

Non-paper

**United Nations Department of Peacekeeping Operations
Office of Rule of Law and Security Institutions
Criminal Law and Judicial Advisory Service**

DPKO Support for Strengthening Justice and Corrections Systems

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I. Introduction

This non-paper responds to the request of the Special Committee on Peacekeeping Operations for an “assessment and 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 covers the period from 1 February 2013 to 31 December 2015, and complements the report that CLJAS submitted to the Special Committee on 31 January 2013.² This non-paper explains the objectives and approach of the justice and corrections components of peace operations, CLJAS and JCSC, and provides highlights of key achievements and challenges. In doing so, it takes into account the Report of the High-Level

¹ Report of the Special Committee on Peacekeeping Operations, A/69/19 (2015), para. 176.

² Report of the Special Committee on Peacekeeping Operations, A/66/19 (2012), para. 151; Report of the Criminal Law and Advisory Service to the Special Committee on Peacekeeping Operations on “DPKO Support for Strengthening Legal, Judicial and Prison Systems,” 31 January 2013.

Independent Panel on United Nations Peace Operations (“High-Level Panel”)³ issued in June 2015 and the Secretary-General’s report in response to the Panel’s report.⁴

II. Background

As the Special Committee for Peacekeeping Operations emphasized (“Special Committee”) in its most recent report, strengthening the rule of law in countries in conflict and emerging from conflict is of “critical importance...in order to help stabilize the situation, extend State authority, end impunity, tackle the underlying causes of conflict and build lasting peace.”⁵ The Special Committee further underlined the important role that peacekeeping operations, together with UN country teams, can play in supporting the initial strengthening of the host State’s rule of law institutions.⁶

Since the late 1990s, the mandates of most new peacekeeping operations have included justice and corrections-related tasks. During the period covered by this non-paper, ten missions led by the Department of Peacekeeping Operations (DPKO) had justice and/or corrections mandates: MINUSCA (Central African Republic); MINUSTAH (Haiti); MINUSMA (Mali); MONUSCO (Democratic Republic of the Congo); UNAMA (Afghanistan); UNAMID (Darfur); UNMIK (Kosovo); UNMIL (Liberia); UNMISS (South Sudan); and UNOCI (Côte d’Ivoire). Of these missions, the Security Council removed the justice and corrections elements of the UNOCI mandate in June 2014 as part of the Mission’s drawdown, and the lead on UNAMA was transferred to the Department of Political Affairs (DPA) in December 2014. As of January 2016, 205 judicial affairs officers and 352 corrections officers are authorized for deployment in the eight peacekeeping operations which currently have justice and/or corrections mandates. Together, they bring extensive experiences as lawyers, judges, prosecutors, legal advisors, court administrators, prison directors, prison registrars, prison security experts, prison doctors and prison officers.

At Headquarters, CLJAS serves as the counterpart for justice and corrections components in the field. CLJAS is located within the Office of Rule of Law and Security Institutions in DPKO. As defined by the Secretary-General, the core functions of CLJAS are to: 1) plan justice and corrections programmes in peacekeeping operations; 2) provide operational support to justice and corrections components of peacekeeping operations, including in the areas of programme implementation, budgeting, reporting, institutional partnerships and staffing; 3) develop technical guidance materials and training programmes; and 4) strengthen partnerships with other rule of law actors to maximize the resources and expertise available to support national authorities.⁷

CLJAS currently includes the Chief, Deputy Chief, Senior Policy Officer, seven Judicial Affairs Officers, five Corrections Officers and two Administrative Assistants. In addition, CLJAS includes the JCSC, a small rapidly deployable team comprised of three Judicial Affairs Officers, two Corrections Officers and one Administrative Assistant, which is located in Brindisi. CLJAS also includes personnel funded through extra-budgetary resources, including a Judicial Affairs Officer who serves on the UN

³ Report of the High-Level Independent Panel on United Nations Peace Operations, A/70/95 (2015).

⁴ Report of the Secretary-General on “The future of United Nations peace operations: implementation of the recommendations of the High-level Independent Panel on Peace Operations,” A/70/357 (2015).

⁵ Report of the Special Committee on Peacekeeping Operations, A/69/19 (2015), para. 170.

⁶ Report of the Special Committee on Peacekeeping Operations, A/69/19 (2015), para. 171.

⁷ Secretary-General’s Bulletin, ST/SG/2010/1, para. 8.16.

Team of Experts on the Rule of Law and Sexual Violence in Conflict, as well as Associate Experts and interns.

III. Objectives and approach

Peacekeeping operations have a number of comparative advantages in relation to other UN entities, and international and regional actors.⁸ Peacekeeping operations enjoy a high degree of international legitimacy and leverage from Security Council mandates, and represent the collective will of the international community. As the Head of Mission, the Special Representative of the Secretary-General can use his/her “good offices” to build and sustain support on rule of law issues, and to maintain pressure on national stakeholders to exercise good governance and implement institutional reforms. Security Council mandates also confer missions with “convening authority” to bring together UN entities and other international actors engaged in the host country. Furthermore, peacekeeping operations have an unparalleled presence in the field, along with extensive logistical support and security capacities. Finally, JCSC members as well as Government Provided Personnel (GPP) are able to deploy quickly to assist and advise national justice and corrections counterparts.

As noted above, the mandates of most peacekeeping operations established since the late 1990s have explicitly included rule of law mandates. For example, MINUSCA is mandated to assist Central African authorities to build the capacities of the national judicial system, including the establishment of the national Special Criminal Court.⁹ In Mali, MINUSMA is mandated to support the implementation of the peace agreement, and assist the Malian authorities to bring to justice those responsible for violations of international human rights and humanitarian law.¹⁰ Similarly, the mandate of MONUSCO includes working with Congolese authorities to bring to justice those allegedly responsible for genocide, war crimes and crimes against humanity, and as well as to support the development of a national justice strategy and the implementation of justice and prison sector reform.¹¹

As peacekeepers, judicial affairs officers and corrections officers base their work on the following “critical success factors”:¹²

- First, justice and corrections components aim to contribute to a political solution to the conflict and promote peaceful societies that respect the rule of law, including by assisting in the negotiation, drafting and implementation of peace agreements.
- Second, justice and corrections components aim to support national authorities with immediate stabilization and security tasks, including the protection of civilians and the extension of state authority.¹³ A secure environment instills public confidence in the peace process, and is also conducive to longer-term development efforts.

⁸ The Contribution of Peacekeeping to Early Peacebuilding: A DPKO/DFS Strategy for Peacekeepers (2011), page 4.

⁹ Security Council resolution 2217 (2015), op. paras. 32(g) and 33.

¹⁰ Security Council resolution 2227 (2015), op. paras. 14(b)(iii) and 14(e).

¹¹ Security Council resolution 2211 (2015), op. paras. 9(d) and 15 (f).

¹² The Contribution of Peacekeeping to Early Peacebuilding: A DPKO/DFS Strategy for Peacekeepers (2011), pages 14-16.

¹³ DPKO/DFS Policy on the Protection of Civilians in United Nations Peacekeeping, Ref. 2015/07, para. 30.

- Third, towards sustaining peace, justice and corrections components aim to lay the foundations for the long-term strengthening and reform of rule of law institutions. This requires strong partnerships with national authorities, development actors and civil society who will continue the work after the end of the mission.

DPKO's approach to its justice and corrections work is based on several fundamental principles.¹⁴ Foremost, justice and corrections components work in support of national counterparts. They base their efforts on national ownership, building the capacity of national actors but not replacing them. As the Special Committee has emphasized, rule of law mandates "should be implemented to strengthen and ensure national ownership and leadership, bearing in mind the role of civil society...while recognizing that responsibility for the restoration of and respect for the rule of law lies with Government and relevant national actors".¹⁵ UN judicial affairs officers and corrections officers therefore work closely with ministries, courts, prosecution services, legal aid offices and national prison services well as professional associations, non-governmental organizations, civil society actors, educational/training institutions and informal/traditional justice stakeholders and mechanisms. In many settings, corrections officers are physically co-located with national counterparts and provide on-site mentoring and advising.

