



**Global Thematic Programme for
Accelerating Access to Justice for Human Development
2009-2013**



“If you want to go fast, go alone, if you want to go far, go together” African idiom,

**United Nations Development Programme
Global Programme Document**

Programme title:	<i>Global Thematic Programme for Accelerating Access to Justice for Human Development</i>
Strategic Plan Goal:	<i>Goal 2: Fostering Democratic Governance</i>
UNDP Strategic plan Outcome (s):	<i>Outcome 6: Effective, responsive, accessible and fair justice systems promoting the rule of law, including both formal and informal processes, with due consideration to the rights of the poor, women and vulnerable groups.</i>
BDP Global Programme IV Outcome:	<i>Accessible and fair formal and informal justice systems for all with a focus on enabling poor and marginalized people to seek and obtain remedies responding to their grievances in conformity with the concept of rule of law and their rights.</i>
Expected Outputs:	<i>See Results and Resources Framework</i>
Executing Entity:	<i>United Nations Development Programme (UNDP)- DEX</i>
Implementing Agencies:	<i>UNDP Country Offices, Regional Service Centres, and the Democratic Governance Group (DGG) of the Bureau for Development Policy (BDP)</i>
Summary:	<i>The overall objective of the Global Programme is to address current deficiencies in country justice reform programming by linking formal legal sector reform initiatives with bottom up demand side initiatives. This will be facilitated by supporting partner countries in designing and conducting assessments that truly reflect the voice of poor and marginalised people and their rights in order to develop strategic plans and justice system reform programmes that capable of providing access to justice for all. Outputs include Justice needs assessments, justice capacity assessments, national strategic plans, justice reform programmes, operationalising strategic plans and mainstreaming of human rights, extensive outreach through targeted legal awareness programmes, increased provision of public legal aid and legal defence, women’s empowerment through a strengthened legal situation and position, knowledge products and services to support justice system reform for improved justice service delivery to poor and disadvantaged people</i>

Programme Period:	2009-2013	Total Budget:	\$26,624,940
Key Result Area (Strategic Plan):	Democratic Governance	Allocated resources:	
Atlas Award ID:	_____	• Regular (UNDP)	\$355,000
Start date:	17 April 2009	• Other:	
End Date	16 April 2013	○ UNIFEM	\$75,000
		○ UNICEF	\$50,000
		○ Germany	\$2,880,000*
Management Arrangements	Direct Execution	Unfunded budget:	\$23,389,940
		In-kind Contributions	

* Euro 2,000,000 calculated to USD at UNDP exchange rate for January 2010

Agreed by: _____

Olav Kjørven
Assistant Administrator and Director
Bureau for Development Policy

Date: _____

Agreed by: _____

Geraldine Fraser-Moleketi
Director Democratic Governance Practice
Bureau for Development Policy

Date: _____

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EXECUTIVE SUMMARY

Access to justice lies at the centre of UNDP's mandate and is one of the pillars of democratic governance. It is an indispensable factor that contributes to an enabling environment for the enhancement of human development and reduction of poverty.¹ By promoting access to justice for all with a specific focus on – *“the ability of poor and marginalized people to seek and obtain remedies responding to rule of law and their rights”* – UNDP seeks to make a significant contribution to the establishment of *“effective, responsive, accessible and fair justice systems....with due consideration to the rights of the poor, women and vulnerable groups.”*² In the absence of access to justice, all people but in particular poor and marginalized people are unable to have their voice heard, exercise their rights, challenge discrimination, or hold decision-makers accountable.

Eager to embark on access to justice reform that addresses serious individual and public grievances and urgent needs in overstretched and ill resourced justice systems, many of UNDP's partner countries do not develop comprehensive and targeted strategies before commencing reform efforts. Similarly, open and dynamic dialogue that ensures consultation and participation with the public to assess actual needs and expectations based on people's rights are not systematically ensured, and hence many reform programmes resonate poorly with the people they are meant to serve. Consequently, these initiatives are often ad hoc, sectoral and institutional in nature. The Global Programme seeks to address this deficit by supporting partner countries in designing and conducting assessments that truly reflect the voice of poor and marginalised people and their rights in order to develop strategic plans and justice system reform programmes that capable of providing access to justice for all.

While strategic planning for justice system reform has been undertaken by some partner countries (supported by UNDP Country Offices and Regional Centres) and has met with notable success, this is not generic and the demand for support continues to grow. There is a need to systematise lessons learned, both positive and negative, and best practices from countries that have designed and embarked on reform processes. These should be used when addressing strategy processes in countries that have not yet applied a consistent methodology.

It should also be noted that there is an inherent tension in supporting initiatives that focuses on access to justice for the poor and disadvantaged people on the one hand and institutional justice reform initiatives on the other hand. The latter approach has tended to be rather *top down* as it has focused on justice service delivery from the point of view of the duty bearers; justice institutions and the governments and their functions based on a constitutional framework and other legislation. The access

¹ Access to Justice Practice Note, UNDP (2004) p 3.

² This is an outcome under the UNDP strategic plan 2009 – 2011, *Accelerating Progress on Human Development*, UNDP (2008).

to justice and legal empowerment initiatives have been founded in a *bottom up* human rights based approach reflecting the rights and needs of poor and disadvantaged people, often at the local community level. As a result, they have challenged governments and justice institutions, holding them accountable for non-compliance with formal international and national obligations, as well as highlighting their failure to deliver justice services and for having violated human rights standards and principles. The bold ambition of this programme is to bridge these two approaches, as both approaches must be applied if the aim is to improve the situation of justice service delivery with a sustainable and long term effect.

UNDP's partner countries are at different stages in the justice reform process. Some countries have successfully designed and implemented strategic planning processes; whereby, if requested, this global programme will build on existing initiatives and support a consistent application of strategic planning in those areas not yet targeted for reform. In addition to assisting countries with their individual justice reform initiatives, this global programme is also prepared to work and support countries that wish to initiate an entirely new justice reform process.

Successful justice reform processes are based on sector-wide strategies, which subsequently allow for reform-specific programme. To ensure consistency with overarching national reform efforts, it is also essential that justice reform programmes are embedded in national development strategies, Poverty Reduction Strategy Papers, or their equivalents.

As described in the diagram below, the development of justice strategies comprises four stages:

- 1: Justice-needs assessment founded on a bottom up human rights based approach;
- 2: Capacity assessment of those entities that are tasked with delivering justice services;
- 3: A visioning, prioritization and sequencing exercise; and
- 4: Design of the strategy.

Based on this strategy, efficient reform programmes can be developed. The crafting of reform programmes comprises the following four steps:

- 1: Defining and designing reform programme activities;
- 2: Costing and budgeting the activities;
- 3: Developing integrated monitoring and evaluation systems; and
- 4: Developing a resource mobilization strategy for internal and external funding sources.



The Global Programme will support national stakeholders to carry out these stages in a consultative manner that ensure the participation and inclusion of the rights holders and in particular poor and marginalised people. The programme will also ensure that other conditions necessary for the implementation of the reform programme such as; law reform and capacity development/training for justice actors are put in place. If a strategic planning process has already commenced, the programme will support those areas still in need of assistance if so requested.

Developing such strategies constitutes the first pillar of the programme. However, based on UNDP's extensive experience in working with access to justice programmes we know that certain areas will commonly be in need of assistance while the strategy processes are ongoing. The second pillar of the programme therefore addresses these needs and will provide technical assistance and other support to immediately respond to the need for improvement in justice service delivery. This pillar includes support for the following activities: outreach through legal awareness-raising, legal identity, legal aid and representation, including the use of para-legal services and networking among them and the strengthening of women's legal position and improved administration of justice focusing on oversight, transparency and accountability.

Finally, the situation in many countries undoubtedly also calls for direct and more urgent action to address grave challenges in the justice sector. Inhuman treatment by the police and prison conditions, lengthy pre-trial detentions and impunity for perpetrators of sexual and gender based violence are all examples of practices that require immediate responses. The programme therefore has included response measures designed to address challenges of a more immediate nature.

The following table reflects the pillars and the components. Their corresponding outputs are presented in the results framework.

Strategy component	National strategic plans and justice reform programmes for improved justice service delivery
Responding to immediate justice needs	Advanced public awareness of people's rights, legal opportunities and how to access justice services through public legal aid and legal defence
	Expanded capacity of national justice and security systems in protecting and promoting women's rights

Effective, responsive and accessible administration of justice

While the components describe *what* the programme sets out to achieve, it is underpinned by a set of principles that define *how* it will be achieved. Most importantly, the programme acknowledges that national ownership, an understanding of factors that will ensure sustainability of its interventions and careful contextualised implementation is critical to its success, and hence it is designed to respond only to specific requests from partner countries through UNDP Country Offices.

The programme will be entirely demand driven, and its components represent a menu of services, which UNDP can make available to its partners, based on their own requirements. Reform of the justice system can only be undertaken if and to the extent that such reforms are believed to be justified and desirable by the right holders and national partners and stakeholders in the country in question.

The programme will also apply guidance material issued by the UN inter-agency Rule of Law coordination mechanisms and will inform these mechanisms on the progress of the programme.

To enable the programme to deliver tailor-made solutions, its approach is characterised by innovation and ingenuity. It seeks to offer creative yet practical and effective solutions to some of the most serious challenges in justice service delivery that partner countries face today. Through partnerships with pioneers in their respective fields and through building and supporting networks, the programme will apply such methods and ideas. Examples range from technological solutions such as participatory video and voice or e-justice service centres to dramas, role-plays and mock trials and a new net work for female justice actors including paralegals called “iknowLaw”. The programme will remain susceptible to new solutions emerging in the course of implementation and will retain the flexibility needed to constantly adjust its contribution, based on data and evidence emerging from continuous monitoring.

Linked to national ownership is the emphasis that the programme places on capacity development to ensure sustainability of the efforts. Both the functional capacities to manage a reform process, as well as technical and area specific capacities will have to be addressed; interventions must deliver change that can be sustained and evolve beyond the life of the programme itself. UNDP draws on its extensive field experience to understand justice as a public service that is made available by institutions that are independent of each other, but which nevertheless are intrinsically interconnected. Services produced by one institution feed into the functions of the others and the system as a whole will only perform as well as its weakest institution.

The programme has also included a component that focuses on regular training and updating of national partners’ and UNDP’s programme staff in the field of rule of law and access to justice programming. This is a field that is constantly evolving and lately it has been recognised that there is a need to put in place training programmes that target programme staff within both national institutions and UNDP programme staff working with rather extensive justice reform programmes and similar processes.

These efforts may also include staff from other organisations and agencies and will be aligned with UN system efforts for capacity development.

Taken together, the components and the principles of this programme are intended to offer UNDP partner countries the support they need to implement a vision and reform for their justice system that better serves their people, and in so doing, brings them closer to the development results they aspire to achieve.

