

Department of Peacekeeping Operations

# JUSTICE

*Update*



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DPKO

*Sustainable Peace through Justice and Security*

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## ABOUT THIS PUBLICATION

In 2003 the Criminal Law and Judicial Advisory Service was created within DPKO to promote rule of law by addressing both judicial and penal systems in UN peace operations. This *Update* is about the work of this Service and of Justice Components working in peace operations around the world.

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FRONT COVER IMAGE:  
*A symbol depicting justice at the entrance to the Peace Palace, home of the International Court of Justice, at The Hague in the Netherlands. (UN Photo/P.Sudhakaran)*

Foreword by

# Secretary-General BAN Ki-moon



THIS ISSUE is  
dedicated to  
Peacekeepers' Day 2011

# Law. Order. Peace.

Peacekeepers' Day  
29 May

In 2002 the General Assembly adopted resolution 57/129 designating 29 May as the International Day of United Nations Peacekeepers in order to pay tribute to all of the men and women who have served and continue to serve in United Nations peacekeeping operations. The General Assembly wanted to recognize their high level of professionalism, dedication and courage and to honour the memory of those who have lost their lives in the cause of peace. In 2011 the Departments of Peacekeeping Operations and Field Support chose to observe this day by highlighting the rule of law work that is being undertaken in United Nations peace operations.



UN Photo/Eskinder Debebe

Justice is the cornerstone of the rule of law, underpinning all efforts to achieve international peace and security.

The Universal Declaration of Human Rights provides that all people shall enjoy equal protection under the law, enforceable by an independent and impartial tribunal. A strong and fair justice system is critical to realizing this right.

United Nations peacekeepers are generally the international community's first responders in post-conflict countries. The Department of Peacekeeping Operations is helping to lead United Nations efforts to promote justice in these societies, deploying blue helmets as well as civilian experts, including judicial affairs officers who work side

by side with their counterparts in UN Police and UN Corrections to strengthen the system of justice.

These men and women — and today 60 per cent of the leadership of peacekeeping rule of law units are women — liaise closely with the national authorities to quickly assess the situation so that they are able to help strengthen the justice sector as an anchor to lasting peace.

One of the first tasks after a conflict ends is to establish institutions and procedures that can address the injustices committed during the fighting. A strong justice sector must be independent, transparent, representative and impartial. This is essential to stability — without a functioning and accountable judiciary there can be no lasting peace or sustainable development.

At the same time, it is important to remember that justice institutions do not operate in a vacuum. They must be nationally owned, accountable and trusted by the citizens for whom they were established. Only then can outside assistance be truly helpful.

With national political will and international support from the United Nations, citizens in countries emerging from conflict can achieve the justice they so deeply deserve.

BAN Ki-moon

Secretary-General of the United Nations  
April 2011

## Deputy Secretary-General **Asha-Rose Migiro**

### **Peacekeeping and Rule of Law**

As Chair of the United Nations Rule of Law Coordination and Resource Group, I welcome the choice of this year's thematic focus of the International Day of United Nations Peacekeepers on the rule of law.

The principle that everyone, from the individual to the State itself, is accountable to laws that are publicly promulgated, equally enforced and independently adjudicated is core to the United Nations mission and drives much of our work. The United Nations undertakes a vast array of activities to promote the rule of law. Since its creation, the United Nations has had an unparalleled role in building the capacity of Member States to implement international law. A major and expanding area of work is the ongoing operational and programmatic support to the rule of law at the national level in all contexts, from crisis, peacekeeping, post-crisis and peacebuilding to long-term development.

With over 40 entities undertaking activities to strengthen the rule of law, the United Nations has an immense wealth of expertise. However, for United Nations efforts to be effective, they must be strategic, coherent and coordinated. In 2007, the Secretary-General established the Rule of Law Coordination and Resource Group, of which the Department of Peacekeeping Operations (DPKO) is a member. This Group brings together the heads of those nine departments and agencies of the United Nations most involved in strengthening the rule of law at the national and international level. It is an important forum for ensuring cooperation and coherence in this field across the United Nations system.

As the entity responsible for peacekeeping operations, DPKO has a central role in rule of law work in conflict and post-conflict settings. DPKO brings to the Group the vast experience gained from its presence and role in such settings. DPKO experience is critical in informing the establishment of system-wide strategies and ensuring the seamless engagement amongst all United Nations actors involved in rule of law assistance. I welcome the increasing number of joint initiatives that DPKO is engaging in with other departments and agencies to support national rule of law efforts and I encourage their further expansion.

Finally, on the occasion of the International Day of United Nations Peacekeepers, I pay tribute and extend my own gratitude to all those peacekeeping personnel serving throughout the globe for their professional work and dedication, and especially for their continued efforts in promoting the rule of law.

**Asha-Rose Migiro**  
Deputy Secretary-General, April 2011



UN Photo/Mark Garten

# Justice and Corrections Standing Capacity Twenty-First Century Peacekeeping



In April 2011 the newly-established Justice and Corrections Standing Capacity (JCSC) became operational. The approval by the General Assembly in 2010 of the establishment of the JCSC, to complement the Standing Police Capacity (SPC), represented a landmark in the efforts of the United Nations to address rule of law challenges rapidly and effectively.

## QUICK HOLISTIC DELIVERY

When the SPC became operational in 2007 as a special unit tasked to rapidly deploy to United Nations police operations, no similar tool existed for the other parts of the criminal justice chain. Ensuring an integrated approach to rule of law assistance, covering not only police but

also justice and corrections is critical. A police system cannot operate effectively without functional justice and corrections systems.

The SPC is based at the United Nations Logistical Base (UNLB) in Brindisi, Italy. It has been deployed to missions in Chad, Somalia, Guinea-Bissau, Afghanistan, Haiti and many other countries on behalf of the United Nations Secretariat, to provide start-up capacity, to undertake other critical short-term tasks or to address acute surge needs in times of crisis.

## CORE FUNCTIONS

The new Justice and Corrections Standing Capacity, also based at UNLB, has an initial operational capacity of five professional posts (the team leader plus two judicial affairs and two corrections officers) and one administrative support staff.

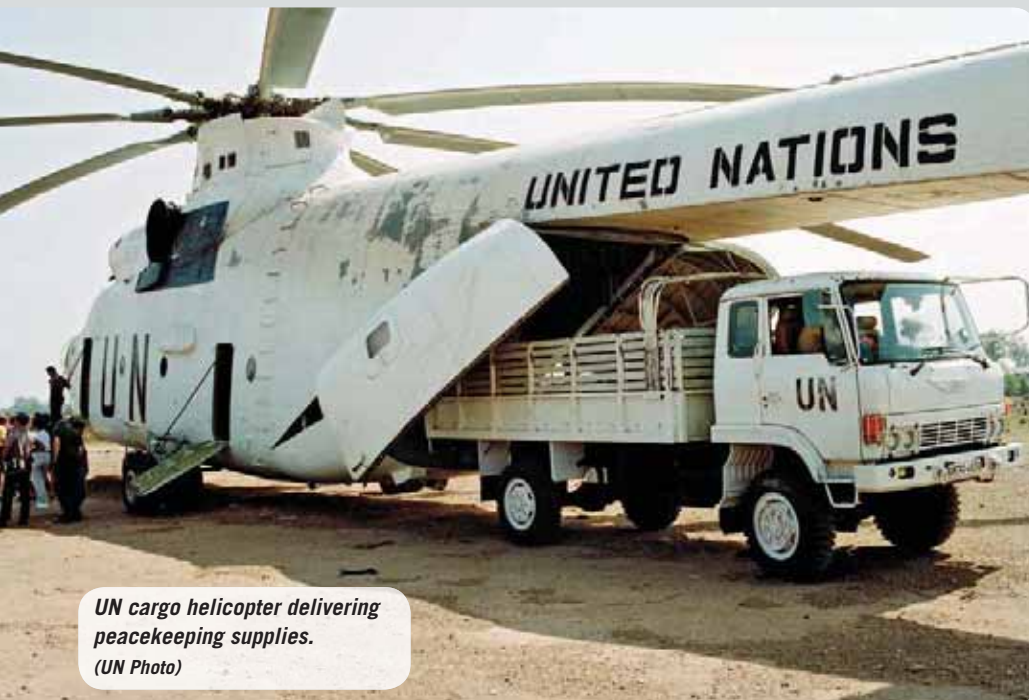
The JCSC has two core functions:

- Start-up justice and/or corrections components in new United Nations field operations (including participating in pre-mission planning); and
- Reinforce existing United Nations field operations in providing assistance and support to national authorities in the area of justice and corrections where critical and urgent gaps arise.

This select unit composed of highly experienced justice and corrections experts will be trained and ready to “hit the ground running” to accomplish critical tasks in the relatively short timeframe of its deployment. Depending on the mission setting and the specific phase of a mission, JCSC tasks may include: mapping and detailed assessments of the justice and corrections sector, developing rule of law strategies, developing joint programmes with other United Nations entities, engaging and coordinating with other international actors and mobilizing resources for essential programmatic activities.

## ADDED VALUE

JCSC officers will be expected to deploy at short notice upon the direction of the Under-Secretary-General for Peacekeeping Operations and are expected to spend up to 70 per cent of their time deployed to the field. During their time at UNLB, officers will debrief, develop after-action reviews, contribute to lessons learned and best practice studies, attend the necessary training sessions and prepare for the next field assignment. ■



*UN cargo helicopter delivering peacekeeping supplies.  
(UN Photo)*

# Addressing Root Causes of Conflicts and Long-Term Solutions



## Alain Le Roy

Under-Secretary-General for Peacekeeping,  
April 2011

Since 1999 the United Nations Security Council has included provisions on strengthening the rule of law, justice and/or corrections systems in the mandates of all new multidimensional United Nations peacekeeping operations. A well functioning and accountable justice system advances peace by providing mechanisms for the peaceful resolution of disputes as well as accountability for crimes committed during and after the conflict.

Where violence, rather than rule of law, has been the dominant force in a society, courts and justice actors often face significant challenges in restoring law and order and in carrying out judicial functions. It is recognized that providing support to national judicial systems and judicial personnel is imperative to peace and security.

In 2011, the Department of Peacekeeping Operations and the Department of Field Support chose to highlight this crucial work by dedicating the International Day of United Nations Peacekeepers to rule of law. From Haiti to Timor-Leste, and in Sudan, the Democratic Republic of the Congo and Liberia, reinforcing rule of law institutions, helping to develop a viable national police, restoring

confidence in an independent judiciary and supporting the building or renovation of prisons according to international norms, helps to make future development possible.

Today the Department of Peacekeeping Operations has more than 14,000 police, 340 corrections officers and 175 judicial affairs officers, in nine peacekeeping operations (MINUSTAH, MONUSCO, UNAMA, UNAMID, UNMIK, UNMIL, UNMIS, UNMIT and



UN Photo/John McLWainne

*“Where violence, rather than rule of law, has been the dominant force in a society, courts and justice actors often face significant challenges in restoring law and order and in carrying out judicial functions.”*

UNOCI). They are deployed to help national authorities in the important work of promoting the rule of law, re-vamping institutions and enhancing the authority of justice institutions.

Within DPKO, the Criminal Law and Judicial Advisory Service (CLJAS) specializes in legal and judicial reform issues. CLJAS backstops the justice components of peacekeeping operations and provides legal and judicial advice and assistance on justice sector activities. In order to fortify the capacity of CLJAS to respond to justice needs in the field, the Justice and

Corrections Standing Capacity was established this year in Brindisi, Italy to work alongside the Standing Police Capacity. This will enable the rapid deployment of police, justice and corrections experts.

The Office of Rule of Law and Security Institutions, which oversees the police, justice and corrections works in peacekeeping operations, has led the Department in the development of a DPKO-DFS early peacebuilding strategy. An important part of this strategy is the holistic and long term approach to rule of law work. The strategy will provide guidance to peacekeepers on prioritizing, sequencing and planning these critical early tasks.

