



Economic and Social Council

Distr.: General
14 February 2008

Original: English

Commission on Crime Prevention and Criminal Justice

Seventeenth session

Vienna, 14-18 April 2008

Item 6 of the provisional agenda*

Use and application of United Nations standards and norms in crime prevention and criminal justice

Strengthening justice, integrity and the rule of law through technical assistance in developing, transitional and post-conflict societies, with a focus on Africa

Report of the Secretary-General

Summary

The present report outlines how the United Nations Office on Drugs and Crime (UNODC) has applied the United Nations standards and norms in crime prevention and criminal justice to implement technical assistance in the areas of justice reform and the integrity of criminal justice institutions. It thus responds to the requests by the Economic and Social Council for a report to the Commission on the implementation of resolutions 2006/22, 2006/25 and 2007/22. It shows how the work of the Office in the areas of rule of law and governance is interlinked with the broader development context and United Nations reform and responds to specific mandates of the Office as outlined in the strategy for the period 2008-2011 for UNODC, adopted by the Commission in 2007.**

* E/CN.15/2008/1.

** Economic and Social Council resolutions 2007/12, annex, and 2007/19.



Contents

	<i>Paragraphs</i>	<i>Page</i>
I. Introduction	1-15	3
A. The United Nations Office on Drugs and Crime as an integral part of the United Nations “delivering as one” in rule-of-law assistance	3-9	3
B. Justice and integrity as cornerstones of the rule of law	10-15	5
II. Assessing needs and learning lessons	16-25	6
III. Providing the tools	26-34	9
IV. Providing sustained technical assistance	35-57	12
A. Strategies for interventions of the United Nations Office on Drugs and Crime in conflict and post-conflict countries	36	12
B. Accessible and effective criminal justice systems	37-38	13
C. Integrity and accountability of justice and public trust	39	13
D. Prison reform and viable alternatives to imprisonment	40-52	14
E. Justice for children	53-57	17
V. Conclusions and recommendations	58-59	18

I. Introduction

1. The present report provides an overview of activities and programmes carried out in accordance with Economic and Social Council resolutions 2006/22, entitled “Providing technical assistance for prison reform in Africa and the development of viable alternatives to imprisonment”; 2006/25, entitled “Strengthening the rule of law and the reform of criminal justice institutions, including in post-conflict reconstruction”; and 2007/22, entitled “Strengthening basic principles of judicial conduct”. It also provides a framework for an integrated United Nations Office on Drugs and Crime (UNODC) programme for the period 2008-2011 in the area of justice and integrity in accordance with the UNODC strategy.

2. The reporting period saw a strong emphasis in the United Nations system on assistance to developing countries, in particular post-conflict States, in rule-of-law and justice reform, as well as increased attention to United Nations system-wide coordination and cooperation with, in particular, the “one United Nations” model being piloted in eight countries.¹

A. The United Nations Office on Drugs and Crime as an integral part of the United Nations “delivering as one” in rule-of-law assistance

3. Promoting the rule of law at both the national and the international level is at the very heart of the United Nations mission. The principle that all – from individuals to States – are subject to laws that are publicly promulgated, equally enforced and independently adjudicated is a driving force behind much of the work of the United Nations. To help achieve a coordinated and strategic approach, and in response to the calls made in the 2005 World Summit Outcome,² the Secretary-General has established a Rule of Law Coordination and Resource Group, which is chaired by the Deputy Secretary-General. The Group consists of the Under-Secretaries-General of the eight leading United Nations departments and agencies engaged in rule-of-law activities. It is supported by a small substantive Rule of Law Assistance Unit reporting directly to the Office of the Deputy Secretary-General.

4. The entities represented in the Group conduct rule-of-law activities in the context of their respective mandates and cover specific aspects and areas of the rule of law. The Department of Peacekeeping Operations has recently established an Office of Rule of Law and Security Institutions to strengthen rule-of-law assistance, primarily in support of United Nations peacekeeping operations. All these existing capacities are complementary to the role of the Group and the Unit.

5. For the United Nations, the rule of law refers to a principle of governance in which all persons, institutions and entities, public and private – including the State itself – are subject to laws that are publicly promulgated, equally enforced and independently adjudicated, and that are consistent with international human rights norms and standards. We know from experience that if we are to consolidate peace after conflict, or maintain peace in the long term, the population needs to be

¹ Albania, Cape Verde, Mozambique, Pakistan, Rwanda, United Republic of Tanzania, Uruguay and Viet Nam.

² See General Assembly resolution 60/1.

confident that redress for grievances can be obtained through legitimate structures for the peaceful settlement of disputes and the fair administration of justice. But it is also known that if imposed from the outside, no rule-of-law reform or transitional justice initiative can be successful or sustainable. The United Nations therefore needs to better support national stakeholders in developing their own reform visions, their own agendas and their own approaches to transitional justice.³

6. UNODC played an active role in the Rule of Law Coordination and Resource Group by contributing to the development of a joint workplan for 2008 and a draft United Nations guidance note on a United Nations approach to rule-of-law assistance, as well as a report of the Secretary-General on the role of the United Nations in supporting security sector reform (A/62/659-S/2008/39). At the operational level, a number of the initiatives and programmes, such as assessment and programming missions or tools and handbooks, were produced or carried out jointly with other United Nations agencies or at the request of such agencies or their field missions.⁴ In particular, UNODC will participate in the first joint technical mission on rule-of-law response to sexual and gender-based violence, in the eastern part of the Democratic Republic of the Congo.