Justice and corrections components support the political objectives of the mission, and therefore carry out their work mindful of the political implications of efforts to strengthen the rule of law, and conversely, the positive and negative implications of political developments on the rule of law, such as the impact of de/centralizing the judiciary in South Sudan. Assistance in the justice and corrections sectors cannot be provided in isolation of the broader political and security context and the mission's overall objectives and priorities. Without such contextualization, the efforts of justice and corrections assistance will be purely technical, and impact is likely to be limited and short-lived. Justice and corrections components therefore engage with national counterparts at both the operational level (for example, in particular courts and prisons in the regions) and at the strategic level (for example, with senior judicial, corrections and ministerial counterparts in the capital), and involve senior mission leadership to ensure the full integration of rule of law issues in the mission's political objectives.

Further, justice and corrections components base their efforts on international human rights norms and standards. These are enshrined in treaties such as the International Covenant on Civil and Political Rights, which have been ratified by most peacekeeping host countries, and other normative documents such as the Standard Minimum Rules on the Treatment of Prisoners ("Mandela Rules"), the UN Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders ("Bangkok Rules") and the Basic Principles on the Independence of the Judiciary, which have been approved or endorsed by UN legislative bodies. Working closely with human rights components, judicial affairs and corrections officers also apply organizational policies such as the "Human Rights Up Front" initiative, the UN Human Rights Due Diligence Policy and the Secretary-General's zero-tolerance policy on Sexual Exploitation and Abuse. In addition, they feed into the reports of various thematic and country-specific Special Rapporteurs and are guided by their recommendations.

Another principle underlying the approach of justice and corrections components is to work through partnerships. Justice and corrections components focus on the objectives of peacekeeping and

¹⁴ DPKO/DFS Policy on Prison Support in United Nations Peace Operations, Ref. 2015/11 (2015), Section D2; DPKO/DFS Policy on Justice Components in United Nations Peace Operations, Ref. 2009.30 (2009), Section D2.

¹⁵ Report of the Special Committee on Peacekeeping Operations, A/69/19 (2015), para. 175.

do not endeavor to address the entire range of rule of law needs and challenges facing the host country. Peacekeeping operations also have a limited lifespan, and will not remain indefinitely in host countries. Justice and corrections components therefore work closely with partners within the UN system as well as national, regional and international partners whose scope of work may be wider and whose presence in the host country is likely to continue long after the mission ends. As the High-Level Panel emphasized, “a UN peace operation cannot address all areas of the justice system, and a combined UN effort is necessary for sustainable results”.¹⁶ Since it was established by the Secretary-General in 2012, the Global Focal Point for Police, Justice and Corrections Areas in Post-Conflict and other Crisis Situations (GFP) has proven to be an important platform for DPKO, UNDP, OHCHR, UNODC, UN Women and other UN entities to jointly undertake responsibilities, including through co-location and integrated teams. To date, joint justice programmes have been developed or are in the process of being developed in MINUSCA, MINUSMA, MINUSTAH, MONUSCO and UNAMID.

To optimize the effectiveness of partnerships, justice and corrections components use the mission’s “convening authority” to coordinate national and international rule of law actors. This has been exemplified in Afghanistan, where UNAMA has played a critical role in ensuring the strategic coordination of the rule of law sector. UNAMA has been co-chairing the Justice Board of Donors, which brings together key donors, UN entities, implementing organizations and non-governmental organizations to reach policy consensus on justice issues before engaging with national counterparts. In addition, UNAMA has been supporting the Criminal Law Reform Working Group chaired by the Ministry of Justice, to ensure a more coordinated and coherent approach to issues such as legislative reform, prisons and traditional justice. Similarly in the corrections area, UNAMA has been co-chairing the Consultative Working Group on Prisons and Detention Centers to ensure coordinated implementation of the Ministry of Interior’s ten-year Vision for the Central Prisons Department.

IV. Achievements in the field

As noted above, justice and corrections components help national authorities to strengthen justice and corrections systems and build confidence in the rule of law as part of the overall objectives of peacekeeping – to advance political solutions, to improve security and to lay the foundations for institution-building. Based on these objectives, justice and corrections components typically engage in seven priority areas: 1) the basic functioning of the criminal justice system; 2) the investigation and prosecution of atrocity crimes¹⁷ and crimes that fuel conflict; 3) the resolution of disputes over land and other resources; 4) reductions in the level of prolonged and arbitrary detention; 5) the professionalization of justice and corrections personnel; 6) the development and implementation of national justice and corrections reform strategies; and 7) the strengthening of the legislative and regulatory framework. Examples of mission achievements in these areas are provided below to illustrate each of the three key objectives of peacekeeping. However, most achievements have contributed to the implementation of all three objectives.

¹⁶ Report of the High-Level Independent Panel on United Nations Peace Operations, A/70/95 (2015), para. 152.

¹⁷ The term “atrocity crimes” is used to refer to genocide, crimes against humanity and war crimes, as defined in the 1948 Convention on the Prevention and Punishment of the Crime of Genocide, the 1949 Geneva Conventions and their 1977 Additional Protocols, and the 1998 Rome Statute of the International Criminal Court, among other treaties. See United Nations Office on Genocide Prevention and the Responsibility to Protect, Framework of Analysis for Atrocity Crimes (2014), Annex 1.

A. *Advancing political solutions*

The overall objective of peacekeeping is to support political solutions to the conflict and implement peace agreements. A key way in which justice and corrections components contribute to this objective is by assisting national counterparts with the **basic functioning of the criminal justice system**. A functioning criminal justice system helps to advance the peace process by restoring and building confidence in state authority, reinforcing the rule of law and access to justice, and discouraging the use of violence to resolve disputes and addressing grievances, encouraging displaced persons to return to their homes and keeping areas free of armed groups. Justice and corrections components use the mission's international legitimacy and leverage over national counterparts to advocate for a functioning criminal justice system, in addition to providing technical advice and operational support to rule of law institutions, facilitating resource mobilization and helping to ensure coordination between relevant actors.

In Mali, for example, MINUSMA has been focusing its efforts on the northern part of the country, as well as engaging with key interlocutors to develop key capacities and address priority areas highlighted by the Peace Agreement. With MINUSMA assistance, seven out of twelve tribunals, and seven out of sixteen prisons, are now functioning in northern Mali, essentially ending the rule of law vacuum that prevailed in the region since the 2012 political and security crisis. MINUSMA has supported the development of a comprehensive strategy for national judicial reform; used its convening authority to help establish coordination frameworks for national criminal justice stakeholders, with the support and participation of international stakeholders and donors; facilitated the re-deployment of personnel including through the use of MINUMA air assets; refurbished and rehabilitated prisons and courts; advised and provided logistical support to court and prison personnel on criminal investigations and prison registries; and provided training on international criminal justice standards. The re-opening of courts and prisons and the 24% increase in the deployment of magistrates and officials to the north during the period 2014-2015 has led to an increase in the number of criminal cases adjudicated in Northern Mali over the last two years.

Similarly in the Democratic Republic of the Congo (DRC), MONUSCO judicial affairs and corrections officers have helped re-open courts and prisons in "Islands of Stability". These efforts have contributed to the Mission's overall political objectives by helping to restore state authority and facilitate stabilization in eastern DRC. For the same reason, MONUSCO has also supported judicial services and prisons in the provincial capitals and main judicial centres and other crisis-affected areas. Between July and December 2015 alone, MONUSCO handed over four rehabilitated prisons and two tribunals, and contributed to structural repairs in other courts and prisons. With the support of the UN Team of Experts on Rule of Law and Sexual Violence in Conflict, MONUSCO also supported the establishment of the Special Investigation Units on Sexual Violence within the civilian jurisdictions in eastern DRC as well as the deployment of additional and specialized magistrates.

