

Global Focal Point for the Rule of Law – Thematic Paper

Contribution of the GFP arrangement to peacebuilding and sustaining peace

I. Overview

In 2012, the United Nations Secretary-General established the Global Focal Point (GFP) for police, justice and corrections areas in the rule of law in post-conflict and other crisis situations, as part of an effort to enhance the predictability, coherence, accountability and effectiveness of the United Nations delivery in the field of the rule of law.

Secretary-General Decision 2012/13 determined that, at the country level, the senior United Nations official in-country – Special Representatives, or Executive Representatives of the Secretary-General or, in non-mission settings, Resident Coordinators – should be responsible and accountable for guiding and overseeing United Nations rule of law strategies, for resolving political obstacles and for coordinating United Nations country support on the rule of law, without prejudice to the specialized roles and specific mandates of the United Nations entities in-country. The Secretary-General Decision further stated that, at United Nations Headquarters, the then DPKO (now ‘DPO’) and UNDP should assume the responsibilities of the GFP.

Following an independent review, the GFP expanded its mandate in 2018 to include security sector reform and was proposed to be renamed the ‘Global Focal Point for the Rule of Law’. The GFP currently comprises as partners EOSG, OHCHR, UNHCR, UNODC, UN Women, and other United Nations entities that jointly pursue shared objectives.

II. GFP assistance

The GFP operates in multiple settings from countries where peacekeeping operations or special political missions are present; to transitions in the context of peace operations' drawdown, reconfiguration, withdrawal or follow-on; to non-mission settings.

More in detail, the GFP coordinates the rapid deployment of expertise; support to joint design, planning and implementation of rule of law programmes; joint assessments; resource mobilization and seed funding; and the identification of good practices and lessons learned.

Overall, GFP partners have supported numerous expert deployments and joint assessment missions including in Afghanistan, Burkina Faso, Burundi, CAR, Cote d'Ivoire, Darfur, DRC, Guinea, Guinea-Bissau, Haiti, Jamaica, Mali, Liberia, Libya, Sierra Leone, Somalia South Sudan, and Timor Leste. Joint programmes under the GFP umbrella have been developed in six out of the seven current peacekeeping operations with a rule of law mandate, as well as in Special Political Missions. Examples of such joint programmes include CAR, Libya and Somalia. In addition, GFP partners have coordinated joint responses to assistance requests in non-mission settings, including in Ethiopia, Gabon and Liberia. Moreover, the GFP has provided catalytic financial support to rule of law programming.

III. Impact of GFP arrangement on peacebuilding and sustaining peace in UN mission settings

The articulation of the United Nations' sustaining peace mandate and the shifting emphasis from conflict management to conflict prevention has been accompanied by renewed calls for the entire United Nations system – not only the United Nations Secretariat – to integrate its efforts and work as 'one UN'.

In this context, the GFP provides an additional instrument to bring together United Nations entities, agencies, funds and programmes to address deficits in the rule of law and security sectors of countries in conflict and fragile settings.

The aim of this section is to offer some concrete examples of GFP-supported rule of law programmes together with their impact and relevance for the implementation of the United Nations sustaining peace agenda.

CENTRAL AFRICAN REPUBLIC

In September 2014, the United Nations Security Council established the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA). Its priority tasks include *inter alia*: a) protection of civilians; b) support for the implementation of the transition process; c) promotion and protection of human rights; and d) support for national and international justice and the rule of law. The United Nations rule of law support to CAR is primary channelled through two joint programmes, under the GFP arrangement: 1) the Joint Project in support of the fight against human rights violations, including Gender-Based Sexual Violence (SGBV) and the restoration of justice in the Central African Republic (MINUSCA, UNDP and UN Women); and 2) the Joint Project in support of the Special Criminal Court for the Central African Republic (MINUSCA, UNDP, UNV, UNODC, UN Women).

The first Joint Project has been supporting the resumption of critical justice and security functions across CAR. Among its most significant outcomes are the following:

- The Courts of Appeal of Bangui and Bouar resumed holding regular criminal sessions. The first criminal session (*Assises*) since 2010 was held at the Court of Appeal of Bangui in 2015 and, since then, a total of 10 criminal sessions have been held. In total, the court has sentenced 169 persons for various crimes.
- From September 2014 to December 2019, 451 persons have been arrested under Urgent Temporary Measures by MINUSCA forces, transferred to Bangui and handed over to national judicial authorities in accordance with the Mission's mandate to arrest and detain.
- In early 2020, the Bangui Court of Appeal heard two cases involving attacks against UN peacekeepers. In one, the accused was found guilty and sentenced to 15 years of forced labour. In the other, 34 people stood trial for the murder of 10 peacekeepers in Bangassou. 28 individuals were sentenced to forced labour imprisonment, and six cases were referred.

