

Report to the Special Committee on Peacekeeping Operations
DPKO Support for Strengthening Legal, Judicial and Prison Systems

31 January 2013

1. This report responds to the request of the Special Committee on Peacekeeping Operations for a review of the work and impact of the Criminal Law and Judicial Advisory Service (CLJAS) and the Justice and Corrections Standing Capacity (JCSC).¹ It highlights key challenges facing CLJAS, JCSC and justice and corrections components in the field, and makes recommendations for consideration by the Committee, taking into account the recent decision of the Secretary-General to establish the DPKO UNDP Global Focal Point for the Police, Justice and Corrections Areas in the Rule of Law in Post-conflict and other Crisis Situations (GFP).²

I. Introduction

2. As the Special Committee has recognized, strengthening rule of law institutions in countries emerging from conflict is essential to peace and security. Efforts to support host-country authorities to strengthen legal, judicial and correctional institutions must keep pace with more robust support provided in the area of national police reform. Otherwise, gains in rebuilding law enforcement services are placed at risk when other components of the criminal justice system do not function properly. Moreover, weak justice systems and poorly managed, inhumane and overcrowded prisons lead to frequent prison outbreaks and threaten overall stability at the local and national level. As such, the demand for technical assistance and support for legal, judicial and corrections institutions in peacekeeping settings continues to grow.

3. In addressing this growing demand, national ownership and leadership are essential to success. As highlighted by the Security Council in May 2008 and reiterated by the Secretary-General in his 2009 report on Peacebuilding in the Immediate Aftermath of Conflict, building peace is primarily the responsibility of national actors.³ Only when credible, capable national stakeholders are visibly in the lead in the peacebuilding process can improvements take root. Moreover, assistance from the international community must build upon the legal and social traditions of the host country, the vast expertise available among the host population and applicable international norms and standards. Finally, achievements will depend upon close coordination among United Nations, multilateral and bilateral partners.

4. DPKO/DFS remain the largest multilateral providers of justice and corrections personnel for international deployments. Despite small justice and corrections teams at Headquarters, the departments are well-positioned to assist components with strategic and operational support. Together, the peacekeeping family has developed a strong base of justice and corrections training and guidance materials; growing rosters of pre-cleared experts; the standing police, justice and corrections capacities; and other essential tools, including the Rule of Law Indicators, to assist and guide their work. As evidenced by the deployment of justice and corrections experts to Syria in the spring of 2012, the peacekeeping family is increasingly able to rapidly deploy

¹ Report of the Special Committee on Peacekeeping Operations, para. 151 (A/66/19 of 11 September 2012).

² Secretary-General Decision No. 2012/13 on Rule of Law Arrangements (11 September 2012).

³ See S/PRST/2008/16 and A/63/881-S/2009/304.

specialized and well-trained experts on short notice. With the development of the GFP, DPKO intends to increase its support to the field, in partnership with UNDP and other United Nations partners.

5. United Nations peacekeeping operations are extremely well-positioned to support national authorities to bring law and order and extend state authority to areas of the country devastated by conflict. These operations deploy staff seconded by Member States to assist, mentor and advise national counterparts. Peacekeeping operations offer unparalleled logistical support and security capacities, often vital to the continued operation of rule of law institutions in post-conflict settings. Public information components help inform the public of important host-country efforts to strengthen the rule of law and maintain stability and security. Through the good offices of the SRSG, peace operations support national authorities to advance the rule of law reform agenda in the peacekeeping setting. Integrated operations also strive to coordinate the United Nations system to deliver as one.

6. Nonetheless, as recognized by the World Bank in its 2011 World Development Report, efforts in the justice and corrections areas remain systematically under-prioritized by the international community.⁴ For example, corrections officers account for only 1.4 per cent, and judicial affairs officers only 1.1 per cent, of the authorized non-military personnel for peacekeeping operations. Moreover, peacekeeping operations are deployed without substantial funding to support essential programmes.

II. Structures and Functions

7. Within the Office of Rule of Law and Security Institutions (OROLSI), CLJAS is responsible for supporting peace operations to implement their rule of law, justice and corrections mandates. The Service's five principal functions are: (1) planning justice and corrections aspects of peace operations; (2) providing advice and technical support to DPKO-led operations (and DPA-led missions as requested); (3) developing technical guidance materials and training programmes; (4) working with DFS to ensure the timely deployment of qualified judicial affairs and corrections personnel; and (5) strengthening partnerships with other rule of law actors to maximize the resources and expertise available to support national authorities.⁵

8. CLJAS is organized into three teams at Headquarters – the Justice Team (5 officers), the Corrections Team (5 officers) and the Policy Cell (2 officers). The Justice and Corrections Standing Capacity (JCSC) forms part of this structure and is based in Brindisi alongside the Standing Police Capacity. In addition to budgeted positions, CLJAS makes use of staff funded through extra-budgetary means, including one officer who serves as a member of the Team of Experts: Rule of Law/Sexual Violence in Conflict.

9. In early 2010, the OROLSI reached agreement within the Secretariat on a three-year growth plan that would allow the Service to incrementally grow to meet critical requirements. The plan was suspended because of the global financial crisis. As a result, CLJAS has never achieved the full staffing required to meet needs in the field. Since that time, the demand for its

⁴ See World Bank, World Development Report, pp. 30, 199 (2011).

⁵ The roles of CLJAS are set out in Secretary-General Bulletin 2010/1 (5 February 2010).

assistance has increased.

10. To date, CLJAS has provided support to DPKO-led missions in Afghanistan, Burundi, Chad and the Central African Republic, Côte d'Ivoire, Darfur, the Democratic Republic of the Congo, Haiti, Liberia, Kosovo, Sierra Leone, Sudan, South Sudan, Syria and Timor-Leste.