1 INTRODUCTION

1.1 Responding to the increasing demand for support in access to justice

Over the last decade, developing countries have increasingly included access to justice, rule of law³, and governance of the security sector in their development efforts. This is reflected in national development plans, poverty reduction strategies and their corresponding budgets and performance assessment frameworks. Consequently, UNDP Country Offices have experienced a considerable increase in the demand for support to access to justice, rule of law, and security programmes. There has also been a rise in requests for technical advisory services in a broad range of related areas such as: criminal justice, prison, and police reform; sexual and gender based violence; public legal aid systems, legal awareness and legal counselling; informal justice systems; reform

Survey Results

The demand for rule of law support was also reflected in the 2006/2007 UNDP survey, carried out to assess its justice engagements since 2004. The main recommendations of the report demonstrated that there is need for:

- 1) Developing global policy guidance on legal issues related to justice and security reform programmes, including, in particular, strategic planning.
- 2) Facilitating the exchange of knowledge and experiences on how to conduct effective needs assessments for justice services.
- 3) Producing and disseminating knowledge products such as toolkits, manuals, policy documents, research papers, and case studies.
- 4) Developing initiatives on gender training and gender analyses of ongoing and planned access to justice programmes.
- 5) Promoting aid effectiveness and improving coordination and communication between national institutions and international partners and among international partners.

These trends continued, for instance, in the editions of the DGTTF in 2008 and 2009.

of family and inheritance law and women's land rights. The demand is emerging from countries in different contexts, both low and middle income, each dealing with unique development challenges, but the majority of them fighting wide spread poverty. A consensus has emerged following the report '[In Larger Freedom](#)' that rule of law and access to justice are necessary preconditions in any effort to

³ 'The "Rule of Law" is a concept at the very heart of the Organization's mission. It refers to a principle of governance in which all persons, institutions and entities, public and private, including the state itself, are accountable to laws that are publicly promulgated, equally enforced and independently adjudicated, and which are consistent with international human rights norms and standards. It requires, as well, measures to ensure adherence to the principles of supremacy of law, equality before the law, accountability to the law, fairness in the application of the law, separation of powers, participation in decision-making, legal certainty, avoidance of arbitrariness, and procedural and legal transparency.' UN General Secretary Report, "The rule of law and transitional justice in conflict and post-conflict societies." S/2004/616, 22 August 2004.

deliver both freedom from want i.e. the eradication of extreme poverty and freedom from fear, the fulfilment of the UN's broad vision of collective security.⁴ In this context, the global economic crisis

expected to negatively impact public service delivery in many sectors, including the justice sector, may further increase the demand for support in access to justice. Furthermore, the initiatives for legal empowerment of the poor⁵ have also contributed to raising the demand for access to justice support as it is largely recognized as a pre-condition for poor people to invoke their property and labour rights and activate their entrepreneurial business potential.

1.2 Addressing the need for strengthened strategic planning in justice reform

Eager to embark on access to justice reform that address serious individual and public grievances and urgent needs in overstretched and ill resourced justice systems, many of UNDP's partner countries do not develop comprehensive and targeted strategies before commencing reform efforts. Similarly, open and dynamic dialogue with the public to assess actual needs and expectations are not systematically ensured, and hence many reform programmes resonate poorly with the people they are meant to serve. Consequently, these initiatives are often ad hoc, sectoral and institutional in nature.

While strategic planning for justice system reform has been undertaken by some partner countries (supported by UNDP Country Offices and Regional Centres) and has met with notable success, this is not generic and the demand for support continues to grow. There is a need to systematise lessons learned, both positive and negative, and best practices from countries that have designed and embarked on reform processes. These should be used when addressing strategy processes in countries that have not yet applied a consistent methodology.

1.3 The Global programme: a UNDP response

To respond to the growing demand and address the gaps in strategic planning necessary to effectively improve justice service delivery, UNDP has issued two global programmes: (1) *Strengthening the Rule of Law in Conflict and Post Conflict* situations (managed by the Rule of Law, Justice and Security Reform Unit in BCPR) and; (2) *Accelerating Access to Justice for Human Development* in non-crisis and long term development contexts (managed by DGG/BDP). The two programmes will operate under one umbrella constituting the overall strategic framework for UNDP's engagement in the field of rule of law and

⁴ See *In Larger Freedom: Towards Development, Security and Human Rights for All*, available at <http://www.un.org/largerfreedom>

⁵ See the report from the "Commission of the Legal Empowerment of the Poor" launched in July 2008. UNDP hosted its secretariat and is facilitating the further dialogue on this initiative in taking the recommendations from the report and its working papers forward.

access to justice. The aim of the Global Programme managed by DGG is to ensure access to justice for all by promoting “the ability of poor and marginalized people to seek and obtain remedies responding to

their grievances in conformity with the concept of rule of law and their rights.”⁶ In this context, access to justice is understood as a fundamental component of human development from a human rights perspective.

This Global Programme will contribute to these goals by supporting national stakeholders to develop strategies and programmes to strengthen the capacity of their justice systems to address the rights and needs of all with a specific focus on poor and otherwise disadvantaged people. These strategies and programmes will be based on normative frameworks and empirical data founded in a human rights based approach.

The programme subscribes to the principles of the Paris Declaration on Aid Effectiveness⁷ and the Accra Agenda for Action, both of which emphasise that sound national development strategies, combined with strong national leadership, are the basis for successful and sustainable development initiatives, and that national ownership is a prerequisite for achieving the commitments of the Millennium Declaration⁸ and to achieve the MDGs. More specifically, this global programme is designed to provide assistance in strategic planning for improved justice service delivery, as one of the pillars of overall national development plans. This will allow development partners to harmonise their support with national priorities in the field of access to justice and to align their efforts to support those of national stakeholders. This will place national stakeholders firmly in a decision-making position to guide the reform process, thereby also adding legitimacy to process. The programme will facilitate the adoption of aid modalities designed to empower national authorities. Instead of scattered and poorly coordinated projects with different individual institutions, the programme envisages investments to be channelled into the justice system through sector wide approaches (SWAPs) and ultimately through direct budget support (DBS). This also corresponds with the vision expressed in the Secretary-General’s March 2005 report ‘*In larger Freedom*’ which, following the recommendations of the Millennium Project, calls for the preparation of ambitious MDG-based national development plans and highlights the close linkages between development, security, and human rights.

⁶ *Ibid*

⁷ Paris Declaration on Aid Effectiveness available at http://www.oecd.org/document/18/0,2340,en_2649_3236398_35401554_1_1_1_1,00.html

⁸ With reference to justice and security sector reform, the latest study to confirm the significance of national ownership is the Hammergren study, which notes that ‘*without genuine [national] commitment, even generous assistance is unlikely to produce improvements in performance*’. Balanced Justice and Donor Programmes, Hammergren et al., published at http://www.justiceinitiative.org/db/resource2?res_id=104173Reference

Developing such strategies will constitute the first pillar of the programme. However, based on UNDP's extensive experience (see below) in working with access to justice programmes we know that certain areas will commonly be in need of assistance while the strategy processes are ongoing. The second pillar of the programme therefore addresses such needs and will provide technical assistance and other support for immediate improved justice services delivery the following five core areas: outreach for legal awareness-raising, legal aid and representation, including para-legal services and the improvement in women's legal position and situation and improved administration of justice that includes oversight, transparency and accountability. Finally, the situation in many countries undoubtedly also calls for direct and more urgent action to address grave challenges in the justice sector. Police brutality, inhumane prison conditions, lengthy pre-trial detention, and impunity for perpetrators of sexual and gender based violence are all examples of practices that require immediate responses, which cannot wait. The programme therefore has included response measures designed to address these challenges.

1.4 Building on UNDP's Lessons learned

With a field presence in 135 countries and operations in 166, a significant and active knowledge-network and specialized expertise, UNDP is well positioned to play a leading role in promoting access to justice. UNDP has consolidated long-term, in-country experience and an established relationship with all national stakeholders including Governments, national justice institutions, oversight institutions, independent media and civil society organisations. Furthermore, UNDP's expertise in other areas of governance allows the organisation to take advantage of cross-practice knowledge and experience to support strategies in justice sector reform.

This Programme builds on this considerable experience to design and implement its support to partner countries. The programme is developed in coherence with UNDP knowledge documents on Access to Justice and Rule of Law such as: the Practice Note on *"Access to Justice"* (UNDP 2004), the *"Practitioners Guide to a Human Rights based Approach to Access to Justice – Programming for Justice; Access for All"* (UNDP, Bangkok 2005), the recently published handbook on judicial reform; *"Searching for Success in Judicial Reform"* (Asia Pacific Judicial Forum 2008 with support from UNDP's Regional Centre in Bangkok). The programme also builds on the experience of UNDP in implementing security sector projects in long-term developing contexts. In Latin America UNDP has been in the forefront for developing assessment frameworks, tools and instruments for change and improvement in public security with a particular emphasis on governance of the security sector, local communities and gender responding to violence against women and disadvantaged people. Gender justice is central to all UNDP engagement in the field of access to justice as also demonstrated in the primer: *"Gender Equality and Justice Programming: Equitable Access to Justice for Women"* (UNDP 2007).

A UNDP facilitated justice reform strategy will always begin by taking a bottom up approach, with the situation of the rights holder as a point of departure. However, it has also become obvious that unless

plans and strategies are also anchored in the reality faced by the duty bearers, with provisions to ensure that they have the capacity necessary to deliver the services demanded by the rights holders, the reform efforts will inevitably fail. UNDP's experience has shown that the perceived choice between a top down approach or a bottom up approach is a fallacy. There is no such choice for UNDP; this programme bridges the two approaches so that they complement each other.

Furthermore, in order to better coordinate rule of law and justice activities and provide coherence in the UN system, a Rule of Law Coordination and Resource Group (RoLCRG) has been instituted in the office of the Deputy Secretary General's Office. The group is constituted by UN agencies that are engaged in rule of law and access to justice programmes and activities on the ground.⁹ The RoLCRG has issued a guidance note and a policy framework that guide the UN's approach to building rule of law capacities at the national level.¹⁰ The principles form part of the normative framework of this programme.

This global programme on access to justice is designed to complement the emerging legal empowerment practice both within UNDP and among partners. Legal empowerment, as envisaged by the Commission on Legal Empowerment, aims at strengthening the ability of poor people to defend their property, labour and entrepreneurial rights so as to allow them to improve their livelihoods and overcome extreme poverty. However, as the Commission recognised in its report, these three rights are of little practical consequence unless there are opportunities for enforcement. In this sense legal empowerment depends on access to justice and the two efforts are therefore intrinsically interlinked.

Finally, the programme intends to reflect on the lessons learned from its own implementation and to produce knowledge products to contribute to further strengthening UNDP's experience and know-how in the field of Access to Justice and Rule of Law.

⁹ UNODC, OHCHR, UNHCR, DPKO, DPA, OLA, UNICEF, UNIFEM and UNDP.

¹⁰ The guidance note includes the following principles: 1) Base assistance on international norms and standards, 2) Take account of the political context, 3) Base assistance on the unique country context, 4) Advance human rights and gender justice, 5) Ensure national ownership, 6) Support national reform constituencies, 7) Ensure coherent and comprehensive strategic approach, 8) Engage in effective coordination and partnership.

