



# *Strengthening the Rule of Law in Crisis-Affected and Fragile Situations*

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One United Nations Plaza  
New York, NY 10017, USA  
<http://www.undp.org/>

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A meeting of women leaders from Krinding Camp for internally displaced persons in El Geneina, West Darfur, June 2012.  
UN Photo/Albert Gonzalez Farran

Design, layout and production by Phoenix Design Aid A/S,  
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# Strengthening the Rule of Law *in* Crisis-Affected and Fragile Situations

Global Programme Annual Report 2012



*Empowered lives.  
Resilient nations.*

United Nations Development Programme



A police training in Somalia.

UN Photo/Tobin Jones

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*Midwives are trained at the El Srief Community in North Darfur. The training is supported by UNDP Sudan as part of its community security interventions in the Darfur region.*

*Photo: UNDP Sudan*

# Abbreviations

BCPR	UNDP Bureau for Crisis Prevention and Recovery	NGO	Non-governmental organization
CAR	Central African Republic	OHCHR	Office of the High Commissioner for Human Rights
CO	UNDP Country Office	OPT	Occupied Palestinian Territory
CENFOJ	National Centre for Judicial Training (Guinea-Bissau)	PAJUST	Transitional Justice Programme (Guatemala)
CPR-TTF	Crisis Prevention and Recovery Thematic Trust Fund	PBC	United Nations Peacebuilding Commission
DDR	Disarmament, Demobilization and Reintegration	PBSO	United Nations Peacebuilding Support Office
DPA	Department of Political Affairs	PBF	United Nations Peacebuilding Fund
DPKO	Department of Peacekeeping Operations	ROLJS	Rule of Law, Justice and Security Unit (UNDP-BCPR)
DRC	Democratic Republic of the Congo	SALW	Small arms and light weapons
FLA	Free Legal Aid system (Bosnia and Herzegovina)	SGBV	Sexual and gender-based violence
GFP	Global Focal Point for Police, Justice and Corrections	SRSR	Special Representative of the Secretary-General
GBV	Gender-based violence	SSR	Security Sector Reform
ISACS	International Small Arms Control Standards	UNDP	United Nations Development Programme
ITGN	Integrated Technical Guidance Notes on SSR	UNHCR	United Nations Refugee Agency
LOTEFA	Law and Order Trust Fund for Afghanistan	UNICEF	United Nations Children's Fund
MDG	Millennium Development Goal	UNISDR	United Nations Office for Disaster Risk Reduction
MPTF	Multi-Partner Trust Fund	UNMIT	United Nations Integrated Mission in Timor-Leste
MYRF	Multi-Year Results Framework	UNODC	United Nations Office on Drugs and Crime
		UNOPS	United Nations Office for Project Services
		UNPOL	United Nations Police

# Foreword



**Jordan Ryan**  
**Assistant Administrator UNDP**  
**Director BCPR**

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In the period since the last annual report, Rule of Law has received considerable attention at both the global and national levels. The UN General Assembly has taken up the issue in an unprecedented manner, and the UN Secretary-General has addressed long-standing concerns through the important decision to appoint UNDP and DPKO as the Global Focal Point for Police, Justice and Corrections. This new arrangement aims to use modern day networking techniques to tap into global knowledge, advice and expertise regarding Police, Corrections and Justice in crisis or post-crisis settings.

Against this background of progress, UNDP continues to work in a wide range of crisis-affected and fragile contexts through its Global Programme for Rule of Law. This report presents the achievements from 2012, and continues, as has been the case with previous reports, to use an evaluative approach focusing on good lessons that can be shared and explicitly building on results from the previous phase (2008 – 2011). I am pleased to note that this report presents numerous cases where UNDP is supporting the increased provision of justice and security services to the most vulnerable or marginalised, in different contexts, ranging from Burundi to Colombia, Nepal to Sudan.

Through its continued engagement under the Global Programme's forward-looking agenda, UNDP has enhanced its ability to address the complex challenges to establishing the rule of law at country level. Simultaneously, UNDP is undertaking efforts to strengthen its support to improve policy coherence and service delivery across the UN family as a whole.

It is with sadness that I note that as this report was being compiled in April 2013, both the Banadir Regional Court and the Wadajir District Court in Somalia were attacked. Dozens of lives were tragically lost, including those of a judge, prosecutors, lawyers and the legal support staff who worked tirelessly to protect the fundamental human rights of the Somalis they represented. On 26 April, Somalia's Deputy State Attorney, Mr. Ahmed Malim Sheikh Nur, was assassinated. The United Nations Secretary-General, in a formal statement, expressed his *'deep concern that recent attacks in Mogadishu appear to target the judicial officials and the legal system as a whole.'*

The judges, investigators, police, lawyers and human rights defenders such as those killed in Somalia, as well as their counterparts around the world, many of whom work under threat every day, drive our efforts. Their aspirations and efforts to secure a peaceful and hopeful future for their communities remain at the heart of UNDP's approach to strengthening the rule of law in crisis-affected and fragile situations.

UNDP has also continued to expand its contributions to the international dialogue on the rule of law in the time period. In particular, the ongoing global consultations on the Post-2015 Development Agenda have afforded UNDP the opportunity to foster discussion on the prevention of armed violence and the link between violence and human development. A key priority for UNDP in the coming year will be to support the development of concrete options to integrate rule of law and violence reduction in the Post-2015 Development Agenda, including through measurements that will enable us to capture real impact on people, perceptions, and the performance of institutions.

As we continue to deepen our efforts through the Global Programme, we are mindful of what makes our work possible. Our efforts to ensure justice and security for people in crisis-affected and fragile situations rest on the foundation of our enduring and expanding partnerships.

UNDP believes that supporting states and societies to establish the rule of law is not limited to a purely technical effort to build institutions and to improve the skills, competence and expertise of state actors. It often requires a change in political culture and a clear signal that the rule of law is embedded in the values of government officials, parliamentarians and politicians – and in fact the entire society. An active civil society, vocal on rights and accountability, is both evidence of respect for the rule of law and a driver of positive change. And fundamental for this change to occur is the need to deliver on the promise to ensure that women are empowered and that they realize their rights and assume positions of responsibility.

By joining together with national, UN and international partners, UNDP is enabled to make real and lasting impact in the lives of those affected by conflict and crisis. We continue to be extremely grateful for the engagement and generous support of our donors: Australia, Belgium, Denmark, Germany, Japan, the Netherlands, Norway, Sweden, Switzerland, the United Kingdom, and the United States. And of course, a critical factor for all our work is the continued trust and commitment of our national partners, and the people of the countries where we serve.

 **By joining together with national, UN and international partners, UNDP is enabled to make real and lasting impact in the lives of those affected by conflict and crisis.**

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*UNDP supports community security  
in Sudan.*

*UN Photo/Albert González Faran*



# Strengthening the Rule of Law for Peace and Development

**The rule of law underpins achieving the mission of the United Nations: to advance peace, human rights, and development. In our rapidly changing, unequal, and, at times, dangerous world, implementing the rule of law is critical for establishing the justice, stability, and inclusive growth required for sustained human development.<sup>1</sup>**

**Helen Clark**  
**Administrator UNDP**

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<sup>1</sup> Full speech available at: <http://www.undp.org/content/undp/en/home/presscenter/speeches/2012/09/24/helen-clark-67th-session-of-the-un-general-assembly/>

# Introduction

Conflict is a strong predictor of future violence. When countries fail to establish the rule of law, justice and security after a conflict or crisis, the chances of recurrent violence are very high. Through its *Global Programme to Strengthen the Rule of Law in Crisis-Affected and Fragile Situations*, the United Nations Development Programme (UNDP) partners with national governments and communities to reverse this state of affairs. These partnerships help establish capable and responsive justice and security institutions, and empower ordinary people to contribute to transformational change.



**Strengthening the rule of law is a cornerstone of UNDP's work to build sustainable human development. Through these efforts, UNDP promotes peace and good governance not only as enablers of development, but also – and more importantly – as fundamental rights for all people.**

With UNDP's help, national partners can commit to building stable foundations where communities can prosper in safety and security, and have access to justice. UNDP enables governments and institutions to signal a break from negative practices of the past by committing to transitional justice measures, and investigating the crimes and abuses of previous regimes. UNDP also supports communities to contribute to strengthening rule of law. For instance, lawyers, non-governmental organizations (NGOs) and women's groups can educate and empower ordinary women and men to realize their rights, to speak out and to prevent sexual and gender-based violence (SGBV).

Strengthening the rule of law is a cornerstone of UNDP's work to build sustainable human development. Through these efforts, UNDP promotes peace and good governance not only as enablers of development, but also – and more importantly – as fundamental rights for all people.

## UNDP's Rule of Law Assistance to Crisis-Affected and Fragile Situations

In 2012, the United Nations General Assembly recognized that 'all persons, institutions and entities, public and private, including the State itself, are accountable to just, fair and equitable laws and are entitled without any discrimination to equal protection of the law.'<sup>2</sup> This statement promotes three key principles: firstly, no one – regardless of position or authority – is above the law; secondly, everyone – regardless of ethnicity, gender, religion, sexual orientation, or class – is equal before the law; thirdly, government is by the law, meaning it is negotiated and agreed through a democratic process. These principles, when entrenched in law, policy and practice, result in a consistent standard to provide redress that does not discriminate against marginalized or vulnerable groups. In this sense, the rule of law is the cornerstone of inclusive political settlements<sup>3</sup> and resilient societies. Where the rule of law is not upheld, discrimination, injustice, corruption and a general perception of unfairness can threaten stability and development

<sup>2</sup> United Nations General Assembly, *Declaration of the High-Level Meeting of the General Assembly on the Rule of Law at the National and International Levels*, 30 November 2012. Available at: <http://www.unrol.org/files/A-RES-67-1.pdf>.

<sup>3</sup> According to Khan (2010), the 'political settlement' is 'a combination of power and institutions that is mutually compatible and also sustainable in terms of economic and political viability'. For more on the political settlement, see Khan, M. (2010), 'Political Settlements and the Governance of Growth-Enhancing Institutions', (available at [http://eprints.soas.ac.uk/9968/1/Political\\_Settlements\\_internet.pdf](http://eprints.soas.ac.uk/9968/1/Political_Settlements_internet.pdf)) and Di John and Putzel (2009), 'Political Settlements: Issue Paper', (available at <http://www.gsdr.org/docs/open/EIRS7.pdf>).

and can cause harm to individuals, communities, and societies as a whole. Establishing the rule of law builds confidence and provides the foundation for enabling societies to sustain peace and manage their own development.

In crisis contexts, strengthening the rule of law means protecting people and providing redress, which strengthens their own ability to protect their lives and livelihoods. To these ends, UNDP provides technical and programmatic support on rule of law, and supports the processes and activities which will help a country to own and manage its own rule of law sector. This means providing support to governments as they negotiate how to make the principles of law work within their specific contexts, and then subsequently helping them to set up and establish the capacity necessary to run these systems. It also means paying attention to how the rule of law is perceived within a society's power structure and cultural makeup.<sup>4</sup>

Since the inception of the Global Programme in 2008, UNDP has partnered with societies affected by crisis and fragility to support the development of nationally-led processes and institutions which embody the rule of law. Through its sustained assistance

“ Since the inception of the Global Programme in 2008, UNDP has partnered with societies affected by crisis and fragility to support the development of nationally-led processes and institutions which embody the rule of law.

4 Rachel Kleinfeld, *Advancing the Rule of Law Abroad: Next Generation Reform*, (Washington DC: Carnegie Endowment for International Peace, 2012).



*At the AMISOM training facility Mogadishu, platoon commanders and non-commissioned officers of the Somali National Army (SNA) attend a graduation ceremony.*

*UN Photo/Stuart Price*

to over 37 countries, UNDP supports a range of justice and security initiatives that enable national partners to:

- Increase safety and security for all;
- Deal with the legacy of violence;
- Build confidence through accessible and effective justice and security institutions;
- Improve the delivery of justice and security for women.

 This report gives an overview of the results achieved by UNDP in 2012, to which the Global Programme contributed.

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### Structure of the Report

This report gives an overview of the results achieved by UNDP in 2012, to which the Global Programme contributed. Part I details the four key areas of engagement by providing a brief explanation of why the area receives priority focus, followed by short sections that describe how UNDP's approach works, and a brief review of key results achieved in 2012.<sup>5</sup>

The report concludes with a review of key policy developments and partnerships in 2012, focusing on the Global Focal Point for Police, Justice and Corrections, co-led by UNDP and the Department of Peacekeeping Operations (DPKO).

Part II contains profiles that detail the work implemented and supported by UNDP in 2012.

Part III contains financial information related to the Global Programme.

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<sup>5</sup> For more results and a comprehensive review of UNDP's country-by-country work, see Part II: Country Profiles.



*Female police in Somalia.  
UN Photo/Tobin Jones*

# Our Four Areas of Work

## 1. Increasing safety and security for all

People who fear for their lives cannot plan for a long-term and more prosperous future. As violence continues and suffering increases, trust between individuals, between communities, and between the state and society erodes. Increased perceptions of insecurity and injustice can in turn reinforce patterns of violence with tremendous consequences for human development.<sup>6</sup> Increasing safety is, therefore, the first priority in supporting the rule of law in crisis-affected and fragile contexts.

Improving safety for people and their property enables the productive investment that underpins development. At the national level, safety and security open space for negotiating peace, and building a new and different order. As this is established, people's trust in the social contract increases. As the economy improves, people's stake in peace and their incentives to maintain it increase.

UNDP's approach prioritizes the safety of citizens and communities. We have learnt over the time of our involvement with this issue that effective security is community security. Only when people themselves are involved in identifying the causes of insecurity and the ways to reduce it, do security arrangements become sustainable.

### *Reducing armed violence and increasing citizen/community security*

Although battle deaths continue to decline, high levels of armed violence remain a serious problem. In 2011, *The Global Burden of Armed Violence: Lethal Encounters* indicated that approximately 526,000 people are killed because of armed violence every year. Most of these deaths occur in non-conflict settings, indicating that an absence of war does not necessarily signify the presence of peace.<sup>7</sup>

Contemporary armed violence occurs is estimated to cost between US\$ 95-160 billion per year.<sup>8</sup> It takes many forms and can be perpetrated by gangs, organized criminal groups, armed individuals and militias, as well as state security and law enforcement agencies. Across all societies, young males are the most common perpetrators and victims of armed attacks. Women also suffer as direct victims, and are the most frequent targets of sexual assault and gender-based violence. Increasingly women are also engaged in gangs and armed groups, either in supportive roles or as direct perpetrators of violence.

UNDP continues to assist governments at all levels in their efforts to increase citizen and community security. As part of its citizen and community security approach, UNDP provides support on the one hand to developing national policies, strengthening local and state institutions, helping governments to better coordinate security, training judges

“Improving safety for people and their property enables the productive investment that underpins development. At the national level, safety and security open space for negotiating peace, and building a new and different order.”

6 The World Bank, *2011 World Development Report: Conflict, Security, and Development*, (Washington D.C., 2011). Available at: [http://siteresources.worldbank.org/INTWDRS/Resources/WDR2011\\_Full\\_Text.pdf](http://siteresources.worldbank.org/INTWDRS/Resources/WDR2011_Full_Text.pdf)  
7 Geneva Declaration, *Global Burden of Violence: Lethal Encounters*, Cambridge, 2011. Available at: <http://www.genevadeclaration.org/fileadmin/docs/GBAV2/GBAV2011-PRESS-RELEASE-ENG.pdf>  
8 Geneva Declaration, *Global Burden of Armed Violence*, Cambridge, 2008. Available at: <http://www.genevadeclaration.org/fileadmin/docs/Global-Burden-of-Armed-Violence-full-report.pdf>

## KEY RESULTS

## Reducing Armed Violence and Increasing Security

In **El Salvador**, UNDP contributed to reduced murder rates by an average of 12 percent in 20 of the country's most violent cities. 27 municipalities have received UNDP support to implement citizen security plans. According to official Government data, these efforts have resulted in an average reduction of armed violence incidents by 41.5 percent, and an increase in confidence in local security institutions in the Metropolitan Area of San Salvador. At the national level, under the leadership of the Ministry of Justice and Public Security, a Violence Prevention Strategy was operationalized during the first half of 2012. Significant reductions in armed violence in 2012 are linked to a truce signed between rivalry gangs and the Government in El Salvador in March 2012. On 9 April 2012, El Salvador recorded its first day without a murder since 2009.

After the long-term investment of UNDP and others to strengthen justice institutions in **Guatemala**, impunity rates were lowered in 2012, and homicide rates reduced (for the third year in a row) after ten years of dramatically rising on both fronts. This indicates clear and sustained progress for improving citizen security in the country and the ability of relevant institutions to exercise their functions.

In **Kenya**, UNDP supported the consultative development of a draft Small Arms Bill which was submitted in December 2012 for peer review and further consultations. The final version of the bill is expected to be approved in 2013. UNDP also supported the establishment of a Crime Observatory in Nairobi to gain a better understanding of the nature, dynamics and trends of crime, and to assist in planning and designing crime prevention policies and management initiatives. In September 2012, relevant authorities requested that the Crime Observatory reports should be formally brought to the attention of the Kenya Police Service and the departments of state dealing with internal security. This agreement shows confidence in the work being done, as well as realization that the work needs to be anchored within formal structures.

In **Bosnia and Herzegovina**, UNDP designed a community security management model for all security providers to implement crime, public disorder, school and armed violence prevention activities. The model has been implemented in 3 partner communities in the interim period and is set to expand to 40 communities in the late 2013.

In 2012, UNDP supported the development of a national database for small arms management in **Burundi**. This database complies with the Nairobi protocol for the Prevention, Control, and Reduction of SALW in the Great Lakes Region and the Horn of Africa, and will allow for better management of small arms within the country.



Photo: UNDP Guinea-Bissau

and court officials, and improving the capacity of police to prevent violence. On the other hand, UNDP engages early with communities to understand their perceptions of the security challenges they face, and supports them in taking practical action to improve safety. This includes both simple measures – such as fixing street lights – to more complex interventions such as imposing gun-free zones, keeping young people occupied and off the streets, and improving job opportunities.<sup>9</sup>

### *Supporting effective and accountable police*

In tandem with its efforts to reduce armed violence, UNDP supports governments to provide better police services to the people through enhancing and expanding security service delivery, promoting police reform, and enhancing people’s trust in the police. The overall aim of this work is to support governments in ensuring community security by building stronger law-enforcement institutions that are both effective in delivering security services, and are accountable and transparent before the population.

UNDP’s programmatic activities in this area focus on strengthening police capacity to deliver effective and equal security services. This support is provided at both national and community levels. At the national level, UNDP supports leadership development, decision-making, and strategic planning capacities. To further enhance transparency and effectiveness, UNDP also supports the creation and establishment of civilian oversight mechanisms and the strengthening of line ministries (i.e. Ministry of Interior/Internal affairs) to improve management of security institutions. Support to police services is provided through a range of initiatives to revise the mission and legal framework of the police, to build knowledge and skills through human resources management and training efforts, and by investing in infrastructure and equipment.

“ The overall aim of this work is to support governments in ensuring community security by building stronger law-enforcement institutions that are both effective in delivering security services, and are accountable and transparent before the population. ”

<sup>9</sup> UNDP supports citizen security and armed violence reduction across a range of contexts. Current country-level work occurs in places such as Bosnia and Herzegovina, Burundi, Côte d’Ivoire, El Salvador, Haiti, Honduras, Kenya, Kosovo (UN Administered Territory referred to in the context of UN Resolution 1244), Guatemala, Nepal, Papua New Guinea, and South Sudan – see Part II: Country Profiles for detailed descriptions of this work in 2012. To read more about UNDP’s approach to increasing citizen security, see <http://www.undp.org/content/undp/en/home/librarypage/crisis-prevention-and-recovery/IssueBriefCitizenSecurity/>.

At the community level, UNDP provides support to establish effective police/community relations to enhance security and protection and enhance trust in populations affected by conflict and violence. This, for example, includes support focused on strengthening police capacities to adopt community-oriented policing techniques. The goal is to involve local actors in defining security needs and devising their solution – including both identifying the priority security services required, and monitoring the provision of security services to local communities.

#### KEY RESULTS

## Supporting Effective and Accountable Police

UNDP was swift to provide assistance to **Tunisia** when the Ministry of Interior requested support to rebuild trust in a police service that was perceived by the citizens as too close to the Ben Ali regime. UNDP is currently supporting the Ministry of Interior in creating new procedures to improve police-citizen relationships, to include new standards in public order policing and to explore more structural reform to law enforcement.

In **Afghanistan**, UNDP continued to support salary payments for the Afghan National Police, enabling police presence throughout the country. Additionally, UNDP worked with the Ministry of Interior to establish/upgrade and staff police call centers in Herat, Balkh, Helmand and Kandahar. Help desks were established in 31 districts in Nangarhar, Herat and Kabul to serve as mechanisms for the police to advise and investigate complaints from communities.

In **Nicaragua**, the advice and assistance that UNDP has provided to police has helped improve public safety. In 2012, measures such as helping develop systems to renew concealed weapons licenses helped reduce firearms-related crimes and murders by nearly five percent.

In **Timor-Leste**, collaboration between DPKO/UNMIT/UNPOL and UNDP has ensured that support for national police (PNTL) has maintained effective security service delivery during the country's transition from mission to non-mission setting. Crowd management training for the police carried out by UNPOL and UNDP prepared 175 PNTL officers with crowd control skills in time for the 2012 national elections. No large crowd-related security incidents occurred during the 2012 elections.

*The research wing at the Khyber Pakhtunkhwa Judicial Academy in Peshawar was inaugurated on 6 March this year by Marc-André Franche, Country Director UNDP Pakistan & Justice Dost Muhammad Khan, Chief Justice Peshawar High Court & Chairman KPJA.*

*Photo: UNDP Pakistan*



Photo: UNDP Sudan



### *Improving governance of the security sector*

Strengthening governance of the security sector in crisis-affected and fragile contexts improves accountability to citizens. Given the security challenges often present in complex environments following conflict and the prevalence of situations where the security forces themselves have perpetuated abuse, this is no easy task. Over time, security sector reform (SSR) can contain outbreaks of violence, reduce crime and contribute to ensuring citizen and community safety through increased protection. As such, UN support for SSR is often requested in crisis-affected and fragile situations.

UNDP has always worked closely with peacekeeping and political missions on SSR to ensure that coherent support is delivered this area. We also engage SSR in non-mission contexts upon government request. UNDP continues to serve as co-chair of the United Nations Inter-Agency SSR Task Force, which plays an important role in promoting a uniform understanding of the UN approach to SSR.

#### KEY RESULTS

## Improving Governance of the Security Sector

Security Sector Reform in **Guinea** (Conakry) is making an important contribution to peace building efforts. In 2012, UNDP supported the modernization of the legal, strategic and operational framework of the security sector. In particular, the sectorial plans for the Defense, Police, Justice, Borders and Environment for the period 2012-2015 were produced and realistically budgeted with UNDP support. These efforts will enable civilian authorities to better respond to national priorities and needs in the security sector.

## CONTRIBUTION

## Young Entrepreneurs: New Prevention Strategies to Disable Cycles of Violence in El Salvador

In the last decade, El Salvador has been repeatedly acknowledged as one of the most violent countries in the world. The homicides rate per 100,000 inhabitants reached an average of 55.6 between 2002 and 2012. That is more than twice the average rate in Latin America and more than three times, globally. However, in 2012, there was a significant drop in the homicides: according to the data from the National Civil Police (PNC), the past year closed with a rate of 41 homicides per 100,000 inhabitants, a 41 percent reduction when compared to 2011.

For UNDP, El Salvador is facing an unprecedented opportunity to disable the high levels of violence and move towards a scenario of peace consolidation and greater human development. This drop in the number of murders is, among other things, associated with an agreement between the two main gangs identified as responsible in large part for the environment of insecurity that affects the country. This situation has opened a window of opportunity to promote new strategies of prevention, of breaking cycles of violence, and of establishing cohesion within El Salvador's social fabric.

To contribute to the sustainability of the drop in homicides, UNDP is working alongside local governments, the Ministry of Justice and Public Security, and civil society organizations towards a strategy of socioeconomic insertion for youth at risk. This social inclusion strategy aims to trigger transformative energies and help generate a new sense of community identity that will facilitate changing behaviors that fuel the cycles of violence.

Although the implementation of the project is an important contribution to the youth groups targeted, the main challenge is to learn from this experience and take it to the public policy level. To these ends, UNDP is closely monitoring this intervention, and will systematize and evaluate its best practices. We expect lessons learned from this process to become inputs for future public policies of violence prevention and social cohesion.

**Mr. Roberto Valent**  
**Resident Representative of UNDP**  
**Resident Coordinator of the United Nations System**  
**El Salvador**

## CONTRIBUTION

### Supporting Somalia to Increase Community Security

Somalia's eight-year political transition ended on 10 September 2012. The adoption of a new Provisional Constitution, formation of a new Parliament and selection of a President Hassan Sheikh triggered a new 'interim period' (2012-2016), which presents an opportunity for a new phase of stabilization and peacebuilding within the country. The rule of law has already been highlighted as a priority as Pillar One of the Government's Six Pillar Policy, Foundations of a New Beginning.

Within Somalia's diverse contexts, UNDP makes every effort to align its support to the needs and priorities of national partners. UNDP also works with the UN Country Team (UNCT) and the UN Political Office in Somalia (UNPOS) and will work with the new UNOSOM mission to achieve the goal of a peaceful and secure nation in which every Somali has the opportunity to build a better life. As part of these aims, UNDP supports reform of the justice and security sectors, including police development.

UNDP works with authorities in Somalia to strengthen the institutional and technical capacity of Somalia's police forces to deliver policing services to the public. This means building an efficient, effective and professional civilian police service that meets the requirements for community policing as well as the needs and expectations of the Somali people – a force that is both responsive to civilian needs and accountable to civil authority. Respect for human rights and the promotion of gender equality is a primary focus area for the project, as is the development of an accountable and competent police service, ensuring compliance with and adherence to human rights standards. The project works closely with police authorities to institutionalize accountability, oversight and internal control mechanisms. Policing should complement existing and traditional community security structures and the justice sector so that those who are in conflict with the law have access to legal representation and due process.

The Community Security Project is another important aspect of UNDP's support to Somalia. This project aims to bring civil society on board to build a safe environment provides a crucial foundation for recovery and long-term peaceful development. Local government, police forces and prosecutors cannot function sustainably without involving their communities and addressing concerns and needs of the people. The guiding principle of our work is connecting local and national governments, the police and justice systems with civil society to improve safety and security in communities. UNDP fosters the active involvement of marginalized and vulnerable segments of society, women, and youth in the planning, monitoring, and execution of security services. This approach has helped developed and test an alternative to DDR programming, and works to engage with actors in conflict and crime such as piracy, non-state armed groups, and criminal networks. It has further paved the way for the establishment of restorative justice and community correction, and thus complements the formal justice sector.

**Country Office Team  
UNDP Somalia**

 **Transitional justice refers to ‘the full range of processes and mechanisms associated with a society’s attempt to come to terms with a legacy of large-scale past abuses, in order to ensure accountability, serve justice and achieve reconciliation.’**

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## 2. Dealing with the legacy of violence

In the aftermath of violence, unaddressed abuse – whether institutionalized by the state or utilized by non-state groups – can breed resentment and mistrust between members of a society. Grievances stemming from systematic discrimination and human rights violations can lead to recurrent violence, even after a peace settlement has been negotiated. This cycle threatens citizen and community safety, political stability, and sustainable development, particularly in fragile contexts. It is therefore of utmost importance that a society be enabled to address and atone for the grievance of the past.

Transitional justice refers to ‘the full range of processes and mechanisms associated with a society’s attempt to come to terms with a legacy of large-scale past abuses, in order to ensure accountability, serve justice and achieve reconciliation.’<sup>10</sup> The initiation of transparent and inclusive transitional justice processes also demonstrates a collective societal commitment to seek justice for past abuses and therefore uphold the rule of law even for most challenging of circumstances. This can restore citizen confidence in an inclusive and responsive state, as authorities signal intent to respect human rights and dignity for all.

UNDP’s support to transitional justice focuses on helping societies to both face the past and facilitate accountability so that previous abuses will not reoccur in the future. At the global level, UNDP also helps to advance an international dialogue that advocates moving transitional justice from policy to practice, and emphasizes the importance of national ownership.

UNDP also plays an important role in ensuring that institutions are equipped to deal with the legacy of violence by enabling national authorities to prosecute crimes identified by the Rome Statute.<sup>11</sup> These efforts are often made as part of wider initiatives to build up criminal justice systems in the aftermath of conflict or crisis, which are critical to maintaining peace and sustaining development.

An important component is enabling reparations for victims of human rights abuses. Reparations can aid the reconciliation process by acknowledging victims’ suffering and making amends for past mistreatment. UNDP supports policy and programmatic approaches aimed at increasing access to justice for those groups generally identified as vulnerable. Through UNDP’s efforts, these groups are given the attention needed to begin rebuilding livelihoods in the aftermath of conflict or crisis.

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<sup>10</sup> See the Secretary-General’s Guidance Note on Transitional Justice, available at: <http://www.unrol.org/doc.aspx?d=2957>.

<sup>11</sup> This is known as ‘complementarity’.

## KEY RESULTS

# Dealing with the Legacy of Violence

In **Colombia**, UNDP continues to provide support to transitional justice through the Transitional Justice Basket Fund, which allows for the provision of support to victims of armed conflict. By the end of 2012, 46,330 people benefited from increased access to justice and reparations. Additionally, 22 municipalities received support to establish transitional justice committees under the provisions of the 'Victim's Reparation and Land Restitution Law'. Through this support, UNDP continues to assist Colombia in dealing with the legacy of violence.

## OUR STORIES

### Truth and Justice in Guatemala

In 1996, a peace agreement ended Guatemala's long and brutal civil war. But it has taken many years to atone for the atrocities committed during the 36-year conflict. Recently, the Government of Guatemala – particularly under the leadership of Attorney General Claudia Paz y Paz – has made significant progress in addressing past crimes. UNDP's support to transitional justice in Guatemala has created a platform for victims' groups, national justice and security actors, forensic experts, and national archivists to come together to discuss how best to deal with the country's legacies of war and violence.

Since 2010, UNDP's Transitional Justice Programme (PAJUST) has been supporting victim's advocacy groups and helping victims of violence seek reparations; and helping the police to investigate past crimes. Additionally, UNDP has aided in bolstering the skills of the Prosecutor and Attorney General's offices. Cases have been opened against some top-level officials, including former de facto President Efraín Ríos Montt, who was convicted of genocide. Even though this conviction was recently overturned, the initial proceedings were a positive sign of a strengthened rule of law in Guatemala.

UNDP also supported training for the police and the Attorney General's Office in forensic archeology, exhuming mass graves, and the development of a witness protection programme. Government measures to fight impunity, including those supported by UNDP, have helped to reduce the high levels of violence rampant in Guatemalan society, as well as increase the conviction rate for all crimes by 70 percent since 2009. For Guatemala, these efforts have been fundamental to changing the culture of impunity, and to helping many victims uncover the truth of what happened to friends and family members during the war.

CONTRIBUTION

## The Need for Transitional Justice in Mali

In 2012, Mali was confronted with a multifaceted crisis following armed attacks by terrorist groups and a coup in March. This crisis has particularly affected the human rights situation in the country – human rights violations have been recorded, including summary executions, rape, arbitrary arrests and detentions, torture, looting, and cruel, inhuman and degrading treatment.

In a transitional context such as the one Mali is facing, reforming the justice and security sectors is crucial in order to protect and be accountable for the fundamental rights of citizens. It is also necessary to introduce mechanisms to address individual responsibility for these actions. Facilitating the implementation of necessary and complex social, political and institutional reforms is crucial to breaking the cycle of violence and promoting economic recovery. Therefore, the processes of national dialogue and reconciliation depend largely on the establishment of a social compact around issues of transitional justice.

The Government of Mali is committed, through a Transitional Roadmap, to conducting the necessary reforms to lay the foundations for a genuine social, political and institutional overhaul in particular through the adoption of an integrated approach to the justice sector. The Ministry of Justice is also organizing a conference on transitional justice to discuss ways to promote the principles of responsibility and respect for human rights. It aims to foster within the population the civic spirit indispensable to supporting rule of law reform, democratic governance and economic development.

In the context of this transition, the fight against impunity must be at the heart of discussions to restore national unity. It is clear that Mali faces difficult choices regarding forgiveness, amnesty, and strengthening actions for criminal prosecution. However, Mali is the cradle of ancient civilizations where living together has always been a fundamental societal characteristic. Processes of transitional justice can help restore this sacred pluralism within the country.

**H.E. Dr. Malick Coulibaly**  
**Minister of Justice**  
**State of Mali**



UNDP supports legal aid for women in Pakistan.  
Photo: IRIN/Jaspreet Kindra

### 3. Building confidence through accountable and accessible justice and security institutions

The rule of law incorporates the notion of equality before the law. In crisis contexts people need to be able to manage their disputes peaceably through legal and legitimate processes. Legal systems which cannot deliver basic redress for key livelihoods issues for example – land tenure, water rights and market access – are correlated with high levels of violence.

UNDP works at four levels to improve access to justice. Firstly, we support people through legal aid and legal knowledge training to understand and use the justice systems that exist. Secondly, we support efforts to ‘take justice to where it is needed.’ Through mobile courts and alternative dispute resolution mechanisms, people can access resolution of both criminal and civil matters closer to home, more cheaply and through systems which are easier to understand. Thirdly, we support improvements to justice delivery capacity. This includes strengthening the knowledge and skills of judges, courts, prosecutors, lawyers, line ministries, and the police, as well as assisting with the development of national justice and security strategies. A critical element of this is often the incorporation or connection of the traditional justice system to the more formal legal system, as these systems are used by a vast majority of populations in development contexts.<sup>12</sup> Finally, we work on the ‘rules of the game’ by assisting governments to remove discriminatory laws and practices, and supporting countries in developing legal systems that reflect international human rights norms and practices.

“ The rule of law incorporates the notion of equality before the law. In crisis contexts people need to be able to manage their disputes peaceably through legal and legitimate processes.