In Kosovo, UNMIK has contributed to the political process by facilitating the integration of the parallel judiciary in the north into the Kosovo judicial and legal system, by promoting information exchange and coordinating the cooperation of international actors in Kosovo with the parallel judiciary. Similarly with respect to the prison system, UNMIK has assisted with the integration of former Kosovo Serb Civil Protection officers as corrections officers at the North Mitrovica Detention Center. From July 2014 to June 2015, UNMIK also issued or certified approximately 2,600 civil status, academic and pension documents for Kosovo residents seeking to use such documents in non-recognizing countries, particularly Serbia.

In Côte d'Ivoire, UNOCI helped to deploy judicial personnel across the country, leading to the re-opening of all 36 Courts of First Instance and three Appeals Courts as well as the opening of new tribunals in Guiglo and Issia. The Mission, together with the UNDP, UNICEF and the European Union, also established six legal clinics and trained over 1,800 persons to provide legal assistance. As a result, hundreds of individuals benefitted from individual legal advice, and judicial compliance with legal requirements on substantive and procedural rights improved. Similarly in Darfur, efforts by UNAMID led to the delivery of justice in areas where justice institutions were previously absent. Following the conflict when there was limited judicial activity, UNAMID advocated to open more courts and provided support for the construction and rehabilitation of 21 courts in remote areas, as well as the deployment of 74 prosecutors throughout Darfur. The Mission, together with UNDP, have also built the capacity of 90 community paralegals working in IDP camps in North, South and West Darfur to provide basic legal support and serve as a referral mechanism for victims of crime including sexual crimes.

In addition to assisting with the basic functioning of the criminal justice system, justice and corrections components also advance the political process through efforts to ensure **accountability for atrocity crimes and crimes that fuel conflict**. Such assistance contributes to the fight against impunity, fosters confidence in rule of law institutions and encourages warring parties to choose peace rather than further violence. Criminal proceedings can also help to enhance security by reducing threats to the population posed by members of security forces and armed groups, and thereby contributing to an enabling environment for the protection of civilians.

In the DRC, MONUSCO Prosecution Support Cells (PSC) have been providing technical advice, training and logistical support to Congolese military justice authorities in order to facilitate criminal investigations, prosecutions, mobile hearings and trials for serious crimes, including sexual violence. The PSCs are comprised of investigative and prosecutorial experts, supplemented by consultants provided UNDP, the UN Team of Experts for Rule of Law and Sexual Violence in Conflict, as well as several donors. The PSCs have made investigations and trials possible in remote and insecure areas of eastern DRC where courts barely function or exist, contributing to the gradual building of public confidence in the ability and willingness of national authorities to address impunity. Notably, key officers of the national armed forces (FARDC) and leaders of armed groups have been prosecuted, tried and convicted for serious crimes. Between July and December 2015 alone, PSCs contributed to 19 investigation missions, supporting hundreds of interviews, such as in the case of serious crimes alleged to have been perpetrated by ADF elements in Eringeti, where 985 victims and witnesses were heard by investigators. PSCs equally contributed to the holding of 14 mobile courts with 148 arraigned persons and 114 convictions. MONUSCO, the UN Team of Experts on Rule of Law and Sexual Violence in Conflict and other partners have also supported the development of a pilot prosecutorial strategy to deal with the backlog of prosecutions for international crimes committed in North Kivu.

Justice components have also helped advance political processes through support to military justice systems in South Sudan and Mali. Prior to the outbreak of violence in December 2014, UNMISS provided technical advice to the SPLA on the SPLA Act as well as regulations relating to court martial procedures and the recruitment of child soldiers. UNMISS also monitored trials involving SPLA accused of committing atrocities. The assistance provided by UNMISS contributed to an increase in the number of court martial proceedings, from six completed military trials for serious offences in 2012 to 116 by the end of 2013, date of the start of the crisis. Similarly in Mali, MINUSMA assisted the Ministry of Defence in reviewing the Code of Military Justice and advocated with the Ministry of Defence and the judiciary to start the hearing of the high profile military cases in relation to the 2012 *coup d'état*. These initiatives

have helped strengthen the accountability of security forces and armed groups, thereby deterring and punishing the use of further violence and creating conditions for sustainable peace.

While MONUSCO, MINUSMA and UNMISS have supported the existing military justice system, justice components in other missions have helped to establish and operationalize new investigative and judicial mechanisms. In Côte d'Ivoire, UNOCI provided technical advice to *the Cellule Spéciale d'Enquêtes et d'Instruction (CSE)*, which was established to investigate crimes committed during the 2010-11 post-electoral violence and successfully advocated for the extension of the mandate of the CSE beyond 2013, when the Ministry of Justice had planned to drastically reduce the CSE's meaningful operation. In Liberia, UNMIL helped to establish a specialized court with jurisdiction over SGBV cases, as well as the Sexual and Gender-Based Violence (SGBV) Crimes Unit within the prosecution service. To date, UNMIL support has led to indictments in 245 of the 277 pre-trial SGBV cases committed between 2010 and 2015. The Mission also supported the creation of the Anti-Corruption and Financial Crime Division in the prosecution service. In Mali, MINUSMA has advocated for and supported the establishment and development of a special judicial/investigation unit and brigade to address cases of terrorism and organized crime, as called for in the Peace Agreement.

In Darfur, the peace process continues to be threatened by the lack of accountability for crimes committed at the height of the conflict. The absence of a fully functional prosecution system and the necessary political will to make the Special Court for Darfur Crimes operational has contributed to impunity. As part of efforts to foster commitment from national authorities on the functioning of the Special Court and to promote prosecution skills, UNAMID sponsored three Sudanese prosecutors, including the Special Prosecutor, on a study tour to the International Criminal Tribunal for Rwanda (ICTR). This led to ongoing engagement by the ICTR with Sudanese judges, prosecutors and lawyers, including the participation of the Chief Justice and the Special Prosecutor in an ICTR seminar in December 2015.

Most recently in the Central African Republic (CAR), MINUSCA has been assisting national authorities in establishing the Special Criminal Court with jurisdiction over serious crimes including genocide, war crimes and crimes against humanity committed during the conflict. The law to establish such a court was drafted with support from MINUSCA, together with UNDP, UN Women and other partners, and promulgated in June 2015. MINUSCA is now working with national authorities, Member States and other interlocutors to finalize a budget for the first phase of the Special Court's operations as well as the procedures for the selection and recruitment of national and international magistrates.

In some missions, justice components have assisted in **the resolution of disputes over land and other resources**. In Afghanistan, UNAMA established dialogue among UN, international and ministerial stakeholders and provided corresponding technical support on significant land issues, including "land grabbing" by senior government officials, which were identified as a significant driver of conflict. As a result of UNAMA's advocacy on these issues, high-level Afghan officials including the Acting Minister of Justice have recently affirmed their commitment to address illegal land usurpation and distribution.

In an effort to prevent violent inter-communal disputes over land and cattle in Darfur, UNAMID and the Judiciary Training Institute have trained rural court judges representing 40 rural courts across Darfur. The training aimed to support local *ajaweed* mechanisms in the mediation of such conflicts. While the impact of this training is not yet clear, there has been an increase in the number of cases transferred by rural court judges to state courts. Similarly in South Sudan, UNMISS promoted inter-communal reconciliation and conflict mitigation processes, facilitating the deployment of judicial and

law enforcement personnel and monitoring government actions in response. As part of this effort, UNMISS helped establish two special traditional courts in Rumbek composed of both professional judges and traditional leaders to mediate inter-communal fighting and cattle raids.

B. Improving security

Peacekeeping missions are often mandated to support national authorities in ensuring security and promoting stabilization, including through the protection of civilians and the extension of state authority. In turn, the provision of security contributes to confidence in the peace process and creates space for longer term institution-building.¹⁸ Justice and corrections components work closely with UN Police to improve security in the host country by helping courts to deliver basic criminal justice services, including by addressing arbitrary and prolonged detention. If courts are unable to function, individuals suspected of crimes including violent “spoilers” of the peace process may not be apprehended by the police. Even if apprehended, detainees will not have their cases heard, overcrowding prisons way beyond their capacity. Prisons which are overcrowded and which are not properly operated will in turn create security risks as prisoners may escape, organize riots and/or instigate other security incidents.

