Policy

Justice Components in United Nations Peace Operations

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A. PURPOSE

1. The purpose of this policy is to define the objectives, principles and functions of justice components of United Nations peacekeeping operations and special political missions managed by the Department of Peacekeeping Operations (hereafter “peace operations” or “missions”). In addition, this policy provides an illustrative list of the substantive areas in which justice components may be engaged, as well as the partners with whom justice components must work in order to achieve their objectives. Finally, the policy provides guidance on basic management issues relating to justice components, including organizational structure, link to Headquarters, sub-programme plans, personnel, training, budget and reporting.

B. SCOPE

2. This policy applies to all personnel of justice components of peace operations with non-executive mandates, and to all personnel in both missions and at United Nations Headquarters who are involved in planning, overseeing, implementing and reviewing the work of justice components. This policy also applies to advisory and capacity-building aspects of peace operations with executive mandates on justice matters.

3. Senior mission leadership; personnel of corrections, police, human rights, security sector reform (SSR), gender, child protection, legal and other components of peace operations; Department of Peacekeeping Operations (DPKO) and Department of Field Support (DFS) personnel who provide support to justice components; and staff of relevant United Nations agencies and programmes should be made aware of this policy.
4. This policy should be read together with other relevant United Nations documents on the rule of law (see paragraphs 21 and 22 below), in particular, the Secretary-General's Decision No. 2006/47, which establishes a division of labor among key United Nations entities in which designated lead entities assume certain responsibilities for specific rule of law areas. According to this decision, “the designation of a lead entity for a particular area does not imply an exclusive implementation role and lead entities will take into account and draw on the capacities and expertise of other entities”. At the global level, the responsibilities of lead entities include “collaboration with non-UN actors” and “coordination through area specific mechanisms”. At the country level, the lead entity’s responsibilities include “coordinated planning and strategy development” as well as “coordination of programme implementation with all relevant partners within the specific area”.

5. In peace operations where justice components are part of a joint human rights and justice office, this policy should also be read in conjunction with guidance on the operation and functions of human rights components, such as the Secretary-General’s Decision No. 2005/24 on Human Rights in Integrated Missions and the OHCHR/DPKO/DPA Policy Directive on Public Reporting by Human Rights Components of United Nations Peace Operations (June 2008).

C. RATIONALE

6. It is now widely recognized that the absence of functioning justice systems can contribute to the outbreak of armed conflict, and that the early re-establishment, strengthening and reform of justice systems can play a key role in the restoration and consolidation of peace. For this reason, the Security Council has increasingly mandated peace operations to assist in strengthening justice systems. Within peace operations, such assistance is provided primarily by justice components working together with corrections, police, human rights and other mission components. This policy provides a conceptual and operational framework for justice components to ensure the effectiveness, coherence, credibility and sustainability of their programming.

D. POLICY

D.1 Objectives

7. As specified in Security Council mandates, the main objective of justice components is to assist national authorities in the early re-establishment, strengthening and/or reform of the justice system, so as to uphold the rule of law and facilitate the maintenance of overall peace and security. Justice components may also help to address justice-related issues that are highlighted in peace agreements and were

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1 Decision No. 2006/47 of the Secretary-General on the Rule of Law, 24 November 2006. In addition, Decision No. 2006/46 of the Secretary-General on the UN Approach to Constitution Building, 14 November 2006, designates the Headquarters-based Rule of Law Coordination and Resource Group as the “UN system address for constitutional assistance”.

2 Decision No. 2006/47 of the Secretary-General on the Rule of Law, 24 November 2006, paragraph ii.


core to the conflict, or that are otherwise essential for the successful implementation of the peace process.

D.2 Principles

8. The following principles, many of which are elaborated in the Guidance Note of the Secretary-General on the UN Approach to Rule of Law Assistance,\footnote{Guidance Note of the Secretary-General on UN Approach to Rule of Law Assistance, 14 April 2008.} govern the work of justice components:

8.1 **Base assistance on international norms and standards** – Justice components should ensure that their efforts to help strengthen justice systems are based on international standards which reflect international human rights law, international humanitarian law, international criminal law and international refugee law (see paragraph 20).