12 For more on informal justice, see [http://www.unrol.org/article.aspx?article\\_id=30](http://www.unrol.org/article.aspx?article_id=30).

## KEY RESULTS

## Building Accountable and Accessible Institutions

Justice services supported by UNDP in **Iraq** are reaching an increasing number of people. In particular, support to court case management, information technology systems, operations, court accessibility, and awareness-raising campaigns has increased the efficiency of the justice system in Baghdad, Basra and Erbil. Additionally, UNDP supported free legal helpdesks in Kurdistan. In 2012, a total of 1874 people received free one-on-one legal consultation, and 209 people received free legal court representation.

In **Guinea-Bissau**, UNDP supported the establishment of the first National Centre for Judicial Training (CENFOJ) in 2011 and 2012. CENFOJ aims to improve the performance of the courts and administration of justice. A total of 103 people including prosecutors, judges and lawyers (nearly 30 of which are women) graduated from the CENFOJ in 2012.

In **Sri Lanka**, UNDP assisted in digitalizing 850,000 civic documents for people living in the Eastern provinces, providing duplicate copies of 500,000 civic documents that were destroyed during war.

UNDP continued its support to the Free Legal Aid (FLA) system in **Bosnia and Herzegovina**. UNDP contributed to the establishment of two FLA facilities that provided legal information assistance to 2353 people, legal advice to 2715 people, and court representation for 597 people.

UNDP has supported **Timor-Leste** to train national judges and prosecutors to replace international professionals that stepped in to fill the country's justice capacity void at the outset of its independence. In 2012, UNDP assisted the Ministry of Justice to fully staff the Chamber of Audit with the full complement of 15 national Timorese professionals, thereby making it operational. The Chamber of Audit can now take up its role of fighting corruption and ensuring transparency. In addition, a total of 6 new mobile court sessions were technically and logistically supported at the local level (4 in Suai and 2 in Baucau districts).

In **Liberia**, UNDP continues to support the sector-wide Justice and Security Joint Programme (JSJP), 2011 – 2014, which is designed to decentralize and improve rule of law services for greater national stability, especially in light of the pending UNMIL drawdown. In 2012, the JSJP supported the Liberian Government with sectoral budgeting and resource mobilization. UNDP continued to work very closely with the Government of Liberia, UNMIL, PBC/PBF/PBSO and bilateral partners to implement activities per the JSJP. As part of its JSJP engagement, UNDP supported the training of justice and security actors as part of pre-deployment to the first Justice and Security Hub, which was inaugurated in February 2013.

In 2012, UNDP initiated a programme in **Pakistan** to improve the outreach of justice and security services. A total of 124 mobile legal aid clinics were established in three pilot districts of Malakand, KP Province. In 2012 alone, 5,429 people attended these clinics (37 percent of which were women), and legal representation was provided for 123 community members (70 percent of which were women).

UNDP continues to support the development of the justice sector plan in Somaliland, **Somalia**, and the delivery of legal aid in all three regions. In 2012, legal services were expanded to rural areas in Puntland (130 cases), Mogadishu (190 cases) and Somaliland (134 cases). This service is the only of this kind available to people living in rural areas.

## OUR STORIES

### A New Justice System for Timor-Leste

From the moment of its independence in 2002, Timor-Leste faced many challenges. One of the immediate hurdles facing the new country was the need to build a comprehensive justice system from the ground up. At the outset of its independence, not a single judge lived in Timor-Leste, and only a handful of citizens possessed any sort of legal training. In 2003, the national authorities and UNDP, together with the UN system and development partners, formulated a capacity development project for the judiciary known as the Justice System Programme (JSP).

In just a decade, Timor-Leste has created a functioning justice system from the ground up. This system is fully led by qualified Timorese legal professionals trained through the UNDP-supported JSP. Timor-Leste's courts, the Prosecutor General's Office, the Public Defender's Office, and the Ministry of Justice have all been strengthened and supported to uphold the rule of law and improve people's access to justice.

The JSP also supports the Legal Training Centre, which in 2011 alone, trained more than 270 justice sector actors including private lawyers; trainee judges, prosecutors and public defenders; prison guards; court clerks; translators; and the country's newly recruited Investigative Police. Mobile justice sessions, supported by UNDP, began in Timor-Leste's district courts in 2010. These mobile sessions provide access to justice for remote areas or places, which are cut off from the courts for reasons such as bad roads. In early 2013, responsibility for sustaining the mobile justice sessions was handed over to the national justice institutions, speaking to great development of the national justice architecture as achieved by the UNDP-supported Government.

These results demonstrate significant progress achieved within Timor-Leste's justice sector in the years since its independence. Together with firm Government commitment, UNDP will continue to support Timor-Leste in working for transformational change in both its rule of law sector, as well as in achieving broader goals of sustaining peace and development.

## OUR STORIES

### Training Judges in Guinea Bissau: One Woman's Story

Ms. Carmelita Jose Dju completed the first intake career course of magistrates, held at the National Centre for Judicial Training (CENFOJ), the establishment of which was enabled through UNDP technical and financial support. In December 2012, Ms. Carmelita received her certificate signifying completion of the course, and now awaits her appointment as an interim judge to one of the country's courts. Of CENFOJ, Ms. Carmelita states, 'This training is an asset to the justice sector because it is a specific training, which is not taught in undergraduate schools. Therefore, thanks to UNDP's support, the judiciary system of Guinea-Bissau benefits from development and capacity building of its human resources. The selection process of the trainers is competitive and transparent, which allows choosing competent trainers who have an extensive experience in the field. [This contributes] to the good achievements of trainees at the end of the course.' Moving forward, CENFOJ is expected to play an important role in strengthening the competencies of the judiciary in the future, notably for community courts.

## CONTRIBUTION

**Human Rights and the Rule of Law**

The rule of law constitutes the essential foundation for the effective protection of human rights for all. At the same time, experience has shown that the rule of law without human rights is only an empty shell, and that it must be grounded in human rights in order to secure national ownership.

My Office promotes such national ownership, in particular regarding the main rule of law principles of legality, equality, accountability and participation. It does this through its work at both international and national levels, including through some 60 field presences. It supports national stakeholders' efforts to build responsive and accountable institutions and establish transparent and inclusive decision-making processes, which constitute prerequisites for any legitimate and effective system of democratic governance based on rule of law and human rights. OHCHR works closely with governments, civil society organizations and national human rights institutions compliant with the Paris Principles. These institutions have a direct role in promoting the rule of law.

In fragile or conflict-affected situations, the United Nations plays a critical role in assisting States to establish the rule of law in compliance with international human rights law and standards. Within the UN system and together with national partners, OHCHR works to nurture and support respect for human rights and the rule of law, including through its focus on combating impunity and strengthening accountability.

Combating impunity is key to increasing public trust in justice and security institutions, and to building sustainable peace. Effective accountability mechanisms for human rights violations are required to ensure respect for the principle that no one is above the law. In this context, my Office supports the establishment and functioning of comprehensive accountability frameworks compliant with international standards. In particular, it provides assistance to States with regard to all aspects of transitional justice, including national consultations with civil society and victims, the design and implementation of judicial accountability mechanisms, truth-seeking processes, reparations programmes and institutional reform.

The right of victims to effective remedies must be respected and protected. Increasing human rights protection in the administration of justice, and ensuring access to justice for all, in particular for individuals and groups facing discrimination, constitutes a priority for my Office. We attach great importance to strengthening the independence of the judiciary and eradicating torture and other human rights violations related to detention.

There is a consensus among the international community that respect for human rights and the rule of law is key to sustainable human development. In the declaration adopted in 2012 at the High-Level Meeting on the rule of law, Member States recognized the advancement of the rule of law at the national and international levels as 'essential for sustained and inclusive economic growth, sustainable development, the eradication of poverty and hunger and the full realization of all human rights and fundamental freedoms, including the right to development, all of which in turn reinforce the rule of law'. They unanimously agreed that the rule of law should be considered in the post-2015 development agenda.

As we approach 2015, our collective efforts towards a new human development paradigm, directed at securing freedom from fear and want for all, must build on this recognition through the adoption of a balanced framework which is grounded in the rule of law and embraces the full range of human rights.

***Ms. Navi Pillay***

***United Nations High Commissioner for Human Rights***



Members of UN Police and the South Sudan Police Services taking part a celebration to mark the International Day of Peace.

UN Photo/Isaac Billy

#### 4. Improving the delivery of justice and security for women

In crisis contexts, there are four main challenges to improving the delivery of justice and security for women: (1) ensuring the justice system effectively addresses SGBV; (2) addressing discriminatory social norms; (3) addressing the lack of female representation in justice and security institutions as gendered violence and discrimination increase; (4) ensuring that women regain social and economic rights undermined during crisis or conflict.

##### *Tackling sexual and gender-based violence*

The escalation of conflict typically coincides with an increased risk of SGBV in both the public and private spheres. This targets mainly women and girls, though also men and boys. These crimes can have devastating, long-term effects on the lives of victims, their families, and communities. In some cases, SGBV persists long after the end of conflict.

The prevalence of SGBV suggests that specific legal mechanisms are required in response. To these ends, UNDP engages in extensive work to strengthen the response to SGBV in both the justice and security realms. UNDP provides technical support to drafting SGBV and domestic violence-related legislation, and improving institutional responses to related crimes. UNDP also engages in awareness-raising campaigns related to issues of SGBV and domestic violence, in order to combat underlying social norms that perpetuate the existence of such crimes. Empowering women alone is not enough. Men play an important role and need to be engaged in solutions and advocacy against the issue. Men in a post-crisis context are active parts of the reform equation and are partners for change with women. From working with men at grassroots levels to parliamentary constitution drafting, women can affect the needed change so that access to justice is realized both in fact and in law.

“ The escalation of conflict typically coincides with an increased risk of sexual and gender-based violence (SGBV) in both the public and private spheres. This targets mainly women and girls, though also men and boys. These crimes can have devastating, long-term effects on the lives of victims, their families, and communities. In some cases, SGBV persists long after the end of conflict.

## KEY RESULTS

## Tackling SGBV

Despite challenges of increasing instability in the **Democratic Republic of the Congo** (DRC), UNDP – in collaboration with its partners – continued to support legal aid clinics in providing assistance to victims of sexual violence. In 2012, the UNDP's capacity building support resulted in the organization of 5 mobile courts to try 55 cases (out of which 21 were related to SGBV). 31 convictions were obtained, of which 20 were related to SGBV and 2 related to crimes according to the Rome Statute.

Also, a total of 183 victims benefited from free legal aid provided by the legal clinics. Among these were 41 women who were able to go take their cases to trial as the result of the free legal aid received from the bar association.

In **Iraq** in 2012, an increased number of women had access to security and justice services through a total of 16 new Family Protection Units (FPUs), established by the Government of Iraq with the support of UNDP. A total of 4658 cases were reported in 2012 to these FPUs, which are mandated specifically to provide services to the victims of domestic violence and gender-based violence. UNDP continues to support and strengthen the quality of services delivered by training law enforcement officers to deal with SGBV working in the FPUs. In **Kurdistan**, UNDP similarly supported the establishment of Family Protection Directorates to assist women in the region.

In **Somalia**, UNDP provided support to a total of 787 women and children survivors of SGBV between September 2012 and January 2013. 545 women, female adolescents and children survivors of SGBV living in IDPs camps were provided with psychosocial and legal counseling and/or referred to Mogadishu hospitals.

In **Burundi**, UNDP supported the establishment of Centre Humura to provide comprehensive support to SGBV survivors in Gitega in June 2012. Since the opening of the centre, care and services have been provided to more than 700 people.

The UNDP-supported legal aid network in **Gaza** provides an array of advanced legal services, including representation, litigation, mediation and arbitration. Throughout 2012, 18 clinics across the Gaza Strip have been operating, bringing together the Palestinian Bar Association, civil society organizations and academic institutions. Between 2011 and 2012, the number of people represented increased from 275 to 982. Women account for 88 percent of the visitors of the clinics, who receive free legal advice and are eligible to free legal representation by qualified lawyers.

### *Increasing women's participation and leadership in justice and security*

Evidence shows a strong, positive correlation between women reporting sexual assault and the proportion of women in security institutions.<sup>13</sup> Ensuring the option of a female lawyer for SGBV survivors has been long viewed as requisite for encouraging women to approach legal aid providers. Generally, increasing women's participation in any type of institution has resulted in women (as well as the general population) being better served.<sup>14</sup> Moreover, if true national ownership is to be achieved as a country rebuilds, women and girls (who account for at least half of the populace), must equally participate if institutions are to be inclusive and representative.<sup>15</sup> These considerations resonate with UN Security Council Resolution 1325, which calls on governments to ensure increased numbers of women in national institutions and mechanisms that prevent, manage, or resolve conflict.

The overall need to enhance women's social and economic empowerment is directly linked to women's greater participation in the governance and operation of rule of law institutions. Increasing attention is being paid to ensuring that improving access to justice and security in crisis contexts also supports the economic rights of women. Such an approach focuses on overcoming obstacles for women to realize economic and social rights, such as land title, business licenses, labor equity, securing and enforcing support payments, and attaining identification documents. These efforts are critical to recovery processes, and help sustain security and protection for women and girls. UNDP's work to increase women's participation and leadership in justice and security areas seeks to both enhance representation of women in key institutions, as well as provide support through process of vocational preparation and other forms of professional development. These aims – and additional efforts to support broader economic recovery through the rule of law – have been prioritized as part of the Global Programme's second implementation phase.

13 *Security Sector Reform Integrated Technical Guidance Notes*, UN SSR Task Force, 2012, p.39. Available at: [http://unssr.unlb.org/Portals/UNSSR/UN percent20Integrated percent20Technical percent20Guidance percent20Notes percent20on percent20SSR.PDF](http://unssr.unlb.org/Portals/UNSSR/UN%20Integrated%20Technical%20Guidance%20Notes%20on%20SSR.PDF)

14 *Ibid.*, 43.

15 *Ibid.*, 42.

### OUR STORIES

## Sierra Leone's Saturday Courts

The prevalence of SGBV in Sierra Leone presents a serious challenge to women's rights and peace consolidation. This problem has been worsened by a perception that the justice system is slow and ineffective. But through the UNDP-supported Saturday Courts, survivors of SGBV violence in Sierra Leone are having their day in court.

Since February 2011, members of the judiciary in places such as Freetown and Makeni sit on Saturdays in effort to clear what was once a backlog of an estimated 700 SGBV-related cases. UNDP has provided logistical support to the courts, and together with the Sierra Leone police, helped train more than 250 police officers to investigate gender-based crime more effectively and successfully support the prosecution process, including through the proper management of survivors and witnesses. From the time of their inception through the end of 2012, the Saturday Courts heard more than 700 cases.

These hearings have resulted in 178 convictions specifically for SGBV-related crimes. Before the Saturday Courts started, many perpetrators avoided prosecution due to delays in the courts and survivors dropping their cases for lack of confidence in the process. Few witnesses came forward to testify, claiming they did not have time during the week, or had compromised with the perpetrator. The work of the UNDP-supported Saturday Courts sends the clear message that impunity for SGBV crimes will no longer be tolerated. Survivors of these crimes deserve justice, and the Saturday Courts will continue to deliver it.

## OUR STORIES

**The First Female *Mukhtar* in the Gaza Strip**

In the Gaza Strip, *mukhtars* play a major role in resolving community-level civil disputes. Due to the patriarchal nature of Gazan society, men have traditionally filled this leadership position in their communities. However, with support from UNDP's Rule of Law & Access to Justice Programme, a woman has earned recognition as the Gaza Strip's first female *mukhtar*. At 50 years of age, Um Mohammed is an eloquent and convincing speaker, and was well-placed to become a community leader. However, her initial efforts to mediate disputes were met with derision. She described one of her first cases to UNDP: 'I was ridiculed by a man when I told him that I am a woman who works in social reconciliation. I want to help you and your wife resolve the problems that you have had for years, even though I know that many men of reconciliation have tried to help you. I talked with him calmly until he began to talk constructively with me. After talking on many occasions with the man and his wife, I successfully reconciled them after they had been apart for many years.'

Um Mohammed described how successfully reconciling the married couple gave her the needed confidence to become a *mukhtar*. She began to help other people to resolve their problems, especially problems of a family nature. Um Mohammed believes that the UNDP-supported training she received in areas such as the practice of mediation, national legislation governing mediation, principles of drafting agreements and reconciliation contracts, and the personal status (family) laws at a legal clinic run by one of the programme's partners made a major contribution to her ability to become Gaza's first woman *mukhtar*. She explained, 'The changing point that gave me the confidence to practice this profession was the training that I received at the legal clinic run by the Culture and Free Thought Association.' Um Mohammed also stated that, through her position, she has been able to resolve many problems that men have not because she is able to speak frankly with the women she works with, unlike many male *mukhtars* who feel constrained by tradition.

## CONTRIBUTION

### UN Efforts to Eradicate Conflict-Related Sexual Violence

Conflict-related sexual violence is certainly not a new phenomenon. For too long, however, it has been considered ‘unspeakable,’ and an ignored crime. Whereas the history books have been silent about the horrific reality of rape in war, women and girls have been painfully aware of the war that has been waged not just on battlefields but on their bodies. Although sexual violence disproportionately affects women and girls, it is important to remember that it is not only a women’s issue; also men and boys are victims of this crime. The effects of sexual violence during and post conflict are devastating, and the consequences of rape and other forms of sexual violence often linger long after the conflict has ended. Mental and physical illness is common. Survivors of rape can face pregnancy, sexually transmitted diseases including HIV/AIDS, as well as other crippling repercussions. Depression, anxiety disorders, flashbacks, difficulties in reestablishing intimate relationships, and fear, are among the common long-term psychological impacts of this crime. A rape survivor from Bosnia captured the long-lasting consequences best when she said ‘They have taken my life without killing me.’

Recognized by the United Nations Security Council as a matter of international peace and security, sexual violence is a weapon or tactic of war used by political and military leaders to achieve political, military and economic ends. As Special Representative of the Secretary-General (SRSG) on Sexual Violence in Conflict, I was appointed to lead UN efforts to eradicate conflict-related sexual violence. Acting on a mandate given by the United Nations Security Council, I engage with Member States at the highest political level, as well as other stakeholders, to prevent and address sexual violence. In this capacity, I also serve as Chair of the 13-entity strong interagency network, UN Action Against Sexual Violence in Conflict, and enjoy the support of the Team of Experts on the Rule of Law/Sexual Violence in Conflict. UNDP is a central actor in these efforts.

My mandate builds on and supports Security Council resolutions 1325, 1820, 1888, and 1960. In leading the UN’s advocacy work in the area of conflict-related sexual violence, my priorities include ending impunity for these crimes, ensuring that sexual violence issues are not forgotten in peace processes, reforming state security forces and justice systems, strengthening comprehensive support for survivors, preventing sexual violence through dialogue with parties to the conflict, and the systematic monitoring and reporting of such violations.

My goal is nothing less than the complete eradication of conflict-related sexual violence. I am looking forward to the day when the only place we will read about this vicious crime will be in the history books.

***Ms. Zainab Hawa Bangura***  
***Special Representative of the Secretary-General***  
***on Sexual Violence in Conflict***

## CONTRIBUTION

**UN Women and UNDP: Partnering to Strengthen Justice and Security for Women**

In 2011, UN Women's first year of operation, we dedicated our flagship report, Progress of the World's Women, to the issue of women's access to justice. The decision to prioritize this crucial issue was made in recognition of the fact that a justice system which protects and enforces the equal application of the rule of law to women and men is foundational to gender equality and women's empowerment. Without the right to land and property or equal labor rights women will continue to be entrenched in a cycle of poverty. Without the enforcement of the right to live violence free women will continue to be victims of horrific forms of violence in the home, workplace, and in public spaces. And at no time is the need for justice so acute, or women's access to it so tenuous, than in situations of conflict and crisis.

Since 2009, UN Women (and UNIFEM before it) has had a joint programme with UNDP aimed at strengthening women's access to justice in conflict and post-conflict situations. Together, the two entities have emphasized securing justice for the crimes women experience during conflict, including sexual and gender-based crimes, and the reform and rebuilding of justice sectors with women's access to justice at the center. At the country level, UN Women works in close partnership with UNDP in many of the countries where these issues are being addressed, and is looking to strengthen this collaboration through new areas of programming such as strengthening informal justice systems post-conflict.

In 2012, UNDP supported UN Women in a mapping review of the total funding and programming by the UN system dedicated to women's access to justice in conflict settings. The report, which will be finalized mid-year, provides strong recommendations on how the UN can further strengthen their efforts in this area and play a lead role in securing women's participation in particular through supporting legislative reform, institutional reform, innovative programming, providing leadership and best practice standards and encouraging women's participation in the front lines of justice service delivery. In each of these areas, UN Women looks forward to the ongoing support and partnership of UNDP in strengthening women's rights, gender equality and women's empowerment, particularly in the crucial periods following conflict.

***Ms. Gülden Türköz-Cosslett***  
***Director, Programme Division***  
***UN Women***



*A training on Community Security and Arms Control in South Sudan.*

*Photo: Samara Andrade/  
UNDP/DDR*

# Key Policy Developments in 2012



**In September 2012, UNDP and DPKO were named Global Focal Point for Police, Justice and Corrections Areas in the Rule of Law in Post-Conflict and Other Crisis Situations.**

## The Global Focal Point

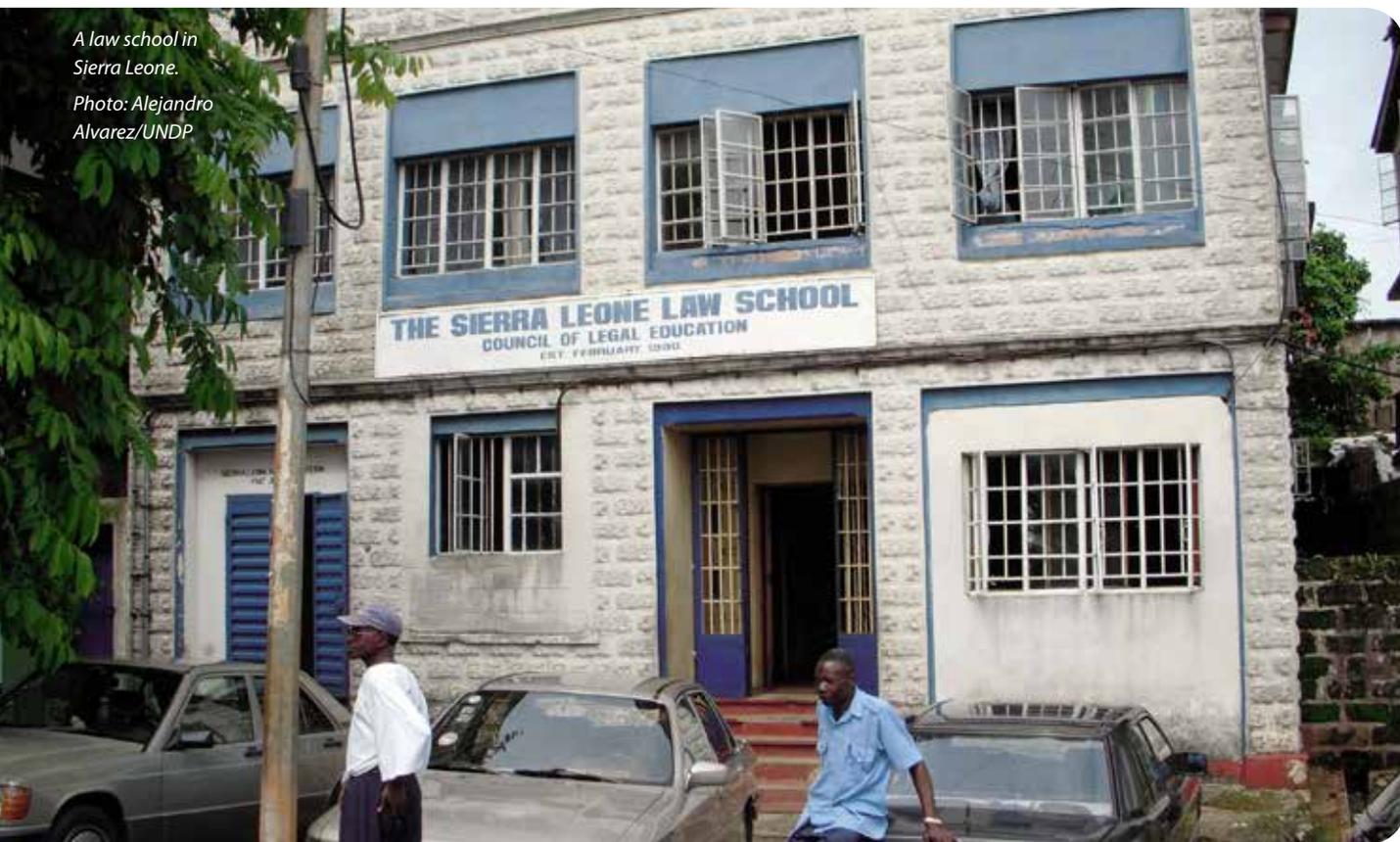
In 2010, UN Secretary-General Ban Ki-moon appointed a Senior Advisory Group to review the civilian capacity available within the UN system to respond in the immediate aftermath of conflict. Following the independent review, the 2011 Report of the Secretary-General on Civilian capacity in the aftermath of conflict<sup>16</sup> identified key areas for strengthening overall UN responses to conflict-affected situations. Within the rule of law sector, the areas of police, justice and corrections were identified.

Building on this finding, in September 2012, UNDP and DPKO were named Global Focal Point (GFP) for Police, Justice and Corrections Areas in the Rule of Law in Post-Conflict and Other Crisis Situations. This arrangement has already served to enhance the delivery and coordination of high-quality assistance to these areas in post-conflict and crisis situations, and echoes the Secretary-General's priority of 'Delivering as One.' Recently, OHCHR and UN Women also committed to participation in the GFP.

<sup>16</sup> Available at: [http://www.un.org/ga/search/view\\_doc.asp?symbol=A/66/311](http://www.un.org/ga/search/view_doc.asp?symbol=A/66/311).

A law school in Sierra Leone.

Photo: Alejandro Alvarez/UNDP



Since the adoption of the policy decision, the GFP has worked to deliver assistance in crisis situations that serves both stabilization and development purposes. This demonstrates a marked shift in the manner in which UNDP support is provided to these key areas within the rule of law sector. Since the outset, the UNDP's Global Programme has laid the necessary groundwork for continuing and improving the provision of technical and programmatic country support through the GFP. The GFP has also enabled UNDP to be engaged more proactively in planning Security Council-mandated missions, as well as in mission transitions. To date, the GFP has already demonstrated a more coherent and streamlined approach to the UN's provision of police, justice and corrections assistance, and will continue to strengthen UN efforts in these areas in contexts of conflict and crisis:

- In October 2012, a GFP team travelled to Nairobi to aid the UN presence in **Somalia** by providing support to the development of the UN rule of law strategy, part of an ongoing Strategic Review led by the Department of Political Affairs.
- In November 2012, GFP experts worked on joint planning and assessment in the country of **South Sudan**, which was well-received by the Government of South Sudan.
- In light of the UNMIT withdrawal from **Timor-Leste** at the end of 2012, UNDP and the Country Office have worked closely with UNMIT/UNPOL to plan for the transition from mission to non-mission setting. A joint DPKO/UNDP programme on policing will help facilitate this process with minimal disruption.
- The GFP is in the process of finalizing country support plans to address requests received from the UN family in **Liberia, Libya, Côte d'Ivoire**, and **Haiti**.
- Additionally, the GFP has also already shown promise in providing early phase planning for future missions. For example, UNDP and DPKO are co-leading the 'rule of law and security' planning to provide support to **Syria** and **Mali**, in accordance with a range of possible scenarios.

“ Since the adoption of the policy decision, the GFP has worked to deliver assistance in crisis situations that serves both stabilization and development purposes. This demonstrates a marked shift in the manner in which UNDP support is provided to these key areas within the rule of law sector.

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## CONTRIBUTION

## Delivering as One: Strengthening the Rule of Law through the Global Focal Point

Strengthening the rule of law in complex contexts is essential to restoring hope and normalcy to communities. To this end, peacekeepers and development actors must work together to ensure the predictable and sustainable delivery of justice and security assistance in these most difficult of environments. In light of the challenges presented by conflict and crisis, ensuring United Nations' coherence and co-ordination is critical to the effectiveness of our support in these situations, where the greatest needs for the rule of law exist. The launch – in September 2012 – of the Global Focal Point (GFP) for Police, Justice and Corrections in Post-Conflict and Other Crisis Situations signifies an important step toward improving rule of law assistance to the field, in both Mission and non-Mission contexts.

Since its inception, UNDP and DPKO have worked with others across the United Nations system – for instance, OHCHR, UNODC, UNOPS, UN Women, UNICEF, UNHCR, and with the support of DPA – to make critical expertise and human resources more readily available to those facing significant needs in the aftermath of conflict or crisis. In places like Liberia and Côte d'Ivoire, national governments and communities are receiving joint support to address the immense challenges of justice and security sector reform. Through the GFP, the Government of Libya is receiving support to manage its own political transition. In Timor-Leste, national actors are receiving assistance that will enable them to sustain statebuilding and development initiatives over the long term. The GFP has also responded to direct requests from Haiti to continue assisting the country with recovery. Elsewhere, from Somalia to Syria, Mali, and beyond, the GFP has contributed to advance planning of responses to possible scenarios that could emerge as events unfold.

As history demonstrates, relapses into conflict or crisis are real risks in complex settings, even after peace agreements are firmly in place. Furthermore, the likelihood that the majority of Millennium Development Goals will not be met in fragile states, underscores the need for strong peacebuilding and development support, including that to the justice and security sectors. A strong rule of law foundation is critical for building peace and enabling security and development in these environments – this cannot be overstated. In less than a year, the GFP has demonstrated great potential to improve significantly the UN's ability to deliver joint advice in the areas of police, justice, and corrections in a manner that works for both peacekeeping and development purposes. Moving forward, the whole United Nations system must continue to find creative ways to establish conditions that support human development within host countries, both in Mission design and rule of law programming, and through delivering as one.

Ultimately, UNDP and DPKO are committed to contributing to better co-ordination of United Nations rule of law work through the GFP's combined efforts to strengthen rule of law assistance where swift and coherent recovery support is most needed. Enabling on-the-ground transformational change and high-impact programmes – based on national aspirations and best international experience – are the most important objectives of the GFP, and UNDP and DPKO are proud to be a part of these efforts.

***Ms. Helen Clark, Administrator UNDP***

***Mr. Hervé Ladsous, Under-Secretary-General DPKO***

#### CONTRIBUTION

### **The Global Focal Point: A Word from the United Kingdom**

No fragile or conflict-affected country will meet any of the Millennium Development Goals by 2015. Social and economic development is not possible when people lack access to justice and fear for their personal security. When the poorest people in the world are asked about what matters most to them, security and justice are always cited amongst their major priorities.

The UN should be at the forefront of international efforts to support countries emerging from conflict in strengthening their rule of law institutions. It has both the political legitimacy and technical expertise to have a real impact in the field, helping countries develop an approach to security and justice that focuses on the needs of their citizens.

For the UN to achieve this, it should use every tool in its toolbox. The challenges in this sector are too big for one entity alone. A well-coordinated cross-system response, tailored to each specific context and working with other international and national actors, is essential. The Joint DPKO-UNDP Global Focal Point for police, justice and corrections is an important step towards achieving this. We are encouraged by the Global Focal Point's commitment to conduct joint assessments of countries, develop joint workplans for action, collaborate on fundraising, and draw on the expertise of other relevant parts of the UN family.

In 2013 the United Kingdom will keep its promise to spend 0.7 percent of GNI on official development assistance, and we have committed to spend 30 percent of our aid in fragile and conflict-affected countries. We remain strong core supporters of UNDP and its Bureau for Crisis Prevention and Recovery, and we believe that the Global Programme for Strengthening the Rule of Law is an important vehicle to support the work of the Global Focal Point. We look forward to continuing to work closely with all parts of the UN system on helping people feel safer and get the access to justice that they deserve in countries affected by conflict across the world.

***Sir Mark Lyall Grant***  
***Ambassador and Permanent Representative***  
***United Kingdom Mission to the United Nations, New York***

☺☺ Since 2008, UNDP has provided rule of law assistance to over 37 countries through its Global Programme to Strengthen the Rule of Law in Crisis-affected and Fragile Situations. In 2012, the Global Programme entered its second phase of implementation.

### The Global Programme Enters Phase II

In 2012, the Global Programme entered its second phase of implementation. Building on the work of Phase I (2008-2011), the six programmatic pillars of Phase II form the blueprint for UNDP's four areas of work for strengthening the rule through assistance to the justice and security sectors (as described in Part I).<sup>17</sup>

Phase II expands UNDP's priority assistance to 25 countries, and remains flexible in order to provide assistance to additional countries experiencing fragility or new crises. By continuing best practices and drawing upon lessons learned from Phase I, Phase II sharpens UNDP's engagement with national partners to improve the delivery of justice and security in a manner that increases engagement between the state and society, and builds confidence in the rule of law. This agenda guided UNDP to the completion of Phase I of the Global Programme in 2011, and remains at the heart of the implementation agenda for Phase II through the year 2015. UNDP's work through the Global Programme has also laid the groundwork for enhanced assistance through the GFP.

### How Does the Global Programme Work?

The Global Programme uniquely situates UNDP to partner with national stakeholders by working through the UNDP Country Offices (COs) to provide operational, technical, and financial support to implement comprehensive rule of law programmes. Through the Global Programme, COs receive support to all facets of project design and implementation in order to channel UNDP assistance directly to individuals, communities, and institutions. As the GFP arrangement gains momentum, high-quality, coordinated assistance to the rule of law sector at the country level will be further enhanced. This will help ensure that UNDP support to strengthen the rule of law in crisis-affected and fragile contexts continues to facilitate and sustain broader agendas for peace and development.

### The General Assembly's High-Level Meeting on the Rule of Law

On 24 September 2012, the UN General Assembly held its first High-Level Meeting on the rule of law. The occasion was organized at the request of the Secretary-General, and served as a unique opportunity for UN Member States, NGOs, and civil society groups to convene with the purpose of setting an agenda for strengthening the rule of law.