11. CLJAS also provides, in varying degrees and upon request, support to special political missions managed by DPA, including the missions in Burundi, Central African Republic, Guinea-Bissau, Libya, Sierra Leone and Somalia, and is supporting United Nations planning for Mali. This extraordinary effort responds to increasing requests for specialist capacity, advice and technical guidance. As set out in the Secretary-General's Report on Backstopping Special Political Missions,⁶ Headquarters support is limited by the lack of capacity and dedicated funding. However, should the General Assembly decide upon modalities and allocate resources for support, DPKO would be able to improve the backstopping of these missions.

III. Impact in the Field

12. Justice and corrections components of United Nations peace operations support host-country authorities to strengthen the rule of law, provide peaceful means for the resolution of disputes and extend state authority to areas impacted by conflict, thereby helping to advance lasting peace and security. Consistent with mission mandates, personnel of these components serve as advisors to rule of law institutions, assist national counterparts to develop national rule of law strategies, strengthen national capacity, help build or strengthen rule of law institutions, and enhance the coordination and coherence of international assistance efforts in extremely fragile conflict and post-conflict settings.⁷

13. To this end, justice (or rule of law) components help set up emergency mobile courts, address arbitrary and prolonged detention, assist in the development of legislation and facilitate constitution-making processes. Justice components also help strengthen prosecutorial capacities; improve court administration; develop national judicial training institutions; monitor judicial processes; promote independence, professionalism, integrity, accountability and transparency of justice institutions; facilitate the building of infrastructure; increase women's access to justice; improve juvenile justice; and support the establishment of national legal-aid programmes.

14. Corrections components assist host countries to develop and implement prison procedures, recruit and train prison personnel, develop prison health, education and vocational activities, and consider alternatives to incarceration. With limited resources, peace operations do their best to help host countries address overcrowding, prison security gaps, infrastructure needs, and the water, food, health and sanitation requirements of prisoners. Increasingly, peace operations have assisted host-country authorities in corrections-related policy making and in obtaining donor funding for prison reform.

⁶ Report of the Secretary-General on the Review of Arrangements for Funding and Backstopping Special Political Missions (A/66/340 of 12 October 2011).

⁷ The Security Council authorized United Nations personnel to fulfil executive functions in Kosovo and Timor-Leste (e.g. as judges, prosecutors and penal system managers).

Examples of Achievement

15. Through the skill and dedication of staff in the field, peace operations have supported host-country authorities to re-establish and strengthen their rule of law institutions and extend state authority to areas impacted by conflict. The section below provides a sampling of some of these achievements. This work is undertaken in strong partnership with multiple actors within and outside the United Nations system.

16. **Peace operations have played a vital role in helping to operate mobile courts and reopen courts and prisons in the immediate aftermath of conflict.** Peacekeeping operations in Chad, Côte d'Ivoire, Kosovo and South Sudan assisted authorities to operate mobile courts to address serious criminal cases, reduce pretrial detention and facilitate voter registration. In Côte d'Ivoire, UNOCI supported the Ministry of Justice to restore the justice system – mobilizing funds, advising court personnel, and supporting the rehabilitation and reopening of 17 courts and 22 prisons damaged or looted during the 2010-2011 post-electoral crisis.

17. In the Democratic Republic of Congo, MONUSCO helped rehabilitate 12 prisons, train 150 military officers and open new prisons in Fizi, Masisi and Kabare. The African Union/United Nations Mission in Darfur (UNAMID) helped national authorities reopen courts, including two in West Darfur (Kulbus and Garsila) and two in North Darfur (Allait and Kabkabiya). UNAMID also helped provide water, improve sanitation, establish vocational training programmes, develop prison workshop facilities, revive agricultural programmes and upgrade prison buildings in Darfur. Within the framework of the Peacebuilding Fund and through a joint UNDP/BNUB initiative, BNUB built 17 lower instance courts and refurbished and equipped four first instance courts, one appellate court and four prisons in Burundi.

18. In the aftermath of the earthquake in Haiti, MINUSTAH helped improve health, water and sanitation in prisons and assisted with the opening of the new donor-funded prison in Croix-des-Bouquets. Through strong partnership with the ICRC, MINUSTAH helped significantly reduce cholera in prisons. United Nations peacekeeping missions in Timor-Leste, Kosovo and Liberia also helped to reopen courts, prisons and other justice institutions in the aftermath of conflict. For example, between June and December 1999, UNMIK reopened 52 courts and 13 offices of the public prosecutor.

19. **Peace operations have supported national authorities to develop specialized rule of law institutions.** UNMISS provided logistical and technical assistance for the operation of six special courts addressing communal violence. In Timor-Leste, UNMIT assisted the Anti-Corruption Commission and supported the Government to establish the Audit Chamber, to help minimize the mismanagement of public funds and enhance transparency, accountability and oversight of public administration. MINUSTAH supported the establishment and management of legal-aid offices, 18 of which were operating throughout the country in 2011.

20. **Peace operations have supported prosecutors to investigate and prosecute serious crimes cases.** Pursuant to Security Council resolutions 1925 and 2053, MONUSCO supported national efforts to bring perpetrators to justice, including through Prosecution Support Cells (PSCs), established to assist Congolese military justice authorities investigate and prosecute

cases. Since December 2011, responding to 28 official requests, the PSCs have supported the investigation and prosecution of serious crimes, including war crimes, murders, mass rapes, summary executions and torture, resulting in 10 convictions and 40 ongoing investigations. The PSCs also assisted Congolese judicial authorities to convene 16 mobile court sessions, during which 234 judgments were rendered, including 85 related to sexual violence.

21. In Timor-Leste, UNMIT supported the Office of the Prosecutor-General to complete 319 investigations into outstanding cases of serious human rights violations committed in 1999. In Liberia, UNMIL provided national lawyers to support and advise national prosecutors in carrying out their functions.

22. **Peace operations have helped host countries to put in place key legislation.** MINUSTAH supported Haiti to enact three fundamental justice sector laws – the Law on the Organization of Justice, the Law on the Magistrates School and the Law on the High Council of Justice. UNAMA provided expertise to the Government of Afghanistan in reviewing the Criminal Procedure Code and revising the Penal Code. UNIPSIL provided technical support to the Parliament of Sierra Leone to enact the Legal Aid Law and the Sexual Offenses Act.