Furthermore, the support provided by corrections components in the delivery of basic prison services contributes to the prevention of violent extremism. Unsafe and inhumane detention conditions can be a major “push factor” for prisoner association with violent groups, including extremist groups. Basic prison security, along with support for sound prison management and respect for prisoner rights, help reduce the potential for violent extremism in prisons. In his Plan of Action to Prevent Violent Extremism, the Secretary-General recognized the role that detention conditions, poor prison security and prison overcrowding play in spurring prisoners to join extremist groups, and indicated his intention to integrate the prevention of violent extremism in the relevant activities of peacekeeping operations.¹⁹

Another way that justice and corrections components help improve security is through assistance in the **delivery of basic justice and prison services**. For example, MINUSCA, UNDP and UN Women supported the organization of criminal court hearings for 76 accused at the Court of Appeal of Bangui in June/July 2015. This was a significant achievement, as the hearings represented the first criminal trials to take place in CAR since 2010. MINUSCA judicial affairs and corrections officers have also been providing technical support to judicial police, prosecutors, investigating magistrates and prison authorities with respect to the cases of the more than 400 individuals who have been arrested by MINUSCA Police and Military under their Urgent Temporary Measures authority. Beyond Bangui, MINUSCA has facilitated the deployment of judicial personnel to Bria, Bambari, Bangassou, Alindao, Boda, Mobaye, Berberati, and Bozoum, thereby helping to re-open courts as part of Mission’s overall mandate to extend state authority. These deployments have enabled courts to adjudicate election-related disputes, and also increased the operational capacity of the judicial system to process criminal cases. MINUSCA has also been assisting national authorities to rehabilitate prisons and establish basic prison registries and health care services in these facilities. While the situation in CAR remains fragile, these achievements are an important part of the Mission’s efforts to help enhance security in CAR.

In Liberia, UNMIL has been supporting Liberian counterparts in the operation of 14 prisons across the country, including through the Justice and Security Hubs project, which has led to a 42 per

¹⁸ The Contribution of Peacekeeping to Early Peacebuilding: A DPKO/DFS Strategy for Peacekeepers (2011), page 15.

¹⁹ Report of the Secretary-General on “Plan of Action to Prevent Violent Extremism,” A/70/674 (2015) para. 58(b).

cent increase in justice personnel in the south-eastern counties and the establishment of a new judicial complex in central Liberia. In the corrections area, UNMIL has advocated for the national prison service to have greater access and management of its budget; helped to ensure the recognition and protection of uniformed personnel under the civil service law; supported the independent oversight of prisons by the Independent National Commission on Human Rights; assisted in the maintenance and updating of the national prisoner database; and trained Liberian police to take over security functions at the Monrovia Central Prison from UNMIL Formed Police Units. It is likely that these initiatives contributed to the decrease in prison escapes, from 17 incidents (involving 45 prisoners) in 2014 to 14 incidents (involving 21 prisoners) in 2015. The impact of UNMIL's work in the prisons area was particularly notable in 2014 and 2015 during the outbreak of the Ebola Virus Disease (EVD), which presented a major public health crisis and consequent threats to public safety and security. UNMIL helped prison authorities to develop operational plans and budgetary proposals for the prevention and management of EVD, and organized special training for prison personnel on health and the use of protective equipment. Due in large part to these efforts, no EVD cases arose in any prison in Liberia.

In Darfur, UNAMID helped improve security through similar support to national prison authorities. With funding from UNDP and WHO as well as the mission budget, UNAMID supported the refurbishment and improvement of 14 prisons across Darfur. In 2015, UNAMID and UNDP constructed two water tanks and an underground water reservoir in North Darfur during a severe water shortage. In Côte d'Ivoire, UNOCI supported the creation of a medical cell within the prison service dedicated to developing prisoner health strategies and training prison personnel. These initiatives led to notable improvements in the Ivorian prisons, including increases in the number of meals provided to prisoners (from one meal per day to two meals per day) and decreases in the number of prisoner deaths from malnutrition, as well as the establishment of a national committee to review prison health policies. Such improvements in Darfur and Côte d'Ivoire have led to more humane conditions of detention overall, decreasing the potential for prisoner unrest and contributing to improved security.

While corrections officers in most missions have played advisory and support roles, UNMISS corrections officers have been an exception. Since May 2014 following a shift in the mission mandate from capacity-building to the protection of civilians (PoC), the UNMISS corrections component has been managing and operating holding facilities within UNMISS PoC sites where over 100,000 displaced persons have sought shelter and protection. These holding facilities were established to detain individuals apprehended by UN Police for posing a security threat to the rest of the PoC site population. As of January 2016, over 2,600 individuals have passed through UNMISS holding facilities, and approximately 30 to 50 individuals are held at any given time. Through the holding facilities, UNMISS corrections officers have contributed considerably to the maintenance of public safety and security within UNMISS PoC sites, a key part of the Mission's mandate to ensure the protection of civilians.

Within the context of improving security, justice and corrections components in many missions have given particular focus to the **reduction of prolonged and arbitrary detention**. These include cases of persons who have been detained for excessive periods beyond the time-limits allowed by law and persons detained without a valid legal basis. Prolonged and arbitrary detention entails serious security risks, as detainees overcrowd prisons and languish without legal process – thereby fueling riots, escapes and other security incidents, as well as fostering environments conducive to the violent radicalization of prisoners.

One way in which missions have helped to reduce prolonged and arbitrary detention is by assisting national prison authorities to establish and improve their recordkeeping systems so that

information on each detainee is complete and updated. MINUSTAH helped national authorities institute a filing system to record and track prisoners where no such system existed previously. As a result, 95 per cent of prisoners throughout Haiti now have valid admission documents compared to 40 per cent previously. In South Sudan, UNMISS efforts contributed to lower prolonged and arbitrary detention by enabling the registration of undocumented detentions, the review of expired remand warrants and the identification of detentions directed by customary courts and unauthorized institutions.

Justice and corrections components have also helped tackle high rates of prolonged and arbitrary detention by facilitating the review of cases through detention review bodies. In the DRC, MONUSCO provided both technical and logistical support for judicial inspections to review pending cases. Between July and December 2015, a total of 568 detainees were released following MONUSCO intervention, at least 35 cases of minors were transferred to the *Tribunal pour Enfants* and 232 cases of prolonged detention were transmitted to judicial authorities for resolution. In South Sudan, UNMISS initiated the establishment of Juvenile Remand Review Boards, which led in Wau, for example, to a reduction of 85 per cent of the number of detained juveniles between October 2013 and June 2014. UNMISS also assisted national justice authorities to redress over 7,500 cases of prolonged and arbitrary detention, and generated increased awareness and change in the approach of judges, prosecutors and prison officials.

Missions have also assisted in reducing the number of pre-trial detainees through their support for the timely processing of cases, including by mobile courts. In Haiti, MINUSTAH launched “*opération coup de poing*” to expedite the processing of criminal cases, and also increased the number of regular court hearings undertaken in “Model Jurisdictions” in Haiti’s three largest population centers of Port-au-Prince, Cap-Haitien and Les Cayes. Similarly in DRC, MONUSCO helped to organize mobile court sessions in detention facilities and prisons, and even helped to build courtrooms in some prisons. In South Sudan, mobile courts supported by UNMISS had processed the entire backlog of cases over a span of three months in the capital city in 2014. Mobile courts organized by MINUSMA in the remote areas of Mopti region during 2015 enabled those communities to access justice, and resolve cases. In addition, coordination frameworks for Malian criminal justice actors have enabled, in some cases, bailiffs, registrars, magistrates, police and penitentiary authorities to alleviate practical procedural hurdles, such as the timely delivery of summons, enabling court cases to move forward, and pre-trial detention issues to be resolved.

Yet another way in which missions have helped to reduced prolonged and arbitrary detention is by facilitating prisoner access to legal assistance. In Darfur, UNAMID and UNDP established legal aid desks in six prisons which provided individualized legal advice to over 553 pre-trial and convicted prisoners from June 2013 to June 2015, contributing to the processing of cases involving prolonged pre-trial detention. In Haiti, MINUSTAH supported the establishment of legal aid offices in six jurisdictions to provide better access to justice to the most vulnerable detainees. In South Sudan, UNMISS supported the South Sudan Law Society in establishing a pro bono case referral system comprised of legal aid clinics providing free legal services in six out of ten states.