The importance of the rule of law for resolving challenges at both national and international levels – such as organized crime, impunity and corruption – was highlighted at the event. The High-Level Meeting resulted in the adoption of a resolution to reaffirm 'commitment to the rule of law and its fundamental importance for political dialogue and cooperation among all States and for the further development of the three main pillars upon which the United Nations is built: international peace and security, human rights and development.'<sup>18</sup>

<sup>17</sup> For more information regarding programme design and structure, see *Strengthening the Rule of Law in Crisis-affected and Fragile Situations: A UNDP Global Programme for Justice and Security (Phase II)*. Available at: <http://www.undp.org/content/undp/en/home/librarypage/crisis-prevention-and-recovery/rule-of-law-global-programme-phase-ii/>

<sup>18</sup> A/RES/67/1 Available at: [http://www.un.org/ga/search/view\\_doc.asp?symbol=A/RES/67/1](http://www.un.org/ga/search/view_doc.asp?symbol=A/RES/67/1)

## CONTRIBUTION

### United Nations Support to the Rule of Law in Development

The rule of law is the foundation upon which the United Nations is built. This was affirmed at the September 2012 High-Level Meeting of the General Assembly on the Rule of Law. All 193 Member States unanimously reaffirmed their commitment to the rule of law and its fundamental importance for nation building and cooperation among states. For the first time, Member States agreed that ‘all persons, institutions and entities, public and private, including the State itself, are accountable to just, fair and equitable laws and are entitled without any discrimination to equal protection of the law.’

The High-Level Declaration adopted at the Meeting places an emphasis on the strong interrelation between the rule of law and development. The advancement of the rule of law at the national and international levels is essential for sustained and inclusive economic growth and sustainable development. The rule of law enhances personal security and good governance and widens access to public services. Robust institutions anchored in the rule of law build the trust and confidence that encourages economic development, and reduces fragility. The rule of law creates both opportunity and equity, and ultimately helps create better conditions of life for all people. For this reason, Member States requested that this interrelationship be considered in the post-2015 international development agenda. They also requested that technical assistance and capacity building in this area be enhanced.

The United Nations already provides rule of law support to over 150 Member States. This support spans development, conflict, post-conflict and peacebuilding situations. Three or more United Nations entities engage in rule of law activities in at least 70 countries and five or more in over 25 countries.

In order to maximize the impact of this assistance, the Secretary-General made a decision in September to realign our institutional response. At the field level, the Secretary-General enhanced the power of the United Nations field leaderships, making them responsible and accountable for guiding and overseeing United Nations rule of law strategies in country, addressing local challenges, and coordinating United Nations country support on the rule of law.

At Headquarters, the Secretary-General designated the United Nations Development Programme and the Department of Peacekeeping Operations as the joint Global Focal Point for the Police, Justice and Corrections Areas in Post-Conflict and Other Crisis Situations. In this capacity, they will support field leadership in carrying out their new responsibilities.

Finally, at the strategic level, the Secretary-General strengthened the role of the Rule of Law Coordination and Resource Group, which I am chairing, with overall responsibility for the rule of law.

I am confident that these new arrangements will strengthen the United Nations system’s support to the promotion of the rule of law around the world.

**Mr. Jan Eliasson**  
**Deputy Secretary-General of the United Nations**

Madame Julia Sarkodie Mensah at the opening of the Saturday Courts in Sierra Leone.

Photo: UNDP/Shazia Razzaque



“ UNDP and its partners continue to advocate for the inclusion of citizen security within the Post-2015 Development Framework, an area not specifically targeted in the original MDGs.

### Citizen Security and the Post-2015 Development Agenda

Much has been learned from the experiences of both countries and international development partners working to achieve the Millennium Development Goals (MDGs). Building from this experience, widespread discussions are currently underway regarding the formulation of a Post-2015 Development Agenda to follow on the MDGs. Citizen security and armed violence prevention/reduction have been topics at the fore of these discussions.

Given the detrimental effects of armed violence on development, UNDP and its partners continue to advocate for the inclusion of citizen security within the Post-2015 Development Framework, an area not specifically targeted in the original MDGs. Over the past decade, an increasing number of governments, local authorities, civil society organizations and the private sector have undertaken a wide array of innovative initiatives to tackle armed violence.

In support for these initiatives at the policy level, UNDP – alongside UNICEF, PBSO, and UNISDR – has assumed a leading position in the Global Thematic Consultation on Conflict, Violence, and Disaster in the Post-2015 Development Agenda. At the end of 2012, UNDP supported the efforts to organize a global consultation of the topic, which was held during 31 January – 1 February 2013. Over 150 delegates from 32 countries from Latin America, Africa, Asia-Pacific, Europe, and North America met during this two-day consultation at the Radisson Summit Hotel in Panama City, Panama.

## Linking Small Arms Control to Broader Development Debates

Practice on the ground demonstrates that a comprehensive approach to reducing armed violence working across sectors can lead to actual reductions of armed violence. However at the policy levels, debates on small arms control still need to be better linked to policy developments across different sectors, such as security sector reform, rule of law and armed violence reduction. Based on both this understanding as well as experiences at country levels, UNDP participated in global policy debates on small arms control throughout 2012. To ensure that these practical experiences feed into global policy discussions, UNDP also facilitated the participation of conflict and violence-affected states in these discussions.

During the UN Programme of Action (UN PoA) to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons (which took place from 27 August – 7 September 2012), UNDP, in partnership with the Governments of Switzerland and Mexico, organized an event to raise awareness amongst practitioners, representatives of affected States and the donor community. Held in New York, this event drew attention to the need to better integrate small arms control work into other global debates, such as Security Sector Reform, Rule of Law, and SALW. Speakers from South Sudan and El Salvador demonstrated that, on the ground, a comprehensive set of interventions is required to reduce armed violence and emphasized that small arms control by itself is not sufficient.

UNDP also managed a sponsorship programme to ensure the participation of 17 low-income and conflict and violence-affected States, during both the UN Programme of Action on Small Arms Preparatory Committee meeting (19 – 23 March 2012), as well as the UN Programme of Action on Small Arms Review Meeting (27 August – 7 September 2012). The aim of the sponsorship was to help prepare delegates for constructive participation and to ensure this support complemented UNDP country-based armed violence reduction and small arms control programmes. During the review conference, UNDP, the Australian Permanent Mission to the UN and the Small Arms Survey co-facilitated a one-day orientation workshop for participants in the UNDP sponsorship programme to ensure optimization of their participation during the UN PoA discussions.

## Developing and Applying International Small Arms Control Standards

On 29 August 2012, during the 2nd Review Conference of the UN Programme of Action, the United Nations launched new International Small Arms Control Standards (ISACS). The initiative to develop ISACS came from UNDP who, together with the UN Office for Disarmament Affairs (UNODA), led an inter-agency process to draft the standards with the help of partners worldwide. UNDP is now leading the way in integrating ISACS into its policymaking and programming frameworks related to small arms and light weapons control, armed violence prevention and community security.

ISACS fit within the framework created by existing global agreements on small arms and light weapons control (the UN Programme of Action, the International Tracing Instrument and the UN Firearms Protocol) and build upon best practices that have been elaborated at regional and sub-regional levels.

“ At the policy level, debates on small arms control still need to be better linked to policy developments across sectors, such as security sector reform, rule of law and armed violence reduction.



Photo: UNDP Guinea-Bissau

The new standards are designed to streamline policymaking, programming and practice on small arms and light weapons control across the 23 UN entities that make up the UN's Coordinating Action on Small Arms (CASA) mechanism. They will help to ensure that the United Nations as a whole consistently delivers, upon request, the highest quality advice and support to Member States on putting in place and maintaining effective controls over the full life-cycle of small arms and light weapons.

In order to contribute to the broader work of the small arms control international community of practice, the United Nations has made these voluntary standards publicly available on a new website – [www.smallarmsstandards.org](http://www.smallarmsstandards.org).



**In addition to UN entities, a number of regional organisations have been using the standards as a global reference-point when revising or creating regional standards and guidelines on small arms control.**

Since their launch in August 2012, UNDP and UN sister agencies have been using the standards to strengthen the support we provide to Member States in the areas such as stockpile management, conducting small arms surveys, marking and record-keeping, tracing illicit small arms and light weapons, destruction of illicit and surplus arms, and border controls and law enforcement cooperation. In addition to UN entities, a number of regional organizations have been using the standards as a global reference-point when revising or creating regional standards and guidelines on small arms control. Non-governmental organizations specialising in providing stockpile management and destruction assistance to States have also used ISACS, including developing operational tools for assessing the risks posed by small arms and light weapons stockpiles.

Further International Small Arms Control Standards — including in the areas of legislative and regulatory controls, programme design and management and cross-cutting issues (related to women, gender, children, adolescents and youth) are also in the process of being developed. To facilitate this process, UNDP manages an ISACS Inter-Agency Support Unit to promote and support use of the standards.

#### **Furthering Complementarity in Transitional Justice Processes**

Since 2010, UNDP has supported efforts to strengthen support national prosecutions of international crimes in complement with International Criminal Court proceedings, based on the recognition that development of national capacities has to be undertaken through a partnership between international justice and development community.

Since then, the 'Greentree process' has furthered subsequent initiatives to advance understandings of the nexus between complementarity and development. Three annual meetings have been held since 2010, the most recent of which was in 2012. UNDP and ICTJ have partnered to provide technical guidance and logistical support to these discussions, which have been convened by the Governments of Denmark and South Africa, who are ICC co-facilitators on complementarity.

The 2012 event in particular furthered the discussion beyond the policy level to set a forward-looking agenda toward joint assistance in specific country contexts. Reports were given on progress made on complementarity in four specific countries – Colombia, DRC, Guatemala and Ivory Coast – and plans were created for assisting national governments in these initiatives. In 2013, UNDP and ICTJ will partner to host a roundtable for development actors working in the field and also to organize a follow-up meeting in Abidjan on national complementarity initiatives in Ivory Coast.

### Strengthening UN Assistance to Security Sector Reform

Following the Report of the Secretary-General on SSR,<sup>19</sup> UNDP and other UN agencies<sup>20</sup> participating in the UN Inter-Agency SSR Task Force produced the first comprehensive volume of Integrated Technical Guidance Notes (ITGNs) on SSR in 2012.<sup>21</sup> Resulting from an extensive, coordinated process, the ITGNs form a system-wide technical framework for UN SSR support that addresses several cross-cutting, thematic areas: national ownership, gender, peace processes, democratic governance, and national policymaking. The ITGNs are intended to inform SSR planning and implementation both in the field and at Headquarters, and present a common platform for coordinating UN SSR support across agencies.

☞ The ITGNs are intended to inform SSR planning and implementation both in the field and at Headquarters, and present a common platform for coordinating UN SSR support across agencies.

19 A/62/659/S/2008/39: 'Securing Peace and Development: The Role of the United Nations in Supporting Security Sector Reform.' 23 January 2008. Available at: <http://www.un.org/Docs/journal/asp/ws.asp?m=A/62/659>.  
20 These include: DPA, DPKO, OHCHR, OSAA, ORSG-SVC, PBSO, UNFPA, UNICEF, UNITAR, UNODA, UNODC, UNOPS, and UN Women.  
21 Available at: [http://unssr.unlb.org/Portals/UNSSR/UN percent20Integrated percent20Technical percent20Guidance percent20Notes percent20on percent20SSR.PDF](http://unssr.unlb.org/Portals/UNSSR/UN%20percent20Integrated%20Technical%20Guidance%20Notes%20on%20SSR.PDF)



UNDP and the GFP provide support to Haiti.  
Photo: IRIN/Phong Tran

# Building Partnerships and Encouraging Collaboration

Since the initiation of the Global Programme in 2008, UNDP has made great effort to foster partnerships that enhance the delivery of rule of law assistance. These partnerships first extend throughout the UN system. For example, in addition to its new role within the GFP, UNDP also participates in the Rule of Law Coordination and Resource Group (RoLCRG), is a member of the Task Force on Transnational Organised Crime and Drug Trafficking, and co-chairs the Inter-Agency Security Sector Reform Task Force. UNDP also continues to work closely with the Team of Experts of the Special Representative of the Secretary-General on Sexual Violence in Conflict, and provides funding for a co-located technical specialist. Furthermore, UNDP is now committed to extending Global Programme funding to projects that are jointly planned, both through the GFP and in cooperation with other UN actors – for instance, UN Women, UNICEF, and UNHCR.

UNDP also makes a great effort to partner with UN Member States to enhance the provision of support through the Global Programme, including both donor states and those receiving rule of law assistance. These partners play critical roles in the continuation of the Global Programme, both in terms of financial contributions, as well as in helping UNDP set priorities for rule of law engagement in fragile and crisis-affected situations. UNDP also helps to facilitate South-South cooperation to encourage countries to enhance their own development through exchanges of knowledge, resources, and experience.

## OUR STORIES

### Encouraging South-South Cooperation between Bosnia and Herzegovina and Kyrgyzstan

Inter-ethnic violence in the south of Kyrgyzstan broke out in June 2010 following the overthrow of the government in Kyrgyzstan in January. Despite steps taken by the authorities to investigate this violence, the Prosecutor General acknowledged the existence of 'serious faults in the investigations carried out by the Prosecutor's offices in Osh and Jalal-Abad regions' in 2011. This admission indicated a wider capacity problem – at that time, prosecutors did not have the capacity or necessary skills to investigate crimes related to these inter-ethnic conflicts in the south. To address this situation, the Prosecutor General approached UNDP with a request to provide guidance on best practices in post-conflict investigations, particularly indicating a desire for the expertise gained from the Bosnian experiences in domestically prosecuting inter-ethnic violence.

To these ends, UNDP facilitated communication between the Country Offices in Kyrgyzstan and Bosnia-Herzegovina, in order to identify resources from the Bosnian experience that could serve as useful tools to Kyrgyz prosecutors. Two Bosnian prosecutors assisted specifically with addressing gaps in prosecutorial capacity, identifying needs for redress of victims of inter-ethnic violence, and developing training modules for the prosecutor's office in Osh. Ultimately, this cooperation between Bosnia and Herzegovina and Kyrgyzstan helped to strengthen Kyrgyz prosecutorial capacity to better investigate and manage cases resulting from inter-ethnic conflict and violence.

## CONTRIBUTION

### **Supporting the Global Programme: A Word from the Netherlands**

The Netherlands has a long-standing tradition in supporting rule of law and international justice. We pride ourselves in supporting the rule of law, disarmament and peaceful conflict settlement, with The Hague serving as capital of the international justice system.

The Government of the Netherlands has strongly supported UNDP-BCPR's Global Programme to Strengthen the Rule of Law in Crisis-affected and Fragile Situations since 2008 and is proud to be a large donor from the 2012-2015 period. Active in over 35 fragile and crisis-affected states, we believe this programme substantially contributes to both security people's physical safety and providing them with improved systems of justice and security.

We all know that many fragile and crisis-affected states are at risk of lagging behind the rest of the world, in political, social and economic terms. There is a risk that, by 2025, two-thirds of poor people worldwide will live in these countries. Without peace, security and functioning democracies based on the rule of law, prospects of a better future will remain a remote hope for many people in these countries.

Within its policy on development aid, the Netherlands has identified Security and Rule of Law as one of its spearheads, implementing bilateral rule of law programmes in ten fragile and conflict-affected states, focusing on human security; a functioning rule of law; inclusive political processes; a legitimate and capable government and peace dividend. Conflict sensitivity and local ownership are paramount, as is a comprehensive approach involving multiple partners and interventions simultaneously to address the many challenges ensuing the complex problems of fragility.

Equally important for the Netherlands is a strong, flexible and coherent UN for multilateral programming in the field of peace and security. We furthermore support a UN that coordinates and cooperates both internally and externally in an effective manner to ensure – as the UN charter states – the promotion of 'social progress and better standards of life in larger freedom.' In this context, the Netherlands remains fully committed to UNDP-BCPR's programme is honored to be a partner of the UN in the global effort to strengthen the rule of law.

**Mr. Joost Andriessen**

**Director, Stabilisation and Humanitarian Aid Department  
Ministry of Foreign Affairs, the Netherlands**

## CONTRIBUTION

**Partnering with Iraq  
to Strengthen the Justice Sector**

During times of political turbulence, the importance of having an independent, reliable judiciary becomes all the more apparent. This is true particularly for countries emerging from oppression or conflict. In light of previous years' events throughout the Arab region – from the decades of violence in Iraq, to the rapid political upheaval in countries such as Egypt, Tunisia and Libya in 2011 – promoting accountability within the judicial sector is a critical component of overall efforts to ensure that society is firmly grounded within the rule of law. Only when the judiciary is trusted for both its transparency and efficiency can a true respect for human rights take hold while recovering from the devastation of conflict or oppression.

In Iraq, UNDP remains a strong partner with national authorities for achieving this most important goal. Since 2008, UNDP has supported the reform of the Iraqi judicial system through a number of activities aimed at developing the capacity of justice institutions to deliver justice in a more effective, accountable and transparent manner. At the same time, UNDP has partnered with all levels of government throughout many geographic regions to ensure that justice services are accessible to the whole of the Iraqi population. UNDP provides assistance to the entire justice chain, with activities ranging from the provision of legal aid to the most vulnerable, to the administration and automation of court systems, to penitentiary reform. UNDP is also implementing specific activities which seek to prevent and reduce the occurrence of sexual and gender-based violence through the establishment of family protection units in police stations.

Ensuring continued support to judicial reform in Iraq remains critical to embedding the rule of law within the country's political system. While much work remains to be done, we look forward to sustaining efforts to deliver swift and reliable justice to people all across Iraq.

**Country Office Team  
UNDP Iraq**

# Measuring Impact to Deliver Results

Monitoring and evaluation structures centered on reliable baseline data are critical to understanding whether rule of law support achieves transformational results.<sup>22</sup> However, in crisis-affected and fragile contexts, certain challenges can inhibit efforts to accurately analyze on-the-ground conditions and effectively track the progress being made to strengthen the rule of law. First of all, the capacity for gathering and assessing dependable rule of law data in these contexts is typically weak. Additionally, the necessary baseline data for country-level indicators such as levels of crime, or the effectiveness of a criminal justice system may not exist in a useable form at the outset of rule of law assistance.<sup>23</sup> Finally, political challenges can also pose obstacles: unforeseen political transitions and unrest can abruptly halt assistance and progress, and political sensitivities often surround information in the areas of justice and security. Because of these challenges, UNDP prioritizes strengthening national capacities for data collection in order to build effective and accountable justice and security institutions and to best inform its projects and programmes. UNDP also maintains its efforts to include citizen perspectives into data in order to help facilitate service delivery that is responsive to the needs of the whole of a given society.

Recognizing the importance of sound measurement practices, UNDP continues to improve its monitoring and evaluation capacity at both country and global levels. For instance, at the global level, UNDP's Bureau for Crisis Prevention and Recovery maintains a corporate reporting schedule according to its multi-year results framework (MYRF). Intended specifically to measure impact rather than just activity, the MYRF provides milestones against which to measure and report in-country achievements twice a year.

At the country level, UNDP continues efforts to develop solid measurement tools to monitor the improvement of justice and security services. Building from 2011 findings which showed 15 countries<sup>24</sup> to be making good progress in strengthening monitoring and evaluation, UNDP worked in 2012 to develop how-to guidelines specifically targeted to measure the impact of country-level rule of law projects. These guidelines are on schedule to be launched in second semester of 2013.



**In crisis-affected and fragile contexts, certain challenges can inhibit efforts to accurately analyse on-the-ground conditions and effectively track the progress being made to strengthen the rule of law.**

22 'Shaky Foundations: An assessment of the UN's rule of law support agenda,' Center for International Cooperation, New York University, November 2011; Report of the UN Secretary-General 'Strengthening and Coordinating United Nations Rule of Law Activities (UN/A/63/226), 6 August 2008; Independent Mid Term Review on UNDP's Global Programme on Strengthening the Rule of Law in Conflict and Post-Conflict Societies, December 2010

23 2011 World Development Report, 289

24 These countries are: Afghanistan, Bosnia-Herzegovina, Democratic Republic of Congo, Guinea-Bissau, Nepal, OPT, Pakistan, Somalia, Sri Lanka, Timor-Leste, Colombia, Senegal, Malawi, El Salvador and Honduras. The report also identified numerous good country-level practices to measure the impact of rule of law interventions, and contributed to establishing baseline indicators in countries such as Afghanistan, Colombia, Guinea-Bissau, Guinea (Conakry), Haiti, and OPT.

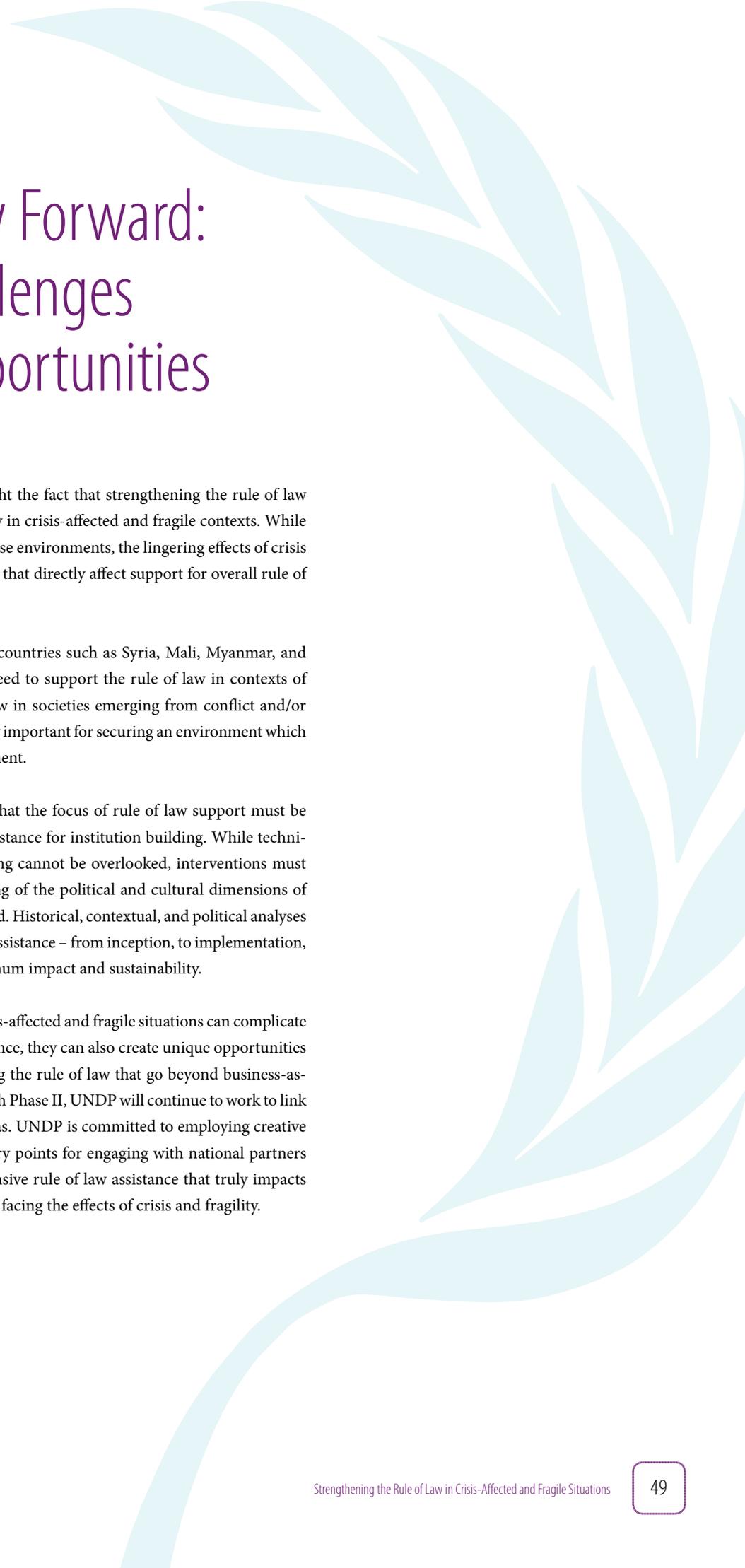
## Assessing Impact: Evaluating UNDP's Support to Mobile Court Systems

In 2012, UNDP commissioned an evaluation exercise of support provided to mobile court systems in the framework of UNDP's rule of law programmes. This evaluation assesses the progress, achievements, challenges and lessons learned from this support, and reviews the impact of these activities and interventions at both the sub-regional and national levels within the wider context of technical and financial assistance as provided by UNDP and its partners.

In particular, the evaluation aims to first measure the impact of UNDP's support in facilitating mobile court sessions and capacity development to bring justice closer to conflict-affected populations, and increase the access to justice for vulnerable groups. Secondly, the evaluation will assess the impact of UNDP-supported mobile court systems for conflict-affected population in seeking redress for their grievances – and the consequences this might have for transitional justice, peacebuilding and reconciliation efforts. The evaluation exercise is taking place in Sierra Leone, DRC and Somaliland/Somalia, and is scheduled to conclude in 2013.

*Community security consultations in East Sudan.  
Photo: Eveline de Bruijn/UNDP*





# The Way Forward: Challenges and Opportunities

Lessons learned in recent years highlight the fact that strengthening the rule of law can be a protracted process, particularly in crisis-affected and fragile contexts. While some ‘quick wins’ can be achieved in these environments, the lingering effects of crisis or conflict can lead to political setbacks that directly affect support for overall rule of law efforts.

Furthermore, developing situations in countries such as Syria, Mali, Myanmar, and Yemen, have emphasized the urgent need to support the rule of law in contexts of transition. Strengthening the rule of law in societies emerging from conflict and/or social or political upheaval is particularly important for securing an environment which enables sustainable peace and development.

There is also an increasing awareness that the focus of rule of law support must be broadened beyond the provision of assistance for institution building. While technical elements of rule of law programming cannot be overlooked, interventions must be firmly grounded in an understanding of the political and cultural dimensions of situations in which they are implemented. Historical, contextual, and political analyses must inform all instances of rule of law assistance – from inception, to implementation, to completion in order to ensure maximum impact and sustainability.

While certain conditions present in crisis-affected and fragile situations can complicate planning and implementation of assistance, they can also create unique opportunities for innovative approaches to supporting the rule of law that go beyond business-as-usual interventions. Moving forward with Phase II, UNDP will continue to work to link the conceptual and programmatic arenas. UNDP is committed to employing creative approaches and identifying diverse entry points for engaging with national partners and stakeholders to provide comprehensive rule of law assistance that truly impacts individuals, communities, and societies facing the effects of crisis and fragility.

## CONTRIBUTION

**Focusing on Impact**

The UNDP and its counterpart DPKO are involved in improving the rule of law in some of the hardest places on earth. From assisting with transitional justice in Colombia, to tackling crime and supporting community policing in Afghanistan, helping civil society in Bosnia and Herzegovina, and studying informal justice in Uganda, the UNDP is addressing core challenges that prevent people from leading productive, empowered lives.

UN rule of law programming takes place in over 150 member states, and in 70 of these, at least three UN agencies are carrying out rule of law activities. Delivering meaningful results in such a broad range of situations is immensely difficult – and begins with smart coordination inside the UN. The Global Focal Point is a significant step, and aligning work across UN entities doing significant rule of law work on the ground will only improve the UN's ability to provide strategic and impactful support to host countries.

UNDP has joined others in the development world in recognizing the importance of politics and power in improving the rule of law. The UN can do much to enable its staff to build impactful programs by providing more flexible funding and program structures that allow them to work together internally, and take politics into account externally, such as using windows of opportunity to move change forward, reducing spending when the timing is less auspicious, and moving funds across agencies when necessary to work together.

One of the best ways to acknowledge the importance of power and politics is by working with locals to identify their rule of law problems, rather than simply supplying solutions. We all know that in some places, organized crime holds back businesses more than lack of financing; in others, land disputes clog courts and slow development much more than a lack of intellectual property law. While gangs may be a problem in one place, criminalized police are the greater threat in another. Determining the problem with the affected local stakeholders not only ensures that UNDP's work is locally owned; it also creates a built-in power base of locals interested in working with UNDP to improve their own country.

We all strive to make a difference in the world. Those working in the UNDP to strengthen the rule of law in fragile and crisis-affected states are tackling some of the toughest problems on earth, on behalf of some of the most marginalized people. In enabling UN agents to focus on problems, address politics, and work together, the UN empowers its own people to deeply improve the lives of others.

***Dr. Rachel Kleinfeld***  
***Senior Associate, Carnegie Endowment***  
***President, Truman National Security Project***



*A Legal Aid Clinic*  
*Photo: UNDP Nepal*





# Country Profiles

UNDP provides rule of law support to over 100 countries, including approximately 37 affected by crisis or fragility. In 2012, the start of Phase II implementation increased the number of countries receiving priority assistance from 21 to 25, in order to provide justice and security assistance to contexts in which it is most needed. In addition to these priority countries, UNDP provided support to a number of other countries experiencing crisis or fragility.

This section details the country-by-country assistance given, programmes implemented, and results achieved through UNDP's Global Programme in 2012, as overseen by the Bureau for Crisis Prevention and Recovery. Programmes are implemented by UNDP Country Offices, with additional support from the Regional Bureaux, the Bureau for Development Policy, and other important partners.

Priority countries: Afghanistan, Burundi, Central African Republic, Chad, Colombia, Côte d'Ivoire, Democratic Republic of the Congo, Guinea (Conakry), Guinea-Bissau, Haiti, Iraq, Kosovo<sup>25</sup>, Kyrgyzstan, Liberia, Libya, Nepal, the Occupied Palestinian Territory, Pakistan, Sierra Leone, Somalia, South Sudan, Sri Lanka, Sudan, Timor-Leste, Yemen

Other countries receiving assistance: Bosnia and Herzegovina, El Salvador, Guatemala, Honduras, Kenya, Mali, Nicaragua, Papua New Guinea

*A policeman directs traffic at a checkpoint in downtown Mogadishu. Security in the city has been tightened following an attack on the country's Supreme Court by the militant group Al Shabaab in April 2013.*

UN Photo/Tobin Jones

25 UN Administered Territory referred to in the context of UN Resolution 1244 (1999).

# AFGHANISTAN



## Background

More than a decade after the fall of the Taliban regime, failure to establish the rule of law in Afghanistan remains a major obstacle to progress in social and economic development. Despite the expressed support of the Government and international community, problems with governance and corruption, security, justice and employment continue.<sup>26</sup> While security conditions have improved in some parts of the country over the past year, corruption is becoming more widespread and deeply entrenched, and citizens feel that the formal justice system offers little recourse for either civil or criminal complaints.<sup>27</sup> This is particularly the case for women, who benefit from few if any meaningful opportunities for redress despite Afghanistan's commitments under the Afghan National Development Strategy and National Priority Plans, relevant international compacts, and the enactment of the Elimination of Violence Against Women (EVAW) law. Indeed, there is a widespread perception that backsliding on women's rights is possible in the context of future political and reconciliation processes.

A deeper analysis of the sector over the last decades evidences a rule of law context marked by political interferences and fundamental divides between proponents of secular state law and Islamic jurisprudence. In addition, deep divides exist between the formal and informal mechanisms as well as the urban center and rural periphery. The inability of the state to adequately bridge these divides and bring security to the country has perennially imperiled the rule of law, until today.

26 The Asia Foundation, *Afghanistan in 2012: A Survey of the Afghan People*, November 2012. Available at: <http://asiafoundation.org/country/afghanistan/2012-poll.php>

27 UNODC, *Corruption in Afghanistan: Recent Patterns and Trends*, February 2013. Available at: <http://www.unodc.org/unodc/en/frontpage/2013/February/despite-progress-afghanistans-total-corruption-cost-increases-to-3.9-billion-dollars.html>

## Assistance and Impact

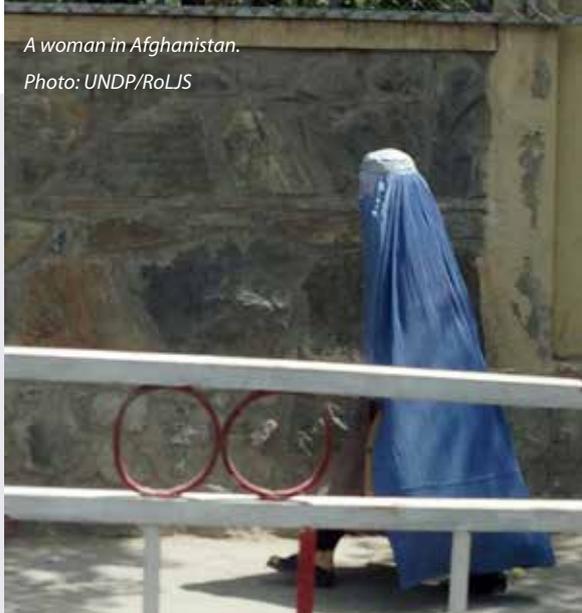
To date, political discussions focus on financial support throughout the upcoming period of security, political and social transition. The re-establishment of the rule of law has been agreed by the Government and the international community as a prerequisite for such transition, and is included as one of the goals in the Tokyo Mutual Accountability Framework of 2012. Individual ministries, including the Ministries of Justice and Interior, have also articulated their own priority plans for institutional reform, capacity development and improving service delivery to the Afghan population. UNDP, in close collaboration with other international partners, supported the Ministry of Interior with the formulation of its Afghan National Police Strategy and a 10-year vision, both of which are steps towards reorienting the police service from counter insurgency to civilian policing. Crucial support has also been provided to the last stage of developing the National Priority Plan on Justice and Human Rights.

Simultaneously, UNDP continued to implement and provide crucial rule of law support through its Law and Order Trust Fund (LOTFA) and its Justice and Human Rights (JHRA) Project. To date LOTFA provides salaries for a total of 140,881 Afghan National Police. The number of police supported has increased 285 percent since the start of LOTFA in 2002. Under LOTFA, police professionalization and community police activities continued as well: 4794 police have been trained in criminal investigation, the police code of conduct, management, and leadership activities. 31 Information Help Desks Centers and five 119 Call Centers in Balkh, Helmand, Kandahar, Kabul and Herat have been established to provide the public with relevant information at the district level and easy ways to report cases.

