the programme to widen its geographical coverage.

Remaining Challenges

- The high expectations of local government counterparts in the recovery process, and weak local government capacity in the north, are mismatched and require careful management. In the former conflict zones, local administrations and services are only very slowly re-establishing, and are weak in human and material capacity. In Karamoja, local governance inspires little confidence from the Karamojong, a fact that is exacerbated by their under-representation in public and civil services.
- Security issues in Karamoja undermine peace and development initiatives, and restrict the operational environment. This increases costs and reduces the geographic scope of the project. The remoteness of some districts, combined with a lack of infrastructure (e.g., fuel supplies, banks), affects planning and implementation.

Lessons Learned

- These programmes will build on existing relationships, but engagement at the Kampala level to influence strategy and policy in the JLOS will be essential for success. UNDP will need to champion justice and security issues as an essential component of recovery.

- Building on previous experiences, Karamoja demands a sustained focus on a small number of priorities. Poverty levels are so high that rule of law initiatives should be combined with projects to improve livelihood opportunities. Developing trust with Karamojong communities will involve long-term efforts, as will engaging women's and youth groups.

Next Steps

BCPR's support in 2010 will be targeted at finalizing the programme document and assisting the Country office in strengthening its field presence to ensure smooth implementation of the programme.

OTHER COUNTRIES

Comoros

Political and institutional instability have plagued the Comoros for decades. In 2008, separatist tensions culminated in violent confrontations, prompting the international community, particularly the African Union (AU) to engage in re-establishing peace and security in the archipelago. The government's AU-backed military intervention on a breakaway island, in addition to presidential elections, restored relative stability. However, mistrust persists between separatists and the central government, along with the sense of insecurity and fear, presenting challenges for the peacebuilding process. In light of these developments, the Comoros have become eligible to receive support from the United Nations Peacebuilding Fund (PBF).

The reform and modernization of the security sector was identified as a priority for successful peacebuilding. Due to its SSR experience in similar post-conflict settings, UNDP/BCPR was requested to assist in developing an SSR project for the Comoros. Through a bureau-wide mission in 2009, BCPR enabled the Country office to finalize the design and begin implementing the PBF project, which has a total budget of over USD 3 million. This cooperation further strengthened the linkages between the PBF as a financing instrument and UNDP as an action and results-oriented implementation agency of rule of law, justice and security programmes in the context of peacebuilding processes.

Guinea

A deteriorating political and security situation has rendered Guinea a fragile state. Despite the newly-convened government of national unity, and elections scheduled for 2010, the situation remains highly volatile because the fundamental causes of insecurity and injustice remain unresolved. Guinea's disorganized, fragmented and unaccountable security institutions jeopardize the safety of citizens. This was illustrated on 28 September 2009, when security forces attacked peaceful demonstrators, killing 150 people, and leading to the sexual assault of over 100 women. Threats from the security sector are exacerbated by a justice system rife with dysfunction and political influence.

In order to rapidly assist victims of the 28 September 2009 massacre, UNDP deployed a rule of law and GBV expert to Guinea. After a swift recruitment process, the expert began her work at the beginning of 2010. She is also tasked with supporting victims of GBV in seeking justice, and developing a systematic response to the overall problems of insecurity and impunity in Guinea. To this end, BCPR provided technical advice to the Country office in establishing a justice and security project for 2010, financed by the UN Peacebuilding Fund.

The Justice and Security Project began a comprehensive assessment of the Guinean security sector in early 2010. In order to maximize the impact of this assessment, UNDP is conducting it jointly with DPKO, UNOWA, and the Economic Community of West African States (ECOWAS). This is the first time that the UN and ECOWAS have collaborated to advance security sector reform. The Country office will receive continuous technical advice as it implements the Justice and Security Project.

Kenya

Although the election crisis of 2007-2008 abated with the mediation of the international community and the establishment of a government of national unity, the underlying political and social tensions remain. Because the rule of law is a prerequisite for long-term stability, UNDP decided, after a comprehensive assessment, to add a rule of law component to the existing conflict prevention and recovery programme.

Public confidence in Kenyan rule of law institutions has suffered from the crisis, and from the reputation of police for violating human rights. Police regularly beat suspects and rape women in their custody. Traditional legal systems, the primary means of recourse in rural areas, also tend to disadvantage women and children.

In May, 2009, Parliament passed legislation establishing a Truth, Justice and Reconciliation Commission. The Country office has been heavily involved in defining the parameters of the commission, which will have the power to prosecute gross human rights violations committed since Kenya's independence.

BCPR was requested to provide technical support to Kenya's Truth and Reconciliation Commission, as a central component of the rule of law programme. Other potential entry points include (1) support for police reform, (2) follow-up on justice sector reform, and (3) access to justice at the local level. This would complement efforts underway by the conflict prevention and armed violence reduction programmes. BCPR will undertake a joint mission with OHCHR and UNOCD in 2010 to formulate the programme.

Pacific Islands

Unnoticed by most international media, the inhabitants of the South Pacific region face a multitude of threats to their human security, resulting from political instability, lawlessness and underdevelopment. In 2009, BCPR provided specific and targeted support at both the regional and national levels to enhance peace- and statebuilding efforts.

(i) Regional Security Sector Governance Initiative

The five Pacific countries of Fiji, Papua New Guinea, the Solomon Islands, Tonga and Vanuatu are confronted with difficult security sector challenges. Unaccountable security institutions pose a permanent threat to democratic governance (exemplified by the military coup in Fiji). Public insecurity and widespread GBV significantly impede human security and development in the region.

BCPR provided technical advice for a needs assessment of regional security governance, which was conducted in cooperation with the Centre for Democratic Control of the Armed Forces. Subsequently, a ministerial-level regional conference on security sector governance convened in April-May 2009. BCPR facilitated the adoption of a political commitment that delineates concrete steps to strengthen regional security sector governance and foresees a close, long-term cooperation between UNDP and the Pacific Island Forum Secretariat in this area.

(ii) Solomon Islands

Similarly, the social unrest and violent conflict in the Solomon Islands necessitated intervention by the international community. A regional assistance mission, deployed in 2003, has led to the relative restoration of law and order. However outstanding grievances, particularly those related to gender-based violence, remain unresolved and limit the ability of Solomon Islanders to move towards unified, secure and viable nationhood.

UNDP and the International Centre for Transitional Justice jointly supported government efforts to establish the Truth and Reconciliation Commission, through legislative drafting, and design of the 2009 Action Plan. An international support facility was established to deliver logistic, administrative and technical support for the commission, particularly in the areas of communications and victim support services. In April, 2009, the commission was launched and BPAC allocated USD 800,000 in support of the commission.

Pakistan

Pakistan, a pivotal country in regional stability, has seen an increase in violence over the past several years. Stabilizing the country's democratic institutions and pulling back from the brink of fragility are paramount challenges for the international community. The absence of justice and security is cited as a primary contributor to the violence, particularly during the Taliban's seizure of parts of the North-West Frontier Province (NWFP).

BCPR undertook a mission to Pakistan in November 2009 to assess the overall political environment, determine the rule of law needs, and discuss priorities with Government of Pakistan. This mission led to a comprehensive, multi-year rule of law, justice and security programme for the Malakand region in the NWFP. Immediately following the BCPR mission,

BCPR deployed an experienced express roster consultant to conduct baseline and develop a full-fledged programme document. This has also enabled UNDP to lead the Post-Conflict Needs Assessment (PCNA) cluster on rule of law (and governance). Given the security situation and access constraints, the programme will rely heavily on local NGO execution.

Although not a Global Programme priority country, Pakistan's fragile situation and regional significance in relation to Afghanistan warrants rolling technical support in 2010 and beyond.

CHAPTER 3: Partnerships

The needs in countries affected by armed conflict are far too great to be addressed by one actor alone. In the rule of law sector, the gaps caused by armed conflict are vast and encompass a number of key areas requiring support, as highlighted in the previous chapter. These gaps stretch from law enforcement and the judiciary to the plight of communities and the displaced, as well as highly disputed issues like compensation and land tenure, among many others. The magnitude of destruction and capacity deficits requires joint efforts by multiple actors. In addition to partnering with host governments, civil society actors and communities, BCPR is an active contributor to a coherent UN-wide approach to rule of law programming both at the country and the global level. Therefore, UNDP's results achieved on the ground should be attributed to the partnerships forged under the Global Programme.

