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### Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General

Promotion and protection of all human rights, civil,  
political, economic, social and cultural rights,  
including the right to development

## Activities to support efforts by States to strengthen their judiciary system and administration of justice

### Report of the High Commissioner for Human Rights\*

#### *Summary*

The present report is submitted pursuant to resolution 21/21 of the Human Rights Council. It provides information on activities undertaken by United Nations agencies, departments and funds, as well as regional organizations to support efforts by States to strengthen their judiciary system and administration of justice.

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\* Late submission. The current report was mandated by the Human Rights Council at its twenty-first session, to be presented at its following session. The late submission was due to the practical challenges of producing a report within this time frame in due respect of rules guiding the advance time needed for editing and translation.

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## **I. Introduction**

1. The Human Rights Council, in its resolution 21/21, entitled “Enhancement of technical cooperation and capacity-building in the field of human rights”, requested the Office of the United Nations High Commissioner for Human Rights to submit a report to the Council at its twenty-second session on activities undertaken by the Office, other relevant United Nations agencies, in particular the United Nations Office on Drugs and Crime, and, where applicable, regional organizations to support efforts by States to strengthen their judiciary system and administration of justice.

2. The present report provides an overview of activities undertaken by the following organizations: Office of the United Nations High Commissioner for Human Rights, the United Nations Office on Drugs and Crime, Department for Peacekeeping Operations, International Labour Organization, International Organization for Migration, United Nations Children’s Fund, United Nations Development Programme, United Nations Entity for Gender Equality and the Empowerment of Women, Council of Europe, Organization for Security and Co-operation in Europe and the Commonwealth Secretariat.<sup>1</sup>

## **II. United Nations system**

### **A. Office of the United Nations High Commissioner for Human Rights (OHCHR)**

3. At the national level, OHCHR is involved in a large number of activities to promote and protect human rights in the administration of justice, including in policy development, normative guidance and capacity-building activities. In particular, the Office contributes to the development of robust, rule of law-based justice systems by providing ongoing assistance to Member States in human rights capacity-building activities for judges, prosecutors, defence lawyers and law enforcement agencies. Such assistance includes support and needs assessment in the field of human rights, implementation of specific activities, review of relevant legislation and procedures to ensure compliance with international human rights standards and the delivery of practical human rights training programmes.

4. OHCHR plays an important role in providing advice on draft laws to ensure that human rights concerns are fully taken into account and that international human rights law is respected, including in legislation such as criminal codes and codes of criminal procedure. Several OHCHR field presences have devoted special attention to assisting national legislative processes regarding various aspects of the administration of justice in recent years. For instance, in Guatemala, OHCHR provided technical assistance to the General Attorney’s Office in 2011, including with the adoption of internal regulations on strategic investigation and prosecution, particularly in cases related to the internal armed conflict.

5. Other examples include support to the National Congress of Honduras which approved new legislation on judicial governance and careers in 2011. Through the organization of a seminar with international experts, its participation at a plenary Congress

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<sup>1</sup> A note verbale dated 2 November 2012 was sent to United Nations agencies, departments and funds, as well as regional organizations, requesting contributions to the contents of this report. The report is based on the answers received.

session and a publication, OHCHR contributed to ensuring that the law complies with international standards on the independence and impartiality of the judiciary. In Kenya, the National Council on the Administration of Justice was established as a mechanism to ensure a coordinated approach to the administration of justice and secure the independence and accountability of the judiciary. OHCHR comments and suggestions were reflected in the draft bill which was adopted by Parliament. In Ecuador, the OHCHR Regional Office for Central America in partnership with UN Women and other actors supported the development of a protocol on the investigation of femicide with the objective of tackling the epidemic of violence against women in El Salvador and enhancing the investigative capacities of public prosecutors, judges and members of the police.

6. In addition to supporting legislative reform, OHCHR also provides support to States regarding policy reform. Activities, in particular related to the administration of the justice sector, include the 2011-2015 Strategic Plan of the Burundi Ministry of Justice, which contains reforms pertaining to judicial independence and accountability. Following advocacy work of the United Nations Office in Burundi, two key activities were undertaken in 2011: the organization of a national conference on justice, which will serve as a platform for recommendations on different issues related to judicial independence; and a study on the capacity-building plan for the Supreme Council of the Magistracy, which will serve as a preliminary step for wider reforms.

7. In Afghanistan, the Human Rights Support Unit was established within the Ministry of Justice to strengthen the Government's capacity to fulfil its international human rights obligations under the human rights treaties it has ratified, which have also been incorporated into its Constitution. OHCHR/the United Nations Assistance Mission in Afghanistan, in collaboration with the United Nations Development Programme (UNDP), supported the establishment of the Unit in 2011. The Office also conducted training on the human rights-based approach for newly recruited staff and provided policy advice and technical advice to the Unit for the development of an action plan to implement recommendations of the universal periodic review. In Guinea-Bissau, the United Nations Integrated Peacebuilding Office in Guinea-Bissau facilitated the creation of an interdisciplinary committee to ensure the compliance of prisons and detention centres with international standards for detention. As a result of monitoring related to the administration of justice, the Government agreed to the creation of an integrated structure for the administration of the correctional system. OHCHR provided technical support to the drafting of the terms of reference for the structure in 2011.

8. Strengthening human rights compliance by judicial and law enforcement institutions is also a primary focus of activity for OHCHR. The joint OHCHR-Department of Peacekeeping Operations (DPKO) Rule of Law Indicators Project was launched in 2011, receiving the endorsement of the Rule of Law Coordination and Resource Group as a system-wide guidance tool. The project was implemented in Haiti and Liberia and the indicators were launched in South Sudan in late 2011. By March 2012, the implementation of the indicators was completed in all three countries. Through the project, national authorities are provided with the necessary information and guidance to assess and identify areas in need of reform, such as performance, integrity, transparency and accountability of national criminal justice institutions, and to ensure compliance with international standards regarding fair trial and the treatment of members of vulnerable groups.