JHRA supported the establishment of key strategic units at the national level. UNDP established the Translation Unit at the Ministry of Justice which provides translation for all laws adopted in Afghanistan. Given the legal pluralism in the country, this Unit has been a good example of a small, sustainable initiative that will have far-reaching influence over the quality of laws and legislative processes adopted by the Government. Similarly, UNDP established the Human Rights Support Unit (HRSU) in the Ministry of Justice which works to expand the Government's capacity to proactively respond to human rights priorities by engaging key ministries in human rights education, including both training and advisory activities. The Unit has established strategic working partnerships

A woman in Afghanistan.

Photo: UNDP/RoLJS



with ministries whose scope of work is most affected by, and can affect, the extension of and adherence to human rights in Afghanistan. Primary partners include the Ministry of Women's Affairs, Ministry of Interior, the Criminal Investigation Department and Family Response Units, the National Directorate of Security, Ministry of Foreign Affairs, Ministry of Education, Assistant General Office and the Ministry of Justice. By providing regular trainings for key staff from these ministries, the HRSU has equipped government officials with the necessary knowledge to produce legal documents that comply with international human rights standards.

In addition, UNDP engaged in wide outreach programmes on rights across 12 provinces in the country. Trainings were given to justice officials, religious leaders, community elders and the public at the sub-national level to increase their capacity to deliver justice, and increase awareness of communities on laws and rights. Finally, UNDP supported the Government in the renovation and reconstruction of justice infrastructure that has been destroyed during decades of conflict. Based on the results and the partnerships that were forged, the JHRA Phase II project was developed to be implemented from 2013-2015. The new phase of the Project is based on the National Priority Plans of the country.

### Challenges, Lessons Learned and Way Forward

Based on lessons learned in the past years, it is clear that UNDP needs to work toward ensuring coherence in its rule of law approach. Through LOTFA and the Justice, Gender and Anti-Corruption projects, UNDP has a strong comparative advantage to leverage the nexus between justice and security as a vehicle for trust legitimacy and peacebuilding. However, challenges on the ground remain, largely due to the divisions still present within the Afghan context. To date, the militarisation of the Afghan police continue to make aligning the police with the justice sector difficult. UNDP will continue to

tackle this challenge in 2013, as increased police presence and community-oriented policing have been shown more effective than counter-insurgency measures.<sup>28</sup> Additionally, UNDP will devote more resources toward evaluating the effectiveness of its programming, instituting best practices, and drawing on lessons learned to improve its assistance to the Afghan population.

28 RAND Corporation, *Victory Has a Thousand Fathers*, 2010. Available at: <http://www.rand.org/pubs/monographs/MG964.html>. These findings are supported by police perceptions surveys revealing that 60.9 percent of population believes that increased police presence on the streets improves security; 43 percent of population in community-oriented policing districts has increased trust versus 38 percent in non-community policing districts.

### Key Results

- Support provided to MoI with the formulation of its Afghan National Police Strategy and a 10-year vision to reorient the police service from counter insurgency to civilian policing
- LOTFA continues to provide salaries for a total of 140,881 Afghan National Police, increasing 285 percent since 2002
- 4794 police have been trained in criminal investigation, the police code of conduct, management, and leadership activities; 31 Information Help Desks Centers and five 119 Call Centers in Balkh, Helmand, Kandahar, Kabul and Herat established
- Translation Unit at the Ministry of Justice established to provide translation for all laws adopted in Afghanistan
- Human Rights Support Unit in the Ministry of Justice established to expand capacity to proactively respond to human rights priorities by engaging key ministries in human rights education
- Supported outreach programmes on rights across 12 provinces

# BURUNDI



## Background

Burundi continues to make progress in its attempts to break cycles of violence, and establish legitimate governance and institutions. The country has advanced strategies for critical sectors, notably the adoption of its new Poverty Reduction Strategy, and a strategy to build good governance and fight against corruption. However, consolidating peace and creating political stability and democratic state institutions remain challenges for Burundi. Furthermore, the country is affected by regional instability, notably that of neighboring DRC. After a three-year political impasse following the contested electoral victory of the ruling party (usually known by its French acronym CNDDFDD) in 2010, political parties held a three-day conference at the end of May 2013 to discuss reforms to the

electoral law ahead of national polls in 2015. The meeting has confirmed that political parties are on talking terms again.

While Burundi did not experience large-scale violence in 2012, impunity and human rights challenges remain. Cases of extra-judicial killings were reported and new insurgency movements make the country's tenuous stability even more fragile. Persistent impunity reflects the challenges faced by the judicial system, including an overall lack of independence and significant gaps in personnel capacity. The circulation of and easy access to small arms and light weapons (SALW) further aggravate the risk of violence – be it from conflicts between political parties, criminality, land disputes or sexual gender based violence (SGBV).

At the Geneva Donor Conference in October 2012, the Government of Burundi and several of its partners indicated the need for continued progress in the areas of justice, national reconciliation and transitional justice, human rights (including addressing impunity and extrajudicial killings), and freedom of the press. Further to the 2000 Arusha peace agreement and consultations over the last 12 years, a draft law regarding transitional justice is currently under discussion in parliament.

## Assistance and Impact

In complement to its long-term engagement with the rule of law in the framework of the United Nations Office in Burundi (BNUB), UNDP began a new project on Fostering Governance, Rule of Law and Security in Burundi in 2012. The project supports the implementation of the national priorities for the justice sector reforms outlined in the new Sectoral Policy for the Justice Sector for the period 2011-2015. It also targets both the institutional level through work with Ministerial departments, as well as service delivery at local level. A strong focus has been placed on strengthening justice and security systems at the provincial and local levels, namely in the four northern provinces in order to build on previous interventions. The overall aim is to increase both the quality and quantity of the legal and security-related services available to the population through, for example, legal aid and improved court function. Additionally, UNDP continues to assist the Government in providing a comprehensive response to SGBV in targeted provinces. In addition, UNDP supports the National Commission of Small Arms Control and community-oriented policing initiatives aiming to reduce armed violence and improve community security.



Workers at Centre Humura in Gitega, Burundi.

Photo: Isabelle Tschan Harada/UNDP

In 2012, UNDP (and its partners BNUB and CTB) supported the national consultations in preparation of the National Conference on Justice to be held in mid-2013. Through the support of UNDP and other UN agencies, the Centre Humura was established in Gitega in June 2012. The Centre now serves as one-stop-shop for victims of SGBV, and provides them with medical, psychosocial and legal assistance in close collaboration with the Ministry of Public Health and Fight against AIDS, the Ministry of National Solidarity, the Human Rights and Gender, Ministry of Public Security and the Ministry of Justice). Since its inauguration the Centre has provided services to more than 1000 people in Gitega. With regard to legal aid, UNDP supported consultations concerning the establishment of a sustainable legal aid mechanism and the elaboration of legal aid strategy at national level. These consultations will serve as the basis for a forthcoming draft law on legal aid. In the Northern provinces UNDP is supporting the set-up of legal aid service provision in collaboration with the Bar Association.



Centre Humura in Gitega, Burundi.  
Photo: Isabelle Tschan Harada/UNDP

UNDP assisted the National Commission for Control of Small Arms and Light Weapons to establish a central database to manage small arms, in compliance with the Nairobi protocol for the Prevention, Control, Reduction of SALW in the Great Lakes Region and the Horn of Africa. The national database is now used by all institutions, and is a crucial tool for SALW control in Burundi. It will further serve as a good baseline for the Government's second disarmament campaign planned for 2013.

### Challenges, Lessons Learned and Way Forward

Political tensions in Burundi remain high, stemming largely from the opposition's exiled leaders and their boycott of the 2010 elections. As a consequence of both these tensions and

the compromised independence of the judiciary, several UNDP-supported interventions in the country lost momentum. However, the adoption of the Poverty Reduction Strategy in late 2012 and the recent return of political leaders to the country in early 2013 are positive signs that the Government and opposition parties are willing to engage in peace consolidation efforts before the 2015 elections. In 2013, UNDP will support the National Conference on Justice, and continue assistance to the Government's efforts to increase justice and security delivery in accordance with its national priorities.

#### Key Results

- Centre Humura established to provide comprehensive response to SGBV survivors in Gitega; services provided to more than 1000 people
- National database for small arms management in compliance with the Nairobi protocol for the Preven-

tion, Control, Reduction of SALW in the Great Lakes Region and the Horn of Africa established

- Completion of baseline perception survey of police performance in 4 pilot communities in preparation of establishment of community-oriented policing

# CENTRAL AFRICAN REPUBLIC



## Background

Central African Republic (CAR) is a country marred by several decades of armed conflict and political instability, aggravated by a record of poor governance and economic performance. This instability has resulted in extensive damage to the main institutions of justice and security. But in 2005, the momentum gained from peaceful presidential elections gave way to a new spirit of reform. In response, the international community, including UNDP, stepped up work in the country. In 2012, UNDP provided particular support to increase access to justice and develop the capacity of justice institutions.

However, the outbreak of a conflict between the Government of CAR and Seleka, a coalition of rebel groups, in December 2012 plunged the country in a new phase of uncertainty. Renewed conflict caused the humanitarian situation to deteriorate significantly. Since then, the country has again suffered from grave violations of human rights, recruitment of



*Newly arrived refugees from CAR at a transit centre in northern DRC*

*UNHCR Photo/G.Castele*

child soldiers, sexual violence, disappearances, destruction of property, and displacement of thousands of people in the North, Centre and East of the country. Food prices increased sharply and widespread looting and destruction of social infrastructure have contributed to increased hardship while a food crisis is looming.

Justice institutions were looted and damaged by the conflict, while justice personal fled the regions affected. To date, local populations remain abandoned. Mediation efforts on behalf of the international community have not been effective in starting the peace process. Persistent instability in the country remains very real possibility, and contributes to instability in the region.

## Assistance and Impact

Until the outbreak of conflict in December 2012, access to justice and security had improved in Bangui and the 4 regions supported by UNDP's rule of law project (Ombella-Mpoko, Ouham, Ouham-pondé, Kemo and Nana-Gribizi). These improvements were made despite the context of weak rule of law and limited international support.

UNDP provided support to help raise legal awareness, establish new tools and mechanisms in justice institutions, monitor the justice sector, improve infrastructure/equipment, train professionals, and harmonize legal frameworks. Rates of illegal detention were slightly reduced from 66 percent to 59 percent in 2012 and a total of 1660 cases were adjudicated before the courts including 731 through mobile courts. UNDP also invested in the renovation of the regulatory framework for the justice and corrections sector, and supported institution to translate revised legislation into organizational structure and operations. Detention conditions were upgraded in 2 prisons.

Additionally, the socio-professional reinsertion of detainees was improved through the establishment of 2 training units for professional reinsertion of the targeted prison. Prison administration was improved with the establishment of prisons clerks and secretariat systems in 3 prisons and organisation of 3 missions of the Penitentiary Inspection. UNDP-supported outreach campaigns reached and sensitized the country's population, and capacities of 237 partners of civil society were strengthened to prevent SGBV and witchcraft, and support survivors. As part of these campaigns, 461 broadcasts were produced and disseminated. Unfortunately, these efforts

were swiped out by the outbreak of the conflict in December 2012 in the regions affected by the rebellion. The population still suffers from violence and human rights abuses, including gross human rights violations.

### Challenges, Lessons Learned and Way Forward

The consequences of the conflict are far reaching for the country and international partners. Efforts to contribute to Rule of Law in a country marked by widespread violence, human rights abuses and impunity is a daunting challenge for UNDP and its partners. Though CAR currently receives very little attention from the international community, there is an urgent need for human rights violations but also for the key-drivers of instability, including impunity and natural resources management, to be addressed for peace and stability to take root.

#### Key Results

- 1660 cases were adjudicated before the courts including 731 through mobile courts (increase of 229 percent of adjudicated cases compared to 2011)
- 461 broadcasts on SGBV and witchcraft were produced and shared 1535 times
- 3 missions of the Penitentiary Inspection took place, the first to happen since 1995
- Infrastructure was improved in one prison, while equipment for the medical centers of 2 prisons was provided
- Prisons clerks and secretariat systems were established in 2 prisons
- A new court was rehabilitated and fully equipped; the hearing room of the Supreme Court was equipped and officially launched by the Head of State

# CHAD



## Background

President Idriss Deby won reelection in 2011 and keeps strong power over the country. While some sources believe the situation in Chad will remain politically stable, regional unrest in neighboring countries has begun to affect Chad domestically, particularly in the Eastern part of the country. Interethnic hostilities are further decreasing the level of human security. The deployment of Chadian troops in Mali may help bring stability to neighboring countries, but has also negatively affected Chad's domestic situation. Internal protests broke out within the country after Chadian troops were killed in Mali.

The situation in Chad is particularly complex as it is characterized by several types of conflicts and crises: food crises (1.6 to 2 million people were affected by famine in 2010), recurring natural disasters and health catastrophes (epidemics, floods, droughts, locusts, etc.), along with a large influx of refugees from Sudan, Central African Republic and Libya. On the sociopolitical level, Chad's insecurity is linked to armed attacks, recurring communal conflicts related to the access to natural resources, as well as risks of political conflict previously discussed. Overall, insecurity and climatic phenomena pose the risk of worsening an already unstable situation, which was further exacerbated due to the increased circulation of small arms that stemmed from the 2011 conflict in Libya.

While Chad has oil resources that could reduce poverty and vulnerability to crises, their full value depends on the quality of governance, equal access to resources and opportunities, and equitable distribution of natural resources. In the field of rule of law, impunity and weak institutions constitute primary challenges to human security, promotion of human rights and access to justice. Women are vulnerable in general in Chad,

and in particular in the justice area. The Chadian Government is unskilled and marked by corruption, posing a great obstacle for the restoration of the rule of law.

Moreover, the lack of protection and of access to justice renders civilian populations vulnerable to abuse and human rights violations, including sexual violence and domestic violence. Conflict and under-investment in the justice sector have created a vacuum of functioning justice institutions in most of the country (which has approximately 100 lawyers), particularly in the East. The lack of human resources in the justice sector is compounded by a general lack of public administration capacity. The police remain influenced inefficient and militarized. The presence of land mines and other remaining explosives further complicate security and development matters.

## Assistance and Impact

Within this complex context, UNDP's main objective in Chad is to contribute to strengthening the rule of law by increasing access to justice and improving human security. Support is provided to develop capacity through building institutions and working with community stakeholders.

The house of lawyers (*maisons des avocats*) in Abéché is no longer operational due to a lack of funding. However, in July 2012, UNDP supported the establishment of four pilot legal aid offices (*bureaux d'aide juridique - BAJ*) in collaboration with civil society organizations providing support on cases before the Court of Appeal in Abéché. So far 100 people belonging to vulnerable groups have benefited from legal aid services and 4500 people were reached via awareness raising activities through the legal aid offices.

At the national level, UNDP also supported the preparation of a draft law on legal aid which will be an important element for the institutionalization of legal aid. However, only 100 people were identified for legal aid, with the assistance of 12 paralegals. Thus, more efforts should be exerted to enhance access to justice. Additionally, since 2011, UNDP –with UNHCR and with assistance from the Peacebuilding Fund – jointly supported the *Détachement Intégré de Sécurité (DIS)*, a special police unit. The DIS, previously supported by MINURCAT, is in charge of providing security to humanitarian movements, as well as securing IDP and refugee sites and nearby towns in Eastern Chad.

Iridimi Camp, Chad.

UN Photo/Eskinder Debebe



### Challenges, Lessons Learned and Way Forward

Major challenges remain in establishing the rule of law in Chad. However, the intrinsic weakness of Chadian institutions results in slow progress. National professionals need to travel from the capital to the Eastern part of the country to deliver services, which is difficult to implement, particularly in light of low financial resources and an absence of basic infrastructure. National ownership of the justice and security sectors needs to be increased and administrative

staff require better training. Additionally, developments in 2013, such as involvement in the political and military crisis in Central African Republic, and opposition arrests following an alleged coup in May will affect efforts to implement rule of law reform in Chad in 2013. With these challenges in mind, UNDP will work in 2013 toward drafting a new crisis prevention strategy with focus on rule of law and justice sector reform through increased access to justice, actions against impunity, and increased monitoring.

### Key Results

- 4 pilot legal aid offices established in collaboration with civil society organizations
- Over 100 persons belonging to vulnerable groups benefited from legal aid services
- Over 4500 people were reached in awareness raising activities through the legal aid offices
- UNDP provided support in the drafting of a legal aid legislation
- Support was provided to the Détachement Intégré de Sécurité (DIS) to provide security to IDP camps in the east following the drawdown of MINURCAT

# COLOMBIA



## Background

For over 40 years, Colombia has been torn by violence, and characterised by the juxtaposition of wealth and extreme poverty. Over the past 20 years, more than 70,000 people (the vast majority of which were civilians) died as a result of hostilities. Between three and four million have been forced to leave their land. Between 15,000 and 30,000 people have also been victims of forced disappearances since the beginning of the conflict, while in the last 10 years over 20,000 have been kidnapped or taken hostage. In recent years, human rights abuses have been focused mostly on peasant leader's claiming their rights to land restitution. While undoubtedly numerous, the total number of conflict-related incidents and human rights abuses is difficult to precisely quantify since, in most cases, neither complaints nor official reports are filed.

In 2010, significant changes to government policies on conflict management and poverty began following the election of President Juan Manuel Santos. For the first time in many years, peace has a chance in Colombia. On 26 August 2012, the Colombian Government and the FARC-EP signed the *General Agreement for the Termination of the Conflict and the Construction of a Stable and Lasting Peace*. Key state initiatives that show concrete policy changes towards a peacebuilding approach to manage and resolve conflict include:

The adoption of a Law on Victim's and Land Restitution which was approved in June 2011 by President Santos in a ceremony with UN Secretary-General Ban Ki Moon. This marked an important shift in relations with civil society, in national policy on the armed conflict, and in recognition of victims' rights which establishes a more comprehensive legal framework for the implementation of the transitional justice process.

There are however significant challenges in implementing the law in the territories;

A new law on Rural Development which is in line with many of policy recommendations proposed by UNDP's 2011 National Human Development Report on Rural Development and the World Bank project on Land Restitution. The law addresses the key issue of land legalization benefitting millions of rural communities, especially IDPs, as well as investing significant financial resources to upscale job creation modernizing the traditional agrarian-based economy in rural Colombia; and

The creation of new institutions responsible for the implementation of such policies including the Department of Social Prosperity; the National Agency to Overcome Extreme Poverty (ANSPE); the Unit to attend Victims (Unidad de Atención a Víctimas) and; a new Center for Historical Memory.

## Assistance and Impact

UNDP instituted a Fund on Transitional Justice in Colombia four years ago, with a total investment of USD 26 million channeled through two main programs: the *Programme for the Promotion of Coexistence* to promote truth-telling, reparations and reconciliation, and the *Strengthening of the Justice System Programme* to address criminal accountability mechanisms. The Fund's overall objectives aim to provide political, technical and financial support to promote national and regional capacities for institutional strengthening and peacebuilding, based on human rights respect. The Transitional Justice Fund emphasises the centrality of victims and promotion the recognition their rights. The area-based REDES Programme provides broader development assistance concentrating on supporting victims' organisations and community-based initiatives to assist conflict survivors. With all this in mind, the Fund warrants special attention, and deserves the full and active participation in the judicial process and in policy development, processes and strategies based on the recognition of victims' rights. This will help to guarantee dignity, and highlight roles as social, political, economic and cultural actors in full exercise of their citizenship.

This year, UNDP has provided access to justice or orientation on administrative processes of attention and reparation to more than 24,000 victims. UNDP has also provided institutional care and guidance for those receiving remains of their



Conflict victims receive support in Colombia  
Photo: UNDP Colombia

disappeared relatives disappeared, and for participation in the procedural stages of justice and peace.

Moreover, 22 municipalities received advice to install transitional justice committees, under the provisions of Act 1448 (Victims' Law). During this process, governmental officials, and civil society organizations have been trained about the technical implementation and progress of the new regulations in the territory and the plans of action in such territories have been constructed. Additionally, victims' organizations have been supported in order to strengthen the implementation of self-protection mechanisms, based on their own risk analysis. Similarly, a training strategy has been developed on the topic of mainstreaming gender perspectives in security measures, specifically for institutional officials.

### Challenges, Lessons Learned and Way Forward

UNDP has been able to strengthen an important alliance of international partners supporting the transitional justice process in Colombia. This agenda will become more and more important in the framework of the peace process. Currently, eight different UN agencies are collaborating to strengthen justice and promote the rights of victims through on-going dialogue with state institutions and victims' organisations. In addition, UNDP has been working with UNHCR to develop an integrated Transitional Solutions initiative to support IDPs, affected communities, and local authorities. The rule of law elements in the project seek to ensure that beneficiary families (rural and urban) have legal ownership of the land and housing they inhabit and, the legal means to project its use, enjoyment and ownership.

The revision of the UNDP CPD 2012-2013, in close consultation with the Government of Colombia, opened new forms of collaboration, and further enabled UNDP to influence key peace-building priorities. As a result of this process, UNDP decided to expand its presence to other territories. Thus, in 2012 UNDP's management confirmed the decision to establish integrated multi-practice programmes in an additional 6 territories beyond the REDES programme, with a commitment to develop a similar approach to REDES in the non-REDES territories.

UNDP will also develop the capacities of victims' organisations to actively participate in the truth, justice reparation processes, and will continue to work with other international partners to build on the progress to date in strengthening the national framework for victims of the conflict in Colombia.

### Key Results

- Supported access to justice or orientation on administrative processes of attention and reparation to more than 24,000 victims
- 22 municipalities received advice to install transitional justice committees, under the provisions of Act 1448 (Victims' Law)
- Victims' organizations have been supported in order to strengthen the implementation of self-protection mechanisms, based on their own risk analysis

# CÔTE D'IVOIRE



## Background

Côte d'Ivoire continues to consolidate progress eighteen months after the end of a post-election conflict (following a decade-long political crisis), during which thousands died. The country has addressed some immediate security challenges, and has initiated sensitive processes such as security sector reform (SSR) and the return of refugees. Côte d'Ivoire's economy has also started to recover from a severe downturn thanks to better governance and significant international aid. The first local elections of the post-crisis period will be organized in 2013.

Despite these successes, the country still faces important challenges. Current economic growth is not yet a guarantee of lasting stability, and still needs to translate into improvement to people daily lives. Likewise, the economic revival focused on urban centers leaves aside the regions and communities that suffered most from the conflict.

The security situation is volatile, and the political situation remains uncertain and polarized. The country continues to be marked by human rights violations, criminal and intercommunity violence, and uncontrolled circulation of weapons. Slow progress is being made with regard to impunity, national reconciliation, and social cohesion, but also in relation to institutional reforms such as SSR and DDR. This comprehensive delay has served to undermine public confidence in Rule of Law institutions. The country also remains vulnerable to a host of transnational and cross-border threats, including those related to the crisis in Mali.

The underlying root causes of the conflict (such as land tenure/access to natural resources issues, identity, and youth unemployment) remain unaddressed and pose significant

threats to the recovery and stability of Côte d'Ivoire, in particular in the West.

## Assistance and Impact

UNDP assistance to the rule of law in Côte d'Ivoire focuses mainly on violence prevention and SALW control in the security realm, and development of legal aid mechanisms within the justice sector.

Small arms control and reduction activities by the Ivorian Commission of Small Arms and Light Weapons (COMNAT) are underway on the basis of an assessment on illicit small arms ownership and circulation, undertaken with UNDP support. A total of 1897 weapons and 335,273 ammunitions were collected in 2012. A total of 3000 police weapons were marked. A green line to inform the population about SALW collection was set up which received more than 2500 calls over the first trimester of functioning.

Local security councils were established in the prefecture of Guiglo and sous-prefectures of Duekoue. In both cities security diagnosis were produced by the security council and first community security measures were implemented (electrification of 1.5 km of streets in the city of Duekoue and a 'gastronomy and social cohesion centre' was established in Guiglo). At national level, information and sensitisation sessions of the Ministry of Interior on community security enabled to have local actors being embedded in the reform of the police and gendarmerie (local communities are part of the working groups that are producing a new strategy for the international security forces).

Support to access to justice was initiated through a joint project with UNOCI, UNICEF and the EU. The project's objective is to offer legal aid services to the most vulnerable groups of the population, including women. Further support was provided to establish a legal aid mechanism in six regions of the country, including the most affected area by the post-electoral crisis (West). A total of four legal aid centers were built in 2012 with the support of the project, which also identified the civil society organisations in charge of running the centers.

## Challenges, Lessons Learned and Way Forward

UNDP will develop a comprehensive Rule of Law Programme in 2013. Support to justice sector in Côte d'Ivoire can take place



*A UN peacekeeper with firearms collected from militias in Côte d'Ivoire  
UN Photo/Ky Chung*

only within a coordinated approach with all UN actors. UNDP will develop a joint approach with all relevant UN entities with national/international partners accordingly so that it can bring its comparative advantage to the sector.

Regarding support to the security sector, political will from both COMNAT and relevant line government institutions remain critical for effective armed violence prevention and SALW collection. Success in limiting the proliferation of SALW is linked to several processes, notably depending on DDR processes. To date, the latter has progressed slowly, and continues to hamper the work of the National Commission on SALW. Likewise, efforts to revise the legal framework could not be started in 2012, as the new Parliament was only recently set in place, with a lengthy agenda.

In the justice realm, the protracted crisis that affected the country in the 2000s had an important impact on institutional and traditional responses to injustices and the rule of law at large. UNDP will support the production of studies which aim to gain a better understanding of the country's current situation, particularly in terms of available institutional tools such as the juridical map (carte judiciaire) and also traditional justice mechanisms. Likewise, UNDP will contribute to the broader UN response to socio-economic rights within its rule of law programme.

## Key Results

- 1897 weapons and 335273 ammunitions were collected in 2012
- A total of 3000 weapons of the police were marked
- A green line was set up which received more than 2500 calls over the first trimester of functioning
- 4 legal aid centres were built through the joint project
- 2 community security committees established in the cities of Guiglo and Duekoue
- Electrification of 1.5 km of streets in the city of Duekoue; one gastronomic and social cohesion centre established in Guiglo
- Local communities integrated into the working groups to produce a new police strategy

# DEMOCRATIC REPUBLIC OF THE CONGO



## Background

In the Democratic Republic of the Congo (DRC), 2012 was marked by instability and violence. This trouble began in North Kivu in April with the emergence of a new rebel group – M23 – and culminated in the M23 occupation of Goma (capital of North Kivu) in November. The fighting affected civilians and worsened an already unstable humanitarian situation, causing over 140,000 people to flee from their homes. Rebels were accused of wide-spread looting and rape, and many of the local justice administration officials were threatened and temporarily forced to leave the region. Many of their offices were looted and documents were destroyed. The prison in Goma was demolished, and over 1,200 inmates managed to escape. In December, the M23 rebels withdrew from Goma in following international condemnation.



*Survivor of rape are offered psycho-social support and vocational training at Walungu Multifunctional Community Centre (South Kivu).*

*Photo: Yves Sambu/UNDP DRC*

In February 2013 eleven African heads of states signed an agreement allowing change in the mandate of peacekeeping forces. The agreement gives permission for a brigade with the authority to intervene in order to neutralize rebel movements. The agreement emerged from criticism against the previous mandate, which did not allow peacekeepers to intervene when the rebels captured Goma.

## Assistance and Impact

The instability in Eastern DRC had considerable consequences for UNDP's project implementation. Despite this challenge, UNDP – in collaboration with its partners – continued to support the provision of legal aid services through legal aid clinics mainly supporting victims of sexual violence and the organization of mobile court sessions. In 2012, UNDP's support resulted in the organization of 5 mobile courts (2 in South Kivu: Walungu and Kamituga, 1 in North Kivu: Butembo and 2 in Ituri: Mambasa, Bunia and Kamanda) allowing for the trial of 55 cases. 21 of these were SGBV cases. 183 victims benefited from legal aid and advisory services supported by UNDP.

The emergence of M23 and other rebel movements in 2012 resulted in increased allegations of mass rape. In response to this increase in violence, the UN Mission and UNDP provided joint support to the Military Prosecutor's office in Biakato and Mombasa city in Ituri district and Kibirizi (Rutshuru) for criminal investigations of several alleged mass rape investigations, and criminal prosecutions of these crimes. As a result, a total of 70 victims and witnesses were heard by the Military Prosecutor, 17 suspects were arrested, and the cases were sent to the Military Court for trial. The case of the Biakato-Epulu village in the district of Ituri illustrates the impact of UNDP efforts to end to impunity and bring justice to communities affected by war. Following a series of egregious crimes committed by Mai Mai rebel groups in this village in June 2012 (murder, rape, and deportation), UNDP support allowed for military prosecutorial investigations and a mobile court trial. UNDP also conducted judicial monitoring in Ituri and North and South Kivu, which allowed for gathering exact data on the judicial response offered to SGBV survivors by the military justice, and helped to ensure that justice is carried out according to the standards of a fair trial.

UNDP also continued to support the Special Police for the Protection of Women and Children in North Kivu (called *Police Spéciale pour la Protection de l'enfant et de la femme*

- PSPEF). From the registered cases (most of which were SGBV-related), at least 299 women were able to access justice and security services. Several PSPEF premises have been looted in November 2012 following the M23 occupation this increased the difficulties PSPEF are facing and reinforces the need for UNDP support. The UN Mission and UNDP also provided joint support to the police (with UNPOL), through the police training centers as well as the implementation of the doctrine of community policing in a pilot project in Bunia (Ituri district).

Additionally, UNDP supports the Police Nationale Congolaise in their reform efforts through the introduction of community policing. The idea of the community policing (Police de Proximite - PdP) is to decentralize police services to prevent insecurity. The project supports the implementation and functioning of the 'Conseil Local de Sécurité', *local security councils*. The Local Security Councils were established in Bunia. The council conducted two workshops on the general principles of the PdP. Over 60.000 people in Bunia were informed about the PdP doctrine, which means that approximately 33 percent of the population acquired knowledge about the roles and advantages of the PdP. UNDP has also supported the police with logistics and education. UNDP has provided capacity building for the police as well as construction of a police commissariat and sous-commissariat.

### Challenges, Lessons Learned and Way Forward

Looking ahead, many challenges remain. The implementation of justice and security sector reforms is proceeding slowly, in both cases aggravating the already limited reach and effectiveness of justice and security services. The extent and nature of violence and, in particular, human rights violations have rendered the fight against impunity as a central challenge for the credibility of the judicial system. Other challenges include the easy availability of small arms, and the volatility of the Great Lakes sub-region (notably foreign armed groups taking advantage of porous borders to enter the DRC's national territory). For the majority of Congolese, access to justice and security services is hampered by geographical distance or in some cases a total absence of justice and security institutions. The lack of decentralization and clarity with regard to the division of roles between central and local authorities poses an immense challenge to the deployment of staff (judicial and non-judicial) to justice institutions in the provinces. Consequently, the efforts of UNDP and its

partners to improve justice service delivery are challenged by a lack of national ownership.

In spite of these challenges, UNDP in 2013 will continue its support to justice sector reform, in order to improve delivery of justice services at the state level and increase efficiency of the whole penal chain (police-justice-prisons). In addition, UNDP's security sector interventions will aim to reduce armed violence and ensure efficient protection of the population by state services. UNDP will continue to broaden its programming focus to improve access to justice for women and vulnerable groups of the Congolese population, building on the efforts that have already improved access to justice for SGBV survivors (particularly in the Eastern Provinces).

### Key Results

- Support to 5 mobile courts trying 55 cases (out of which 21 were related to SGBV - in total 31 convictions of which 20 were related to SGBV and 2 related to crimes according to the Rome statute)
- 183 victims benefited from free legal aid provided by the legal clinics and among them 41 women who decided to make trial benefited of free legal aid from the bar association
- Support to Military Prosecutor in mass rape cases, 8 suspects arrested and sent to military court
- 7 investigations conducted by military prosecutors were supported in Eastern DRC (North and South Kivu and Ituri), 107 victims and witnesses were heard in South Kivu, 49 victims and witnesses heard in Ituri and 4 in north Kivu. In total 17 suspects were arrested and sent to military court
- Judicial actors in North Kivu benefited from a logistic support provided by UNDP for investigation purposes in 299 SGBV cases

# GUINEA-BISSAU



## Background

A culture of impunity, intra-military and civil-military dynamics, state dysfunction, socio-economic exclusion, and fragile national identity lie at the core of Guinea-Bissau's instability. Having secured independence in 1974, the victorious militias formed the backbone of the new national armed forces and established a one-party state, which lasted until the early 1990s. The privileged 'heroic' status of these former rebels stands at the root of many of the country's current institutional problems – it generated an oversized and factionalized military force and fuelled tense political-military dynamics, driven by the competition among the upper echelons of both groups for control over limited state resources and economic opportunities.

The country's politics have failed to stabilize since the July 2009 double assassination of President Joao Bernardo 'Nino' Vieira and the Armed Forces Chief of Staff. In January 2012, death of consensus figure President Sanhá opened a new period of instability, which resulted in a coup in April 2012. International condemnation was swift, but differences developed between the Economic Community of West African States (ECOWAS) and the Community of Portuguese Speaking Countries (CPLP). New elections, initially set for April 2013, have been delayed. Thus, the country's political transition remains shaky and has further undermined stability.

This political instability has combined with drug trafficking to contribute to an overall climate of crisis that exacerbates social conflict, economic dislocation, infrastructure degradation, and violence. Service delivery continues to be extremely weak, and the security and judicial systems are compromised and dysfunctional. Long-delayed processes of SSR continue to be stalled.

## Assistance and Impact

UNDP has concluded the first phase of its Strengthening of Rule of Law through Justice and Security Reform Programme by supporting decentralization of the justice system in three pilot regions, and long-term capacity development for the judiciary. Support to Parliament, however, was suspended due to the political situation.

In 2012, UNDP supported the functioning of the three Access to Justice centres (CAJ) and mobile posts that opened in September 2011, which provide legal aid, counseling and legal information to the most vulnerable in 3 regions. A total of 1,395 individuals (of which 22 percent are females) benefited from legal aid services supported by UNDP in 2012. These results demonstrate an increase of women benefiting from legal aid (22 percent of the visits) compared to the previous year (10 percent). Sensitization on civil/political rights, child rights, and gender equality was carried out, and targeted community leaders, women and youth. In total, this sensitization reached more than 12,680 people of which 49 percent are women. Hundreds of cases related to land issues were addressed by the legal aid centres, mainly through mediation and conciliation.

