



Policy

Functions and Organization of the United Nations Justice and Corrections Standing Capacity

Approved by: Hervé Ladsous, USG/DPKO
Ameerah Haq, USG/DFS
Effective date: 31 December 2013
Contact: Criminal Law and Judicial Advisory Service, OROLSI, DPKO
Review date: 31 December 2016

POLICY ON THE JUSTICE AND CORRECTIONS STANDING CAPACITY

Contents:	A.	Purpose
	B.	Scope
	C	Rationale
	D.	Policy
	E.	References
	F.	Monitoring
	G.	Contact
	H.	History

ANNEXURES

- A. Organizational Chart of the Justice and Corrections Standing Capacity (JCSC)
- B. Organizational Chart of the Department of Peacekeeping Operations including the JCSC
- C. Template Terms of Reference for JCSC deployment

A. PURPOSE

1. This policy provides a conceptual and operational framework to ensure the effectiveness and coherence of the Justice and Corrections Standing Capacity (JCSC) and outlines its functions and organization. It replaces the Interim Administrative and Organization Arrangements between the Justice and Corrections Standing Capacity, the Standing Police Capacity (SPC) and the United Nations Logistics Base (UNLB) dated May 2011.

B. SCOPE

2. This policy applies to all personnel in the Department of Peacekeeping Operations (DPKO), the Department of Field Support (DFS), in particular justice and corrections components¹, as well as other entities that request JCSC services.
3. The policy should be widely disseminated among key partners such as the Department of Political Affairs (DPA), the United Nations Development Programme (UNDP), all other United Nations entities of the Rule of Law Coordination and Resource Group (RoLCRG) and all components of United Nations field operations that work on rule of law issues.

¹ Where applicable, this includes broader rule of law components in United Nations peacekeeping operations as well as justice and corrections advisors in special political missions.

4. This policy complements and shall be read in conjunction with relevant United Nations policy and guidance, including but not limited to the Policy of Integrated Assessment and Planning (2013); the Decision of the Secretary-General on Rule of Law Arrangements (2012); the Human Rights due Diligence Policy on UN Support to non-UN Security Forces (2011); the Policy on Justice Components in United Nations Peace Operations (2009); the Guidelines on Methodology for Review of Justice and Corrections Components in United Nations Peace Operations (2009); the United Nations Peacekeeping Operations Principles and Guidelines (2008); and the Policy Directive on Prison Support in United Nations Peace Operations (2007).
 5. In missions where justice components are part of a joint human rights and justice office, this policy should also be read in conjunction with guidance on the operation and functions of human rights components, such as the OHCHR/DPKO/DPA/DFS Policy on Human Rights in United Nations Peace Operations and Political Missions (2011); the Secretary-General's Decision No. 2005/24 on Human Rights in Integrated Missions (2005); and the OHCHR/DPKO/DPA Policy Directive on Public Reporting by Human Rights Components of United Nations Peace Operations (2008).
-

C. RATIONALE

6. It is now widely recognized that the early re-establishment, strengthening and reform of justice and corrections systems can play a key role in the restoration and consolidation of peace. For this reason, the Security Council has increasingly mandated United Nations field operations to provide rapid and effective support in the justice and corrections areas.² Such assistance is provided primarily by justice and corrections components of missions, working with police, human rights and other mission components.
7. The Secretary-General has identified the immediate post-conflict period as a window of opportunity to provide basic security, deliver peace dividends, build confidence in the political process, and strengthen core national capacity to lead peacebuilding efforts. The Secretary-General recognized rule of law assistance as one of the recurring core early peacebuilding priorities.³
8. In this vital phase immediately after conflict, it is critical to establish effective partnerships with national actors and develop a strategic, coherent and well-coordinated approach to providing rule of law assistance. However, identifying suitable personnel for rapid deployment to undertake these tasks has proved a challenge. The Special Committee on Peacekeeping Operations recognized the importance of integrated rule of law assistance provided from the outset of new missions and requested, in 2009, the implementation of measures to ensure that United Nations staff are made available to fully implement mandates related to the

² Report of the Secretary-General on the rule of law and transitional justice in conflict and post-conflict societies, S/2011/634, 12 October 2011.