9. OHCHR also organizes and facilitates human rights training sessions in field presences around the world for the judiciary, police and other security forces, including military forces in order to contribute to improving their compliance with international human rights standards. For instance, with the International Labour Organization (ILO), the OHCHR Regional Office for South America organized and conducted a two-month course in Peru in 2011 focused on the direct applicability or the interpretative value of

international human rights treaties in domestic courts. The course was broadcast live on the judiciary's television channel for public prosecutors and judges in several judicial regions throughout the country, including the primarily indigenous regions. Through these activities, 50 public prosecutors and judges have been able to increase their awareness, knowledge and skills relating to the application of human rights treaties and standards relating to indigenous peoples. In Togo, the justice and security ministries and OHCHR carried out a training programme on human rights norms in the administration of justice for magistrates and criminal investigative police officers. The programme was the first to bring together these entities and contributed to enhancing their understanding of and ability to apply human rights norms in their work. Similarly, OHCHR helped strengthen the capacity of law enforcement officials in Guinea-Bissau, including those in the penitentiary system, through training, monitoring, reporting and advising authorities on necessary measures. This contributed to a significant reduction of arbitrary detentions and ill-treatment in prisons and detention centres and prompted the creation of an interdisciplinary committee to provide support to the authorities in adequately managing the penitentiary system.

10. In 2012, OHCHR training activities included facilitating a training workshop on human rights in the administration of justice for magistrates in Djibouti; facilitating training-of-trainers for Somali judges, law professors and other legal professionals on human rights in the administration of justice; supporting a workshop for judges and prosecutors in Tunisia on human rights in the administration of justice organized by the International Bar Association; supporting two training workshops for Libyan prosecutors in Tripoli; conducting a needs assessment mission to Egypt on activities relating to the administration of justice, with particular reference to training of judges, law enforcement personnel and parliamentarians and contributing to a training workshop for Somali military judges in cooperation with the Human Rights Section of the United Nations Political Office for Somalia.

11. In addition, OHCHR continued efforts to ensure that individuals and groups facing discrimination, in particular women, minorities and indigenous peoples and people of African descent, have increased access to justice. For instance, in Kyrgyzstan, five Kyrgyz human rights non-governmental organizations (NGOs) provided free legal aid for the population affected during, and in the aftermath of, the June 2010 violence in the southern part of the country, in order to contribute to the restoration of justice and promotion and protection of human rights. The five NGOs received technical and financial support from the OHCHR Regional Office for Central Asia and maintain a network of lawyers experienced in criminal law who are on-call seven days a week and provide immediate legal representation to arrested individuals. By the end of the year 2011, more than 12 legal clinics had been opened in several districts of Osh and Jalal-Abad regions, including in marginalized areas of the country. OHCHR also strengthened the capacity of judges, lawyers and civil society organizations on the judicial protection of economic, social and cultural rights through training activities in the Plurinational State of Bolivia, Central America and Western Africa.

## **B. United Nations Office on Drugs and Crime (UNODC)**

12. UNODC, through four of its five thematic pillars – crime prevention and criminal justice; organized crime and trafficking; corruption; and terrorism prevention – supports States in building the capacity of justice systems to operate more effectively within the framework of the rule of law. In particular, as the guardian of the United Nations standards and norms in crime prevention and criminal justice, its work includes paying attention to vulnerable groups as well as providing assistance to victims and witnesses of crime, improving access to justice (including access to legal aid), promoting restorative justice, preventing gender-based violence, promoting justice for children and supporting prison

reform and alternatives to imprisonment. UNODC also promotes professional standards of conduct among criminal justice practitioners, including police officers, prosecutors and judges, and helps States improve criminal justice case management and monitoring and oversight systems.

13. In 2010–2011, UNODC, through its expanding field office network and its headquarters, supported 50 Member States in establishing effective, fair and humane crime prevention policies, strategies and programmes and reforming criminal justice systems based on the rule of law and in line with the international human rights standards. Main achievements included supporting Member States in developing and/or revising standards and norms relating to violence against women, women prisoners and non-custodial measures for women offenders, access to legal aid civilian private security services and the Standard Minimum Rules for the Treatment of Prisoners.

14. Additionally, UNODC developed 20 tools covering virtually all areas of crime prevention and criminal justice. They include a variety of handbooks, training curricula and model laws which provide guidance to United Nations agencies, Governments and individuals at each stage of criminal justice reform. New publications include the *Handbook on improving access to legal aid in Africa*,<sup>2</sup> *Child-Friendly Legal Aid in Africa*,<sup>3</sup> *Criminal justice reform in post-conflict States: A guide for practitioners*,<sup>4</sup> *Handbook on police accountability, oversight and integrity*,<sup>5</sup> and *Criteria for the Design and Evaluation of Juvenile Justice Reform Programmes*.<sup>6</sup> Based on the Criminal Justice Assessment Toolkit, UNODC also conducted assessments in 29 countries, either on all crime prevention and criminal justice areas or in a specific area – e.g. juvenile justice. They serve as a starting point for policy development and programme implementation.