C. *Laying the foundations for institution-building*

Peacekeeping operations help to lay the foundations for longer-term institution-building, to be supported by the UN Country Team and other development actors who will remain in-country after missions draw down. As part of this effort, justice and corrections components assist host countries with the professionalization of justice and corrections personnel, the formulation and implementation

of national reform strategies, and the strengthening of legislative and regulatory frameworks. To be successful, these efforts require the strong political will of national authorities to pursue reform. They also require missions to base their assistance on a sound analysis of the root causes of the conflict and their links to rule of law challenges in the country, and to work jointly with other UN entities and actors from the outset of a mission as part of its eventual transition and exit.

To help **professionalize national counterparts**, justice and corrections components in many missions have assisted with the recruitment of national justice and corrections personnel, often where no professional corps exists as a result of the conflict. In CAR, MINUSCA assisted the Ministry of Justice in developing a three-year plan for the recruitment, training and deployment of prison staff across the country. In Côte d'Ivoire, UNOCI assisted with the integration of 2,000 ex-combatants into the prison service, and the re-organization of its management structure. In Liberia, UNMIL facilitated a targeted outreach campaign in 2015 which resulted in the recruitment of new prison officers, including 53 female officers.

Justice and corrections components have also helped to deliver training programmes, develop training curricula and establish training institutions. In Haiti, the Magistrate's School was re-opened with the support of MINUSTAH. In Liberia, UNMIL has been delivering security and management training programmes for prison personnel. Similar efforts were undertaken from 2013 to 2015 by UNAMID, which trained nearly 700 prison officers across Darfur. To ensure the sustainability of their efforts, UNAMID also trained a core group of 33 officers within the national prison service to deliver training programmes on an ongoing basis. In the DRC, MONUSCO helped develop and validate a comprehensive training curriculum, and formed a prison training team which has trained over 600 prison personnel. In South Sudan, the first comprehensive prison cadet training course was initiated at the Prison Academy with UNMISS support. In Afghanistan, UNAMA has worked closely with partners to increase the number of women prison officers, an important step towards recognizing the gender-specific needs of women prisoners.

Beyond recruitment and training, justice and corrections components have sought to promote the professionalization of national justice and corrections personnel by strengthening management capacities and oversight mechanisms. In Côte d'Ivoire, UNOCI helped the national prison service improve capacities in strategic planning and prison management. UNMISS enabled the National Prison Service of South Sudan to establish a prison inspectorate unit as well as an internal audit unit to help foster controls, prevent bad practices and promote transparency in financial and project execution. In Haiti, MINUSTAH supported the adoption of a number of key measures, including internal rules and regulations for the Superior Judicial Council, a certification process for judges, an evaluation process for magistrates and a Judicial Inspectorate to review the efficiency of individual courts. In Liberia, a 2013 review of the judiciary, prosecution and police, supported by the Peacebuilding Fund and undertaken jointly between the Government of Liberia, UNMIL, UNDP and the International Security Sector Advisory Team, resulted in concrete steps to improve institutional management and accountability, including the expansion of the judicial oversight body and the establishment of a court inspectorate.

To help lay the foundations for long-term institution-building, justice and corrections components, working closely with the UN Country Team, have helped **develop and implement national reform strategies**. In Mali, MINUSMA supported the development of a national justice reform strategy. In Côte d'Ivoire, UNOCI supported a participatory, nationally-owned process which resulted in the adoption of a multi-year National Justice Sector Strategy covering both the judicial and penitentiary systems in 2012, and the establishment in 2013 of a related action plan, budget and implementation

strategy. Similarly, the 5-year Strategic Development Plan (2014-18) for the prison service of Darfur was produced with significant support from UNAMID, while in Liberia, the 2015-19 Strategic Prison Plan was developed with UNMIL support. During 2013-14, UNAMA played a crucial role in developing the 10-year Vision for the Ministry of Interior for the Central Prisons Department, and a series of 2-year strategic plans to implement the Vision. All of these strategies set out national rule of law priorities and provide an important basis for systemic and institutional changes needed for comprehensive and lasting reforms. If successful, such reforms are expected to result in increased judicial accountability and independence, reduced corruption and the de-politicization of rule of law institutions – factors which likely contributed to the outbreak of conflict.

Lastly, justice and corrections components have advocated for and advised on the **strengthening of legislation and regulations**. UNAMA supported the drafting of the Criminal Procedure Code for Afghanistan which was promulgated in October 2014 and continues to advocate for revisions in the new Penal Code, including the incorporation or revision of crimes falling under the Rome Statute of the International Criminal Court, gender based violence crimes, “moral” crimes, land usurpation, child pornography and torture. In addition, UNAMA supported the adoption of laws to combat terrorism, such as the anti-money laundering law and the access to information law. Between 2012 and 2014, UNAMA supported the review of 153 Operational Directives for the management of Afghan prisons.

Similar efforts were undertaken in Haiti, where MINUSTAH supported the adoption of the anti-corruption law as well as the development of a new draft penal code and a new draft criminal procedure code. In Liberia, UNMIL assisted in amending the Jury Law for effective jury selection and case processing; the Penal Law to establish specialized courts for SGBV cases; and the Judiciary Law to expand the jurisdiction of magisterial courts with the aim of reducing the backlog of cases at the circuit court level. UNMIL has also been assisting in the development of new draft legislation for the Liberia National Police and the Bureau of Immigration and Naturalization, which include the establishment of civilian oversight boards. These laws will lay the foundation for essential reform as part of Liberia’s security transition. In CAR, MINUSCA helped national authorities draft decrees required to fully enact the Prison Law of 2012. All of these new and amended laws are essential for improving immediate security, facilitating stabilization and preparing the ground for the longer-term reform of the justice system.

Given that the role of justice and corrections components is to help initiate but not complete the long-term process of institution-building, the GFP arrangement is instrumental in ensuring that the transfer of mandated tasks to the UN Country Team proceeds smoothly in order to prevent gaps in critical assistance. In Darfur, for example, UNAMID and UNDP established the Rule of Law Coordination Group entrusted to oversee the drafting and implementation of a three-year joint Rule of Law Programme, which sets out the transition of specified tasks as mandated by the Security Council. The joint programme will prioritize the delivery of objectives linked to the Mission’s mandate, especially with respect to reinforcing the criminal chain in geographical priority areas – locations where early recovery and the return of displaced persons is more likely to occur.

V. Challenges in the field

As illustrated in the preceding section, the work of judicial affairs and correction officers have played an important part in achieving mission mandates to advance the political process, improve security and lay the foundations for longer-term institution-building. At the same time, justice and

corrections components have faced a number of challenges. Many of these political, organizational and resource-related challenges have been identified previously, including by the Brahimi Panel. The recent review of peace operations by the High-Level Panel presents a renewed opportunity to assess these challenges and identify concrete measures to effectively address them.

The **political will of national authorities** is critical for advancing mandate implementation in all areas. The sustained commitment of national authorities to constructively engage in initiatives to strengthen the rule of law is particularly relevant to the success of peacekeeping efforts in the justice and corrections areas. Yet, such will and commitment are often uneven. Without the political commitment of national authorities at all levels, the impact of peacekeeping missions' efforts in the justice and corrections areas are likely to be limited. The recommendation of the High-Level Panel, echoed by the Secretary-General in his response, to formulate compacts between the United Nations and host governments may provide greater leverage to boost national ownership, strengthen the consent of host governments for the presence and activities of a peacekeeping operation, and offer a framework to hold host governments to account.²⁰ The robust use of "good offices" by heads of missions and other senior mission leaders to advocate on rule of law issues is also important in this regard.