1. Host Governments, Civil Society and Communities

Trusted partnerships with host governments and other local stakeholders are at the heart of UNDP's mission. The Global Programme is committed to genuine national ownership and is dedicated to empowering local communities to determine their own future in the challenging circumstances associated with crisis. The Global Programme is based on principles of inclusion and participation. It now partners with over 100 government ministries and governmental bodies, and national partners often participate in BCPR's rule of law needs assessment missions.

The Global Programme also reaches out to civil society organizations and develops their capacity to engage effectively with government partners. In Sierra Leone, UNDP facilitated an open and frank dialogue between civil society and parliamentarians leading to the roll-out of concrete recommendations on accountability and transparency. In 2009, UNDP granted 15 CSOs in Sierra Leone financial support, ranging from USD 5,000 to 35,000, which empowered them to conduct awareness-raising and provide transport and accommodation to victims of GBV unable to pay for their travel to courts. In Kosovo¹¹, women's civil society groups form the backbone of the Women's Security and Safety Initiative. In the DRC, a wide network of legal aid organizations provide assistance to survivors of sexual violence.

The Global Programme is also intensely aware of the untapped capacities and potentials of displaced populations. A strong feature of Global Programme is therefore to empower war-affected communities and allow them to convert their despair into constructive action. In Darfur, over 200 internally displaced people have been trained as paralegals, and are now managing legal aid centers in seven camps, practicing traditional conflict resolution and referring serious cases to a lawyers' network. Similarly, four legal aid NGOs and 275 paralegals are now empowering victims of sexual violence in eastern DRC to seek justice for the crimes committed against them.

2. In-Country United Nations Partnerships and Coordination

Working together with partners across the UN system is an important area in which the Global Rule of Law Programme has significantly advanced UNDP's engagement. In 2009, institutional and formalized cooperation was established in 10 countries with DPKO and a number of other UN entities, such as UNIFEM, UNODC, UNFPA, UNHCR, UNACTION, PBSO and PBF.

In support of UN coherence, these partnerships reinforce the UN Country Team (UNCT) and the in-country coordination mechanisms led by the Resident Coordinator/Humanitarian Coordinator and/or the Deputy SRSG or SRSG. By engaging the UN Country Team and its leadership at the outset of programme development and throughout implementation, the Global Programme embeds UNDP's rule of law assistance within the broader UN operation, its annual workplan, and the country-specific recovery context. In doing so, it supports existing in-country strategies and capacities, while also benefitting from established coordination mechanisms that bring together the humanitarian and peacekeeping wings of a UN operation. This allows for the establishment of a sound division of labor, reinforcement of complementary capacities and coordination towards a shared vision.

A case in point is the partnership on rule of law established between MINURCAT and UNDP in Eastern Chad. While UNDP offers the overall programmatic framework, funding facility and technical expertise, MINURCAT

¹¹ Referred to in the context of the UN Security Council Resolution 1244 (1999).

provides additional technical expertise, logistical/operational support and increases outreach where UNDP has no field presence. Through joint planning, joint programming and joint implementation, MINURCAT and UNDP share information on a regular basis and consult each other on coordination mechanisms addressing rule of law-related issues (i.e., Inter-agency Coordination Mechanism on Rule of Law and IASC Protection/Early Recovery Clusters). This division of labor now serves as a model in other joint programmes.

Joint programming with DPKO on policing, justice and SSR has deepened considerably over the past 18 months, which has enabled the optimal use of financial and human resources. Over the past two years, UNDP/BCPR has cultivated a particularly strong partnership with the DPKO Office of Rule of Law and Security Institutions (OROLSI). Specifically, the Global Rule of Law Programme engages with the Police Division (PD), the Judicial Affairs & Corrections Section (CLJAS), and the Security Sector Reform Unit (SSRU), all of which fall within the domain of rule of law, as defined by the UN Secretary-General. 2009 saw an increase in the number of joint initiatives with DPKO in Chad, Haiti, Liberia, Somalia, Sudan and Timor-Leste. Building on the achievements made thus far, DPKO and UNDP have agreed to expand the number of joint programmes in 2010.

In 2009, UNDP/BCPR also partnered with UNIFEM's "Women's Access to Justice in Conflict and Post-conflict Programme" to further enhance gender justice. Based on a memorandum of understanding signed in January 2009, the Global Rule of Law Programme contributes to strengthening accountability for gender-based violence, development of early warning indicators for gender and rule of law, and improvement of data collection regarding women's justice needs after conflict. New programmes in Colombia, Nepal and Uganda were set in motion, while a joint mission to Afghanistan was postponed for security reasons.

Following critique in the past of UNDP's performance on peacebuilding funds, the Global Rule of Law Programme has made a particular effort to provide support to strengthening delivery on the PBF. Justice and security are priorities areas in almost all Peacebuilding Fund countries, and thus the Global Programme fills an important function in enhancing overall performance in the peacebuilding architecture. In view of the demands on the ground, support related to the PBF has been extended to enhance delivery in several fragile states. This also includes countries not prioritized in the Global Programme, such as Guinea (Conakry) and the Comoros. In addition, the Global Programme has facilitated the deployment of human resources to the Peacebuilding Support Office, such as the Dutch contribution of USD 500,000 in 2009 to PBSO for policy advisory staff.

3. United Nations Member States

UN Member States and their constituencies are the chief stakeholders of the Global Rule of Law Programme. Progress depends on the political support and guidance afforded by host governments and their representation in the Group of 77 and the UNDP Executive Board, as well as the financial and strategic support offered by donor partners. Both constitute indispensable pillars of support to successfully implementing and achieving the benchmarks of the Global Programme.

At an early stage, UNDP/BCPR ensured that the design and roll-out of the Global Programme was preceded by extensive consultations with both groups of stakeholders. An early briefing to, and continuous engagement and dialogue with, members of the Non-Aligned Movement and the G77 enabled UNDP to proceed with the implementation of the Global Programme on the basis of transparency and trust to secure national ownership. In the same spirit, donor consultations guided not only the design of the Global Programme, but have continuously remained a vital support mechanism during its implementation, notably through current partners Australia, Canada, France, Germany, the Netherlands and Norway..

In 2009, UNDP/BCPR convened two partnership meetings and several joint missions with its donor partners, in-country host governments and UN partners, including DPKO, UNODC, UNFPA, UNHCR and UN ACTION, as well as representation from the ROLCRG, the SSRTF and the IASC Protection Cluster. The Netherlands is the main development partner in the Global Programme. As such, it has played a particularly supportive role from the start. Ongoing dialogue with the Netherlands brings much added value to advance and steer the Global Programme in the right direction, as it deepens and moves forward. This close cooperation is also illustrated by the participation of the Netherlands in rule of law missions to eastern DRC and Colombia in 2009. This dialogue is representative of the kind of partnership that the Global Rule of Law Programme desires to establish with all its development partners, and it is anticipated that it will be further expanded in 2010.

In addition, UNDP/BCPR worked closely with DFID in 2009 to conceptualize the interdependence between justice and security. Drawing on the definition presented by the Global Programme, the DFID white paper

Eliminating World Poverty: Building our Common Future adopted a similar definition and continued working closely with UNDP in advancing the global consensus.

In conclusion, the Global Programme has enabled UNDP to establish a niche on rule of law and allowed the expansion of trusted partnerships in this field of work. As a result, UNDP is frequently called to lend analysis and practical solutions at various international forums. In the course of 2009, UNDP was invited to make presentations at the Wilton Park *Conference on Building Local Capacity of Security and Rule of Law in Fragile and Conflict Affected States*, which recognized justice and security as a foundation for the Millennium Development Goals; the *Gendered Governance Conference* in Copenhagen, which reaffirmed the role played in addressing gender-based violence through the rule of law; and, the UK's *Parliamentary Conference on Peacebuilding*, which situated the rule of law as a foundation for community security in the peacebuilding process.