7. All human rights, the rule of law and democracy are interlinked and mutually reinforcing. At the national level, the work of the Organization on the rule of law is based operationally on technical assistance and capacity-building provided to Member States, in accordance with their national policies, priorities and plans. This enables the United Nations to respond to the needs of countries in a flexible manner and to base support on national assessments, participation, needs and aspirations.⁵

8. Thus, UNODC aimed to build its partnerships with other agencies working in this area, whether at the headquarters level for the development of joint tools and guidance or, more importantly, in programming technical assistance. The Office has thus developed a programme on training law enforcement and legal justice sectors in responding to domestic violence within the United Nations/Viet Nam Joint Programme on Gender Equality. A number of strategic partnerships were built with the United Nations Development Programme (UNDP), one of them with its Programme on Governance in the Arab Region, in particular in the area of support for implementation of the United Nations Convention against Corruption in Arab countries. Efforts in that partnership have included a project to build the capacity of the judicial system in the field of economic disputes, a project on the enforcement of judgements and a project on judicial independence and integrity.

9. A joint workplan has been developed with the United Nations Children's Fund (UNICEF), which includes the development of tools relating to justice for children (children in conflict with the law and child victims and witnesses), joint piloting of the indicators on juvenile justice, joint training events on child victims and

³ From remarks by the Deputy Secretary-General in a panel discussion on the Security Council and the rule of law, held in New York on 1 November 2007.

⁴ For example, an assessment mission to Burundi was carried out at the request of the United Nations Development Programme and the United Nations Integrated Office in Burundi; missions to Guinea-Bissau were conducted at the request of the United Nations Peacebuilding Support Office in Guinea-Bissau and programmes in the Sudan at the request of and in cooperation with the United Nations Mission in Sudan.

⁵ From the draft guidance note on a United Nations approach to rule-of-law assistance.

witnesses and joint field-based programmes. This has been done in the framework of the Interagency Panel on Juvenile Justice, which, through a part-time secretariat, has increased its outreach significantly during the reporting period. At the same time, UNODC has actively participated in the UNICEF-led initiative to adopt a common United Nations approach on justice for children, aimed at assisting United Nations entities in leveraging support through partners working on broader agendas relating to rule of law, governance, security and justice sector reform into which justice for children can easily be integrated. It is also expected to bring further cost-effectiveness and to maximize the results of the various efforts.

B. Justice and integrity as cornerstones of the rule of law

10. Since 2000 UNODC has been supporting the development and implementation of good practices in judicial reform, helping countries to address some of the most pressing needs. Its initial rationale for addressing judicial reform stemmed from the increasing accounts of widespread corruption in the judiciary in many parts of the world. It soon became evident, however, that judicial corruption could be addressed effectively only as part of a broader, systematic and sustainable approach aimed at enhancing both the integrity and the capacity of the judiciary and the courts.

11. In particular, in Nigeria, for which the data from the second phase of the programme on judicial integrity and capacity became available in 2007, it became evident that the support provided by UNODC has delivered some highly encouraging results. Significant improvements could be registered in all areas of reform. For example, access to justice for prisoners awaiting trial had improved significantly, with prisoners being in remand on average 11 months by the time of the interview, compared to 30 months in 2002. Adjournments had been reduced from an average of seven or eight per case to five. Also, in 2007 only 7 per cent of judges felt that judicial appointments had been influenced by politics, compared to 18 per cent in 2002. The quality of record keeping had been improved, with only 5 per cent of judges considering the record keeping inefficient or very inefficient, compared to 37 per cent in 2002. Certainly most impressive was the reduced vulnerability of the system to corruption. In 2002 42 per cent of court users interviewed claimed that they had been approached for the payment of a bribe to expedite the court procedure, whereas in 2007 the figure was only 8 per cent. These improvements have resulted in reports of improved public trust in the judicial system.

12. In Lebanon, where a juvenile justice project had been running from 1999 to 2007, a comprehensive and suitable strategy was established to strengthen the analysis system for the juvenile files in the youth department of the Ministry of Justice (set up with the support of the project). The data analysis was improved in order to allow research, comparative studies, and monitoring and evaluation of the implementation of the new law 422/2002. As a direct result of the data analysis, the Ministry of Justice produced a publication entitled "Impact of law 422/2002", showing significant progress in the juvenile justice field, in particular with regard to the number of juvenile detainees since the implementation of the law (decreasing from about 250 in 2002 to 120 in 2004 and 100 per year from 2005 to 2007), as well as decreased lengths of detention, including pretrial detention.

13. The impact of these projects shows the link between a functioning criminal justice system with integrity, human rights and the rule of law. The implementation of all other human rights ultimately depends upon the proper administration of justice. An accessible and effective criminal justice system with integrity is therefore the cornerstone of the rule of law. A lack of integrity in the justice sector threatens its independence and fairness and undermines the rule of law – a key prerequisite for economic growth and the eradication of poverty. Effective protection of human rights and human security requires well-functioning criminal justice systems with integrity that are capable of interpreting and enforcing the law in an equitable, efficient and predictable manner. A fair trial can be achieved only through an impartial tribunal and the procedural equality of parties. Moreover, a criminal justice system and its professionals cannot be expected to fight serious crime and corruption if the basic principles of the rule of law are not upheld. Thus, the detailed provisions of the various conventions of which UNODC is the custodian, including those relating to international cooperation, cannot be implemented by Member States if their criminal justice systems do not meet certain standards.