2 CONTENT OF THE PROGRAMME

Based on its in-depth and widespread experience in the area of Access to Justice and Rule of Law (see section 2.4), UNDP has identified areas of recurring priorities in justice reform across a variety of national contexts. These areas are legal protection, legal awareness, legal aid and counsel, adjudication, enforcement, civil society and parliamentary oversight.¹¹ These areas are likely to be high priorities of reform for partner countries and the programme therefore offers components which will directly address them. However, to implement these specific components efficiently and successfully, the programme also offers assistance to develop national strategies for justice reform based on and according to a thorough methodology of justice sector needs assessment. Support to the design of strategies and justice reform will constitute the first pillar of the programme.

The second pillar of the programme will support initiatives which will respond to already identified access to justice needs that require immediate attention.

2.1 Strategic planning process – the first pillar

The programme will support partner countries to develop strategies and reform programme proposals to improve and strengthen their justice systems to truly respond to the rights and needs of all people with a specific focus on poor and otherwise disadvantaged people. The development of strategic plans will comprise the following four stages: 1) conducting a justice-needs assessment founded in a bottom up human rights based approach; 2) conducting an assessment of the capacity of the justice sector institutions and actors in delivering justice services; 3) undertaking a vision process, 4) undertake a prioritization and sequencing exercise; and 4) designing the strategy. Based on these focused and targeted strategies, reform programmes can be developed. This process will comprise the following four steps: 1) defining and designing reform programme activities; 2) costing and budgeting of the reform programmes and activities; 3) developing sector wide and harmonised monitoring and evaluation systems; and 4) developing a resource mobilization strategy targeting internal and external sources. The programme will also include necessary conditions for justice reform such as law reform and capacity development and training in the content of the reform programme. Support for strategic planning and reform programming will build on lessons learned from already conducted national justice reform processes, and will include a common and generic methodology for access to justice assessments.

¹¹ See the 2004 UNDP practice note on Access to Justice. A table summarizing the 6 areas of programming can be found in Annex TK.

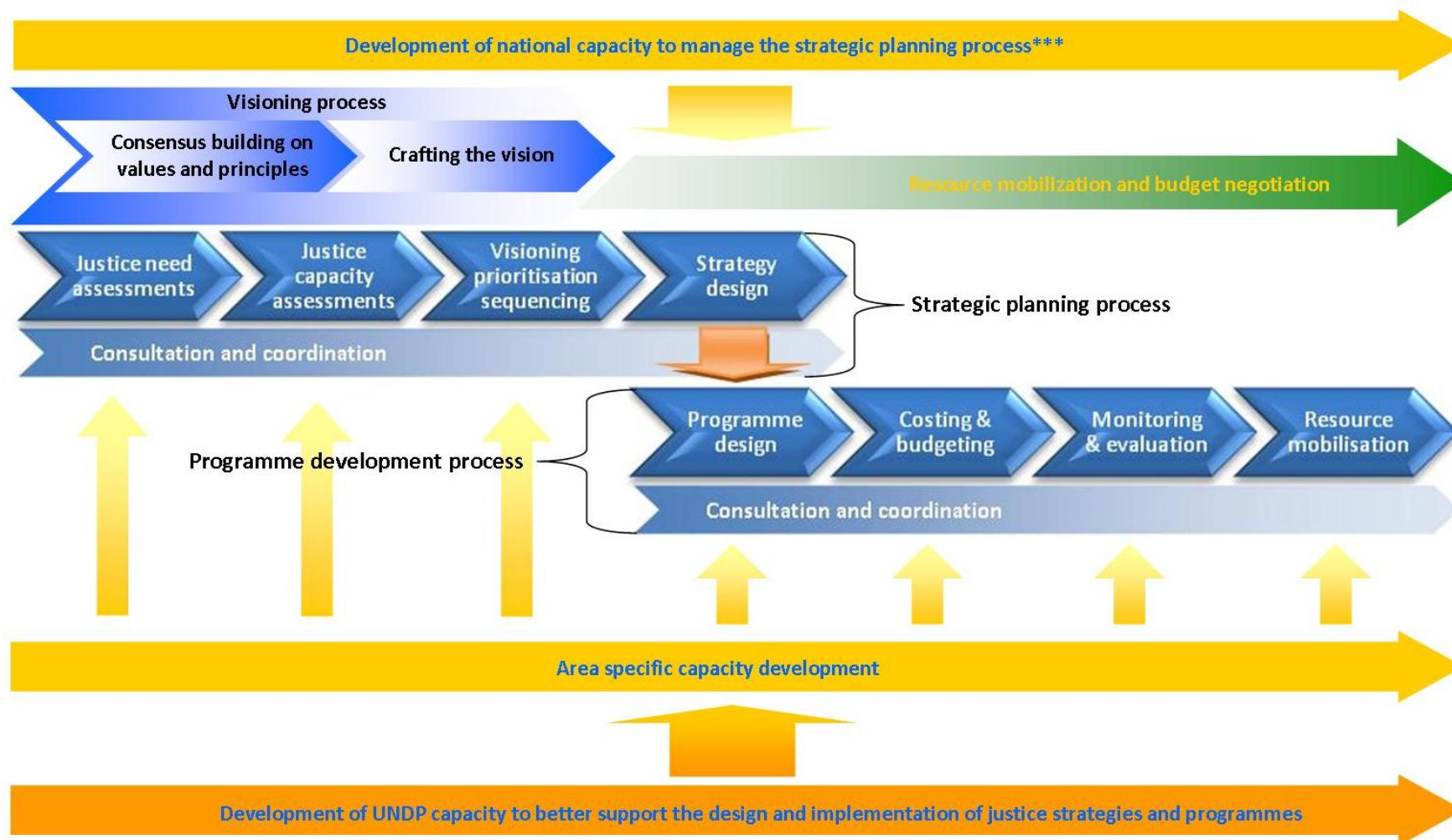
Many partner countries will already have developed, or are in the process of developing, national development plans or Poverty Reduction Strategy Papers. These are broad-based policies for reducing poverty, ensuring advances in human development and achieving the MDGs. It is crucial that justice system reform strategies and programmes are embedded in, and further promote, these policies. This will ensure consistency in objectives, budgeting, and monitoring of national progress toward stated benchmarks.

Parallel to the strategic planning and programme development processes, the programme will support public consultations aimed at soliciting people's needs and expectations of justice service delivery and the operation and functioning of the justice system. This is to ensure an open and transparent public dialogue that will inform the design of strategies and access to justice reform programmes that reflect the actual needs of justice service users. Each phase of the process will also ensure that the final reform strategies and programmes are mainstreaming gender issues.

The programme will, based on national requests, deploy national and international experts who will facilitate each stage of the strategy process. Training for national stakeholders will be provided, as required by the specific context. Additionally, UNDP will develop two manuals – one for each process – in which each stage is addressed individually. Together, these manuals will outline the entire process for the development of strategies and proposals for reform initiatives.

The figure and explanatory note on the next two pages represent the stages in the process of developing strategic plans and access to justice reform programmes.

Figure 1—visualizing sub-component a)



Support for capacity development will be provided in three tiers, as represented by the orange arrows on the diagram. First, UNDP will support national stakeholders to manage all the stages of the process for access to justice reform (top orange arrow), from the first political initiative to the point where key indicators begin to reveal improved performance of the justice system. Second, UNDP will provide technical assistance to support each stage of both the strategy design and programme development processes. Third, UNDP acknowledges that for its country offices to be in a position to offer partners the kind of cooperation needed to support comprehensive access to justice reform, UNDP will have to provide specialized and regular training and support to its own programme staff international as well as national (illustrated by the bottom orange arrow).

The eight block arrows represent the stages of the two processes (four on designing the strategy and four on developing programmes to operationalise the strategy), all of which are described in detail in the document below. The first stages of developing a strategy for the justice sector typically entails a visioning process, in which stakeholders are given the opportunity to consider and discuss their expectations of the justice system and the values and normative framework that should underpin the functioning of the justice sector and its service delivery.

Each country will mobilise the resources required to implement their respective access to justice reform programmes in different ways. In some instances, government revenue will be sufficient; but in most situations, external resources from international partners will be required. Regardless of the source of funding, stakeholders will have to negotiate budgets and mobilise the required resources. This is a process (illustrated in green on the diagram) in which UNDP has a comparative advantage, and in which UNDP can act as a facilitator. Resource mobilisation also constitutes the final stage of the reform programme process, illustrating that not only will UNDP directly assist partner countries in raising the necessary funds, but it will also seek to develop national capacities similar to the other stages of the process.

Finally, the light blue arrows adjacent to the reform stages illustrate the importance of inclusive, participatory and continuous consultation and coordination with all stakeholders with a focus on the civil society and the users of the systems. This is frequently ensured through the establishment of a neutral entity that can reach out to the public, all justice institutions, to state as well as non-state actors, and that can help facilitate consultations with international development partners. UNDP has extensive experience in establishing and supporting such coordination mechanisms, and would offer support to partner countries in this respect.

2.1.1 Developing Strategic Plans for Justice System Reform

a. Conducting Justice-Needs Assessments

Justice-needs assessments seek to identify and analyse the demand (expectations and rights) of actual and potential users of justice services. The purpose of the assessment is not to prescribe reform strategies, but rather to provide people a voice in shaping justice service delivery in an inclusive and participatory manner. This type of assessment will engage the public broadly, including targeting marginalized sectors of society—such as the poor, women, youth, the elderly, indigenous people, minorities and other groups—to ensure that their expectations are reflected in the overall analysis. The assessments will be conducted through surveys, focus groups, and targeted consultations with civil society groups and the media, among other methods. The justice-needs assessment will feed into the visioning processes, ensuring that the vision for the justice system is based on people’s rights according to existing international and national law and normative frameworks and most importantly their expectations and demands. The needs assessment will also inform prioritization and sequencing in the strategic plans.

The programme will consolidate and further develop and refine existing global, regional and national tools for conducting comprehensive assessments in the justice system, as well as develop new tools as needed. This support will entail not only the conduct of access to justice needs assessments, but also training on how to carry out the assessment. In addition, training and capacity development will be provided to national partners and UNDP staff, and staff from other agencies and organisations to maximise their ability to guide and support the reform processes. A manual guiding justice needs assessments, building on the experience already gained from, for instance, the work of the Asia Pacific Rights and Justice Network and the World Bank’s ‘Justice for the Poor’, will be the first knowledge product under the Global Programme in the series of tools for strategic planning and design of reform programmes.

b. Conducting Justice-Capacity Assessments

A justice-capacity assessment is an analysis of current capacities in the justice system (justice sector institutions and individual justice actors) measured against desired future capacities in order to measure and define the deficit in justice service delivery that needs to be addressed. Justice-capacity assessments are evidence-based with regard to the actual situation in the sector. This entails soliciting hard data and statistics that provide information, for example, about actual caseloads in relevant institutions, the duration of case-processing, legislation and other relevant legal material, human and financial resources available, the state of the infrastructure and other data such as internal ethical and accountability systems that together inform an analysis of the actual capacity and situation in the system. This information will be used to establish baseline assessments for developing integrated monitoring and evaluation systems that will be used to measure performance and progress or regression in justice service delivery.