8.2 **Advance gender justice** – Justice components should ensure that the different experiences, needs and priorities of women, men, girls and boys are taken into account. Justice components should support host-country counterparts in efforts to remove discriminatory policies, laws and practices that prevent persons from enjoying their full and equal rights in society. They should also promote the enactment of laws and policies to protect victims of sexual and gender-based violence, and build capacity to enable the prosecution of alleged perpetrators. Particular efforts are needed in contexts where sexual and gender-based violence is wide-spread, systematic and/or perpetrated as a tactic of war.

8.3 **Ensure a coordinated, coherent and comprehensive approach** – Justice components should work closely with relevant actors within and outside the United Nations in order to develop and implement a coordinated, coherent and comprehensive strategy for strengthening the rule of law. These actors include other mission components (particularly the corrections, police, human rights, SSR, civil affairs, political, gender, child protection and military components); United Nations agencies and programmes; and national and international stakeholders.

8.4 **Ensure national ownership and support national reform constituencies** – Justice components should ensure that national stakeholders, including governmental officials, traditional leaders, women, minorities, refugees and displaced persons, other marginalized groups and civil society, lead efforts to strengthen the justice system. Programmes which are imposed from the outside, or which are developed and executed largely by international actors are unlikely to succeed or be sustainable in the long term. Justice components should encourage all segments of society to participate in the development and implementation of justice reforms and programmes.

8.5 **Base assistance on the unique country context** – Justice components should carefully tailor their programmes and activities to the specific needs as identified by national actors, as well as the traditions and culture of the host country. Support for justice systems should avoid a “one size fits all” approach which fails to take into account the nature and condition of a
country’s justice systems (both formal and customary/traditional). Assistance should also be sensitive to, and supportive of, transitional justice efforts.

8.6 **Address rule of law needs at the political level** – The successful implementation of justice reforms requires not only technical expertise, but also political will and strategic vision. Justice components should therefore advise the Special Representative of the Secretary-General (SRSG), the Deputy Special Representative of the Secretary-General (DSRSG) and other members of the mission’s senior management group about the political nature of justice reform and the implications of the mission’s political strategy for strengthening justice systems. This will allow them to use their “good offices” to foster political space for the implementation of reforms and help insulate justice systems from inappropriate political influence or abuse.

8.7 **Manage expectations** – The authorities as well as the population of host countries are likely to have high and often unrealistic expectations about the extent of the support that a peace operation can provide, such as financial and material resources to rebuild courts. Justice components should be clear and realistic about resource limitations and the kinds of assistance they can provide, and avoid making promises about future assistance until it is definite (as projected in cost estimates and approved by United Nations legislative bodies).

D.3 **Functions**

9. Justice components have the following key functions:

9.1 **Assist in the development of national justice strategies** – Justice components should assist national authorities and stakeholders in formulating strategies, developing national strategic planning capacity, and in some countries, establishing reform commissions. In most conflict and post-conflict environments, strategies should focus on the actors, institutions and laws most likely to have the greatest impact on the justice system as a whole, as well as their budgetary implications. In all countries, justice components should ensure that justice reform is commensurate with reforms of the police and other rule of law institutions, and that there is national ownership of the reform process.

9.2 **Coordinate and convene stakeholders** – Justice components should coordinate and facilitate the engagement of national and international stakeholders in order to ensure the effectiveness and coherence of various programmes, identify gaps in assistance and prevent duplicative or conflicting efforts. For example, justice components can support national authorities in establishing an effective coordination mechanism to design and implement national reform strategies. Justice components can also lead international United Nations/donor coordination mechanisms to complement the nationally-led coordination mechanism. Where coordination structures already exist, justice components should try to work within such structures instead of creating new ones. Justice components should coordinate closely and explore opportunities for joint programming with the corrections, police, human rights and other relevant mission components, and with the United Nations country team. As part of its coordination function, justice components should be a key source of information and analysis on
developments and donor/agency activities in the justice sector. This can be done through the periodic dissemination of reports on justice-related developments and reform activities.

9.3 **Mobilize resources** – Justice components should assist national actors in raising and accessing funds necessary for carrying out various justice projects, including by linking them with the United Nations country team, assisting them in the development of project proposals and facilitating their participation in donor conferences. When carrying out fundraising activities, justice components should strive to develop the capacity of national actors to access donor funding. Efforts should be made to facilitate the representation of diverse and marginalized groups in these donor conferences to ensure resource mobilization for a range of justice needs.