14. The present report outlines how sustainable, evidence-based technical assistance in the areas of justice and integrity can be built only upon thorough assessments and data collection, with tools that are adapted to the needs and realities of countries assisted and through long-term national capacity-building. The results of such assistance can now be seen in a number of countries in which UNODC has been providing assistance for several years: criminal justice systems have become more humane, efficient and accessible. The report also outlines approaches taken to address the needs for access to justice of the most vulnerable populations, such as women, children, the poor and persons in detention, through a rights-based approach. Finally, to respond to the mandate given by the Commission, the report outlines particular activities relating to prison reform and alternatives to imprisonment in Africa, including the issue of HIV/AIDS in prisons and the growing programme on strengthening the integrity of the judiciary and the criminal justice system as a whole.

15. During the reporting period the Office consolidated its technical assistance portfolio in the above-stated areas with a focus on integrated programmes, innovative approaches and vulnerable groups. Thus, in 2007 the activities described in the present report represented about 17 per cent of the UNODC technical assistance programme, or about 50 per cent of the full crime portfolio.⁶ In 2008 the allocation for anti-corruption activities and criminal justice reform currently exceeds 56 per cent of the total crime portfolio.⁷ The allocation for the criminal justice reform programme increased by 56 per cent from 2005 to 2008.

II. Assessing needs and learning lessons

16. To be effective and sustainable, technical assistance requires a method for the identification of needs and priorities. For over a decade, providers of technical

⁶ Information from the Programme and Financial Management Information System.

⁷ The area of HIV/AIDS in prisons is not accounted for in this calculation as it is part of the HIV/AIDS programme, which is the largest portfolio in the drugs programme.

assistance have been developing and applying a range of different approaches, methodologies and instruments aimed at assessing countries' legal and institutional frameworks and implementation capacities. Depending on their nature and design, such instruments have been used for three different purposes: (a) to provide the basis for knowledge-based policy development and strategic planning; (b) to identify gaps in the technical, human and financial resources required to implement such policies and strategies; and (c) to develop benchmarks for determining impact and progress.

17. A number of tools have thus been developed for assessments and made available on the UNODC website for downloading.⁸ In particular, during the reporting period the UNODC finalized and disseminated the *Criminal Justice Assessment Toolkit*,⁹ which became a key tool for all United Nations and non-United Nations organizations and professionals working in the area of criminal justice reform. It is a standardized and cross-referenced set of 16 tools designed to enable United Nations agencies, government officials engaged in criminal justice reform and other organizations and individuals to conduct comprehensive assessments of criminal justice systems; to identify areas requiring technical assistance; to assist agencies in the design of interventions that integrate United Nations standards and norms on crime prevention and criminal justice; and to assist in training on these issues. Organized around four sectors – policing, access to justice, custodial and non-custodial measures and cross-cutting issues – it can be used for carrying out assessments in one, some or all sectors of the criminal justice system. The hard-copy version and CD-ROM were disseminated widely in 2007 and are used all around the world by academics and others. An interactive version will be distributed at the seventeenth session of the Commission. In 2008 three or possibly four further tools will be developed, in the areas of gender, border control, forensics and crime prevention.

18. In the context of its judicial reform programme, in several countries UNODC developed and implemented comprehensive methodology for data collection and in-depth assessments of the justice sector. Assessments are aimed at producing a comprehensive and detailed picture of the status quo of a country's justice sector using a variety of methodologies, including desk research, surveys and focus groups. The survey instruments are administered to a large set of stakeholders both inside and outside the justice sector, including judges, prosecutors, police, court staff, lawyers, businesspeople, court users (e.g., litigants, accused, witnesses and experts) and prisoners awaiting trial. The respondents are asked questions relating to access to justice; timeliness of justice delivery; quality of justice delivery; independence, impartiality and fairness of the courts; levels, locations, types and costs of corruption within the justice sector; functioning of accountability and integrity safeguards in the justice sector; coordination and cooperation across the justice sector institutions; and public trust in the justice system.

19. A key element of the assessment methodology is the strong reliance on local ownership, fostered through the participatory review and adaptation of the survey instruments, as well as through participatory data analysis conducted by focus

⁸ The tool on the prison system, for example, was downloaded 11,475 times in 2007.

⁹ Available at <http://www.unodc.org/unodc/en/justice-and-prison-reform/Criminal-Justice-Toolkit.html>.

groups. Assessments have been carried out in Indonesia, Nigeria and South Africa and are about to be conducted in Montenegro.

20. As far as access to justice is concerned, assessments explore, among other factors, the coverage of the territory by courts, the affordability of court and lawyer fees, ease of access to information on basic rights, the functioning of the justice process and the statutes affecting one's own case, as well as the access of prisoners awaiting trial to legal services, their knowledge about the possibility of applying for bail and the average number of months they spend in remand. With regard to timeliness, the general perceptions of stakeholders are explored, as well as the actual duration of specific cases, the number of adjournments per case and causes of delays.

21. As concerns the quality of justice delivery, the assessment seeks to identify objective indicators to provide an indirect measure of the quality of justice delivery. Another focus of the assessments is the frequency, nature, cost and causes of corruption in courts. With regard to independence, impartiality and fairness, the assessment explores both the general opinions of stakeholders and more concrete aspects, such as political influence on actual judicial decisions and judicial appointments. Public trust is being explored by various means, including on the basis of the inclination of businesspeople and others to use the courts.