The resulting understanding of capacity assets and needs, in turn, informs capacity development requirements necessary for the system to respond to the access to justice needs assessments. This support will entail not only the conduct of capacity assessments, but also training on how to carry out such assessment for both national partners as well as UNDP staff. Training will complement a knowledge product on conducting justice-capacity assessments; while some tools in this area already exist (for instance, the criminal justice needs assessment tool produced by UNODC). Other tools (such as civil justice, gender justice and juvenile justice) have yet to be developed. Capacity needs assessment will apply tools already produced by UNDP and they will be undertaken in cooperation with the Capacity Development Group.

c. **Crafting a Vision, Prioritizing and Sequencing**

The Global Programme will support national stakeholders in developing a long-term (15-20 years) access to justice vision. The vision will be informed by the results of the access to justice needs assessments and the actual capacity in the system including the capability to respond to international law and national legislative frameworks. Based on experience and on UNDP policy documents, access to justice programmes fall into six types of categories: legal protection, legal awareness, legal aid and counsel, adjudication, enforcement, and civil society and parliamentary oversight (for further details, please see section 3.3 on Types of Access to Justice Programming). These six categories may be useful in conceptually organizing a vision for access to justice reform, but are not designed to be prescriptive in any manner.

The vision will in turn inform medium-term strategic plans and justice reform programmes. The assessments carried out in previous stages will identify numerous challenges and opportunities, all of which will be addressed in the strategic plans and justice reform programmes as a means to realise this new or consolidated vision for the justice system. The assessments will also address policy options available and identify the policy and legal decisions that need to be taken in order to commence and implement a coherent justice reform programme. Policy options available will include collections of comparative studies based on experiences in countries exposed to different contexts and historical backgrounds.

However, not everything can or should be done at once. Certain reforms might, for various reasons, be dependent on other measures being taken prior. Similarly, some justice reforms are likely to have a greater potential for yielding immediate or sustainable impact than others. Resources availability will also impose limits, underscoring the significance of prioritisation and accurate costing. Inevitably, it will be important to both prioritise which reforms must be undertaken first, understand the consequences of different policy options both in terms of substance and cost implications, as well as to establish a sequence in which the various access to justice reform initiatives should be conducted.

The visioning process may also, in some circumstances, inform and lead to the development of national access to justice policies. Such policies outline the overall goal of the justice system, how it functions, its composite parts and how they interact, and the principles that underpin the system. While not articulating the reform process, these policy documents describe the justice system in its optimal state.

Through the strategic planning process, therefore, the programme supports the development of such policy documents.

Under certain circumstances, the prioritization exercise may identify urgent needs that require immediate attention. Police brutality, inhumane prison conditions, high rates of domestic and sexual violence are examples of practices that require immediate responses, and which cannot wait for the implementation of mid- and long-term reform programmes and strategies. The programme expects to support the provision of different measures among which paralegal advisory services to help alleviate urgent needs such as prolonged pre-trial detention (often a cause of overcrowding and inhumane conditions in detention facilities) and the use of unlawful interrogation methods. The inclusion of immediate measures and paralegal services in the programme is based on the relative success of such interventions in a number of countries in Africa and South Asia. However, each context will require its own solutions, yet, based on preliminary research, the programme anticipates a certain demand for immediate measures and paralegal advisory services in a number of partner countries. Thus, the Global Programme will respond to urgent measures and produce “quick wins” while simultaneously initiating access to justice reform processes.

d. Drafting Strategies for Justice Reform

Once national stakeholders have developed a long-term access to justice vision, UNDP will support them in developing strategies to articulate the vision. Strategic plans will be responsive and realistic, and encourage synergies and address gaps and deficits identified in the aforementioned assessments. Although strategic plans will be context specific (as defined by national circumstances), they will share common components, including a vision and/or mission statement; situational analysis; goals and objectives; available policy options; prioritization and sequencing, to mention some of them. The Global Programme will develop a chapter on drafting strategic plans as part of its knowledge product series.

2.1.2 Developing Justice Reform Programmes

a. Designing Programme Activities

UNDP will support national stakeholders in developing reform programmes based on justice needs and priorities identified in the aforementioned strategies. Program proposals will be the mechanism by which the strategies are operationalised. These proposals will target specific areas in the justice system. While the strategies provide a long-term vision and prioritization for access to justice reform, programme proposals detail how the reform will be undertaken, with specifics on programme beneficiaries, rationale, objectives and so forth. The Programme will develop a chapter on designing programme activities as part of its knowledge product series. As mentioned above, programme interventions in this field fall into one or more of the six types of programming; legal protection, legal awareness, legal aid and counsel, adjudication, enforcement and civil society and parliamentary oversight (see section 3.3 for more detail).

b. Costing and Budgeting

It is imperative that reform programmes are designed with budgets that are realistic and credible. There is often a tendency to design justice reform programmes that are expansive and all encompassing; while addressing all the shortfalls of the justice sector may be called for, it is rare that governments are able to afford such an extensive overhaul of the sector. For this reason, justice reform programmes must be prioritized and sequenced, and budgeted accordingly. Justice reform programmes must be financially sustainable in the long term and designed with these considerations taken into account. This is often best ensured by embedding reform programmes in regular national budgets and planning processes; this will also contribute to the buy-in from, and understanding of cost implications by, the executive, relevant ministries (Finance and Planning, for example) and parliament.

As part of its knowledge product series on developing programme proposals, UNDP is developing a chapter on how to translate programme activities into budgets and costing estimates. As part of its cross practice cooperation with the Poverty Group, DGG will utilize its tool for costing justice system reform; UNDP will provide feedback on the tool to help improve its use and implementation.¹²

c. Developing Integrated Monitoring and Evaluation Systems

Developing integrated monitoring and evaluation systems is essential to ensure that country programme activities can be carefully tracked and progress assessed throughout the duration of its implementation. This component of the proposal is essential for producing informed analysis of the programme. If policymakers do not have information on the rate of implementation, the obstacles faced, and other relevant data, they will not be able to take the necessary corrective action to ensure that reform programmes respond appropriately to their objectives. Likewise, without such information, the task of revising plans and budgets will be virtually impossible. Existing initiatives, such as the African Peer Review Mechanism, will help inform this area, where appropriate.¹³ UNDP support will entail the development of a knowledge product on monitoring and evaluation plans as part of the larger programme proposal development process. This work will draw upon, as well as feed into, the Global Programme on Capacity Development for Democratic Governance Assessments and Measurements.¹⁴

d. Developing a Resource Mobilization Strategy

Once national stakeholders have developed reform-specific programme proposals, the final crucial step is to develop a resource mobilization strategy. The Global Programme fully integrates this final stage

¹² It is envisaged that this costing tool will form part of a package of tools and methodologies to be made available to countries to use during the preparation and implementation of MDG-based national development strategies. See further <http://www.undp.org/poverty/tools.htm>

¹³ The African Peer Review mechanism represents an opportunity to develop benchmarks based on a self-monitoring system, which also allows for cross-country comparisons. See <http://www.aprm.org.za/docs/questionnaire.pdf>

¹⁴ The aim of that Programme, co-ordinated by the Oslo Governance Centre, is to develop the capacities of government, the national statistics office and civil society in the collection, maintenance and analysis of governance related data and to assist the development of an inclusive and consultative framework for the systematic assessment and monitoring of democratic governance goals and targets expressed in national development plans. See further http://www.undp.org/oslocentre/flagship/democratic_governance_assessments

within its support for partner countries. The Global Programme will assist national stakeholders in developing resource mobilization strategies in order to ensure funding for the programme proposals and the implementation of the reform strategy. This entails negotiation strategies for justice sector institutions as part of governmental budgeting processes and the drafting of resource mobilization strategies for approaching external donors and other funding opportunities. UNDP will use its standing as the UN's global development network, and its extensive partnerships with a wide range of stakeholders in international development cooperation as leverage in the effort to secure the resources needed to make access to justice reform possible.

e. Law reform and revision

While the six stages detailed above will assist national authorities to produce strategy and reform programme documents, the following two stages are intended to create the normative and human resource conditions needed to implement the programme. A conducive legislative framework and a cadre of professionals trained to operate the reformed justice system are recognised as preconditions to successful justice system reform.

One of the immediate consequences of newly developed strategies, policies, and reform programmes for the justice sector is a need to reform and revise the legislative framework. In some instances, assessments might find that constitutional amendments are necessary to give effect to justice and security reform strategies. In other situations it will be a matter of harmonising already existing legislation to ensure that it is up to date and compatible with the reform strategies.

In some countries this is a complex exercise because the legal system has been influenced by different traditions of law during colonial times, different political regimes, or customary law and informal justice systems. However, it is important that the law on the books is coherent and reflects the objectives of the strategies and reform programmes. This issue must be contextualised as each country has different needs. However, a recurrent challenge is to put in place the drafting skills to rapidly initiate necessary legislative processes. The programme will produce lessons learned to be used as a reference guide for countries embarking on reform, along with training modules, technical expertise and—to the extent needed—support to national partners in channelling bills through the legislative process.

f. Institutionalizing Capacity Development

As described above, large-scale justice reform often requires the drafting of new laws or major amendments to existing laws. Such changes may include, for example, bringing national legislation and practice into line with the requirements of international treaties, conventions and institutions. Consequently, those practicing and applying the law must be retrained, while new appointees must be educated in contemporary juridical skills. In many countries, justice actors have not been encouraged to think independently or required to explain or justify their decisions. UNDP upholds that judicial capacity development and training are crucial components of any legal reform initiative. Only judges who know the law and how to apply it can properly exercise their judicial function and be truly independent.

Many countries have institutionalised post-graduate training facilities that provide mandatory training for entry into justice professions such as judges and public prosecutors. Many countries have also set up police academies as part of their higher education system. Such institutions will frequently also carry out refreshment courses, offer opportunities for further specialisation and conduct applied research on current themes of interest in the justice sector. These institutions are crucial vehicles in the process for reform. They prepare trainees to better understand and recognise current trends in the field of justice and security sector reform. The programme will conduct a comparative analysis of national justice and security institutions, including potential networks among them, and provide technical assistance to governments on using these institutions as vehicles for reform.

UNDP has already successfully supported the creation of a number of judicial training institutions and their further institutionalization. Given UNDP's success and the increased demand and interest for the provision of support in this area, UNDP would, under this programme, increase its programming in support of judicial training institutions. Furthermore, given the importance of judicial training in enhancing rule of law programming and the relevance of rule of law in the broader development arena, UNDP believes that the provision of support to judicial training institutions is fundamental to enhance its rule of law programming. Focal points from COs with experience in this area, who can mentor and provide support and assistance to the COs, will also be identified.