9.4 **Map and assess the justice system** – If the justice system has not already been mapped by others, justice components should carry out mapping exercises in order to identify justice institutions and the applicable legal framework. As part of the mapping, profiles should be developed of the key institutions (including their infrastructure, personnel, budgets, systems of governance and the linkages between them), and the laws most relevant to the justice components’ activities should be translated into the working language of the mission. In close cooperation with human rights components, justice components should use the mapping exercise as a basis for ongoing assessments of the capacities of the justice system to address widespread patterns or trends of human rights violations and the systemic factors that hinder compliance. Such assessments should provide both national and international decision makers with accurate and specific information needed to strategically target resources for reform based on clearly identified needs, challenges and obstacles. Justice components may issue public reports on the findings, analyses and recommendations which emerge from their mapping and assessment activities, after consultation with relevant mission components.

9.5 **Advise on justice matters** – Justice components should advise the mission on issues relating to the host country’s justice system. For example, justice components may be called upon to analyze a specific incident (for example, the dismissal of judges by the President of the host country) or general trends (for example, the inability of Parliament to adopt legislation) and advise the SRSG on their implications for the mission and actions needed. Justice components may also be involved in supporting the preparation of peace agreements and other related arrangements, in coordination with relevant mission components. In order to play an effective advisory role, the heads of justice components should be members of the mission’s senior management group and/or strategic planning group and should have an active role in the mission’s decision-making and planning processes.

9.6 **Provide technical assistance** – Justice components should provide technical assistance on justice matters to national counterparts. The nature and extent of technical assistance will depend on the mandate of the mission, the availability of personnel and material resources, and the existence of ongoing efforts by other United Nations entities and non-UN entities. Regardless of the form or extent of the technical assistance provided, the underlying
purpose must be to strengthen the capacity of national institutions and actors and not to replace it.

D.4 Substantive Areas

10. Justice components may be engaged in a number of substantive areas. The particular areas of focus will depend on the mandate of the mission; the circumstances and needs of the host country; the priorities of national counterparts; the availability of resources; the programming of other United Nations and non-UN entities; the potential added value of the justice component’s engagement; and other relevant factors. Most commonly, justice components will engage in the following areas:

10.1 Immediate effectiveness of criminal justice system – Many conflict and post-conflict settings are characterized by high levels of serious crime, including organized crime, and widespread and/or systematic human rights violations, including sexual violence. A functioning criminal justice system is necessary to promote law and order, prevent impunity and encourage national recovery. Justice components should consider supporting the implementation of measures which help to deliver justice in the short-term while facilitating longer-term justice reform efforts. Such measures may include the establishment of special chambers to adjudicate serious crimes; the deployment of emergency mobile courts to areas where justice institutions are absent; the training of defence counsel and paralegals; the standardization of key procedures and practices (for example, for recording arrests; the service of court documents; and the execution of judicial decisions).

10.2 Basic justice infrastructure – The lack of sufficient facilities as well as materials and equipment is another common feature of conflict and post-conflict justice systems. Although the (re)construction and (re)furbishment of courts and other justice institutions require considerable resources and time, and are most often undertaken by development agencies, justice components should consider accessing Quick Impact Project (QIP) funds, various United Nations trust funds and other sources to provide a “start-up package” of basic equipment and supplies, and to support small construction or repair projects. Attention should be given to ensuring an appropriate balance between infrastructural and human resource reforms.

10.3 Legal framework – The laws, including the constitution, in countries emerging from conflict are often unclear, outdated or incompatible with international norms and standards. There may also be gaps in the law which prevent the justice system from addressing certain crimes (for example, war crimes, sexual and gender-based violence and organized crime) or ensuring due process. To help address such gaps, justice components should consider, for example, advising national stakeholders regarding relevant international norms and standards, or facilitating the creation of a law reform or constitutional commission. In doing so, justice components should ensure that the legal context and legal traditions of the host country are respected, and that there are adequate levels of public participation and consultations in

6 See Guidance Note of the Secretary-General on UN Assistance to Constitution-making Processes, June 2009.
the legislative process. Justice components should also create a library or repository of laws, and help to publish and disseminate laws widely.

10.4 **Law schools** – There are no law schools in many conflict and post-conflict countries. In order to nurture justice professionals, justice components should consider supporting the creation and development of law schools. This may be done, for example, by advising law professors and helping to ensure that course curricula and textbooks are consistent with international norms and standards. Justice components should also consider supporting initiatives which encourage and provide opportunities for students wishing to study law and pursue legal careers. Efforts aimed at ensuring the integrity of the selection and grading processes should also be supported.