4. Global Coordination

The Global Programme has given UNDP the capacity and technical expertise to shoulder a catalytic role in advancing UN coherence on issues of critical policy to the broader UN system and its partners. While 70 to 80 percent of the Global Programme implementation is devoted to in-country programming on rule of law, justice and security, supporting global coordination on rule of law is also an important investment. Through its substantive and regular engagement in inter-agency processes, UNDP helps render the overall approach of the UN on rule of law more coherent and effective. In 2009, UNDP/BCPR was called upon to support two major global rule of law-related initiatives in collaboration with UN entities, donors and financial institutions:

- Defining the justice and security nexus
- Preparing the roll-out of UNSC Resolution 1888 on combating sexual violence in armed conflict

Defining the justice and security nexus. The interdependence between justice and security is increasingly recognized by donors (e.g., OECD/INCAF, DFID) and the World Bank. However, the gap between the justice and security communities has weakened collective efforts. Since the justice and security nexus was first pioneered through the Global Programme, UNDP was called upon in 2009 to assist in advancing a global consensus on the justice-security nexus and in bringing together the justice and security communities. To this end, UNDP and the World Bank led, with support from DFID, the UN Rule of Law Unit, DPKO and the OECD secretariat, the development of a concept note on the justice and security nexus, which was recently presented in February 2010 at the OECD/INCAF meeting in Washington, DC and the World-Bank/UNDP Roundtable on the World Bank Development Report in New York, and was very positively received.

Preparing roll-out of SC Resolution 1888 (Op. Para 8). In a similar fashion, the Global Rule of Law Programme has played an instrumental role in advancing concrete programming for the 8 Point Agenda through women's security and access to justice. Therefore, in 2009, UN ACTION designated UNDP to co-lead with OHCHR and DPKO the translation of Security Council Resolution 1888, Operative Paragraph 8 (addressing sexual violence through the rule of law) into a conceptual framework for action in support of the recently appointed SRSG for sexual violence in armed conflict. The three co-leads have led the drafting process, conducted UN-wide consultations and liaised with the Executive Office of the Secretary-General and the incoming SRSG. These efforts have been considered a good example of timely and effective inter-agency response to a priority called for by a Security Council resolution.

UNDP also provides substantive and strategic support to five UN coordination forums focusing on areas of immediate relevance to the rule of law, justice and security to create synergies and minimize overlap:

- The Rule of Law Coordination and Resource Group
- The Inter-Agency Security Sector Reform Task Force
- The Inter-Agency Standing Committee's Protection Cluster Working Group
- The Inter-Agency Standing Committee's Sub-Working Group on GBV
- UN Action against Sexual Violence in Conflict

The Rule of Law Coordination and Resource Group (ROLCRG)

The ROLCRG is responsible for the overall global coordination of the UN's rule of law approaches and activities, and UNDP/BCPR has made considerable investments in supporting this UN-wide coordination function. The substantive focus rests on the Secretary-General's reports of 2004 and 2006. *The Rule of Law and*

“Where the United Nations succeeds in supporting change that results in the betterment of peoples’ lives through their equal protection under the law and the attainment of justice, it strengthens the rule of law. Ultimately, the equal protection of the law as the means to achieve freedom from fear and freedom from want is the most sustainable form of protection. Perhaps the United Nations’ contributions to such protection are its most profound achievements. Yet, success in this pursuit is among the hardest to attain.”

UN Secretary-General’s Report on Strengthening and Coordinating United Nations Rule of Law Activities (A/63/226)

Transitional Justice in Conflict and Post-Conflict Countries and *Uniting Our Strengths: Enhancing United Nations Support for the Rule of Law*, respectively. Ever since the establishment of the ROLCRG in 2007, UNDP/BCPR has worked closely with the Deputy Secretary-General’s Rule of Law Unit that manages the ROLCRG, and the nine UN entities that form the ROLCRG: DPKO, DPA, OHCHR, OLA, UNHCR, UNICEF, UNODC, UNIFEM, UNDP.

In 2009, the ROLCRG developed a Joint Strategic Plan 2009-2011 (JSP), which outlines a set of joint activities for the UN: (a) joint programming; (b) guidance material; (c) common training programmes; and, (d) a UN website. In this regard, UNDP/BCPR facilitated the designation of Nepal as a first pilot country for ROLCRG joint programming and obtained the necessary endorsement of the Resident Coordinator, the UNCT and the government of Nepal. On guidance material, UNDP plays a substantive role in developing joint products on legal reform monitoring and on national ownership and SSR, and is also engaged in the design of a common ROLCRG training programme. Similarly, UNDP/BCPR significantly supported the UN system-wide ROLCRG

website and documentary repository on rule of law (www.unrol.org), which was launched in November 2009 jointly by the Executive Office of the Secretary-General, the Chair (Finland) of the Friends of Rule of Law, UNICEF and the UNDP/BCPR Director.

In the same vein, and throughout 2009, UNDP/BCPR was called on to serve as a facilitator and presenter at conferences and panels organized by the Deputy Secretary-General’s Rule of Law Unit on behalf of the ROLCRG. These include the *Conference on Enhancing Global Rule of Law Assistance*, the UN/World Bank *Knowledge Exchange Workshop on Rule of Law* and the *Conference on National Perspectives on Rule of Law Assistance*.

Inter-Agency Task Force on Security Sector Reform (SSRTF)

Led by DPKO and supported by UNDP, the Inter-Agency Task Force on Security Sector Reform (SSRTF) was established in 2008 and brings together UN entities with a vested interest and capacity in security sector reform, including DPKO, DPA, OHCHR, PBSO, UNICEF, UNIFEM, UNODC and UNDP. The scope and direction of the SSRTF is based on the Secretary General’s 2008 report *Securing Peace and Development: the Role of the United Nations in Supporting Security Sector Reform*, which emphasizes that SSR efforts should seek to enhance the rule of law and human rights. In so doing, the SG places SSR under the overall rule of law framework, an approach reiterated by the General Assembly’s Special Committee on Peacekeeping Operations (“C-34”) and the Security Council’s Presidential Statement of May 2008.

UNDP/BCPR’s support to the SSRTF entails global policy development and partnership-building, in-country joint assessment missions and assistance to peacekeeping operations’ SSR units. Since UNDP’s work in the field of SSR is carried out under its broader rule of law mandate—assisting national civilian authorities to strengthen the governance of security institutions—the Global Programme has also been well-positioned to bridge the divide between the justice and security communities.

In 2009, UNDP actively contributed to the SSRTF’s strategic plan for UN-wide policy guidance and training materials on SSR. This includes, among others, a system-wide note on national ownership of security sector reform; support to the SSR Practitioners Workshop in July 2009 as well as regional SSR consultations for Latin America, organized jointly by DPKO, UNDP and the Group of Friends of SSR with the support of Argentina, Slovakia, Canada and the Geneva Center for Democratic Control of Armed Forces (DCAF) in September 2009. In addition, joint SSR assessments were conducted with DPKO and the European Commission to CAR, Guinea-Bissau, Somalia, Sudan and Timor-Leste. UNDP’s entry point of rule of law and focus on governance of the security sector in addressing SSR has proven to be a comparative advantage and an appreciated contribution to collective efforts in advancing the broader objectives of the SSRTF and its partners.

IASC Protection Cluster Working Group

In 2005, the humanitarian reform led by OCHA established 11 Global Clusters to enhance coordination in humanitarian crisis situations. The Global Protection Cluster addresses the immediate and medium-term needs for security and justice of vulnerable populations (physical, legal and material protection). Since the Global Programme establishes an innovative approach of strengthening the rule of law in an active armed conflict and linking rule of law and protection (based on lessons learned from Darfur), UNDP/BCPR was invited by UNHCR to support the Global Protection Cluster. UNDP has responded to this request by substantively and financially investing in the Protection Cluster, including: (a) serving as the co-lead with OHCHR on the Sub-Working on Rule of Law; (b) representing the Protection Cluster as a focal point agency in the Early Recovery Cluster; as well as, (c) representing UNDP in the Sub-Working Group on Gender-Based Violence.

To this end, UNDP has further deepened its support to the Global Protection Cluster in 2009 to enhance a greater conceptual understanding of early recovery of the rule of law sector in ongoing armed conflicts; a collective commitment to addressing gender-based violence; and, stronger synergies with the humanitarian community overall. In 2009, support was provided to the human resources of the Protection Cluster Secretariat through an allocation of USD 50,000 from the Global Programme. This enabled the Protection Cluster to improve coordination of the protection-related field support during humanitarian crisis. In its capacity as a co-chair of the Sub-Working Group on Rule of Law, UNDP/BCPR provided support to OHCHR in launching the development of a study on protection of NGOs.