³ Report of the Secretary-General on peacebuilding in the immediate aftermath of conflict A/63/881 – S/2009/304, 11 June 2009.

rule of law throughout the life of the mission.⁴ Upon the recommendation of the Secretary-General to “build on the successful experience with the Standing Police Capacity (SPC) to ensure, from the outset, a holistic and coordinated approach to strengthening rule of law”, the General Assembly, in 2010, authorized the establishment of the JCSC to complement and operate alongside the SPC.⁵

D. POLICY

9. The JCSC is an integral part of the Criminal Law and Judicial Advisory Service (CLJAS) within the Office of Rule of Law and Security Institutions (OROLSI) of the Department of Peacekeeping Operations (DPKO)⁶. It operates as a tenant unit of the United Nations Global Service Centre/United Nations Logistical Base (UNGSC-UNLB) in Brindisi, Italy. Administrative and logistical support for the JCSC is provided by the Department of Field Support (DFS) through the UNGSC-UNLB.

D.1. Functions

10. The JCSC assists United Nations peacekeeping operations, as well as special political missions, in implementing their mandates as they relate to strengthening justice and corrections systems by:

10.1. Providing the start-up capability for justice and corrections components in peacekeeping operations and special political missions;

10.2. Reinforcing existing United Nations field operations in the areas of justice and corrections, by providing time-limited and targeted support through deployments to field missions facing staffing shortages and surge requirements; and

10.3. When appropriate, conducting needs assessments or reviews of justice and corrections components to assist the components in determining risks and challenges in the implementation of their programmes and analysing their overall performance.

11. Deployments shall be authorised by the Under-Secretary-General for Peacekeeping Operations based on terms of reference that are consulted and agreed between the receiving mission leadership, the JCSC Team Leader and the Chief of CLJAS, as well as the relevant DPKO Integrated Operational Team (IOT) or the relevant division of DPA. Subsequent changes to the terms of reference by the mission require consultation with and the agreement of the JCSC Team Leader and the Chief of CLJAS. In the case of a rapid deployment immediately after the adoption of a

⁴ Report of the Special Committee on Peacekeeping Operations and its working group, 2009, A/63/19, para 105.

⁵ Report of the Secretary-General on the Budget for the United Nations Logistics Base at Brindisi, Italy, for the period from 1 July 2010 to 30 June 2011, A/64/698, 5 March 2010, para 66; General Assembly resolution A/RES/64/270.

⁶ Secretary-General's Bulletin on the Organization of the Department of Peacekeeping Operations, ST/SGB/2010/1, paras 8.1 to 8.3 and 8.15 to 8.16, as modified by the Secretary-General Decision 2012/23 on Rule of Law arrangements of 11 September 2012.

Security Council resolution, the terms of reference shall be agreed with the Department administering the field operation.

12. To ensure a seamless transition from the planning to the early implementation phase, JCSC officers, upon the decision of the Chief of CLJAS, in consultation with the JCSC Team Leader, may participate in pre-mission assessment and planning processes. This may include the participation in Technical Assessment Missions (TAM) and integrated assessments and planning processes.
13. Whenever possible, the JCSC should be part of advance teams establishing new United Nations missions. JCSC officers shall ensure that the efforts of those missions in the justice and corrections areas contribute from the outset to consolidating the peace process and laying the foundation for longer-term institution and capacity-building efforts.
14. In start-up situations, the JCSC contributes to the establishment of justice, corrections and other related components. This may include undertaking baseline assessments; developing concepts of operations, workplans and other planning documents; identifying expertise and skills required in the justice and corrections areas; and assisting in the recruitment of personnel. The JCSC shall establish effective partnerships with key national counterparts and work together with other mission components to support the national rule of law planning process at the earliest stages.
15. The JCSC also works closely with other components of field missions as well as other United Nations and external partners to ensure from the outset an integrated and well-coordinated approach to rule of law assistance. JCSC officers shall assist in the establishment of an early coordination mechanism for international rule of law assistance providers in accordance with the mission mandate and as deemed appropriate by the mission leadership.
16. When serving at their duty station in Brindisi, JCSC officers provide direct support to field operations, including, but not limited to: participating in mission pre-planning processes; preparing for upcoming deployments; reporting and de-briefing following deployments, including end-of-assignment reports; supporting recruitment processes for the field operations; and establishing and nurturing partnerships with relevant United Nations and external actors. In addition, they attend to JCSC managerial and administrative functions; support the development of non-mission specific guidance and policy documents; contribute to lessons learned and best practices studies; provide training on rule of law assistance in the civilian pre-deployment training courses; and undertake other assignments as directed by the JCSC Team Leader or the Chief of CLJAS.