Another major challenge is the quality of **analysis and assessment** in the planning for peace operations, at all stages of a mission's lifecycle. The High-Level Panel and the Secretary-General's response have identified the limited capacity of the Organization to carry out political and conflict-related analysis to underpin the formulation of strategies, policies and operational plans.²¹ Such analysis must include an understanding of the situation, needs, opportunities and constraints on the ground. It is essential that judicial affairs and corrections officers understand the situation in the host country, including the root causes of conflict in order to determine priority areas and corresponding means for support. Assessments of how justice and corrections institutions fuel conflict or can be a tool for reducing conflict would be an integral part of conflict analysis. Such assessments could also assist the Security Council in formulating tailored and prioritized mandates for peacekeeping operations.

The absence of an established **evaluation mechanism** to assess progress in mandate implementation poses another constraint to the effectiveness of missions, including in the justice and corrections areas. In this regard, the High-Level Panel and the Secretary-General in response has called for regular independent evaluations using external expertise, focusing on the objectives and purposes stipulated in mission mandates.²² The DPKO/DFS Guidelines on the Methodology for the Review of Justice and Corrections in UN Peacekeeping Operations (2011) could contribute to such evaluations.

The **staffing** of peacekeeping operations continues to be an ongoing challenge, due to the difficulties of attracting suitable candidates with specific expertise willing to work in hardship environments, and cumbersome organizational procedures which prevent them from being recruited

²⁰ Report of the High-Level Independent Panel on United Nations Peace Operations, A/70/95 (2015), para 83; Report of the Secretary-General on "The future of United Nations peace operations: implementation of the recommendations of the High-level Independent Panel on Peace Operations," A/70/357 (2015), para. 64.

²¹ Report of the High-Level Independent Panel on United Nations Peace Operations, A/70/95 (2015), paras. 164-166; Report of the Secretary-General on "The future of United Nations peace operations: implementation of the recommendations of the High-level Independent Panel on Peace Operations," A/70/357 (2015), paras. 53-56.

²² Report of the High-Level Independent Panel on United Nations Peace Operations, A/70/95 (2015), para. 172; Report of the Secretary-General on "The future of United Nations peace operations: implementation of the recommendations of the High-level Independent Panel on Peace Operations," A/70/357 (2015), para. 72.

and deployed in a timely manner. Rosters for Professional-category vacancies and calls for Government Provided Personnel with specialized expertise do not always yield available and appropriate candidates. Furthermore, generic job openings are issued infrequently, generally every few years, thereby limiting opportunities for new candidates to be added to rosters. The lack of personnel and the inability to fill vacancies quickly can impose significant hurdles for justice and corrections components to carry out their work effectively and efficiently. Ongoing efforts to streamline recruitment processes, carry out more targeted outreach to fill vacancies, and mobilize highly specialized experts for short-term deployments will help to address these challenges.

The **safety and security** of peacekeeping personnel is an ongoing and major challenge which has impacted staff recruitment and retention and the broader ability of missions to implement their mandates. In host countries such as Afghanistan, CAR and Mali, attacks on peacekeepers and the overall volatility of the security situation regularly impedes freedom of movement and access to certain areas and individuals, hampering the ability of justice and corrections components to fully carry out their work. For example, high levels of insecurity have prevented MINUSMA from deploying judicial affairs and corrections officers to Kidal and have also undermined the ability of MINUSMA to implement its mandate in many areas outside the regional capitals of Gao, Timbuktu and Mopti, where the presence of national and local authorities has been limited.

Since the establishment of the GFP arrangement, justice and corrections components have worked closer than ever with police components, UNDP, OHCHR, UNODC, UN Women and other UN entities to jointly address staffing and resources challenges, including through co-location and integrated rule of law teams. However, these efforts have been hindered by the difficulties in achieving full **inter-operability** of UN entities with different organizational cultures, structures, reporting requirements structures, budget cycles, procedures and practices. These difficulties will need to be overcome if the comparative advantages of various entities are to be brought together. This will require the continuation of ongoing efforts to untangle the administrative, logistical and procedural obstacles that have made it difficult to fully operationalize the GFP arrangement.

In his response to the High-Level Panel, the Secretary-General has indicated his intention to further strengthen his support to the GFP arrangement.²³ Such commitment will help to reinforce an arrangement that has demonstrated its capacity for joint programme design and implementation – for example in DRC, where the “Joint Justice Support Programme” led to the immediate resource mobilization of US\$1.5 million to the project in 2014, and in Haiti, where a Strategic Vision Document for 2015-18 and an interim UN rule of law programme are currently under development. In settings where joint programmes were already under way, the GFP arrangement did provide a welcome umbrella for improvements in mandate delivery. For example, the Security Council-mandated support to the Prosecution Support Cells in the DRC has been a joint effort incorporating assistance provided by donors, the Peacebuilding Fund and, since 2013, a joint MONUSCO-UNDP project funded by the European Union.

²³ Report of the Secretary-General on “The future of United Nations peace operations: implementation of the recommendations of the High-level Independent Panel on Peace Operations,” A/70/357 (2015), para. 65.

VI. CLJAS Support to the Field

As noted above in Section I, CLJAS is responsible for providing backstopping support from United Nations Headquarters to justice and corrections components in field missions. Such support encompasses the following areas: 1) advice and information to Member States; 2) planning and operational support; 3) policies and guidance materials; 4) training; 5) staffing; and 6) partnerships.

A. Advice and information to Member States

One of the key functions of CLJAS is to advise and inform Member States regarding the justice and corrections areas in peacekeeping. This is done through bilateral engagement with Permanent Missions in New York and relevant representatives in Member State capitals, through meetings of informal groups of Member States, as well as engagement with various UN legislative bodies including the Special Committee on Peacekeeping Operations. Such engagement complements the advocacy that justice and corrections components undertake with diplomatic representatives on the ground.

Member State support for the work of justice and corrections components and for CLJAS is crucial to the delivery of mission mandates in the justice and corrections areas. Starting with the planning stages of new missions, CLJAS works closely with other DPKO offices to ensure that the reports of the Secretary-General and briefings by senior DPKO leadership to the Security Council adequately reflect the needs and challenges of peacekeeping efforts in the justice and corrections areas. Where appropriate, CLJAS also engages directly with members of the Security Council to advocate for the inclusion of the justice and corrections areas in mission mandates. Once a mission is established, CLJAS continues to interact regularly with Security Council members on mission mandates, particularly during mission transition and drawdown. CLJAS also mobilizes Member States support for the provision of adequate resources, including personnel, for justice and corrections components and for CLJAS.

Outside of the legislative bodies, CLJAS reaches out to Member States through regular briefings and the provision of information on justice and corrections developments in peacekeeping operations. CLJAS also convenes twice-yearly meetings for the group of Member States that contribute justice and corrections Government Provided Personnel to missions. In order to raise greater awareness and support for the importance of prisons issues in peacekeeping, CLJAS engagement with Member States has focused particularly on this area, including through the Group of Friends of Corrections in Peace Operations, the bi-annual United Nations International Conference on Corrections in Peacekeeping Settings and the annual meeting of the International Corrections and Prisons Association (ICPA). Moving forward, CLJAS will strengthen its collaboration with regional organizations, particularly the African Union, as recommended by the High-Level Panel.²⁴

B. Planning and operational support

The operational support that CLJAS provides to missions, including through the GFP arrangement, begins from the initial planning for a new mission and throughout its lifespan. CLJAS participates in planning processes to assess the situation and identify needs on the ground in the justice and corrections areas. Once a mission is established, CLJAS helps mission components to develop operational plans, formulate mission budgets, prepare reports including periodic reports of the Secretary-General, mobilize resources, and produce public information materials to highlight the

²⁴ Report of the High-Level Independent Panel on United Nations Peace Operations, A/70/95 (2015), para. 57.

mission's justice and corrections work. CLJAS also carries out regular visits to missions to provide specific support and conduct reviews. As missions evolve, transition and eventually draw down, CLJAS continues to participate in planning processes.