23. In Liberia, UNMIL supported the Liberian Law Reform Commission to streamline the law reform process and develop key legislation (including on the crime of rape). UNMISS supported the Government to develop a new Prison Act. In the Central African Republic, BINUCA contributed to the drafting of a new Criminal Code and Criminal Procedure Code and facilitated their printing and dissemination. BINUCA also supported national authorities to develop the Law on the Principles of Prison Administration.

24. **Peace operations have assisted with the development of prison regulations and procedures.** UNMIT helped develop standard operating procedures for prison officers in Timor-Leste, and UNOCI assisted in setting up prison registries and a data management system in Côte d’Ivoire. MONUSCO helped formulate policies and regulations on foreign inmates, visitation, the central prison database and the reorganization of prison registries in the DRC. UNAMA worked very closely with national and international partners to help draft and implement 178 operational directives on the management of prisons and detention centres.

25. MINUSTAH provided supported the Haitian Department of Prison Administration in the development of a policy and practice framework to guide the reform of the prison system. The framework includes directives on the use of force in prisons and inmate health and nutrition. UNMISS supported the Government to develop six prison-related policies and new prison regulations and is spearheading the introduction of alternatives to imprisonment.

26. **Peace operations have helped host countries address serious prison overcrowding and prolonged pretrial detention.** In Liberia, UNMIL supported the office of the Solicitor-General to review the cases of 5,844 pretrial detainees at Monrovia Central Prison, leading to the release of 3,012 prisoners since February 2009. MINUSTAH participated with Haitian authorities in Pretrial Detention Monitoring Committees, leading to the release of 1690 detainees from 2011 to 2012. In South Sudan, UNMISS efforts on prolonged and arbitrary detention led to the Government’s establishment of a High-Level Panel on Prolonged and Arbitrary Detention,

designed to help ensure fair and expeditious trials.

27. UNAMA and UNODC established discussion forums for judges and prosecutors in Afghanistan to identify why legislative provisions providing alternatives to incarceration were not used. In the DRC, MONUSCO established a case flow management system to identify and monitor cases of pretrial, prolonged and arbitrary detention, leading to the review of 778 cases and the release of 282 prisoners since November 2011. In Syria, UNSMIS monitored detention by Government and rebel groups, under Kofi Annan's Peace Plan for Syria.

28. **Peace operations have supported training and capacity building of national rule of law counterparts.** In South Sudan, with other partners, UNMISS supported the Government to establish a prison training academy, train former combatants on prison administration and train over 1,000 staff and inmates on prison agriculture. In 2010, the Southern Sudan Prison Service and UNMIS received the International Corrections and Prisons Association (ICPA) "Management and Staff Training Award" for the Post-Conflict Training Initiative. In 2006, the ICPA recognized UNMIL for its contribution in the area of management and staff training.

29. MONUSCO conducted a specialized prison security and operations course for national military and police officers being deployed to prisons to reinforce security. UNOCI supported the Ministry of Justice and the National Authority for DDR to retrain former combatants as correctional officers. UNMIL supported national counterparts in developing and implementing multiple training programmes in the justice and corrections sectors, including through partnership with the Ministry of Agriculture.

30. In the Central African Republic, BINUCA helped the *École Nationale de la Magistrature* design the training curriculum for corrections officers and prison registrars and trained 45 community volunteers on prisoner reintegration. In Libya, UNSMIL provided training for judges of first instance courts and courts of appeal on electoral disputes and organized criminal investigation workshops for public prosecutors. In Guinea-Bissau, UNIOGBIS, supported the publication of a compilation of Guinean criminal legislation. In Burundi, BINUB trained pools of national trainers on court management, judicial ethics and juvenile justice; developed training manuals; and helped operationalize the judicial training centre.

31. In addition to formal training, UNMISS is mentoring and providing on-the-job training to prosecutors, judges, court staff, police and prison officials. In many peacekeeping operations – including UNMIL, MONUSCO, MINUSTAH, UNAMID, UNMISS and UNOCI – corrections officers provided by Member States are co-located within national prisons and serve as mentors and facilitators.

32. **Peace operations have helped monitor, map and assess rule of law institutions.** UNAMA has assessed the justice assistance provided at the provincial level, the operation of the Huquq Department of the Ministry of Justice, the status of paralegal services and legal-aid clinics, the functioning of provincial justice coordination mechanisms and other features of the justice sector. UNAMA also co-chaired the Multi-National Corrections Assessment Team.

33. The UNMIL Legal System Monitoring Programme produced analyses of the judicial

system including an assessment of the tribal governor's court and options for the development of a uniform customary court. UNMIT recently finalized a Justice Sector Roadmap to help guide future support to the justice sector in Timor-Leste, and a gap analysis of the national prison sector with recommendations on how to achieve compliance with international standards. In Libya, UNSMIL facilitated an assessment by a team of Jordanian judicial police experts.

34. MINUSTAH, UNMIS, MONUSCO and UNMIT have conducted assessments of the implementation of the Standard Minimum Rules for the Treatment of Prisoners to inform the planning of national prison reform strategies and guide international assistance efforts. In Liberia, Sudan and Timor-Leste, peacekeeping operations conducted needs assessments of prison structures and made recommendations to increase effectiveness of the prisons and their compliance with human rights standards. MONUSCO conducted a detailed assessment of 24 prison facilities in eastern DRC.

35. **Peace operations have assisted host governments to coordinate international assistance and develop national rule of law strategies.** In Afghanistan, South Sudan and Timor-Leste, the missions co-chaired or chaired committees that assisted in the planning and coordination of resources. UNAMA, for example, co-chairs a Board of Donors, which served as liaison between the Government and donors in developing the "National Priority Programme on Law and Justice for All". UNAMA also set up provincial justice coordination mechanisms in most provinces and served as the secretariat to both the prison and juvenile rehabilitation working groups.