10.5 **Professional training** – In most conflict and post-conflict countries, professional development opportunities for justice actors are rare. Justice components should therefore consider supporting the establishment of magistrate’s schools, legal training centres as well as continuing education courses for judges, prosecutors and lawyers. In these efforts, justice components should utilize and strengthen the capacity of national trainers and training institutions, rather than relying on international staff or consultants to deliver “one-off” training which may not be sustainable.

10.6 **Judicial independence** – Executive interference in the judicial process and the use of judicial processes for political purposes are common in many conflict and post-conflict settings. In such contexts, an independent judiciary is crucial for holding officials and those in power accountable for serious human rights violations, criminal conduct, including corruption, misuse of public funds and fraud. Justice components should therefore consider supporting initiatives aimed at enhancing the independence of the judiciary. Such initiatives include efforts to strengthen constitutional and legislative guarantees of judicial independence; enable constitutional courts and other bodies to resolve separation of powers issues; ensure judicial control over administrative and budgetary matters; and improve conditions of service (such as salaries) for judicial personnel.

10.7 **Integrity, professionalism, accountability and transparency of justice actors** – In conflict and post-conflict settings, a key factor which will help encourage public confidence in the justice system is the integrity, professionalism, accountability and transparency of justice actors, including judges, prosecutors and defence counsel. Justice components should consider supporting the development of legal professional associations, codes of conduct, disciplinary mechanisms and selection and appointment procedures. Justice components should also consider assisting the publication of judicial decisions; the adoption of anti-corruption measures; and the promotion of public awareness campaigns to improve the image and credibility of the justice system. In close coordination with other United Nations entities, justice components may also facilitate the implementation of a vetting process for justice personnel.

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7 OHCHR is the lead United Nations entity on vetting. Decision No. 2006/47 of the Secretary-General on the Rule of Law, 24 November 2006, Annex 2.
10.8 **Public administration** – In conflict and post-conflict environments, justice institutions often lack adequate capacities in human resource management, strategic planning, administration and financial management. Under such circumstances, justice institutions may be unable to secure the funds necessary to be fully operational, or to properly manage or account for the assets they do have. In coordination with the United Nations country team (and the World Bank), justice components should consider supporting or facilitating efforts to improve public administration by helping national authorities to design effective organizational structures; allocate sufficient funding and resources for justice systems; develop financial/asset management processes; and improve personnel management.

10.9 **Court administration and management** – Improving court administration and management, including through the standardization of court documents and processes, will help improve the efficiency and effectiveness of the justice system as well as its transparency, accountability and accessibility. In coordination with other United Nations entities,\(^8\) justice components should consider assisting national authorities to process cases more efficiently, develop court policies and procedures, increase the use of paralegals and introduce appropriate court technology tools.

10.10 **Access to justice and victims’ rights** – Access to justice requires that the justice system be accessible and available to the entire population, and that it also provide a resolution that is timely, fair and impartial. In many conflict and post-conflict contexts, the justice system was designed and reserved for the elite, and marginalized groups including women, refugees, internally displaced persons, minorities and children often face significant obstacles, including linguistic barriers, in accessing justice. Justice components should consider supporting efforts to increase access to justice, for example, through the establishment of a public defenders programme and other state-sponsored legal assistance mechanisms; the development of non-governmental organizations (NGOs) and other civil society actors; the creation of a referral network for victim’s services such as legal assistance, shelter, medical and psycho-social assistance; the strengthening of alternative dispute resolution mechanisms; the establishment of court service centers and help desks; and the implementation of public information campaigns to educate the public about justice issues.

10.11 **Gender justice** – In coordination with relevant partners including members of the United Nations Action Against Sexual Violence in Conflict and the mission’s human rights and gender components, and in accordance with Security Council resolutions 1325 (2000) and 1820 (2008), justice components should consider supporting measures which promote and protect women and girls. Such measures may include the development of women’s professional associations and NGOs; legislative reform in areas of particular importance to women and girls such as gender-based violence, family, property and land tenure; the establishment of special judicial capacity to try sexual violence cases; efforts to ensure the adequate representation of professional women within justice institutions; and strengthening the gender sensitivity of justice actors.