“Ensuring international peace and security remains a daunting challenge for the United Nations. Despite efforts over the past 60 years, conflict and violence continue to pose a threat to Member States and peoples; freedom from fear and want remain elusive for many. Accordingly, the United Nations continues to search for effective responses to address insecurity based on its Charter. Two related central themes have emerged. The first is that security, human rights and development are interdependent and mutually reinforcing conditions for sustainable peace. The second is the recognition that these fundamental elements can be achieved only within a broad framework of the rule of law.”

United Nations Secretary-General's Report on Securing Peace and Development: the Role of the United Nations in Supporting Security Sector Reform (SG 2008/A/62/659)

International Non-Governmental Organizations

The Global Programme recognizes the value of substantive partnerships with international non-governmental and specialized organizations. In-country, UNDP optimizes CSO execution to advance geographic outreach and to build capacity of local NGOs, civil society and community-based networks (see also above). At the international level, UNDP/BCPR's partnerships bring in a broad spectrum of specialized expertise, while also building global networks. In 2009, an expansion and deepening of such partnerships extended to:

- The International Security Sector Advisory Team (ISSAT) in which BCPR represents UNDP as a board member;
- The International Development Law Organization (IDLO), which played a substantive role in drafting of the Guidance Note on Rule of Law Programming in Conflict/Post-Conflict Situations;
- The Soros Foundation, with which the Global Rule of Law Programme is pursuing women's security and access to justice, starting in Liberia.
- The Norwegian Refugee Council (NRC), which is being engaged for the establishment of rosters to reinforce combating impunity against sexual violence in armed conflict under Security Council 1888.

CHAPTER 4: Practice Management and Knowledge Products

Knowledge is key to achieving results. Knowledge management is essential to deliver quality policy advice to national partners, and help retain the knowledge and experience accrued. This has been highlighted by the UNDP Administrator as a priority in 2010 to secure results-oriented support to countries. The Global Programme is aligned with this priority and seeks to increase the knowledge sharing capacity of practitioners, while also producing high quality and field-driven knowledge products that are relevant to country assistance.

Against this background, the Global Programme brought together UNDP staff from 20 country offices in Amman, Jordan, in May 2009 for the first *Global Community of Practice Workshop on Rule of Law, Justice and Security in Conflict and Post-Conflict Settings*. The community of practice meeting enabled UNDP offices in all 20 priority countries to share lessons learned and situate these within the vision and strategy of the Global Programme. The meeting also established a platform for introducing a more solid monitoring and evaluation (M&E) system and reporting, forging stronger linkages between the Global Programme and in-country assistance.

Following the community of practice meeting, UNDP, DPKO, BDP, and PBSO launched an *E-discussion on Strengthening the Rule of Law in Conflict and Post-Conflict Situations*. This served to keep the momentum and expand outreach across the UN system. The e-discussion lasted eight weeks, facilitating information sharing and soliciting expert views from across the UN system. The e-discussion enabled the UN rule of law community at large to gain insights into how practitioners see the role and approach of the UN in providing rule of law assistance to countries affected by armed conflict. The outcome is being used to support the UN efforts to achieve a coherent and coordinated approach.

In 2009, the Global Rule of Law Programme developed two major knowledge products aimed at providing practitioners with practical tools for rule of law programming:

- *Lessons Learned from UNDP's Rule of Law Programme in Sudan* (UNDP's largest rule of law programme in a conflict/post-conflict country). This represents the first major lessons learned on comprehensive rule of law programming, which became the blueprint for the Global Programme. The lessons learned document explains how UNDP transformed a small amount of seed funding into unprecedented levels of funding for development activities. It shares the insights of colleagues who together with national partners established and expanded rule of law assistance in a politically complex environment.
- *Guidance Note on Rule of Law, Justice and Security Programming for Conflict and Post-Conflict Situations*. Developed in close consultation with field programming units, the guidance note provides specific programming guidance, examples of best practices, and advice for overcoming common challenges and maximizing programming impact.

A series of up-to-date and practical concept notes were also developed in 2009, highlighting UNDP's contributions to gender justice, governance of the security sector, and transitional justice. These documents clarify the conceptual framework and UNDP's mandate and activities in this field of work:

- *Concept Note on Strengthening Women's Security and Access to Justice* translates Point 1 and Point 2 of the 8 Point Agenda into concrete activities in-country. It sets forth UNDP's policy on women's security and access to justice and presents these activities in the context of Security Council Resolutions 1325 (2000), 1820 (2008), 1888 (2009) and 1889 (2009). In this respect, UNDP/BCPR has made inter-agency work on UNSC Resolution 1888 Operative Paragraph 8 (combating impunity for sexual violence) a priority in support of the UN-system wide response to the resolution.
- *Concept Note on Governance of the Security Sector* outlines UNDP's engagement with the security sector from a rule of law/governance perspective. Given UNDP's mandate on democratic governance and the SG's position that security sector reform falls under the larger umbrella of rule of law, this concept note serve as the basis of an UN-wide guidance note on governance and oversight of the security

sector. The note outlines UNDP's approach to supporting security sector reform as a contribution to the United Nations' 'vision of security based on the rule of law.

- *Concept Note on Facilitating Transitional Justice Processes* identifies areas in which UNDP adds value to addressing war crimes in post-conflict situations. As a development organization, UNDP's focus is both on ensuring a broad national consultative process in establishing transitional justice mechanisms, as well as institutional capacity development of national institutions to prevent the travesties of the past from reoccurring.

While support to country offices has been a key priority for the Global Rule of Law Programme throughout 2009, UNDP/BCPR has also given due attention to internal coordination and complementary approaches with the Bureau for Development Policy (BDP). These efforts have led to a consensus on complementary roles presented in a joint story line on rule of law, justice and security, alongside an expansion of joint initiatives. The consolidated support now provided by BCPR and BDP encompasses stronger emphasis on economic and landrights through legal empowerment, greater attention to corruption of justice/security institutions, and optimal use of UNDP's resources drawing on regional centers, including a regional initiative for the Pacific region on governance of the security sector, including: Vanuatu, Solomon Islands, Fiji, Papua New Guinea, and Tonga.

- Based on empirical research in five countries (Afghanistan, Democratic Republic of Congo, Iraq, Sierra Leone, Timor Leste) a *Joint BDP-BCPR Study on Anti-Corruption Interventions in Post-Conflict and Recovery Settings* provides insight into how UNDP has grappled with the challenges of anti-corruption interventions in post-conflict and recovery processes.

The Global Rule of Law Programme has also been used as a reference for UNDP/BCPR's contribution to the Secretary-General's Annual Report on Strengthening and Coordinating United Nations Rule of Law Activities, the ROLCRG Guidance Note on the UN approach to Transitional Justice, and the Secretary-General's Report on Peacebuilding in the Immediate Aftermath of Conflict of 2009.



First meeting of the UNDP Global Community of Practice on Rule of Law, Justice and Security in Conflict and Post-Conflict Settings, Jordan, 25-28 May 2009

CHAPTER 5: Challenges and Lessons Learned

The BCPR Review Team concluded in its report that the Global Programme has broken new ground. This progress report attempts to present the strategy and achievements that brought this about. However, it has not been without challenges - that persist and constantly need to be overcome and addressed. In addition, the implementation of the Global Programme has brought new lessons and reaffirmed good practices.

1. Challenges

Political Volatility and Insecurity

Instability, insecurity, and unpredictability are key characteristics of the Global Programme's operating environment. This has required constant realignment with evolving situations on the ground.

In 2009, the UNDP rule of law programme in Somalia was curtailed and hampered by inter-clan violence and escalation of violence in South-Central Somalia. The deteriorating security situation and the bombing of the UN compound in Hargeisa at the end of 2008 led to relocation of staff, whose absence posed new constraints to the programme implementation. To overcome this challenge, UNDP Somalia engaged more closely with local merchants and government counterparts to ensure implementation, reporting and monitoring.