Lessons learned, case studies and success stories will be codified and policy guidance provided to UNDP country offices, regional programmes, project partners and national counterparts on key issues that impact providing support to judicial training institutions. Hence a process driven rather than an event-driven methodology will be adopted.

2.2 Immediate response to justice needs – the second pillar

Based on UNDP's extensive experience in working with access to justice programmes we know that certain areas will commonly be in need of assistance while the strategy and reform processes are ongoing. The second pillar of the programme therefore addresses such needs and will provide technical assistance and other support for immediate improved justice services delivery, particularly in five core areas: outreach for legal awareness-raising, legal aid and representation and the improvement of women's legal position and situation and improved administration of justice that includes oversight, transparency and accountability. Finally, the situation in many countries undoubtedly also calls for direct and more urgent action to address grave challenges in the justice sector. Police brutality, inhumane prison conditions, lengthy pre-trial detention, and impunity for perpetrators of sexual and gender based violence are all examples of practices that require immediate responses, which cannot wait. The programme therefore has included response measures designed to address problems of a more immediate nature.

Requests that lie outside these areas will also be reviewed and considered on an equal footing with those outlined below. For each of the three components, the programme narrative provides illustrative examples of the specific types of assistance packages (outputs) that will be available.

2.2.1 Advanced public awareness of people's rights

The low level of public awareness of individual rights is a core problem in most of UNDP's partner countries. The most disadvantaged groups in society are disproportionately affected by a lack of awareness and understanding of their rights, a key issue this programme seeks to address.

a. Legal awareness

If people are not aware of their rights and entitlements they will not seek the very services that can protect and assist them. The programme would support national authorities' and other stakeholders efforts to initiate legal awareness campaigns to increase people's capacities to use the system. Such campaigns can highlight legal aid services and offer key resources for those seeking redress to legal problems.

UNDP has been engaged in a project that has made use of new and innovative means to inform people of their legal rights and how to access them. New technology has an important role to play in developing these innovative programs, including for example, a 'one stop shop' for filing complaints and applying for certificates and licenses. New technologies can also increase access to justice quickly and target a wide variety of groups of people. Traditional methods would also be applied, including for example using NGOs and paralegals to disseminate information to those in need. Schools and adult education are other ways to promote greater awareness.

b. Public Legal Aid and Counselling

The lack of public legal aid and counselling is often a major obstacle for people trying to access the justice system. This affects the entire criminal justice system negatively by contributing to very high rates of pre-trial detention and severe overcrowding in prisons. The aversion to pre-trial detention is also based on a cornerstone of due process and human rights: the presumption of innocence afforded to persons accused of having committed a crime. Many countries that continue the excessive use of pre-trial detention have enacted national legislation that closely mirrors international presumptions against its use and in favour of alternative measures. There is thus much work to be done in achieving effective implementation of those laws already in place. Pre-trial detainees are disproportionately likely to be poor, unable to afford the services of a lawyer, and lack the resources to deposit financial bail should this option be available to them. When poor defendants are more likely to be detained, it can no longer be said that the criminal justice system is fair and equitable. Moreover, in some countries a significant number of pre-trial detainees will eventually be acquitted of the charges against them or released without having stood trial. Others will be convicted of minor crimes that do not carry a prison sentence. In UNDP's experience, the levels of pre-trial detention can often be seen as an indicator, or measure, of

the functionality of a justice system generally. If it takes a long time to charge, try, and convict or acquit a defendant in a criminal case, it often takes even longer for a woman to, for instance, pursue a child custody claim or dispute her disinheritance in the civil courts.

In many countries the public legal aid system does not have the capacity to respond to the demands placed on it. In such situations, a more effective and innovative solution is to allow NGOs and paralegals to carry out such services. The public legal aid system should ensure that they are properly trained and also institute an oversight and supervisory mechanism to monitor the services of these actors. The support rendered by the programme will include all the necessary material and technical assistance to roll out a paralegal advisory service to provide legal assistance to poor people, both in the criminal justice system and in civil law matters.

2.2.2 Effective, responsive and accessible administration of justice

The performance of justice institutions is a key element of access to justice. The public must be confident that justice institutions will perform in an efficient, neutral and professional manner. The institutions should also apply relevant norms consistently, irrespective of who is seeking justice.

Figure 1 below represents the main elements of the administration of justice as conceptualized by this programme. Although the term ‘due process’ (or more fully due process of law) is primarily used in common law contexts, it is used here to capture the principle that a government must respect all legal rights that are owed to a person according to existing laws, and that individuals must have opportunities to invoke their legal rights. In practice, this also means that government authorities are bound to respect procedural safeguards in performing their duties, and that failure to do so renders the action unlawful.



Figure 2 – Elements of the administration of justice

a. Implementing Minimum Standards for the Administration of Justice

Access to justice is improved by increasing the supply of services to match the demand (a bottom-up approach). Administration of justice represents the response to that demand (a top-down approach).



Figure 3 – The figure illustrates the combined bottom up – top down approach of the programme.

The performance of justice institutions is important not only to ensure just and fair outcomes on a case-by-case basis, but also to increase public confidence in the justice system. In many countries in which UNDP operates today, the backlog of both civil and criminal cases is severe and justice is not provided in a timely manner. This creates a situation in which justice delayed is, in fact, justice denied. Due process is often severely compromised, and the outcome of a legal action is likely to be both uncertain and tainted by factors other than the law and the facts of the case.

The functioning of the justice system is affected by a wide range of factors, including, for example: the degree of independence enjoyed by the judiciary; resources budgeted and made available to the sector; the geographical and substantive jurisdiction of the various levels of the justice institutions and actors. This programme will use existing minimum standards of effectiveness, timeliness, adequacy and efficiency of a justice system^[1] to develop operational case-management systems, judicial bench-books, handbooks for law enforcement officials, and aide-memoires for lawyers and prosecutors. These minimum standards will also serve as yardsticks for strengthening court administration, which is integral to the provision of justice services. This entails estimating caseloads, planning for and budgeting for those caseloads, managing infrastructure and human resources, and establishing public financial management systems.

In addition to making best practices available on how countries around the world have sought to meet the minimum standards in the administration of justice, the programme will also provide the necessary technical assistance that might be required to implement systems based on such good practices.

^[1] Examples of sources of such standards include, but is not limited to, human rights treaties to which the state in question is party, as well as non-binding standards such as the UN Basic Principles on the Independence of the Judiciary, UN Procedures for the Effective Implementation of the Basic Principles on the Independence of the Judiciary, UN Basis Principles on the Role of Lawyers, UN Body of Principles for the Protection of Persons under Any form of Detention or Imprisonment, UN Code of Conduct for Law Enforcement Officials, UN Guidelines for the Prevention of Juvenile Delinquency, UN Guidelines on the Role of Prosecutors, UN Standard Minimum Rules for Noncustodial Measures, UN Standard Minimum Rules for the Treatment of Prisoners

b. Judicial independence and impartiality

Ensuring the independence and political impartiality of the judiciary is a challenge faced by many UNDP partner countries. In some countries strong executive involvement in judicial appointments, career systems, promotions and demotions threatens the neutrality of the judiciary; in others, such methods are regarded as traditional and effective. International standards in this respect are more in favour of the extensive depoliticization of the processes.¹⁵ However no single apolitical model of judicial appointment and career management exists. Many countries have introduced explicit constitutional provisions to safeguard against political abuse of the judiciary, and in some cases this entails the establishment of a judicial appointments council, sometimes also referred to as high councils, or supreme judicial councils. Another challenge to judicial independence is how the judiciary maintains budgetary independence, and how to reduce dependence on the executive for the allocation of resources.

The programme can offer partners seeking to enhance judicial independence the comparative experiences from other countries, as well as some critical lessons learned with regard to the composition of appointment councils, their procedures, funding mechanisms, and how other countries have succeeded or failed in maintaining the independence of the judiciary.

c. Judicial integrity

There is no clear definition of the content of judicial integrity but it is generally understood to be part of the principle of independence and the importance of non-interference from external actors on the individual decision making process. On the other hand the term also relates to potential conflict of interest, transparency, accountability and oversight. It furthermore has to do with ethics and professionalism. And ultimately it is related to corruption in the justice system. An ethically compromised judiciary means that the legal and institutional mechanism designed to curb corruption, however well-targeted, efficient or honest, remains crippled. According to UNODC, evidence is steadily and increasingly surfacing of widespread corruption in the judiciary in many parts of the world. To confront the problem, the UN is taking a variety of approaches. It is examining judicial corruption in detail and seeking to identify means of addressing it, in higher and lower levels of court systems.

The objectives of strengthening judicial integrity are to¹⁶:

- Formulate the concept of judicial integrity and devise the methodology for introducing that concept without compromising the principle of judicial independence;
- Facilitate a safe and productive learning environment for reform minded chief justices around the world;
- Raise awareness regarding judicial integrity and to develop, guide, and monitor technical assistance projects aimed at strengthening judicial integrity and capacity.

¹⁵ See e.g. Recommendation No. R (94) 12 of the Committee of Ministers of the Council of Europe

¹⁶ See UNODC project on judicial integrity at <http://www.unodc.org/unodc/en/corruption/judiciary.html>

Recent international development has produced a methodology for how to address this issue and includes a model action plan for judicial reform, a methodology for the assessment of justice sector integrity and capacity based on the Bangalore Universal Principles of Judicial Conduct.

UNDP has amassed considerable experience on specific interventions to improve accountability and to counter corruption that particularly affects the poor and those who are excluded. This global programme offers an opportunity to make an impact on judicial integrity by supporting countries to overcome the challenges that conflict of interest and corruption in the justice system represent for their citizens' access to justice. One channel to achieve this is by integrating training and awareness on the content of judicial ethics and integrity and the danger and potential consequences of corruption in the justice system and the identification of incentives and other measures to counter act these phenomena as part of justice sector reform.

2.2.3 Protecting and promoting women's rights

The General Assembly adopted the Declaration on the Elimination of Violence Against Women (DEVAW) on 20 December 1993.¹⁷ It represents an international consensus on the centrality of eliminating violence against women to realizing universal human rights and development goals; it is also a powerful advocacy tool for UNDP practitioners. DEVAW calls on member states, inter alia, to: "Develop penal, civil, labour and administrative sanctions in domestic legislation to punish and redress the wrongs caused to women who are subjected to violence. These should be provided with access to the mechanisms of justice and, as provided for by national legislation, to just and effective remedies for the harm that they have suffered. States should also inform women of their rights in seeking redress through such mechanisms".¹⁸

UNDP is already addressing gender based and sexual violence at the country level through the global programme being implemented within an early recover framework. This support is guided by the UNDP Eight point agenda for women's empowerment and gender equality in crisis prevention and recovery, the interagency UN action Against Sexual Violence in Conflict and its campaign: Stop Rape Now and Security Council resolution 1345. However, similar situations are frequent in other contexts as well.