This *Update* provides an overview of the activities we have carried out in our peacekeeping operations over the last year. It describes the impact that this work is having on the overall peace processes and highlights the important partnerships that are continually being strengthened with the Department of Political Affairs, Office of the High Commissioner for Human Rights, Peacebuilding Support Office, the United Nations Development Programme and the United Nations Office on Drugs and Crime.

Many United Nations Member States assist this important work with funding, personnel and strong encouragement. I wish to thank all of them for this support, including the men and women serving in our peacekeeping operations and our partners. ■

# Peacekeeping Justice



UN Photo/Evan Schneider



*Security at a food distribution point in Port-au-Prince, Haiti. (UN Photo/Sophia Paris)*

## United Nations Stabilization Mission in Haiti — MINUSTAH

# Picking Up and Moving Forward



On 12 January 2010, an earthquake of 7.0 magnitude struck Haiti, causing widespread loss of life and damage to property. In light of the escalating humanitarian situation and the urgent need to assist the Haitian Government in dealing with the consequences of the earthquake, the Security Council adopted resolution 1927 (2010). It encourages MINUSTAH to provide logistical support and technical

expertise, within available means, to assist the Government of Haiti to build the capacity of its rule of law institutions at the national and local level.

As a first step, MINUSTAH assisted the Government in identifying the logistical support required, which ranges from tents to prefabs and office equipment. A Memorandum of Understanding with the Government is being developed to provide for the supply of these items. To help ease the shortage of staff, MINUSTAH has arranged with

the Government for the deployment of seconded officers to the Ministry of Justice and the courts.

The devastation from the earthquake has led to a lack of legal services for the affected population. Taking note of this situation, MINUSTAH has supported the addition of two legal aid offices since April 2010, thus ensuring coverage in 12 out of 18 jurisdictions in the country. This legal aid programme is monitored by the MINUSTAH Justice Section in partnership with the



International Legal Aid Consortium and the Union of South American Nations. The latter has recently pledged to provide US\$ 1.5 million for the first phase — the opening of six additional legal aid offices in 2011 — with the aim of extending the legal aid programme to all jurisdictions in the country.

The mandate also encourages MINUSTAH to build national capacity. Therefore, to enhance the professional skills of national judicial and legal actors, MINUSTAH Justice Section supported the organization of the selection test for the recruitment of new magistrates, which resulted in 20 persons being selected. With finan-

*“In spite of recent and severe setbacks, we now have a real window of hope to lift Haiti out of its downward spiral if the Haitian authorities, international community, and national and international private sector can rally around a critical path to place the country on the road to economic security.”*

—BAN Ki-moon

cial support from MINUSTAH and the French Government, and in coordination with UNDP, the selected persons are undergoing a training of 10 months in France. Upon their return in Haiti, they will undertake a six-month training course at the School of Magistrates in Port-au-Prince. In addition, the Justice Section has supported the Ministry of Justice in the organization of several in-house trainings for justices of the peace, prosecutors and other legal professionals.

Much of Haiti's recovery rests on the restoration of the rule of law and the revitalization of its legal and judicial institutions and MINUSTAH will continue to focus its efforts on serving the needs of the Haitian population. ■

## Mission in the Democratic Republic of the Congo — MONUSCO

# Military Justice



Over the last year, MONUSCO's Rule of Law Office has concentrated on building partnerships with bilateral and multilateral partners to strengthen the capacity of the Congolese military and civilian justice systems.

In one such case, the Office collaborated with the United States Defense Institute of International Legal Studies for the delivery of training courses on sex crime investigation for military investigators and on international criminal law for magistrates. Over 600 military justice personnel (magistrates, investigators, clerks of the court, bailiffs, process servers, and secretaries of the office of prosecutors) were trained on issues related to impunity, sexual violence and human rights violations in order to promote and establish the rule of law in a disciplined army. Following these initiatives, there is evidence that the quality of prosecutions has improved. The Office also facilitated a series of training seminars on the basics of military justice and command responsibility for FARDC officers as part of its outreach programme.

### DELIVERING AS ONE

During the last quarter of 2010, the Military Prosecutor within the Military Court in Goma requested MONUSCO's assistance in carrying out investigations in connection with the Kibua-Mpofi attack (Walikale). In cooperation with UNDP and other partners, MONUSCO conducted training for 24 Congolese magistrates and police officers. Investigators were also deployed to Walikale to collect witness and victim

testimonies. A similar request for assistance was subsequently made in South Kivu. With the support of Canada, the United States, the Peacebuilding Fund and other partners, the first Prosecution Support Cell is now operational in North Kivu, with more Cells due to be established.

In partnership with the Ministries of Justice and Defence, the Office has developed two projects to support the judiciary and penitentiary institutions in the Eastern provinces of the DRC, and to reinforce the prosecutions of the most serious crimes, including war crimes and crimes against humanity, sexual violence, as well as pillage of natural resources. The Office also supported the Government's effort to deploy magistrates in Equateur, Kasai Occidental, Kasai Oriental, Katanga, Maniema, North and South Kivu, and Province Orientale, to help strengthen national judicial capacity across the country.

Recently, MONUSCO, UNDP and the United Nations Office on Drugs and Crime (UNODC), in close consultation with the Ministry of Justice and Human Rights, have developed the United Nations Multi-Year Joint UN Justice Support Programme, which is aimed at developing the judiciary, judicial police and prisons. Core elements of the two-year programme are funded through the support of the Peacebuilding Fund and Canada. This programme constitutes a joint strategy by the different UN entities which will help ensure coherence and avoid duplication of efforts, so that UN assistance initiatives can better support Congolese rule of law institutions and actors. ■

## Enhancing Coordination



In July 2008, the National Justice Sector Strategy for Afghanistan called on UNAMA and the United Nations Development Programme (UNDP) to establish the Provincial Justice Coordination Mechanism (PJCM) as a joint project whose overall aim was to improve the delivery of justice assistance in the provinces. The project was managed by the UNAMA Rule of Law Unit. Six of its eight regional offices were staffed by UNDP and the other two by UNAMA. The joint project closed in November 2010, but the activities of the PJCM continue to be undertaken by UNAMA's Rule of Law Unit.

The three main areas of activity for the PJCM were to establish general justice coordination mechanisms in each province, to improve donor coordination and to prepare justice sector assessments.

### WORKING IN PROVINCES AND DISTRICTS

In July 2008, there was little coordination among the justice institutions operating at the provincial level and few regular forums in which they could resolve problems. The PJCM teams established regular justice coordination meetings in most provinces and by 2010 they were taking place in 30 out of 34 provinces. The fact that they

continued, with leadership having passed in most cases to the judiciary, is a positive indication that they were found useful.

While one province even extended these meetings down to District level, the PJCM team in Kunduz initiated regional meetings of the justice institutions from four provinces in order to facilitate inter-provincial dialogue. The first such meeting produced a number of recommendations that have since been implemented and the Supreme Court subsequently required that these meetings take place in all judicial regions.

Coordination meetings addressed a wide range of problems, from



*Afghan National Police officers provide security at Dai Kundi Central Prison in Nili, Afghanistan.*  
(UN Photo/Eric Kanalstein)

systemic issues, such as lack of mutual understanding of the respective roles of the different institutions within the criminal justice process, to the practical, such as the inability of the police to serve summonses. Some issues, such as lack of staff or security, could not be resolved at a provincial level, but others could. Results included better linkages between the Criminal Investigation Departments of the Afghan National Police and the prosecution service, ensuring that defence lawyers had access to detention facilities and correcting the misapplication of criminal laws. In general, in an environment where justice delivery has been minimal, the importance of developing working relationships among the key justice actors should not be underestimated.

The PJCM teams also facilitated the creation of thematic working groups, particularly in respect of the criminal justice process (including detention and corrections aspects) and legal aid delivery, as well as separate meetings of donors and implementers, in order to identify the immediate needs of the justice institutions and find ways to fill them. These resulted in both relatively small initiatives, such as rebuilding a prison wall, and others with greater potential impact, such as funding of legal aid provision in provinces where there had been none, providing training courses or providing lists of legal aid lawyers for local police stations and detention centres. Some groups addressed specific needs, in particular the detention review committees that were set up in Kandahar and Uruzgan.

The PCJM teams were engaged in various capacity building initiatives, ranging from facilitation of an academic exchange between the law

facilities in Kunduz and in Tehran, Iran, which resulted in a study tour of law professors from Kunduz and Mazar to Tehran in January 2010, to conducting monthly legal skills workshops for defence lawyers in Balkh province.

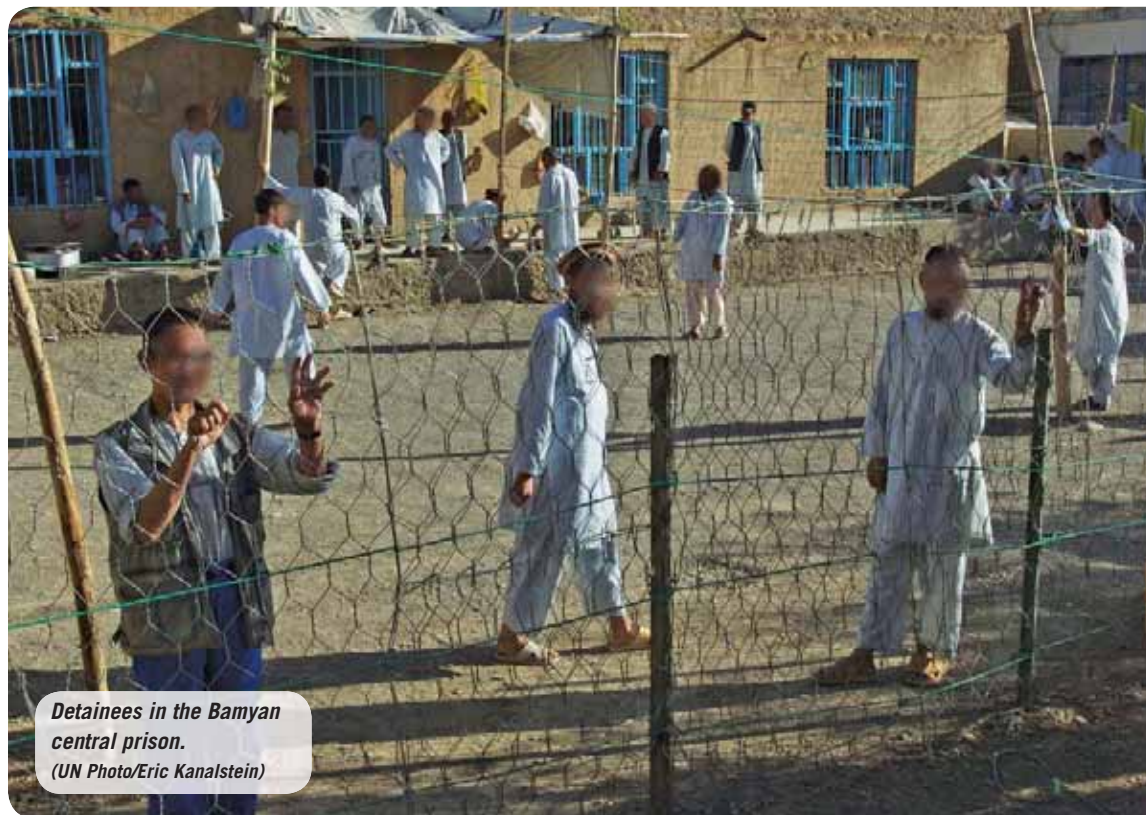
## FRAMEWORK

The PJCM is a response to the need, at the provincial and district level, to move beyond the ad hoc initiatives being undertaken outside a central or coordinated framework. Prior to the establish-

activities at the provincial and district levels needed to be undertaken within an agreed nationally-driven framework with greater consistency in planning.