A total of 103 beneficiaries (26 percent women) including prosecutors, judges and lawyers have graduated from the from the National Judicial Training centre (CENFOJ) in 2012, including a first class of judges and prosecutors (14 individuals). This is the first time that Guinea Bissau has professionalized its judicial actors through specialized training associated to tenure. CENFOJ is expected to play an important role in strengthening the competencies of the judiciary in the future, notably for community courts.

The successful establishment of CAJ and CENFOJ has been a major contribution to state-building and social cohesion in Guinea Bissau. It has contributed to building trust in justice institutions by making service delivery of legal aid a reality for hundreds of people, and increasing the number of cases solved by mediation (about 10 percent of all cases brought to CAJ). The existence of CAJ will enable better monitoring of the justice sector, diminish illegal financial cover of police/justice services, and reduce the number of illegal detentions.

All aspects of the rule of law programme are tailored to focus on the protection of women's rights, and have specific strategies dedicated to gender equality and women's empowerment.



Thanks to the legal aid centers, numerous cases of family dispute issues, including domestic violence, have been addressed. However, the project has observed that while women bring problems to paralegals, they are still reluctant to move forward with more technical legal assistance – as a result out of 1250 cases supported, only 20 percent are brought by women.

Since 2010 UNDP ensures coherence of UN support to Rule of Law through the Outcome Group co-chaired by UNDP and UNIOGBIS. The Group became the main platform for coordination and planning of Rule of Law activities in Guinea for UN entities and international partners.

Despite these achievements, important challenges for effective access to justice by the population still remain to be addressed. Seeking justice still proves too expensive, not present within the whole of the country's territory, and slow. Particular challenges concern the malfunctioning of community courts that process allegedly only 10-15 percent of the cases received per year. Additionally, the governance of the sector remains weak, and the interface with traditional justice mechanisms needs to be strengthened. Due to the political situation, the state was not able to take over the running costs of both CAJ and CENFOJ in 2012.

### Challenges, Lessons Learned and Way Forward

The absence of a government recognized by the international community and unclear political developments are significant challenges to supporting Guinea-Bissau's rule of law sector. At the same time, it is important not to disrupt services to the population nor cause further fragility within the country's functioning institutions. Increasing trust in the newly established CAJ requires addressing the backlog of cases in community courts, but also a better interface with traditional justice systems.

UNDP will continue strengthening the rule of law through institutional capacity development such as CAJ and CENFOJ, and through strengthening access to justice for the population. This will notably occur by working with community courts and customary law, and by establishing mobile courts to develop mediation and conciliation. The project will build on the recommendations of the previous study (April 2011) on customary law in order to ensure support to justice focus on day-to-day injustices faced by the population and ensure delivery of relevant justice services.

### Key Results

- A total of 1,250 individuals benefited from legal aid services supported by UNDP in 2012 despite fragile political situation, reflecting an increase compared to 2011 (800 visits)
- 20 percent of the visits to legal aid centres are women (compared to 10 percent in 2011).
- Sensitization has reached out to more than 12,680 people
- A total of 103 beneficiaries (26 percent women) – prosecutors, judges and lawyers – graduated from the from the National Judicial Training centre (CENFOJ) in 2012, including a first class of judges and prosecutors (14 individuals)

## GUINEA (CONAKRY)

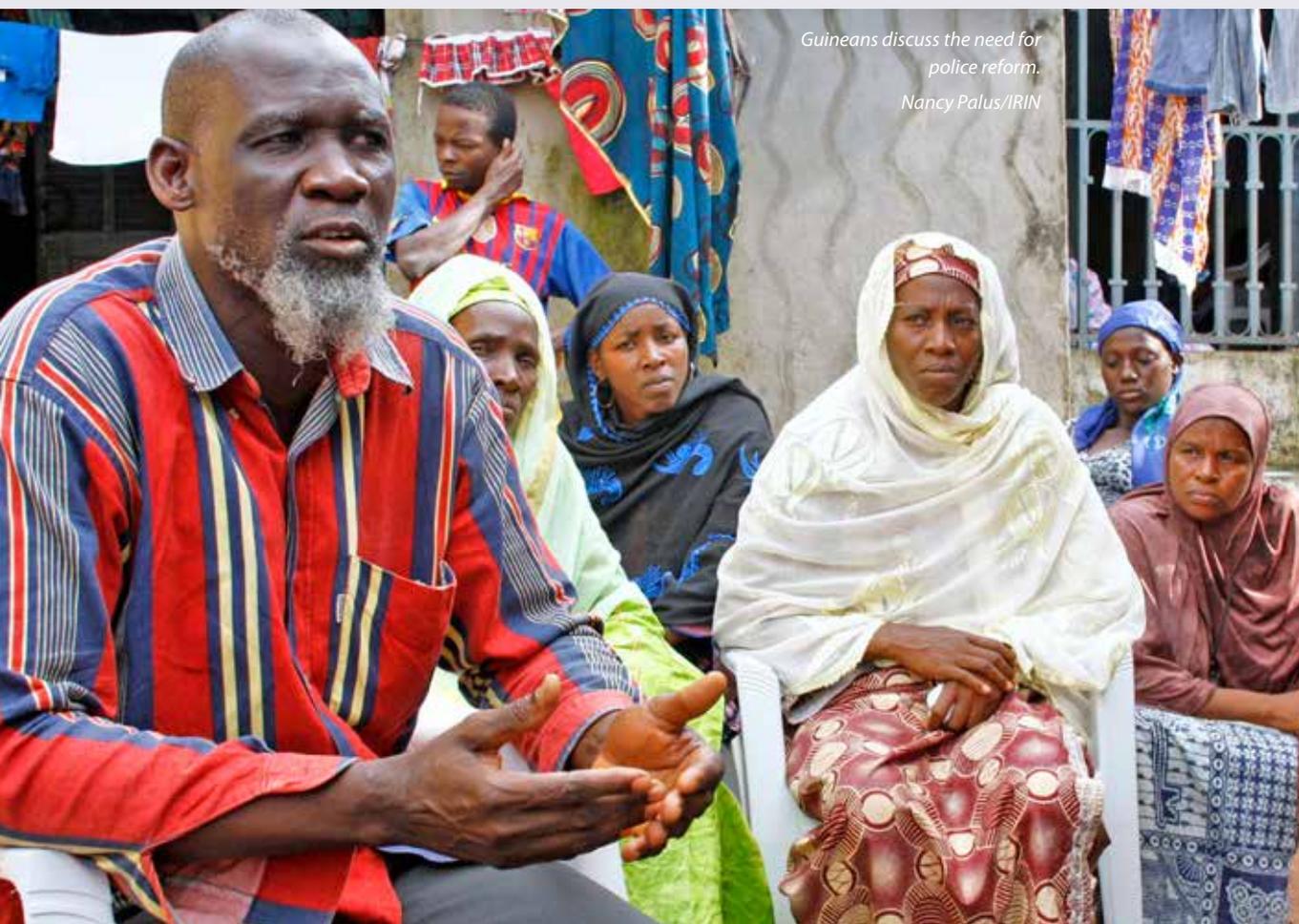


### Background

The political stability gained in Guinea from the first free and fair democratic presidential election in November 2010 faded as the subsequent legislative elections have still not taken place. This absence prevents the country from entering the last stage of the transition from military to civilian rule, and thus re-engagement with donors.

Guinea currently faces major governance challenges, notably impunity, weakness of civilian and democratic control over the institutions, persistence of corruption and marginalisation of women and vulnerable groups. The presidential elections of 2010 revealed important fissures within Guinea society, notably an increasing polarization of society along political, ethnic and community lines. The tensions that have risen since the 2010 elections continue to simmer within the country, stalling processes of national reconciliation.

Recent government finance reforms have enhanced the stability of the country's macroeconomic framework, and Guinea has met requirements for debt relief. However, prospects for economic growth are not diversified, and mainly depend on the mining sector. Additionally, macroeconomic success still needs to translate into tangible benefits for the country's broader population. Spending power is low and basic services – water, sanitation, electricity, health care, education and reliable transport – are thin on the ground.



*Guineans discuss the need for police reform.  
Nancy Palus/IRIN*

The military is still considered an important factor in the country's insecurity. Structural deficiencies in the army, police, and judiciary have led to serious violation of human right over the past decade, and have generated mistrust between the security force and the population. Effective reform of defence and security forces (including the justice system) remains a decisive factor for peacebuilding, the rule of law, and the consolidation of democracy in Guinea.

### Assistance and Impact

Security Sector Reform in Guinea is making an important contribution to peace building efforts. In 2012, the reform targeted mainly the political and strategic architecture of the security sector. An important phase of this reform was achieved with the modernization of the legal, strategic and operational framework of the security sector: a number of pieces of legislation and regulations were produced and adopted by the Government and National Transition Council (CNT) in 2012 (Code de justice militaire, le statut général et les statuts particuliers des militaires, le code de conduite et le règlement du service dans l'armée). Additionally, the sectorial plans for the Defense, Police, Justice, Borders and Environment for the period 2012-2015 were produced and properly budgeted (according to realistic expectations when considering the financial capacities of the country). These achievements were made through technical and financial support of UNDP. The existence of legal, strategic and operational framework, and especially a realistic budget, will enable civilian authorities to have a good and agreed understanding of the priorities and needs of the security sector, and also to exert a better control over them. However, implementation of the new legislative framework and of sectorial plans has yet to occur. Support to the police sector and provision of security services at local level was launched in December 2012.

### Challenges, Lessons Learned and Way Forward

SSR is a highly political process and involvement of authorities will be key in the coming years, in order for the SSR process to translate into concrete institutional reforms of important justice and security institutions. SSR needs to be operationalized to bring tangible change in terms of protection and access to justice of the population. Implementation of the new legal framework will require further support in terms of institutional reforms. Likewise, there is a need for improved infrastructure and equipment in the security and justice sectors. Coordination and division of labor amongst

international partners face important challenges and may hamper efficient delivery of support to national partners.

UNDP will continue to support the SSR process with an increasing focus on the operationalization of reforms, notably in the non-military components of the SSR. This will be done through projects to support community policing, SGBV response by justice and security institutions and civilian and democratic control. Operationalisation of SSR is important to sustain the momentum for reform and make sure the process translates into visible gains for the population in terms of safety and access to justice.

### Key Results

- UNDP support to victims of armed conflict, providing access to justice and support on administrative processes of detention and reparation has resulted in an increased number of beneficiaries from 17,875 at the beginning of 2012, to 46,330 at the end of 2012.
- 22 municipalities have had the advice to install transitional justice committees, under the provisions of Act 1448 ('Victims and Land Restitution Law')
- Sectorial plans for the Defense, Police, Justice, Borders and Environment for the period 2012-2015 produced and properly budgeted
- Production of a new legal and institutional framework

# HAITI



## Background

The political situation in Haiti remains fragile. Since 2010, the country has seen five different Ministers for Justice and Public Security. While political instability characterised the country leading into the year 2012, the appointments of Supreme Court judges and members of the Superior Council of

the Judiciary ('Conseil Supérieur du Pouvoir Judiciaire' – CSPJ) from January to July 2012 raised the hope for greater credibility in the justice sector. Many interpreted these developments as positive signs that expressed the will of the new Prime Minister to strengthen the rule of law. However, this progress has met further obstacles: for example, the CSPJ remained in crisis due to political interferences around the nomination of the Permanent Electoral Council members by the Council, before beginning to take up its full range of responsibilities. The amendment of the Constitution in June 2012 allowed for the creation of several new institutions essential for the reestablishment of the rule of law, notably the Constitutional Council and the Permanent Electoral Council. While local and legislative elections have been overdue since 2011 due to months of political deadlock, there is hope that the recent establishment of an official nine-member Transitional College of the Permanent Electoral Council will enable national and international counterparts to afford more attention to the rule of law agenda. Recent Court of Appeals hearing to determine if Haiti's former President, Jean-Claude Duvalier, can be charged with crimes against humanity may be considered as another positive signal regarding rule of law reform.

However, the vast majority of Haitians do not have access to justice services. The justice system functions inadequately. Slow progress in investigations and lack of control of the judiciary result in insufficient management of case-file information and a lack of appropriate coordination between different actors of the penal chain (police, prosecution, judiciary and prison management). This situation perpetuates the extensive case backlog and overcrowded prisons (with up to 75 percent of detainees in pre-trial detention), as well as an increase in vigilantism and communities taking justice into their own hands.

## Assistance and Impact

In 2012, UNDP's multi-layered support in 2 pilot jurisdictions (Port-de-Paix and Jacmel) through the establishment of the 'Comités de Suivi et Gestion' (follow-up and management committees) brought together all actors of the criminal justice chain, including the police, judicial and penitentiary authorities, as well as civil society. Improved management of the administration of justice system resulted from this development, but the support has not yet led to sustainable change. Primarily, the needs to transition to the Government's full ownership of these mechanisms, as well as increased



*A monument to the 1801 constitution in Haiti.  
Photo: UNDP/RoLJS*

control of the judiciary remain. To support these aims, UNDP supported the Judiciary Inspection Service in conducting 18 inspection missions to allow for gathering data on dysfunctions within the justice system. This data will be of great assistance to the upcoming preparation of the development of a criminal justice policy.

UNDP also supported a capacity assessment of the Ministry of Justice and Public Security (MJSP). This support resulted in the 'Pacte Justice,' a strategic document which lays out a capacity development plan for the MJSP's which was also integrated in the MJSP's action plan with priorities until 2015. In the framework of the Pact, a budgeting process for the whole MJSP was initiated for the first time, as supported by UNDP.

In keeping with previous joint capacity building support to the Central Direction of the Judicial Police (DCPJ) by UNDP in collaboration with MINUSTAH/UNPOL, UNDP is now providing support to DCPJ to establish a training centre with both standardised and specialised training courses. UNDP and MINUSTAH also continued their support to the National School of Magistrates; as a result the Government of Haiti, for the first time, has organised and funded the initial training course for magistrates.

### Challenges, Lessons Learned and Way Forward

Despite these efforts and the significant financial investment and support provided by UNDP and other partners, capacities within justice and security institutions in Haiti remain weak. Thus, international rule of law assistance provided over the last several years has not significantly translated into a quantitative and qualitative improvement of justice service delivery for Haiti's population. Despite the fact that the Government of Haiti has declared rule of law as one of its priorities, the challenge of delivering justice service to its population remains. Impunity is still crawling due to the absence of effective oversight mechanisms and the people still do not trust the Justice System.

With support of the new Global Focal Point for Justice, Police and Corrections, UNDP and MINUSTAH are looking to enter into a new partnership and dialogue on rule of law with the Government of Haiti. These efforts will embed a greater focus on access to justice and service delivery within institutional support and legislative reform. This will include deeper engagement with civil society, as well as increased awareness



*Police in Haiti transport people after the earthquake.  
Photo: Alejandro Alvarez/UNDP*

raising actions at both the regional and local levels. Under UNDP's new programming phase (2013-2016) joint implementation by UNDP and MINUSTAH will be increased. As a pilot, a joint MINUSTAH/UNDP team has been established within the first instance court of Port-au-Prince to contribute to better coordination of actors across the penal chain. Over the long term, such efforts could prove catalytic in increasing the efficiency of the administration of justice and facilitate access to justice over the long term.

### Key Results

- Capacity assessment of the Ministry of Justice and Public Security (MJSP) resulted in the 'Pacte Justice,' a strategic document which lays out the MJSP's priorities until 2015
- Judiciary Inspection Service conducted 18 inspection missions to gather data on the dysfunctions of the justice system, in preparation for the development of a criminal justice policy
- Central Direction of the Judiciary Police established a training centre with standardised initial and specialised training courses

# IRAQ



## Background

Justice and security institutions in Iraq continue to deal with the legacies of violence, degradation, and politicisation left by the previous regime. In past decades, the breakdown of these institutions resulted in poor justice and security delivery to Iraqi citizens, and perpetuated an environment already precarious for human rights. Despite the collapse of the old regime, much work remains to enable the emergence of a new system based on the rule of law and respect for human dignity.

Although the formal justice system is considered capable, sufficient justice services remain unavailable to the broader Iraqi population. In particular, the criminal justice system remains without fundamental capacities, such as court management and record keeping. These challenges pose particular concerns for women, as crimes against women and girls are often not reported due to stigma, fear of retaliation and/or lack of confidence in the police. It is within this complex and challenging environment that UNDP provides support



*Increasing access to justice in Erbil, Iraq.*

*Photo: UNDP IRAQ*

to improve and enhance the efficiency, accountability, and accessibility of justice in Iraq.

## Assistance and Impact

UNDP's Rule of Law programme in Iraq focuses on both strengthening justice institutions, as well as enhancing access to justice through a human rights-based approach. As part of the first component, UNDP's support has helped to establish and promote three model courts, to automatize courts systems, and to strengthen capacities of judicial personnel. In support of justice and human rights, UNDP assistance contributed to the establishment of the Independent High Commission for Human Rights, as well as the creation of legal aid help desks. In 2012, UNDP-supported free legal aid helpdesks in Kurdistan gave free one-on-one legal consultations to a total of 1874 people, and provided 209 people with free court representation.

In addition, UNDP has worked closely with both the Government of Iraq and civil society to enhance access to justice for women. In 2012, the Government of Iraq established a total of 16 new Family Protection Units, mandated to provide services to the victims of domestic violence and gender-based violence. In 2012, 4658 cases were reported to these Family Protection Units, which is a distinct increase from the 2095 cases reported in 2011.

UNDP also increased its support to security related work in 2012, an area in which UNDP was previously not involved. At the request of the Government, UNDP provided support to start developing a national strategy for the control of small arms and light weapons (SALW). This engagement served as a gateway to broader discussion on security issues with key stakeholders, and resulted in a Government request for UNDP's technical assistance in the development of a National Security Policy. The Government also solicited UNDP's support to enhance its research and analytical capacities in the security area.

## Challenges, Lessons Learned and Way Forward

Challenges within the rule of law sector in Iraq are enormous. Certainly, the need to improve justice and security service delivery to all members of society remains a high priority. But more broadly, real reconciliation between groups must be achieved in order to address the sectarianism that continues to endure within the country. UNDP should sustain efforts to

support equal representation in state institutions with the broader aim of achieving real reconciliation through legitimate mechanisms. Additionally, the complexity of the situation requires a broad scope for rule of law support that is focused not only on strengthening justice and security institutions, but also closely aligns with wider support to other critical areas such as good governance, conflict prevention and poverty reduction, and ensures both institutional development and community-based interventions.

In 2013, UNDP will build on its ongoing work to finalize a comprehensive rule of law, justice and security strategy that links closely governance, community security and social cohesion initiatives. This strategy will aim to ensure the focused and strategic use of UNDPs resources to optimize its role in improving the rule of law in Iraq, particularly in terms of service delivery to Iraqi citizens. Additionally, the Kurdistan Regional Government has agreed to finance a comprehensive support package to strengthen justice delivery and access to justice in Kurdistan. Implementation by UNDP will begin in 2013.



*Raising awareness on Family support, justice and security.*

*Photo: UNDP/Iraq*

## Key Results

- Support provided to establish and promote three model courts, to automatize courts systems, and to strengthen capacities of judicial personnel
- UNDP-supported free legal aid helpdesks in Kurdistan gave free one-on-one legal consultations to a total of 1874 people, and provided 209 people with free court representation
- UNDP assistance contributed to the establishment of the Independent High Commission for Human Rights
- 16 new Family Protection Units, mandated to provide services to the victims of domestic violence and gender-based violence.
- 4658 cases were reported to these Family Protection Units, which is a distinct increase from the 2095 cases reported in 2011
- Provided support to start developing a national strategy for the control of small arms and light weapons

## KOSOVO<sup>29</sup>



### Background

Despite continued economic growth, the Kosovo<sup>30</sup> continues to have the smallest GDP in the Balkans. Poverty and high unemployment (43 percent) remain serious issues, and Kosovo continues to be a transit zone for trafficking in persons, arms, and drugs.

Ethnic tensions and weak rule of law continue to be issues of major concern despite the efforts of the international community. The impact of uncontrolled possession and proliferation of small arms and light weapons (SALW) remain major security threats

In May 2012, a structured dialogue on the rule of law was launched to harmonize Kosovo's different legislative structures into a long-term EU framework. In light of the ongoing EU integration process and, more concretely, the conditions specified in the feasibility study for a *Stabilization and Association Agreement* (SAA) and the *Visa Liberalization Roadmap*, UNDP's assistance to Kosovo remains crucial. Additionally, three high-ranking members of the Kosovo Liberation Army (KLA) were acquitted from the International Criminal Tribunal for the former Yugoslavia. In September the International Civilian Office (ICO) was closed, bringing supervised independence to an end.

In this context, UNDP has provided significant assistance to Kosovo, prioritising the development of the justice sector and strengthening security institutions.

### Assistance and Impact

In 2012, UNDP provided direct assistance to strengthen the rule of law and increase access to justice in Kosovo. Through this support, 30 mediators received specialised training, and the Government was given support to establish two mediation centers. The presence and operation of these centres has increased the number of cases resolved through mediation, and has helped reduce a backlog of cases. Three new legal aid centers were also established in with UNDP support. As a result of UNDP support, a total of eight legal aid centers are providing support to citizens in Kosovo. In 2012, these legal aid centers benefited approximately 5000 people (35 percent women and 24 percent ethnic minorities), demonstrating an increase of approximately 2000 people compared to 2011. UNDP also supported the Kosovo Probation Service in establishing a Regional Office in the municipality of Ferizaj/Uroševac. This Office will assess offenders throughout the entire region.

UNDP also built the capacities of security and justice providers to implement the Law on Domestic Violence and its secondary legislation. In total, 145 Kosovo Police officers (37 percent men and 62 percent women), 25 judges (44 percent men and 56 percent women), 5 prosecutors (60 percent men and 40 percent women), and 13 victims' advocates (76 percent men and 23 percent women) participated. In order to increase the number of women in the justice sector (including lawyers), UNDP launched a one-year internship programme to support female law graduates from all accredited universities in Kosovo, in partnership with key institutions of the justice sector.

UNDP assisted Kosovo in implementing the SALW Control and Collection Strategy and Action Plan for which UNDP provided technical advice, including baseline data for drafting the new action plan for SALW control and crime prevention for the next five years. UNDP also assisted the Government in establishing a focal point on tracing, in amending the law on border control and surveillance and introducing standard operating procedures for the seizing and destruction of weapons. In 2012 alone, this assistance led to the registration of more than 500 firearms and the confiscation/destruction of 1876 weapons.

An awareness raising campaign, initiated by UNDP, in combination with a tactical operational plan implemented by the Kosovo Police, resulted in 130 people being arrested for celebratory gunfire. UNDP also provided consultations to

29 All designations made in this document are without prejudice to positions on status and are in accordance with UNSCR 1244 (1999).

30 Henceforth, UN Administered Territory in accordance with UN Resolution 1244 (1999).



*UNDP supports weapon destruction in Kosovo.*

*UN Photo/Robert E.*

safeguard nine explosive storage sites and issued nine explosive limit licenses in accordance with the International Ammunition Technical Guidelines. Furthermore, as a result of UNDP's assistance, 42 private security companies were registered and over 5,000 security workers participated in basic and/or specialist training to regulate the private security sector in a professional manner.

### Challenges, Lessons Learned and Way Forward

In April 2013, Serbia and Kosovo reached a first agreement on the normalization of relations between the two countries following a high level dialogue facilitated by the EU. For Kosovo the agreement will likely reduce uncertainty in the north as the agreement provides increased local autonomy for the Serbian institutions in the north of Kosovo although the judiciary and the police will remain under Kosovo's authority.

UNDP Kosovo will strategically focus its support on areas where it can provide clear added value and impact. Transitional justice, access to justice, judicial education, gender-based violence, transparency and anti-corruption will be key areas of UNDP's intervention.

UNDP will expand its security advice services to the Government. UNDP and UNMIK have also expressed interest in implementing a joint project on SSR. Further, the country office will draft a new strategy on rule of law, focusing on free

legal aid, legal education and mediation. The country office will also look into more social and economic rights such as property issues for the coming years.

### Key Results

- 30 mediators trained and two mediations centres established
- Three new legal aid centers established (eight legal aid offices in total established), 5,000 people benefit from legal aid
- New regional office of Kosovo Probation Service established in Ferizaj/Uroševac
- 188 officials trained to implement the Law on Domestic Violence
- More than 500 fire arms registered and 1876 confiscated
- 42 private security companies registered and over 5,000 security workers trained

# KYRGYZSTAN



## Background

Kyrgyzstan has relatively strong democratic credentials among the post-Soviet Central Asia states. This follows two successive changes of authoritarian governments in 2005 and 2010, both of which were instigated through the popular protest. Following the overthrow of President Kurmanbek Bakiyev in 2010, a new constitution was adopted which instigated broad political and legal reform. The parliamentary model is gaining momentum in Kyrgyzstan, and provides a model for democratic transitions in the region. However, the political tumult in 2010 also prompted a serious outbreak of Kyrgyz-Uzbek interethnic violence, particularly around the southern city of Osh. Thus, inter-ethnic tensions in the South remain. The November 2011 elections, which brought former prime minister on the interim Government, Almazbek Atambayev to the presidency further reflected these tensions.

Nevertheless, the elections paved the way to further strengthen the parliamentary democracy in the country. Though Kyrgyzstan's democratic system is far from perfect, the restoration of people's confidence in the electoral and legislative processes has been a major positive change. However, more work needs to be done to build this confidence in the areas of the judiciary, law enforcement, anti-corruption and human rights.

## Assistance and Impact

The political changes of 2010 weakened the country's legal framework, and the rule of law area as a whole remains fragile. In response to the 2010 events, UNDP provided support for legal reform and assisted in the development of the parliamentary system of governance. Projects were developed on legal drafting, enactment of legislation, parliamentary oversight, selection of judiciary and court administration. This

support resulted in the endorsement of 31 laws in a limited time span. Working in a recovery context, the UNDP Country Office developed a number of rule of law programmes to address immediate needs and requests from the Government of Kyrgyzstan for support to the justice sector.

In 2012, UNDP worked to strategically align involvement in the justice and security sectors, consolidating 8 different rule of law projects under a single programmatic umbrella. This consolidation will ensure adequate expertise to coordinate and implement the new programme framework. Meanwhile, ongoing programme activities assisted the Ministry of Justice and Parliament to institute legal reforms, to establish oversight mechanisms regarding human rights and financial transparency, and to build prosecutorial capacity in the country's conflict-affected areas. In 2011 and 2012, this support helped the Ministry of Justice and Parliament develop 34 laws aligned with the new Constitution (31 of which have already been adopted including justice sector laws, laws establishing clear check and balances system, effective legislature, executive, decentralized government, etc.). Nine pieces of national legislation obtained international expertise of Venice Commission and other renowned institutions thanks to support from UNDP. In 2012, UNDP assisted to elaborate conflict-sensitive methodology of laws and decisions as a tool that can be used by decision-makers for elimination of possible conflicts. The Public Movement on Civil Society has been established to monitor Parliament, and contributes to its overall performance and efficacy. UNDP provided assistance to both institutional and civic capacities to ensure balance in the introduction of new legislation.

UNDP has also assisted the Parliament and Chamber of Accounts in strengthening their oversight capacities, introduction of such oversight procedures as a designated questions



Photo: UNDP Kyrgyzstan

time, parliamentary investigations, public hearings, performance audit methodology in line with internationally certified parliamentary and INTOSAI standards. National expertise for the development of the Regulations on State Anti-corruption Service of the Kyrgyz Republic and the Analytical Review on Public Advisory Councils (PACs) was supported by UNDP. Additionally, UNDP provided comprehensive analysis of anticorruption measures and the legislation adopted over the last 20 years. Corruption Risk Assessments were conducted in the health sector. A PACs website, developed with UNDP assistance, initiated an attempt to make public oversight function broadly available.

Finally, at Kyrgyz Attorney General's request, UNDP used South-South channels and the UNDP Country Office in Bosnia and Herzegovina to bring necessary expertise into Kyrgyzstan to develop capacity for prosecuting inter-ethnic crimes. Two experts from Bosnia and Herzegovina developed a needs assessment and training curriculum, and conducted training sessions for the prosecutor's office in the conflict-affected regions of Osh and Jalal-Abad.

## Challenges, Lessons Learned and Way Forward

Post-Soviet governance in Kyrgyzstan (and in Central Asia as a whole) is marked by tribal or clan politics. Additionally, the legacy left by former Soviet institutions requires extensive public administration reform. While this is underway, there is an overemphasis on achieving legal reform and trust in institutions solely through introduction of new legislation – both on the part of the government agencies and civil society organisations. Despite success in supporting legal reform in this regard, the culture that underpins efforts to reform through legislation needs to be complemented with the development of adequate models for legislation implementation.

Additionally, more work is needed to ensure strategic policy planning of sector reform. Finally, a sizeable programme in the South where the interethnic tensions are most serious has not yet addressed local justice and security institutions. A consolidated Rule of Law programme to address these needs was formulated in 2012.

## Key Results

- UNDP support to drafting 34 pieces of legislation of which Parliament passed 31 new laws aligned to the new Constitution
- Conflict sensitive expert analysis was developed and tested as real mechanism in conflict prevention in legislation
- 5 training sessions were conducted for 116 participants to increase understanding of conflict-sensitivity among parliamentarians and their staff
- Trainings in Bishkek and Osh on inter-ethnic conflict investigation for prosecutors were conducted by international consultants from Bosnia & Herzegovina
- The General Prosecutor's Offices in the conflict-affected regions, including Batken, Jalalabad, Osh region, Osh city, Chui received video conference equipment, to ensure rapid communication in emergency/conflict situations

# LIBERIA



## Background

Following Liberia's second presidential and legislative elections since the 2003 Comprehensive Peace Accord, a new government under the leadership of H.E. President Johnson Sirleaf was formed in March 2012. As part of ongoing efforts to consolidate peace after 14 years of civil war, the Government of Liberia maintains its commitment to strengthening the rule of law through a focus on the justice and security sectors. The re-building of these sectors, both in terms of building physical infrastructure as well as the capacity of personnel, remains priority areas of focus

In 2008, the Government of Liberia began implementing its Poverty Reduction Strategy (2008-11) that prioritised the creation of a stable and secure environment across Liberia through responsible institutions of justice, security, human rights and governance. After being placed on the UN Peacebuilding Commission's Agenda, by request of the Liberian Government, the Peacebuilding Fund (PBF) providing targeted support in the areas of justice and security among other areas.

By 2009, although important commitments and steps had been taken challenges remained. Limited state capacity coupled with a volatile regional context was compounded by a profound lack of public confidence. Negative perceptions of deliberate corruption continued to dominate the popular attitude towards Liberian justice and security institutions. The high prevalence of sexual and gender-based violence with low conviction rates created a sense of impunity for many offenders. Issues such as excessive pre-trial detention rates are indicators of the challenges continuing to plague the sector. The legacy of war and ongoing regional crises continue to undermine community security by encouraging the proliferation of small arms..

## Assistance and Impact

To help support the Government in addressing these challenges, UNDP developed its Programme on Strengthening the Rule of Law and Administration of Justice in Liberia (2009-13), which supports the sector-wide Justice and Security Joint Program (JSJP), a three-year program between the Government of Liberia and the international community. The JSJP also includes PBF support which UNDP also administers as well as the Justice and Security Trust Fund (JSTF), a mechanism which UNDP helped develop to strengthen the operational and technical capacity of the Ministry of Justice and Judiciary. Coordination and cooperation with the UN system on the ground, especially UNMIL, has remained critical for effective support.

In 2012, UNDP continued to support the operationalization of the five PBF-supported 'Justice and Security Hubs,' which are designed to decentralize justice and security services for greater accessibility and outreach to an increased number of people. To this end, UNDP supported the training and deployment of justice and security professionals to the first hub and undertook necessary procurement and provision of equipment to ensure hub operations. The first hub was inaugurated in the first half of February 2013. Beyond the hubs, in 2012 UNDP also completed and handed over two police barracks, two courts, the administrative building of a new prison, and nearly completed the renovation of the police academy as part of efforts to increase police and judicial services throughout the country.

Building on the first hub and as part of efforts to address SGBV, UNDP managed support to the Ministry of Justice's SGBV Crimes Unit to conduct a baseline study on the perception of rape in the hub region. The study revealed a lack of knowledge about the law, role of the police as well as the consequences of sexual offences; these findings will inform future interventions such as training and awareness-raising efforts. Such support was in addition to providing technical assistance to the Unit to collect, handle and store SGBV-related information. UNDP also supported the Government of Liberia to commence implementation of a Diversion Pilot Program, designed to reduce the number of incarcerated minors.

## Challenges, Lessons Learned and Way Forward

Work in the justice and security sectors in Liberia continues to be strongly led by the Liberian Government and this has



*Prison Fellowship Monitors interview Liberian inmates.  
UN Photo/Staton Winter*

proved critical to ensuring country-responsive programming. However, challenges remain. Although the first hub was inaugurated, there was a massive delay in the construction of the hubs, accompanied by service delivery delays, by UN actors. A lessons learned workshop was undertaken in June 2012 to specifically address the challenges of the first hub; it is anticipated the remaining four hubs will avoid repetition of the same mistakes as a consequence. As well, during the course of the year, the UNDP Country Office suffered from staffing

gaps which affected the delivery of UNDP hub-related activity; these gaps were dealt with by the close of 2012, with a full team on board by December 2012. Finally, the earlier part of the year was affected by delays as a new government was formed, including the appointment of ministers, following November 2011 elections. It is hoped that 2013 will witness the further decentralization of rule of law services, building on the experiences of 2012 and effectively invoking the Global Focal Point arrangement to bridge emerging gaps.