Some global examples of violence against women illustrate the legal predicament of women in this field. While some states have enacted progressive legislation and have pursued implementation expeditiously, 20 states have not criminalized marital rape, 11 states do not recognize domestic violence as grounds for divorce, and one state even allows a man to '*exercise his right to correction towards those against whom he may exercise it.*'¹⁹ When women are in conflict with the law, they are usually charged with petty and non-violent crimes, mainly for property and drug related offences. Yet they

¹⁷ Resolution 48/104 of 20 December 1993.

¹⁸ See Article 4 sentence 2 lit. d of DEVAW.

¹⁹ UN Special Rapporteur on Violence against Women, 2006.

often face exceptional difficulties in maintaining contact with family and the outside world, as well as accessing education, training and work programmes, and healthcare. They are also vulnerable to abuse and violence such as rape, inappropriate surveillance and body-searches. However, it is not only in the criminal law sphere that women's rights are threatened. Many legal systems do not afford equal rights to women and men in matters governed by civil law such as inheritance, divorce or land ownership, and even when equal rights exist on the statute books, women often find themselves disadvantaged by a range of social factors affecting the application of the law. Support for promoting and protecting women's rights will include, among others, the following areas:

a. Guidance on response to gender-based and sexual violence

One of the main challenges to combating gender-based and sexual violence against women is insensitive police behaviour when women report such incidents. In that process it is of utmost importance that women reporting incidents feel that they are being met by understanding and care, and that proper procedures are in place to respond to such complaints. If such mechanisms are not in place women will simply avoid reporting such incidents and impunity will prevail. However, even in situations where the police are sensitive and helpful, a separate unit to receive such complaints will increase efficiency and the likelihood that justice will be served.

If a partner country identifies this as a major challenge to access to justice, UNDP will provide relevant national authorities support to establish such units, including the necessary training and knowledge products.

b. Training in processing of gender-based and sexual violence cases

Prosecution seldom takes account of the exceptional vulnerability of the victim and the need for her protection. Likewise, judicial handling is often inadequate, giving rise to secondary victimisation and the risk of retaliation against both victims and witnesses. If requested, the programme would offer practical training, for both prosecutors and judges, on how to relate to victims of SGBV and how to effectively prosecute the offences committed against them. Additionally, this component will also address witness protection, and special legal assistance to the victims in their status as witnesses during the investigation and trial.

c. iKnow Law

If requested, the programme will assist national partners to establish a network for women and women's organisations entitled iKnow Law, based on the experiences and lessons learned from the iKnow Politics, a worldwide network of female politicians and parliamentarians²⁰. The network will allow women who are stakeholders in the justice system, either as users or service providers, to exchange

²⁰ The International Knowledge Network of Women in Politics (iKNOW Politics) is an online workspace designed to serve the needs of elected officials, candidates, political party leaders and members, researchers, students and other practitioners interested in advancing women in politics. The goal of iKNOW Politics is to increase the participation and effectiveness of women in political life by utilizing a technology-enabled forum. See further <http://www.iknowpolitics.org/>

information, strategise and develop partnerships to better address the specific concerns of women in justice and security sector reform processes.

2.2.4 Supporting Actors of Access to Justice Reform

To ensure the success of the Global Programme, UNDP will offer direct support to entities²¹ engaged in the access to justice reform process. The first area would provide assistance to coordination mechanisms to ensure that all the relevant rule of law institutions, as well as non-governmental and international entities work together effectively. The second area would provide specialized training and tools to UNDP Country Office staff and national stake holders engaged in reform processes to enable them to better conduct the reform processes.

2.2.5 Supporting Cooperation and Coordination

To undertake successful justice reform processes and to respond to immediate challenges such as those highlighted in the second pillar of the programme, it is crucial that all institutions in the justice sector work together. Coordination and cooperation are challenging in an environment characterized by institutions governed by the principles of separation of powers and independence. However, as service delivery by justice institutions is intrinsically interdependent, if one of the institutions under-performs, the chain as a whole will under-perform. Therefore, in an effort to improve service delivery it is crucial that the institutions cooperate both with regard to dispensing justice in individual cases and in designing and implementing strategies, policies and reform programmes. Such coordination mechanisms exist in many countries. The programme will document experiences in countries that have established successful coordination mechanisms, knowledge products and training modules, and make them available to partners requesting this type of support.

UNDP's approach to Justice system reform is closely interlinked to numerous other sectors, particularly the security sector. This approach is based on the 2008 UN Secretary-General's report *Securing peace and development: the role of the United Nations in supporting security sector reform*. Security sector institutions are an integral part of promoting the rule of law. Law enforcement agencies, corrections, as well as legislative bodies and civil society groups that play an oversight role, or non-state actors such as customary or informal authorities, are all closely intertwined with the justice sector.

It is thus essential to include non-state entities and the international community where external support is needed to support the institutions that contribute to the justice system. South-South and East East cooperation is particularly important in allowing developing countries to benefit from successes and experiences in different contexts.

Many states which have entered a long-term development phase are prone to insecurity such as transnational threats, including narcotics trafficking and other organized criminal networks. While UNDP's support for democratic governance of security institutions is intimately connected to its focus on long-term democratic governance, and poverty reduction (as captured in the UNDP strategic plan

²¹ National stakeholders, donor countries, multilateral organizations and international non-governmental organizations.

2008-2011), this integrated vision of rule of law is encapsulated in the UNDP Global programme ‘Strengthening the rule of law in conflict and post-conflict situations’. This Global programme provides a framework for UNDP’s engagement on justice and security in 20 priority conflict and post-conflict recovery countries from all regions and describes five thematic foci including ‘supporting capacity development of justice and security institutions’. In line with UNDP’s strategic outcomes, capacity development of security institutions is consistent with enhancing democratic governance.

A few examples of UNDP’s work in this field include: providing support in Laos to enhance safety and awareness of risks regarding unexploded ordinances. In Mauritius, UNDP continues to support the mainstreaming of human rights in prison administration, with particular attention to making such practices operational in youth detention centres. Assistance also includes promoting the role of civil society in prisoner system support.

The Global programme on accelerating access to justice for human development will also produce a tool on programming for security sector reform based on these lessons learned. The reason for this is that UNDP has noticed an increased demand in this area of governance both for programme support in countries in all kinds of developmental contexts and for the development of knowledge products and tool kits.

2.2.6 Community of Practice in Access to Justice

Efforts to ensure that justice systems become more accessible to poor or otherwise marginalised people constitute one of the pillars of UNDP’s democratic governance focus area. The programme will support the strengthening of UNDP’s Community of Practice for access to justice and will build on efforts already undertaken. The aim is to facilitate partnerships, global advocacy and the sharing of knowledge and experiences. As the Community of Practice evolve it will also involve colleagues beyond UNDP; from governments, justice institutions, NGOs, inter-governmental organisations and academia. The Community of Practice will ensure continuous dialogue between practitioners and will facilitate regional and global meetings to discuss challenges and lessons learned. The exact shape of the Community of Practise will have to be determined following a consultative process among practitioners around the world.

2.2.7 Increasing the capacity of national stakeholders and UNDP Country Offices

Supporting national stakeholders to undertake comprehensive access to justice reform requires specialized expertise. Areas of expertise include, for example, change management, politically sensitive dialogue and the setting up and administration of coordination mechanisms. Such expertise is not always readily found in UNDP Country Offices. Further, many of the knowledge products that are essential in supporting such work have not yet been developed. This programme seeks to address this capacity deficit by providing UNDP CO staff with the skills and resources necessary to assist national stakeholders to undertake the process of developing strategic plans and programme proposals for access to justice reform.

The Global Programme is designed to equip UNDP to significantly scale up its role as an active partner at the country level and as a leader in supporting national coordination efforts both at the substantive policy level and as a broker in policy dialogues between governments, justice sector institutions and international partners. This programme would support UNDP COs to take the lead in coordinating among international partners and in facilitating the dialogue between the national and international partners.

3 PROGRAMME SUPPORT

The Global Programme document has additional provisions—in the form annexes—for elements only touched upon in the narrative above. A brief overview of the annexes is presented below.

3.1 Principles of the Global Programme

As in any other development intervention, UNDP will, in its rule of law engagements, be guided by capacity development as its overarching contribution. The programme is also based on the following principles: national ownership; inclusive programming; tailored programming; and capacity development. For more information, see Annex 1.

3.2 Programme Innovation

The Global Programme will be guided by an innovative approach that seeks to offer creative yet practical solutions to national stakeholders trying to address some of the most serious rule of law problems facing their countries. This includes providing, for instance, new technological tools for programming; training on interactive and non-traditional methodologies for programming, help with establishing regional or global networks, and assistance in engaging informal justice systems. For further detail, see Annex 2.

3.3 Programme Eligibility Criteria

Countries interested in participating in the Global Programme will first submit an Expression of Interest. In assessing the candidacy of each applicant, a selection committee will consider the following criteria: national commitment to access to justice reform; the innovative and catalytic nature of proposals; support for UNDP democratic governance outputs; and, support for enhancing women's participation and impact in decision-making processes, among other criteria. Both Least Developed countries and Middle Income countries will be considered for the programme. For further detail, see Annex 3.

3.4 Risk Assessment

As in any programme, there are foreseen and unforeseen risks that may alter or prevent the delivery of outputs. Given the great diversity of countries in which this global programme is likely to be implemented, the risks are far too varied and numerous to lend themselves to being documented and tracked in a detailed manner in this document. Furthermore, the demand driven nature entails that it is not possible to know in advance where the programme will be rolled out. There are however broad categories of risks that have been considered in the design of the programme, and which will have been considered in greater contextual detail in the countries in which the programme will be implemented. For further detail, see Annex 4.

3.5 Monitoring and Evaluation Systems

In accordance with its Strategic Plan, *UNDP policy advice, technical support, advocacy, and contributions to strengthening coherence in global development must be aimed at one end result: real improvements in people's lives and in the choices and opportunities open to them.*²² In managing for this end result and its many subsidiary development results, planning, monitoring and evaluation together play a key role in enhancing the effectiveness of UNDP's work: they establish clear links between past, present and future interventions and results. In terms of monitoring and

evaluation, the programme will be subject to UNDP's current monitoring and evaluation procedures and any additional policies and procedures agreed to by the implementing agents, the project partners and UNDP. The inputs to the programme will consist primarily of technical expertise, in the forms of advisory services, consultancies and trainings. The monitoring strategy will be designed to track, not only how these specific inputs are converted into outputs, but also the degree to which the outputs generated contribute to the achievement of the outcomes. The monitoring of outputs will be done by

systematically recording the degree to which skills and knowledge have been imparted as a result of the input. Simple and user-friendly tools (tests, questionnaires, surveys and assessments) will be developed for this purpose and the inputs will be made conditional upon the use of these tools. The objective will be to measure and compile data on inputs and outputs, so as to allow the programme to calibrate inputs for optimal delivery. The monitoring of outcomes will be done by recording the degree to which the verified outputs are utilised in the process of achieving an outcome. Once an output has been verified, the programme's M&E system will trace that output, through the results chain (or out of it, if the link of causation is broken) so as to demonstrate the contribution, if any, of that output to the outcome.