15. In the area of police reforms and strengthening of prosecution services and judiciary, UNODC was active in Ethiopia, Guinea-Bissau, Ghana, Kenya, Libya, Mauritius, Seychelles, Somaliland, South Africa, Indonesia, South-East Asia, Afghanistan, Kyrgyzstan, Pakistan, Panama, and the Occupied Palestinian Territory. Main activities concerned comprehensive assessments of the functioning of the criminal justice systems covering access to police, justice, courts, the independence, impartiality and integrity of the judiciary and the prosecution, the distribution of equipment, the realization of training courses and improved monitoring of criminal justice officials.

16. Strategies and programmes on access to legal aid, with particular focus on vulnerable groups in society, were developed in Egypt, Jordan, Liberia, Mauritania, Mexico, Panama, Sierra Leone, South Sudan, and the Occupied Palestinian Territory. Activities focused on training courses for paralegals and criminal justice actors, needs assessments and strengthening of the rule of law, local and State capacities for conflict prevention, peace building in communities.

17. In Afghanistan, Kyrgyzstan, Pakistan, El Salvador, Panama, Ethiopia, Ghana, Guinea-Bissau, Libya, Nigeria, South Sudan, Uganda, Indonesia, Iran, Lebanon, the Occupied Palestinian Territory, Caribbean, UNODC assisted States in, inter alia, developing alternatives to imprisonment; establishing prison monitoring databases; building functioning penitentiary systems focusing on rehabilitating prisoners and training prison staff.

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<sup>2</sup> Criminal Justice Handbook Series, New York, 2011.

<sup>3</sup> With UNICEF, 2011.

<sup>4</sup> With United States Institute of Peace, New York, 2011.

<sup>5</sup> Criminal Justice Handbook Series, New York, 2011.

<sup>6</sup> New York, 2011.

18. Moreover, UNODC provided assistance to a multitude of States regarding legislation, policies, strategies and plans for children in conflict with the law, victims and witnesses of crime; sustainable responses to gender-based violence, the needs of women in prisons and development of alternatives to imprisonment for women offenders; and measures to empower victims through access to justice and assistance and protection services.

### **C. Department for Peacekeeping Operations (DPKO)**

19. Many post-conflict countries suffer from a collapse of law and order, a security vacuum and a legacy of human rights violations. In such contexts, strong rule of law institutions are crucial for creating a secure and stable environment while strengthening the State's ability to provide security, with full respect for the rule of law and human rights. Since 1999, the Security Council has mandated virtually all new peace operations led by DPKO to assist host-country authorities in strengthening the rule of law, including through support to their legal, judicial and prison systems. DPKO currently has justice and corrections components in nine peace operations. In addition, its Justice and Corrections Standing Capacity based in Brindisi can deploy rapidly to help start up new missions and reinforce existing ones. Together with OHCHR and UNDP, DPKO is a member of the Team of Experts on Sexual Violence in Armed Conflict.

20. Core responsibilities of justice and corrections components in peace operations comprise assisting national authorities in the re-establishment of justice institutions, including the prisons; supporting the strengthening of the constitutional and legislative framework and developing strategies for the development of the rule of law sector; preparing and implementing integrated United Nations police, judicial and corrections strategies and programmes in support of security, justice and stabilization; training and advising magistrates, corrections officers and other rule of law personnel and supporting their deployment; facilitating the rehabilitation of judicial and prison infrastructure and the provision of equipment; and providing technical assistance for the prosecution of serious crimes.

21. In 2011, the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo helped to construct and supply equipment for four tribunals in North and South Kivu. The mission has also helped the Government to prosecute more than 150 military officers accused of committing serious crimes against civilians. Following the April/May 2011 post-electoral crisis in Côte d'Ivoire, the United Nations Operation in Côte d'Ivoire helped with the reopening of 37 courts and the rehabilitation of 22 prisons. Similarly, the African Union–United Nations Hybrid Operation in Darfur has supported the national authorities with the reopening of courts in West and North Darfur. The United Nations Mission in South Sudan is providing the Government of South Sudan with technical and logistical support to establish mobile courts.

22. The United Nations Integrated Mission in Timor-Leste assisted in the drafting of the Audit Chamber Law, which has allowed the Audit Court to assume an independent oversight role over public funds. The United Nations Stabilization Mission in Haiti has provided logistical support for the establishment and management of legal aid offices, 18 of which were operating throughout the country by the beginning of 2012. The United Nations Mission in Liberia has been supporting the Law Reform Commission tasked with streamlining the law reform and review process there.

23. DPKO, in collaboration with United Nations country teams, has also been assisting prison authorities in host countries with the development of national frameworks governing corrections institutions, such as standard operating procedures for prison officers in Timor-Leste and prison registries and data management system in Cote d'Ivoire. Assistance has

also been provided to national authorities to conduct mapping and assessments of prison facilities, such as the cartography of prisons in the Democratic Republic of the Congo. Through the deployment of Government-provided corrections personnel, the collocation and mentoring programmes in the prison facilities have led to enhanced capacity of national prison personnel on prison management.

#### **D. International Labour Organization (ILO)**

24. ILO provides training on a regular basis to familiarize national labour court judges, legal professionals and legal educators with the key human rights principles of the ILO Recommendation No. 200 (2010) concerning HIV and AIDS and the World of Work and to promote implementation of its provisions. In 2011–2012, training on the key principles of Recommendation No. 200 was provided to judges, lawyers and magistrates in Brazil, China, India, Liberia and Senegal. In 2012, ILO trained labour judges and magistrates in Cameroon and Senegal. In addition, an in-depth training course was held for 25 high-level labour court judges from Botswana, Malawi, Nigeria and South Africa in the context of a course focusing on gender equality and the application of international instruments, including international labour standards. The training course also addressed the issue of procedural safeguards that protect the rights of persons living with HIV.