## MAKING HEADWAY

With its presence in the provinces, UNAMA, through the PJCM, is widely seen by national authorities and international stakeholders as the entity best suited to facilitate provincial justice coordination. The PJCM has been effective in assisting the Govern-



*Detainees in the Bamyan central prison.  
(UN Photo/Eric Kanalstein)*

ment of the PJCM, international assistance efforts were designed, funded and implemented through a variety of ad hoc local justice assistance projects. Ultimately, the nature and approach to this support depended on the agency or bilateral actor active in each province. This inevitably resulted in uncoordinated and unstructured approaches leading to disconnected and uneven development. It became increasingly apparent that justice assistance

ment to systematically expand rule of law beyond Kabul and improve the delivery of justice assistance in the provinces, consistent with the National Justice Sector Strategy and the National Justice Programme. This has brought about a more constructive, collaborative and strategic reform process for the justice sector resulting in improved donor cooperation, consultation and transparency at both the central and provincial level. ■

# Restoring Justice and Addressing Sexual and Gender-Based Crimes



## RESTORING JUSTICE

Many of the formal courts in Darfur were closed at the height of the conflict. Judges abandoned their posts, fearing for their security. The shertai courts (traditional justice tribunals) tried to fill the void but were very limited in their criminal jurisdiction. UNAMID Rule of Law advocated for the restoration of judicial services in localities where courts had closed down. In cooperation with the North Darfur Chief Judge, UNAMID has successfully assisted with the placement of resident judges in all courts in the localities of the state. As part of its efforts to support the strengthening of national judicial capacity, UNAMID assisted with the reopening of the Kabkabiya court, which had been closed for years. On 25 October 2010, the newly-appointed resident judge assumed duty in Kabkabiya, the administrative capital of

North Darfur. At the ceremony marking the reopening of the court, the Commissioner of Kabkabiya, Dr. Adam Mohamed noted that “the new judge in Kabkabiya...will help us and the community as a whole in our efforts to reduce crime in this locality...In the recent past we have suffered quite a lot because of insecurity and the breakdown in the rule of law”.

UNAMID also reached an understanding with the Chief Judge to facilitate the operation of mobile courts in order to address capital offences such as murder, rape, robbery and gun-related offences in localities that currently lack permanent court structures. Under this arrangement UNAMID Rule of Law is helping to facilitate transportation of a senior judge from El Fasher to designated localities to complement the jurisdiction of the resident judges. The restoration of judicial services has significantly contributed to confidence-building amongst the beneficiary communities

and is further evidence of the restoration of normalcy in these communities. Despite these positive developments a lot remains to be done: infrastructural upgrades and deployment of qualified personnel to adjudicate justice are some of the most urgent needs.

## ADDRESSING SEXUAL AND GENDER-BASED VIOLENCE

Sexual and gender-based violence (SGBV) has also been a core focus for UNAMID in the past year. At the end of August 2010, UNAMID Rule of Law helped organize a training workshop for Sudanese police in collaboration with UNDP, UNICEF and the Office of the Wali (Governor) of West Darfur. The objective of the workshop, attended by 50 participants, was to train the police officers, who were mainly investigators, on the basic concepts of gender-based violence and its reporting mechanisms. The workshop also aimed to assist the police to establish systematic referral processes for SGBV cases and to provide linkages between field offices and police headquarters in West Darfur.

Participants in the programme were trained on the provisions of the Sudanese Criminal Law, Evidence Act, Criminal Procedure Act and the Child Act relevant to gender-based violence and child-related offences. The training emphasized the role of police reporting, apprehending, conducting searches, investigating and prosecuting cases of GBV. This programme is a precursor to the upcoming Integrated Strategic Framework (ISF) for Darfur which seeks a one UN approach to rule of law and other development projects for Darfur. ■



*A training for 20 judges in North Darfur State in 2010, organized by UNAMID. (UN Photo/Albert Gonzalez Farran)*

## United Nations Interim Administration Mission in Kosovo – UNMIK

# Facilitating Dialogue



UNMIK continues to operate under Security Council resolution 1244 (1999) of 10 June 1999, which tasked UNMIK, inter alia, with “[p]erforming basic civilian administrative functions where and as long as required; [o]rganizing and overseeing the development of pro-

European Union Rule of Law Mission in Kosovo (EULEX) in December 2008, UNMIK reconfigured its justice operations into a Rule of Law Liaison Office (RoLLO) that monitors activities in the area of rule of law and continues to fulfil certain necessary functions in the rule of law area that neither EULEX nor the Kosovo institutions are able to exercise.

certification of civil documents needed by Kosovo residents in their dealings with non-recognizing Member States. These services include primarily the certification of civil status, pension and academic documents.

Since the last Justice Update (April 2010), UNMIK has monitored the appointment process for legal positions within the Kosovo justice system and has provided technical assistance and advice where requested. The Independent Judicial and Prosecutorial Commission recently completed the initial process of appointment of judges and prosecutors and transferred its duties to the Kosovo Judicial Council. It was important that UNMIK ensure the process was merit-based and conducted in accordance with European Commission standards, and the process was conducted fairly and efficiently, without political interference, with adequate minority representation, and with mechanisms in place to review appointment decisions.



*United Nations Security Council considers the report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo. (UN Photo/Eskinder Debebe)*

visional institutions for democratic and autonomous self-government pending a political settlement, including the holding of elections; and [t]ransferring, as these institutions are established, its administrative responsibilities while overseeing and supporting the consolidation of Kosovo’s local provisional institutions and other peacebuilding activities” (OP 11 (b), (c) and (d)).

Following the transfer of operational responsibilities in the area of rule of law from UNMIK to the

### FILLING IN THE GAP

Principally, UNMIK facilitates relations between Member States that do not recognize Kosovo and the Kosovo institutions. This includes facilitating the transmission of requests for mutual legal assistance and the issuance of International Wanted Notices through INTERPOL. The role of focal point between Kosovo and the International Criminal Tribunal for the Former Yugoslavia was transferred to EULEX. RoLLO also provides

### MISSING PERSONS

One other significant undertaking is UNMIK’s facilitation of the Belgrade-Pristina cooperation on missing persons. An UNMIK representative is part of the Pristina Delegation in the Working Group on Missing Persons, chaired by the ICRC. UNMIK also facilitates the participation of Kosovo representatives in regular Working Group meetings in Belgrade. The Working Group is one of only two areas (the other being cultural heritage) in which representatives of Belgrade and Pristina interact directly. In these areas, UNMIK’s representational capacity remains crucial to dialogue. ■



*Peacebuilding Commission Chair for the Liberia Configuration, Prince Zeid Al Hussein, with DSRSG Moustapha Soumare near Magisterial Court in Sanniquellie, Liberia.  
(UN Photo/Staton Winter)*

## United Nations Mission in Liberia — UNMIL

# Working with Traditional Justice



In Liberia, a priority programme is the monitoring of the tribal courts, administered by traditional authorities, which exercise jurisdiction over tribal persons in tribal matters. Following reports of case decisions that were not in accordance with international legal standards and human rights norms, UNMIL Legal and Judicial System Support Division (LJSSD) initiated a study on the Tribal Governor Court system to better understand their role in the criminal justice system and their

contribution to access to justice. Governors have three basic functions: to provide social, political and quasi-judicial services. Socially, they help their tribesman in transit through the city by providing housing, health and protection. Politically, they rally support for the Government by organizing mass turnouts of tribe members during visits by the President, undertaking community organizing and helping with public awareness campaigns. In their quasi-judicial capacity, they preside over hearings and apply the requisite tribal customs and procedures to resolve

disputes on issues such as marriage, divorce, child custody and support, and property rights.

The tenure of the governors is undefined: some of the governors have been in their offices for twenty years and others for six years or fewer. There are both male and female tribal governors. In Montserrado County, the number of female tribal governors is on par with the men, while in Grand Bassa County, most of the tribal governors are women. The governors are not legally trained and usually mediate rather than adjudicate. The research

showed that a majority of tribal governors hear an average of four to five cases per week. Police in the county describe their cooperation with the tribal governor courts as part of their community policing strategy.

### INTEGRATING LEGAL NORMS

Due to continuing tribal affiliations, this system of administering justice has proved to be more appealing to a majority of people. With the non-renewal of the commissions of the Justices of the Peace in the Criminal Justice System, many of the cases which would normally have ended up in the courts of the Justices of the Peace are now being held in the tribal governor courts. This has led to a diversion of a significant workload from the criminal justice system. Given this increased role being played by the tribal governor courts, LJSSD is working with the Ministry of Internal Affairs to help regulate and set procedures in tribal courts, train tribal governors and clerks on fundamental justice principles, due process and human rights. These efforts will provide international support to local community mechanisms while ensuring adherence to legal and human rights principles and norms. ■

## United Nations Mission in the Sudan — UNMIS

# Building Capacity



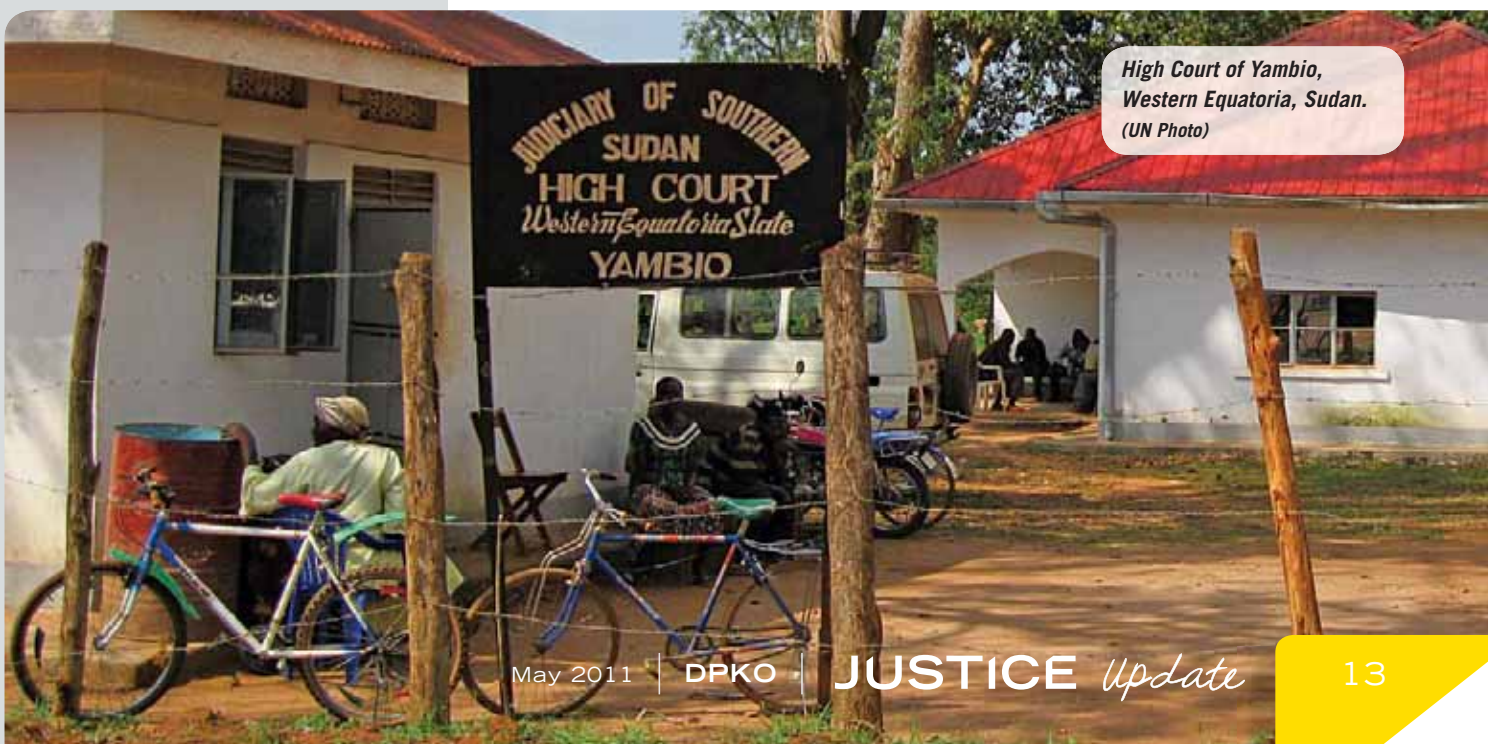
In a region emerging from decades of brutal conflict, where more than two million lives were lost and millions have fled, Southern Sudan faces many challenges as it works to rebuild itself. The Comprehensive Peace Agreement (CPA), signed between the parties to Sudan's civil war in 2005, ended the conflict and culminated in the referendum in January 2011 when the population voted for an independent Southern Sudan state.