D.2. Duration of Assignments

17. The length of start-up assistance shall depend on the needs on the ground and will be determined by the mission leadership, the JCSC Team Leader, and the Chief of CLJAS, taking into consideration the need for effective transition and handover to regular mission personnel.

18. The duration of JCSC deployments to existing missions, whether on temporary duty (TDY) or assignment, shall be determined by the operational needs of the mission, as decided by the mission leadership in consultation with the Chief of CLJAS.
19. The JCSC is a field-oriented capacity whose officers, subject to the receipt of requests from the field, should be deployed for fifty-five per cent or more of their actual work time. While serving in Brindisi between deployments, JCSC officers should spend their time providing remote assistance to field missions and attending to other functions as specified in paragraph 16 above.

D.3. Prioritization of Assignments

20. Priority shall be given to requests for support from DPKO-administered field operations and for deployments to start-up missions. Requests shall be considered according to the following criteria: 1) the urgency of the request in terms of implementation of the requesting mission's mandate; 2) the relevance of the proposed assignment to the functions of the JCSC as referred to in paragraph D.1 of this policy; 3) the availability and respective expertise and experience of the JCSC officer(s) to be deployed.
21. In case of conflicting requests, the Chief of CLJAS, in consultation with the JCSC Team Leader, will make a recommendation for a final decision by the Under-Secretary-General for Peacekeeping Operations through the Assistant Secretary-General for Rule of Law and Security Institutions.

D.4. Size and Composition

22. The Justice and Corrections Standing Capacity was established with an initial staffing strength of one Team Leader (P-5), two Judicial Affairs Officers (P-4/P-3), two Corrections Officers (P-4/P-3) and one Administrative Assistant.
23. The capacity shall include expertise in drafting policy and planning documents, undertaking assessments and legal analysis, developing programmes and devising fundraising strategies. The capacity's composition shall reflect essential cultural and linguistic diversity and an appropriate gender balance.

D.5. Organizational Structure and Reporting Lines

24. Reporting lines and related arrangements for the JCSC shall be as follows:

- 24.1. Under-Secretary-General for Peacekeeping Operations: Authorizes the deployment of the JCSC to new and existing missions, upon the recommendation of the Chief of CLJAS, through the Assistant Secretary-General for Rule of Law and Security Institutions.⁷

⁷ Report of the Secretary-General on the Budget for the United Nations Logistics Base at Brindisi, Italy, for the period from 1 July 2010 to 30 June 2011, A/64/698, 5 March 2010, para 66; General Assembly resolution A/RES/64/270.