C. Policies and guidance materials

CLJAS continues to develop a growing body of operational policies, guidance materials and lessons learned studies to support the work of peace operations, while also leading departmental and cross-entity reviews of implementation of UN tools and policies. During the past three years, CLJAS has finalized a number of concepts and technical guidelines, some of which have been translated into French, Arabic, Dari and Spanish. These include the following materials, which are used on a daily basis by judicial affairs and corrections officers in the field:

- Policy on the Justice and Corrections Standing Capacity (2013);
- Handbook for Judicial Affairs Officers in United Nations Peacekeeping Operations (2013);
- Prison Incident Management Handbook (2013);
- Study on the Flexible Deployment of Civilian Expertise to United Nations Peacekeeping Operations (2013);
- Policy on the Taking, Publication and Distribution of Images of Persons in Custody (2014);
- Standard Operating Procedures for Government-Provided Corrections Personnel on Assignment with United Nations Peacekeeping Operations and Special Political Missions (2014);
- Policy on Prison Support in United Nations Peace Operations (2015); and
- Lessons Learned Study on Combatting Impunity in the Democratic Republic of Congo through the MONUSCO Prosecution Support Cell Programme (2015).

Under the auspices of the GFP arrangement, CLJAS also developed the Resource Note on Sector Planning for Police, Justice and Corrections in Post-Crisis and Transition Situations (2013) and the Prison Evaluation Checklist in Post-conflict Settings (2014). CLJAS is currently in the process of finalizing the new DPKO/DFS Policy on Justice Support in United Nations Peace Operations.

CLJAS is also leading reviews on the implementation of the DPKO/DFS Interim Standard Operating Procedures on Detention in United Nations Peace Operations and on the implementation of the United Nations Rule of Law Indicators.²⁵ Both of these reviews will be finalized in 2016, and CLJAS will work directly with relevant missions to share and implement the findings and recommendations.

²⁵ The United Nations Rule of Law Indicators, which were jointly developed by DPKO and OHCHR in 2011, are designed to evaluate progress over time rather than be used for one-off assessments. It therefore requires more than one iteration in order to evaluate progress in the rule of law sector. In Haiti and Liberia, the findings were presented during national conferences in February 2013 and March 2013 respectively, where senior judges, prosecutors, lawyers and police had the opportunity to discuss their implications. A similar conference was also planned in South Sudan, but cancelled following the onset of the crisis in December 2013. Most recently, the Indicators were implemented in Afghanistan through a nationally-owned process led by the Ministry of Justice and supported technically by UNAMA's Rule of Law Unit and UNDP. The Indicators were adapted to the Afghan local context and legal culture, and the public perception surveys were carried out by a national organization. The resulting baseline assessment was presented by the national institutions in Kabul in August 2015, and the Ministry of Justice and the Office of the Vice-President have expressed their intention to use the assessment to articulate a national rule of law action plan.

D. Training

With extensive support from donors, implementing partners and UN entities, CLJAS has developed several training courses in the justice and corrections areas. The DPKO Rule of Law Training for Judicial Affairs Officers of United Nations Peacekeeping Operations was held jointly with the German Center for International Peace Operations (ZIF) twice a year from 2010 to 2015, including on two occasions in French. The training covers the specialized functions of judicial affairs officers in peacekeeping operations, and the substantive expertise and skills that they need. Nearly all judicial affairs officers currently deployed to peace operations, as well as counterparts from other UN entities, including OHCHR, UNDP, UN Women, UNICEF and UNODC, have now participated in this training. The training has greatly benefitted Judicial Affairs Officers by providing a unique opportunity to augment their capacity to support national rule of law counterparts and to exchange experiences with colleagues from other mission contexts. Extra-budgetary funding for this training, however, ended in 2015.

In partnership with the Swedish Prison and Probation Service, CLJAS also delivers the pre-deployment training programme for corrections Government Provided Personnel, twice per year, once in Europe and once in Africa. The training covers the role of corrections in peacekeeping and international standards relating to the treatment of prisoners, as well as report-drafting and programme management skills. It also includes field simulation and virtual reality exercises. Corrections officers who have participated in this programme brought a stronger understanding of the role of prison support in peacekeeping, and were considerably better prepared for field deployment. With the aim of increasing the number of women and French-speaking corrections officers in peace operations, the first all-female training was organized by the Group of Friends of Corrections in 2014, and the first French-speaking training is planned for March 2016, with the support of Sweden and Canada. In the future and subject to the availability of resources, CLJAS will develop and deliver a training programme focusing on prison security.

To enhance cross-cutting and functional skills, CLJAS is also building JCSC planning and budgeting capacity to support missions, thereby enabling JCSC members to deliver mentoring and advising training to judicial affairs and corrections officers in the field. Training on the DPKO Planning Toolkit and related training as well as the mentoring and advising course are tools specifically developed for DPKO staff in response to needs in the field.

E. Staffing

While responsibility for selecting individual field personnel lies with each mission, CLJAS is responsible for managing the pool of suitable candidates for the three categories of judicial affairs and corrections posts in the field: 1) “professional” staff; 2) Government Provided Personnel (GPPs); and 3) consultants and other specialized experts.

In collaboration with the Department of Field Support (DFS), CLJAS manages the rostering of candidates for judicial affairs and corrections posts in the “professional” category. As of November 2015, there are a total of 92 judicial affairs and 32 corrections posts in this category. The rostering process requires the review of applications, the preparation and assessment of written exams, participation in interview panels, and outreach activities to attract candidates with the relevant backgrounds, skills and expertise. Rostering processes are resource-intensive and long, typically taking up to one year from the issuance of generic vacancies to the approval of recommended candidates by

the Field Central Review Bodies. Once missions select candidates for recruitment, CLJAS also liaises with DFS to facilitate their timely deployment.

CLJAS also manages the nomination, assessment, deployment and administration of GPPs who are seconded by contributing countries. As of January 2016, there are a total of 44 judicial affairs GPP and 285 corrections GPP across all missions. Like the rostering process for “professional” category staff, the process for GPP is also highly resource-intensive and requires extensive liaison with contributing countries and missions.

Finally, in response to requests by missions for short-term consultants and other specialized experts, CLJAS works with partners through the GFP arrangement and other networks such as DPA’s roster of constitutional experts to identify candidates and facilitate their deployment. However, there is increasingly a need to have greater and quicker access to specialized expertise, in areas such as prison security, prison registries, military justice, international criminal law and strategic planning/reform. A mechanism which would allow missions to “buy specialized skills on demand” and use flexible deployment modalities may be better suited to meet the needs in the field.

Moving forward, CLJAS will continue to seek greater geographic diversity among both “professional” staff and GPP, and also expand its outreach efforts to draw candidates with the requisite qualifications, skills and language capabilities. In particular, CLJAS will continue to expand the number of countries that contribute corrections GPPs, as recommended by the Special Committee.²⁶ While approximately 34 per cent of “professional” staff and 30 per cent of GPP are currently women, efforts will continue to ensure improved gender balance among field personnel.

F. Partnerships

In support of the work carried out by justice and corrections components, CLJAS continues to strengthen its formal and informal support networks to enhance coordination and collaboration in the justice and corrections areas. Outside of the United Nations, CLJAS interacts regularly with non-governmental organizations, professional associations, research institutes and other entities engaged in rule of law work in peacekeeping.

Within the United Nations, the establishment of the GFP arrangement has enabled DPKO (CLJAS), UNDP, OHCHR, UNODC, UN Women and other UN entities to build on their comparative strengths and jointly respond to country-level requests for timely and quality justice and corrections, as well as police, assistance. An independent progress review conducted in 2013-14 found that the GFP arrangement, had “enhanced collaboration, improved working relations between DPKO and UNDP, and promoted a positive change of mentality and culture in which silos have been replaced with a team construct and sense of whole.”²⁷ However, efforts to undertake joint initiatives have faced inter-operability challenges between entities with different organizational, administrative and financial structures, procedures and practices. In his response to the High-Level Panel, the Secretary-General highlighted the GFP arrangement as a positive example of an integrated approach for the delivery of mission mandates and expressed his intention to strengthen GFP capacity for joint programme design

²⁶ Report of the Special Committee on Peacekeeping Operations, A/69/19 (2015), para. 176

²⁷ Clingendael Institute, Stimson Center, Folke Bernadotte Academy, Independent Progress Review on the UN Global Focal Point for Police, Justice and Corrections (2014).

and implementation.²⁸ Addressing and overcoming inter-operability challenges will be key to the future success of the GFP arrangement.