Due to the prolonged conflict, Southern Sudan's justice sector has many difficulties, particularly in the areas of judicial capacity, which affects the functioning of both the criminal and civil justice sectors. To evaluate the challenges with the effective functioning of the justice sector, UNMIS Judicial System and Prisons Advisory Section conducted a comprehensive assessment of the justice sector to map out existing structures in the 10 states and the regional level of Southern Sudan.

The finalized review of the justice and security sectors provided to the Government of Southern Sudan (GoSS) and international donors an assessment for use in designing a national justice sector development strategy. Information from the assessment is also being used to assist with mission planning for justice sector programming.

Initial results from the assessment indicate that the justice sector lacks qualified justice sector personnel, sound infrastructure and equipment. While all of the prosecutors are law school graduates, most have had little practical skills training or mentoring in investigation, legal research, legal drafting, trial practice and appellate advocacy, hampering their inability to successfully prosecute cases. The situation is the same with the judges. All judges except for four have a legal education, but many of them lack the experience and practical training to sufficiently administer justice, especially since most studied law outside of Southern Sudan and do not understand

*continues on page 14*



*High Court of Yambio, Western Equatoria, Sudan. (UN Photo)*

## Addressing Domestic Violence



Violence against women and children is serious and widespread in Timor-Leste. It is estimated that more than one third of all cases in the formal justice system are gender-based violence crimes most of which are domestic violence cases against women. Reporting of crimes to any forum outside the family structure is still hampered by the stigma associated with such crimes and socio-cultural acceptance. Most domestic violence and sexual assault cases against women, despite the existence of the Criminal Code and the Law Against Domestic Violence, are mediated in traditional justice forums instead of being prosecuted in the formal justice system.

The Law against Domestic Violence came into effect in July 2010

and functions in conjunction with the Criminal Code. The objectives of the law are to prevent, protect and give assistance to victims of domestic violence. The law covers definitions of domestic violence, family, principles, cooperation and responsibility of the Government institutions as

well as that of the legal and health care professionals. One of the most important elements of the law is that domestic violence is categorized as a public crime, thereby raising the seriousness of the crime, obligating police and prosecutors to investigate and prosecute, and removing the



*A Dili District courtroom with UN judicial observers and UN and Timorese police providing security.  
(UN Photo/Martine Perret)*

### Building Capacity:

*continued from p. 13*

the applicable legal codes. Many do not understand the common law legal system used in the South because they were trained in civil law/Sharia law systems. Additionally, many judges are not familiar with legal terminology in English, the language used by the judiciary, since they are native Arabic speakers and studied law in Arabic.

Traditional justice actors handle cases that would ordinarily be conducted in official county courts. While traditional justice courts are recognized under the Southern Sudanese codes, traditional courts are not permitted to handle criminal cases.

However, in many areas the traditional courts adjudicate criminal cases applying traditional law instead of the penal code, causing individuals to be incarcerated for acts that are not crimes under the penal code, or to be executed for crimes that are not capital offences. Traditional courts continue to use traditional punishments that are illegal, such as blood compensation where a girl from a “convicted” murderer’s family is forcibly given in marriage to the victim’s family.

Outside of Juba and Wau — Southern Sudan’s two largest cities — defence lawyers are practically non-existent. The few who exist sometimes travel to the states to represent criminal

defendants, but only when the defendant can pay for their services. Although the government is required under the law to provide lawyers to defendants in capital cases free of charge, in practice it happens less than half of the time. As a result, criminal defendants at trial and on appeal are very rarely represented by a defence lawyer.

Despite the numerous problems facing the justice sector, both the justice sector personnel and the people of Southern Sudan are optimistic about changes in the justice system. The justice sector assessment will feed into the development of a strategy for the effective administration of justice to ensure access to justice for all. ■



requirement that the case be based on the victim's complaint.

## RAISING AWARENESS

From 2007, the Administration of Justice Support Unit (AJSU) of UNMIT, working closely with the United Nations Population Fund (UNFPA), has assisted national authorities in drafting and advocating for the promulgation of this law. Since the law came into force, AJSU has provided technical support through outreach activities such as training, workshops, seminars

and briefings to community leaders, national police, health care professionals, private lawyers, media and non-governmental organizations. More specifically, AJSU together with the women's rights umbrella organization, RedeFeto, delivered presentations to several communities in the capital, Dili, and other selected districts to explain the main provisions of the law, emphasizing that whole communities need to take action against domestic violence. AJSU also gave a presentation to lawyers and health care professionals on their responsibility to prevent domestic

violence and protect and give assistance to domestic violence victims. By law, the legal and medical providers must document relevant facts, report the case to the police or prosecutor and refer the survivor to further service providers e.g. shelters or counsellors as necessary. Implementation of the Law Against Domestic Violence is only just beginning, but the existence of the law and its categorization of domestic violence as a public crime signify very important steps forward in the struggle to end violence against women in Timor-Leste. ■



*UN and Timorese police patrolling Lahane market in Dili.  
(UN Photo/Martine Perret)*

# Redeployment and Strengthening Capacity



On 28 November 2010, the second round of presidential elections in Côte d'Ivoire concluded and the Independent Electoral Commission declared Alassane Ouattara the winner. The former President Laurent Gbagbo refused to stand down, which led to fierce battles in Côte d'Ivoire between forces loyal to the two men. On 11 April former President Gbagbo was captured and arrested by Government forces, bringing an end to the standoff.

During this time, UNOCI faced a serious security challenge and staff were unable to conduct their usual work programmes. Almost all of the rule of law activities were suspended, except for the launching of the administrative procedures for Quick Impact Projects in four prison facilities implemented by the international

NGO "Prisoners without Borders". As at time of printing, the Section has been relocated to the relative safety of Bouaké, from where they expect to be able to continue some of its work.

## SYSTEMIC REFORM

Prior to the current crisis, the UNOCI Rule of Law Unit was primarily focused on two areas: the redeployment of judicial and penitentiary systems in the northern regions of Côte d'Ivoire and broader systemic reform of the justice sector. Redeployment had been progressing well before the crisis, with almost all judicial staff redeployed to the courts. Unfortunately, when the crisis broke out, the judges fled their posts in the north. After the resolution of the crisis, much work will have to be done in restoring State administration, including judicial authority, throughout Côte d'Ivoire.

As part of its systemic reform work, the Section has facilitated the development of a wide-ranging €18,000,000 programme funded by the European Commission aimed at strengthening the justice sector. Projects covered include capacity-building programmes for judicial actors, universities and legal education institutions; reorganization and computerization of courts; raising public awareness on justice matters; and gender and juvenile justice. The Section helped the Ministry of Justice manage the various projects, by providing technical advice and assistance and playing a coordination role.

In support of the elections, the Section also assisted the mobile courts with the task of identifying and registering voters without official papers and monitored the process of appeals from the provisional voter list. ■



*A ceremony for the redeployment of magistrates in Bouaké, Côte d'Ivoire. (UN Photo/Lee Woodyear)*

# Tools and Partnerships for Long-Term Impact



*In El Fasher, North Darfur, a march  
at a UN annual campaign against  
Gender-Based Violence.  
(UN Photo/Albert Gonzalez Farran)*

# Peacekeeping Promotes Rule of Law through Expertise and Partnerships



## Dmitry Titov

Assistant Secretary-General, Office of Rule of Law and Security Institutions, Department of Peacekeeping Operations  
April 2011

Since the early 1990s, it has become increasingly apparent that “keeping peace” without addressing the root causes of conflict or working to establish systems and principles that can hold people, institutions and authorities accountable cannot lead to long-term stability.

That being said, actually addressing root causes and establishing systems is neither easy nor fast — which is why the Department of Peacekeeping Operations, over the last decade, has put such an emphasis on deploying police, justice, corrections and security sector reform officers as early as possible. To cite the Secretary-General: “United Nations peacekeepers are generally the international community’s first responders in post-conflict countries. The Department of Peacekeeping Operations is helping to lead United Nations efforts to promote justice in these societies, deploying blue helmets as well as civilian experts, including judicial affairs officers who work side by side with their counterparts in UN Police and UN Corrections to strengthen the system of justice.”

Although security is often the paramount issue in the first weeks and months after the end of the conflict, the sooner we can begin to work with national authorities to assess and begin to address the fundamental rule of law systems that need to be in place,

the sooner this important work can be planned, budgeted and brought into the overall development picture.

Time is of the essence, both to begin this work and to hand it over to longer-term development partners. Keeping peace is the first stage of building peace. Its emphasis is on stabilization and security, but it must also ensure that basic progress is made toward the development of rule of law structures

*“Without a functioning criminal justice system, an independent judiciary, a professional police service and a corrections system that respects international norms, security cannot be guaranteed.”*

and systems. Indeed, without a functioning criminal justice system, an independent judiciary, a professional police service and a corrections system that respects international norms, security cannot be guaranteed. This is why OROLSI led the development of the DPKO/DFS early peacebuilding strategy which, *inter alia*, takes a holistic approach to the rule of law.

Multi-dimensional peacekeeping operations are designed to be limited in time. Peacekeeping is an initial stage in a process that aims to lead to the establishment of a stable and accountable system of governance that is based on the rule of law. Part of the exit strategy includes ensuring that programmes that will enable the establishment of a criminal justice system are ongoing. Leading partners

include Member States, the United Nations Development Programme, the Peacebuilding Support Office, the World Bank, other United Nations Agencies and some international governmental and non-governmental organizations. Part of the work of peacekeepers is to help national authorities identify and develop a relationship with these partners, while helping to assess the short, medium and long-term needs.



Mr. Titov and General C.A. CC Emilio Borghini.

UN Photo/John McLivaine

Tools such as the United Nations Rule of Law Indicators, a UN system wide initiative that is being used today in Liberia and Haiti, were developed to facilitate this process. The establishment of the Standing Justice and Corrections Capacity that works alongside the Standing Police Capacity, is another tool that can ensure faster deployment and immediate support for operations. The world-class rule of law training that the Department has rolled out over the last two years develops the abilities of judicial affairs officers in missions and will become required pre-deployment training for all judicial affairs officers.

Through expertise and partnerships, the Department of Peacekeeping Operations aims to do better with less. ■

# United Nations Rule of Law Indicators



Building and strengthening the rule of law in developing nations, particularly countries in transition or emerging from a period of armed conflict, has become a central focus of the work of the United Nations. As a result, there is growing demand throughout the United Nations system to better understand the delivery of justice in conflict and post-conflict situations and the impact of reforms in this area. In this context, the United Nations Department of Peacekeeping Operations (DPKO) and Office of the High Commissioner for Human Rights (OHCHR), in cooperation with several other United Nations agencies, have developed and pre-tested an instrument to monitor changes in the performance and fundamental characteristics of criminal justice institutions in conflict

and post-conflict situations. The instrument consists of a carefully designed set of indicators: the United Nations Rule of Law Indicators.

## A PRACTICAL FIELD-TESTED TOOL

The United Nations Rule of Law Indicators are part of an emerging body of empirically based approaches to measure the strengths and effectiveness of law enforcement, judicial and correctional institutions. The instrument, in contrast to some other measurement tools, is designed to highlight successes and shortcomings within institutions and to monitor changes over time *within* countries. It is not meant to support direct comparisons between countries or rank them against one another. The instrument refers to relevant United Nations criminal justice and human rights norms and standards but is not designed to

assess compliance with these standards. It is also not a substitute for the careful assessment of the capacity or performance of criminal justice institutions, although the indicators are expected to inform such assessments. The indicators are therefore distinct from, but complementary to, the guidelines on the assessment of police and other law enforcement, justice and corrections institutions which are currently being developed by DPKO.