- 24.2. Chief of CLJAS: Holds overall operational and supervisory responsibility over the JCSC. S/he is the first reporting officer for the JCSC Team Leader and the second reporting officer for the other JCSC staff. S/he acts as the principal adviser to the Assistant Secretary-General for Rule of Law and Security Institutions and the Under-Secretary-General for Peacekeeping Operations on all JCSC-related matters.
- 24.3. Head of the Justice and/or Corrections Component(s)^g: When deployed to start-up or reinforce a field mission, JCSC officers report, within the reporting structure of the mission, to the Head of the justice and/or corrections component, unless otherwise agreed upon in their terms of reference. When deployed to start-up a justice and/or corrections component, JCSC officers may assume the functions and responsibilities of the head of component until this position is encumbered, and report, in accordance with mission reporting lines, to the Head of Mission or his/her designate.
- 24.4. JCSC Team Leader: Provides leadership to and supervises JCSC personnel. S/he is responsible for recommending to the Chief of CLJAS the strength and configuration of teams to be deployed for specific mission tasks, for approval by the Under-Secretary-General for Peacekeeping Operations through Assistant Secretary-General for Rule of Law and Security Institutions. When not deployed, s/he reports to the Chief of CLJAS. When deployed, s/he reports to the Head of the justice and/or corrections component, unless assuming this function.
25. When deployed to support United Nations field presences other than those administered by DPKO and DPA, JCSC officers shall report within the established reporting lines of the field presence and be guided by the strategic and operational directives of the relevant department, agency, fund or programme. This shall be outlined in the terms of reference for each deployment.
26. JCSC personnel shall be considered as part of CLJAS in terms of performance assessments. However, when deployed to the field, the Head of the justice and/or corrections component of the receiving mission shall, where appropriate, assess the performance of the JCSC staff member for the period of assignment as an additional supervisor.
27. In the event of a complaint against a JCSC officer in relation to conduct and discipline matters, a determination shall be made jointly with DFS regarding the responsible official in the circumstances.

D.6. Relationship with the Standing Police Capacity

28. The JCSC and the SPC shall retain separate reporting lines as per relevant policies and guidelines. The JCSC shall coordinate and work closely with the SPC from the early stages of preparation for deployment. Where appropriate, the JCSC and the SPC shall undertake joint mission planning, devise joint deployment strategies to maximise the impact of rule of law assistance and deploy together. JCSC and SPC

may respond jointly to a request directed to one of the capacities, if the other capacity has skills sets that are required to effectively respond to the request.

D.7. Relationships with other United Nations Organizational Units

29. The JCSC shall coordinate and work closely with other relevant DPKO and DFS offices, particularly with the Office of Operations and its respective Integrated Operational Teams (IOTs), as well as with relevant DPA divisions, which serve as the primary focal point of integration and provide day-to-day support and overall political guidance to field missions, in order to ensure that the activities of the JCSC are fully aligned with the strategic objectives and priorities of the field missions.
30. Under the auspices of the Global Focal Point for the Police, Justice and Corrections Areas in the Rule of Law in Post-conflict and other Crisis Situations (GFP)⁹, the JCSC may also be requested to provide expertise to other United Nations partners, agencies, funds and programmes, including UNDP, OHCHR, UNODC, UNICEF and UN Women.
31. The JCSC shall maintain regular contact with other rapidly deployable mechanisms within the United Nations Secretariat,¹⁰ with a view to enhance cooperation and coordination, particularly for the start-up phase of new peace operations.

D.8. Training and Learning Policy

32. The JCSC can only be effective if the skills and competencies of its officers are kept up-to-date on an ongoing basis. The participation of JCSC officers in training activities shall be included in the JCSC annual workplan.

D.8. Funding and Material Support

33. The JCSC shall operate at all times as a cost-effective support mechanism for United Nations missions. When the JCSC is deployed, travel expenses, including the Daily Subsistence Allowance (DSA) and other mission-specific entitlements,¹¹ shall be borne by the requesting entity, unless other funding arrangements are in place.
34. United Nations field operations, in consultation with the Chief of CLJAS and the JCSC Team Leader, should incorporate adequate funding for expected JCSC deployments into their annual budgetary planning.
35. Non-post resources required for the effective functioning of the JCSC, including for information technology equipment, travel funds and other items relevant to support its activities, are reflected in the budget of the UNGSC-UNLB. During its pre-deployment preparations, the JCSC shall coordinate with DFS through the UNGSC-UNLB on all support requirements. While on deployment, the JCSC shall rely for

⁹ Decision of the Secretary-General No. 2012/13 on Rule of Law Arrangements, 11 September 2012.