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\(^8\) UNDP is the lead United Nations entity on court administration. Decision No. 2006/47 of the Secretary-General on the Rule of Law, 24 November 2006, Annex 2.
10.12 Justice for children – Working together with relevant partners including UNICEF and the mission’s child protection and human rights components, justice components should consider assisting efforts to protect and promote the rights of children, particularly those who are detained, imprisoned and/or otherwise in contact with the law. Such efforts may include the adoption of laws relating to justice for children; the establishment of alternatives to detention; the creation of juvenile courts or panels; and the development of child-sensitive procedures and protective measures for child victims and witnesses.

10.13 Civil (non-criminal) and administrative law matters – In some conflict and post-conflict environments, civil (non-criminal) and administrative law issues such as property and identification, nationality, family, commercial and other matters are closely linked to the implementation of a peace agreement, to causes of insecurity or to the underlying causes of the conflict. In coordination with other United Nations entities, justice components should also consider supporting activities aimed at addressing such matters.

10.14 Customary/traditional justice mechanisms – In some countries, customary, traditional and community-based justice mechanisms may be more prevalent and popular than formal justice institutions, particularly in remote areas outside of the capital. These mechanisms, however, are usually only appropriate for civil (non-criminal) law matters and non-serious crimes, and may not comply with international human rights standards, particularly with respect to women’s rights or due process. In coordination with other United Nations entities, justice components should consider assisting customary/traditional mechanisms in the development of policies and practices, for example, to help enhance their compliance with national laws and international human rights standards or to assist in resolving jurisdictional conflicts with formal justice institutions.

D.5 Partners

11. Strong relationships with national, international and United Nations partners are essential for justice components to carry out their work. These relationships enable justice components to identify, support and assist in strengthening the capacity of key national actors; develop broad-based reform constituencies; raise awareness of the needs of the justice systems; and draw upon resources and expertise that are not

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9 Guidance Note of the Secretary-General on UN Approach to Justice for Children, 2 September 2008.

10 UNDP is the lead United Nations entity on civil law matters, and on land and property issues. UNHCR is the lead United Nations entity on statelessness. Decision No. 2006/47 of the Secretary-General on the Rule of Law, 24 November 2006, Annex 2.

11 UNDP is the lead United Nations entity on customary, traditional and community-based justice and dispute resolution mechanisms. Decision No. 2006/47 of the Secretary-General on the Rule of Law, 24 November 2006, Annex 2.

12 The Human Rights Committee, in its General Comment on Article 14 of the International Covenant on Civil and Political Rights, has stated that courts based on customary law or religious courts cannot hand down binding judgments recognized by the State unless the following requirements are met: proceedings before such courts are limited to minor civil and criminal matters, meet the basic requirements of fair trial and other relevant guarantees of the Covenant, and their judgments are validated by State courts in light of the guarantees set out in the Covenant and can be challenged by the parties concerned in a procedure meeting the requirements of article 14 of the Covenant. See Human Rights Committee, General Comment No. 32, CCPR/C/GC/32 (23 August 2007), paragraph 24.
otherwise available to justice components. More broadly, effective partnerships will help ensure the coordination, success and sustainability of programmes undertaken and supported by various actors engaged in strengthening the justice system, and the rule of law more broadly.

11.1 National partners – A key counterpart for justice components are the authorities of the host country, including officials of the President or Prime Minister’s office, the Ministry of Justice, the prosecutor’s office, the judiciary, relevant committees of Parliament, human rights commissions and ombudsperson’s offices. Justice components should also develop relationships with informal, traditional or customary justice mechanisms, as well as national professional organizations and civil society organizations such as professional legal associations, law faculties or other legal education institutions, non-governmental legal organizations, and women’s and human rights organizations. In developing partnerships, justice components should coordinate with other mission components to avoid delivering contradictory messages or holding separate discussions on issues of common concern.

11.2 International partners – Justice components should develop relationships with international donors and technical assistance providers involved in justice reform in the country concerned. These may include other international organizations, regional organizations, bilateral aid agencies, non-governmental organizations and private firms. As noted above, justice components can play a useful role in setting up and operating a donor coordination mechanism to promote information exchange, engage in strategic planning for supporting the justice and legal sectors, ensure coherency in approaches and policies among donors, and prevent the duplication of efforts by various actors. Where such mechanisms already exist, justice components should help strengthen them rather than create new ones.