Methods that will be used in monitoring progress towards outcomes include:

- (a) Regular Programme Board meetings, which are a useful way of ensuring appropriate planning, follow-up and a focus on results;
- (b) Annual Programme Reports, which are a requirement of Democratic Governance Thematic Trust Fund (DGTTF) projects and rate output to outcome progress and make decisions on policy issues; and
- (c) Outcome or programme evaluations, which are time-bound, independent exercises to measure results and management; and
- (d) The mid-term review to be conducted as noted above.

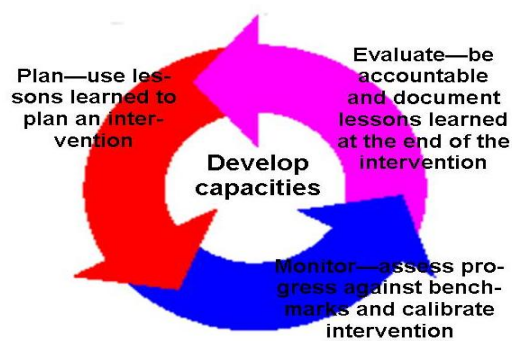


Figure 1 – The planning, monitoring and evaluation cycle

²² UNDP Strategic Plan 2008-2011, Accelerating Global Progress on Human Development, DP/2007/43 Rev.1, 22 may 2008

The goal of all monitoring and evaluation exercises is to learn from experience and incorporate lessons learned and best practices into the Programme. All Programme activities will be closely monitored by BDP, the Regional Bureaux and the UNDP Country Office, respectively.

In compliance with UNDP auditing rules, an audit firm will be contracted at the end of the second year of the Programme and in the final year of the Programme to undertake financial reviews. This would include a review of the effectiveness of activities undertaken in relation to the funds expended, and represents a commitment to transparency and accountability to stakeholders in general and to donors in particular.

The programme will be subject to both midterm and final evaluations.

4 PROGRAMME RESULTS AND RESOURCES FRAMEWORK

The components are included in the outputs as anticipated rather than expected areas of intervention. They retain a certain degree of flexibility because they may not come out of every justice reform strategy development process carried out by the partner country.

First pillar: Strategic reform process		
Component	Outputs	Activities
National strategies and programmes for improved justice service delivery	Access to Justice needs assessments completed in requesting countries	Design access to justice needs assessment frameworks
		Produce a training module on how to carry out justice assessments
		Carry out training for national partners and UNDP staff
		Carry out access to justice needs assessments
	Justice capacity assessments completed in requesting countries	Carry out capacity assessments
		Carry out training for national partners and UNDP staff on conducting capacity assessments in the justice sector
	Strategic plans for access to justice reform	Deploy technical assistance to support critical phases of the process of designing strategic plans for access to justice reform
	Programme proposals on operationalizing strategic plans for access to justice reform	Deploy technical assistance to support critical phases of the process of developing programme proposals
	Production of a lessons-learned reference guide on revision of the legislative framework	Compiling and editing the guide
	Training of national staff in drafting skills for revising the legislative framework	Carry out training for national partners
	Manual on strategic planning for access to justice reform	Compiling and editing the manual with the following chapters: <ul style="list-style-type: none"> (a) Chapter and tool on access to justice needs assessments (b) Chapter and tool on justice capacity assessments (c) Chapter on consultation and coordination (d) Chapter on prioritising and sequencing (e) Chapter on strategy design

First pillar: Strategic reform process		
Component	Outputs	Activities
	Manual on developing programme proposals to operationalize strategic plans for access to justice reform	Compiling and editing the manual with the following chapters: (a) Chapter on programme design (b) Chapter on budgeting and costing (c) Chapter on monitoring and evaluation (d) Chapter on resource mobilisation
	Training, technical assistance and facilitation services to accompany the manuals on access to justice reform	Carry out training, deploy technical assistance and provide facilitation in response to demand
	Comparative analysis of national justice and security institutions	Carry out desk and field based research and compiling the information
	Technical assistance on using institutions as vehicles for reform	Deploy the technical assistance to restructure these institutions
	Framework for engagement in the security sector	Develop framework based on best practices
	A tool on programming for security sector reform	Develop the tool on programming for security sector reform Carry out training, deploy technical assistance and provide facilitation in the operationalization of the tool
	Gender mainstreamed in strategies and programmes on access to justice reform	Carry out training, deploy technical assistance and provide facilitation to ensure that all interventions under the programme benefit men and women equally
	Study on informal and faith based justice systems	Complete study on informal and faith based justice systems
		Support the implementation of recommendations in response to demand
	Knowledge products responding to demand	Develop knowledge products based in coherence with the outcomes of the reform strategy process

First pillar: Strategic reform process		
Component	Outputs	Activities
	Monitoring and evaluation data from the global programme	Carry out training, deploy technical assistance and provide facilitation to operationalise the knowledge products
	Monitoring and evaluation data from the global programme	Carry out continuous monitoring and produce monitoring reports at an interval to be determined by the programme board
		Commission a mid-term evaluation of the programme in 2010
		Commission a final evaluation of the programme in 2012
Increased capacity of UNDP's Country Offices in supporting national partners in improving justice and security service delivery	Training for senior management and programme staff both international and national in justice sector reform programming	Develop training modules
		Deliver training to relevant staff in countries where projects under the global programme will be implemented

Second pillar: Responding to immediate needs		
Component	Outputs	Activities
Advanced public awareness of people's rights, legal opportunities and how to access justice services	Legal awareness	Support to government legal awareness campaign to highlight key legal aid services
	Support for the setting up and/or strengthening of Public legal aid systems in requesting countries	Support the set up of legal aid systems drawing upon global best practices
	Provide practical and innovative services for improving access to justice	Facilitate the setting up of camp courts and mock trials
		Facilitate multi media participation, including participatory video
		Guidance and lessons-learned on UNDP's support to 'one stop shop' for filing complaints and applying for certificates and licenses through the use of new technologies
Effective, responsive and accessible administration of justice		
Implementing minimum standards for the administration of justice	Case management systems based on international minimum standards for the administration of justice	Develop a model case management system based on existing systems
		Support for the modification of the system to suit local contexts
	Systems for the dissemination of legislation (official gazettes) and jurisprudence to justice actors	Develop a model system for the dissemination of legislation and jurisprudence to justice actors
		Support for the modification of the system to suit local contexts
		Provide support to the implementation of systems, including follow up support
Judicial independence and impartiality	Efficient mechanisms which foster judicial independence are integrated into justice policy strategies	Provide comparative experiences on the composition of appointment councils, their procedures, their funding mechanisms.

Second pillar: Responding to immediate needs		
Component	Outputs	Activities
Judicial integrity	Raised awareness on the importance of judicial integrity	Training on judicial ethics and integrity and the consequences of corruption in the justice system
Protecting and promoting women's rights		
Guidance on response to gender-based and sexual violence	Support for the establishment of police units which receive and handle reports of sexual and gender based violence (SGBV) in requesting countries	Technical support on how to set up a police unit which will receive reports of SGBV based on global best practices in investigating and prosecuting offenses that entail SGBV.
Training in processing of gender-based and sexual violence cases	Support to the strengthening of sensitive and effective processing of gender-based and sexual violence cases	Training on enforcing laws against SGBV for police, prosecutors and judges in selected countries, including victim and witness protection
iKnow Law	Development of an international knowledge network of women in law (iKnow Law)	Establish the network based on the iknow politics network
Supporting Actors of Access to Justice		
Supporting Actors of Access to justice reform	Support to UNDP country offices and counterparts assuming coordination roles in the justice sector (note: support to be provided primarily using regional structures)	Deploy technical assistance to support UNDP's coordination role at the country level
Community of practice on Access to justice	Facilitate the setting up of a community of practice for access to justice practitioners from UNDP, governments, NGOs, inter-governmental organisations, and academia	Create a web portal and email network on justice sector reform coordination (linked to the community of practice resources)

5 INDICATIVE BUDGET SHEET

In order to maintain the flexibility in the programme, and allow it to adjust to the specific country contexts in which it will be implemented, the budget does not prescribe inputs in the form of posts or consultancies. Instead such inputs are considered to be part of the technical assistance that the programme can provide. Likewise, the budget does not stipulate if a given service or knowledge product should be developed by staff or by procuring services or a combination of both - all it does is to provide an estimate of the cost, and then the particular context will inform the decision on how best to deliver the product or service in question. The programme also does not prescribe what portion of its funding will be allocated for the purpose of providing support services from the regional centres. Regional centres will play a significant role in supporting projects at both country and regional levels, however, the specifics of that role, and the implied costs, can only be determined on a project-by-project basis. This will be one of the important matters to be decided on in the design of projects under the global programme. However, once the role of a regional centre in the implementation of a given project under the global programme is determined, the global programme will ensure that adequate funding is made available to the regional centre in question to allow it to provide high quality services.

The current budget is based on ten projects, each encompassing the full reform process (all eight reform stages described in the programme document). In reality however, many countries have already undergone parts of the reform process, or might only need support with some aspects of the reform process. Therefore, although the programme is designed to support a maximum of ten full reform processes, it is anticipated that it will be implemented through more than ten projects, many of which will not support all eight stages of the reform process.

Component	Output (service/tool/knowledge product)	Unit cost	Training	Technical assistance	Travel & facilitation	Sub-total	Total for 10 projects
Strategies & justice reforms	Access to Justice needs assessments		15,000	90,000	52,000	157,000	1,570,000
	Justice capacity assessments		15,000	94,000	57,000	166,000	1,660,000
	Strategic plans for justice reform			60,000	11,000	71,000	710,000
	Programme proposals			60,000	11,000	71,000	710,000
	Compiling and editing manual on strategic planning	40,000			35,000	75,000	75,000
	Chapter and tool on access to justice needs assessments	15,000	12,000	16,000	5,000	48,000	345,000
	Chapter and tool on justice capacity assessments	12,000	5,000	8,000	3,500	28,500	177,000
	Chapter on consultation and coordination	30,000	20,000	10,000	11,000	71,000	440,000
	Chapter on prioritising and sequencing	12,000	5,000	6,500	3,500	27,000	162,000
	Chapter on strategy design	30,000	20,000	10,000	11,000	71,000	440,000
	Chapter on law revision	15,000	5,000		3,500	23,500	100,000
	Compiling and editing manual on programme propos	80,000			25,000	105,000	105,000
	Chapter on programme design	30,000	20,000	10,000	11,000	71,000	440,000
	Chapter on budgeting and costing	30,000	20,000	50,000	11,000	111,000	840,000
	Chapter on monitoring and evaluation	40,000	30,000	20,000	20,000	110,000	1,100,000
	Chapter on resource mobilization	20,000	10,000	5,000	11,000	46,000	460,000
	Chapter on comparative analysis of national justice and security institutions	15,000		5,000	3,500	28,500	85,500
	Framework for engagement in the security sector	30,000			11,000	41,000	41,000
	A tool on programming for security sector reform	40,000	25,000	20,000	11,000	96,000	750,000
	Gender mainstreaming in access to justice reform	35,000	25,000	30,000	11,000	101,000	695,000
	Study on informal and faith based justice systems	260,000	10,000	20,000	15,000	305,000	710,000
	Knowledge products responding to demand	90,000	15,000	15,500	11,000	131,500	505,000
						2,882,00	
Total for strategies and reform programmes		899,000	625,000	835,000	523,000	0	12,120,500