#### **E. International Organization for Migration (IOM)**

25. In order to improve and support the protection of the rights of migrants, IOM is working closely with national Governments to strengthen their justice systems. In the projects and programmes aimed at capacity building, IOM assists Governments in developing and implementing migration legislation and procedures consistent with applicable international and regional standards. The objective is to strengthen both the capacity of Governments to govern migration more effectively and consistently with the rule of law, and training in international law, including human rights, for those working directly with migrants, such as police, judges, prosecutors and border management officials.

26. In some areas, such as counter-trafficking, IOM provides technical cooperation activities to build capacities of both government and civil society institutions to better address the challenges posed by human trafficking. Relevant examples include, for instance, Colombia, where IOM implemented a project named “Technical Assistance to the Administrative Reparation Programme” with the goal of supporting the Government of Colombia in carrying out a programme, which aims to assist victims of illegal armed groups with compensation and provide them with ease of access to the reparation process. In Guatemala, IOM has established a series of trainings on trafficking for more than 600 judges in Guatemala. Furthermore, IOM oversees a broader regional programme for migrants in Mesoamerica. The initiative offers similar trainings for judges in Central American countries and technical cooperation to Governments, and promotes dialogue, exchange, and sharing of information and best practices.

27. In Nicaragua, IOM implemented the “Supporting Regional Integration through Improved Migration Management in Central America” project to combat and prevent trafficking and support victims’ reintegration. In collaboration with the Anti-Trafficking National Coalition, IOM also helps to prosecute traffickers and promote the participation of an active community and private sector to strengthen the local network in order to defend victims of trafficking and provides assistance for institutional capacity-building in Nicaragua to ensure victims’ access to justice.

28. In Turkey, IOM carried out a project named “Supporting Turkey’s Efforts to Combat Human Trafficking and Promote Access to Justice for All Trafficked Persons”. In Ukraine, between 2000 and 2011, IOM Ukraine provided assistance to victims of trafficking to reintegrate into society. Support included legal consultation and representation in criminal and civil court.

29. In the Baltic States, targeted at law enforcement officials, prosecutors, lawyers, and civil society representatives, the IOM project named “The Counter-Trafficking Capacity Building and Awareness Raising Activities for Officials in the Baltic States” aims to combat and prevent trafficking specifically in Estonia, Latvia and Lithuania. The project, carried out in training and seminars, focuses on strengthening capacity building and development for law enforcement and Government officials. The results are increased efficiency of the prosecution process and enhanced partnerships and cooperation between regions.

## **F. United Nations Children’s Fund (UNICEF)**

30. UNICEF is working with Government partners in over 100 countries to improve justice for children, with a particular focus on legislative reform, capacity-building, advocacy, coordination and partnership, for children in conflict with the law and for child victims and witnesses. Efforts to develop and raise awareness of national law and procedures are a priority for many offices, and advocacy and technical assistance regarding law reform take international human rights standards into account. With UNICEF support, an estimated 33 countries undertook comprehensive mapping and assessment exercises in 2010–2011.

31. UNICEF has provided support to countries from different regions which have or are currently undertaking legislative reform to ensure alignment with the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women (e.g. Brazil, Colombia, Rwanda). Seventy countries have legal or policy frameworks in place for preventing and responding to child abuse in line with international human rights standards and 77 countries have laws and secondary legislation on free and universal birth registration. An important number of countries have developed laws on juvenile procedures (e.g. Bangladesh, Cambodia, Jordan). UNICEF offices in around 130 countries report that Governments are taking, or partially taking, measures to implement the Guidelines on Justice in Matters Involving Child Victims and Witnesses of Crime (e.g. Costa Rica, Croatia, Madagascar).

32. Prevention of violence is part of the UNICEF child protection systems approach, one objective of which is to reduce the estimated number of one million children who are in detention. These efforts include advocating for increasing and upholding minimum-age criminal responsibility legislation, and proactive measures that prevent children from entering in conflict with the law. Tunisia and Belarus country offices, for example, carried out research into the causes of delinquency.

33. The UNICEF child protection strategy is directed towards the reduction of the number of children in detention. In this regard, 2011 outputs include the development of the online Toolkit on Diversion and Alternatives to Detention. In Lebanon, 207 children in conflict with the law benefited from the implementation of the community sentencing as an alternative measures to detention. In Jordan, similar progress was made regarding the protection of children in conflict with the law by providing them access to restorative justice approaches through a pilot community-based diversion project being set up in two communities. A special juvenile police was established to tackle children in conflict with the law cases. In Thailand, a strengthened juvenile justice system to promote prevention, diversion, restorative justice and reintegration for children in contact with the law was

developed, including reintegration support services for juvenile offenders and a restorative justice centre. In Bangladesh, UNICEF supported the launching of a pilot “diversion” initiative in one district, establishing a coordination mechanism between the police, judiciary, probation officers, lawyers and local elected bodies to prevent unnecessary placement of children in institutions and therefore channel children in conflict with the law away from judicial proceeding.

34. The capacities of law enforcement and the justice sector were improved in a number of countries as a result of UNICEF work. For example, in Honduras, over 350 staff were trained in the prevention, investigation and protection of the rights of child victims of abuse, sexual exploitation and trafficking. In Uruguay, UNICEF supported the Public Prosecutor’s Office in implementing a course on sexual abuse. More countries are also investing in comprehensive support services for children who have experienced sexual violence, including health, legal, protective and counseling services. For example, in Zimbabwe, UNICEF contributed to a review of the protocol on multisectoral management of child sexual abuse. In Argentina, intersectoral coordination to address cases of child sexual abuse has improved through the development of integrated protocols for care. In Chile, a clinical guide to care for child victims of sexual abuse younger than age 15 has been developed by the Ministry of Health, with subsequent training for professionals.