36. In Timor-Leste, UNMIT facilitated the Independent Comprehensive Needs Assessment of the Justice Sector, which informed the National Justice Sector Strategic Plan. Working with several partners, MONUSCO supported national counterparts to develop an implementation framework for the prison reform plan. Peace operations have also assisted national authorities to identify potential donors and key partners for development of the rule of law sector, such as through the donor conferences for Afghanistan held in Rome and for Liberia in New York.

37. **Peace operations have developed joint justice support programmes, in partnership with host countries and other entities.** For example, a joint programme on access to justice is being implemented in Côte d'Ivoire, including legal clinics in the western part of the country. In Afghanistan, UNAMA and UNDP implemented the Provincial Justice Coordination Mechanism project from 2008 to 2010 (thereafter absorbed into UNAMA). In Somalia, the Joint UNDP/UNPOS Constitution Unit worked with stakeholders towards the finalization and adoption of the provisional constitution. In the DRC, MONUSCO is working with United Nations partners to develop a multi-year joint justice support programme.

IV. CLJAS Support to United Nations Peace Operations

38. Strong and effective Headquarters support to components in the field is essential to their success. CLJAS provides support in five core areas, as set out below.

Planning

39. To plan, support and provide strategic direction to peacekeeping missions, CLJAS works through the DPKO Integrated Operations Teams and Integrated Mission Task Forces as convening mechanisms for all matters relating to implementation of peacekeeping mandates. Working with other OROLSI partners, CLJAS justice and corrections focal points for each peace operation participate in technical assessment missions, support planning processes for new and evolving missions, develop operational plans and offer assistance to missions in the elaboration of annual workplans and budgets. Focal points advise DPKO leadership on rule of law aspects of peacekeeping missions and assist in the presentation of resource requirements to United Nations budgetary bodies.

40. CLJAS played a key role in assessing the needs, planning and supporting the establishment of rule of law, justice and corrections components of virtually all new peace operations established since 2003. Still, justice or corrections experts are not always included in important technical assessment missions (TAMs), thereby hampering the Service's ability to inform planning processes. CLJAS is currently assisting in contingency planning related to Mali, Somalia and Syria, in addition to supporting planning efforts for existing peace operations.

Technical Advice and Support to the Field

41. CLJAS justice and corrections mission focal points also provide ongoing advice and support to peace operations through video conferences, code cables and informal interaction. Focal points help components mobilize extra-budgetary resources for programme implementation and conduct periodic mission evaluation reviews using the *DPKO/DFS Guidelines: Methodology for Review of Justice and Corrections Components in United Nations Peace Operations*.

42. As recognized by the OIOS in its 2012 audit of the CLJAS, the Service has been unable to conduct an annual review mission to each multi-dimensional peacekeeping operation as required and participate in other mission visits because "the final travel budget allocated to CLJAS did not meet initial requirements." Moreover, as the OIOS noted, "some CLJAS focal points had not visited the missions they were supporting, which impacted their ability to assess the rule of law activities in these missions."⁸

43. By virtue of its Judicial Affairs Officer (Islamic Law) (P-4), CLJAS is particularly well-equipped to provide advice and assistance to peace operations in the Arab region and in other countries where Islamic law is prominent. For example, in May 2012, with three-days notice, the Islamic Law Officer deployed for three months to support the start-up of the United Nations Supervision Mission in Syria (UNSMIS), review national legislation in its original Arabic, monitor detention and human rights issues, and provide legal advice to meet the early needs of the Mission. Although this post is funded as General Temporary Assistance, it is clear that Islamic law expertise within CLJAS will continue to be necessary.

⁸ OIOS Internal Audit Division, "Audit of the Office of Rule of Law and Security Institutions: Criminal Law and Judicial Advisory Service", para. 19 (26 October 2012).

44. CLJAS participation in the Team of Experts: Rule of Law/Sexual Violence in Conflict⁹ allows DPKO to rapidly deploy experts to assist national authorities to strengthen their capacity and fight impunity for crimes of sexual violence. Since its establishment, the Team of Experts has worked with national authorities, United Nations partners and civil society in the DRC, Liberia, South Sudan, Côte d'Ivoire, Guinea, Sierra Leone, Colombia and the Central African Republic. Among other things, the Team has assisted national counterparts to review and revise legislation, train military investigators, develop protocols for judicial monitoring and support a panel of judges investigating sexual violence crimes.

45. To assist peace operations, CLJAS has also operated the Rule of Law Community of Practice (ROL COP), an online network that allows the sharing of reports and other information among missions. The network, which houses over 1,300 documents, is open to colleagues across the United Nations system. As the OIOS noted in its recent audit, “the maintenance of the COP requires dedicated resources”¹⁰.

Development of Guidance and Training Materials

46. Despite its small size, CLJAS has developed a growing body of operational policies, guidance materials and lessons learned studies to support the work of peace operations. These include the *Directive on Prison Support in United Nations Peacekeeping Operations; Policy on Justice Components of United Nations Peace Operations; Guidelines on Methodology for Review of Justice and Corrections Components; Primer for Justice Components; Prison Support Guidance Manual; Interim Standard Operating Procedures on Detention in United Nations Peace Operations*; and various lessons learned studies (see **Annex 1**). A handbook for judicial affairs officers, a prison incident management handbook and a policy for the Justice and Corrections Standing Capacity will be completed in 2013.

47. With support from several donors, CLJAS, the Police Division, and OHCHR developed the *United Nations Rule of Law Indicators*, a non-ranking instrument used at the request of the host country to obtain information regarding law enforcement agencies, the judicial system and the prison system in a given country, and the transformation of these institutions over time.¹¹ This groundbreaking tool supports national authorities in their rule of law reform efforts – including the development of national rule of law strategies – and helps attract and target donor assistance. To date, the tool has been implemented in Haiti, Liberia and South Sudan.

48. With extensive input from donors, implementing partners and United Nations system entities, CLJAS has developed a suite of training courses in the justice and corrections areas. Over 170 personnel have been trained in the *DPKO Rule of Law Training for Judicial Affairs Officers of United Nations Peacekeeping Operations*, which is held twice a year in Africa. Three CLJAS corrections courses are in place to train seconded and professional officers – *Predeployment Training for Corrections Officers; Operational Management Course for Corrections Officers*; and *Strategic Management Course for Corrections Officers*. The two

⁹ This four-member team, established pursuant to Security Council resolution 1888 (2009), is comprised of representatives of DPKO, OHCHR, UNDP and the Office of the SRSG on Sexual Violence in Conflict.