In Guinea-Bissau, progress towards the development of a legal framework for the security sector was held back due to political instability. A number of assassinations of high-level state figures slowed down the momentum towards broad security sector reform. In 2010, with the political crisis abating, UNDP will re-engage the government on security sector reform to regain lost ground and proceed.

Efforts to strengthen justice institutions with infrastructure projects in Afghanistan were significantly curtailed in 2009 during what was described as the country's most violent year since 2002. The armed attack on the UN compound in Kabul caused a suspension of a planned UNDP/BCPR mission in November 2009.

In the Darfur region of Sudan, internal strife, international criminal indictments and rebel activity led to an upsurge in banditry, abductions, and increased government restrictions on movement for both IDPs and UN staff. A number of local CSOs and lawyers' associations partnering with UNDP had their registrations revoked following the indictment by the International Criminal Court of the head of state in 2009. This had to be addressed by focusing support on individual lawyers and engaging new CSOs able to work in Darfur.

Indeed, most of the 20 priority countries in the Global Programme face risks of instability and tendencies of violence in one or another form, as indicated in Chapter 2 of this report. The Global Programme adamantly encourages an elastic approach when developing multi-year programmes, and flexibility in implementing the same. Insecurity must not be a reason for inaction, but rather one for renewed commitment to find new creative ways of implementation.

Human Resources

Finding qualified national and international staff willing to serve in difficult environments is one of the greatest challenges to the implementation of the Global Programme. Moreover, high staff turnover is a constant challenge faced by many UNDP programmes. In Haiti and Guinea-Bissau, UNDP has had difficulty identifying and hiring qualified international staff with French language skills. Investment in existing UNDP capacity and modalities for rotation as well as continued staff development are key to addressing this gap. The establishment of the community of practice for the 20 UNDP country offices and a stringent recruitment process will also serve to identifying qualified candidates with institutional memory and experience of rule of law programming within UNDP.

Operational Capacity

Some country offices do not have the requisite operational capacity to support the implementation of comprehensive programmes. Recruitment, procurement and sub-office presence are critical operational pillars for effective roll-out of programmes. As such, programming and operations are interdependent. Any support to COs should therefore benefit both programme and operations simultaneously and in a mutually reinforcing

manner. The recently devised fast-track procedures and revision of UNDP's programme and operations policies and procedures will hopefully enable COs to be better equipped and more responsive in crisis contexts. It is important to be mindful of the fact that results will be achieved through our COs and thus a strong corporate investment in empowering COs both programmatically and operationally is needed, which in turn requires building sustainable capacity of UNDP country offices at large.

Growing Demand

Due to the recognition and awareness of the Global Programme among UNDP's country offices, there is a growing demand for technical support. A total of six additional conflict countries or fragile states have received support, including Pakistan, Guinea (Conakry), and countries in the Pacific region. UNDP/BCPR's response has been to first explore alternative avenues for support. In absence of alternatives, BCPR has responded to those requests as well. While funds allocated to the Global Rule of Law Programme priority countries have not been utilized, human resources have been re-allocated for assessment missions and programme development.

Measuring Impact

In measuring impact of the Global Programme, it is essential to have a sound understanding of the full scope of sequenced activities, or building blocks, that are required in establishing an effective and sustainable in-country programme. While a review of 2009 activities at the country level reveals many positive results, the timeframe for empowering country offices to deliver more effectively must be realistic.

The Global Programme builds UNDP country office capacity to provide effective, timely and multi-year capacity development assistance. This requires a systematic approach of many steps: dialogue with host governments, diagnostic assessment, design of multi-year programmes, quality control and financing through the BCPR Allocations Committee (BPAC), advertisements of posts and recruitment of permanent teams. The type of comprehensive support provided to countries is reflected in the timeline for the Central African Republic (page 13).

Once the human, technical and programmatic capacity is put in place, additional time is required to establish the programme and roll out activities, which includes building partnerships with UN agencies, identifying local NGOs and conducting procurement. The process of establishing capacity for a country office takes an average of twelve months – depending on the country office capacity at the outset, external security situation and political support from in-country partners. An additional 6 to 12 months are required to see results.

Since this is a time-consuming process, it may cause a perception of delay in visible results. However, the importance of putting in place this foundation before delivering concrete outputs cannot be underestimated. Building capacity to respond to the needs is, in itself, a first result in a series of results, which together, will enhance the odds of delivering the desired impact on the ground.

Similarly, the development approach to the rule of law requires adequate time in order to measure impact and institutional reforms. Quick peace dividends like legal aid will yield results faster, while capacity development of national institutions and reform will inevitably require more time. The groundbreaking impact that was achieved by the Darfur rule of law programme—leading to actual convictions of rape in local courts during the armed conflict—was the result of over two years of systematic training, confidence building and capacity development of police, lawyers, judges and IDPs.

Yet, the Global Programme is mindful of the need to deliver faster. It is in this spirit that it seeks to accelerate the process of programme establishment and implementation towards results and impact by conducting numerous follow-up missions to targeted country offices. An average of 2-3 missions/annually to the same country office is not uncommon.

Another major challenge has been the capacity of country offices to match programmes with operational support and M&E capacity. UNDP is a decentralized organization, in which M&E culture needs to further advance. The Global Programme seeks to address these gaps by establishing a closer relationship with priority country offices receiving technical and financial support. In 2009, the Global Programme embarked on an ambitious M&E approach to advance reporting on results and impact and situating the annual report within a broader monitoring and evaluation framework.

“To rationalize United Nations engagement in rule of law assistance, we need to evaluate the impact of our programming on the lives of the peoples the Organization serves.”

*UN Secretary-General's Report on
Strengthening and Coordinating
United Nations Rule of Law Activities
(A/63/226, Para. 64)*

The process of building up the M&E, reporting and knowledge management system is still in its initial stage, but is rapidly moving forward. Based on a two-pronged approach, country office reporting is directly uploaded into the Global Rule of Law Programme report tracking system and will henceforth be analyzed throughout the year. Another area of critical concern is establishment of a baseline at the outset of a programme. Where baselines are either not established or do not align with project document outputs, impact and results will be hard to measure. In 2010, this gap will be addressed by supporting Country offices to develop frameworks for assessing impact. Five baseline assessments will be conducted in five countries, supported by UNDP/BCPR rule of law missions dedicated to building M&E systems in country offices.

As a part of a larger M&E and knowledge management strategy, the Global Programme will link directly to country office reporting mechanisms through a results-based management platform for improved reporting against baselines and project logframes. The Global Rule of Law Programme Annual Report 2009 reflects the enhanced focus on results-based reporting from BCPR, but will continuously be improved and strengthened in 2010 through appointment of full-time staffing capacity and strengthened corporate support mechanisms.

Internal Capacity

Internally, the UNDP/BCPR Rule of Law, Justice and Security Team managing the Global Rule of Law Programme operates below the projected staffing capacity. While the initial staffing capacity was estimated at 10 staff, the number of filled posts amounts to seven staff. With a significant increase in demand from non-priority countries, like Pakistan, Guinea (Conakry) and Kenya, and sudden emergencies, like Haiti, the actual staffing capacity is at times reduced to 70 percent. Additional coverage of relevance to the Global Programme and UNDP's capacity, such as gender and engagement with PBF, as well as increased responsibilities entrusted to UNDP on inter-agency coordination and global policy settings, have placed a further strain on the team. This has not slowed down the implementation of the Global Rule of Law Programme, as the overview of targets reached in 2009 (Annex 2) illustrates. However, it has compelled the team to consistently work overtime, which may unduly risk compromising quality. Thus, this approach is not sustainable. In 2010, once the BCPR Review has been completed, it will be necessary to match the actual demands with adequate staffing capacity.