## **G. United Nations Development Programme (UNDP)**

35. Rule of law, access to justice and legal empowerment of the poor are at the core of the UNDP contribution to sustainable human development. UNDP supports rule of law in over 100 countries that are stable, experiencing political transition or conflict-affected contexts. In line with its mandate, UNDP focuses on improving access to justice for the poor and marginalized, with a particular focus on women, involving support to the legal empowerment of the poor; improving access to justice through informal, non-State and customary justice systems, and legal aid and other justice services.

36. UNDP supports capacity-strengthening of the formal justice system with the aim of improving efficiency, transparency, accountability and accessibility in the civil and criminal justice systems. Support includes improving court administration and management through improved case management, capacity development of justice actors and strengthening systems of oversight and integrity, coordinated support to justice sector through sector wide strategies, support to police and prisons and criminal justice functioning, juvenile justice administration, civil matters related to land, property, inheritance, family and other matters, and citizen security and violence reduction.

37. For instance, in Swaziland, UNDP is currently supporting the High Court in installation of a case management system for efficient management of their service and access to justice. In Malawi, UNDP is engaged in the development of a sector-wide approach to democratic governance, which includes rule of law and access to justice, established in 2009/2010, and the Sector Strategic Plan for 2012–2016. UNDP has longstanding rule of law programming in Bangladesh, where from 2005 until today it, *inter alia*, has led on community policing and police reform. Another country with a comprehensive approach is Indonesia, where UNDP has been engaged since 2004 in strengthening rights-based legal and justice sector reform.

38. With over 80 per cent of disputes resolved through informal justice systems, improving access to justice for the poor requires recognition of the important role of traditional or informal justice systems in delivering affordable, accessible and culturally relevant justice to communities. At the country level in these areas, UNDP supported assessments, studies; convened dialogue processes aimed at catalysing policy and legal reform, evidence-based programming and capacity development and supported South-

South learning in over 20 developing countries. For instance, UNDP in Argentina is supporting development of alternative dispute resolution (ADR) strategies. In the Republic of Moldova, court efficiency is being enhanced through identification of an ADR mechanism, while in Serbia an ADR database system is being developed and piloted in anti-discrimination cases. In Somalia, UNDP support to traditional justice mechanisms and the empowerment of women's groups to engage with these mechanisms have improved the administration of cases concerning women. In Niger, UNDP is also supporting increased attention to gender equality in the customary justice system.

39. At the regional level, UNDP supported in 2012 the development of the *Guide on Legal Aid Programming in Africa*, which takes an expansive view of legal services for criminal and civil matters. In partnership with UNODC, UNDP has commenced the process of elaborating a handbook and curriculum on early access to legal aid in criminal investigation and proceedings, which will be finalized in 2013.

40. At country level in over 50 developing countries, UNDP supports legal aid and services programming through establishment of legal aid centres, legal and paralegal assistance networks, development of relevant institutional, policy and legislative frameworks and the requisite capacity and awareness. For instance, in Mozambique, UNDP supported establishment of legal aid clinics and one-stop shops at district level which resulted in 4,472 individuals benefiting, including 3,647 persons in pretrial detention. In Maldives, UNDP supported the establishment of gender-sensitive legal aid schemes. Other countries in which UNDP has supported legal aid include Ethiopia, Georgia, Indonesia, Montenegro, the Philippines, Sri Lanka and Swaziland.

41. As a core element of UNDP rule of law programming, legal empowerment of the poor is seen as central in helping countries to attain inclusive and sustainable human development through introduction of systemic changes to empower the poor and provide them with opportunities for earning a livelihood through access to property and land, labour, and environment and business rights.<sup>7</sup>

42. For instance, in the Philippines, UNDP is supporting environmental justice, which work has resulted in the Philippines passing of Rules of Procedure for Environmental Cases. Additionally, in 2011, a book entitled *Access to Environmental Justice: A Sourcebook on Environmental Rights and Legal Remedies* was developed and launched. In China, UNDP is also taking a legal empowerment approach to environmental justice through supporting the All-China Environment Federation to strengthen the role of civil society organizations in environmental governance and legal processes, including representation of public interests as plaintiff in China's environmental tribunals.

## **H. United Nations Entity for Gender Equality and the Empowerment of Women (UN Women)**

43. In accordance with its mandate to advance gender equality and the empowerment of women, UN Women continues to support efforts by States to strengthen their judiciary systems and contribute to ensuring women's access to justice.

44. In response to the findings and recommendations of UN Women's flagship report for 2011–2012, *Progress of the World's Women: In Pursuit of Justice*, UN Women, UNDP and OHCHR are developing a joint global programme on women's access to justice, aimed at supporting efforts to enhance women's access to justice through comprehensive and coordinated justice sector reforms.

<sup>7</sup> "Integrating Legal Empowerment of the Poor into UNDP's work, A Guidance Note", 2010.

45. UN Women, in partnership with UNDP and UNICEF commissioned a study launched in 2012, *Informal Justice Systems: Charting a Course for Human Rights-Based Engagement*, which offers the first comprehensive assessment of informal justice systems and human rights protection.

46. In 2012, UN Women carried out a mapping of specialized training for judges and lawyers on women's human rights and gender equality issues, supported by the United Nations system, with a view to identifying the extent and types of capacity-building programmes and ascertaining good practices and lessons learned.

47. UN Women has supported various capacity-building initiatives for judges, magistrates, prosecutors, lawyers, paralegals and other legal actors in the formal and informal justice sectors in various countries. The training initiatives have focused in particular on sexual and gender-based violence, including during armed conflict, gender equality in the workplace, women's rights within the family and women's access to justice, including through transitional justice mechanisms.