¹⁰ OIOS Internal Audit Division, Audit of OROLSI/CLJAS, paras. 26-28.

¹¹ See http://www.un.org/en/peacekeeping/publications/un_rule_of_law_indicators.pdf.

management courses have not been offered since 2009 because of a lack of funding.

Support for the Deployment of Justice and Corrections Personnel

49. CLJAS has significantly strengthened its capacity to identify and deploy specialist civilian expertise to peace operations. This includes both government provided personnel serving with the legal status of expert-on-mission and international professional staff. To identify high-calibre candidates, CLJAS has established an extensive network of governmental and non-governmental partners and regularly conducts targeted outreach, including with Member States, professional associations, non-governmental organizations, academia, roster managers and peacekeeping training centres throughout the world. For example, CLJAS recently assisted in identifying French-speaking prison psychology experts for MINUSTAH, Arabic-speaking judicial and corrections experts for UNSMIL and UNSMIS, and legislative drafting specialists to be co-located within national institutions in South Sudan.

50. As noted by the OIOS, CLJAS faced significant challenges in recruiting government provided personnel prior to 2011. The position of Corrections Officer (Force Generation) (P-3) was thereafter established to select, recruit and deploy corrections and judicial affairs officers provided by Member States; develop procedures governing their deployment; manage rosters; and ensure the flow of information to contributing countries. As a result, vacancy rates for government provided corrections personnel have dropped from approximately 50 per cent in March 2011 to under 20 per cent. The number of countries that nominate such personnel has increased from 12 in 2008 to 37 today (see **Annex 2**). The vast majority of these personnel are from the global South. The OIOS indicated that it “was satisfied with the action being undertaken to ensure the deployment of corrections and justice officers to missions in a timely manner.”¹² The Force Generation Officer is funded through the Peacekeeping Support Account as General Temporary Assistance but serves a significant and continuing need.

51. To facilitate the rapid deployment of international professional staff to the field, CLJAS works closely with DFS to screen candidates, develop and administer blind-graded written tests, conduct competency-based interviews and draft comparative evaluation reports for submission to the central review bodies. This has resulted in the inclusion of over three-hundred pre-cleared judicial and corrections officers on DFS rosters. Over 80 per cent of the 161 international professional justice and corrections field positions are presently filled.

52. At the same time, the demand for rule of law assistance in peacekeeping settings continues to grow. As shown in **Annex 3**, the demand for justice and corrections experts has doubled since 2009. The authorized strength of corrections officers has increased from 196 to 443 officers. The number of authorized judicial experts has grown from 171 to 294, including newly authorized government provided judicial officers.¹³

53. To increase efficiencies, CLJAS is seeking more highly-specialized personnel targeted to the needs of the particular country. Thus, CLJAS works with Member States and mission counterparts to identify and deploy specialized corrections experts, such as prison

¹² OIOS Internal Audit Division, Audit of OROLSI/CLJAS, para. 30.

¹³ These figures do not include support staff or personnel in DPA-led missions.

architects/engineers, medical and mental health staff and prison registry experts. CLJAS has also begun to deploy judicial experts provided by Member States and experts with special skills in criminal investigation, prosecution and military justice. The need for more specialized skill sets and more flexible modes of deployment continues to increase, placing increasing pressure upon the CLJAS.

Strengthening Partnerships and Improving Coordination

54. Rule of law work in the peacekeeping context cannot be successfully addressed by just one United Nations entity. Fundamental to the DPKO approach is the ability to draw upon all available partners to support the rule of law objectives in each country. To this end, CLJAS continues to strengthen its formal and informal support networks to enhance coordination and collaboration in the justice and corrections areas. Strong collaboration with Member States, regional entities, United Nations partners and others is essential throughout the life-cycle of a mission, from planning to drawdown and transition.

55. CLJAS plays an important role in reaching out to Member States through briefings and the provision of up-to-date information on justice and corrections developments in peacekeeping operations. For instance, CLJAS regularly briefed Member States on the impact of the Haiti earthquake on the justice and corrections systems and mobilized Permanent Missions to provide additional corrections personnel. CLJAS periodically briefs the group of Member States that contribute corrections officers to peace operations. The DPKO Justice Magazine and the DPKO Corrections Magazine discuss the efforts of peace operations to implement justice and corrections aspects of their mandates.

56. In order to raise awareness of the needs of corrections systems in peacekeeping settings and promote further assistance, DPKO established a “Group of Friends of Corrections”, which provides a platform for key stakeholders – Member States, United Nations entities, professional organizations and international non-governmental organizations – to work together on corrections issues. The Fourth United Nations International Conference on Corrections in Peacekeeping Settings, hosted and sponsored by Germany and CLJAS brought together 150 participants from 46 countries in June 2012.

Global Focal Point

57. The partnership between UNDP and DPKO has been gaining strength at Headquarters and in the field. The determination of both departments to continue building on their strengths and work together to implement rule of law activities led to Secretary-General Decision No. 2012/13 on Rule of Law Arrangements, establishing the DPKO UNDP Global Focal Point. Under the GFP arrangement, DPKO and UNDP, working with other United Nations rule of law actors, are jointly responsible for responding to country-level requests with timely and quality police, justice and corrections assistance in terms of global knowledge, human resources and advice on assessments, planning, funding and partnerships. The GFP will enable DPKO, UNDP and other parts of the United Nations system to draw upon each others’ networks of expertise. The aim is to enhance the predictability, coherence, accountability and effectiveness of delivery by the United Nations in the rule of law area.

58. In furtherance of these objectives, DPKO and UNDP have developed a joint workplan and will co-locate staff at New York Headquarters by mid-2013. Managerial and country-specific meetings of the GFP have been taking place on a regular basis. The teams are already conducting joint planning and assessment activities, and are developing joint GFP country support plans.