In 2015, a national Special Criminal Court (SCC) was created with jurisdiction over crimes committed in CAR since 2003. The SCC is a domestic court with external support, comprising national and international magistrates. The Joint Project in support of SCC has been

instrumental in ensuring its establishment and operationalization. Among the main outcomes of the Joint Project are the following:

- Investigative organs of the SCC and a Special Judicial Police Unit composed of 20 investigators have been established, allowing the court to hold its inaugural session and formally commence investigations in October 2018. As of February 2019, nine of the 11 national and international magistrates were sworn in.
- Foundational legislation was developed, enabling the Court's operations including the Organic Law, the Rules of Procedure and Evidence, the internal administrative rules, and a strategy for victim and witness protection.
- The Court's investigations are progressing, and a case-prioritization road map is being pursued. The Court has received 60 complaints, six investigations were opened by the Special Prosecutor's Office, five cases are under investigation and three persons are in pre-trial detention.

A CAR Reference Group, chaired by the Permanent Mission of Morocco to the United Nations, convenes on a regular basis and comprises of GFP partners, representatives of the SCC, and donor states. The Reference Group provides a forum to exchange information on the progress made in the operationalization of the Court, and to discuss resource mobilization.

DEMOCRATIC REPUBLIC OF THE CONGO

MONUSCO was established pursuant to United Nations Security Council resolution 1925 (2010) with the mandate to, *inter alia*, protect civilians, humanitarian personnel and human rights defenders under imminent threat of physical violence, and to support the Government of the DRC in its stabilization and peace consolidation efforts.

Under the GFP arrangement, MONUSCO, UNDP, OHCHR, UNHCR, and other UN entities have been collaborating to deliver rule of law assistance to the Congolese authorities, support the fight against impunity, increase access to justice for survivors, and contribute to sustaining peace.

As part of the Prosecution Support Cell project, by 2018, UNDP and MONUSCO supported 17 mobile court hearings and 12 investigation missions in North Kivu, South Kivu, Ex-Eastern Province, Ex-Katanga, and Central Kasai, greatly improving the efficiency of military jurisdiction. In total, 85 cases of international crimes, sexual violence, and murders were tried in 2018, representing a 36% increase over the year, including the emblematic cases of Colonel Domi, “the Marocain” and the massacres of Djugu. Since 2011, the Prosecution Support Cell programme, has supported national judicial authorities to address approximately 940 case files, involving more than 1640 accused persons, with more than 1260 (77%) convictions and sentences, of which 51% were members of security forces, 16% members of armed groups and 33% civilians.

Mid and senior-level officers have been prosecuted for failure to prevent and punish crimes against humanity and war crimes, including sexual violence, with at least 26 FARDC and PNC officers convicted and sentenced in cases involving sexual violence between 2015 and January 2020.

Ensuring the accessibility of holistic care for sexual violence survivors in the Eastern provinces has remained a key priority. Over the past three years, a total of 4,987 survivors of sexual violence have benefited from legal assistance, which led to 2,661 judicial decisions. In 2018, UNDP and MONUSCO enabled mobile courts to hold three hearings in Mambasa, a territory that has been particularly impacted by the conflict. In addition, the Legal Clinic Plus of Mambasa was supported to provide legal assistance to 138 survivors of sexual and gender-based violence, which led to 87 judicial decisions.

Reflecting the GFP approach, GFP partners in the DRC are implementing several other joint programmes, including the following:

A project on Justice, Autonomy and Dignity of Women and Girls in the DRC, jointly implemented by UNDP, UNFPA and UNJHRO (2018-2023). Its main objective is to support gender equality and the holistic care of SGBV survivors in 5 provinces in DRC.

UNDP, MONUSCO, UNJHRO and Search for Common Ground are further jointly implementing a project on Peace, Justice, Reconciliation and Reconstruction in Kasai Central funded by a PBF grant of USD 3.5million. The main objective of the project is to pacify social relations between the communities in Kasai Central.