48. For instance, since 2009 UN Women has been implementing a three-year project on women's access to justice in conflict and post-conflict aimed at strengthening the rule of law, justice and security in Uganda by supporting the justice law and order sector. UN Women continues to work with the Ugandan justice law and order sector to inform the existing manual on the prosecution of sexual and gender-based violence crimes. Key activities include developing training materials for prosecutors, police and court staff on gender-sensitive investigations and prosecutions; helping to develop gender-sensitive rules of procedure building on international best practice and supporting the Office of the Directorate of Public Prosecutions by building capacity for gender-sensitive prosecution.

49. UN Women supported an intervention in Kosovo: the project "Women Building Peace and Human Security in the Western Balkans: Implementing UN SCR 1325" focused on working with security sector agencies, including the Kosovo Judicial Institute and the Kosovo Judges Association. In respect of access to justice for survivors of violence, UN Women supported two initiatives of the justice sector: engaging judges and prosecutors in a dialogue on improved access to justice for women and training justice professionals on women's human rights provided by the Kosovo Judicial Institute.

50. As part of a broader intervention in Albania on strengthening legal and institutional frameworks, between 2007 and 2010, UN Women supported capacity-building initiatives for judges and prosecutors on gender equality and women's human rights. As a direct result of the work, the School of Magistrates' courses on family law, labour law, criminal law and social assistance law have been revised to include gender equality and domestic violence content as well as legal obligations of duty-bearers.

51. In Kenya, UN Women supported the Kenya Women Judges Association in building the capacity of judges, magistrates and kadhis to apply international and regional human rights instruments in court decisions. With support from UN Women, a training manual was developed by the association which is currently used by judicial officers and there are plans to incorporate it into the judicial academy's curriculum. One exemplary judgment that followed the training was a case of inheritance in which the judge, referring to the Convention on the Elimination of All Forms of Discrimination against Women, ruled that a girl child can inherit land, reversing a custom that would have precluded such inheritance.

52. In Serbia, UN Women supported the development of educational modules on women's socioeconomic rights, gender-based discrimination and gender equality in the workplace based on international and domestic law. In 2011, the modules were approved by the Judicial Academy's Program Council and are now included as an integral part of mandatory Judicial Academy's curriculum. In 2011, UN Women also supported development of a pool of experts consisting of judges and gender advocates from academia

and Government institutions to be responsible for delivering training to judges based on the modules adopted. During 2011, training was delivered to more than 140 judges based on the modules.

53. In 2010, UN Women supported initiatives to improve access to justice for women survivors of violence and ethnic-based discrimination in both indigenous and formal justice systems, educational programmes in the Plurinational State of Bolivia, Ecuador, Honduras, Guatemala, Panama and Peru. The purpose of the work is to build the capacity of judicial personnel in order to improve access to formal and informal justice systems for indigenous women and, in particular, to ensure better protection of women's right to be free from all forms violence.

### **III. Regional organizations**

#### **A. Council of Europe**

54. The efficiency and quality of independent judicial systems in its member States remain a priority for the Council.

55. The European Commission for the Efficiency of Justice (CEPEJ) aims to improve the efficiency and quality of the day-to-day functioning of the justice systems of member States. Its ongoing work focuses in particular on:

(a) The evaluation of the judicial systems of all its member States thanks to the collection and analysis of data through a specific scheme aiming at identifying main trends of these systems and defining the Council's priorities to improve justice efficiency;

(b) The concrete knowledge of lengths of proceedings in the member States so as to propose pragmatic tools and measures to improve judicial time management, through the work of the SATURN Centre, which is due to evolve towards a genuine permanent European observatory of judicial timeframes, with the support of the CEPEJ Network of Pilot courts;

(c) Preparation of concrete tools for promoting the quality of justice;

(d) The European Day of Civil Justice, co-organized in all European countries with the European Commission, including the European prize for innovative practice contributing to the quality of justice "The Crystal Scales of Justice";

(e) The adoption of guidelines for a better implementation of the existing Council recommendations concerning mediation, execution of court decisions or judicial time management.

56. The Council attaches special importance to dialogue with members of the judicial service. The Consultative Council of European Judges is the first body consisting solely of judges ever set up within an international organisation. It supports the Committee of Ministers in carrying out the priorities identified in the Framework Global Action Plan for Judges in Europe and advises on whether it is necessary to update legal instruments. The Consultative Council may be called upon to provide practical assistance to help States comply with standards relating to judges.

57. The prosecuting authorities also play a crucial role as the interface between Governments, which are responsible for crime policy, and courts, which must be independent. Their functions and powers thus depend on a balance, which is not easily defined. The Council of Europe works to define such a balance in Recommendation No. 19 (2000) on the role of public prosecution in the criminal justice system.

58. The Committee of Ministers decided in 2005 to create the Consultative Council of European Prosecutors. This consultative body has, in particular, the task of preparing opinions for the Committee in order to facilitate and promote the implementation of Recommendation No. 19 (2000) and collect information about the functioning of prosecution services in Europe. The Consultative Council has also been given the task of continuing to organize regular European conferences of prosecutors.

59. Under its various programmes, the Council has developed a number of assistance activities in order to help its member States on issues relating to the reform of their justice systems. Current programmes for supporting judicial reforms are being implemented in Armenia, Bulgaria, Turkey, Ukraine and, at a regional level, with the countries of the Eastern Partnership (Armenia, Azerbaijan, Georgia, Republic of Moldova and Ukraine) and soon in Albania. In addition, cooperation is taking place within the framework of the Council's neighbourhood policy with Jordan, Morocco and Tunisia.