11.3 United Nations partners – The work of justice components should directly serve the overall efforts of the mission. Justice components should therefore coordinate and exchange information with other mission components on an ongoing basis. Where appropriate and feasible, justice components should pursue joint programmes and activities with other mission components, including corrections, police, SSR, human rights, elections, gender, and political/civil affairs. Justice components should also work on an ongoing basis with the mission’s administration and/or support component for matters such as staffing, office space and equipment, vehicles and training facilities. Outside of the mission, justice components should also work with the departments, agencies, funds and programmes comprising the United Nations country team. The Guidance Note of the Secretary-General on the UN Approach to Rule of Law Assistance specifically requires the United Nations to develop a joint UN rule of law programme.\(^\text{13}\)

D.6 Management

12. Organizational structure – Within missions, justice components are generally headed by a Senior Judicial Affairs Officer or a Chief Judicial Affairs Officer who reports to

\(^{13}\) Guidance Note of the Secretary-General on UN Approach to Rule of Law Assistance, 14 April 2008, paragraph A.7.
the Head of Mission (SRSG or Executive Representative of the Secretary-General) or the DSRSG responsible for the rule of law. In missions with four or fewer corrections officers, the corrections component is usually merged with the justice component. In missions with five or more corrections officers, there is usually a separate corrections component.

13. **Link to Headquarters** – At United Nations Headquarters, the Criminal Law and Judicial Advisory Section (CLJAS) of the Office for Rule of Law and Security Institutions (OROLSI) of DPKO, in coordination with Integrated Operational Teams (IOTs), is responsible for supporting justice components, including by developing guidance and training materials for justice components. CLJAS mission focal points advise and support missions on substantive and operational matters; engage in planning for new and evolving missions; participate in relevant DPKO and inter-agency coordination groups and meetings regarding specific missions; ensure that relevant Security Council resolutions, Secretary-General’s reports and other United Nations official documents reflect the activities, challenges and needs of justice components; support missions in mobilizing resources for their projects and programmes; and keep mission personnel apprised of significant developments at United Nations Headquarters. Accordingly, it is important that justice components keep CLJAS regularly and fully informed of their work so that CLJAS can promote their achievements, draw attention to resource needs, and respond to questions from United Nations colleagues and Member States. Further details on the functions of CLJAS mission focal points are contained in the Terms of Reference for CLJAS Mission Focal Points *(annexed).*

14. **Sub-programme plan** – Each justice component should develop a sub-programme plan¹⁴ (formerly called “workplan”) which includes an overall strategic vision with clearly defined, practicable and realistic objectives, as well as specific tasks and outputs. This will serve as a useful tool for prioritizing and sequencing activities, and tracking progress through the use of indicators and benchmarks. In developing sub-programme plans, justice components should avoid over-stretching its resources and undertaking an excessive range of multi-faceted tasks of an ad hoc nature. Sub-programme plans should also be developed in line with the Mission Concept and/or Integrated Strategic Framework, and in coordination with other mission components (particularly the corrections, police and human rights components) and the United Nations country team. In addition, they should reflect the host country’s national strategy (if such a policy exists), be based on relevant Security Council resolutions and Secretary-General’s reports, and be consistent with the overall political strategy of the mission. When developing sub-programme plans, justice components should consult with CLJAS, which in turn will coordinate with the relevant IOT.

15. **Personnel** – The size of justice components varies according to the specific mandates and resources of each mission. Justice components should normally have both international Judicial Affairs Officers and National Professional Officers (NPOs). NPOs who are impartial and able to interact effectively with all sides of the conflict can be invaluable members of justice components. At the same time, justice components must consider the potential negative impacts of hiring NPOs, for example, by draining scarce resources from the host country’s justice system. Missions should consult CLJAS with respect to the selection of senior judicial affairs posts, including heads and deputy heads of justice components as well as heads of units. Justice components seeking to change the number and/or qualifications of its

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¹⁴ As defined in the DPKO/DFS Guidelines on Programme Management (draft).
personnel are also recommended to discuss the matter with CLJAS so as to enable CLJAS to advocate for such changes at the Headquarters level.

16. **Induction and training** – Prior to deployment, senior judicial affairs officers should travel to United Nations Headquarters for induction briefings with CLJAS, OROLSI and other relevant offices and entities. A standard training programme for judicial affairs officers is currently being developed by CLJAS. Justice components are also strongly encouraged to provide country-specific training to new judicial affairs officers, and to participate in training programmes organized by other United Nations and non-United Nations entities. The DPKO Rule of Law Community of Practice (see footnote 17) regularly disseminates information on training opportunities worldwide.