In addition, a joint Program to Support Local Governance and Development in Refugee Areas of the DRC has been jointly implemented by UNDP, UNHCR and MONUSCO. The project is expected to improve the local governance by strengthening the capacity of institutions and administrations to provide basic services to the entire population.

HAITI

In 2017, the United Nations Stabilization Mission in Haiti (MINUSTAH) transitioned into a smaller peace operation to support the Government's rule of law institutions, further develop the Haitian National Police (HNP), and engage in human rights monitoring reporting and analysis. The new United Nations Mission for Justice Support in Haiti (MINUJUSTH) began its operations in October 2017.

MINUSTAH/MINUJUSTH collaborated with several United Nations partners to advance their mandate. Under the GFP arrangement, a joint rule of law programme developed over three phases. The first one (2016/17) included MINUSTAH, UNDP, UN Women and UNICEF, while the second (2017/18) and third (2018/2019) phases comprised MINUJUSTH, UNDP and UN Women. The programme also included co-location arrangements between MINUSTAH/ MINUJUSTH and UNDP.

With GFP support, the HNP was able to effectively manage and limit the excessive use of force to contain civil disturbances and demonstrations as they arose, despite a reduced UNPOL presence and removal of Formed Police Units in country. In addition, the GFP helped the HNP Inspectorate General to implement an electronic case management system, greatly increasing the efficiency of police response. The safe handling of police weaponry was also improved

through the construction and distribution of 36 metal storage units to police stations. Moreover, crime scene management was enhanced by the procurement of specialized equipment.

Critical support was also provided to the Ministry of Justice and Public Security and the Superior Council of Judicial Authority, enabling both institutions to evaluate, plan, and consolidate their respective inspection schemes and to establish priorities for future accountability. In addition, through a joint approach, MINUSTAH/ MINUJUSTH and the United Nations Country Team in Haiti supported the following outcomes:

- A legal aid law entered into force in October 2018. The enactment of the law marked a crucial step towards the establishment of a national legal aid system which is expected to improve access to justice, lead to a more effective justice system and help address prolonged pre-trial detention. UNDP, UN Women and UNICEF, with the advocacy and advice of BINUH, currently support its implementation by facilitating a two-year PBF-funded project costing USD 2.5 million and focusing on the population's greater access to justice. The programme is in close cooperation with the USAID-funded Justice Sector Strengthening Program.
- After the 2010 earthquake, 107 tribunals were rehabilitated, and 46 prefabricated structures were installed. Computerized file processing and management systems were also re-established.
- Legal aid projects implemented by the Bar Association of Port-au-Prince in 2017-18 focused on improving access to justice for pre-trial detainees at the National Penitentiary. The programmes resulted in 2,249 new cases being opened, 1,961 consultations held, 100 habeas corpus requests filed, and contributed to the release of 250 pre-trial detainees since May 2018.
- Conditions in eight prisons remarkably improved during the prison certification process (August 2018 to July 2019) with four institutions certified to operate in line with international detention standards in July 2019. The penitentiary system has recently been severely affected by the socio-political crisis in the country and faces additional challenges in the procurement of essential goods and services such as food and medication. BINUH is supporting the Prison

Administration Directorate (DAP) to preserve the gains made in the eight prisons and to replicate best practices.

- Professionalism on the part of prison officers increased due to improved harmonization between national legal frameworks and international obligations, such as for instance the Mandela rules, through targeted training programmes. A total of 1068 DAP staff, including 289 women, were trained under MINUJSTAH/MINUJUSTH.
- DAP was reinforced through the recruitment and training of a sufficient level of professional staff to administer all prisons.
- Maintaining prison registries improved with the introduction of individual files for each inmate and an inmate data management system implemented in five prisons, namely the National Penitentiary, CERMICOL, Les Cayes, Cap Haitian, and Fort Liberte II prisons which accounted for a total of 8,533 files processed. The project continues to be implemented in five other prisons (Carrefour, Croix des Bouquets, Mirebalais, Hinche and Jérémie).
- Prisons' security improved as a result of DAP staff training, with a subsequent decline in the number of prison escapes. A total of 32 escapes were recorded from prisons and detention facilities across the country.
- In light of the transition post-MINUJUSTH and the limited footprint of the following Special Political Mission, the GFP also supported the deployment of a judicial affairs expert to provide substantive support and strategic advice to the Resident Coordinator's Office in Haiti on rule of law and peacebuilding programming requirements as well as planning and coordination modalities.