60. The European Network for the exchange of information between persons and entities responsible for the training of judges and public prosecutors supports the development of judicial training in the Council's member States. The Network meets regularly to discuss topics of common interest, such as the training of judges and prosecutors, in matters relating to their professional skills, obligations and ethics.

61. The HELP Programme supports the Council's member States in implementing the European Convention on Human Rights at national level. This is done by enhancing the capacity of judges, lawyers and prosecutors in all 47 member States to apply the Convention in their daily work.

62. A large peer-to-peer European Human Rights Training Network among national training institutions for judges and prosecutors and bar associations has been created, with the aim of encouraging and facilitating multilateral meetings, the identification of the most urgent training needs for legal professionals, the sharing of best practice and the knowledge of different national jurisprudence based on the Convention.

63. The HELP website provides free online access to materials and tools for professional training on the Convention. Following the recommendations of the participants of the 2012 HELP Network Conference, several initiatives have been taken in the last months:

(a) National pages in national languages have been created and made available on the HELP website for a first group of pilot countries;

(b) National experts have been appointed as HELP Focal Points in 14 pilot countries, to cooperate with national training institutions and organize national events focused on disseminating the use of the HELP resources among national legal professionals;

(c) New curricula and training materials are being developed;

(d) The HELP website is undergoing continuous improvement and now includes a section entitled "HELP in 47" where news on Convention training activities from all member States is published in English to serve as examples of best practice.

64. In the framework of the HELP Programme, a separate project has been developed on enhancing the capacity of lawyers to comply with the admissibility criteria in applications submitted to the European Court of Human Rights. This project is currently focused on 6 pilot countries: Albania, Bulgaria, the Czech Republic, Lithuania, the Russian Federation and Turkey.

## B. Organization for Security and Co-operation in Europe (OSCE)

65. The Office for Democratic Institutions and Human Rights (ODIHR) is the specialized institution of OSCE dealing with elections, human rights and democratization. OSCE/ODIHR is involved in a large number of activities to support efforts by States to strengthen their administration of justice, in particular in the areas of trial monitoring, criminal justice reform, administrative justice, electoral dispute resolution and independence of the judiciary.

66. With the purpose of maximizing OSCE expertise in monitoring trials, contributing to the sustainability of OSCE trial monitoring programmes, and building the capacity of partner NGOs by enhancing their substantive and methodological skills, ODIHR has developed methodological tools on trial monitoring, including *Trial-Monitoring: A Reference Manual for Practitioners*<sup>8</sup> and *Legal Digest of International Fair Trial Rights*.<sup>9</sup> ODIHR has, for instance, trained NGOs and attorneys from Belarus and Kyrgyzstan on trial monitoring methodologies.

67. Another focus of ODIHR is the reform of criminal justice systems. ODIHR has been developing projects in cooperation with OSCE field operations present in Central Asia and in the Caucasus to foster regional exchanges between relevant actors of the criminal justice system and provide expertise on specific issues of interest to the protection of fair trial rights in criminal procedures. For instance, in October 2012, ODIHR organized the Fourth Expert Forum on Criminal Justice for Central Asia where around 100 policymakers, members of the judiciary, prosecution and legal profession, academics and NGO representatives gathered to discuss latest trends in criminal justice reforms in the region.

68. In the Republic of Moldova, ODIHR conducted an assessment of the newly established Superior Council of Prosecutors in 2010. Assistance in strengthening judicial, prosecutorial and bar structures throughout the OSCE region remains a key issue for access to justice and the right to a fair trial and will constitute a cornerstone in ODIHR work in the period to come.

69. Additionally, in October 2011, ODIHR completed the War Crimes Justice Project, in partnership with the International Criminal Tribunal for the Former Yugoslavia and the United Nations Interregional Crime and Justice Research Institute, with the support from the OSCE field operations in the Western Balkans. The project contributed to enhancing the capacity of the institutions for prosecuting and adjudicating war crimes cases, facilitated exchange of experience between justice actors from the region and the Tribunal; transferred relevant material from the Tribunal to the region; and fostered regional cooperation between legal professionals. ODIHR continues supporting the jurisdictions of the countries to enhance their capacity to process war crimes cases. Activities include further strengthening the institutional capacity of training institutions and legal practitioners, through peer-to-peer meetings and targeted training based on curriculums developed under the project.

70. Monitoring court proceedings for their compliance with international and European fair trial standards is of key importance to supporting States' reform efforts, also related to administrative justice systems. To support monitoring of administrative courts and promote fair trial rights in administrative judicial proceedings, ODIHR in partnership with the Swedish Folke Bernadotte Academy started developing the *Handbook on Monitoring Administrative Justice*. Through distribution and promotion of the handbook, ODIHR aims

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<sup>8</sup> Warsaw, 2008.

<sup>9</sup> Warsaw, 2012.

to support the growing trend of establishing separate courts or specialized chambers dealing with judicial review of administrative acts in Eastern and South-Eastern Europe (Albania, Serbia, Ukraine), South Caucasus (Armenia, Azerbaijan, Georgia) and upcoming efforts in Central Asia (Kazakhstan). OHCHR has been a counterpart in this endeavour since 2011.