22. Special care must be taken to foster ownership of the assessment among members of justice institutions. UNODC seeks to achieve this in two ways: first, stakeholders are involved in the review of the assessment methodology and its adaptation to the specific legal and institutional conditions of their country; secondly, stakeholders are later involved in a process of participatory data analysis. Finally, evidence-based planning is possible only where the data have a high level of credibility based on sample size, methodology, specificity of information obtained and the independence and professionalism of the entity responsible for data collection, as the results could otherwise be challenged.

23. Irrespective of the assessment methodology, it is important that its outcome be utilized to guide policy development, implementation, monitoring and evaluation. This is less problematic in the case of compliance-based assessment tools such as the self-assessment checklist, the gap analysis and the *Criminal Justice Assessment Toolkit*, because in such cases requirements are predetermined by the relevant convention, international standards and norms or recognized practices. Thus, areas of action and measures to be taken are to a large extent determined by the gaps identified. More care needs to be taken where policy development is based on quantitative data. In such a case, there is a prerequisite to analyse data with a view to identifying the causes for certain shortcomings, in order to then determine policies, measures and technical assistance activities to address them effectively. Independently of the type of assessment providing the basis for the planning exercise, it is crucial that the diagnosis be effectively utilized to identify specific needs, linking them with concrete and realistic actions, measurable results, a realistic budget and time frame, and proper monitoring and evaluation mechanisms.

24. In order to increase the capacity of its field-office staff in the areas of justice and integrity, the Office organized two in-depth training sessions for both international and national staff from all its field offices. The first session, which also included UNDP staff, was held in Vienna in March 2007 and covered the whole

spectrum of criminal justice reform issues and programming, while the second, held in January 2008, was focused on the areas of corruption and integrity. The *Criminal Justice Assessment Toolkit* was a key instrument used during the two training sessions.

25. With field-level capacity thus strengthened, the number of detailed and thorough assessments increased during the reporting period. An increased number of missions were carried out by staff members and consultants, all of which resulted in the drafting of detailed assessment reports and programme proposals adapted to the individual needs of the country assessed and/or the establishment of baseline data surveys against which to measure progress made under ongoing programmes. In addition to those referred to above, assessments and programming missions were carried out to the following countries from 2006 to 2008: Afghanistan, Bangladesh, Bulgaria, Burundi, Cambodia, Democratic Republic of the Congo, Guinea-Bissau, Haiti, India, Indonesia, Jordan, Kenya, Lao People's Democratic Republic, Lebanon, Libyan Arab Jamahiriya, Mauritania, Nepal, Romania, Rwanda, Sudan, Syrian Arab Republic, Thailand, Uruguay, Viet Nam and Yemen.

III. Providing the tools

26. From an operational point of view, experience has also indicated that self-sustainable and reusable training tools, including e-learning or computer-based training programmes, for mid- and long-term capacity-building activities are necessary to build technical assistance programmes. Train-the-trainer methodologies have also yielded positive results; in other fields a "learning by doing" approach has seemed more appropriate to ensure hands-on assistance for capacity-building over a longer period of time and on-the-job learning to allow practitioners to adapt the principles enunciated in the conventions or international standards to specific country situations. Also in this context, the use of mentors (i.e., professionals who provide expert advice and guidance to investigation or prosecution services to get complex cases successfully through the judicial system) has proved effective.

27. The focus during the reporting period was thus to provide operational tools for policymakers and professionals that responded both to the needs to implement United Nations standards and norms in crime prevention and criminal justice and to the difficulties faced in many requesting States.

28. Significant efforts have been made, with the support of Member States, to translate the tools described below into as many official and other languages as possible. Several Governments have supported these efforts; in particular, the French Ministry of Foreign and European Affairs has supported the translation of the *Criminal Justice Assessment Toolkit* and several handbooks into French. Other languages in which one or several of the tools below are available include Arabic, Bulgarian, Czech, Korean, Portuguese, Russian, Spanish, Turkish and Vietnamese.

1. *Criminal Justice Handbook Series*

29. The *Criminal Justice Handbook Series* is designed as a set of practical publications based on international good practices and United Nations standards and norms in crime prevention and criminal justice for policymakers and professionals involved in reform activities, as well as international actors. The handbooks have

been disseminated widely across the world and great interest has been shown, as evidenced also by downloads from the UNODC website.¹⁰ The following handbooks have either been published or are under preparation:

- *Manual for the Measurement of Juvenile Justice Indicators* (with UNICEF)
- *Handbook on Restorative Justice Programmes*
- *Handbook of Basic Principles and Promising Practices on Alternatives to Imprisonment*
- Handbook on prison file management (with Penal Reform International)
- Handbook on prisoners with special needs
- Handbook on women in prisons (with the Society of Friends)
- Handbook on paralegals in post-conflict countries (with Penal Reform International)
- Handbook on prison management (with the International Centre for Criminal Law Reform and Criminal Justice Policy)
- Handbook on lessons learned from initiatives to reform and strengthen criminal justice systems in transitional and post-conflict societies (with the United States Institute for Peace)
- Handbook on the key components of an effective rule-of-law-based criminal justice system to implement the universal legal framework against terrorism (a joint publication with the UNODC Terrorism Prevention Branch)
- Handbook on effective police responses to violence against women
- Handbook on police accountability, oversight and integrity
- Handbook on diversion, restorative justice and alternatives to imprisonment for children in conflict with the law
- Implementation guide for professionals dealing with child victims and witnesses of crime (a joint publication with UNICEF and the International Bureau for Children's Rights).¹¹

2. Tools on judicial integrity and capacity

30. In the area of judicial integrity and capacity, the commentary on the Bangalore Principles of Judicial Conduct was published in June 2007 and the technical guide on strengthening judicial integrity and capacity is currently being drafted. As requested by the Economic and Social Council in its resolution 2007/22, the latter will be circulated to Member States when ready. A number of country-specific tools have also been developed under technical assistance programmes currently being implemented.