17. **Budget** – Justice components should ensure that they meet general budgetary planning requirements, such as those required by Results-Based Budgeting (RBB) frameworks. More specifically, mission budgets should include staffing needs, travel costs for judicial affairs officers to participate in training opportunities and the annual meeting of heads of justice components, as well as programmatic costs such as fees for consultants with specialized expertise.

18. **Reporting** – Justice components should produce regular reports and submit them to DPKO in accordance with established procedures. These reports should provide an overview of the justice component’s activities and strategies, as well as observations and analysis on key developments and challenges in the justice sector. When appropriate, justice components are also encouraged to issue ad-hoc reports, including public reports. Reports are crucial for drawing attention to weaknesses and challenges facing the justice system; mobilizing resources for addressing those weaknesses and challenges; and promoting the achievements of justice components.

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**E. TERMS AND DEFINITIONS**

19. The following terms and definitions apply to this policy:

19.1 **Rule of law**\(^{15}\) – 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.

19.2 **Justice system** – The laws, processes and institutions in a particular jurisdiction related to the administration of justice. The laws consist of the constitution or its equivalent and the legal framework, and include all aspects of law-making. The processes include both formal and informal processes. The institutions are comprised of both official and non-official institutions.

such as the ministry of justice, the courts, prosecutor’s offices, defence counsel, attorneys and customary or traditional justice mechanisms. Justice systems are often classified as civil law, common law, religious law (such as Islamic law) or mixed systems.

19.3 Justice component – The component of a peace operation which has primary responsibility for carrying out the mission’s mandate to assist national authorities in strengthening justice systems.\(^\text{16}\)

F. REFERENCES

20. International standards

20.1 Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, 2005;
20.2 Basic Principles for the Treatment of Prisoners, 1990;
20.3 Basic Principles on the Independence of the Judiciary, 1985;
20.4 Basic Principles on the Role of Lawyers, 1990;
20.5 Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, 1988;
20.6 Code of Conduct for Law Enforcement Officials, 1979;
20.7 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment of Punishment, 1984;
20.8 Convention on the Elimination of All Forms of Discrimination against Women, 1979;
20.9 Convention on the Rights of the Child, 1989;
20.10 Convention relating to the Status of Refugees, 1951;
20.11 Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, 1985;
20.12 General Comment No. 32 of the Human Rights Committee on right to equality before courts and tribunals and to a fair trial, 2007;
20.13 Geneva Conventions, 1949, particularly common Article 3;
20.15 Guidelines on the Role of Prosecutors, 1990;
20.16 Guiding Principles on Internal Displacement, 1998;
20.18 International Covenant on Civil and Political Rights, 1966;
20.19 International Covenant on Economic, Social and Cultural Rights, 1966;

\(^{16}\) Justice components are commonly named “justice units/sections”, “judicial advisory units/sections” or “rule of law units/sections”. In some peace operations, the justice and corrections components are located within the same office; in other peace operations, they operate as two separate offices. Justice components may also be part of a mission’s joint human rights and justice component. Justice components are distinct from legal affairs components of peace operations, which serve as in-house counsel to the missions and address such issues as the legal status of the mission, privileges and immunities, contracts and boards of inquiry.
20.25 Universal Declaration of Human Rights, 1948; and 

21. Superior references

21.1 Secretary-General’s Decision No. 2005/24 on Human Rights in Integrated Missions, 26 October 2005; 
21.2 Secretary-General’s Decision No. 2006/46 on UN Approach to Constitution Building, 14 November 2006; 
21.3 Secretary-General’s Decision No. 2006/47 on Rule of Law, 24 November 2006; 
21.4 Secretary-General’s Decision No. 2007/11 on Security Sector Reform, 16 February 2007; 
21.5 Guidance Note of the Secretary-General on UN Approach to Rule of Law Assistance, April 2008; 
21.6 Guidance Note of the Secretary-General on UN Approach to Justice for Children, 2 September 2008; 
21.7 Guidance Note of the Secretary-General on UN Assistance to Constitution-making Processes, June 2009; 
21.8 Interim Report of the Secretary-General on “Rule of law at the national and international levels” (A/62/261), 15 August 2007; 
21.9 Report of the Secretary-General on “Strengthening and coordinating United Nations rule of law activities” (A/63/226), 6 August 2008; 
21.10 Report of the Secretary-General on “Uniting our strengths: Enhancing United Nations support for the rule of law” (A/61/636-S/2006/980), 14 December 2006; and 