¹⁰ These include the Standby Team of Mediation of the Department of Political Affairs; the Rapid Response Unit of the OHCHR; the Standing Mine Action Capacity (S-MAC) of DPKO and the Team of Experts on Rule of Law/Sexual Violence in Conflict of DPKO, OHCHR and UNDP.

¹¹ Such as danger pay and benefits related to rest and recuperation, where applicable.

essential services, such as ground transportation and office space, on the existing mission infrastructure.

E. REFERENCES

Normative or Superior References

- General Assembly resolution 64/270, Financing of the United Nations Logistics Base at Brindisi, Italy, A/RES/64/270, 14 July 2010.
- Report of the Secretary-General on the Budget for the United Nations Logistics Base at Brindisi, Italy, for the period from 1 July 2010 to 30 June 2011, A/64/698, 5 March 2010.
- Report of the Special Committee on Peacekeeping Operations and its Working Group, 2010 Substantive Session, A/64/19, 22 February to 19 March 2010.
- Report of the Special Committee on Peacekeeping Operations and its Working Group, 2011 Substantive Session, A/65/19, 22 February to 18 March and 9 May 2010.
- Report of the Secretary-General on the Global Field Support Strategy, A/64/633, 26 January 2010.
- Decision of the Secretary-General No. 2012/13 on Rule of Law Arrangements, 11 September 2012.
- Human Rights due Diligence Policy on Support to non-United Nations security forces, 7 May 2011.

Related Policies and Guidance

- DPKO Policy on the Functions and Organization of the Standing Police Capacity (SPC), 2012.
- DPKO Policy on Justice Components of United Nations Peace Operations, 2009.
- Handbook for Judicial Affairs Officers in United Nations Peacekeeping Operations, 2013.
- DPKO Policy Directive on Prison Support in United Nations Peacekeeping Operations, 2005.
- Handbook on Prison Incident Management in Post-conflict Countries, 2013.
- Guidelines on Methodology for Review of Justice and Corrections Components in United Nations Peace Operations, 2009.
- OHCHR/DPKO/DPA/DFS Policy on Human Rights in United Nations Peace Operations and Political Missions, 2011.
- DPKO/DFS Mission Start-up Field Guide for Mission Managers of United Nations Peace Operations, 2.0, 2010.
- DPA Special Political Missions Start-up Guide, 2012.

F. COMPLIANCE AND MONITORING

- 36. Compliance with this policy is mandatory.
- 37. The Chief of CLJAS and the JCSC Team leader are responsible for monitoring the implementation of this policy.

G. CONTACT

- 38. The contact for the review of this policy shall be the Chief of the Criminal Law and Judicial Advisory Service, within the Office for Rule of Law and Security Institutions of DPKO.

H. HISTORY

- 39. This is the first policy governing the functions and organization of the Justice and Corrections Standing Capacity. This policy shall become effective on the approval date and be reviewed by 31 December 2016.

APPROVAL SIGNATURE:

Ameerah Haq, USG DFS



DATE OF APPROVAL:

APPROVAL SIGNATURE:

1/17 Hervé Ladsous, USG DPKO

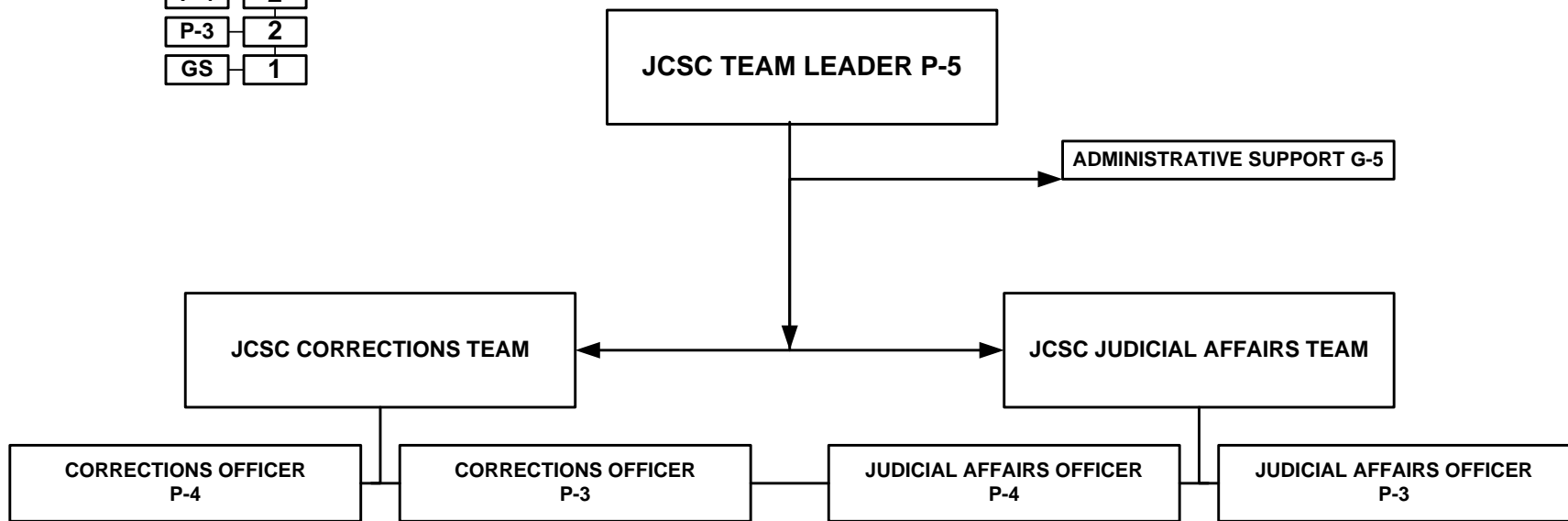


DATE OF APPROVAL

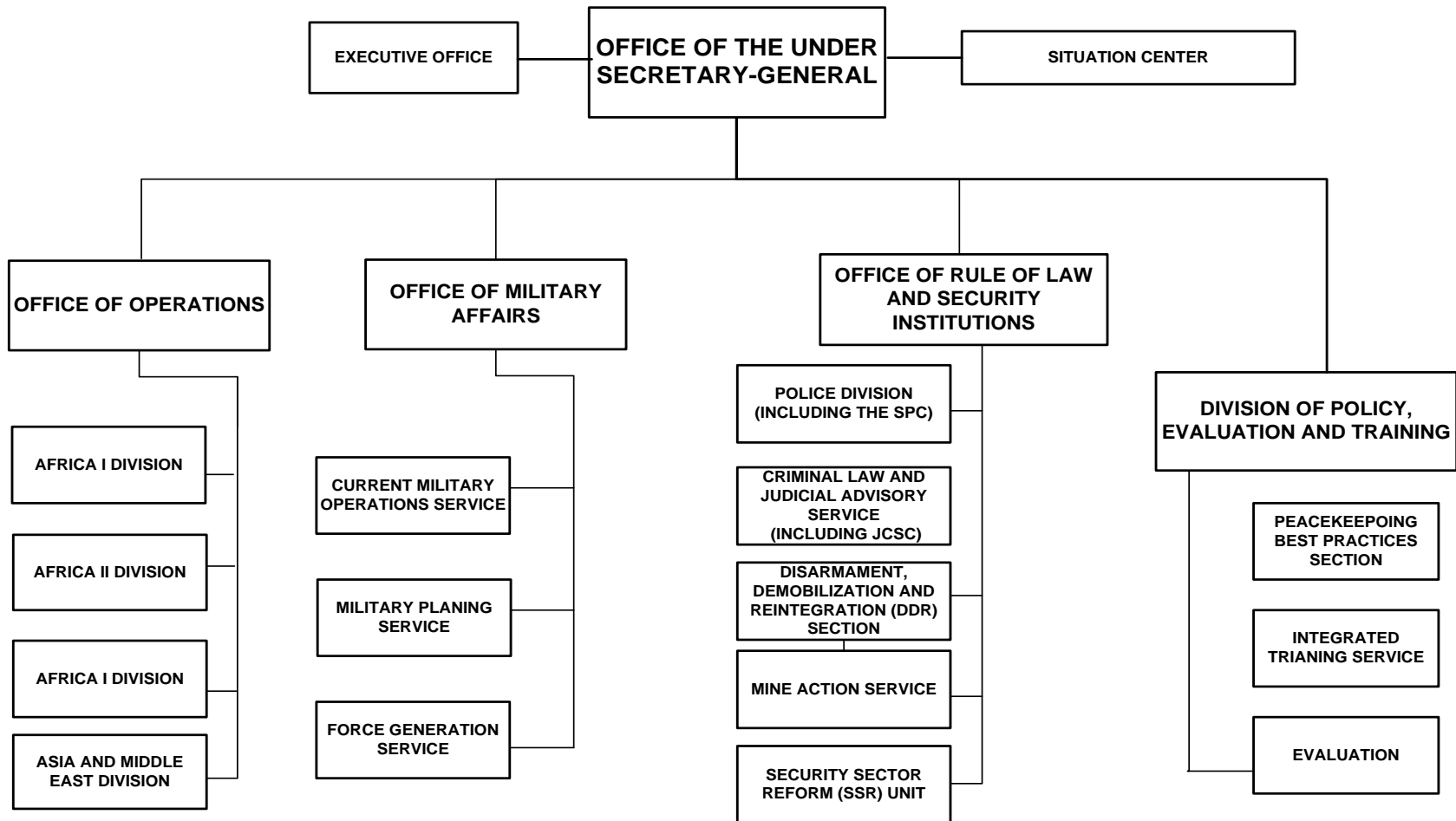
23.12.13

ANNEX A: ORGANIGRAMME OF THE JCSC

P-5	1
P-4	2
P-3	2
GS	1



ANNEX B: ORGANIGRAMME OF DPKO WITH THE JCSC



ANNEX C. TEMPLATE OF TERMS OF REFERENCE FOR THE DEPLOYMENT OF JCSC OFFICERS

TERMS OF REFERENCE

**Temporary deployment of [JCSC Corrections Officer(s)/Judicial Affairs Officer(s)]
to [Name of the Mission] from [date] to [date]**

Background

[Name of Mission] is mandated to “[description of the mandate according to relevant Security Council resolutions, including, when appropriate, reference to the mission CONOPS or other relevant planning documents]”.

The [name of component] is currently [implementing/developing] the following programmes/projects: [brief description as applicable], for which the assistance of [name of the JCSC Officer(s)] is requested.

Objectives of the deployment

The objectives of the JCSC deployment to [name of Mission and component] are as follows:

- [detail concrete measurable deliverables to be completed during deployment]
- ensure adequate handover
- complete an end-of-assignment or end-of-mission report

Responsibilities of the Corrections Officer (s)/Judicial Affairs Officer(s)

Under the overall supervision of the Chief of [name of component] of [name of Mission] (as applicable) or his/her delegate, the [JCSC Corrections Officer(s)/Judicial Affairs Officer(s)] will be expected to perform the following tasks:

[Listing of tasks as appropriate, upon agreement between the requesting mission, JCSC and CLJAS. This may include activities mentioned under paragraphs 10 to 16 of the DPKO/DFS Policy on Functions and Organization of the United Nations Justice and Corrections Standing Capacity].

Reporting lines

During the requested deployment, the JCSC Officer(s) will report to the [Chief of component, unless otherwise agreed/specified] as applicable.

Duration of and Budget for Deployment

The suggested deployment dates are from [date] to [date].

[Name of Mission] will bear all travel and other deployment-related cost, including [specify], for the JCSC Officer(s) deployment [unless otherwise agreed/specified].