The GFP further supported the Inter-Ministerial Committee for Human Rights to draft a national action plan for the implementation of recommendations made by the Universal Periodic Review and Committee on the Elimination of Discrimination against Women. Together with civil society, the GFP also helped the government to develop a national action plan to fight impunity and human rights violations of the past. Finally, the GFP supported two nation-wide workshops on investigative methodologies and reporting for the Office of the Ombudsman.

The GFP has also continued to support the United Nations' reconfiguration in the country. Within the context of the MINUJUSTH and BINUH transition, a mission was deployed to Port au Prince in September 2019 with the objective of readjusting UNDP's engagement and strategic vision on governance including on rule of law, identifying strategic entry points.

SOMALIA

The United Nations Assistance Mission in Somalia (UNSOM) is a special political mission established in 2013 to support peacebuilding and state-building in Somalia with a focus on rule of law, governance, security sector reform, development of a federal system, constitutional review, democratization and coordination of international donor support. Also, in this purview UNDP is supporting the capacities of national actors to better measure and monitor progress on achieving peace, justice and inclusive institutions.

The United Nations rule of law mandate in Somalia has been implemented through a GFP approach that involves the day-to-day coordination between UNSOM and the UN Country Team. From 2015 to 2017, the GFP served as the secretariat of a USD 66 million United Nations Joint Rule of Law Programme (JROLP), coordinating multiple United Nations implementing partner organisations. The GFP learned valuable lessons from the JROLP and used these lessons to develop and implement the current generation of joint rule of law programmes in Somalia that include targeted support to police (USD 51 million), justice (USD 20 million), corrections (USD 15 million), human rights, SCR 1325 (women, peace and security), security sector governance (USD 7 million), P/CVE and a new JROLP in "Somaliland" (USD 7 million).

These programmes focus on aligning the country's legal framework with the new Constitution and international standards, reorganizing the judiciary, facilitating linkages between police, justice and corrections, building capacity, combating violent extremism and enhancing access to justice. Some of the achievements of the joint police, justice and corrections programmes include the following:

- Development of the New Policing Model agreement, a key political achievement reached by the federal and state governments of Somalia to implement a federated policing system – as well as a key element of the National Security Architecture and the Somalia Security Pact.
- Development of the Federal Police Plan and the 5 State Police Plans endorsed by the National Security Council. These plans articulate the policing priorities to 2027 for each State and are the basis for linked funding from the Joint Police Programme.
- The Joint Police Programme (JPP) funded by the EU, Germany and the UK (USD 51 million). The GFP played a key role in developing the JPP Programme Document in 2018 and GFP partners are the key implementers. As of March 2020, USD 29 million has been released to implement activities that focus on infrastructure, stipends, training, legal framework development and police accountability. Some of JPP key outputs include:
 - Improved coordination on support to police among the Government of Somalia, donors and implementing partners.
 - Increased presence, development and/or reform of the state police (550 in Jubaland, 480 in South West, 600 in Hirshabelle and 3,500 in Puntland).
 - Improved infrastructure under the Mogadishu Security Plan through the construction of and equipping of 6 fixed checkpoints in the main entry points.
- Contributing to the Transition Plan (transitioning from AMISOM to Somalia Security Forces) by recruiting and training police (1,400 community and 1,750 Darwish police) for deployment to targeted Transition Plan regions as part of the ‘hold’ and ‘build’ phases of broader stabilization efforts.
- The draft Federal Police Bill which was endorsed by the federal Cabinet in February 2020 and will guide the transition from the [centralised] Somali Police Force to the Somali Federal Police.
- The development and implementation of the Criminal Investigation Programme funded by the U.S. State Department that will support the establishment of a federated system for criminal investigation in line with the provisions of the New Policing Model.

- Support to Gaalkacyo Ceasefire: the GFP supported the established of the Joint Police Patrol Unit as part of a broader programmatic approach to securing peace in the contested city of Gaalkacyo.