22. Related guidance

22.2 DPKO Policy Directive on Quick Impact Projects (QIPs), 12 February 2007; 
22.4 DPKO/DFS Guidelines on Methodology for Review of Justice and Corrections Components in United Nations Peace Operations (draft); 
22.5 DPKO Primer for Justice Components in Multidimensional Peace Operations: Strengthening the Rule of Law, December 2006; and 
23. Other references

23.1 DPKO Rule of Law Community of Practice;\(^{17}\)
23.2 OHCHR Rule of Law Tools;
23.3 UNDP Access to Justice Practice Note;
23.4 UNDP Programming for Justice: Access for All;
23.5 UNODC Compendium of United Nations Standards and Norms on Crime Prevention and Criminal Justice;
23.6 UNODC Criminal Justice Assessment Toolkit; and
23.7 United States Institute for Peace (USIP) Model Codes for Post-Conflict Criminal Justice.

G. MONITORING AND COMPLIANCE

24. Implementation of this policy is monitored by CLJAS/OROLSI/DPKO.

H. CONTACT

25. The contact for this policy is CLJAS/OROLSI/DPKO.

I. HISTORY

26. This is a new policy and has not been amended.

APPROVAL SIGNATURE: \(\text{Signature}\)

DATE OF APPROVAL: 1/12/2009

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\(^{17}\) The Community of Practice serves the rule of law community in peace operations by providing a forum for field staff to access information and best practices from rule of law colleagues across field missions and Headquarters. Access to the Community of Practice may be requested by contacting the facilitator at dpko-ruleoflawnetwork@un.org.
Annex: Terms of Reference for CLJAS Mission Focal Points

The Criminal Law and Judicial Advisory Section (CLJAS) of DPKO’s Office of Rule of Law and Security Institutions (OROLSI) supports the justice and corrections components of peace operations. Such support is provided in coordination with the relevant Integrated Operational Team (IOT) and in collaboration with other OROLSI and DPKO elements. Two CLJAS mission focal points (and back-ups) are assigned to each peace operation, with one focal point covering justice and the other focal point covering corrections. Focal points may also be assigned for non-DPKO missions.

The responsibilities of CLJAS mission focal points include:

1. Mission Planning and Evaluation:
   1.1. Participate in Technical Assessment Missions (TAMs), Integrated Mission Planning Process (IMPP) visits and other mission visits (at least once every 12 months);
   1.2. Contribute to TAM reports and complete periodic mission review/evaluation reports;
   1.3. Develop operational plans for mission components; and
   1.4. Ensure the implementation of recommendations resulting from mission visits.

2. Strategic Guidance:
   2.1. Participate in IOTs under the overall leadership of the IOT Team Leader, and provide guidance on justice and corrections issues (including with respect to the Mission Concept, Integrated Strategic Framework, budgets and benchmarks);
   2.2. Review draft Secretary-General’s reports and ensure that mission challenges, priorities and achievements are adequately reflected;
   2.3. Review Security Council resolutions and strive to ensure that mission mandates appropriately address judicial and corrections matters;
   2.4. Provide strategic information, advice and support to DPKO/DFS and Member States relating to justice and corrections matters in peacekeeping; and
   2.5. Advise United Nations budgetary bodies on mission budgetary submissions.

3. Mission Support and Advice:
   3.1. Maintain regular contact with missions by code cable, e-mail, phone and VTC;
   3.2. Provide written guidance to missions at least once every month;
   3.3. Respond and provide feedback to periodic reports and code cables from missions, usually within 7 to 10 days;
   3.4. Assist missions in developing sub-programme plans (workplans) and budgets; and
   3.5. Assist missions in mobilizing extra-budgetary resources.

4. Recruitment:
   4.1. Liaise with DFS regarding recruitment matters;
   4.2. Participate in outreach efforts led by DFS to attract qualified candidates;
   4.3. Assist with the technical clearance of candidates;
   4.4. Organize induction briefings at Headquarters for new mission staff; and
   4.5. Prepare resource packages for new staff being deployed to missions.

5. Knowledge Management:
   5.1. Encourage missions to use best practices tools, such as policies, standard operating procedures, guidelines and after action reports;
   5.2. Encourage missions to actively participate in the electronic DPKO Rule of Law Community of Practice; and
   5.3. Collect lessons learned and best practices from missions for inclusion in new and updated policies, standard operating procedures and guidelines.