The UN Team of Experts on Rule of Law and Sexual Violence in Conflict, established pursuant to Security Council resolution 1888 (2009), continues to be another positive example of a “One UN” approach to the rule of law. The Team of Experts includes representatives of DPKO (CLJAS), OHCHR and UNDP and sits within the Office of the Special Representative of the Secretary-General for Sexual Violence in Conflict. The Team has focused its efforts on strengthening the capacity of national rule of law and justice actors, including in the specialized areas of criminal investigation and prosecution, collection and preservation of evidence, military justice system investigation and prosecution, criminal and procedural law reform, and the protection of victims, witnesses and justice officials. It is currently supporting national authorities in CAR, Côte d’Ivoire, DRC, Guinea and South Sudan.

VII. JCSC deployments to the field

As the rapid deployment team within CLJAS, the JCSC is mandated with three functions: 1) to provide start-up capability in rule of law matters to newly created missions; 2) to reinforce existing rule of law components; and 3) to conduct reviews of rule of law components.²⁹ Since July 2013, deployable members of the JCSC have been deployed on average 73 per cent of their working time,³⁰ compared to 43 per cent for the 2012-2013 budget year. In addition, JCSC members spent approximately 10 per cent of their working time providing remote assistance to field operations.

A. *Start-up capacity for new peace operations*

In 2013, JCSC officers provided critical assistance with the start-up of the justice and corrections component of MINUSMA. JCSC participation in the mission advance team guaranteed that, from the very onset, justice and correction activities were aligned with the Mission’s strategic objectives and priorities in the rule of law area. The JCSC undertook critical baseline assessments with national stakeholders throughout the country, with a special focus on capacities in the northern part of Mali, which assisted in the planning of re-opening of the judicial and corrections institutions in that part of the country.

To ensure a seamless transition from BINUCA to MINUSCA, a JCSC Judicial Affairs Officer supported BINUCA’s rule of law component during the transition. A subsequent JCSC team supported MINUSCA in the establishment of a new Justice and Corrections Section, undertook necessary recruitments, and conducted consultations with national and international partners. The team, along with UNDP and UN Women, finalized a joint rule of law project under the GFP arrangement with a budget of approximately US\$ 15 million, which was fully funded. The same JCSC team participated in a multi-disciplinary mission to define the scope and content of mandated Urgent Temporary Measures (UTM). Moreover, additional staffing needs for the implementation of UTM were identified and the Security Council consequently doubled the number of corrections GPP to implement UTM and general

²⁸ Report of the Secretary-General on “The future of United Nations peace operations: implementation of the recommendations of the High-level Independent Panel on Peace Operations”, A/70/357 (2015), para. 65.

²⁹ DPKO/DFS Policy on the Functions and Organization of the United Nations Justice and Corrections Standing Capacity (2013), Ref. 2013/11, para. 10.

³⁰ The deployment rates include assistance to peacekeeping operations and special political missions.

corrections tasks of MINUSCA.

B. Support to existing peace operations

The JCSC has provided missions with support on the **investigation and prosecution of serious crimes and crimes that fuel conflict**. During 2014-15, the JCSC deployed to MINUSCA for almost eight months to assist the mission in supporting the establishment of the Special Criminal Court for the investigation and prosecution of serious crimes. Among other tasks, the JCSC contributed significantly to the drafting of the law establishing the court and ancillary documents, in addition to the preparation of terms of reference for all court personnel as well as Mission staff to support the Special Court.

In the DRC, a JCSC Judicial Affairs Officer with expertise in international criminal law also participated in a CLJAS lessons learned study to assess the performance of the MONUSCO Prosecution Support Cells. The PSCs are seen as an important tool of assistance in the fight against impunity for the commission of serious crimes, and the study recommended the replication of this model in other missions in contexts similar to the DRC.

Another key area of support provided by the JCSC is **strategic planning and operations**. During twelve months in 2013 and 2014, the JCSC assisted MINUSTAH's Corrections Advisory Unit with the development of strategic planning documents to support the *Direction de l'Administration Pénitentiaire (DAP)* in the areas of capacity building and training programmes, pre-trial detention, infrastructure rehabilitation and the protection of vulnerable groups. This support led to the finalization of the DAP's Strategic Development Plan (2014-2016). From September to October 2014, the JCSC filled a critical staffing gap following the retirement of the Head of Corrections Advisory Unit, ensuring continuity and leadership in mandated corrections support areas.

During 2014 and 2015, a JCSC Corrections Officer strengthened the capacity of MONUSCO's Corrections Unit in two different field offices and managed the respective corrections teams. In order to reduce overcrowding, she also supported the establishment and implementation of a sustainable recording system. Lastly, with respect to maximizing the impact of the "Islands of Stability", she re-distributed rule of law staff to the islands, and through QIPs funding supported the establishment of a penitentiary farm for North Kivu prisons, the improvement of conditions in the Rutshuru prison and the operationalization of the Walikale prison.

From May 2015, a JCSC Corrections Officer deployed to UNMISS for six months to provide support in the oversight and management of holding facilities located within the mission's PoC sites. As part of her work, she produced policy papers and guidelines on the operational management of those facilities. Moreover, she helped to establish and actively supported a Working Group to manage cases of continuous detention at POC sites, which resulted in a significant decrease in such detentions.

Finally, the JCSC provided support to **missions in transition**. During the restructuring of the Rule of Law Division in UNOCI, a JCSC Corrections Officer provided deployed to In Côte d'Ivoire from July to September 2013 and from November to January 2014 to help improve business processes for an efficient and effective implementation of the mission's rule of law mandate. Furthermore, following the discontinuation of UNOCI's rule of law work in October 2014, the JCSC participated in a lessons learned/best practices study on the mission's management of the drawdown of rule of law activities and staff. This study can be used as a guidance tool for ongoing and future mission transitions.

From March to July 2015, and again from October to December 2015, the JCSC Team Leader deployed to UNAMID. He contributed to the establishment of a functioning UN-wide rule of law coordination mechanism which will oversee the drafting and implementation of a Joint UN Rule of Law Programme, in which the transfer of tasks from the mission to the UN Country Team - as mandated by the Security Council³¹ - will occur. In this context, he drafted the Rule of Law Transition Plan for UNAMID which will further inform the Joint Programme and the handover of mandated tasks and might be a model for current and future transition scenarios.

C. Challenges

Pursuant to its core mandate and objectives, the JCSC is requested to deploy within a few weeks of mandate authorization to set up and support the justice and corrections components of peace operations. The demand for JCSC in the last two years has outweighed its capacity, and has prevented it from responding to all requests for assistance. The Special Committee has noted the JCSC's contributions and continued demand for its assistance, and recognized the need to strengthen its capacity.³² The High-Level Panel has also raised the importance of rapidly deploying personnel for new missions.³³

VIII. Conclusions

Through their support to host countries, judicial affairs and corrections officers of United Nations peacekeeping operations play a critical role in the implementation of mission mandates. As illustrated above, their efforts have contributed to political processes, helped improve security and set the stage for the long-term process of institution-building. At Headquarters, these efforts have been facilitated by CLJAS through engagement with Member States and partners, the provision of planning and operational support, the development of technical guidance tools, the delivery of specialized training programmes and the identification of candidates for field deployment.

While the achievements of DPKO in the justice and corrections areas have been significant, a number of challenges remain. The High-Level Panel's review of peace operations presents an important opportunity for DPKO to reflect upon the comparative advantages of peacekeeping operations and strengthen the implementation of mission mandates, including in the justice and corrections areas.

³¹ Security Council resolution 2228 (2015).

³² Report of the Special Committee on Peacekeeping Operations, A/69/19 (2015), para. 176.

³³ Report of the High-Level Independent Panel on United Nations Peace Operations, A/70/95 (2015), paras. 188-191.