¹⁰ In 2007 the Handbook on Restorative Justice Programmes was downloaded 45,489 times and the Handbook of Basic Principles and Promising Practices on Alternatives to Imprisonment 9,185 times.

¹¹ For more details, see E/CN.15/2008/11.

3. Tools for United Nations peacekeepers

31. In 1994, UNODC developed the handbook *United Nations Criminal Justice Standards for Peacekeeping Police* (the “Blue Book”) with a view to providing a compact overview of relevant international standards and norms, readily accessible to those with monitoring functions in the field of criminal justice. The handbook, which was published in the six official languages of the United Nations, has been used successfully in several training courses for civilian components of United Nations missions, such as those in Mozambique and the former Yugoslavia.

32. UNODC is currently revising and updating the handbook so as to include new areas not covered in the 1994 edition, such as the issues of integrity, sexual misconduct and assistance to child victims and witnesses. The update is also motivated by the fact that in the past 12 years new criminal justice standards have been developed, and they would need to be taken into consideration. The revised version of the handbook will be entitled *United Nations Criminal Justice Standards for United Nations Police*. In the revision of the handbook, UNODC has worked closely with the Police Unit of the Department of Peacekeeping Operations as part of their increased joint work. The *Criminal Justice Assessment Toolkit* referred to above will be used for pre-deployment training of Department of Peacekeeping Operations staff.

4. Tools on HIV/AIDS in places of detention

33. In collaboration with other partners of the Joint United Nations Programme on HIV/AIDS (UNAIDS), UNODC launched two technical guidance documents. The first one, entitled *HIV/AIDS Prevention, Care, Treatment and Support in Prison Settings: a Framework for an Effective National Response*, was launched in Toronto in 2006, during the International AIDS Conference, and has since been translated into all the official United Nations languages, as well as Portuguese. An advance copy of the second, *HIV/AIDS in Places of Detention: a Toolkit for Policymakers, Managers and Staff*, was made available in December 2007 to assist countries in building their capacity for comprehensive HIV prevention, care and treatment in prison settings.¹²

5. Provision of training as direct support or in partnership with non-governmental organizations or institutes

34. While evidence shows that capacity-building can be successful only when provided as a part of a broader reform package and through professional schools, universities or train-the-trainer approaches, in some cases it has also been seen that initial training sessions can be used as a catalyst for reform and/or to cater for urgent needs (in the absence of any professional training). This is particularly the case in post-conflict societies. During the reporting period, training sessions were therefore carried out as part of larger technical assistance programmes, as well as short-term interventions to respond to urgent needs. Thus, training on prison management was carried out in Juba, the Sudan, and on parole and probation in Kenya, Uganda and Zambia. Training in post-conflict environments was carried out in Malawi for paralegals from Kenya, Malawi and Uganda. Most of these training sessions were carried out through non-governmental organizations or institutes of

¹² See <http://www.unodc.org/unodc/en/hiv-aids/publications.html>.

the United Nations Crime Prevention and Criminal Justice Programme network. Such training to build local capacity and programmes was also carried out on alternative dispute resolution and restorative justice in Nigeria, building on the handbooks above. In Rajasthan, India, over 1,500 police officers were trained in so-called soft skills, and the federal Government has now decided to fund additional such training there. In Turkey training on alternatives to imprisonment and restorative justice was carried out. Most of these training events were based on the tools listed above and were intended to have a multiplier effect.

IV. Providing sustained technical assistance

35. While several newly implemented or continuing projects and programmes were limited to one substantive area, several new programmes developed during the reporting period integrated a number of the areas essential to building the rule of law and criminal justice institutions. This was particularly the case in transnational or post-conflict countries. For instance a programme in the Libyan Arab Jamahiriya contained components relating to prison reform, juvenile justice, strengthening judicial capacity and case file management. In countries such as Guinea-Bissau and Haiti, the specific conflict or post-conflict situation led to the design of programmes that integrated reform of criminal justice institutions and access to justice with the building of specialized capacity to counter organized crime or drug trafficking. Throughout, programming and implementation efforts were made to respond to specific issues relating to gender¹³ and to the situation of children. There was also a strong focus on conflict, post-conflict and transitional societies at the request of and in coordination with the Department of Peacekeeping Operations.