Component	Output (service/tool/knowledge product)	Unit cost	Training	Technical assistance	Travel & facilitation	Sub-total	Total for 10 projects
Response to immediate needs	Technical support for public awareness campaign	16,000	20,000	10,000	10,000	56,000	416,000
	facilitation of camp courts and mock trials	10,000	6,000		5,000	21,000	110,000
	facilitation of multi-media participation (participatory video)	10,000	5,000		10,000	25,000	250,000
	compiling lessons learned on legal 'one stop shops'	12,000	10,000				22,000
	developing a model case management system	30,000	45,000				450,000
	developing a model system for the dissemination of legislation	30,000	45,000				450,000
	Compiling comparative experiences	30,000				10,000	40,000
	training on judicial ethics and integrity	25,000	10,000				350,000
	technical support and training, SGBV	40,000	20,000		10,000		70,000
	establishing network based on iknow law	20,000					20,000
	training on judicial ethics and integrity	25,000	10,000				250,000
	Immediate measures and paralegal advisory services addressing urgent needs	30,000	300,000	130,000	60,000	520,000	4,930,000
	Knowledge product on legal aid alternatives	15,000	15,000	15,000	11,000	56,000	425,000
	Community of practice on access to justice		23,000	100,000	100,000	223,000	223,000
Total for support to immediate needs		293,000	509,000	255,000	206,000	911,000	8,006,000
UNDP	Justice training for UNDP COs (by RSC and HQ)	56,000	100,000	50,000	11,000	217,000	1,666,000
Capacity	Support to UNDP COs (by RSC and HQ)	0	34,000	62,000	87,000	183,000	1,830,000
Total for UNDP capacity development		56,000	134,000	112,000	98,000	400,000	3,496,000
						3,282,00	
Sub-total for all components		955,000	759,000	947,000	621,000	0	23,622,500
UNDP General Management Support (GMS) 7%							1,501,220
UNDP Implementation Support Services (ISS) 2%							428,920
Monitoring & evaluation (M&E) 5%							1,072,300
Grand total							26,624,940

6 MANAGEMENT ARRANGEMENT

This global programme will be directly executed (DEX) by UNDP's Bureau for Development Policy, New York, in consultation with the donors and other partners. The global components will be implemented by BDP; the regional components by the relevant regional centres and by BDP (for the cross-cutting regional components); and the country level projects will be implemented by a national implementing partner and the respective UNDP country offices in consultation with the relevant regional centre. All implementation will be done under the supervision of a Programme Manager and under the direction of a Programme Board (see below).

The Programme Manager will be responsible for the implementation of all activities established by this programme, even those implemented by other actors. The Programme Manager will also be responsible for the day-to-day management and decision-making within the mandate of plans approved by the Programme Board. The Programme Manager will ensure that the Programme produces the outputs and results specified in this document, in compliance with the required standards of quality, and within the specified limits of time and cost.

The Programme Manager will be accountable to and report to a Programme Board, which will be made up of the following members:

- **Programme Executive:** Director of UNDP's Democratic Governance Group;
- **Senior User:** RBA and RBAS;
- **Senior Supplier:** Deputy Director BCPR;

Membership to the Programme Board will be reviewed and decided upon at the Programme Appraisal Committee (PAC) meeting. The Programme Board will make all strategic management decisions for the programme as well as provide guidance to the Programme Manager as and when required. The Programme Board will approve annual and quarterly work plans prepared by the Programme Manager. Any revisions of the work plans exceeding the agreed tolerances will also have to be approved by the Board. Likewise, any recommendation for programme revision, submitted by the Programme Manager, or any other stakeholder, will be subject to the approval of the Board. The Board will retain the authority to revise or terminate the programme how and when it deems appropriate. The Programme Board is responsible for:

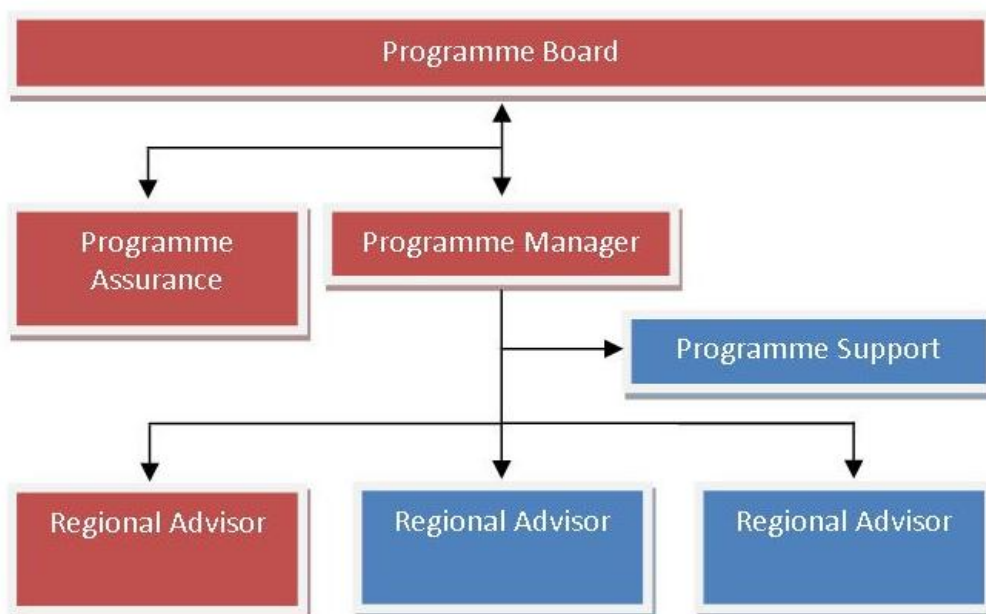
- (a) Ensuring that the programme contributes to the realisation of the outcome as anticipated in the programme document;
- (b) Approving specifications of the outputs;
- (c) Reviewing the programme on, at least, a quarterly and annual basis (including reviewing exception reports and exception plans);

- (d) Prioritising programme issues (as defined in the UNDP Policy of Programme, Operations, and Procedures);
- (e) Modifying, refining, reviewing and expanding any of the various longer-term programme activities identified and described in the programme document.

Programme Assurance is designed to provide the Programme Board with objective and independent verification of the progress of the Programme to supplement the reporting from the Programme Manager. Programme Assurance will be provided through the Practice Manager for Gender in BDP, the Human Rights Advisor in DGG, the Head of the Rule of Law Unit in BCPR, the Practice Team Leaders for Democratic Governance in the Regional Centres and the Partnership Specialists in the Regional Bureaux. The Programme Assurance role includes:

- (a) Ensuring that the programme adheres to the programme document;
- (b) Monitoring compliance with user needs and expectations;
- (c) Attending Programme Board meetings and reviews;
- (d) Providing supplier assurance (carried out by spot-check/audit of deliverables and outputs), and;
- (e) Ensuring the technical quality of programme outputs through a review of products and deliverables.

The programme management structure is illustrated below. The portions in blue in the diagram represent positions and functions that will be funded exclusively through the global programme budget. The portions in red represent pre-existing positions funded through other UNDP resources; these positions will comprise UNDP's in-kind contributions to the Programme.



In accordance with UNDP accounting and reporting procedures, the Programme Manager will produce the following monitoring reports for review and approval by the Programme Board. These reports, once approved by the Board, will be disseminated to donors, cost-sharing partners and other relevant stakeholder:

- (a) Semi-annual progress reports, to be submitted by the Board to the cost-sharing partner(s) each year in January and July (the Programme Manager has to submit them for review to the Board by a deadline determined by the Board). These reports shall describe the Programme activities and results, and outline the rate of implementation of planned activities. The reports shall also contain interim financial reports. The January report will include, aside from an activity and results matrix, a detailed narrative of all of the Programme's work, while the July report will limit the narrative to the highlights and the activities and results matrix with the financial report.
- (b) An annual report of programme income and expenditures certified by the comptroller of UNDP. The report shall show the status of Programme income and expenditures at the end of each year and shall be submitted to the cost-sharing partner(s) within the first six months of the year immediately following.
- (c) A mid-to-final term evaluation will take place during the third year of the programme to assess the impact of the programme towards achieving its target goals, to document pilot case studies and lessons learned for wider dissemination.

The Chairperson of the Board and cost-sharing partner(s) will meet a minimum of two times per year to discuss the annual work plan and to review the progress of Programme implementation and determine how to reorient the programme and/or utilize un-earmarked resources (if necessary). In addition, UNDP welcomes representatives of the cost-sharing partner(s) to participate in project reviews and evaluations, and visit any of the programme activities. Budget revisions will be processed when deemed necessary to ensure sound financial monitoring and accuracy in programme accounts.

6.1 Funding Mechanism

This programme will be implemented through nationally owned projects at the country level. Governments and other stakeholders that see a need to reform aspects of their justice system to improve access to justice for all with a focus on poor or otherwise marginalised people are envisaged to work with UNDP country offices and regional centres to submit expressions of interest, in accordance with the guidance set out in Annex 4. Expressions of interest will then be reviewed by a selection committee, in close consultation with the relevant country office and regional centre. If the expression of interest is deemed to meet the eligibility criteria, the national partner in question will be invited to work with UNDP to develop a project document, based on the expression of interest, detailing how the global programme should support national efforts to promote access to justice. Upon the approval of the project document by a local project appraisal committee, the agreed amount of funding will be made available to the project through the third window of the Democratic Governance Thematic Trust Fund (DGTTF).

7 PARTNERSHIPS

The programme subscribes to the efforts for UN coherence and coordination in order to ensure optimal use of comparative advantages of different agencies in the field of justice and security sector reform. The programme will operate under a strategic framework that will ensure efficient and seamless coordination with the rule of law programme run by BCPR. UNDP is an active member of the UN-Interagency Rule of Law Coordination and Resource Group and the Inter-Agency Juvenile Justice Panel. Through such networks partnerships will be entered into with both UN and non UN multilateral agencies. Joint programmes at a country level will be entered into wherever possible. Equally important is the partnership with bilateral and regional development partners who are specifically engaged in justice and security sector programmes and coordination efforts on the ground not only through funding but also at the substantive policy level. The programme is also seeking partnership with international NGOs, foundations and the private sector. Integral to the partnership strategy will be the principle of seeking to promote South-South cooperation and local solutions and innovation. The successful delivery of the programme will to a large extent depend on the degree to which the programme is able to establish partnerships within the communities that it aspires to serve. While international experience and best practise will always be valuable sources of inspiration, and helpful in seeking to replicate success and avoid error, the actual solutions, if they are to be effective, will have to be home-grown. This will require the programme to actively seek strong partnerships with local actors in the countries in which it is implemented.