Rule of Law Coordination Resource Group

59. CLJAS is an active member of the Rule of Law Coordination and Resource Group (RoLCRG), established in 2006. Unlike the Global Focal Point arrangement, RoLCRG has no responsibility for operational/country level support and assistance. It is a strategic level forum chaired by the Deputy-Secretary-General to ensure greater quality, policy coherence and coordination among United Nations entities involved in rule of law activities. CLJAS represents DPKO on RoLCRG at the expert level and has worked with other partners to support the development of Guidance Notes of the Secretary-General in various areas. CLJAS has also played a key role in the development of the RoLCRG unified training on rule of law.

V. The Justice and Corrections Standing Capacity

60. In 2009, the Secretary-General, in his report on Peacebuilding in the Immediate Aftermath of Conflict, recommended to the General Assembly to “ensure, from the outset, a holistic and coordinated approach to strengthening rule of law that results in the . . . rapid deployment of justice and corrections capacities”.¹⁴ This need was reiterated in the 2010 Secretary-General’s report to the General Assembly on the Global Field Support Strategy, and in his report on the budget for the Global Service Centre United Nations Logistics Base (GSC-UNLB) in Brindisi¹⁵. In July 2010, the General Assembly approved the establishment of the JCSC to complement and operate alongside the Standing Police Capacity, with two core functions: i) facilitating the start-up of justice and/or corrections components in new United Nations field operations; and ii) reinforcing existing United Nations field operations when gaps arise.¹⁶

61. The JCSC was fully staffed in June 2011 and contains five professional staff members.¹⁷ The team is multi-lingual and geographically diverse, consisting of officers from Africa, Europe and South America. The JCSC is part of CLJAS and operates as a tenant unit within the administrative structure of GSC-UNLB. Almost immediately upon its formation, the JCSC showed its tremendous value in helping to establish and operationalize new peace operations, a sharp contrast with earlier instances in which, for various reasons, initial deployments were significantly delayed.¹⁸

¹⁴ Report of the Secretary-General on Peacebuilding in the Immediate Aftermath of Conflict (A/63/881 of 11 June 2009), para. 63.

¹⁵ See A/64/633, para. 27 and A/64/698.

¹⁶ See A/Res/64/270 and A/64/698 paras. 13 and 14.

¹⁷ The JCSC is comprised of a Team Leader, 2 Corrections Officers, 2 Judicial Officers and 1 Team Assistant.

¹⁸ For example, the first judicial affairs officer arrived in MINUSTAH and MINURCAT more than one year after the establishment of the mission.

62. The Special Committee has requested an assessment of the ability of the JCSC to meet demands for its services. During its first 14 months of operation, JCSC officers spent a remarkable 47 per cent of their working days deployed to field missions, 9 per cent in training, and 44 per cent working in Brindisi or on official travel to non-mission settings. Nonetheless, deployment to established missions has been limited by the lack of dedicated travel funding, and deployment rates are falling.

63. The JCSC played a major role in the start-up and operation of UNMISS. JCSC team members deployed along with the SRSG, as part of the first phase of the new Mission. The JCSC, together with UNMISS, undertook a pilot mapping exercise and drafted an analysis of arbitrary and prolonged detention in the Western-Bahr-El-Ghazal and Warrap States of South Sudan, confirming the urgent need for the deployment of mobile teams of judges and prosecutors. The JCSC supported the development of planning tools, including the results-based budget framework and workplans for the Mission's corrections, justice and military justice components. The JCSC also assisted in the implementation of the United Nations Rule of Law Indicators. A JCSC officer served for several months as Acting Director of the UNMISS Office for Rule of Law and Security Institutions, helping to start-up, manage and operate the pillar, including working to rapidly recruit long-term personnel for the Mission.

64. Two JCSC officers deployed on short notice to help establish the United Nations Supervision Mission in Syria. The JCSC officers contributed to the analysis of the legal framework applicable to arbitrary detention, amnesties and official immunities, as well as other legal instruments impacting human rights and pretrial detention, such as the Anti-Terrorist Act and a decree on the right to peaceful demonstration. JCSC officers also helped document and follow up on the release of arbitrarily detained persons. With the CLJAS Islamic Law Officer, these JCSC members trained all 272 UNSMIS military observers on detention issues, established a database of detention facilities and detained persons, and developed operational tools – including a guidance note on the role of UNSMIS military observers in the implementation of the detention aspects of the mandate and a standard operating procedure for gathering information on detention. Upon the request of the Government, JCSC staff participated in monitoring the release of 609 detainees and conducted follow-up interviews to assess compliance with international human rights norms and standards.

65. The JCSC provided critical assistance to the UNOCI corrections component in Côte d'Ivoire in the aftermath of the 2010 post-election crisis. The JCSC assisted in reviewing and revising 18 prison registries following mass escapes. The JCSC organized a training course for 33 prison directors and 44 prison registry officers, focusing on record keeping and effective prison management. The JCSC also supported UNOCI in assisting national authorities to review the legal framework governing corrections.

66. In 2011 and 2012, the JCSC received requests or expressions of interest at the technical/head of component level from 7 missions for deployments which could not be fulfilled because of a lack of funding. Six other requests or expressions of interest are outstanding for 2013. In addition, the need for the JCSC to develop expertise in Islamic law, legislative drafting, constitution-making, programme management, planning and training has become evident.

67. In its audit of the CLJAS, the OIOS noted that the level of deployment of the JCSC has

fallen because of the lack of budgeted funding for travel. The OIOS urged DPKO to “establish a benchmark for the Justice and Corrections Standing Capacity (JCSC) officers’ duty time in missions” and further support their deployment.¹⁹ CLJAS is seeking ways to address the shortfall in travel funding.