## Key Results

- Inauguration of first of five justice and security hubs, designed to provide decentralised justice and security services throughout Liberia by encompassing police, courts, state prosecution, defense and corrections in a 'one-stop' model
- Operationalization of Ministry of Justice's Diversion Pilot Program
- Provision of technical assistance to the SGBV Crimes Unit to undertake perception survey and on data collection and maintenance
- Completed and handed over two police barracks, two courts, the administrative building of a new prison, and nearly completed the renovation of the police academy as part of efforts to increase police and judicial services throughout the country
- Collection and destruction of almost 4,000 ammunitions and UXOs and support to community development and employment through the handover of an airstrip terminal and two town halls

# LIBYA



## Background

Eighteen months after the revolution, the democratic transition process in Libya continues, albeit slowly and with manifold challenges. Under the former regime, Libyan political, judicial and security institutions were stifled or stagnated, and major work is now needed to rebuild the apparatus of a functioning state. The constitution-making process – a critical benchmark in the transition period – has only just commenced, and while the recent decision of the GNC directly to elect the 60-member constitutional assembly is a major step forward, procedural obstacles will need to be overcome before the drafting process can begin.

The precarious security situation and the absence of fully functioning rule of law institutions remain among the predominant concerns of Libyans. Some progress has been made: the Libyan Government has taken steps to initiate reforms in the security sector; the integration of revolutionary fighters into forces under the control of the Ministry of Interior is in progress; measures have been taken to increase the separation of powers, enhance judicial independence and strengthen legal and regulatory frameworks towards compliance with international standards and human rights obligations; transitional justice consultations are underway; and efforts to improve the quality and training of legal and judicial personnel, as well as the judicial police, are gathering momentum.

Critical challenges remain, however. The state's security forces still do not exercise control over the majority of the larger revolutionary brigades. Nor can the state claim to exercise complete authority over its territory. The proliferation of light and heavy weapons remains a major concern. Libya currently has more than 8,500 individuals in detention, of which it is estimated that over 7,000 are conflict-related (i.e.

associated with the former regime). Meanwhile the court system is unable to process the high number of detainees. While the Supreme Court and the appellate courts seem to be functioning, only seven of the 21 district courts currently conduct criminal trials.

Judicial security remains a critical challenge – especially outside Tripoli – with regular threats against prosecutors and judges, and a Judicial Police lacking the capacity, training or equipment to ensure security. The infrastructure of police stations, courts, and prisons – largely inadequate before the revolution – was damaged further during the conflict. Line ministries suffer from an acute lack of institutional capacity, and coordination between ministries and judicial bodies is limited and lacking in long-term vision. Confusion over jurisdiction between the civilian and military justice systems adds to the delay in processing conflict-related detention cases, and access to justice remains limited, with little availability of legal assistance, and a bar association that lacks independence from the Ministry of Justice.

## Assistance and Impact

Following a series of 'SURGE' deployments in 2011, UNDP has, by 2012, established a core rule of law presence in Libya, and successfully mobilised resources to implement activities. From the start of 2012, UNDP was closely involved with the Integrated Mission Planning Process, and continues to work closely with the UN Support Mission in Libya (UNSMIL) on rule of law-related issues. Building on extensive consultations, a project document outlines UNDP's support to: i) strengthening the capacity of Libyan rule of law institutions to provide services in a way which supports the transition to democracy; ii) improving access to justice for conflict affected populations (especially survivors of SGBV, women and the displaced), and; iii) supporting the implementation of transitional justice process and contributing to national consensus on Transitional Justice.

Transitional justice has been a particular focus of collaboration with UNSMIL to date. In January 2012, UNDP and UNSMIL, together with UNODC, supported a three-day dialogue on transitional justice for government, judicial and security officials, which fed into the finalisation of the Libyan transitional justice strategy. The law on transitional justice was subsequently passed in February 2012, however this remains unimplemented. A Fact Finding and Reconciliation Commis-



A little girl attends a ceremony in Tripoli, Libya, to mark the 16th anniversary of the horrific massacre at the city's Abu Slim Prison.

UN Photo/Iason Athanasiadis

sion (FFRC) was also appointed in February 2012, though this only begun its work at the end of 2012. Seeking to catalyse national efforts in this area, UNSMIL and UNDP have continued to support dialogue on transitional justice, most recently through a series of events in December 2012, gathering key actors to help clarify the way forward for justice and reconciliation in Libya, and to ensure that the technical needs of the FFRC will be met.

### Challenges, Lessons Learned and Way Forward

The principal challenges to rule of law assistance in Libya following the revolution have in many ways been political. Changes in official national counterparts, and related obstacles to identifying priorities for short and longer-term planning, have impacted negatively on the ability of the Libyan authorities and assistance providers to implement essential reforms. Meanwhile, factions and revolutionary brigades also remain reluctant to relinquish authority.

Since the confirmation of Libya's first elected government on 14 November 2012, however, there has been an increasing focus on issues of security and the rule of law. On 17 December, the Libyan Government articulated a clear set of priorities for assistance from the international community in this area – priorities that were subsequently articulated in a comprehensive Security Sector, Justice and Rule of Law Development Plan, presented at an International Ministerial Conference in Paris two months later. In January 2013, the SRSG in Libya requested the support of the Global Focal Point for the police, justice and corrections areas of rule of law in post-conflict and other crisis situations (GFP)<sup>31</sup>, which

<sup>31</sup> In September 2012, the United Nations Secretary-General appointed DPKO and UNDP as the Global Focal Point for Police, Justice and Corrections

promptly deployed a joint mission of DPKO and UNDP to Tripoli in early February 2013.

The GFP mission took stock of existing UN rule of law support to the Libyan authorities and provided clear recommendations for maximising the coherence of assistance from across the UN system in country, building on comparative advantages and filling critical capacity gaps.<sup>32</sup> Among the key recommendations were those related to strengthening joint work (including through co-location of rule of law capacities), enhancing monitoring frameworks, and ensuring early transition planning. Going forward, UNDP BCP is working (together with DPKO and DPA) to source a programming expert to work with UNSMIL and the UNDP Country Office to design a multi-year police reform programme in Libya, to be rolled out in 2013, a year that will see a dramatic scaling up of rule of law support in Libya with a view to ensuring sustainable support as the transition period continues to effect change.

areas in the rule of law in post-conflict and other crisis situations (GFP). The arrangement seeks, *inter alia*, to ensure the UN is central to international efforts to strengthen the rule of law in crisis-affected contexts and to support the system in delivering police, justice and corrections assistance to peacekeeping and political mission settings and other crisis situations, and to assist UN Country Teams and UN Missions to develop and implement common rule of law, justice and security strategies and programmes (Secretary General's Decision of 2012/13 of 11 September 2012).

<sup>32</sup> For more information see: 'GFP Country Support Plan for Libya', 1 March 2013, esp. pp. 10-11.

### Key Results

- UNDP and UNSMIL, together with UNODC, supported a three-day dialogue on transitional justice for government, judicial and security officials, which fed into the finalisation of the Libyan transitional justice strategy
- UNSMIL and UNDP have continued to support dialogue on transitional justice, most recently through a series of events in December 2012, gathering key actors to help clarify the way forward for justice and reconciliation in Libya, and to ensure that the technical needs of the Fact Finding Reconciliation Commission will be met

# NEPAL



## Background

Since the signing of the Comprehensive Peace Agreement in 2006, Nepal has made significant progress towards achieving sustainable peace and democracy. The rule of law has an important role to play in supporting the peace process, from constitution making to strengthening accountability and increasing equal access to justice. However, the peace process has been stalled due to stumbling blocks pertaining to a new constitution, the integration of Maoist army personnel, and a long standoff over the selection of the Prime Minister, which ended in 2011.

Many victims of the past conflict – rooted primarily in land disputes and socio-economic inequalities – still await justice. Attempts to initiate transitional justice processes have been slow-going, and the criminal justice system does not adequately deal with conflict-related crimes. Additionally, violence against women remains both widespread and under-addressed. As a result, instability continues to be exacerbated. Moreover, deficits in both capacity and the political will to combat impunity and corruption have severely impaired public confidence formal justice system.

In 2012, the stalemate over the new constitution continued. This protracted delay has created a legal vacuum, and it has been difficult to test the legitimacy of governance institutions. The prioritisation of the constitutional framework has halted other important legislative processes as well. However, renewed efforts have been made to introduce a truth and reconciliation commission via government ordinance. But the international community raised concerns about proposed amnesty provisions in early drafts, and no political agreement has been mustered to pass the ordinance. The Ministry of Justice and Legal Affairs (MOJLA), with support from the UNDP, also completed a draft of

the Criminal Code and Criminal Procedural Code and submitted to the Government for consideration in 2012.

## Assistance and Impact

Within this context, the Rule of Law programme jointly executed by the Government of Nepal and UNDP strives to promote peacebuilding through strengthening access to justice. At the national level, the program focuses on three key areas: establishing a legal framework to support constitutional reform; increasing efficiency in the formal justice system; and addressing impunity and past abuse. In 2012, UNDP facilitated consultations and legislative drafting aimed at an overhaul of both the criminal and civil code. Based on a MOJLA initiative to modernise court administration, model courts were established at the district level to provide greater efficiency and impartiality of case management. Following the completion of the model court project, UNDP now concentrates on institutional capacity development of the high-level Directorate for Execution of Court Decisions, in response to the extremely low rate of execution of judgments (estimated at only 10 percent in 2008 at the outset of the programme).

Recognising the inequalities at the root of the past conflict and the inaccessibility of the formal justice system to a large proportion of the population, the focus of UNDP's work in Nepal has been to provide access to justice for conflict-affected populations. Great effort has been made in this regard at the local level. Over the last decade, UNDP has initiated several projects of court-referred and community mediations, partnering with and developing the capacity of local NGOs. UNDP has played an important role in the success of mediation practices at the community level. Assistance was provided to the MOJLA in adopting a Mediation Law and in making mediation services available to a broader population given the limited physical access to court. At the same time, efforts have been made to link community mediation and customary law practices to the formal justice system. Since 2009, over 600 community mediators have been trained and seven mediation centres have been established. UNDP has supported paralegal programmes in 70 districts and has trained over 900 paralegals. These efforts have been coupled with the establishment of dedicated facilities for women ('cells') in police stations for reporting of cases of domestic violence. Through these local level support systems, women are now able to report their cases to female police officers and receive free legal aid from local female defense attorneys.



*Enhancing Access to Justice for Consolidation of Peace in Nepal (A2J) Project.*

*Photo: UNDP Nepal*

In 2012, the Judgment Execution Directorate capitalised on previous work by establishing a nation-wide database, and training relevant court staff. These efforts have achieved concrete results, namely a significant increase cases enforced and fines recovered. In terms of fighting impunity, progress has been made in addressing the recommendations of the National Human Rights Council, which represents positive steps in identifying both practical and formal mechanisms for prosecuting human rights violations and supporting accountability in the transitional context.

### Challenges, Lessons Learned and Way Forward

UNDP started to evaluate the next phase of rule of law programming (2013-2017) beginning in September 2011, when first consultations with government counterparts were held in Kathmandu. This has resulted in long-term planning to develop a comprehensive sector-wide approach to strengthening the rule of law within the country. For this purpose, UNDP has also reached out to international development partners in the country, and other UN agencies present in the country through the Rule of Law Coordination and Resource Group. Together with the UN Resident Coordinator's Office, UNDP supported an external sector-wide assessment that was completed in December 2011.

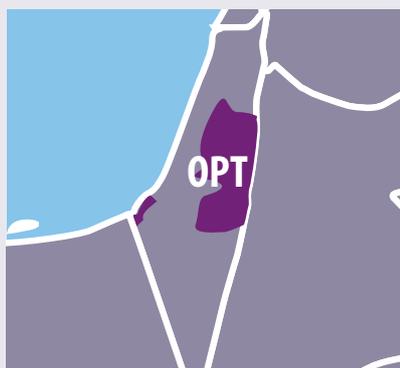
The UNDP Country Office continued consultations with all relevant national justice institutions and seven different international partners in the country to draft a Rule of Law and Human Rights (RoLHR) programme. RoLHR is a 5 year programme that combines rule of law and human rights support, with projected budget of USD 34 million. Three main outputs of the programme are to: support the development of sector-wide strategic planning and coordination; develop a one-door free legal aid system; and establish effective accountability and transitional justice mechanisms. The Government signed the RoLHR in December 2012.

In 2013, UNDP will also begin implementation of a multi-year Armed Violence Reduction and Community Security Programme. The objective of this programme will be to support the Government of Nepal in making measurable reductions in the risks and incidences of armed violence in the country. The five programme outputs are: 1. National capacities enhanced to monitor and analyse the incidence and distribution of armed violence to inform strategy development and planning; 2. Capacities of the MoHA strengthened to control small arms and enhance community security; 3. Government-led coordination mechanisms strengthened to reduce armed violence; 4. Community safety and security enhanced in priority districts; and 5: Public awareness of armed violence and preventive strategies increased.

### Key Results

- The nation-wide services of the Judgment Execution Directorate have achieved the following improvements in relation to 2011: i) 177 percent increase in the number of fines recovered; ii) 11 percent increase in the number of prison sentences enforced; and iii) 8 percent increase in the number of civil court decisions enforced – notwithstanding the fact that the numbers of civil court decisions increased by 15 percent
- The mediation services supported by UNDP, registered 1,683 disputes, out of which 1,341 disputes were resolved through mediation
- 7 SGBV-oriented legal aid desks operating in police stations provided information and legal assistance to 1195 claimants, 501 of which related to domestic violence
- The mobile legal aid clinics in 27 Village District Committees in Dhanusha, Mahottari and Sarlahi districts provided free legal counselling to 2204 persons (50 percent Dalit women from poor economic background) including 471 males and 1733 females

# OCCUPIED PALESTINIAN TERRITORY



## Background

In November 2012, the OPT was granted non-Member Observer State status by the UN General Assembly. The development was indicative of OPT's exceptional legal character and the need for rule of law programming that responds to a very unique context. The OPT remains under occupation, unable to exercise exclusive control over its territories and people.<sup>33</sup> The rift between Fatah and Hamas since the elections of January 2006 has led to further fragmentation, resulting in a non-functional Palestinian Legislative Council (PLC). These factors are juxtaposed against and linked to a fiscal crisis, which has resulted in a general freeze on new civil service positions.

As the push for statehood endures, challenges also remain in rule of law development. Critical external and internal hurdles noted by the Palestinian National Authority's three-year 'Justice and Rule of Law National Strategy, 2011-2013' have yet to be overcome. National level issues include inadequate coordination among principal justice sector institutions and insufficient capacity, lack of public legal literacy and poor judgment enforcement. A UNDP-supported public perception survey published in 2012 revealed an almost 45 percent gap in legal literacy between women and men. More than half surveyed were unsatisfied with the speed of judicial decision-making and a third of those surveyed were concerned about the independence of public prosecutors.<sup>34</sup> External challenges of movement restrictions diminished Palestinian jurisdiction due to territorial divisions into Areas A, B, and C, and

the chronic public insecurity that accompanies occupation continues to prevail.

## Assistance and Impact

Based on the National Justice Sector Strategies 2008-2010 and 2011-2013 and the Programme of the 13<sup>th</sup> Government, UNDP's *Supporting the Rule of Law and Access to Justice for the Palestinian People* continues to strengthen the Palestinian justice system by developing the capacities of the justice and security actors, raising awareness, building public confidence, and increasing community access to justice.

In 2012, UNDP supported expanding the outreach of justice services, civil society and raising awareness. In the West Bank, the Program supported legal representation for 2,705 persons in 2012 compared to 1,272 clients in 2011, while in Gaza the number of individuals receiving legal representation has increased from 275 in 2011 to 982 in 2012. Further in Gaza, 750 legal awareness raising sessions were undertaken that were linked to approximately 50 percent of referrals to the legal clinics. Legal aid delivery was also expanded to under-served areas such as Area C and East Jerusalem for greater inclusivity: currently 19.7 percent of legal aid services support these areas which is a considerable increase from 2011. Based on needs identified by a public perception survey undertaken in 2012, UNDP contributed to the creation of three information desks in court houses across the West Bank, which has documented approximately 10, 500 users/beneficiaries.

UNDP also targeted systemic change for enhanced justice service delivery through facilitating the drafting of a legal aid bill, which will be presented to civil society in early 2013 for validation. Via the co-location of a UNDP staff member in the Ministry of Justice, UNDP was part of a multi-stakeholder effort to amend the Jordanian Penal Code governing in Ramallah, such that one of the key provisions enabling the defence of 'honour' for a killing was removed. During the year, effort was also extended to raise the age of criminal responsibility from 9 to 12 years in the *Child Law*. As part of creating an enabling environment for better judicial decision-making, the *Al Muqtafi* legal information resource database has seen a jump in subscribers from approximately 13,000 in 2011 to 17,000 in 2012, with average daily hits increasing from approximately 216,000 in 2011 to 248,000. UNDP continued to provide backing for the roll-out of *Al Mizan2*, a case management system open to the parties involved as well as justice

33 'Building the Rule of Law in Palestine: Rule of Law without Freedom' Milhem, F and Salem, J. *International Law and the Israeli-Palestinian Conflict: A Rights-Based Approach to Middle East Peace* (Routledge, 2010).

34 Public Perceptions of Palestinian Justice and Security Institutions (March 2012), UNDP-commissioned.



Legal Aid to women in Gaza.  
Photo: UNDP/PAPP

actors, to all court houses. Through increasing oversight via a transparent case management system, *Al Mizan* contributes to more accountable governance of the courts. In the course of implementation of these and other programmatic interventions, the Ministry of Justice, the High Judicial Council and the Attorney General's Office all benefitted from co-located UNDP-funded staff. Such staff has assisted in building internal capacity, planning mechanisms and enhanced coordination amongst the three bodies.

The Programme also developed a groundbreaking partnership with the Palestinian Central Bureau of Statistics in 2012 to undertake a review of justice and security sector data across seven institutions. By investing in developing the capacity of the Statistics Bureau to engage with rule of law institutions, the Programme made considerable progress in helping create an empirical basis for measuring progress in justice and security sector performance. Relationship development was also supported by building the capacity of the Palestinian Maintenance Fund (PMF), an organization that recovers spousal and child support payments for women, with key bodies including the Ministry of Local Government, the Ministry of Transportation as well as the Police and the Judiciary.

UNDP additionally supported security sector governance in 2012 through a joint program with the EU Police Co-ordinating Office for Palestinian Police Support (EUPOL COPPS). The *UNDP/EUPOL COPPS Joint Programme: Strengthening Internal Police Accountability, National Anti-Corruption Efforts and Civilian Oversight* includes strengthening internal police accountability and civilian oversight mechanisms of the Palestinian Civilian Police (PCP). Within this partnership, UNDP supported the drafting of an accountability strategy for the PCP in 2012, considered the first of its kind in the Middle East, as well as developing a code of conduct for the PCP. The strategy and code of conduct will be shared with civil society in early 2013, before implementation.

### Challenges, Lessons Learned and Way Forward

Since the full implementation of this programmatic cycle in 2010, rule of law programming has encountered several challenges to rule of law in OPT. The international boycott of Ha-

mas in Gaza has meant undertaking rule of law programming in the absence of engagement with local decision-makers. UNDP's response to Gaza has been to empower civil society organisations, legal professionals and universities so that the population's ability to demand their rights is strengthened. Key issues remain concerning the continuing ambiguity on legal mandates of core justice institutions, which detracts from effective coordination. Further, the ongoing inability of the PLC to convene a legal quorum circumscribes the law-making process.

Looking forward, and going into 'Phase 2' of the current access to justice program, UNDP will continue its focus on building the capacity of justice institutions, and in so doing, building the confidence of the population in such entities. With many baselines now in place, the Programme aims to build on past successes, bearing in mind the challenges and lessons learned from the previous period.

### Key Results

- In the West Bank, 2,705 people received legal representation in 2012 compared to 1,272 clients in 2011; in Gaza the number of individuals receiving legal representation has increased from 275 in 2011 to 982 in 2012
- The Al Muqtafi legal information database, a public resource mechanism, has seen a jump in subscribers from approximately 13,000 in 2011 to 17,000 in 2012; average daily hits in 2012 have increased from about 216,000 in 2011 to 248,000
- Via the co-location of a UNDP staff member in the Ministry of Justice, UNDP was part of a multi-stakeholder effort to amend the Jordanian Penal Code governing in Ramallah
- A groundbreaking partnership between justice and security institutions established with the Palestinian Central Bureau of Statistics to regularly collect data across seven rule of law institutions

# PAKISTAN



## Background

Three years of intense extremist activities in the Malakand Division of Khyber Pakhtunkhwa (KP) Province adversely affected local governance institutions. The local state and its various agencies were left deteriorated, with some offices rendered completely non-functional. Arguably one of the biggest casualties was the formal justice system that virtually broke down. Lawyers were threatened not to take cases, while the population was also prevented from approaching the formal judicial system. On the front lines, police were targeted and killed, with corpses sometimes displayed as cautionary messages. Infrastructure, such as government buildings, were attacked and damaged. The courts did not function for most of the time and government services were disrupted, at times discontinued.

After counter-militant operations were taken by the military in 2009, there was a governance vacuum wherein the provincial government had to undertake immediate measures to restore the writ of the state and the rule of law. Today, extending support to bolster and consolidate such efforts, from both 'supply' and 'demand' perspectives remains a recognized need by national partners.

## Assistance and Impact

With national and local stakeholders, UNDP developed the Strengthening the Rule of Law in Malakand (SRLM) Programme which uses the current relative stability as an opportunity to extend the writ of the civilian state through effective and inclusive rule of law institutions. The Programme leverages what the provincial government describes in its Malakand Comprehensive Stabilization and Socio-Economic Strategy as a 'critical crossroads', a very specific, time sensitive opportunity that must be seized in the Malakand Division

to affect change. The prerequisites for a peaceful tomorrow are understood as on-the-ground rule of law engagement today that is specific to Malakand but also linked to institutions based in the provincial capital, especially on policy levels. As proof of its commitment, the Provincial Government of Khyber-Pakhtunkhwa, in which the Malakand Division is situated, entered a cost-sharing agreement with UNDP and contributed 25 percent (\$3.7 million) to the Programme's budget.

The main areas of focus are, (1) increasing access to justice; (2) building the capacity of the court system; (3) engaging with informal justice systems to provide fair and effective services; and (4) professional development of police. The SRLM Programme was officially launched on 15 December 2011.

In 2012, UNDP supported the outreach of justice and security services via the implementation of 124 mobile legal aid clinics in three pilot districts of Malakand, KP Province. The clinics were attended by 5,429 people (37 percent women), with 123 community members receiving legal representation (of which 70 percent were women). More inclusive justice services were also provided through the establishment of six legal aid desks in three pilot districts, with both male and female lawyers managing the desk for indigent clients. To enable more justice services, the Program identified 300 potential paralegals (50 percent women), who were trained and will be used in 2013 legal aid activities, engage with traditional justice systems and establish a paralegal network. As part of establishing baselines and having a more comprehensive understanding of realities on the ground, a mapping of legal aid providers was undertaken in the Division. One early finding for further attention was the massive discrepancy on client



Photo: UNDP Pakistan

intake procedures, which affects the quality and nature of subsequent legal aid provision.

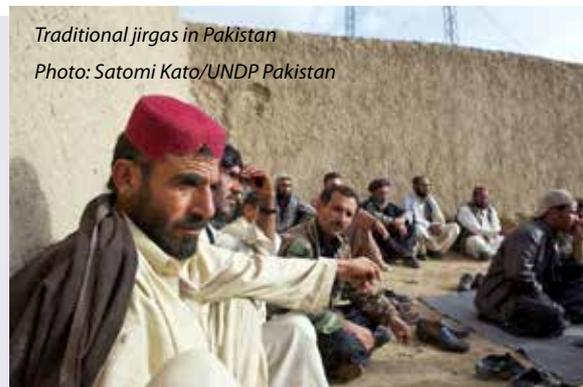
UNDP additionally undertook upstream policy to ensure systemic justice service outreach and bolstered sectoral coordination. The Programme supporting amendments to the Bar's regulations on legal aid that would require members to undertake pro bono services as a pre-requisite to appearing before appellate courts; the amendments have been submitted to the Bar Council for approval. Relatedly, the Programme also supported a review of the rules and regulations of the District Legal Empowerment Committee (DLEC), created by the National Judicial Policy, 2009 to ensure indigent legal representation in court; draft recommendations have been forwarded to the Law and Justice Commission of Pakistan for review. Given the number of actors engaged in the rule of law sector, the Programme helped establish a Justice Coordination Group in KP that is comprised of national partners, the donor community and other stakeholders to promote effective coordination and potential collaboration.

In terms of traditional institutional support, the Programme continues to use the findings of its training needs assessment of the Judiciary, Police, Prosecution (as well as the, Bar, paralegals, ADR practitioners and justice NGOs) to develop training curriculum and create master trainers via training-of-trainer sessions. Infrastructure support has also been provided to refurbish court houses, prosecution offices and a police training college.

### Challenges, Lessons Learned and Way Forward

The program was delayed during the first year of its implementation due to funding constraints, which also diverted staff time to resource mobilization efforts. Although funding gaps remain, the program has been grateful to receive substantial financial support from the Dutch and Swiss governments, enabling the team to focus more on implementation and results.

An increase in violence over the course of 2012 has caused the security environment to become more challenging. Although the Program continues to operate, a close review of security conditions before launching any field activity must be done. Unfortunately, this can lead to a negative impact on regular monitoring and quality assurance. The Programme has attempted to address this concern by having national officers



Traditional jirgas in Pakistan  
Photo: Satomi Kato/UNDP Pakistan

based in Peshawar who can monitor progress of provincial capital-based interventions and deploy as soon as conditions permit to the Division.

An overall lesson learned has been that the massive provincial buy-in of the Programme, including the financial cost-sharing, has been critical to achievements thus far. As an example, the KP leadership agreed to establish a 'Focal Persons Consultative Forum' wherein focal points were designated from each relevant government department to provide the Programme with relevant information on an on-going basis as well as monitor programmatic results. The Government has stipulated that members of the Focal Persons Consultative Forum are also required by membership in this body to provide information for future quarterly and annual progress programme reports.

### Key Results

- Supported implementation of 124 mobile legal aid clinics in three pilot districts of Malakand, KP Province
- The clinics were attended by 5,429 people (37 percent women), with 123 community members receiving legal representation (of which 70 percent were women)
- More inclusive justice services were also provided through the establishment of six legal aid desks in three pilot districts, with both male and female lawyers managing the desk for indigent clients
- Infrastructure support has also been provided to refurbish court houses, prosecution offices and a police training college

# SIERRA LEONE



## Background

Sierra Leone has made significant progress in building stability after more than a decade of civil war. During the immediate years following the end of the conflict in 2002, the Government prioritized rebuilding state institutions as well as basic infrastructure. Peaceful elections were held in 2002, 2007 and most recently in November 2012. The Government of Sierra Leone has shown its commitment to improving justice services and promoting access to justice. In 2011, Parliament passed the *Local Courts Act* which provides for comprehensive reform of the local justice system, including bringing the Local Courts from under the Ministry of Local Government to the supervision of the Judiciary. In September 2012, the *Sexual Offences Act* was passed and reflects the Government's commitment to protecting women's rights and combating SGBV. The President of Sierra Leone in mid-2012 appointed 3 new Commissioners to the Independent Human Rights Commission of Sierra Leone with appointees widely considered as independent. Despite such progress, challenges remain. The lack of access to justice, which was identified by the Sierra Leonean Truth and Reconciliation Commission as a key cause of Sierra Leone's 11-year civil war, endures.

The country continues to contend with institutional capacity challenges, limited access to justice, low legal awareness as well as meager public confidence in rule of law. In particular, widespread impunity remains with regards to SGBV, a rampant occurrence during Sierra Leone's brutal war. To overcome such obstacles, the Government adopted the Justice Sector Reform Strategy and Investment Plan (JSRSIP) in 2008, which was updated for 2011-14 (JSRSIP II). The Strategy further complements and supports the Sierra Leone National Action Plan for the Implementation of UN Security Council Resolutions 1325 and 1820 (SiLNAP).

## Assistance and Impact

In 2012, UNDP continued to support the outreach of justice services to an increasing number of people through its *Improving Access to Justice Programme (2009-12)*. Since February 2011, UNDP has supported SGBV Saturday Courts in Freetown. In October 2012, the SGBV Saturday Courts were expanded to the southern provincial capital of Bo and to the East (Kenema) in January 2013. These weekend courts, at Magistrate and High Court levels, are aimed at providing a victim-friendly environment on Saturdays (when no other courts are sitting) and also at ensuring that SGBV cases are dealt with as expeditiously as possible. By the close of January 2013, 1223 SGBV cases were registered at the Magistrate Court level, including 122 convictions. At the High Court, 168 cases were registered with 56 convictions made. UNDP also supported the capacity building of the Ministry of Justice's Law Officers Department to screen all SGBV cases before they are charged to court. The intervention resulted in an increase of conviction rates for serious SGBV cases to 72 percent in the period between August and November 2012.

With the police often being the first point of contact between community and state, a key area of support remained the Sierra Leonean Police's Family Support Units (FSUs). In 2011 and 2012, UNDP heavily engaged in the development of *Guidelines on SGBV Case Management* for the FSUs and training on the manual for all FSU staff, which have become a part of their core training. As reported by the head of the FSU in 2012, the guidelines and training have enhanced the professionalism of FSU officers and consequently the standard of case files sent forward for prosecution, thereby improving chances of conviction.

UNDP has also provided capacity building support to the Independent Human Rights Commission of Sierra Leone (IHRCSL) through the UN Peacebuilding Fund, UNDP core funding, as well as through support received in the last several years from Irish Aid.) At the time of the Commission's establishment funds were provided for core infrastructure and logistics. In recent years, Irish Aid's support has involved a partnership between Irish Aid, the Irish Human Rights Commission and UNDP in building the technical capacity of the Commission to achieve its strategic goals. In 2012, as an example of progress, the HRCSL's Directorate of Complaints, Investigations and Legal Services released its Bumbuna Inquiry Report which is seen as an important and independent investigation about



A police station in Sierra Leone.  
Photo: UNDP/RoLJS

violence in early 2012 linked to the extractives industry. This effort builds on 2011's success wherein UNDP supported the Commission to hold its first public hearing and render a decision.

UNDP also continues to support Civil Society Organizations (CSOs) for nationwide impact through SGBV grants for protection, raising awareness and legal aid. From September 2011 to December 2012, a total of 309 victims of SGBV received medical attention, counseling, shelter and legal assistance. A total number of 82 SGBV convictions were obtained through the selected CSOs, representing an increase from 41 in 2010. Access to security and justice services has also been increased through UNDP-supported engagement with rural communities on issues of SGBV, resulting in a total of 220 SGBV community referral mechanisms being established and SGBV related by-laws formulated in 8 chiefdom communities.

In response to a growing need, the Programme undertook for the first time specific interventions related to women's access to land and property in 2012 through grassroots women's organizations. In partnership with *Cooperazione Internazionale* (COOPI), UNDP activities focused on building capacity of women community groups to advocate for their rights. One result thus far has been a far richer inclusion of women's rights in the government's draft land tenure reform policy. Building on this engagement, the need to combine grassroots-level advocacy with legal assistance to women with particularly serious cases will be encompassed in the next phase of the Programme.

### Challenges, Lessons Learned and Way Forward

Weak data collection capacity of Sierra Leone's justice sector institutions remains a key challenge for monitoring progress. In order to overcome this challenge, the Programme

will undertake two main actions. One, support to the SLP, the Ministry of Justice and the Judiciary will include emphasis on development of case recording systems, with the target of collecting SGBV and gender disaggregated data for analysis. Secondly, CSOs already partners with UNDP on various issues such as SGBV Grants, court monitoring, legal assistance, will be used as a vital mechanism for M&E work. In particular CSOs will be supported to gather information through court user surveys, focus groups, random checks on justice sector capacity levels, as well as through specific surveys and data collection activities. Information will be gathered in a consistent and regular manner in order to feed into strategic decision making.

A further factor to take into account is the pending drawdown and closure of the UNIPSIL Mission in 2014. UNIPSIL provides assistance to the Sierra Leone Human Rights Commission, Sierra Leone Police (including Police Prosecutors) as well as supporting country-wide human rights monitoring and coordination. UNDP is already heavily engaged in the attendant planning processes to ensure smoother transition and the bridging of any gaps.

### Key Results

- 178 SGBV convictions since the start of the Saturday Courts
- Between November 2011 and June 2012 the Mobile Magistrate Courts disposed of 324 cases out of 528 cases reported
- Increase of conviction rates for serious SGBV cases to 72 percent in the period between August and November 2012
- From September 2011 to December 2012, a total of 309 victims of SGBV received medical attention, counseling, shelter and legal assistance. A total number of 82 SGBV convictions were obtained through the selected CSOs, representing an increase from 41 in 2010

# SOMALIA



## Background

On 10 September 2012, Somalia announced its first constitutionally elected president in 42 years. President Hassan Sheikh Mohamud has been lauded as a symbol of hope for the east African nation. The transition to a new government evidenced strong civil and political will to transform the country into a nation that is known for peace, not conflict. It followed the approval of a provisional constitution on August 2012 that will guide the development of the new government over the next four years. The political transition triggered a new 'interim period' (2012-2016), which presents an opportunity for a new phase of stabilization and peace building, and presents an opportunity for real positive change in the war-torn nation.

## Assistance and Impact

In 2012, UNDP's Governance and Rule of Law & Security Programmes merged to form a new Governance and Rule of Law Programme. Rule of law assistance within this programme comprises an innovative breadth of support including strengthening the civilian police, increasing access to justice and reducing armed violence. These elements all integrate a focus on women's security and access to justice. Impact is mixed across the three administrative areas of Somalia due to uneven security, access and political conditions. The most progress has been seen in Somaliland.

A total of 2000 youth have been rehabilitated through the youth at risk programme. These comprise youth associated with armed groups and youth in conflict with the law. This initiative also paved the way for the establishment of Restorative Justice and alternative to detention (community correction).