2. Lessons Learned

As lessons learned are being documented separately, the below captures the most common lessons identified by UNDP country offices while implementing rule of law, justice and security programmes:

- There is a need for national ownership by inclusive processes and positive policy engagement with national partners. Experience shows that it is indeed possible to work with government partners in a constructive way even in the most difficult circumstances. However, the need to invest in a dialogue that is based on trust cannot be underestimated.
- Results can be achieved even in an ongoing conflict, such as in Chad, DRC, Sri Lanka and Sudan. By empowering local stakeholders (e.g. IDPs, legal professionals, civil society) during the crisis, they become resourceful forces for change and resistance to violence. Engagement with the humanitarian community is optimized when situating protection within a broader notion of the rule of law.
- Parallel efforts must focus on both the demand and supply side, bottom-up and top-down, to reinforce activities in a two-pronged manner. When displaced populations are enabled to claim justice through legal aid and justice institutions are equipped to deliver that justice, the odds for impact are far greater than a focus on only one of the two.
- Joint programming with other UN agencies, peacekeeping and civil society organizations are both cost-effective and a practical necessity. An increasing number of UNDP projects supported by the Global Programme are now being designed as joint programmes with other partners, yielding positive results.

These lessons are very common to programming in conflict/post-conflict, and also captured in detail together with other lessons learned in a forthcoming publication on the lessons learned of the Sudan Rule of Law Programme 2004-2007.

CHAPTER 6: Financial Status

1. Resources and Expenditures

Earmarked contributions to the Global Programme can be made through the Crisis Prevention and Recovery (CPR) Thematic Trust Fund (TTF) and allow UNDP to support programmes and projects in the areas of rule of law, justice and security. This thematic area is integrally tied to the priorities identified in the UNDP Strategic Plan 2008-2011. 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 the rule of law, justice and security programming needs of that particular country.

Since January 2008, BCPR has assisted country offices to develop rule of law, justice and security initiatives for a total portfolio-programmable budget amounting to USD 202,801,111 for the period 2008-2012. This amount is due to increase in 2010, with pipeline initiatives in DRC, Pakistan, Southern Sudan and Uganda totaling USD 45,200,000.

As of 31 December 2009, earmarked contributions to the Global Programme amounted to USD 34,567,138 including multi-year funding support from the Dutch government (EUR 20 million).

Earmarked Donor Contributions (2008-2011) (USD)	
Netherlands (Approx.)	30,013,325
Australia	1,919,385
Norway	1,649,513
France	554,800
Germany	295,857
Canada	134,258
Total	34,567,138

Of these commitments, USD 22,217,540 has already been received. In 2009, additional un-earmarked TTF resources were also dedicated to rule of law, justice and security projects in a total amount of USD 10,226,983.75.

As of 31 December 2009, the total interim expenditure for 2009 amounted to USD 13,722,446.83, of which USD 11,057,898.43 was disbursed at the country level and USD 2,664,548.40 was used to cover the Rule of Law, Justice and Security Unit's support cost in Geneva and New York.

It should be noted that in 2009, BCPR dedicated around 15 percent of its rule of law, justice and security programming budget to address gender related issues (i.e., women's access to justice, empowerment, and sexual and gender-based violence).

During the first year of implementation, development partners have shown strong interest in supporting the Global Programme both substantively and financially. The number of partners is therefore expected to increase in 2010.

RESOURCES			
Earmarked Contributions		Un-earmarked Contributions	Total (in USD)
<i>Received as of 31/12/2009</i>	<i>Pledges 2010-2011</i>	<i>from CPR-TTF</i>	
22,217,540.00	12,349,598.00	10,226,983.00	44,794,121.00

EXPENDITURES				
2008	2009	2010 (Planned)	2011 (Planned)	Total (in USD)
2,123,886.00	13,722,446.00	20,268,215.00	23,885,453.00	60,000,000.00

FUNDING GAP				
2008	2009	2010	2011	Total (in USD)
0.00	0.00	0.00	15,205,879.00	15,205,879.00

2. Allocations through BCPR Allocation Committee

These allocations are conceived as seed funding to allow UNDP country offices to set-up operations, recruit staff and start implementation in a timely manner. This amount will be disbursed throughout the period 2008-2012 (see Annex I).

As of 31 December 2009, the total resources allocated for justice and security from the BCPR Thematic Trust Fund for the period 2008-2011 amount to USD 37,728,886. In 2009 alone, USD 18,428,362.81 was allocated to in-country rule of law, justice and security programmes.

Over the past years, BCPR has established a stringent mechanism to ensure quality control of project documents and appropriate allocation of financial resources. Indeed, all projects requesting funding from CPR TTF resources that are un-earmarked or earmarked for specific thematic areas (i.e. rule of law, justice and security) are submitted to the BCPR Project Appraisal Committee (BPAC). Chaired by the Deputy Directors of BCPR, the BPAC meets regularly to review the merits of each project based on the following criteria:

- Alignment with the funding criteria of the TTF, the bureau's strategy, and the crisis prevention and recovery priorities of the region and country where the project will take place;
- Technical soundness of the project design, including gender equality, monitoring and evaluation, and knowledge management components;
- Implementation capacity of the sponsoring country office (based on a track record of successful delivery of crisis prevention and recovery projects); and
- An appropriate and reasonable budget that reflects a diversity of funding sources, including commitments from other partners and from the UNDP country office.

THE WAY FORWARD

The UNDP/BCPR *Global Programme on the Rule of Law, Justice and Security in Conflict/Post-Conflict Situations* emerges from 2009 with a renewed appreciation for its capabilities and potential. Visible benchmarks have been reached and exceeded in establishing stronger corporate capacity of UNDP country offices to deliver rule of law assistance in conflict/post-conflict countries. Partnerships signal a catalytic role for UNDP in bringing together the UN family and its partners around the rule of law, justice and security. Still, there are shortfalls and a need for a self-critical review to optimize the odds for success through lasting impact.

The goal for 2010 is to ensure that support mechanisms that are put in place in country offices are sustainable enough to carry forward implementation until the desired impact has been achieved. The Global Programme will build on the progress made and systematically continue to improve and strive for greater impact - without failing to recognize that in conflict/post-conflict environments, patience and commitment are not just virtues, but practical necessities.

A major priority for the Global Programme is to further scale up efforts to conduct highly relevant monitoring and evaluation and reporting. It is anticipated that 2010 will yield considerable indicators of impact as a result of the foundation put in place over the past two years. However, it will be equally important to ensure strong analysis and presentation of these results. As this is also a priority for UNDP corporately, the Global Programme is expected to benefit from broader institutional adjustments by which UNDP's capacity to report on results will be strengthened overall.

At the global level, the Global Programme will continue to reach out to partners to support consensus-building around field-driven policies. It will scale up its efforts to bring together justice and security communities at the conceptual level, while also rallying UN partners and Member States to forge stronger partnerships in pursuit of solutions at country level. Efforts will continue to situate the rule of law, justice and security as a foundation and end-goal for peacebuilding, statebuilding and the achievement of the Millennium Development Goals.

As UNDP is increasingly taking on a substantive role in providing rule of law assistance to countries threatened or affected by armed conflict, efforts to bolster BCPR's expertise on rule of law, justice and security will be required to continue provide consistent, high quality and timely support to the Global Programme priority countries as well as to face the growing demand for support from fragile states.

The Global Programme is now being integrated into BCPR's three-year work plan and is expected to also benefit from corporate efforts to access core funding and voluntary contributions. Originally aligned with the UNDP Strategic Plan 2008-2011, Outcomes 3, 4, 6 and 8 of the UNDP Strategic Plan (Annex II), the Global Programme will be extended alongside the UNDP Strategic Plan until 2013.

In conclusion, the rule of law in conflict/post-conflict situations is a core mandate of UNDP entrusted to it by the UNDP Executive Board. The rule of law is also one of the key priorities of the United Nations Peacebuilding Agenda, and a founding principle of the United Nations Charter. It is, and must remain, a priority for the United Nations, UNDP and its partners - because the only alternative to the rule of law is rule by force.