## TARGET AUDIENCES

The instrument will be implemented in collaboration with national governments and hopefully adopted by them as an ongoing monitoring mechanism. Participating countries will find this instrument very useful for monitoring their own progress in reforming or rebuilding their criminal justice institutions and strengthening the rule of law. The instrument will also provide and summarize accurate information which the United Nations, donors and development partners will be able to use to plan and monitor the impact of their efforts to rebuild the capacity of criminal justice institutions and, more generally, strengthen the rule of law. Additionally, the process of implementing the indicators will strengthen relationships between the United Nations and participating national governments, relationships that are crucial to the United Nations objectives of promoting peace and security in conflict and post-conflict countries and building sustainable criminal justice institutions that provide equal access to justice for all individuals. ■



UN human rights/humanitarian staff do an assessment in Babulu, Timor-Leste.  
(UN Photo/Martine Perret)

# United Nations Rule of Law Training for Judicial Affairs Officers



The Rule of Law Training for Judicial Affairs Officers in United Nations Peace Operations is a six-day course that was first piloted in Accra, Ghana in July 2010. The second course, which took place at the Cairo Center for Training on Conflict Resolution and Peacekeeping in Africa (CCCPA) in Egypt, was the second of four trainings scheduled between July 2010 and

*“Peacekeeping has become multi-faceted. Peacekeeping and peacebuilding become more and more interrelated, in particular in the field of civilian activities. Today, strengthening the rule of law is one of its main elements.”*

said Japanese Ambassador to Egypt Norihiro Okuda.

December 2011. The four courses are jointly organized by DPKO and the German governmental organization, Center for International Peace Operations (ZIF).

CLJAS developed the training programme with the support of the Government of Canada and is delivering it with support from the Government of Germany, through ZIF.

The course brought together staff members from different United Nations entities. In addition to DPKO and the Department of Political Affairs (DPA), participants included United Nations staff from the Office of the High Commissioner for Human Rights (OHCHR), the United Nations Office on Drugs and Crime (UNODC), the United Nations Children’s Fund (UNICEF), the Office of the United Nations High Commissioner for Refugees (UNHCR)

and the United Nations Development Programme (UNDP).

Various United Nations entities provided instructors for the course. These included chiefs of justice components from the United Nations Assistance Mission in Afghanistan (UNAMA) and the United Nations Mission in the Sudan (UNMIS); senior representatives from DPKO, OHCHR, the Office of Legal Affairs (OLA), UNDP, UNICEF, UNODC; and the Director of

Ali El-Berier, National Judicial Affairs Officer, Sudan (UNMIS): *This course gives us an opportunity to exchange valuable experience from both the facilitators and the participants. The presentations are of utmost importance to us officers in the field.*



*Rule of Law training for Judicial Affairs Officers in Cairo in 2010. (UN Photos)*



the Rule of Law Unit in the Executive Office of the Secretary-General.

DPKO developed a 300-page instructor's manual for the training which includes talking points, exercises, charts, background information and slides. With the support of the Government of Canada, DPKO is drafting a participant's handbook which will complement the manual and serve as a text book for course participants, ensuring the long-term impact of the training programme. ■

*"I believe this training will be particularly useful and relevant to the work I perform in the field,"* noted Nathalie Faure, an Associate Judicial Affairs Officer from France deployed in Côte d'Ivoire. *"It allows for a sharing of experiences, good practices and practical challenges that we encounter in our missions. I also appreciate the cultural and professional diversity of the participants which results in extremely rich discussions and debates."*



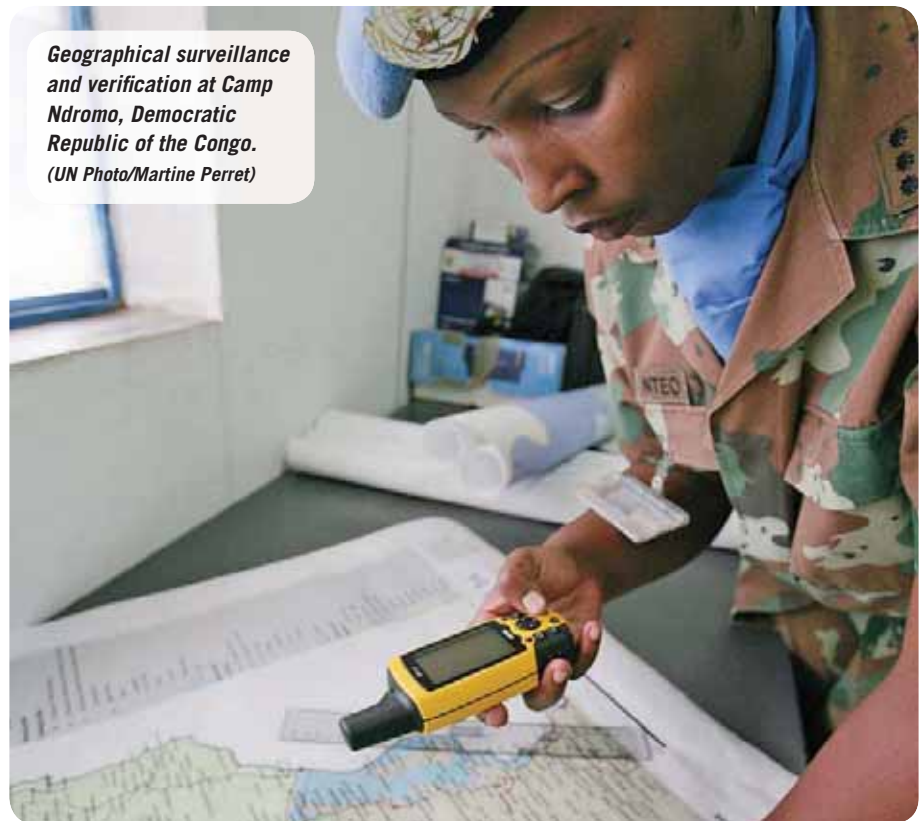
## Mapping and Assessment Guidelines



CLJAS and the Police Division, with the support of the International Security Sector Advisory Team (ISSAT) based in Geneva, are developing guidelines on the mapping, gathering information on the existing infrastructure and assessment of police, justice and corrections institutions. Mapping and assessment tools are important for planning, implementing and evaluating the mandates of United Nations peace operations and will enable missions to better advise, assist and support the host state authorities in ensuring security and strengthening the rule of law. During the planning phase, either leading up to the establishment of a new mission or during its transition

to host state authorities, mapping and assessment may be used to inform the Secretary-General's reports to the Security Council, the Security Council resolutions, mission and component concepts of operations and work plans. During the mandate implementation phase, the results of earlier mapping exercises should be updated regularly, and assessments should continue to be carried out on an ongoing basis. The findings, analyses and recommendations arising from mapping and assessment activities enable national and international actors to target resources for strengthening police and other law enforcement agencies, and justice and corrections institutions. The guidelines are expected to be finalized in late 2011. ■

**Geographical surveillance and verification at Camp Ndromo, Democratic Republic of the Congo.**  
(UN Photo/Martine Perret)



# Team of Experts on Sexual Violence in Conflict

## A Legal Framework



Security Council resolution 1888 (30 September 2009) “calls upon the Secretary-General to identify and take the appropriate measures to deploy rapidly a team of experts to situations of particular concern with respect to sexual violence in armed conflict...to assist national authorities to strengthen the rule of law”. Within the broader objective of strengthening the rule of law, resolution 1888 tasks the team of experts to work closely with national legal and judicial officials to address impunity; identify gaps in national response and encourage a holistic national approach to address sexual violence in armed conflict, including by enhancing criminal accountability, responsiveness to victims, and judicial capacity; and make recommendations to coordinate domestic and international efforts and resources to reinforce the government’s ability to address sexual violence in armed conflict.

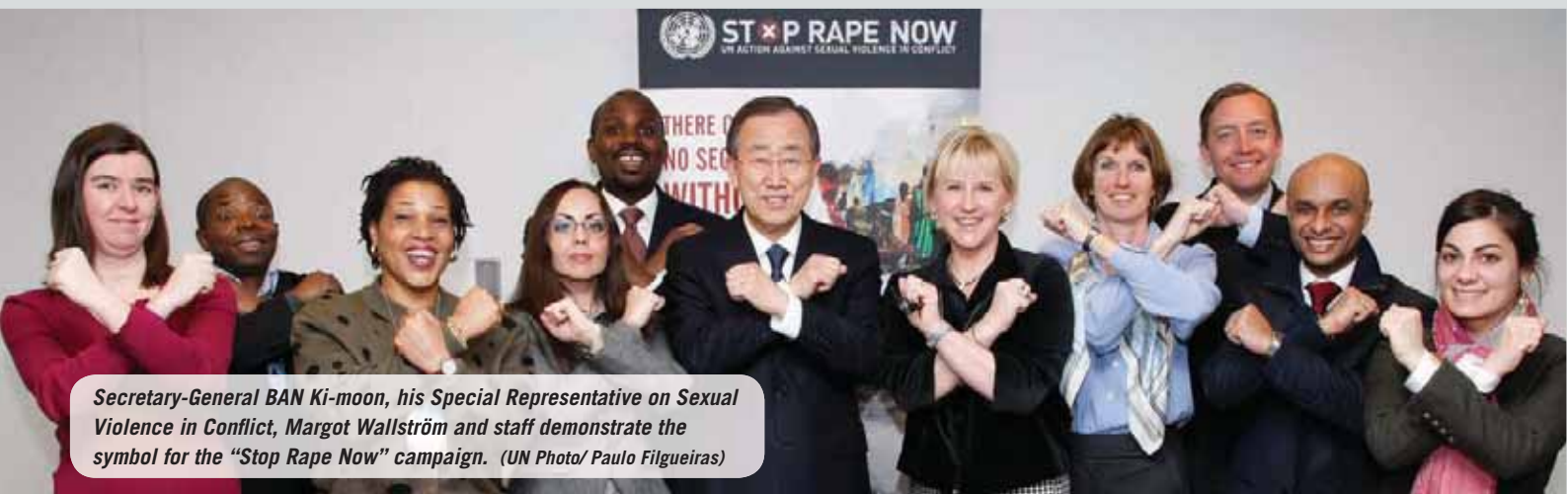
In October 2009, UN Action Against Sexual Violence (an initiative of twelve United Nations entities

aimed at improving coordination and accountability, amplifying programming and advocacy, and supporting national efforts to prevent sexual violence and respond effectively to the needs of survivors) requested DPKO, OHCHR and UNDP to serve as co-lead entities responsible for developing and establishing the team of experts. CLJAS is the lead office within DPKO engaged in this effort. The joint concept paper on the operationalization of the team of experts was prepared by the co-lead entities and was endorsed in May 2010 by the Rule of Law Coordination and Resource Group, chaired by the Deputy Secretary-General.

The team of experts is headed by a team leader and will be composed of two to seven members from the co-lead entities and other United Nations partners. The team leader will report to the Special Representative of the Secretary-General (SRSG) for Sexual Violence in Conflict, and will be co-located in her office. Team members will be dedicated full-time to the work of the team but will be located in their parent department/entity when not deployed to a “situation of particular

concern”. They will have dual reporting lines to their parent department/entity and the team leader. By retaining their institutional linkages, team members will ensure coordination, and will help prevent duplication and fragmentation of efforts being undertaken by their respective department/entity. A roster of technical specialists with specific expertise and skills will also be developed to supplement and complement the team, as required, for limited durations.

The Secretary-General will dispatch the team of experts with the consent of the specific country to which the team is to be deployed. The terms of reference and work plan for each deployment will be drawn up by the team of experts, in consultation with relevant United Nations partners once the consent of the Host Government has been secured. The duration of a deployment could range from a few weeks to several months, depending on the terms of reference for the deployment. The Team Leader started his post in January 2011 and team members from UNDP, DPKO and OHCHR joined soon thereafter. ■



Secretary-General BAN Ki-moon, his Special Representative on Sexual Violence in Conflict, Margot Wallström and staff demonstrate the symbol for the “Stop Rape Now” campaign. (UN Photo/ Paulo Filgueiras)



# Peacebuilding and Justice: Commitment to Sectoral Reform



## Judy Cheng-Hopkins

Assistant Secretary-General, Peacebuilding Support Office, April 2011

Justice and security are widely acknowledged to be essential to recovery in post-conflict situations. As the Secretary-General noted in his 2004 report *The Rule of Law and Transitional Justice in Conflict and Post-Conflict Societies*, “the consolidation of peace in the immediate post-conflict period cannot be achieved unless the population is confident that redress for grievances can be obtained through legitimate structures for the peaceful settlement of disputes and the fair administration of justice.” Strengthening the rule of law is necessary not only as a pillar of efforts to mitigate against a lapse into conflict, but also for creating an environment which permits other peacebuilding processes to succeed.