VI. Final Observations

68. The demand for rule of law, justice and corrections expertise in peacekeeping operations has grown significantly over the past several years, as has the recognition of the importance of this work to lasting peace and security in post-conflict settings. New and innovative approaches are being developed to address these needs, including rosters of pre-cleared staff, government provided justice and corrections personnel, specialized expertise targeted to specific needs (e.g. legislative drafting, constitutional reform, prison engineering, prison agriculture), rule of law training programmes, the Group of Friends of Corrections, the Justice and Corrections Standing Capacity, and the Global Focal Point arrangement. DPKO and its partners have also developed a significant body of guidance materials to multiply the effectiveness of components on the ground. This focus on quality, flexibility, rapid availability and partnership is designed to compensate for the relative shortfall in numbers and resources.

69. Creative approaches to compensate for the lack of significant programmatic resources for rule of law components also hold promise, including increased use of Quick Impact Projects (QIPs), joint fundraising with UNDP through the Global Focal Point, and increased engagement with regional and bilateral partners. Nonetheless, deploying staff without significant resources to address some of the most obvious needs in the rule of law area remains problematic and hinders mandate implementation.

VII. Recommendations

70. To continue to enhance the efficiency and effectiveness of DPKO in carrying out rule of law aspects of Security Council mandates, this report offers the following recommendations:

Good Offices: Increase political engagement on the rule of law, so as to support host-country aspirations for lasting stability

71. Peacekeeping host countries should continue to prioritize the establishment and strengthening of the rule of law in post-conflict settings, as a means to increase the legitimacy of Governments, extend State authority to areas afflicted by conflict and build lasting stability.

72. Through good offices functions, SRSGs should support national authorities to strengthen rule of law institutions – a prerequisite for lasting peace and security. Rule of law components of peace operations should provide senior mission leadership with rule of law analyses of emerging political issues and collaborate with other mission components, in support of the overall objectives of the operation.

73. The Security Council and General Assembly should encourage more discussion and

¹⁹ OIOS Internal Audit Division, Audit of OROLSI/CLJAS, paras. 22-23.

analysis of host-country efforts to strengthen their rule of law institutions, including through dedicated debates, visits (including to prisons) and requests for host countries to formulate and present multi-year rule of law strategic plans.

Support/Guidance: Increase the support and guidance available to rule of law programmes in the field

74. The DPKO UNDP Global Focal Point should assist peace operations and other United Nations partners on the ground to develop and implement common rule of law, police, justice and corrections programmes in support of national priorities; provide high-quality expertise to the host country, including through South-South cooperation; support fundraising required for implementation of peacekeeping mandates; and otherwise help fill critical capacity gaps. Member States should support the GFP and ensure that their bilateral efforts are well coordinated with the common objectives, programmes and activities of the host country and are aligned with the overall efforts of the international community.

75. Justice and corrections experts are frequently not included in technical assessment missions, a key element of planning new or evolving peace operations. The Secretariat should ensure that such experts participate fully in relevant planning process and missions, so as to best match plans with needs on the ground.

76. As recognized by the OIOS, CLJAS lacks sufficient travel funds to undertake review missions to each justice and corrections component annually and complete other required travel. The Peacekeeping Support Account should include appropriate funds for this purpose. CLJAS will, in the meantime, continue to approach donors to help fill some of the most pressing gaps.

77. Member States should recognize the continuing need for the functions fulfilled by the CLJAS Judicial Officer (Islamic Law) (P-4) (GTA) and take steps to ensure the continued long-term availability of this post, given its vital role in addressing rule of law issues in the Arab world and in settings in which Islamic Sharia is prominent.

78. Member States should recognize the continuing need for the functions fulfilled by the CLJAS Corrections Officer (Force Generation) (P-3) (GTA) and ensure the continued long-term availability of this post, given its vital role in the selection, deployment and rotation of corrections and justice experts seconded to United Nations peace operations.

79. Member States should recognize the continued long-term need for the GTA position of Judicial Officer (P-4) which has focused on Haiti, but is also needed for other priorities, including the planning of new missions.

80. In recognition of the importance of corrections in the peacekeeping setting, the establishment of a Senior Corrections Officer post (P-5) is needed to coordinate the work of the Corrections Team. In addition, CLJAS is in need of other positions, including a Team Assistant. When budgetary conditions allow, CLJAS should consider ways to address its shortfall in staffing and continue its multi-year growth plan – including through extra-budgetary means.

81. In line with the recommendations of the Secretary-General on the backstopping of special political missions (SPMs), the General Assembly should ensure that rule of law components of

SPMs have access to the full range of support capacities available within the Secretariat.

Expertise: Increase the quality and specialized skills of judicial and corrections officers available for deployment to peace operations.

82. Peacekeeping operations should provide for JCSC travel costs in their budgets (primarily larger operations and those where JCSC support is reasonably foreseeable), and the GSC-UNLB budget should include funding for unforeseen JCSC travel (such as to new or smaller missions). In addition, DPKO and DFS should explore more flexible approaches to facilitate JCSC support, including through donor funding and increased use of remote assistance.

83. CLJAS and DFS should continue to expand their rosters of justice and corrections personnel, issue vacancy announcements on a regular and predictable basis, and increase the number of Arabic and French speakers available for deployment.

84. The Global Focal Point should map Member State, think tank and NGO sources of skills and capacities, including rosters and South-South initiatives, for potential deployment to crisis and post-conflict settings and utilize the CAPMATCH internet platform. Member States should consider putting at the disposal of the GFP their national expert rosters and open the way for the United Nations to further draw upon technical expertise available within government institutions.

85. To increase the effectiveness of personnel serving as expert-on-mission, DPKO should finalize guidelines on the recruitment and deployment of government provided corrections personnel and provide input to the Civilian Capacities Team on the development of guidelines for non-uniformed government provided personnel.

86. To enhance the skills of personnel deployed to peacekeeping operations, CLJAS should continue to offer specialized training courses for judicial affairs and corrections officers, support Member States to periodically conduct predeployment training, and develop train-the-trainer programmes. Member States should continue to provide funding for these activities.