ANNEX 1: Global Programme Allocations and Expenditures (USD)

Global Programme Allocations and Expenditures (2008-2011) - as of 31 December 2009											
Conflict/Post-conflict Situations	Project/Programme Name	Project ID	Project Period	Total Programmable Budget	Local Project Appraisal Committee	BPAC Date	BPAC Allocation for Project Period	Expenditures 2008	Programmable Budget 2009	Interim Expenditures 2009 (As of 31 December 2009)	Planned Programmable Budget 2010
ROLJS Team (HQs)	Global Rule of Law Programme Implementation	00059949	2008-2011	9,321,324.00	N/A	N/A	N/A	1,559,954.03	2,803,799.32	2,664,548.40	2,750,000.00
Asia-Pacific	Support for the Capacity Development of Governance Institutions in the Security Sector in the Pacific (PIP)	00058679	2008-2009	790,000.00	YES	01/06/2008	790,000.00	439,295.32	205,704.68	181,706.51	0.00
Bosnia and Herzegovina	Access to Justice: Facing the Past and Building Confidence for the Future	00070592	2009-2012	5,555,766.00	YES	21/05/2009	2,691,818.00	0.00	117,697.81	63,093.19	1,216,011.00
Central African Republic	Strengthening the Rule of Law based on Justice and Security	00061334	2008-2010	12,144,639.67	YES	28/01/2009	1,362,468.45	0.00	1,362,642.00	1,172,672.51	189,969.49
							2,054,800.00	0.00	2,054,806.00	994,663.70	1,060,142.30
Chad	Strengthening Access to Justice in Eastern Chad	00064106	2008-2010	707,580.00	YES	01/06/2008	707,580.30	0.00	707,580.00	232,963.95	474,616.05
Colombia	Programa REDES (Strengthen mechanisms for access to justice to enforce the rights to truth, justice and reparations under the rule of law)	00072238	2009-2012	3,608,000.00	YES	20/07/2009	2,000,000.00	0.00	102,235.00	13,579.64	1,075,000.00
Democratic Republic of the Congo	Strengthening Access to Justice and Legal Protection for GBV Victims in Eastern DRC	00070625	2008-2011	4,619,992.50	YES	01/06/2008	1,500,000.00	0.00	1,500,000.00	667,696.16	832,303.84
Guinea- Bissau	Strengthening rule of law through justice and security sector reform	00063685	2008-2011	8,268,532.00	YES	01/05/2008	815,000.00	124,701.99	594,110.00	330,585.50	484,414.50

Global Programme Allocations and Expenditures (2008-2011) - as of 31 December 2009

Conflict/Post-conflict Situations	Project/Programme Name	Project ID	Project Period	Total Programmable Budget	Local Project Appraisal Committee	BPAC Date	BPAC Allocation for Project Period	Expenditures 2008	Programmable Budget 2009	Interim Expenditures 2009 (As of 31 December 2009)	Planned Programmable Budget 2010
Timor-Leste	Enhancing the Democratic Rule of Law through Strengthening the Justice System in Timor-Leste (Revised Justice System Programme)	00014955	2008-2013	31,495,000.00	YES	01/11/2008	3,000,000.00	0.00	690,000.00	642,528.56	1,720,000.00
Haiti	Renforcement de l'Etat de Droit et de la Sécurité en Haiti	TBC	2010-2012	60,200,000.00	TBC	24/11/2009	6,200,000.00	0.00	0.00	0.00	1,500,000.00
Kosovo¹²	Kosovo Justice and Security Programme	00060818 00069640 00070851 00062999 00053055 00070023	2009-2011	15,940,000.00	YES	09/01/2009	3,795,420.00	0.00	2,666,670.00	1,985,895.91	1,540,000.00
Liberia	Strengthening the Rule of Law in Liberia	00069513	2009-2012	8,254,034.00	YES	01/10/2008	2,817,550.00	0.00	663,275.00	648,492.35	1,384,275.00
Nepal	Enhancing Access to Justice for Consolidation of Peace in Nepal	Not yet uploaded into ATLAS	2009-2012	5,697,232.00	YES	03/11/2009	1,600,000.00	0.00	0.00	0.00	950,000.00
Occupied Palestinian Territory	Supporting the Rule of Law and Access to Justice for the Palestinian People	00070906	2009-2012	14,346,711.67	YES	28/04/2009	3,000,000.00	0.00	154,843.00	55,328.24	1,660,000.00
Sierra Leone	Improving Access to Justice in Sierra Leone	00059959	2009-2012	10,981,300.00	YES	01/11/2008	2,981,500.00	0.00	1,479,000.00	1,727,535.46	950,000.00
Somalia	Rule of Law and Security	00014781 (Award)	2009	2,600,000.00	YES	01/07/2008	2,600,000.00	0.00	2,600,000.00	1,693,516.72	906,483.28
Sri Lanka	Equal Access to Justice	0007005200 070053	2009-2012	8,271,000.00	YES	01/02/2009	3,012,750.00	0.00	726,000.00	647,640.03	1,575,000.00
TOTAL as of 31 December 2009				202,801,111.84			40,928,886.75	2,123,951.34	18,428,362.81	13,722,446.83	20,268,215.46

¹² Referred to in the context of the UN Security Council Resolution 1244 (1999).

ANNEX 2: Global Programme Results Against 2009 Annual Targets

TARGETS	ACTIVITIES	STATUS	COMMENTS
Output 1: Rapidly and effectively respond to programme countries in providing Rule of Law assistance in conflict and post-conflict situations			
A. Provide timely and effective technical support and policy advice to GP priority countries on rule of law programming.	1. Design coherent, sequenced and gender-sensitive ROL programmes in an additional 8 GP priority conflict/post-conflict situations including resource mobilization and identification of ROL/Justice/Security expertise. 2009 target situations: Bosnia and Herzegovina, Colombia, Haiti, Kosovo ¹³ , Nepal, Occupied Palestinian Territory, Sri Lanka and Uganda.	Achieved	New programmes developed in Bosnia and Herzegovina, Colombia, Haiti, Kosovo, Nepal, Occupied Palestinian Territory and Sri Lanka. BPAC approved funding support amounting to USD17.5 million (Bosnia and Herzegovina, Colombia, Haiti, Kosovo, Nepal, Occupied Palestinian Territory and Sri Lanka) out of a total of USD108 million programmatic budget. NB: Rule of Law programme in Haiti has been amended in February/March 2010 to address the new challenges and recovery needs following the earthquake on 12 January 2010.
	2. Ongoing consolidation of Rule of Law programmes established in 2008 in CAR, Chad, DRC, Guinea-Bissau, Liberia, Sierra Leone and Timor-Leste.	Achieved	Continuous technical and policy support has been provided to support implementation and resource mobilization efforts of rule of law programmes launched in 2008.
	3. Provide technical backstopping and policy advice to well-established Rule of Law programmes in Afghanistan, Burundi, Iraq, Somalia and Sudan.	Partially Achieved	While Iraq, Somalia and Sudan benefitted from continuous assistance through the GP, engagement in Afghanistan has been postponed to 2010 due to the security situation. Support to Burundi is set to begin in 2010 to align with the country office new programming cycle.
	4. Provide technical support and policy advice to non-Global Programme countries (Georgia, Kenya, Serbia, Zimbabwe, Solomon Islands) that require specific attention on rule of law, justice and security.	Achieved	The Global Programme was called upon to provide rapid rule of law assistance in the Comoros, Guinea, Kenya, select Pacific islands and Pakistan. In the Comoros and Guinea, BCPR enabled UNDP country offices to submit and implement PBF-funded projects with a total budget amounting to USD 4.5 million.
	5. Conduct baseline assessments in at least 5 GP priority countries to: a) provide an overview of the functioning of justice system (policing, court system, role of prosecutor and/or investigating judge, prison system, legal framework); b) establish baseline indicators for measuring impact of rule of law, justice and security programming.	Not Achieved	BCPR and DFID have been in discussions regarding a more systematic approach for monitoring BCPR's impact as it relates to building the conflict prevention and recovery (CPR) capacities of national counterparts. In view of this, the Global Programme baseline initiative was postponed to 2010 to align with BCPR's new M&E framework. The ROLJS Unit is currently organizing indicators according to BCPR Multi-Year Results Framework. These indicators will provide a picture of i) the situation and progress of the rule of law in a particular country and/or region and ii) the impact of UNDP's work in this area. A methodology to conduct baselines is under development and should be rolled-out in three pilots countries (possibly Sierra Leone and Timor Leste) in 2010.
B. Contribute to BCPR's country office support in at least 5 new countries to develop national systems to prevent and respond to GBV.	1. Coordinate BCPR-wide engagement to implement Bureau Target 4 in conjunction with Gender Task Force.	Achieved	Co-chaired BT4 working group and monitored BCPR work on gender-based violence in DRC, Haiti, Papua New Guinea, Sierra Leone and Sudan.

¹³ Hereafter referred to in the context of the UN Security Council Resolution 1244 (1999).