A. Strategies for interventions of the United Nations Office on Drugs and Crime in conflict and post-conflict countries

36. In addition to being an active partner in the Rule of Law Coordination and Resource Group, UNODC responded to an increasing number of requests for technical assistance in post-conflict countries during the reporting period. The United Nations Stabilization Mission in Haiti assigned a post to UNODC in order to implement the joint Programme of Action to Strengthen the Rule of Law. In Southern Sudan a phase-I project to build leadership capacity within the prison service and address the circumstances of prisoners with specific needs is under implementation, in full coordination with the United Nations Mission in Sudan; phase II is envisaged to start in 2008. In Guinea-Bissau a programme called Combating and Preventing Drug Trafficking to and from Guinea-Bissau: Promoting the Rule of Law and the Effective Administration of Justice, 2007-2010 combines the provision of specialized expertise in investigation, prosecution and sentencing for drug trafficking with a phased approach to reform of the penitentiary administration and measures for access to justice.

¹³ For more details on the Office's work relating to violence against women, see E/CN.15/2008/2.

B. Accessible and effective criminal justice systems

1. Access to justice

37. In line with the problems identified in the assessments, the projects in this area focused heavily on improving access to justice by improving legal education and making information about one's case more accessible, on reducing delays and on improving complaint mechanisms. Projects focus on enhancing the information provided to court users through posters, flyers, stickers, television and radio programmes that educate the public about their constitutional rights (e.g., the right to bail, the right to see a judge within a certain time following arrest, the right to remain silent, the right to legal aid and the right to engage a lawyer); procedural codes; and codes of conduct for judges, prosecutors and police. In Nigeria, the number of court non-appearances due to the misconception that bail requires cash or some other form of payment was greatly reduced. In Indonesia and Nigeria, UNODC organized town-hall meetings that provided thousands of citizens with an opportunity to interact with local justice sector representatives. In Indonesia public declarations of intent by the chief justice and senior judicial figures to tackle judicial corruption within the framework of the project, along with integrity meetings and subsequent publicity, were credited with catalysing the creation of an anti-corruption activist group in southern Sumatra.

2. Timeliness and quality

38. Measures to enhance the timeliness and quality of justice delivery included procedural reforms; the provision of basic information technology equipment for courts; and the training of judges, prosecutors and court staff in case-flow management, alternative dispute resolution and diversion techniques and the handling of complex economic crimes. An independent evaluation of the Nigerian project found significant evidence of alternative dispute resolution initiatives, case-flow management and changes to civil procedures resulting in reductions in case backlogs, case lengths, the number of cases going to trial and, most significantly, the number of defendants in prison awaiting trial. UNODC also provided equipment essential to enhancing transparency and efficiency in court, such as photocopiers, computers and electronic court-recording machines. While this was welcomed by stakeholders, particularly in Nigeria, sustainable maintenance was a real challenge. No provision was made for supplies or repairs, although UNODC had emphasized the need.

C. Integrity and accountability of justice and public trust

39. This area of work has two main aspects. Its first dimension relates to the need to enhance transparency and integrity within the justice system and reduce its vulnerability to corruption. To this end, the following activities, the effectiveness of which could be enhanced through mentors in situ, could be considered: (a) advisory services to design or review human resources policies, terms of reference and codes of conduct for the judiciary; (b) training on ethics and integrity standards; and (c) support for national policies and measures aimed at establishing an environment conducive to the effective and independent performance of judicial functions. The second dimension relates to the need to increase the overall capacity of the criminal

justice system, as well as its specific ability to detect, investigate, prosecute and adjudicate corruption cases. This objective can be achieved through: (a) training for law enforcement in specialized investigative techniques and cross-border cooperation to detect and investigate cases of corruption; and (b) training for prosecutors and judges on the Convention against Corruption and on the application of domestic legislation to ensure efficient and effective adjudication of cases of corruption. Activities in this area may draw on the *Legislative Guide for the Implementation of the United Nations Convention against Corruption*, the Bangalore Principles of Judicial Conduct and the commentary thereon, the training manual on judicial ethics and the draft *United Nations Handbook on Practical Anti-Corruption Measures for Prosecutors and Investigators*. To contribute to the objectives in this area, UNODC is developing a computer-based training tool on judicial ethics. It should be noted that strengthening the criminal justice system will be a long-term task shared with the Conference of the Parties to the United Nations Convention against Transnational Organized Crime. Assistance in this field must receive appropriate attention as a matter of urgency, as it will require significant investment sustained over long periods of time. The matter is directly linked with the need to consolidate and expand the realization and acceptance of the importance of the criminal justice system as a pillar of the rule of law and thus as a key developmental issue.

D. Prison reform and viable alternatives to imprisonment

1. Special focus on Africa

40. In its resolution 2006/22, the Economic and Social Council requested UNODC to develop further tools and training manuals, based on international standards and best practices, in the area of penal reform and alternatives to imprisonment, in particular in the areas of prison management, legal advice and assistance and the special needs in prison of women and children, as well as of persons with mental illness and the physically challenged; to continue to provide advisory services and technical assistance to Member States, upon request, in the area of penal reform, including restorative justice, alternatives to imprisonment, HIV/AIDS in prisons and the special needs of women and girls in prisons and to develop a programme of technical assistance for Africa in penal reform and the provision of alternatives to imprisonment, building on the commitments made at the Round Table for Africa in its Programme of Action, 2006-2010.

41. The attention of African States to these issues was again shown by the adoption of the Revised African Union Plan of Action on Drug Control and Crime Prevention (2007-2012) in December 2007. The Plan of Action in particular requested Member States to establish and strengthen existing institutions and to consider non-custodial measures, where appropriate, aimed at rehabilitating offenders, particularly drug offenders, young offenders and children in conflict with the law, as well as focusing on alternatives for imprisonment based on best practices.