The Access to Justice Project supports the Somali people in creating an enabling environment for stability, rule of law and good governance – starting with the strengthening of legal institutions in order to increase competency, efficiency and accountability. Through this project, UNDP has supported the Ministry of Justice, Attorney General and the Judiciary in all three regions to improve the quality of rulings and judgments and establish professional oversight mechanisms. With the establishment of law faculties, scholarship and internship programmes, UNDP focuses on enhancing the professional competence of legal professionals as well as increasing the representation of all parts of society, particularly women and marginalized groups in the justice sector. Support to mobile courts increases access to the formal justice to rural and marginalized communities across all three regions. To bridge different justice systems, traditional authorities are engaged to improve their understanding of human rights. At the community level, the project has provided free legal aid to vulnerable groups, through support to local universities, women's and lawyers associations.

There has not been a police presence within Somalia for over twenty years and most of the policing infrastructure has been destroyed. In 2012, UNDP supported rebuilding the basic infrastructure, and the education and training needs of the police. In addition, the UNDP police project oversaw payment over USD 10 million in stipends in 2012 through the stipends payments committees located strategically around Somalia. UNDP also funded the Police Advisory Committee, which visited areas that UNDP could not yet enter to check on policing standards and human rights violations that may have happened, and reported back on a monthly basis to UNDP.

## Challenges, Lessons Learned, and Way Forward

Under intense political pressure, the Country Office (CO) was successful in supporting the political transition in Somalia. This required working effectively across several units within the CO, as well as with the transitional government and other commissions, donors, other UN partners and local contractors. The CO was a key partner in the holding of a National Constituent Assembly (NCA) to review and approve the provisional Somali Constitution. Programme and operations team worked closely on identification and rehabilitation of a venue suitable for the event, and closely with the political office on all aspects of planning. The decision to base key staff in Mogadishu was also critical to planning with government.



*UNDP supports women in Somalia.  
UN Photo/Tobin Jones*

Another challenge in managing a development portfolio in Somalia is three operating distinct zones, which are Somaliland, Puntland and South Central regions. While the new political dispensation may support better cohesion between the zones, almost all projects are divided into the three zones with separate workplans and budgets (including separate project boards for each region). For this reason, many of the CO projects are established per region, to facilitate proper tracking and oversight. Some donors request that their funds are earmarked per region, and separating into regional projects has been helpful in that regard. The CO has closed out a number of projects and sought to make the portfolio as coherent as possible.

The Somalia CO has become a major recipient of funds derived from counter piracy sources, including the Counter Piracy Trust Fund for Somalia. With consistent engagement and partnerships with other UN agencies, the CO has been able to shift the dialogue to emphasise the importance of land-based solutions to counter piracy. As a result of its leadership role, UNDP is positioned as a key partner in such initiatives. UNDP is also the first to receive counter piracy funds in support of local economic development – an initiative designed with support from the UK-FCO. The CO will shortly finalise further agreements to foster broader priorities for local economic development, including those for 'at risk' youth.

### Key Results

- 13 mobile courts have dealt with 3329 cases since their establishment in 2008 including 1750 cases in 2012 and expansion of mobile court services to Mogadishu
- Over 18,000 people have used UNDP supported legal aid services including representation in court
- 167 female law students have received scholarships since 2005; in Somaliland there are now over 60 female lawyers working in the justice sector working as prosecutors, registrars, civil servants and lawyers
- 16 district level assessment covering police, justice, conflict and local governance completed to identify trends and support the joint programme on local governance.
- 25 district safety committees established throughout Somalia
- 12,000 police officers have received basic police training whereas 100 criminal investigators have been trained increasing the capability of the police to investigate crimes
- Targeted recruitment and training of female police officers increased to 150 female police officers recruited and trained in Somaliland (special focus on SGBV training)

# SOUTH SUDAN



## Background

In 2012, as the Republic of South Sudan celebrated the first anniversary of its independence it faced a number of development changes and challenges. With the support of its partners the Government of South Sudan pushed ahead in its peace-and statebuilding agenda despite multiple obstacles, including crippling loss of state revenue due to the shutdown of oil production leading to the implementation of austerity measures that have been felt throughout the country.

A key milestone was reached in Addis Ababa on 27 September 2012 when AU-mediated negotiations yielded nine agreements between South Sudan and Sudan around oil, border security, trade and the rights of nationals. On 16 October 2012, the National Legislative Assembly and Council of States voted to ratify the agreements and parliament revoked its decision to halt oil production. As negotiations over implementation of the agreements continue, however, the benefits are unlikely to be seen until 2013/14.

Following the oil shutdown in January 2012 which has deprived the country of 98 percent of its revenue, the Government was forced to put in place an austerity budget that drastically cut budgets of all public institutions. While the Government was able to maintain salaries for civil servants, the operational and development budgets were significantly reduced, affecting negatively public service delivery. In response to this, the UN Country Team (UNCT) has re-prioritized its UNDAF to focus UN support on frontline services and core governance functions.

In this context, aggravated by the high number of returnees and refugees, development partners have shifted their focus and funding support from development to humanitarian ef-

forts. This has posed a risk of backsliding from the development gains made, especially at the sub-national level.

## Assistance and Impact

To increase transparency of the strength of police and prisons services, UNDP in cooperation with UN Police (UNPOL), the UN Mission for South Sudan (UNMISS) and the South Sudan National Police Service and Prisons Services began to manually and then electronically register personnel across all ten states into a national databases for the respective institutions. These databases now provide an evidence base for policy decisions on deployment of personnel, removal of 'ghost' personnel from payrolls, and efficient allocation of equipment and limited resources. Parallel, UNDP in partnership with UNPOL and SSNPS have initiated the uniform collection and analysis of crime statistics. Quarterly crime statistics reports for December 2011 to February 2012 and March to May 2012 provide the SSNPS with data and analysis to monitor and respond to crime trends and patterns, adjust personnel deployment accordingly and target trainings to respond to on the ground policing realities. Finally, the project, working closely with the National Prisons Services of South Sudan completed a Rapid Prisons Assessment with Photo Book to bring much needed attention to the deplorable prison conditions in South Sudan.

Progress towards harmonization and regulation of customary law in South Sudan was also made. The completion of an ascertainment study of customary law across 14 communities in five states, together with the completion and handover of the Customary Law Centre in Lakes State, is evidence of this.

Finally, UNDP supported the extension of state authority through the construction of police facilities, renovation of prisons, and the establishment of ten additional Police Community Relations Committees (PCRCs) in 2012, bringing the total to 71 PCRCs established since 2009. UNDP also continued to support institutional capacity development through the deployment of Rule of Law officers (co-located in the Ministry of Justice and Judiciary) and Law Enforcement Advisors (with the Police and Prisons) in nine states. The officers supported coordination amongst state level Rule of Law Institutions through Rule of Law Working Groups as well as organizing workshops on challenges and opportunities for accessing justice at the state level. Law Enforcement Advisors worked closely with UNPOL and SSNPS counterparts to



*A training on Community Security and Arms Control in South Sudan.  
Photo: Samara Andrade UNDP/DDR*

systematize data collection and analysis as well as completing the personnel registration exercise for both police and prisons. An independent review in 2012 of this capacity development approach (namely the Rapid Capacity Placement Initiative<sup>35</sup>) reported that state government officials had noted the significant contributions of the UNDP programme to transforming the police service, training traditional authorities and raising awareness on rule of law.

### Challenges, Lessons Learned and Way Forward

In 2013, the 'Support to Access to Justice and Rule of Law' project will seek to consolidate existing UNDP interventions that are delivered discretely to individual rule of law institutions, and community level interventions into a coherent and holistic programme designed to increase the availability, affordability, adaptability and acceptability of justice services in South Sudan. This programme approach seeks a positive balance between supply and demand side interventions to ensure that reforms are responsive to the evolving needs of communities served. This iterative process requires evidence based programming and thus adequate investment inter alia in crime statistics, court case management, recidivism rates and prison overcrowding to facilitate policy decision-makers to deploy resources efficiently and effectively. In complement, end user surveys to assess the perception of personal safety and security, and the appropriateness of services provided will serve to promote citizen engagement in the state building process. The expected outputs of the project are:

<sup>35</sup> This initiative builds upon similar examples from sub-Saharan Africa where UN Volunteers (UNVs) have been successfully utilized as civil service support to provide urgently needed services while assisting the host government in (re-) building local capacity through training and direct support to existing public sector personnel. The RCPI directly supports statebuilding through the provision of skilled public service personnel who provide ongoing organizational and institutional development support and undertake service delivery tasks where appropriate.

- Increasing the capacity of case disposal rates of Judiciary of South Sudan;
- Increasing capacity of Ministry of Justice to deliver prosecutorial services at State and County level;
- Enhancing South Sudan Police Service ability to maintain law and order;
- National South Sudan Prison Service (NPSSS) ability to provide inmate care enhanced and prison administration strengthened;
- Improved coordination and institutionalization of justice sector services and access to remedies delivered through rule of law institutions and other service providers.

### Key Results

- Personnel Registration Database Units established in collaboration with UNPOL and CAS, with 95 percent of police and 27 percent of prisons personnel registered
- 11 Police Community Relationship Committees established in eight states, bringing the total of PCRCs in South Sudan to 71; 15 Rule of Law Forums conducted in seven states, facilitating coordination of criminal justice agencies
- Completed ascertainment of customary law across 14 communities in five states; Completed and handed over the National Customary Law Centre at Rumbek
- Commenced construction of University of Juba College of Law; Completed three dormitories with a capacity to hold 240 female recruits at the Police Training Complex in Rajaf; Completed and handed over the Customary Law Center in Rumbek, Lakes State

# SRI LANKA



## Background

Three years after the end of the conflict, the middle-income country of Sri Lanka is moving from a humanitarian context to one of more stable development. Most internally displaced persons (IDPs) have been resettled and communities are returning to normalcy.

In 2011 the President appointed a Lessons Learnt and Reconciliation Commission (LLRC) with the mandate 'to look back at the conflict Sri Lanka suffered as well as to look ahead for an era of healing and peace building in the country'. Recognizing the importance of the rule of law for ensuring a stable future, the LLRC put forward a number of related recommendations such as those aimed at reinforcing capacity for credible investigations into cases of missing and disappeared persons, establishing mechanisms to deal with legal issues relating to land, and ensuring the protection of people held in detention. A number of these have been included in the

Government's Action Plan for implementation of the LLRC recommendations, launched in 2012. The international community views implementation of the LLRC recommendations and the National Action Plan for the Protection and Promotion of Human Rights, released in late 2011, as a top priority, and the UN Human Rights Council passed a resolution on 19 March 2013, calling upon the Government to effectively implement the constructive recommendations made in the LLRC report and to conduct independent and credible investigations into the allegations of violations of international human rights law and international humanitarian law.

## Assistance and Impact

UNDP continued to support justice sector service delivery to vulnerable people in the conflict-affected areas through the Equal Access to Justice project (Phase II). This project is nationally implemented by the Ministry of National Languages and Social Integration (MNLSI) in close collaboration with other justice sector stakeholders including the Ministry of Justice, the Ministry of Prison Reform and the Legal Aid Commission (LAC).

In particular, UNDP supported the provision of legal aid services (including in prisons) through the LAC and NGO partners. More than 1000 people benefitted from these services, including 155 victims of gender-based violence and 442 detainees. Services included several fundamental rights cases and bail applications for detainees who were kept in custody for more than two years. Approximately 300 women survivors of gender-based violence benefitted from psychological



*Even after a quarter of a century, many Muslims are still displaced in Sri Lanka.*

*Photo: Amantha Perera/IRIN*



counseling. UNDP supported the construction of a safe house in Anuradhapura, and also provided support to improve an existing safe house in Jaffna and the overall living conditions of affected women residents who await redress through court proceedings.

Mobile 'documentation clinics' were held throughout the year across the North and East, processing 44,565 applications for new or lost legal documents. Many people residing in the former conflict affected areas had either never possessed a birth/marriage certificate or National Identity card, or had lost them during displacement, and as such faced challenges accessing basic health and education services or dealing with other legal matters such as inheritance or land ownership. UNDP also helped to digitalize 850,000 civic documents of people living in the Eastern Province, and provided duplicate copies of 500,000 civic documents (destroyed due to war) in Killinochchi and Mullaithivu. In an effort to establish permanent public service offices closer to the population, UNDP supported the opening of two regional offices for the Department of Registration of Persons in the districts of Vavuniya and Batticaloa (Northern and Eastern Provinces respectively).

In addition to the local level support, UNDP also provided institutional strengthening support at the central level to the Judicial Training Institute, and within the Sri Lanka Department of Prisons.

### **Challenges, Lessons Learned and Way Forward**

The impeachment of the Chief Justice in 2012 on charges of over 14 accounts of alleged financial and official misconduct and replacement in January 2013, posed a challenge to the provision of support to and establishment of the High Level Forum on Justice to address policy issues at a central level.

UNDP, having almost eight years of engagement with access to justice however, remains one of the few partners active in the rule of law sector in Sri Lanka. From mid-2013,

UNDP's rule of law support will build on previous achievements by initiating a new project phase which increases its focus upon systemizing coordination between the actors of the justice sector. Particular emphasis will be placed on strengthening capacities throughout the whole of the penal chain including police, prosecution, courts, legal aid service providers and prison management at the local level for greater sustainability of interventions. Most importantly, UNDP will strengthen national policy making capacities in the justice sector, including strengthening the Government's capacity to implement the LLRC recommendations and the National Human Rights Action Plan. The overriding objective of this new phase is to strengthen access to justice for all groups of the Sri Lankan population and make sure that the rule of law supports the foundations for longer-term social integration and development.

### **Key Results**

- More than 1000 people benefitted from legal aid services, including vulnerable groups such as survivors of gender-based violence (GBV) (155) and detainees (442), for bail related matters and several fundamental rights cases
- Through mobile 'citizenship clinics' held in conflict-affected zones in North and East of Sri Lanka, approximately 44,565 documents (birth certificates, identify cards etc.) were processed facilitating their access to legal and basic services
- Two safe houses were supported, improving the living conditions of victims of GBV who are temporarily housed during court proceedings

# SUDAN



## Background

Despite the 2005 Comprehensive Peace Agreement (CPA) agreed between North and South Sudan, conflict and unrest persist in various parts of the country. Major challenges continue to hamper efforts to promote the rule of law, and access to justice and security. The justice sector infrastructure has been severely neglected in different regions of the country; in particular, women and vulnerable groups have limited access to or low confidence in the justice system. At the local and community levels, a majority of people make use of customary justice mechanisms that operate under an informal, traditional court system. The level of confidence in the police is equally low, which is reinforced by the strong militarization of the police, both in perception and actuality. There is a low ratio of police stations per 100,000 people in the Three Areas, Darfur and East Sudan. This has resulted in a police presence that is not visible, making it difficult to achieve the reduction of violence, prevention of crime, and protection of citizens. Important bridges remain to be built between the police and communities, as well as collaboration between the police and formal and informal justice systems, lawyers and paralegals.



Photo: UNDP Sudan

## Assistance and Impact

In this challenging context, UNDP implements an integrated Rule of Law programme 'Strengthening Access to Justice and Promoting the Rule of Law', adapted to the specific regional contexts of Darfur, the Three Protocol Areas and East Sudan. This programme, which was initiated in 2009 (2004 in Darfur), focuses on strengthening access to justice at the community level and promoting accountable, accessible justice sector institutions, and improving (community) police and prison services. Recognising the gap between capacities at the federal level and the state level, UNDP continues to increase the decentralised focus of support to the state-level judiciary and state-level service delivery of police and prisons. This, for example, includes strengthened capacities of traditional judges and native administrators from South Kordofan, North Kordofan, South Darfur, Kassala, Gezira, Khartoum, Gedaref and White Nile States on criminal and civil law as well as customary law topics, SGBV and conflict resolution.

UNDP's programme in Sudan also provides support to Community Policing Networks (CPN). These are community based structures that bring together representatives from three different realms (i.e. community members, paralegals and members of the paralegal association, and the police) who are then designated to work with community. In 2012, 5,800 members of the CPNs were trained on community policing concepts from 7 states (Khartoum, Kassala, Darfur region, Blue Nile, and South Kordofan). To improve access to justice, 10 Justice and Confidence Centres and 4 Lawyers Network were established in Darfur, East Sudan and the Three Areas, run by local community-based organizations, and provide legal advisory services at the community level. As a result of this support, 1,899 legal cases were handled in 2012, out of which 1,182 were mediated and 278 were defended/prosecuted successfully.

### Challenges, Lessons Learned and Way forward

Sudan continues to experience political and socio-economic transformation. Challenges stemming from the end of the CPA period, the independence of South Sudan, and the consequent reconfiguration of the 'new' Republic of Sudan continue to influence the stability of the country. The peace process in Darfur, sporadic violence in the Three Areas, and increased vulnerability across the region represent even more challenges for the implementation of UNDP's Rule of Law programme. Collaboration between State and Federal levels also remains challenging. In the second half of 2012, an agreement was reached between the Federal level Judiciary and UNDP to assess capacities at State levels and to determine future interventions on building on gaps identified.

On the basis of the evolving context and changing needs in different regions in Sudan, particularly in Darfur and the Three Areas, UNDP is embarking on a new phase of its Rule of Law support in 2013. Future support will continue to work towards strengthening justice and security service delivery, harmonizing formal and informal systems, and improving access to justice, particularly for victims of gender-based violence.

### Key Results

- 5,800 members of the CPNs were trained on community policing concepts from 7 states (Khartoum, Kassala, Darfur region, Blue Nile, and South Kordofan)
- 10 Justice and Confidence Centres and 4 Lawyers Network were established in Darfur, East Sudan and the Three Areas, run by local community-based organizations, and provide legal advisory services at the community level
- 1,899 legal cases were handled in 2012, out of which 1,182 were mediated and 278 were defended/prosecuted successfully



Photo: UNDP Sudan

# TIMOR-LESTE



## Background

The Democratic Republic of Timor-Leste gained independence in 2002 after centuries of colonial rule under Portugal and a brutal 24-year occupation by Indonesia. The conflict resulted in the displacement of over 50 percent of the population and destruction of almost 75 percent of the country's infrastructure. To support Timor-Leste through the challenges of nation-building, the United Nations system and various development partners have been extending cooperation and support for over a decade.

In the case of the judiciary, few trained legal personnel remained in Timor-Leste after the departure of the Indonesians. This presented serious challenges to the administration of justice. For this purpose, the United Nations Transitional Administration in Timor-Leste and successive peacekeeping Missions (most recently UNMIT) provided international jurists to perform line functions and initiated mentoring programs for national actors. Difficulties in the transfer of knowledge and skills persisted, as national court actors had only received



*A traditional ceremony for receiving guests in Viqueque.*

*Photo: Renato da Costa/UNDP Timor-Leste*

rudimentary training and possessed limited professional experience. Thus, the national authorities and UNDP, together with the UN system and development partners, formulated a capacity development project for the judiciary in 2003, known as the Justice System Programme (JSP).

The nation experienced another socio-political crisis in 2006 when allegations of social exclusion by discharged members of the armed forces escalated into an armed confrontation between the police and military. This crisis resulted in casualties and the internal displacement rate of approximately 15 percent of the population in the immediate aftermath of the conflict. The events of April-May 2006 led to the general disintegration of law and order, the repercussions of which persist to the present.

Over the last few years, Timor-Leste has made significant progress in improving security and stability, consolidating the rule of law, and strengthening democratic governance. In March 2011, the national police (PNTL) resumed full policing responsibility. Since then, there has been no reported major insecurity or crime. The economy is growing and the state budget increased from \$1.3 billion in 2011 to \$1.67 billion in 2012. Key government institutions are in place, improving service delivery and developing infrastructure using national resources to spur development.

In 2012, Timor-Leste held elections at both the Presidential and Parliamentary levels. These elections were viewed as a test of its democratic institutions, particularly following the violence in 2006. All elections passed with no major incidents of collective violence, and signaled that Timor-Leste is ready to transition from peacekeeping assistance. To these ends, the UNMIT mandate ended on 31 December 2012.

## Assistance and Impact

UNDP's support to strengthen the justice system in Timor-Leste dates back to 2003. The second JSP was launched in 2008 and places significant emphasis on enhancing the national ownership of key judicial and prosecutorial functions in the justice system, and enhancing access to justice for the marginalised population in Timor, including women, children, IDPs and victims of conflict.

The justice system has steadily expanded since 2007 when the first Timorese judges, prosecutors and public defenders

were sworn in following their graduation from the UNDP-supported Legal Training Centre (LTC). By the end of 2010 a total of 528 legal professionals had received training at the LTC, including 51 Timorese judges, prosecutors and defense lawyers. UNDP continues to support the legal training centre to ensure that national capacity is put in place of international judiciary in a timely manner, with 139 new staff being inaugurated in 2012. Similarly, UNDP provided assistance towards the establishment of the Court of Appeals, and trained the first 15 staff members. As part of the JSP's decentralization efforts, a 'mobile justice' programme established district-based offices alongside efforts to align, wherever possible, the formal justice system with customary laws. Subsequently, mobile courts were introduced in the more remote areas of the country increasing the physical access to formal justice system. UNDP has also provided support for modernizing the correctional services. A programme initiated in 2011, has now been mainstreamed to ensure smooth reintegration of former inmate into society. In 2012 UNDP also helped established the institutional basis needed to provide legal aid to those in pre-trial detention.

Since 2011, UNDP has also been working to strengthen the capacity of the national police force. In light of the UNMIT withdrawal at the end of 2012, UNDP has assumed a primary role in supporting a long-term vision for developing law enforcement in Timor-Leste. UNMIT/UNPOL and the UNDP Country Office have been planning for the transition from Mission to non-mission setting since early 2011. A joint DPKO/UNDP programme on policing is intended to facilitate this process with minimal disruption. Collaboration between DPKO/UNMIT/UNPOL and the UNDP Country Office has ensured that support for PTNL will be continued, and that effective service delivery is increased. In 2012, the joint assistance for crowd management training prepared the PNTL for crowd control during the 2012 national elections. Consequently, large crowd-related security incidents were prevented. Four officers also received peer-to-peer instructions by the Financial and Development Supervisory Board of the Republic of Indonesia, in order to strengthen internal oversight mechanisms in PNTL. A follow up seminar was organised at the Police Academy to transmit the lessons learned to relevant colleagues. Finally, in 2012, UNDP also provided technical support for developing and finalizing PNTL promotion regime policy.

### Challenges, Lessons Learned and Way Forward

Sustainability is a key challenge, as major partners scale down their support in anticipation of an increase in government funding for the rule of law sector. Despite the trend of donor

withdrawal, UNDP will continue to provide support to ensure national ownership of the Timorese justice sector, and will continue legal professional capacity development, and increasing access to justice for vulnerable populations. In light of the UNMIT drawdown, UNDP will further strengthen its in-house capacity, particularly to ensure the provision of continued support to policing and the PNTL. Joint assistance from UNDP and DPKO will continue through the new Global Focal Point arrangement in this regard, and a long-term strategy for sustaining support to PNTL has been developed.

### Key Results

- UNDP assisted MoJ to establish the Chamber of Audit to fight corruption by developing professional capacity of 15 Chamber of Audit staff
- Support for Legal Training Center ensured that 139 national judges and prosecutors (31 percent women) have received professional instructions preparing them to fill positions in national courts and end reliance on international judiciary
- Working with the Department of Corrections, from a pilot in 2011, family visits and reintegration programmes were introduced to the full inmate population in 2012, while a number of new protocols are signed with the public defender's office to assist with pre-trial detention challenges
- In cooperation with Justice Facility, a total of 6 new mobile court sessions were technically and logistically supported at the local level including 4 in Suai and 2 in Baucau districts
- Pilot consultations were introduced for community leaders and traditional justice providers to enhance interface with formal justice systems in 4 districts
- Crowd management training for the police carried out by UNPOL and UNDP was delivered to 175 PNTL Officers to prepare them for crowd control related to 2012 national elections

# YEMEN



## Background

Following the political unrest of 2011, and the signing of the Gulf Cooperation Council peace initiative in November of that year, the Republic of Yemen embarked on a two-year transition agenda. This comprised a fully inclusive national dialogue and constitutional and electoral reform, envisaged to conclude with full presidential and parliamentary elections in 2014.

Security and justice related concerns were among the root causes of discontent in 2011, including inadequate access to justice coupled with a culture of impunity. Challenges of ineffective law enforcement and a politically controlled judiciary remain, and service delivery is hampered by the lack of confidence in officials, public sector inefficiency, and widespread corruption. Recourse to tribal and/or informal justice systems in Yemen is common, but these fail to provide adequate access or equal treatment for large parts of society, while the law is not applied systematically, impartially, or equally. For most of the Yemeni population, the concept of human rights remains remote from the day-to-day reality of their existence. However civil society movements have now begun to swell, and increasingly, calls may be heard for greater accountability, equality and transparency. Similarly, demands for transitional justice to address the violations of previous years are increasing, and mechanisms for redress and reconciliation are gathering momentum.

## Assistance and Impact

The Government of Yemen has articulated a 'Transitional Programme for Stabilisation and Development, 2012-2014' (TPSD), outlining the country's internal priorities over the next two years, in which strengthening the rule of law and security feature prominently. Against this backdrop, at the start of 2012, the United Nations articulated a shared vision

to support the transition in Yemen and a '*Framework for Action*'<sup>36</sup> upon which to hang the Organisation's support.

UNDP made significant efforts in 2012 to build its capacity in support of the transition, in close collaboration with the Yemeni authorities, UN and civil society partners. Three inter-related projects in the rule of law portfolio were rolled out in the course of 2012, including joint projects on human rights and transitional justice implemented with the UN Office of the High Commissioner for Human Rights (OHCHR).

UNDP and OHCHR conducted and published Yemen's first human rights public awareness survey in mid-2012 to serve as baseline data on which to build. Work is now underway to institute the legal framework of a functioning independent national human rights institution in the country, compliant with the Paris Principles, while partnerships are also being established to bolster the capacity of civil society organisations engaged in human rights monitoring and advocacy. In the politically sensitive area of transitional justice, UNDP and OHCHR are supporting the establishment of both the Justice and Reconciliation Commission, and the Commission of Enquiry into the events of 2011. In addition, UNDP and OHCHR are also support the Land and Dismissals Commissions. While this work is closely tied to the outcome of the National Dialogue process, activities are already underway to help guide the commissions, and ensure that they are fully equipped to fulfil their mandates, and ensure effective communication with the Yemeni population. Finally as regards UNDP's work with the Ministry of the Interior, following some initial support to ensure that the Yemeni police were provided with radio equipment to enhance their functions, UNDP is working to assess the coordination and planning capacities of the MOI, as well as relations with the public and information sharing for democratic policing. In addition to the above activities, in 2012 UNDP Yemen facilitated the holding of the International Human Rights Day and the International Anti-Corruptions Day.

## Challenges, Lessons Learned and Way Forward

With Yemen now engaged in its National Dialogue, it is important to look beyond emergency actions and propose sustainable initiatives that can help rebuild confidence in

<sup>36</sup> *A Shared UN Vision to Support the Transition in Yemen: A Framework for Action* (United Nations, 2012).



Photo: UNDP/Stacy Weld-Blundell

the State and signal commitment to peaceful co-existence and development. In depth conflict analysis has highlighted that ‘for this transition to be a success, changes in justice and security conditions at the local level are as critical as top-down national reform.’<sup>37</sup> UNDP stands ready to step up its assistance to ensure that the early gains of the transition period are consolidated, assisting the Yemeni authorities to demonstrate to the population that commitments on paper will lead, increasingly, to actionable and meaningful changes on the ground.

It will remain important to approach justice and security in a comprehensive manner to examine the whole legal system, as well as governance and legislative frameworks. Special attention will need to be given to the informal justice system because of its relevance to communities. While the demand for justice services, legal protections and representation in both civil and criminal matters should be a core element of supporting reform.

At the start of 2013, the Peacebuilding Support Office is finalising the UN Peacebuilding Priority Plan for Yemen. With PBF support, UNDP hopes soon to roll out a final component

of its rule of law work in support of the transition, designed to enhance access to justice and ensure a coordinated whole of sector response to justice-related peacebuilding priorities. Yemen still faces a myriad of challenges, but the transition period presents a major opportunity to strengthen the country’s rule of law institutions and ensure access to justice for its people.

### Key Results

- UNDP and OHCHR conducted and published Yemen’s first human rights public awareness survey in mid-2012
- UNDP and OHCHR are supporting the establishment of both the Justice and Reconciliation Commission, and the Commission of Enquiry into the events of 2011
- UNDP is working to assess the coordination and planning capacities of the MOI, as well as relations with the public and information sharing for democratic policing

<sup>37</sup> Erica Gaston and Nadwa al-Dawsari, ‘Waiting for change: the impact of transition on local justice and security in Yemen,’ (United States Institute of Peace, 2013), at 6.



*A conversation with female detainees in South Sudan.*

*UN Photo/Martine Perret*



## Other Countries Receiving Assistance

**Personal security, access to justice, freedom from discrimination and persecution, and a voice in the decisions that affect their lives are development outcomes as well as enablers. So we are calling for a fundamental shift - to recognise peace and good governance as core elements of well-being, not an optional extra.**

**High-Level Panel of Eminent Persons  
on the Post-2015 Development Agenda<sup>38</sup>**

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<sup>38</sup> Full report available at: <http://www.post2015hlp.org/wp-content/uploads/2013/05/UN-Report.pdf>

# BOSNIA AND HERZEGOVINA



*Weapons destruction in Bosnia and Herzegovina.*

*Photo: UNDP BiH*

**Background:** Due to political instability and lack of progress on the reform work, Bosnia and Herzegovina missed the opportunity to apply for EU membership in 2012. Political institutions are weak, although there have been attempts to reform the constitution and introduce political reform, this has been obstructed by the disagreements between the two main entities of the country – the Muslim-Croat Federation of Bosnia and Herzegovina and the Republica Srpska.

The conflict was characterised by egregious abuses and serious crimes. This includes the notorious genocide committed in Srebrenica where the forced displacement of over 2 million people occurred. These war crimes have been addressed by the International Criminal Tribunal for the former Yugoslavia (ICTY) in The Hague.

**Assistance and Impact:** In 2012 UNDP continued its support to strengthen the Free Legal Aid system, the national transitional justice (TJ) strategy and the development of local TJ initiatives. The BiH State Law on Free Legal Aid was been adopted in Sarajevo, Bihac and Goradze with the support of UNDP. UNDP also provided support on the establishment of two Free Legal Aid facilities where the sustainability of the work of the FLA is ensured through the adoption of legal

framework and establishment of facilities. As the establishment of the facilities was done in 2012, there was no baseline for persons benefiting from legal aid prior to 2012. However, in 2012, a significant number of persons received free legal aid from the FLA. In 2012 FLA provided assistance to 2353 persons with legal information, 2715 received legal advice, 2054 persons received assistance with written submissions and 597 persons were represented in court by the Free Legal Aid Agencies. Previous support on FLA was mainly through policy and legislation, hence the increase in numbers of people receiving legal aid.

The Small Arms and Light Weapons Strategy (2013-2016) was developed by the Small Arms and Light Weapons Co-ordination Board of Bosnia and Herzegovina in early 2012, and implementation started that same year. The Strategy was drafted with UNDP advisory and technical support, and despite challenges a consensus on the strategy was achieved. The Strategy identifies 34 individual projects aimed at reducing negative effects of illegal SALW to citizens of Bosnia and Herzegovina, most notably a) destruction of ammunition from military surpluses, b) collection and destruction of weapons and c) strengthening arms trade and brokering control. A total of 2,500 pieces of arms were already collected by police and marked for destruction in 2013. The Programme designed a community security management model for all security providers to implement crime, public disorder, school and armed violence prevention activities. The model has been implemented in 3 partner communities in the interim period and is set to expand to 40 communities in the second-half of 2013. The Programme, moreover, created a 'Real Man League' to advocate for, and raise awareness on the prevention of gender-based violence as well as organized a number of events with different target groups on this particular topic.



*Weapons destruction in Bosnia and Herzegovina.*

*Photo: UNDP BiH*

Around 200 people attended the public events, over 230 people signed the Real Men Declaration and around 10,000 people viewed the video materials posted on the internet.

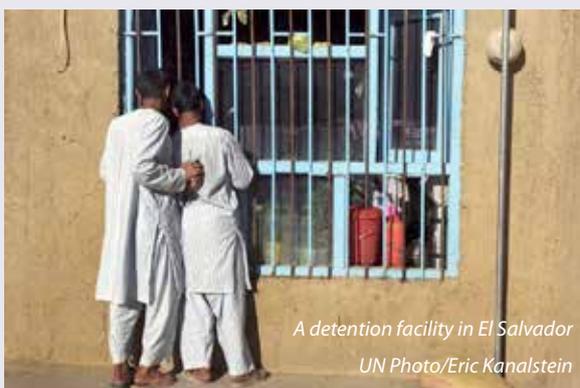
**Challenges, Lessons Learned and Way Forward:** The National Strategy for war crimes was put together in 2006, recommended the local courts to prosecute war crimes. The strategy was not endorsed, and the state courts held on to war crime cases. However, there was pressure on the Chief Justice which led to over 300 cases being released to the local courts. UNDP along with other stakeholders are concerned that the local courts do not have sufficient capacity to prosecute war crimes on the local level. The area of Rule of Law is deeply politicized which is undermining the credibility of the institutions. UNDP is planning to increase support to Legal



Photo: UNDP BiH

Aid, Transitional Justice, and Armed Violence Prevention in 2013. Efforts will be supported with baseline data collected via survey in 2012.

## EL SALVADOR



A detention facility in El Salvador  
UN Photo/Eric Kanalstein

**Background:** Over the last decade, El Salvador has been one of the most violent countries in the world, with rates of homicide that have exceeded 60/100,000 inhabitants. However, in accordance with statistics reported by the National Civil Police, the year 2012 ended with a reduction of 41 percent of the homicides in comparison to 2011. For females, the homicide rate dropped 9.7/100,000 in 2012.

The drop in homicide rates is linked to a process of dialogue and a truce between the two most important gangs of the country (*Barrio 18* and *Mara Salvatrucha*), signed March 8<sup>th</sup> 2012. Mediated by the Catholic Church with government backing, this breakthrough opened up a possibility for El Salvador to promote a comprehensive strategy for preventing violence and crime, and support the socio-economic reintegration of those young people who had previously been members of gangs.

On June 8<sup>th</sup> 2012 the President of the Republic of El Salvador requested that the international cooperation authorities reallocate resources in order to support a national agreement for security and employment, based on a four-point agenda: special parks for reintegration, civil protection schools, creating a metropolitan task force, and a security and employment agreement.