71. Another area of ODIHR activities to support States' efforts to strengthen their judicial system is the resolution of electoral disputes, which is at the core of the ODIHR mandate to assist OSCE-participating States in ensuring free and fair elections. ODIHR assists OSCE-participating States in following up on recommendations made in ODIHR election-observation reports, including on electoral disputes. In 2012, ODIHR started assisting countries bilaterally with a pilot round table on election dispute resolution in Kyrgyzstan, where all relevant stakeholders – including the judiciary and national court and election observers – gathered to discuss how to implement the respective recommendations from the ODIHR *Election Observation Mission Report*.<sup>10</sup>

72. ODIHR also assists OSCE-participating States' efforts to strengthen judicial independence and accountability. For this purpose, it has developed, jointly with the Max Planck Institute for Comparative Public Law and International Law and a group of experts, concrete and technical policy suggestions, namely the Kyiv Recommendations on Judicial Independence in Eastern Europe, South Caucasus and Central Asia, at a regional meeting in 2010. This document serves as basis for ODIHR support to States in the region providing policy advice and participating in reform debates, as was done in Armenia, Kyrgyzstan, the Republic of Moldova and Ukraine. In some States, ODIHR consultations about the relevance of the Kyiv Recommendations for strengthening judicial independence in the national reform context have led to technical assistance projects offered in cooperation with OSCE field operations, such as training for members of the Council for the Selection of Judges in Kyrgyzstan in 2011 (followed by an analytical report on selection of judges in Kyrgyzstan in March 2012) and developing criteria and procedures for evaluating the performance of judges in the Republic of Moldova in 2012.

### C. Commonwealth Secretariat

73. Enhancing international cooperation is at the core of the Commonwealth Secretariat's activities. Primary goals of its technical cooperation programmes are supporting its member countries in strengthening their judiciary system and administration of justice as well as promoting respect for human rights. The Commonwealth Secretariat's work on strengthening the judiciary and the administration of justice is carried out by the Justice Section of the Legal and Constitutional Affairs Division. The work is demand driven and tailor-made to the needs of the requesting member State. Most requests received revolve around strengthening court registries and building the capacity of court staff, effective case-flow management and training for judicial officers in the subordinate and superior courts. The nature of any assistance is usually identified through needs assessment missions and consultations on how best the capacity of the judicial system can be enhanced. The *Handbook of Best Practice for Registrars of Final/Appellate, Regional and International Courts and Tribunals*<sup>11</sup> was developed and disseminated in member countries.

74. The Justice Section provides training to judicial officers and court administration staff. Training activities are conducted either in-country or by sponsoring the participation of judicial officers in relevant and appropriate courses and/or events held abroad.

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<sup>10</sup> Warsaw, 2010.

<sup>11</sup> London, 2012.

75. The primary focus of assistance includes the training of court staff and the judiciary as well as the training of trainers; the preparation of court manuals; training on case-flow management; assistance with organizational development and strategic planning for courts; assistance in protecting the rights of juveniles in the judicial system; how to deal with vulnerable witnesses in court; assistance in compiling domestic laws and judgments. Recent countries to benefit under this project include Cameroon, Maldives, Samoa, Seychelles, Swaziland, the United Republic of Tanzania and Zambia. Other examples include training to the judiciary of Rwanda on the assessment of damages in civil cases (December 2011 and October 2012); and regional training to the judiciary in the Southern Africa region held in Zambia (March 2012) on a suitable legal framework for a sustainable investment and business environment.

76. Assistance is also provided upon request to jurisdictions seeking training in judicial ethics as well as training in substantive areas of domestic law. For instance, a workshop on judicial independence was held in Cameroon in June 2012 focused on how the maintenance of high standards of judicial behaviour contributes to public confidence in the profession. A workshop held in Papua New Guinea in February 2012 focused on the relevance of the Latimer House Principles<sup>12</sup> to judicial independence, ethics and the protection of human rights. In March 2012 in Botswana, a workshop was held on strengthening a jurisprudence of equality in regards to violence against women. Other examples of technical assistance relating to the judiciary include: assistance to the judiciary of Rwanda in October 2012 on the assessment of damages; and training of magistrates in Belize on strengthening the administration of justice in June 2011. Ongoing assistance has been provided to Maldives since 2009 to strengthen the capacity of the judiciary to include: attendance at high-level training courses for senior members of the judiciary overseas; and study visits to judiciaries in other Commonwealth countries.

77. The Justice Section provides technical advice to the Governance and Institutional Development Division on the placement/appointment of judges in small Commonwealth jurisdictions to address the problem of lack of capacity. These judges assist in clearing case backlogs; strengthening the administration of justice and maintaining the independence and integrity of member State judiciaries. Under this initiative, judges have over the years been sent to: Belize, the Gambia, Lesotho, Seychelles, Sierra Leone, Solomon Islands, Swaziland, Tonga and Vanuatu. The Justice Section also provided technical advice to the Division on the appointment of an expert to conduct a scoping mission with a view to placing on digital record, the Vital Statistics of Tonga in 2009.<sup>13</sup>

#### IV. Conclusions

**78. Although only representing a small sample of activities across United Nations agencies, programmes and funds as well as regional organizations, the report reflects that strengthening States` judiciary systems and ensuring a fair and efficient administration of justice is a common concern among the United Nations and regional organizations. The work of the different organizations underscores the particularly crucial role of human rights in the administration of justice.**

<sup>12</sup> Commonwealth Secretariat, *Commonwealth (Latimer House) Principles on the Three Branches of Government* (Abuja, 2003).

<sup>13</sup> United Nations, *Population and Vital Statistics Report, Statistical Papers Series A Vol. LXI, No. 2*, New York, 2009.

79. Activities are manifold and range from standard-setting to capacity-building at national level. They reflect the mandates of the respective organizations. However, the increasing focus on and importance of implementing international standards at the country level, in particular ensuring respect for international human rights law, becomes apparent as a common feature. The report also highlights successful cooperative efforts and illustrates the complementarity of the different organizations' work.

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