42. In 2006 and 2007 a number of programmes were designed to counter the difficulties faced by many prison systems in Africa, including overcrowding, overuse of pretrial detention, lack of separation and health issues, in particular HIV/AIDS. A regional approach was often taken in designing programmes and

sharing lessons. The projects typically were aimed at improving case- and file-management systems within the criminal justice system to reduce the length of pretrial detention and the frequency of its use; to introduce alternatives to imprisonment that are both cost-effective and based on regional good practices; to improve the quality of management and staff of prison and probation services through capacity-building measures such as training; and to introduce legal aid schemes adapted to the situation in Africa, through, for example, the use of paralegals inside prisons and/or police stations. Paralegals have been shown to have a catalytic effect in increasing the accountability of a prison system as well as improving the case management and timeliness of the criminal justice system. The human rights of the most vulnerable groups are thus increasingly protected.

43. A regional project on improving prison management and conditions in Africa and generating viable alternatives to imprisonment was developed; while Nigeria has pledged to support the project, there remains a significant shortfall. The implementation of two major country-specific projects started in the reporting period, while others were developed and in some cases pledges were made.

44. The project in Southern Sudan takes a three-pronged approach to supporting the prison reform process and helps meet three of the major prerequisites of sustainable reform: (a) developing capacity for the management of data on prisoners; (b) ensuring that human resources and leadership within the prison service have the skills and knowledge to manage the change process; and (c) supporting the development of a strong locally owned and comprehensive legislative and policy framework. An initial set of activities will be implemented over a seven-month period during which a longer-term set of objectives will be identified for the next phase.

45. In the Libyan Arab Jamahiriya a project to support the process of criminal justice reform includes a component on improving case management and reducing the number of unsentenced prisoners by improving access to legal representation.

46. A project on improving the management and conditions of prisons in Burundi and generating alternatives to incarceration was developed as part of the United Nations Joint Programme on Human Rights and Justice in Burundi and was to be implemented through the United Nations Integrated Office in Burundi. The project includes the following components: a programme under which paralegals provide legal aid in prisons and police detention cells; an appropriate national prison data and file management system; the provision of capacity-building for prison managers and staff; assistance in the design and implementation of a national penal reform strategy, including the implementation of new provisions of the Penal Code regarding alternatives and with special focus on vulnerable groups such as women and women with children; and HIV/AIDS prevention, care, treatment and support in prison settings.

47. Similar projects have been developed for Liberia on access to justice and legal aid and Guinea-Bissau, as outlined in paragraph 36 above. In Nigeria, a project to modernize the detainee file-management system in prisons was developed as a platform for modernizing the prison sector.

48. The UNODC programme on HIV prevention, treatment and care in prison settings in Africa experienced dramatic development in 2006 and 2007. In 2007, the post of all-Africa regional adviser on HIV in prison settings was established in

South Africa with the aim of creating a network of prison administrators and national AIDS programme managers throughout the continent. In terms of advocacy to improve information on the situation related to HIV in prison settings, in December 2007 UNODC, together with the World Health Organization and UNAIDS, published a paper entitled “HIV and prisons in sub-Saharan Africa: opportunities for action”. Knowledge, attitude and practice surveys have been conducted in prison settings in Cape Verde, Egypt, Kenya, Morocco, South Africa and Zambia. A regional consultation for East and Southern African countries took place in Kenya in November 2007. Seventy-three representatives from ministries of justice, prison administrations, ministries of health, civil society and national AIDS councils in 12 countries developed their road maps for the development and implementation of comprehensive HIV programmes in prison settings and among injecting drug users in each country. National strategies on HIV in prison settings are in the process of being endorsed in South Africa and Zambia.

49. In 2007, two important regional projects were launched. The first, on increasing access to prevention and care services for drug use and HIV/AIDS in prison settings, covers countries in the Middle East and, in North Africa, Egypt and Morocco. The second, on HIV prevention, care, treatment and support in prison settings, covers four countries in Southern Africa, namely, Mozambique, Namibia, Swaziland and Zambia. On a smaller scale, in Cape Verde and Kenya, UNODC is implementing HIV prevention and treatment projects that have a prison component.

2. Penal reform in other regions

50. In 2006 and 2007 UNODC implemented HIV prevention and treatment projects in Azerbaijan, Estonia, India, Kenya, Kyrgyzstan, Latvia, Lithuania, Romania, the Russian Federation, Tajikistan, Turkmenistan and Uzbekistan, and initiated new projects in the Middle East (Egypt, Jordan, Lebanon and Morocco).

51. The development of two networks, each involving both prison authorities and HIV authorities, has been initiated in Latin America and in Africa. A national strategy on HIV in prison settings is in the process of being endorsed in Kazakhstan.

52. In Lebanon a prison reform project is under way, building on the results of the projects on juvenile justice. The project is aimed at expanding UNODC technical assistance in Lebanon in the area of penal reform and provides assistance to the Ministry of Justice in developing its penal system. Such assistance will include the development of alternatives to imprisonment such as early release and probation; the provision of assistance to and building the capacity of the penitentiary administration; facilitating the development of programmes for prisoners; and the training of prison administration and staff. A larger project for the next phase is already under preparation. In the Islamic Republic of Iran prison projects continued to be implemented during the reporting period. In Afghanistan, following the evaluation of three main projects on criminal justice reform, penal reform and juvenile justice reform, follow-up projects were developed. The projects on extending prison system reform to the provinces and developing post-release opportunities for women and girl prisoners were implemented. In the next phase of the latter, implementation was extended to the provinces.¹⁴ In Uruguay, UNODC is

¹⁴ For more details, see E/CN.15/2008/2.

assisting the Government in reforming its prison system, including through the establishment of non-custodial sanctions.