Justice and security sector reforms are, not surprisingly then, a recurring priority in Peacebuilding Commission (PBC) engagements and Peacebuilding Fund (PBF) investments. Each of the six countries on the PBC agenda has identified either security sector reform, rule of law development, or both, to be among the government’s priority peacebuilding areas. Accordingly, a significant portion of the Peacebuilding Fund has been allocated to projects focused on rule of law development and security sector reform. At the close of 2010, out of a total of \$220 million transferred to recipient organizations for approved projects, \$21 million was for rule of



*“The Peacebuilding Support Office will continue to look to its collaborative efforts with other members of the UN family, as well as with national partners, to yield creative solutions to the daunting challenges of furthering justice and security in support of post-conflict countries.”*

law projects and over \$43 million for security sector reform.

The challenges are significant. Post-conflict states often struggle to re-establish, or indeed establish, basic justice and security services in the face of their virtual collapse as a result of conflict. These efforts are undertaken amidst disruptions and dislocations across society. New threats, such as the rise of sophisticated, transnational criminal networks, further hamper the development of nascent government and civil society capacity, posing blunt, direct threats to stability and sowing the seeds of corruption.

In the face of these challenges, the United Nations system continues to enhance the ways in which it works together to better support national partners going through these difficult transitions. The PBC works closely with UN field presences — whether in mission or non-mission settings. In PBC countries, the PBF also works closely with field missions and with the UN country team to agree with the host country on peacebuilding funding priorities through the development of

peacebuilding priority plans and supporting their implementation. Close cooperation at UN headquarters further ensures that we are truly working as one to support these countries.

This growing cooperation across the system will permit the development of innovative approaches and synergies that should improve the effectiveness of all our efforts. In Liberia, for example, the joint efforts of PBC, PBF, UNMIL and the UN country team, together with the government of Liberia, have given rise to the development of the first security and justice service hub. In another country on the PBC’s agenda, Sierra Leone, the PBF financed UN efforts to support the National Human Rights Commission, which, a recent independent evaluation has found, has increasingly gained the public’s trust. The Peacebuilding Support Office will continue to look to its collaborative efforts with other members of the UN family, as well as with national partners, to yield creative solutions to the daunting challenges of furthering justice and security in support of post-conflict countries. ■

# Peacebuilding and Cooperation with DPKO in Liberia



Liberia came onto the agenda of the Peacebuilding Commission (PBC) on 16 September 2010, seven years after a comprehensive peace agreement brought an end to years of conflict. Although the fifth country to join the PBC agenda, it is the first to do so since a five-year review of the PBC was issued in July 2010. As such, Liberia presented an opportunity for the PBC and the UN system to apply the guidance offered by that review.

For the PBC, Liberia also poses particular challenges, given its many

years in conflict, the potential volatility of the region, and the growing threat to stability posed by transnational criminal organizations. At the same time, it offers new opportunities for peacebuilding efforts. In particular, Liberia is the first country to seek the assistance of the PBC while hosting an active UN peacekeeping mission, the UN Mission in Liberia (UNMIL). For the PBC and the Peacebuilding Fund (PBF), close collaboration with UNMIL has resulted in some innovative approaches to peacebuilding that will build on progress already made by national partners, UNMIL, the UN country team and others.

Despite significant progress in consolidating peace since the Comprehensive Peace Agreement of 2003, much remains to be done in each of the three peacebuilding priorities identified by the government of Liberia: rule of law, security sector reform, and national reconciliation. In the area of rule of law development, which this article focuses on, the needs remain vast.

Access to justice and security, in particular, continues to be limited for many Liberians, particularly those outside of the capital Monrovia, despite the advances Liberia has made in police reforms, in partnership with UNMIL and other partners. The



*UN Police officer advising a Liberian National policeman in Maryland, County Liberia.  
(UN Photo/Staton Winter)*

Liberian National Police (LNP) has little ability to respond effectively or even in a timely manner in the countryside, relying heavily on UNMIL for not only logistical, but also substantive, support. The court system too has limited capacity, including poor or no infrastructure in many places. The Bureau of Immigration and Naturalization (BIN) has little effective presence in the countryside, despite the importance in Liberia of containing cross-border threats to peace and stability.

In the face of these challenges, the PBC has worked with the government of Liberia, UNMIL and other UN partners to develop an innovative approach to addressing the dearth of government justice and security services outside of Monrovia. As a result, an important element of the PBC's engagement will be support for the development of regional hubs outside Monrovia, designed as centers that will extend justice and security services to all Liberians throughout the country.

## JUSTICE HUBS

The hubs are intended to bring together the LNP and the BIN in co-located office buildings and accommodations. Courts, where absent or in disrepair, will be established in the vicinity of the hubs. The hub approach seeks to overcome many of the most significant hurdles in access to justice. Centering these services as a hub will pool limited resources and administrative capacity; foster professional relationships across the entire system; provide opportunities for joint training of law enforcement actors; and boost the morale of police officers and other ranks through improved living and working conditions. In the near term, progress on the hubs could build LNP reach and response capacity for the upcoming elections scheduled for 2011. The development of the hubs

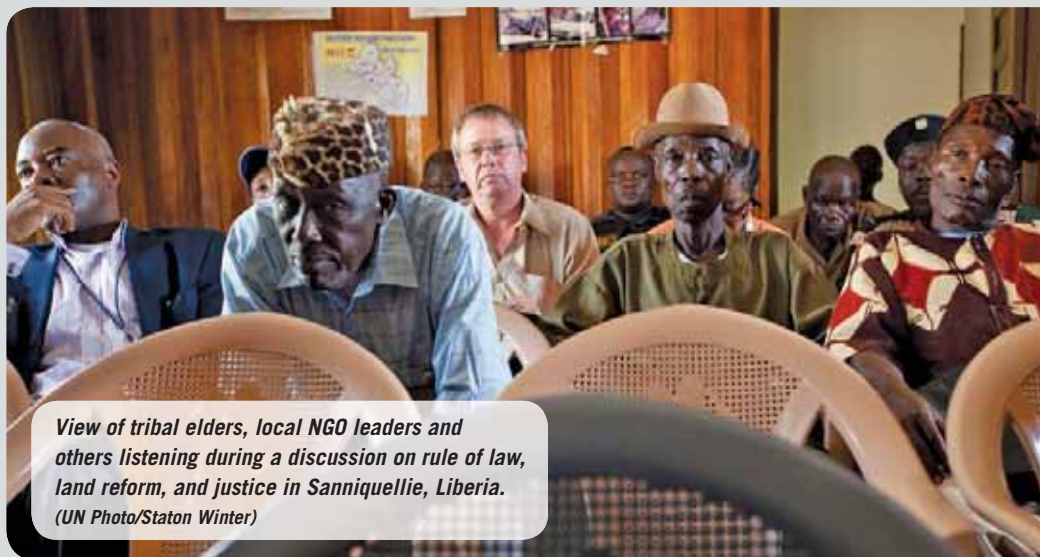
should also play an important role in building Liberia's capacity to assume justice and security responsibilities in an eventual UNMIL transition.

The engagement by the PBC and the government of Liberia on the justice and security service hubs was kicked off by a quick start project, funded by \$3.0 million from the Peacebuilding Fund (PBF) to launch construction of the first of these hubs. On 13 Novem-

ber 2010, Prince Zeid Al Hussein, the chair of the PBC's country specific configuration for Liberia, presided over the ground-breaking ceremony for the hub, located in the town of Gbarnga, particularly symbolic as it was a flashpoint during the war in Liberia.

Further funding by the PBF to develop the hub — as well as to support other peacebuilding efforts in Liberia — is under preparation. Support will build on the PBF allocation of US\$ 15 million in 2008 that focused on national reconciliation, conflict management and strengthening state capacity for peace consolidation. For all PBF work, a Joint Steering Committee, co-led by UNMIL and the government of Liberia and bringing together UN and other actors, plans, approves and monitors the use of PBF resources.

The development of justice and security service hubs is one element of the broader engagement by the PBC to support Liberia's peace consolidation efforts. The PBC will look for the same spirit of innovation and collaboration in its work to support national partners on other peacebuilding efforts.



*View of tribal elders, local NGO leaders and others listening during a discussion on rule of law, land reform, and justice in Sanniquellie, Liberia. (UN Photo/Staton Winter)*

## FUNDING CATALYST

The significant amount of work that remains before even the first of these hubs can become an effective center of services will require continued close collaboration among national partners and the members of the UN system in Liberia. This past February, the government took the next step in convening a workshop in Monrovia to develop a programming document expanding on the draft Peacebuilding Priority Plan, supported

# The United Nations Development Programme and DPKO **Joint Initiatives**



Over the last three years the Department of Peacekeeping Operations has increased its partnerships on rule of law in peacekeeping environments. In particular, the number of joint initiatives and the volume of joint programming activities between the United Nations Development Programme (UNDP) Country Offices (COs) and peacekeeping missions have increased significantly.

In Southern Sudan, UNDP and DPKO have developed a Joint Justice Programme for Jonglei State and assisted in the establishment of the Justice and Security Sectors Advisory and Coordination Cell. These efforts are now being supplemented by detailed planning for the strengthening of the rule of law in the newly-independent state.

Following the January 2010 earthquake in Haiti, the UNDP Country Office and MINUSTAH jointly embarked on recovery work, which proved to largely pivot on the ability to provide integrated support for the rule of law (justice, police and corrections)

in Haiti. The CO and MINUSTAH also assisted the Government in developing the Recovery Plan of the Ministry of Justice and Public Security.

As mandated by Security Council resolution 1925, UNDP, the United Nations Office on Drugs and Crime (UNODC) and MONUSCO have initiated, in close consultation with Congolese authorities, the development of a joint justice support programme in the Democratic Republic of Congo. The programme aims to develop the police, judiciary and prisons in conflict-affected areas, and ensure strategic programmatic support at the central level in Kinshasa. In the Ituri district, UNDP and MONUSCO assisted with the training of two Congolese police battalions in 2009 and 2010, and are planning for the training of an additional two battalions in 2010-2011.

In Liberia, UNDP and UNMIL, working closely with their national counterparts, developed a joint log frame that is the basis of a UNDP-administered

Justice and Security Trust Fund. The trust fund aims at harmonizing all support to the Liberia National Police, the Bureau for Corrections and Rehabilitation and the Bureau for Immigration and Naturalization under national leadership with UN support.