	2. Contribute to the articulation of a comprehensive approach to GBV that translates the 8 PA into concrete programming.	Achieved	Substantively contributed to BCPR's <i>Global Proposal on Implementing the UNDP Eight Point Agenda for Women's Empowerment and Gender Equality in Crisis Prevention and Recovery – Focus on Addressing Sexual and Gender-Based Violence in Crisis Countries</i> approved in December 2009.
	3. Contribute to needs assessment, prodocs formulation and implementation in 5 focused countries.	Achieved	Provided technical support for project design and conducted field missions in DRC, Haiti, Sierra Leone and Sudan. New BCPR programmes to address GBV developed and endorsed by national authorities in DRC, PNG and Sierra Leone.
Output 2: Produce high quality and relevant policy guidelines and knowledge products directly linked to in-country programming			
C. Launch a knowledge-products package on rule of law programming	1. Finalize, translate, and disseminate the Lessons Learned study on Rule of Law programming in Sudan.	Partially Achieved	This study is finalized and will be published and disseminated in the second quarter of 2010.
	2. Support the Somalia CO in producing and disseminating a lessons learned study on rule of law programming in Somalia.	Cancelled	Initiative cancelled in agreement with the country office. Security situation did not permit the deployment of a consultant.
	3. Produce a Guidance Note on Rule of Law programming in Conflict and Post-Conflict Situations.	Partially Achieved	Contract signed with IDLO in May 2009. Final draft submitted by IDLO in August 2009. Final product to be completed in 2010 (including review process with CO practitioners and UN partners).
	4. Initiate a study on “Strengthening the Rule of Law: why the international community has failed - A study on the gap between the law and the reality.”	Cancelled	Initiative cancelled. Reduced number of knowledge management products in BCPR.
	5. Finalize translation and publication in French of the Handbook on Civil Society's Oversight of the Security Sector developed jointly with UNDP's Regional Centre in Bratislava and the Democratic Center for Armed Forces (DCAF).	Achieved	Handbook finalized, translated and published (1,000 copies).
	6. Translate the French version of DCAF's Gender & Security Sector Reform Toolkit.	Achieved	Global Programme covered the translation costs.
D. Establish a global community of practice on rule of law aiming at sharing experiences and multiplying South-South cooperation.	1. Organize a workshop to launch a Community of practice on rule of law/justice/security amongst UNDP CDs, DCDs and Head of ROL programmes.	Achieved	BCPR convened the first Global Community of Practice Workshop on Rule of Law, Justice and Security in Conflict and Post-Conflict Settings in Jordan from 24th to 28th May 2009. This event brought together UNDP staff – Country Directors, Deputy Resident Representatives, Senior Programme Managers and Programme staff – from 20 UNDP Country Offices, HQs representatives including the Bureau for Development Policy (BDP) and the Regional Bureaus (79 participants in total).
	2. Compile and make available relevant knowledge products on ROL programming produced by UN agencies, specialized NGOs, Academic Institutions, etc... on BCPR website.	Cancelled	Cancelled as newly-established UN-wide rule of law webpage - launched on 17 November 2009 - hosts all relevant material (www.unrol.org). BCPR contributed to the design of the website.
E. Enhance UNDP's practice leadership on rule of law, justice and security, including through substantive contribution to BCPR task teams	1. Contribute both financially and technically to the Global Symposium on Men and Boys in Achieving Gender Equality.	Achieved	Financial contribution provided (USD 30,000)

	2. Contribute both financially and technically to the Asia Workshop on Traditional Justice.	Cancelled	Event cancelled by UNDP Regional Center in Bangkok.
	3. Organize a two-day international conference on Strengthening the Rule of Law in Conflict and Post-Conflict Situations. To be jointly organized with DSG's ROL Unit.	Postponed	Postponed to a later date.
F. Enhance UNDP's capacity to roll-out, advocate and mobilize resources for its Global Programme.	1. Develop a communication and advocacy strategy for the Global Programme.	Not Achieved	Product submitted by consultant in March 2009 did not lead to satisfaction. Postponed to a later date.
	2. Roll-out a communication and advocacy strategy in support of the implementation of the Global Programme.	Not Achieved	See above.
Output 3: Actively contribute to integrated and coherent UN system-wide assistance and coordination on Rule of Law			
G. Provide substantive leadership to inter-agency collaboration and initiatives on rule of law.	1. Actively participate in the inter-agency mechanisms on rule of law, SSR and protection of civilians (i.e. ROLCRG; SSR Task Force; IASC Protection Cluster-SWGROL; IASC Early Recovery Cluster).	Achieved	Through regular participation in these inter-agency mechanisms, UNDP played a catalytic role in ensuring programmatic and operational linkages between peacekeeping, peacebuilding and humanitarian action, thereby advancing UN coherence in the rule of law sector. Examples of UNDP's contribution include co-leading - with DPKO and OHCHR - the implementation of paragraph 8 of SC 1888 on Sexual Violence in Armed Conflict, or defining the justice-security nexus through a concept note developed jointly with DfID, OECD INCAF, the World Bank and UN partners.
	2. Actively participate in joint initiatives (i.e., joint planning missions; technical assessment missions; joint programmes) on rule of law, justice and security with other UN agencies (i.e. DPKO, UNIFEM, OHCHR, UNODC, UNFPA, UNHCR).	Achieved	2009 saw an increase in the number of joint initiatives with DPKO in Chad, Guinea, Guinea Bissau, Liberia, Sudan, Haiti, Timor Leste and Somalia. UNDP/BCPR was also involved from the early stages in the conception and implementation of Peacebuilding Fund projects related to justice and security, e.g. Comoros, Guinea Conakry, Liberia.
	3. Roll-out the Access to Justice Rapid Participatory Assessment Tool for IDPs developed by the IASC Protection Cluster's sub-working group on rule of law.	Partially Achieved	Financial support provided to Protection Cluster Working Group to roll-out the Access to Justice Rapid Participatory Tool for IDPs in priority countries.
	4. Launch a joint UNIFEM/BCPR partnership in working on women's access to justice in conflict and post-conflict settings. Undertake joint assessment missions in three pilot countries, namely Afghanistan, Nepal and Uganda with a view to develop country programming.	Achieved	Memorandum of understanding signed in January 2009 and 3 pilot programmes have been initiated. Joint assessment missions were conducted to Nepal and Uganda. New programmes were established in Nepal and Colombia, while formulation of the joint programme in Uganda was initiated. A joint mission to Afghanistan was postponed for security reasons.

ANNEX 3: Global Programme Areas, Outputs and UNDP Strategic Plan Outcomes

RULE OF LAW GLOBAL PROGRAMME:

Overall Objective: Strengthen UNDP's capacity to support and empower national stakeholders to address rule of law challenges in conflict and post-conflict situations and lay the foundations for long-term development in the rule of law sector.

Specific Objective: Strengthen the Rule of Law in 20 priority countries during the period 2008 - 2011.

Programme Area 1:

Strengthening the Rule of Law within an Early Recovery Framework and during Transitions.

Programme Area 2:

Addressing Women's Security and Access to Justice.

Programme Area 3:

Supporting Capacity Development of Rule of Law Institutions.

Programme Area 4:

Facilitating Transitional Justice.

Programme Area 5:

Promoting Confidence Building and Reconciliation.

Output 1:

Rapidly and effectively respond to programme countries in providing Rule of Law assistance in conflict and post-conflict situations.

Output 2:

Produce high quality and relevant policy guidelines and knowledge products directly linked to in-country programming.

Output 3:

Actively contribute to integrated and coherent UN system-wide assistance and coordination on Rule of Law.

UNDP STRATEGIC PLAN:

Focus Area 3 : CPR Goal 3 : Advance Human development by strengthening national and local capacities to prevent, mitigate and recover from the effects of violent conflicts and natural disasters.

Outcome 3:

Strengthened national capacities including the participation of women, to prevent, reduce, mitigate and cope with the impact of violent conflict.

Outcome 4:

Early post-crisis resumption of local governance functions to facilitate recovery.

Outcome 7:

Gender equality and women's empowerment enhanced in post-disaster and post-conflict situations.

Outcome 8:

Restored post-crisis community security and social cohesion at local level.

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