Programmes: Target programmes more closely to the needs of peace and security in the particular peacekeeping setting

87. Rule of law components of peace operations should increase their support for public participation in law-making and constitution-making processes, engage and support civil society and professional organizations, and adopt other means to involve the public in the consideration of rule of law reform efforts, including through consideration of rule of law compacts where appropriate. Political affairs, public information, civil affairs, human rights and other components should also continue to support this effort.

88. Offering international advisors to key national institutions provides an opportunity for national and international colleagues to work side-by-side on host-country priorities and jointly identify emerging needs, while sharing knowledge, experience and understanding. As a force multiplier, peace operations should consider increasing the use of co-located professional staff in key advisory positions, when requested by national authorities. Host-country authorities should be directly involved in the selection of personnel for these sensitive positions.

89. In post-conflict settings, prisons remain a low priority for national authorities and international actors. Additional engagement highlighting host countries' obligation to provide a secure and humane prison environment is urgently needed. DPKO should build on the achievements of the United Nations Group of Friends of Corrections to strengthen partnerships with Member States, raise awareness of the importance of corrections in peacekeeping settings and galvanize further support for this sector.

90. Peacekeeping operations should make greater use of QIPs and other assessed budget funding for rule of law programmes and enhance their ability to access donors, while building host-country fundraising and programme management capacity. The GFP should utilize its expertise to raise necessary funds for mandate implementation.

Partnership: Increase coordination, synergy and complementarity of support efforts

91. Member States should provide operational and funding support for the GFP, in order to improve the efficiency and effectiveness of rule of law support at the global/headquarters level and in the field.

92. Member States and the United Nations should more closely coordinate their rule of law support programmes so as to align their efforts with host countries' overall rule of law strategies and aspirations. Member States should ensure that their activities reinforce a 'One UN' approach.

93. The Special Committee on Peacekeeping Operations should request that the present report be updated and submitted in the form of an official report of the Secretary-General in November 2013.

Annex 1

Criminal Law and Judicial Advisory Service Guidance Materials and Training Tools

Guidance Materials

Addressing Pretrial Detention Issues: Mobile Courts, Paralegal and Other Legal Services in Post-conflict Areas

Challenges and Lessons Learned on Arbitrary and Prolonged Pretrial Detention in Conflict and Post-conflict Areas

Directive on Prison Support in United Nations Peacekeeping Operations

Guidelines on Methodology for Review of Justice and Corrections Components in United Nations Peace Operations

Interim Standard Operating Procedures on Detention in United Nations Peace Operations

Legal and Judicial Rule of Law Work in Multi-dimensional Peacekeeping Operations – Lessons Learned Study

Policy on Justice Components of United Nations Peace Operations

Primer for Justice Components in Multidimensional Peace Operations: Strengthening the Rule of Law

Prison Support Guidance Manual

Supporting National Prison Systems – Lessons Learned and Best Practices for Peacekeeping Operations

United Nations Rule of Law Indicators – Implementation Guide and Project Tools

Forthcoming Guidance Materials

Guidelines for Government-Provided Corrections Personnel on Assignment with United Nations in Peace Operations.

Handbook for Judicial Affairs Officers in United Nations Peace Operations

Policy on Corrections Components in United Nations Peace Operations

Policy on Taking and Publication of Images of Persons in Custody

Prison Incident Management Handbook

Training Tools

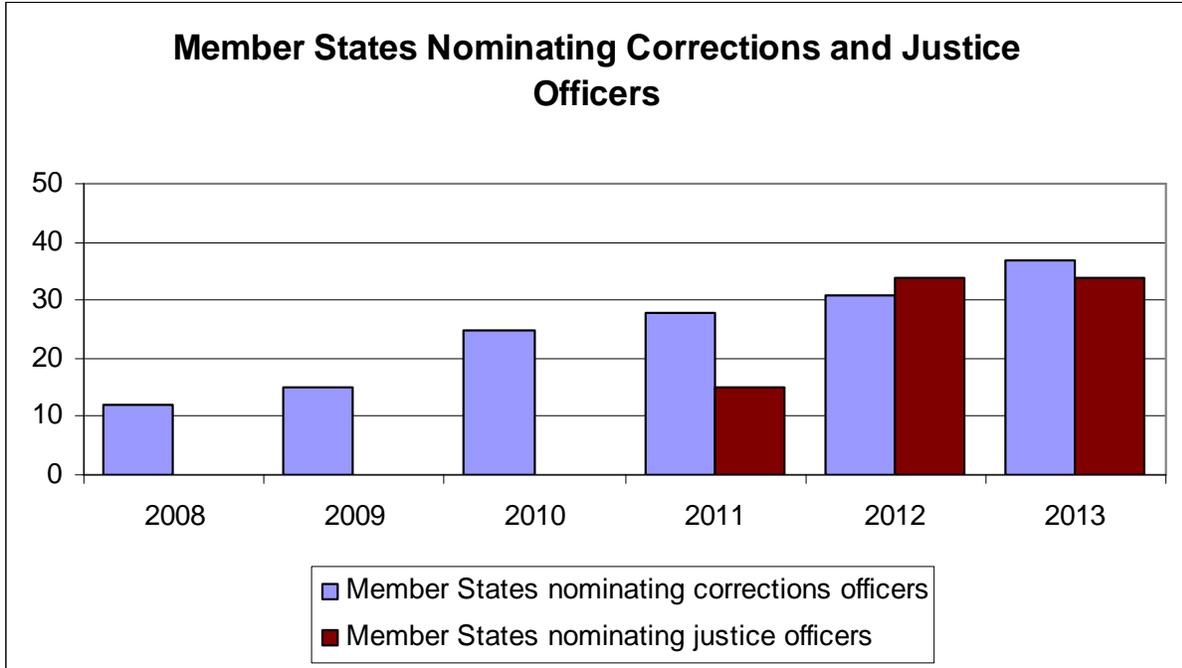
Predeployment Training for Seconded Corrections Officers

Rule of Law Training Programme for Judicial Affairs Officers in United Nations Peacekeeping Operations (and Instructors Manual)

Strategic Management Course for Corrections Officers

Operational Management Course for Corrections Officers

Annex 2



Annex 3