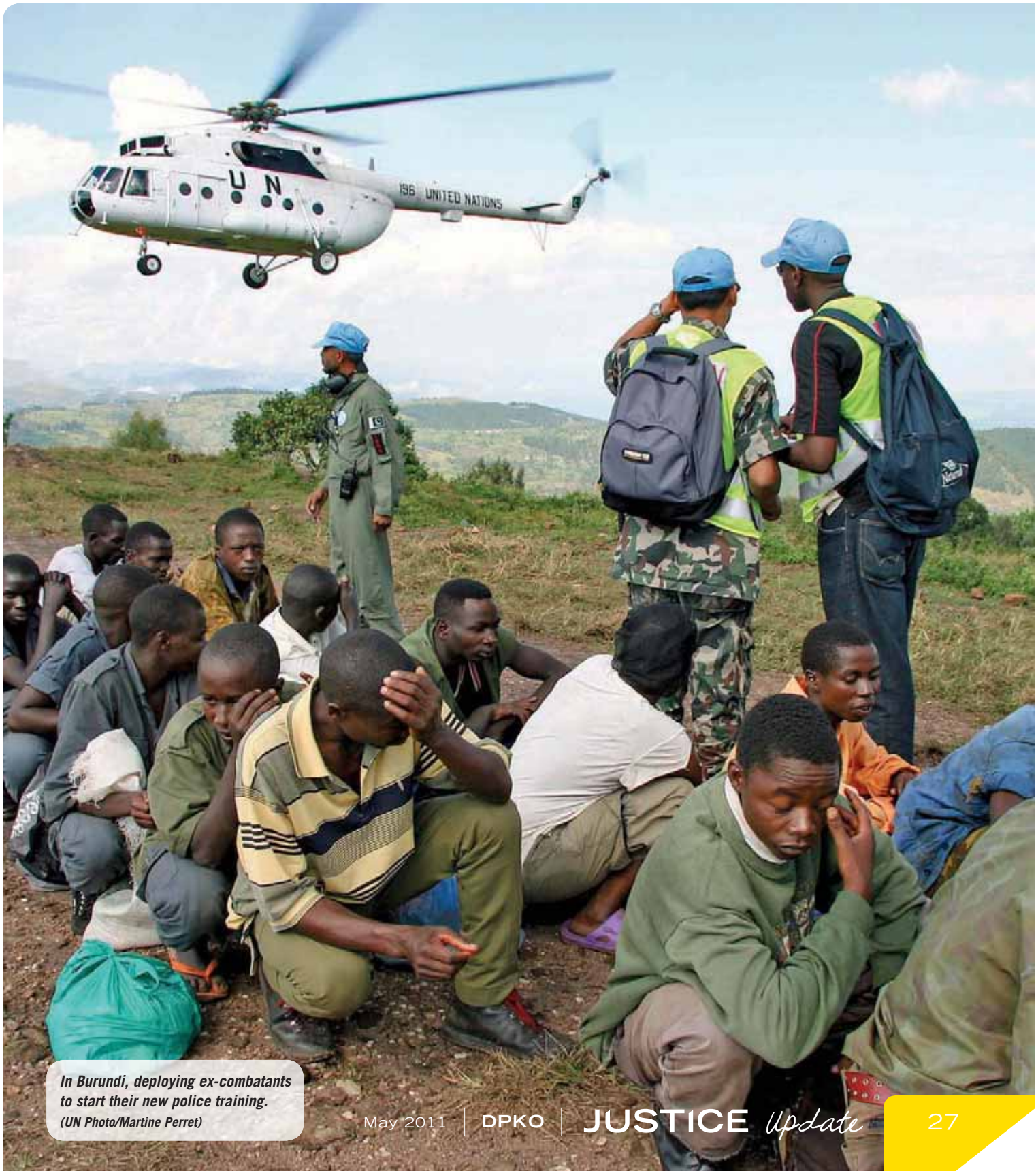
Ahead of the end of MINURCAT's mandate in Chad, UNDP and MINURCAT developed a joint handover strategy to consolidate their collective achievements on strengthening access to justice. The cooperation has produced concrete results. For example, on strengthening prosecutorial capacity, the second circuit session of the criminal court of Abéché started in July 2010 with 34 criminal cases docketed against 67 accused. MINURCAT and UNDP also conducted a resource mobilization campaign to support national NGOs in the provision of legal assistance in eastern Chad.

These initiatives were set in motion based on the shared view that joint programming is an effective vehicle to strengthen delivery on the ground, including overall coherence, coordination and ability to mobilize resources. Despite these achievements, there remains a need to identify viable mechanisms for enhancing common programmes at country level, address operational obstacles stemming from different organizational settings and practices, and provide system-wide incentives for joint programming. UNDP is currently working with DPKO, through RoLCRG and external partners, to gather lessons learned and provide answers to these questions. ■



*Ms. Helen Clark (centre), Administrator of the United Nations Development Programme (UNDP), speaking to journalists with Mr. Alain Le Roy and Ms. Susana Malcorra. (UN Photo/ Mark Garten)*

# United Nations Political Missions and Rule of Law Programmes



*In Burundi, deploying ex-combatants to start their new police training.*  
(UN Photo/Martine Perret)

Supporting justice programmes in United Nations political missions

## Sharing Expertise, Working as One

The Department of Peacekeeping Operations supports justice and corrections programmes in five special political missions (Burundi, the Central African Republic, Guinea-Bissau, Sierra-Leone and Somalia) which are administered by the Department of Political Affairs.

Here is an update from three of these missions.

United Nations Office in Burundi **BINUB**

## Helping to Fill the Gaps



After more than 15 years of violence, the Burundian justice system has been left in complete disarray. The system is marked by a lack of judicial independence and a culture of impunity. In addition to poor court administration, there are an insufficient number of qualified staff and a lack of equipment and sound infrastructure. These are the challenges that faced BINUB's integrated justice unit, composed of personnel from DPKO, UNDP and OHCHR.

### TRAINING MAGISTRATES

With financial assistance from UNDP donors, the Unit began a series of projects to improve the rule of law situation in Burundi. To improve the professional skills of judicial staff, the Unit supported a project to train a group of national trainers, who would subsequently train all magistrates and court staff from the higher courts. By November 2010, some 1400 magistrates and court clerks were trained on court

management and administration. Additionally, BINUB produced a bench book for magistrates covering topics such as judicial organization, court management and procedures and professional ethics, and distributed it to 2700 magistrates, court clerks and police officers throughout the country.

### IMPROVING COURT ADMINISTRATION

Following the training on court management and administration, the Unit implemented a pilot project on court administration in four judicial provinces of Burundi. The aim of the project was to improve court performance and compliance with international standards. BINUB rehabilitated five courts and provided them with computers and legal books. Simultaneously, it organized information technology training for magistrates and court clerks and provided mentoring to magistrates. According to the Ministry of Justice's Statistical Department, judicial performance in the pilot courts has improved

rapidly and is now ranked the highest in the country. Other bilateral partners have chosen to duplicate the project in four judicial provinces.

### REDUCING PRE-TRIAL DETENTION

With over 70 per cent of detainees in pre-trial detention and overcrowded prisons, the Ministry of Justice resolved to tackle the problem by establishing a working group on the prison population. The Unit assisted the working group in designing a national action plan on the reduction of the prison population which included short-, medium- and long-term measures. As part of the national action plan, BINUB supported the strengthening of the General Prosecutor's Office's role in controlling pre-trial detention. With BINUB's support, two rounds of inspections by the General Prosecutor's office were conducted in all prosecutor's offices throughout the country in order to verify the legality of pre-trial detentions. Following the first two rounds of inspections, 240 pre-trial detainees were provisionally released.

## SUPPORT FOR THE ESTABLISHMENT OF A JUVENILE JUSTICE SYSTEM

Following the adoption by the Ministry of Justice of a national action plan on juvenile justice for the period 2009-2010, the Unit assisted the Ministry in mobilizing funds for its implementation. Additionally, it continued to support the professional training of the Police Child Protection Unit through the production of a practical guide for judicial police officers and the organization of training sessions for these officers. In December, the Justice Unit assisted the Ministry of Justice in designing a new action plan for the period 2011-2015.

## IMPROVING ACCESS TO THE LAW

BINUB assisted the national legislative service in translating the criminal code into Kirundi and published 3,000

copies of the criminal code in a bilingual French/Kirundi version.

## FIGHT AGAINST GENDER-BASED VIOLENCE

Taking into account the extent and complexity of the problem, the United Nations system in Burundi decided to join forces to combat gender-based violence (GBV) in Burundi. Under the Integrated Justice Unit's leadership, an integrated action plan on combating GBV was designed and implemented. As part of the action plan, the Unit in cooperation with the World Health Organization (WHO), the United Nations Children Fund (UNICEF), the United Nations Population Fund (UNFPA), UN Women, the UN Development Programme and the World Food Programme (WFP), started to assist the Government in establishing a

one-stop-shop centre for GBV victims. The centre seeks to provide victims with a wide range of services (medical, psycho-social, judicial, shelter) and contribute to the fight against impunity in this area.

## SUPPORTING PEACEFUL ELECTIONS

In 2010, Burundi was scheduled to hold its second post-transitional elections. The electoral process was seen as a crucial test for this fledgling democracy and a turning point in the consolidation of peace. The prosecution and judgement of electoral offences were deemed critical to the peaceful holding of elections. To support the jurisdictions in this matter, BINUB's Integrated Justice Unit produced a guide on elections-related offences. Three thousand copies of the guide were published and distributed in all 17 provinces to magistrates, lawyers, and police officers as well as presidents of polling stations and members of civil society. At the same time, the Unit trained 44 national trainers on how to use the guide. Those trainers in turn trained 566 magistrates and lawyers nationwide. Thanks to these activities, magistrates familiarized themselves with the different electoral offences and emergency procedures, and according to the Supreme Court, a high number of cases of electoral offences were processed by the jurisdictions throughout the country.



*The official ceremony for the launching of the National Report.*  
(UN Photo/Sebastian Villar)

## FUTURE ACTIVITIES

Following the termination of BINUB's mandate, a new mission BNUB was established under Security Council resolution 1959. BNUB will focus on strategic assistance to the Government with special emphasis on the independence of the judiciary, accountability of magistrates, court management and fight against corruption. ■

## Making Justice Accountable



On 1 January 2010, the United Nations Integrated Peacebuilding Office in the Central African Republic (BINUCA) succeeded the United Nations Peacebuilding Support Office (BONUCA). The new Mission's configuration established a justice component within the Mission's Human Rights and Justice Section, which is mandated to enhance the capacity of the justice system and to promote respect for the rule of law, justice and accountability. The component supports the Ministry of Justice in developing and implementing its Strategic Plan for Justice System Reform through technical advice and assistance.

The justice component first conducted an assessment of the Central African justice sector and legal framework. This exercise revealed that the administration of justice operates under significant constraints and is in urgent need of assistance. There has been a breakdown of law and order after decades of mutinies, coups d'état and rebellions since independence in 1960. This has resulted in a weak and slow judicial system that lacks public confidence.

Like in many post-conflict states, the Central African judicial system suffers from a lack of infrastructure and human resources. The justice sector's budget is less than 1 per cent of the state budget. There are no courthouses in some regions, and where they do exist, they are working under very difficult conditions and some are in dilapidated buildings. With regard to professional judicial actors, there are fewer than 200 magistrates for an estimated population of about 4.5 million.

However, ongoing international assistance projects will help improve the rule of law landscape. The United Nations Development Programme (UNDP) has a two-year "Projet de Renforcement de l'Etat de Droit" programme (PRED), with financial support from the Peacebuilding Fund. The European Commission, through the European Development Fund (EDF), is planning to finance a €10,000,000

of the Great Lakes Protocol on the prevention and repression of sexual violence against women and children in Central African legislation.

In cooperation with UNDP's PRED, BINUCA supports activities such as seminars on the newly promulgated criminal and criminal procedure codes for the benefit of judges, lawyers, law professors, court clerks, penitentiary personnel, police officers and gen-



*UN Staff member assisting with elections in Bangui.  
(UN Photo/Evan Schneider)*

programme to assist with capacity-development of Central African legal and judicial actors, services and institutions. The French Cooperation focuses its support on technical assistance to the "Ecole Nationale d'Administration et de la Magistrature".

BINUCA focuses on advising the Ministry of Justice on the revision, harmonization and drafting of laws. The Mission has assisted the Ministry of Justice with the revision of the Criminal Code and the Criminal Procedure Code, which were adopted and promulgated in 2010. BINUCA also contributed to the drafting of a law that incorporates the provisions

darmes. BINUCA also contributes to the creation of the "Maisons du droit", which aim to enhance and increase access to justice for all and in particular for the most vulnerable populations.

The justice component plays a coordination and facilitation role between national and international stakeholders in order to ensure the effectiveness and coherence of the different activities in this sector. For instance, BINUCA's justice component actively supported the Ministry of Justice in the organization of the "table ronde du Ministère de la justice et des bailleurs" where the national strategic justice reform plan, adopted

*continues on page 31*



## Strengthening Criminal Justice



A key ingredient for a functioning criminal justice system in Guinea-Bissau is strong cooperation and coordination among the police, prosecution and courts. The importance of improving relationships among these institutions has been widely recognized by both national actors and the United Nations Integrated Office for Peacebuilding in Guinea-Bissau (UNIOGBIS).