E. Justice for children

53. In 2006 and 2007 three substantive independent evaluations of UNODC juvenile justice programmes were carried out, in Afghanistan, Jordan and Lebanon. The results of the Lebanon evaluation have already been reported on, in particular lessons learned on national ownership and sustainability. In Jordan the evaluation found that the programme was both necessary and timely because the Government was ready and willing to focus on juvenile justice and moves were already afoot to bring legislation into line with international standards. The project brought together all the various Government departments, relevant agencies and non-governmental organizations, highlighted barriers to cooperation and identified the need to establish a communication network to maintain links tentatively forged. It raised the awareness that all agencies must work together in the best interests of children. The programme raised the profile of juvenile justice and established an acceptance of the need for specialist courts and specialist personnel in the various disciplines (judges, social workers, probation officers, police officers). The evaluation further concluded that the programme has directly benefited young people in conflict with the law through the quality of rehabilitation programmes introduced and construction work done in the various centres, the automation of certain aspects of the juvenile court in Amman and the installation of audio-visual equipment at the Zarqa First Instance Court, which will provide protection not only for juveniles in conflict with the law but also for children at risk. Lessons learned included the fact that where lengthy delays occur between project design and implementation, any reassessment of need should be thorough and detailed and should include full consultation with all stakeholders. Every effort should be made to ensure that all stakeholders have accepted ownership of the project and are committed to it. The project documentation should clearly define the roles and responsibilities of all stakeholders.

54. In Afghanistan, the evaluation highlighted the leading role taken by UNODC in coordinating with other actors in the country, in particular UNICEF. The evaluation further found that the establishment and functioning of the Juvenile Justice Administration Department and the provision of the Youth Court in Kabul with suitable space for the preparation and holding of sessions would be of lasting benefit for the Afghan juvenile justice system.

55. In Lebanon the results of the project on juvenile justice and child victims included the creation of a website on juvenile justice¹⁵ within the Ministry of Justice, which ensured increased visibility in terms of prevention, procedures, the rehabilitation process and programmes. A programme of community service has been implemented with the active participation of parents in the rehabilitation process of juveniles through an “educational contract” that indicates the role and responsibility of each partner (court, children and parents). The project also succeeded, by various means, in decreasing the stigma of detention.

¹⁵ <http://ahdath.justice.gov.lb>.

56. Given the critical mass of knowledge and expertise in the area of justice for children gained through the implementation of the projects described above (as well as another project being implemented in Egypt), a regional forum, attended by 14 countries, was held in June 2007 under the auspices of the Egyptian and Lebanese Ministries of Justice. The countries drafted a national workplan focusing on five main objectives – legislative reform, institutional reform, training, raising awareness, protection of children in danger or child victims of criminal offences – and noted the related activities and the relevant partners. As a result of the forum, an assessment mission was carried out in Yemen at the request of its Ministry of Justice.

57. Additional projects have been developed for Burundi and the Syrian Arab Republic, and joint project formulation is under way with UNICEF for Indonesia and Uzbekistan. As reported in paragraph 35 above, broader criminal justice programmes often include a juvenile justice and/or child victim component.

V. Conclusions and recommendations

58. The reporting period saw a strong increase in the UNODC technical assistance portfolio in the area of judicial integrity and criminal justice reform. The implementation of a number of projects and programmes provided additional evidence that:

(a) Technical assistance in the areas of justice and integrity reform is dependent on national ownership through long-term interventions;

(b) It is not sufficient to strengthen only one aspect of the system or one of its institutions, and reform initiatives aimed only at one aspect have been shown not to be sustainable;

(c) In the area of integrity and accountability, it is also necessary to address law enforcement and prosecution services in support of efforts to strengthen the integrity of the judiciary;

(d) Interventions relating to technical or administrative aspects such as case management can have a significant impact on the efficiency of justice systems and human rights of prisoners;

(e) Assessments and data collection are essential components of such programmes;

(f) UNODC technical expertise and mandates are in increased demand both by Member States and by other agencies, including in post-conflict settings; thus, the technical assistance portfolio will continue to grow.

59. In view of the conclusions set out above, the Commission may wish to recommend that:

(a) UNODC continue designing and implementing technical assistance projects in the areas of (i) access to justice and penal reform, including in respect of restorative justice, alternative dispute resolution and informal justice, justice for children, gender in the criminal justice system, alternatives to imprisonment and victim support; (ii) the integrity of the justice sector, including judicial integrity, integrity in the prosecution service and police oversight and accountability; and

(iii) urban security and youth crime prevention, including anti-gang strategies, community policing, and strengthening central crime prevention authorities and strategies;

(b) Member States provide support to such integrated programmes on justice and integrity, in particular those outlined in the present report in post-conflict and transitional States;

(c) UNODC continue its efforts towards integration in peacekeeping missions and other joint United Nations missions through a variety of strategies, including through the assignment of posts to UNODC from other budgetary sources.