Additional results in the area of justice include:

- Convening federal and state-level ministers as well as other officials to build consensus on a new justice and corrections architecture for Somalia at state and federal levels as part of wider constitutional and security reform efforts. In 2018, this resulted in an agreement between Federal and State-level Ministers of Justice on a Federal Justice and Corrections Model, which serves as a basis for continued negotiation on court jurisdiction and structure throughout the country.
- Advocating for a moratorium on the death penalty, which in 2019 resulted in the agreement that individuals detained or convicted at the high security Mogadishu Prison and Court Complex will not be executed.
- Supporting the passage of a law establishing an Anti-Corruption Commission, which was signed by the President in September 2019.
- Supporting the review by the Federal Ministry of Justice of over 20 laws and policies, including the law on the establishment of the Attorney General's Office, the Juvenile Justice Act, and an amendment of the Political Parties' Law.

Collaboration between UNSOM and other United Nations partners has also contributed to the following results:

- Legal aid services were introduced in Baidoa and Kismayo, bringing the total number of legal aid centres to nine in Somalia since 2016.
- 16 Alternative Dispute Resolution (ADR) centres are supported across the Federal Member States (FMS): Puntland (7), Jubaland (2), South West State (2), Galmudug (1) Hirshabelle (1) and Benadir (3). These centres resolved a total of 1,909 cases in 2019.
- Support is being provided to case management reforms to enable the development and improvement of court administration. The FGS Supreme Court, Benadir Court and Benadir

Regional Appeal Court have already developed manual and electronic case management systems, which the FGS Minister of Justice plans to expand to all 14 district courts in Mogadishu. The Supreme Courts of Jubaland and Puntland have developed manual case management systems. Using the new systems, the courts in Mogadishu, Kismayo, Garowe and Gardo processed 714 total cases, 112 civil and 602 criminal cases, in 2019.

- Mobile courts also continue to be an important mechanism in bringing justice services closer to the communities, particularly for vulnerable groups such as Internally Displaced Persons (IDPs). In the first six months of 2019, 311 cases and 128 criminal cases were handled by mobile courts in Puntland, Jubaland, South West State, Galmudug and HirShabelle. A November 2019 report on the UNSOM-supported Mobile Court Team in Jubaland showed that most cases are filed by women and IDPs, suggesting that the project is benefitting the most vulnerable groups in the rural communities.

Strengthening Corrections services: Under the authority of the Ministry of Justice, the Somali Custodial Corps manages 14 functioning prisons facilities – Mogadishu Central Prison, four in Puntland, five in South West State, one in Jubaland, and four in the rest of Somalia. Through UNODC, prison facilities in Puntland and at the Mogadishu Central Prison have recently been renovated. UNSOM continues to advocate for and provide technical assistance to:

- Psychosocial rehabilitation of 34 high-risk (Al Shabab/Al Shabab-associated) prisoners in Baidoa Central Prison as part of a countering violent extremism initiative.
- A baseline national mapping of functioning and non-functioning prisons.
- Increasing capacity of approximately 30% of the Somali Custodial Corps staff on key aspects of prison security, biometric registration of staff, prisons management and prisoners' data management.
- Supporting capacity development for the Custodial Corps to provide fair, humane and human rights compliant services to the Somali people. In 2019, 224 prison staff (186 males and 38 females) were trained in human rights, leadership, security, PCVE, basic prison duties and medical emergencies.

The implementation of a probation and parole project in a bid to ease overcrowding and divert first-time offenders from custody as part of the Somaliland Joint Rule of Law Programme is ongoing. Linkages with UNICEF have obtained support in sponsorship for prison staff to attend university to obtain a degree in social work with a probation element.

In addition, UNDP is supporting the measurement of SDG16, including by collecting and tracking data on the achievement of SDG16 indicators, particularly those related to justice and security.

IV. CONCLUSIONS

The Global Focal Point for the Rule of Law contributes to the United Nations' prevention and sustaining peace agenda by strengthening the system-wide provision of rule of law assistance to address violent conflict, protect human rights and restore justice and security for conflict-affected people. It also supports the implementation of the Women Peace and Security Agenda, and the 2030 Agenda (SDGs 5,16). Particularly at-risk groups and communities in fragile contexts are benefitting from this strategic partnership and support at the country level (e.g. Somalia). Furthermore, accountability for gross human rights violations and survivors' access to justice has been strengthened, such as in CAR and DRC.

Drawing on its partners' mandates and capacities, the GFP provides expertise, support to joint programming, access to seed funding and resource mobilization, with the aim of realizing the vision of 'one UN' and generating greater impact in host countries. In times of increased global instability, where the risk for social and armed conflict increases, the GFP remains committed to contributing to an efficient and well-coordinated rule of law approach across the United Nations system.