In May 2010, in order to enhance cooperation among key criminal justice institutions and improve communication and information-sharing among senior and mid-level police managers, prosecutors, magistrates and other stakeholders from civil society and international organizations, UNIOGBIS organized a national workshop with these constituents. The event helped to cultivate mutual understanding and professional relationships, and provided a unique opportunity for top-level officials to address common challenges and discuss mutual concerns. The participants identified a number



*UNIOGBIS leadership meeting with local partners in Bissau. (UN Photo/Vladimir Montero)*

of obstacles to information flow and cooperation, including political interference in justice matters, overlap in investigative functions, discordance in policies, lack of integration of the justice system and debilitating resource constraints. Numerous concrete strategies to resolve these issues were proposed. Many of the recommendations provided a starting point for further assistance and cooperation from UNIOGBIS and other partners. To follow up and maintain the momentum from the first workshop, UNIOGBIS organized a second national workshop in November 2010 to consolidate and validate

various proposals aimed at improving cooperation and information-sharing.

UNIOGBIS has also provided assistance with respect to the protection of witnesses. The protection of witnesses is necessary to help penetrate and dismantle criminal organizations and break the vicious cycles of politically motivated crimes and impunity. In Guinea-Bissau, however, no system is currently in place to cater to the protection needs of victims, witnesses, judges and prosecutors. The fear of reprisals, as well as direct or indirect intimidation, can compel victims and witnesses to retract their previous statements or to not give evidence at all. To help address this problem, UNIOGBIS has supported national partners in drafting legislation that could form the basis of a witness protection and facilitation law. Even after the promulgation of such a law, UNIOGBIS will assist with further steps to help ensure the implementation of the law, including the development of internal rules, procedures and regulations; the development of a training curriculum; strategic coordination of the implementation process; and the procurement of specialist technical equipment.

### *continued from page 30*

in 2010, was officially presented to the international partners. Furthermore, the justice component also took part in the meetings of the technical committee for the finalization of the second generation Poverty Reduction Strategy Paper (PRSP) in order to ensure that the matrix regarding the justice sector reform would be taken into consideration in the upcoming donors' roundtable to be co-organized by the World Bank and the CAR Configuration of the

Peacebuilding Commission in Brussels next June.

Upcoming priorities for the justice component include supporting access to justice initiatives, assisting with reform of the justice sector, strengthening the independence, impartiality, effectiveness, and transparency of the justice system, promoting Gender and Juvenile Justice, addressing Sexual and Gender-Based Violence and establishing a coordination working group on the rule of law. ■

# Afterword

## Robert Pulver

Chief, Criminal Law and Judicial Advisory Service, April 2011

In his foreword to this *Justice Update*, the Secretary-General highlights that “Justice is the cornerstone of the rule of law, underpinning all efforts to achieve international peace and security”. For this reason, justice components of United Nations peace operations provide essential support to national authorities in post-conflict settings, helping them to strengthen, or rebuild, essential rule of law institutions, including courts, prosecutors’ offices, legal aid systems and the legal and constitutional framework.

We base this work on three fundamental principles:

**First**, we seek to *empower national counterparts* to emerge as champions for rule of law reform, since without host-country actors owning and driving the effort, little will be accomplished.

**Second**, in implementing the rule of law aspects of Security Council mandates, we strive for a *unity of effort by all United Nations partners*, delivering as one under a joint rule of law programme or clearly dividing tasks according to the comparative strengths of each partner.

**Third**, we do our utmost to ensure that all international rule of law partners — including NGOs and bilateral actors — operate in a *well-coordinated fashion* to achieve a common set of objectives. These objectives, ultimately, are defined by the host country’s own national rule of law strategy, and it goes

without saying that this work is based upon applicable international standards.

Peacekeeping operations have much to offer in the rule of law area. Their justice and rule of law staff and seconded experts have considerable expertise and experience in providing rule of law assistance in post-conflict settings. These missions draw upon assessed funding to accomplish the objectives set out by the Security Council. Peace operations have considerable operational, logistical and security capabilities, without which many rule of law efforts would not be possible. Finally, and perhaps most importantly, peacekeeping operations provide a platform for high-level political discussion of rule of law matters — engaging the Security Council, the diplomatic community, international capitals and others in a fruitful dialogue with host-country decision-makers on rule of law issues. This political engagement is often the key ingredient for progress on the rule of law front.

In the pages of this *Update*, we have seen samples of the important work being done in the field: opening legal aid offices in post-earthquake Haiti; training magistrates and police officers in the Congo; helping coordinate justice initiatives in Afghanistan; assisting to reopen courts in Darfur; facilitating the dialogue between Belgrade and Pristina on missing persons in Kosovo; studying tribal justice mechanisms in Liberia; assessing the justice sector in Southern Sudan; assisting to draft and provide

training on the Law Against Domestic Violence in Timor-Leste; facilitating the development of an €18 million justice programme in Côte d’Ivoire; publishing in French and Kirundi the Criminal Code of Burundi; advising



*“We are in the midst of elaborating a framework of rule of law tools, doctrine, guidance and training materials to guide peacekeeping operations in the performance of their duties.”*

the Ministry of Justice in the Central African Republic on legislative reform; and assisting with witness protection in Guinea-Bissau. These are just a few of the initiatives and achievements of rule of law components in the field.

At the Headquarters, under the guidance of the Assistant Secretary-General for Rule of Law and Security Institutions, the Criminal Law and Judicial Advisory Service has made significant strides over the past three years to improve the support that it is able to provide to field components. Moving from the prior approach which involved simply deploying staff to fend for themselves, we are in the midst of elaborating a framework of rule of law tools, doctrine, guidance and training materials to guide peacekeeping operations in the performance of their duties.

Our policies on justice and corrections components of peacekeeping operations help guide the way in which Headquarters and field components do their work. The *Methodology for Review of Justice and Corrections Components*

## The Ideal Judicial Affairs Officer

Critical to the success of any Justice Component in a United Nations peace operation is the deployment of highly-qualified Judicial Affairs Officers. Judicial Affairs Officers come from a variety of backgrounds, including judges, prosecutors, defence lawyers, legal advisers and law professors. There is no one-size-fits-all profile but there are certain qualifications that the United Nations seeks. These include the possession of an advanced law degree, professional legal experience particularly in criminal justice, experience in providing technical legal assistance, knowledge of different legal systems and mechanisms, familiarity with international human rights standards and strong interpersonal skills. Given the daily challenges present in a peacekeeping context, it also helps to be flexible, well organized and sensitive to diverse cultural and historical contexts. Working experience in the framework of a peace operation or in a post-conflict setting is an asset. United Nations peacekeeping prides itself on the strength and diversity of its international staff members and candidates who meet the requirements are strongly encouraged to apply, especially women and French-speakers. Mission mandates in peacekeeping vary widely and there is always a need for a broad range of expertise, including juvenile justice, gender justice, anti-corruption, law school development and military justice. More information about employment opportunities in United Nations peacekeeping can be found at [www.un.org/en/employment/](http://www.un.org/en/employment/).

## Learn more: DPKO *i*-Directory

- ▶ Department of Peacekeeping Operations  
<http://www.un.org/en/peacekeeping/>
- ▶ Police Division  
<http://www.un.org/en/peacekeeping/sites/police/>
- ▶ Mine Action Service  
<http://www.mineaction.org/>
- ▶ Disarmament, Demobilization and Reintegration Section  
<http://www.unddr.org/>
- ▶ Facebook: [www.facebook.com/unpeacekeeping](http://www.facebook.com/unpeacekeeping)
- ▶ Twitter: [www.twitter.com/unpeacekeeping](http://www.twitter.com/unpeacekeeping)
- ▶ Flickr: [www.flickr.com/unpeacekeeping](http://www.flickr.com/unpeacekeeping)
- ▶ You Tube: [www.youtube.com/unitednations](http://www.youtube.com/unitednations)

in *United Nations Peace Operations* provides a framework for the periodic review of our rule of law programmes. The *Interim Standard Operating Procedures on Detention in United Nations Peace Operations* help steer the activities of police and military peacekeepers when they detain individuals. Several other new guidance projects are in the pipeline. The *Rule of Law Indicators* which has just been finalized will provide a measurement of the functioning of criminal justice institutions in the countries in which it is implemented.

The Criminal Law and Judicial Advisory Service is working with partners to develop and present a suite of training courses in the rule of law area. The *Rule of Law Training for Judicial Officers of United Nations Peacekeeping Operations* and its accompanying *Instructors Manual* form a state-of-the-art training package in the rule of law area. Our three corrections courses — *Pre-deployment Training for*

*Corrections Officers; Operational Management Course for Corrections Officers; and Strategic Management Course for Corrections Officers* — provide a comprehensive set of training materials for both seconded officers and United Nations staff members.

Addressing gender issues in post-conflict settings and achieving gender balance within our own components is a key concern for our work. Programmes in the field strive to address gender-based crimes and discriminatory practices. CLJAS hosts one member of the Team of Experts on Sexual Violence in Conflict, established pursuant to Security Council resolution 1888. At last count, 62 per cent of the leadership positions in our field missions were filled by women (though we may struggle to maintain this balance). Our new Justice and Corrections Standing Capacity, based in Brindisi, will achieve a 50-50 gender balance among its six staff members.

Despite these significant achievements in the field and at Headquarters, much remains to be done. The future brings further promise and further challenges. While there is increasing focus on the importance of rule of law assistance to peace and security, global financial constraints continue to limit the resources devoted to this task. Notably, justice personnel make up less than one-quarter of one per cent of peacekeeping personnel (.24 per cent), and access to programmatic funds remains limited. Greater scrutiny is required to ensure that these efforts lead to measurable results, not just measurable expenditures. And additional political heft will be required to draw attention to, and help tackle, rule of law challenges in post-conflict settings.

CLJAS will continue to strive to address these challenges and support the field missions in implementing the activities that the Security Council has entrusted to them. ■

# JUSTICE

Update

definitions

**Rule of Law** — A principle of governance in which all persons, institutions and entities, public and private, including the State itself, are accountable to laws that are publicly promulgated, equally enforced and independently adjudicated, and which are consistent with international human rights norms and standards. It requires, as well, measures to ensure adherence to the principles of supremacy of law, equality before the law, accountability to the law, fairness in the application of the law, separation of powers, participation in decision-making, legal certainty, avoidance of arbitrariness and procedural and legal transparency. *(As defined in the Report of the Secretary-General, Rule of Law and Transitional Justice in Conflict and Post-Conflict Societies, 23 August 2004, S/2004/616)*

**Justice System** — The laws, processes and institutions in a particular jurisdiction related to the administration of justice. The laws consist of the constitution or its equivalent and the legal framework, and include all aspects of law-making. The processes include both formal and informal processes. The institutions are comprised of both official and non-official institutions, such as the ministry of justice, the courts, prosecutor's offices, defence counsel, attorneys and customary or traditional justice mechanisms. Justice systems are often classified as civil law, common law, religious law (such as Islamic law) or mixed systems. *(As defined in the "DPKO/DFS Policy on Justice Components in United Nations Peace Operations", December 2009, Ref. No. 2009.30)*

**Justice Component** — The component of a peace operation which has primary responsibility for carrying out the mission's mandate to assist national authorities in strengthening justice systems. Justice Components are commonly named "justice units/sections", "judicial advisory units/sections" or "rule of law units/sections". In some peace operations, the justice and corrections components are located within the same office; in other peace operations, they operate as two separate offices. Justice Components may also be part of a mission's joint human rights and justice component. Justice Components are distinct from legal affairs components of peace operations, which serve as in-house counsel to the missions and address such issues as the legal status of the mission, privileges and immunities, contracts and boards of inquiry. *As defined in the "DPKO/DFS Policy on Justice Components in United Nations Peace Operations", December 2009, Ref. No. 2009.30. For detailed information on the activities of corrections components in United Nations peace operations and CLJAS support, please refer to the DPKO Corrections Update, October 2009.*