**Assistance and Impact:** UNDP support to El Salvador has contributed to the significant reduction of armed violence in some of the most violent cities in the country – an average of 41.5 percent of reduction in those targeted municipalities – as well as the increase of the perception of security and confidence in local institutions. This support has resulted in strategies to reduce armed violence at national and local levels. At the national level, a Violence Prevention Strategy was adopted in 2012 and an inter-ministerial taskforce established to implement this strategy (this taskforce is led by the Ministry of Justice and Public Security in coordination with other social actors like Child Protection, Youth, Women's Institute and the Ministries of Education, Health and Labour, among others). At the local level, 27 municipalities have been supported to implement citizen security plans to reduce violence. Armed violence reduction is attributed by the Government to the inclusion of socio-economic reintegration activities into the citizen security plan targeting youth at risk and young gang members. In addition, UNDP support led to the adoption of specific systems in 2012 to target SGBV by local authorities in 262 municipalities throughout El Salvador.

**Challenges, Lessons Learned and Way Forward:** The most important challenge for El Salvador's security situation is the sustainability of the current decrease in the homicide rate. In spite of this important reduction, the persistence of high levels of other crimes (extortion, robberies, etc.), as well as

high levels of impunity are affecting the public perception of the security in the country. This reality demonstrates that there remain significant hurdles to deepening and broadening work on security and justice in El Salvador.

## GUATEMALA



*UNDP supported the 'Day of Dignity of Victims,' Ixtahuacán, Huehuetenango, Guatemala, to commemorate the victims of the internal armed conflict.*

*Photo: Caroline Trutmann*

**Background:** Between 1960 and 1996, Guatemala experienced the most bloody and protracted armed conflict in Latin America. It is estimated that over 200,000 people were killed and between 40,000 and 50,000 disappeared. The country is still struggling to deal with the consequences of the serious human rights violations which occurred during this conflict. In addition, Guatemala simultaneously faces post-conflict recovery, as well as a dual crisis of security and legitimacy. State institutions are permeated by criminal structures and therefore unable to tackle rampant levels of violence, crime and insecurity.

In 2012, positive signs could be seen in Guatemala's justice and security sectors: for instance, homicides declined for a third consecutive year (11 percent lower in 2012, compared with 2011); impunity rates for 'crimes against life' dropped from an historically-high 98 percent to a current 72 percent; and the performance of the Penal Court increased 1200 percent in three years.<sup>39</sup> The admission in a national court of genocide

charges against General Ríos Montt, former head of state, is another positive sign of the strengthening of the rule of law in Guatemala.

**Assistance and Impact:** In Guatemala, UNDP supports national security and justice sector institutions in their capacities to diminish levels of impunity, and consequently contribute to bring down the high levels of violence experienced throughout Guatemalan society.

In 2012, the Attorney General's Office was strengthened in its criminal investigations capacities and in its analytical competence in criminal prosecutions. Since the implementation of a new model for case management, supported by UNDP, the Attorney General's Office has increased the effectiveness of the criminal investigation. Coordination between Attorney General's Office and National Civilian Police in criminal investigation, and their collaboration with CICIG (International Commission Against Impunity of Guatemala), as well as the application of special investigative methods – mainly hear wiretappings, undercover agent, witness protection program – has contributed to resolving cases of organized crime.

Additionally, the Judiciary Branch's capacities to protect its members has been strengthened through the creation of basic institutional instruments, and the implementation of a strategy to provide protection to the staff assigned to high-impact courts.

UNDP also supports the advancement of transitional justice. Important achievements have been recorded in the access to the victims of the internal armed conflict to the rights to truth, justice, reparation and guarantees of non-repetition. Since 2010, UNDP's transitional justice programme – PAU-JUST – has provided comprehensive support to human rights, including support to exhumations, prosecuting past human rights abuses, supporting the recognition of victims' rights, reparations for survivors, and the country's overall reconciliation process.

<sup>39</sup> See <http://cicig.org/index.php?page=0046-20121213>.

UNDP supported the 'Day of Dignity of Victims,' Ixtahuacán, Huehuetenango, Guatemala, to commemorate the victims of the internal armed conflict.

Photo: Caroline Trutmann



**Challenges, Lessons Learned and Way Forward:** Lessons learned in Guatemala highlight the importance of engaging various sectors of civil society to guarantee transparency in important judicial processes – for example, the selection of judges to the Supreme Court and the Court of Appeal, Constitutional Court, the Attorney General, and Chief of Public Prosecutions. UNDP will continue to prioritise supporting efforts to promote judicial transparency at both the national and community levels through such mechanisms. Facilitating the empowerment of national institutions such as the Attorney's General Office and the Judiciary have allowed for international actors that played a visible, important role in recent years (for instance CICIG) to assume a lower public profile. Moving forward, supporting national ownership of transparent and accountable justice and security sectors will remain a key priority for UNDP.

## HONDURAS

**Background:** Following the 2009 coup, Honduras continues to face severe structural problems that are aggravated by deteriorating socio-economic, political and security conditions. Powerful organised crime cartels, well-anchored within the country, undermine security and justice efforts through bribery, targeted killings and corruption of public servants, mayors and elected officials. The Honduran state lacks control of significant parts of national territory, especially in the western and northeastern areas. Honduras has the highest homicide rate in Latin America (85.5 per 100,000 inhabitants in 2012).

**Assistance and Impact:** UNDP has become a key policy actor in Honduras, particularly in the realms of security and justice. UNDP has particularly supported the design and implementation of the national policy on citizen security and peaceful coexistence (2012-2022). This policy has become instrumental in coordinating justice and security strategies put forth by the national Government, by local governments, and by the international community for the first time. This alignment of efforts and financial resources along a single policy line (focusing particularly on violence prevention and human development) is generating a common platform to counter armed violence and promote of citizen security.

UNDP, through the Special Commission for Security Sector Reform, has reached different measures to oversee processes for vetting police, and has proposed measures to reform the justice and security sectors. These measures include a reformulation of the Organic Law of the National Police, Attorney General's Office and Judicial Power, as well as their respective professional career and normative frameworks.

**Challenges, Lessons Learned and Way Forward:** Political instability hampers sustainable results in Honduras. However, consistent international pressure has set the country on a path to make a radical depuration in the police services. Given the surrounding sensitivities, this process may take more time than initially planned. But, UNDP remains engaged with key actors and processes, as achieving reform in this area will be critical to overcoming structural fragility. To support this process UNDP will set up a technical secretariat within the Special Commission for Security Sector Reform (as established in January 2012 by the National Congress) to oversee police reform. At the local level, UNDP will continue to strengthen local capacities for citizen security and conflict management through the 'Safer Municipalities' initiative.

# KENYA

**Background:** Following the election related violence in Kenya in 2007, the Government entered into an extensive dialogue with the opposition groups. These discussions culminated in the signing of the Kenya National Dialogue and Reconciliation Agreements and formation of the Grand Coalition Government in 2008. Accordingly, a new Constitution was adopted in 2010, and brought significant institutional and legal reforms – especially with regard to Rule of Law. However, politically driven violence, illicit arms proliferation, and criminality continue to threaten peace and security in Kenya. In particular, counties most affected by armed violence and proliferation of small arms and light weapons are most threatened, particularly Turkana, Samburu, Garissa, Tana River, Isiolo and Marsabit. In 2012, UNDP provided support to the Kenyan Government to reduce armed violence and combat the proliferation of small arms at both national and local levels, aiming to improve community security in targeted areas of interventions.

**Impact and Assistance:** Over the course of 2012, UNDP provided support to the Kenya National Focal Point on Small Arms and Light Weapons (KNFP) in its Armed Violence Reduction activities and combating illicit proliferation of SALW. Support provided to the KNFP included institutional capacity building of the District Task Forces (DTF) responsible for maintaining security at the local level. About 500 members of the DTF were trained on policy and legal frameworks for SALW control and practical disarmament. This resulted in strengthening the capacity of 119 DTF currently functioning in accordance with their mandates under the National Action Plan. Internal coordination was also strengthened.

UNDP support was also provided jointly with other international stakeholders to the KNFP to campaign and raise awareness as to the dangers of illicit SALW. Communities were also sensitised on the shared responsibility of combating crimes. Accordingly, a Public Awareness Guideline was developed and formally endorsed by the Government. These efforts were regarded as crucial and necessary leading up to the general elections in March 2013. As a result of the out-

reach and awareness raising campaigns, a critical change in the communal attitude towards the police and perceptions of gun ownership has been observed.

Finally, UNDP provided support with the ongoing review of the SALW bill. The KNFP was able to hold a two days retreat of experts in December 2012, which resulted in a zero draft bill to inform a final draft bill, ultimately to be submitted to the Office of Attorney General. The bill is expected to be passed in 2013, following a process of peer review. UNDP support has strongly contributed to the capacity of KNFP to develop critical policy and legislation to control SALW proliferation. In turn, these efforts have and will continue to boost levels of community security.

**Challenges, Lessons Learned and Way Forward:** The continued instability in the North Eastern part of the country poses a challenge to the already-fragile security of the region, which is further complicated by cross-border illicit arms proliferation. Kenya faces the potential for tensions caused by the spillover of armed groups like Al Shabab from Somalia in Garissa, and from the emergence of secessionist movements such as the Mombasa Republican Council in the coast region. Terrorist and organized crimes groups also constitute new security threats and add to the country's overall security challenges. The transitional period (both before and after elections) is expected to delay process of legal review and other constitutional reformatations set in place by the new Constitution of 2010.

In the post-election period, it is important to prioritize the need for heightened work on AVR. Thus, UNDP support is expected to continue in the area of armed violence prevention and strengthening community confidence in justice and security institutions, and security sector transformation at both national and county levels. UNDP support to the Kenyan Government in facing security challenges and building on earlier support remain critical and central efforts to sustain peace and security in Kenya.



Photo: UNDP Mali

## MALI

**Background:** In March 2012, rebel Islamist and Touareg groups took control over the northern part of Mali. Following this and the deposition of the President, the UN Security Council authorized the deployment of African-led international support, as it considered the entrenchment of terrorist and criminal groups a serious threat to the whole of the Sahel region. The African-led International Support Mission in Mali (AFISMA) was tasked with strengthening Mali's security forces to protect the population and national territory, as well as put an end to human rights abuses. In January 2013, the rebel groups advanced further and gained control over two major cities in the south, threatening to advance towards Bamako. Following these actions, France intervened militarily.

Since then, several major cities have been brought back under government control and elections are planned for July 2013. However, security institutions, such as the police and prisons have, in many places been completely destroyed. Mali's Minister of Justice has declared that crimes violating the Rome Statute will be prosecuted. Women and children, in particular, have been subject to a number of human rights violations, in particular rape, forced recruitment of child soldiers, etc.

**Assistance and Impact:** UNDP's joint programme in Mali (together with OHCHR, UN Women, UNESCO and UNFPA) was in place before the outbreak of conflict in 2012, and supports the promotion of human rights and increased access to justice in the country. This joint programme focuses on the promotion of economic, social and cultural rights, improving the

capacities of mediators to negotiate between citizens and the government, promoting access to justice, and increasing the capacity of the national Human Rights Commission and civil society organisations. Further, the joint programme supports Mali with regular quality reports to important treaty bodies and ensures recommendations are made for effective follow up. The joint programme has also conducted awareness-raising campaigns on respecting human rights and international humanitarian law in armed conflict. The information related to these campaigns was published in newspapers, and on both television and radio (national and local). The campaign's slogan reached more than 65 percent of the population with the message that there should be 'no exception to respect for human rights even in times of conflict.'

The joint programme provided recommendations to the Government for it to conduct national consultations on the transitional process to lay the groundwork for a strong reconstruction of the governance in order to return to normal politics by organizing free, democratic and transparent national elections. UNDP and its partners in the joint programme also organized a ceremony to highlight Mali's commitment to respect for human rights and international humanitarian law. The ceremony, chaired by the Prime Minister was organized by the Ministry of Justice, with the support of the joint programme. During this ceremony, members of the government adopted the Bamako Declaration, in which they reaffirmed their commitment to the principles and obligations under international humanitarian law and all subsequent liabilities.

They also signed the inter-ministerial circular on prevention, protection and return to the family of children associated with armed forces and groups.

In 2010, the programme further supported the establishment of consultative organizations and institutions involving human rights. The joint programme assisted with the implementation of the framework on humanitarian law, the mission of which is to defend the rights of refugees and displaced persons linked to the crisis and armed conflict in the north.

In 2012, UNDP and its partners in the joint programme also worked to involve traditional community and religious leaders in the transition to reactivate the framework on mediation and conflict resolution. The joint programme helped to establish contacts with the National Police and the National Directorate of the Police to provide capacity building for security guards in human rights and international humanitarian law, especially during armed conflict. Additionally, the joint programme, together with Association for the Advancement of Defence and Women's Rights (APDF), organized a workshop for legal professionals and court officers, as well as health organization and security forces on how to monitor cases of gender-based violence.

In response to the crisis, UNDP has held extensive consultations with officials of the justice institutions: police, military justice officials, central prison department, the presidents of

thematic consultation framework, the Justice, Human Rights and Gender cluster, the European Union and the Ministry of Foreign Affairs. UNDP has aimed to assist national authorities in restoring the rule of law and judicial institutions on the one hand, while on the other hand supporting the strengthening of institutional justice for the implementation of transitional justice. Finally, special emphasis has been placed on the organization of a conference on transitional justice in Mali to examine the recent experiences, and to establish the parameters that may be suitable for Mali moving forward.

**Challenges, Lessons Learned and Way Forward:** On 5 April 2013, the Security Council authorized MINUSMA (United Nations Multidimensional Integrated Stabilization Mission in Mali) to perform the stabilization and support for the reestablishment of State authority throughout the country. MINUSMA will take over the responsibilities of UNOM and part of its mandate is to support national and international efforts towards rebuilding the Malian security sector, especially the police and gendarmerie through technical assistance, capacity-building, co-location and mentoring programmes, as well as the rule of law and justice sectors, within its capacities and in close coordination with other bilateral partners, donors and international organizations engaged in these fields, including the EU. As a part of the GFP, UNDP and DPKO will work closely together during the transitional phase in Mali to support the justice, police and corrections institutions.

## NICARAGUA

**Background:** The unique justice and security circumstances in Nicaragua relate back to the legacy of the government of the Revolution of the Frente Sandinista de Liberación Nacional (1979-1990). During that period, the National Police and the National Armed Forces were created as new institutions to reflect the values and ethos of the revolution, and with (in the case of the National Police) a strong emphasis on community policing. During the transition to a democratically-elected government in the 1990s, the National Police underwent a process of professionalisation with substantial support from the international community. Since then, it has gained respect and trust as an institution by the citizenry.

However, substantial socioeconomic differences exist within the Nicaraguan social fabric. Existing economic and social investment programmes have not been able to significantly

reduce poverty, or enhance equality. 48 percent of the population lives below the poverty line – in some rural areas, this figure increases to nearly 68 percent.

Nicaragua's security situation is considered one of the safest countries in the Latin American region with a 12.6 homicide rate (NPN, 2011). This is a noteworthy achievement within a context of deep-rooted socio-economic inequalities and persistently scarce budgetary resources allocated to the police.

**Assistance and Impact:** Since 2001, UNDP has supported work in security sector reform as part of its governance program. One of the most significant interventions in Nicaragua is related to small arms control. To these ends, UNDP continues to support the efforts of the Multi-disciplinary Commission on Small Arms and Light Weapons (SALW) control,

led by the Minister of Governance and with the participation of some key stakeholders, including the National Police, the Ministry of Education and Health. The country has improved its ability to control firearms: the rate of renewed licenses to carry weapons stands at 56 percent, and a unified electronic database for the registry and control of arms at a national level has been created. There has also been a decrease in the use of firearms in crimes, murder and injury. 67 percent of the arsenal of private security companies and 20 percent of the civilian guns has been registered. New prevention measures for firearms users have been adopted, including license prohibition for persons with a history of domestic violence.

Another aspect of UNDP's assistance to Nicaragua is the support provided to the National Police in the formulation and implementation of a South-South Cooperation Strategy – one of first tools of this nature developed by a policing institution. The National Police of Nicaragua is recognized internationally for the effectiveness of its preventive approach and professionalism in the provision of security services to the public, for which it consistently garners a top-ranking place in citi-

zen confidence and performance evaluation among national institutions. The South-South Cooperation Strategy of the National Police of Nicaragua aims to transform the broader institution into a key provider of knowledge and know-how in the region and beyond.

**Challenges, Lessons Learned and Way Forward:** In contrast with its socio-economic, human development, and institutional conditions, Nicaragua presents better indicators on crime and armed violence than some of its neighboring countries. As demonstrated, a key reason for this resilience has been the effectiveness of its national police. However, recent political tensions and institutional weaknesses may affect the National Police and, particularly, its role as guarantor of public order and coordinator of citizen security. For now, the National Police continues to be perceived as an autonomous institution less exposed to political influence and clientelism. Nonetheless, the National Police faces critical challenges to maintaining its independence. Continuous support from UNDP and other key actors will be required.

## PAPUA NEW GUINEA

**Background:** Papua New Guinea (PNG) has had to deal with significant challenges in the area of rule of law. The widespread availability and use of small arms – whether legal, illegally imported or homemade – undermine already fragile human security and safety conditions. This has also exacerbated tribal conflicts and SGBV, and has raised rates of armed violence in urban centers to the highest in the world. Following a 10-year civil conflict in the Autonomous Region of Bougainville, and despite a weapons collection programme following the 2001 Peace Agreement, small arms are still readily available. This poses a continuous threat to peace, security and stability in a region where weapons disposal is a necessary precondition for a referendum on its political status (to be held between 2015 and 2020). A whole-of-government approach to addressing complex human security threats is lacking in this highly fragmented country with more than 2,000 ethnic groups, 800 languages, and very little infrastructure.

**Assistance and Impact:** Within this context, UNDP is implementing a programme to provide support at both the national level and the community level. At the national level, UNDP provides technical support to the development of a National

Security Policy. A multi-sector Technical Working Group leads the policy development process through mechanisms such as technical input and political advocacy, lobbying and awareness raising through media outreach. A broad consultation process, which includes the Government, security sector organizations, civil society, private sector and academia, will culminate in consultations in each of the four regions of PNG on the draft policy, as developed by an inter-governmental drafting committee. This process has been closely linked to lessons



Photo: UNDP/Peter Siunai

learned from the peacebuilding efforts by the Autonomous Bougainville Government (ABG).

In Bougainville, UNDP support has led to the adoption of the first ever Peace and Security Strategy to follow the Peace Agreement, aimed at reducing armed violence. Under this Peace and Security Implementation Framework (PSIF), which was adopted by the Bougainville Executive Council in September 2012, local and district level peace and development committees are initiated, empowered and strengthened to develop and execute local plans to address community insecurity related to misuse of arms, violence, including violence against women.

In south Bougainville, where communities are still recovering from the last but most destructive localized conflicts (2006-2011), the empowered local peace and security committees (inclusive of chiefs, women and youth representatives, and former combatants, and in coordination with the local government machinery) continue to consolidate the benefits of the ceasefire, which was brokered through same mechanism. In November 2012, local peace and security committees facilitated an arms survey that UNDP and DPA conducted across Bougainville at the request of the Joint Referendum Committee of the Papua New Guinea Government and the AGB. Based on the preliminary findings, the local peace and security committees in four districts of south Bougainville (with the support of their former combatants associations) embarked on a joint exercise with their local Police to remove arms, and destroy local sites of illegal alcohol production. They also mounted checks to track arms trafficking.

Looking forward, an integrated peace, security and governance strategic framework is inspiring more political directions on the role of security in post-crisis development efforts in Bougainville. The autonomous region has been identified as a pilot for the conflict-sensitive district and local level development plans that will be designed by the national and provincial governments. UNDP will continue to provide both technical and logistical support in this regard in 2013, while

also working to incorporate MDGs acceleration frameworks to achieve conflict and socio-economic transformation. The national PNG Government has found these processes to be a measure of confidence to commit its development grants under the peace agreement to the autonomous region in the run up to its independence referendum.

Additionally, the recommendations of the in-depth arms assessment will further inform policy development, particularly in meeting two conditions of the peace agreement before a date for the referendum can be set (weapons disposal and compliance with international standards of good governance).

**Challenges, Lessons Learned and Way Forward:** The renewed focus in 2012 on both the national security policy on one hand, community security in Bougainville, has built strong foundations for further support to community security and armed violence reduction in the coming years. At the national level, further guidance and support will be provided to develop and subsequently implement the National Security Policy. In Bougainville, UNDP support will continue to focus interventions on up-scaling the peace and security implementation, as well as rebuilding and strengthening the governance structures to provide political space for community security through inclusive decision-making processes. This will also help to create space for socio-economic recovery for the most marginalized and excluded population groups (in particular former combatants, women and youth). The new PSIF now seems to provide a more ensuring platform for a collaborative government-citizens engagement on the remaining challenges towards the referendum and beyond. In addition, the national-provincial-district connection in the area of peace and security needs to be extended beyond Bougainville, currently the only area where UNDP counts with sub-national project offices. Lessons from Bougainville, from UNDP's Peace and Development (CPAD) small grants programme and the established network of peace builders, as well as a stronger partnership with the Law and Justice Sector will be the basis for identifying feasible options for addressing community security at a larger scale.

# TUNISIA

**Background:** The 2011 youth-led revolution in Tunisia opened wide the doors for the transformation of the Tunisian state and society and the building of a new social contract among Tunisians. While Tunisia struggled with some forms of instability in the months after the revolution, (particularly tensions between Islamists and secular groups and a still-limping economy), the country achieved important milestones within its transition to democracy.

In the country's first free election, millions of Tunisians cast votes in October 2011 for an assembly to draft a constitution and shape a new government, in a burst of pride and hope that after inspiring uprisings across the Arab world, their small country could now lead the way to democracy.

In the area of rule of law, Tunisia has undertaken transitional justice processes aimed at addressing the gross human rights violations of the former dictatorship. The Government has established (in 2011) several commissions to address the exactions committed during the Revolution, and has created a Ministry of Transitional Justice and Human Rights. Parallel to these important steps in the transitional justice process, the country is working to transform a justice sector that was previously marked by widespread corruption, impunity, and lack of independence into a model of judicial integrity in line with international standards. Additionally, the country is transitioning from an all-repressive police model to one centered on public service and respecting the rights of citizens.

**Assistance and Impact:** UNDP provided immediate support to national partners during the fragile political transition through an approach aimed at addressing short-term challenges while establishing mechanisms for longer-term support. In 2012, UNDP worked on two key aspects of security and justice in the country. Firstly, UNDP assisted the Ministry of Interior (MoI) to undertake a baseline on the depth and scope of the security situation in the country in order to determine the reforms required to provide better security services to the population and re-establish public confidence in security institutions. A ground breaking assessment in pilot municipalities was produced with UNDP support. The report highlighted the need for better training, supervision and improved work conditions of police officers on the ground,

and greatly demonstrated the need for institutional reforms. The report was approved and considered by the MoI as a key milestone for assessing provision of security services to the population and as a baseline for further international support to the sector. Likewise, UNDP supported, in close collaboration with OHCHR, the production of Standard Operational Procedures (SOP), which emphasised the need to revise in order to make it consistent with the international standards and the rule of law. The revision of the law on crowd control (law 1969-4) was done with UNDP support. The revision process involved great participation of civil society, and is based on international human rights principles.

Secondly, UNDP has assisted the Ministry of Human Rights and Transitional Justice in close partnership with civil society to draft a law on Transitional Justice jointly with the High Commissioner for Human Rights (OHCHR). This law was submitted for approval to the National Constituent Assembly. Once approved, the law will establish the Independent Commission on Truth and Dignity. With UNDP support, the drafting of the law involved a national dialogue on Transitional Justice in all regions of the country, and the training of all stakeholders on transitional justice, including civil society and local administration (the National Dialogue was concluded in the third trimester of 2012).

UNDP also supported Ministry of Justice design its strategic reform plan for 2012-2016. This plan acts as a dashboard for Aid coordination on the justice sector reform.

**Challenges, Lessons Learned and Way Forward:** UNDP has an important role to play as an impartial convener in transition contexts where justice and security sectors undergo important changes and where confidence in those institutions needs to be rebuilt. National ownership is critical for the success of both transitional justice process and reforms of justice and security sectors. While it is important to enable national partners to have access to experience of other countries, ownership at every step of support and under any type of activities is crucial. UNDP will develop work to build sustainability in its programmatic support to Tunisia in 2013, including prioritising a medium-term perspective in the security sector, justice sector and transitional justice process.



A military parade is held during a national ceremony marking the anniversary of Timor-Leste's landmark UN-facilitated referendum which led to independence from Indonesia.

UN Photo/Martine Perret

Part 3

## Financial Information

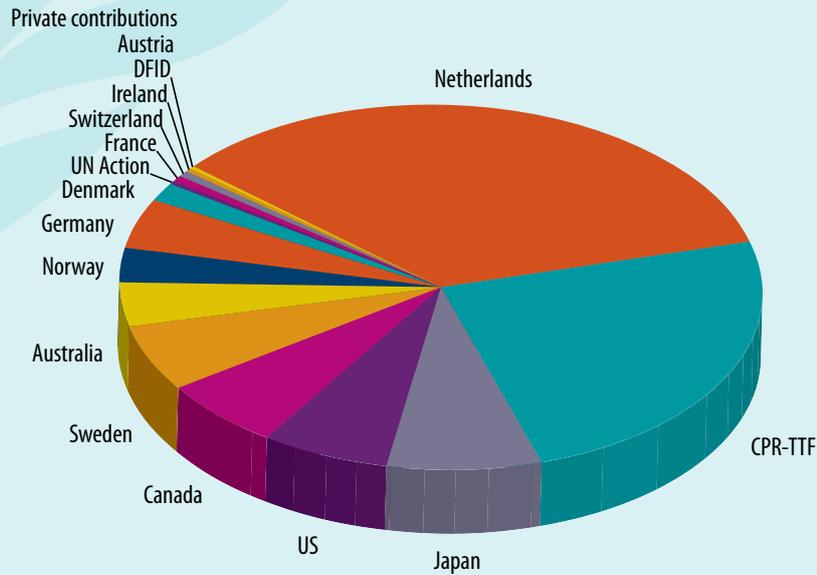
Financial contributions to UNDP's rule of law, justice and security work are made in various ways – for instance, through country-level cost sharing agreements with Country Offices<sup>40</sup>, or through contributions to global-level trust funds. Contributions can be earmarked to a specific country programme or project, or can be earmarked thematically through the Crisis Prevention and Recovery Thematic Trust Fund (CPR-TTF<sup>41</sup>). This thematic area is integrally tied to the priorities identified in the UNDP Strategic Plan (2008-2013).

Through the Global Programme to Strengthen the Rule of Law in Crisis-affected and Fragile Situations, UNDP has provided seed funding to over 37 countries to support the development of an overall rule of law portfolio exceeding US\$ 455 million. The following tables and charts indicate the total mobilised resources since the Global Programme's inception in 2008 through 2012 (over US\$ 115 million), as well as for 2012 alone (over US\$ 21 million).

<sup>40</sup> Indicated as 'Country Window Contributions' in Table 2.

<sup>41</sup> For more on the CPR-TTF, please visit: [http://www.undp.org/content/undp/en/home/ourwork/crisis-preventionandrecovery/crisis\\_preventionandrecoverythematictrustfund/](http://www.undp.org/content/undp/en/home/ourwork/crisis-preventionandrecovery/crisis_preventionandrecoverythematictrustfund/)

## Total Mobilized Resources 2008-2012



**TABLE 1: TOTAL MOBILIZED FOR RESOURCES 2008-2012 IN US\$**

The Netherlands	40,054,431
CPR-TTF	28,336,060
Japan	9,000,000
US	7,333,000
Canada	7,153,428
Sweden	6,694,561
Australia	4,443,307
Norway	3,443,321
Germany	5,331,536
Denmark	1,742,160
UN Action	577,967
France	554,800
Switzerland	550,000
Ireland	350,825
UK	158,479
Austria	5,738
Private contribution	1,000
<b>Total</b>	<b>115,730,613</b>

**TABLE 2: TOTAL MOBILIZED RESOURCES FOR 2012 IN US\$**

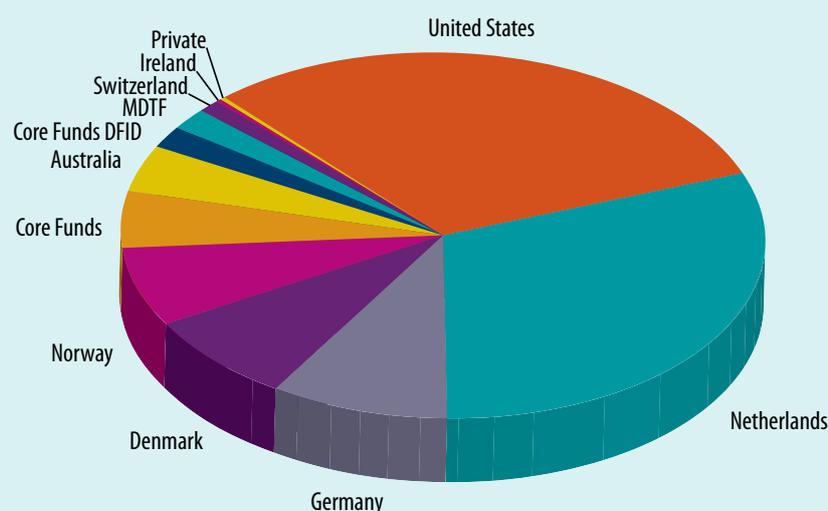
### CONTRIBUTIONS TO THE GLOBAL PROGRAMME

The Netherlands	6,493,506.49
Norway	1,455,097.80
Core Funds	1,107,251.00
Australia	793,119.55
Core Funds DFID	624,113.00
MPTF	451,332.00
Ireland	103,896.10
Austria	5,738.21
Private Contribution	1,000.00
<b>Total Global Programme Contributions</b>	<b>11,029,315.94</b>

### COUNTRY WINDOW CONTRIBUTIONS TO RULE OF LAW PORTFOLIOS

US to Justice and Data Management CO Iraq	3,800,000.00
Germany to CO Somalia and Guinea	1,948,051.96
Denmark to CO Libya	1,742,160.28
US to English Language Training CO Iraq	1,500,000.00
US to CO Yemen	1,340,000.00
Swiss to CO El Salvador	75,000.00
Australia to CO Sierra Leone	9,120.00
<b>Total Country Window Contributions</b>	<b>10,414,332.24</b>
<b>Overall Total for 2012</b>	<b>21,443,648.18</b>

## Top Donors in 2012



**TABLE 3: FINANCIAL INFORMATION FOR PROJECTS SUPPORTED BY THE GLOBAL PROGRAMME**

COUNTRY	PROJECT NAME	CONTRIBUTIONS FROM THE GLOBAL PROGRAMME THROUGH CPR TTF (2008-2012)	ALLOCATIONS FOR 2012	EXPENDITURES AGAINST GLOBAL PROGRAMME/CPR TTF FUNDS 2012
BiH	Armed Violence Prevention	320,000.00	320,000.00	15,664.77
CAR	Etat de Droit basé sur la Just	1,362,468.45	147,195.81	18,723.92
GUINEA-BISSAU	Etat de Droit	185,000.00	37,955.84	35,455.33
HAITI	Projet Etat de Droit	5,700,000.00	2,548,532.07	1,821,205.13
HONDURAS	Mecanismo/Sistema Información	361,300.00	361,300.00	192,360.12
IRAQ	Justice Data Management	3,800,000.00	3,800,000.00	182,732.94
LIBYA	Strengthen ROL /Access to justice	400,000.00	400,000.00	35,875.04
NEPAL	Facilitate CPA Implementation	200,000.00	200,000.00	89,409.00
OPT	Access to Justice	3,606,935.46	1,660,800.88	905,442.79
OPT	Gender & Juvenile Justice	1,569,789.00	955,214.09	166,404.61
OPT	Rule of Law in the Gaza Strip	500,000.00	500,000.00	10,175.01
OPT	Confidence Building	528,912.00	528,912.00	71,761.36
PAPUA NEW GUINEA	Bougainville Recovery	95,000.00	95,000.00	47,348.45
SOUTH SUDAN	Access to Justice and Rule of Law Programme	1,750,000.00	1,750,000.00	535,638.22
SRI LANKA	Equal Access to Justice	2,400,000.00	114,025.90	83,427.47
TIMOR-LESTE	Support to Justice Sector	500,000.00	500,000.00	487,169.00
EL SALVADOR	Inserción económica de jóvenes y Planes de Seguridad Local	300,000.00	300,000.00	256,082.14
RoLJS COUNTRY SUPPORT	Global Programme on Strengthening the Rule of Law in Crisis-Affected and Fragile Situations	3,500,000.00	3,500,000.00	3,135,296.62



*UNDP is supports the rule of law in Yemen.*

*Photo: IRIN/Hugh Macleod*



*Empowered lives.  
Resilient nations.*

UNDP's Global Programme for Strengthening the Rule of Law in Crisis-Affected and Fragile Situations provides rule of law support to approximately 37 crisis-affected countries, including 25 priority countries. The programme has been a driving force in improving the delivery of UNDP's assistance and in pioneering joint UN approaches to supporting the rule of law. The 2012 appointment of UNDP and DPKO as the Global Focal Point for Police, Justice and Corrections Areas in the Rule of Law in Post-Conflict and Other Crisis Situations is a notable development in this regard.

This report gives a synopsis of the results achieved by UNDP in 2012 in assisting countries to increase safety and security, deal with the legacy of violence, build confidence through accessible and effective justice and security institutions, and improve the delivery of justice and security for women. It also highlights important rule of law policy developments in 2012 to which UNDP contributed, and gives an overview of the agenda set for UNDP and its partners in implementing Phase II of the Global Programme (2012-2015).

We are grateful to the governments of Australia, Belgium, Denmark, Germany, Japan, the Netherlands, Norway, Sweden, Switzerland, the United Kingdom, and the United States for their continued support for UNDP's work to strengthen the rule of law in crisis-affected and fragile situations.

