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IMPROVING WOMENs ACCESS TO JUSTICE

During and After Conflict:
Mapping UN Rule of Law Engagement

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LIST OF ABBREVIATIONS

African Union-United Nations Mission in Darfur (UNAMID)	Special Representative of the Secretary-General (SRSG)
Convention to Eliminate All Forms of Discrimination against Women (CEDAW)	Team of Experts of on the Rule of Law / Sexual Violence in Conflict (ToE)
Department of Field Support (DFS)	UN Action Against Sexual Violence in Conflict (UN Action)
Department of Peacekeeping Operations (DPKO)	UN Assistance Mission for Iraq (UNAMI)
Department of Political Affairs (DPA)	UN Children’s Fund (UNICEF)
DPKO Criminal Law and Judicial Advisory Service (CLJAS)	UN Commission on Crime Prevention and Criminal Justice (UNCCPCJ)
Extraordinary Chambers in the Courts of Cambodia (ECCC)	UN Country Team (UNCT)
Global Focal Point in the Police, Justice and Corrections Areas in the Rule of Law in Post-Conflict and other Crisis Situations (GFP)	UN Development Assistance Framework (UNDAF)
Integrated Strategic Frameworks (ISF)	UN Development Programme (UNDP)
Interagency Network on Women and Gender Equality (IANGWE)	UNDP Bureau for Crisis Prevention and Recovery (BCPR)
International Association of Women Police (IAWP)	UN Entity for Gender Equality and the Empowerment of Women (UN Women)
International Criminal Tribunal for the former Yugoslavia (ICTY)	UN Integrated Mission in Timor-Leste (UNMIT)
International Criminal Tribunal for Rwanda (ICTR)	UN Integrated Peacebuilding Office in the Central African Republic (BINUCA)
International Network on Conflict and Fragility (INCAF)	UN Integrated Peacebuilding Office in Guinea-Bissau (UNIOGBIS)
Office of Legal Affairs (OLA)	UN Integrated Peacebuilding Office in Sierra Leone (UNIPSIL)
Office of the High Commissioner for Human Rights (OHCHR)	UN Mission in Liberia (UNMIL)
Office of the High Commissioner for Refugees (UNHCR)	UN Mission in the Republic of South Sudan (UNMISS)
Office on Drugs and Crime (UNODC)	UN Office in Burundi (BNUB)
Office of the United Nations Special Coordinator for Lebanon (UNSCOL)	UN Office in East Timor (UNOTIL)
Organisation for Economic Co-operation and Development (OECD)	UN Office for Project Services (UNOPS)
Peacebuilding Fund (PBF)	UN Operations in Côte d’Ivoire (UNOCI)
Peacekeeping Operations (PKO)	UN Organization Stabilization Mission in the DRC (MONUSCO)
Prosecution Support Cells (PSCs)	UN Population Fund (UNFPA)
Resident Coordinators (RC)/Humanitarian Coordinators (HC)	UN Regional Centre for Preventative Diplomacy for Central Asia (UNRCCA)
Rule of Law Coordination and Resource Group (RoLCRG)	UN Relief and Works Agency for Palestinian Refugees in the Near East (UNRWA)
Sexual and gender-based violence (SGBV)	UN Stabilization Mission in Haiti (MINUSTAH)
Special Political Mission (SPM)	

EXECUTIVE SUMMARY

A young girl in a green patterned headscarf is the central focus, looking directly at the camera with a serious expression. She is standing in a dusty, open area that appears to be a makeshift settlement or a refugee camp. In the background, there are several makeshift structures made of fabric and wood, and another person is visible in the distance. The overall scene is set in a dry, arid environment under a clear blue sky.

During or in the aftermath of conflict, it is now well-established that addressing the myriad obstacles to women's access to justice is an essential component of reducing gender-based violence and discrimination, which impede both security and development, and hinder women's full participation in post-conflict reconstruction and peacebuilding.



DURING OR IN THE AFTERMATH OF CONFLICT, IT IS NOW WELL-ESTABLISHED THAT ADDRESSING THE MYRIAD OBSTACLES TO WOMEN'S ACCESS TO JUSTICE IS AN ESSENTIAL COMPONENT OF REDUCING GENDER-BASED VIOLENCE AND DISCRIMINATION, WHICH IMPEDE BOTH SECURITY AND DEVELOPMENT, AND HINDER WOMEN'S FULL PARTICIPATION IN POST-CONFLICT RECONSTRUCTION AND PEACEBUILDING. CONVERSELY, RECOGNITION OF WOMEN'S EQUAL RIGHTS AND THE MEANS TO PROTECT THEM CAN BE A CRUCIBLE FOR DEVELOPMENT AND STABILITY, UNLEASHING THE RESOURCES OF HALF THE POPULATION AND NARROWING INEQUALITIES WHICH CAN DRIVE CONFLICT. AROUND THE WORLD, UNITED NATIONS (UN) FIELD PRESENCES ARE TRYING TO MEET THIS CHALLENGE AS PART OF THEIR BROADER EFFORTS PROVIDING RULE OF LAW ASSISTANCE IN CONFLICT-AFFECTED SETTINGS.

In 2011, as part of a broader reflection on and assessment of the UN's provision of rule of law assistance, the Secretary-General's Policy Committee requested a mapping exercise to measure the extent to which the primary UN entities engaged in access to justice work in conflict-affected settings are focusing on women's empowerment and gender equality, both through their programming and funding. This report documents the results of that exercise, which has focused on mapping current and recent relevant activities being undertaken by the nine UN entities which were at the time of the review members of the Rule of Law Coordination and Resource Group (RoLCRG). The study covers both headquarters and field level.¹ The intended aim of the review is to catalyse a system-wide effort towards a measurable increase in programming and funding in this area, illustrating the growing connections between the UN's rule of law work on the one hand, and its commitment to mainstreaming gender into peace and security issues on the other. The study has been guided by the recommendations contained in the Secretary-General's reports on the *Rule of Law and Transitional Justice* (2011) and *Women's Participation in Peacebuilding* (2010), as well as the findings of the 2011-12 UN Women report *Progress of the World's Women: In Pursuit of Justice*. With the creation of the new Global Focal Point (GFP) in the Police, Justice and Corrections Areas in the Rule of Law in Post-Conflict and other Crisis Situations, it is hoped that this report will contribute also to the gender mainstreaming aspects of the GFP mandate. The mapping involved a survey to capture who was working where and with whom; a snapshot of their programming focus, design and what funding modalities and resources are being allocated to support this programming. The picture that follows in this report is still far from comprehensive, which is both a reflection of the complexity of the exercise and the novelty of trying to gather all such information in one place.² However, the preliminary findings of this review show that there is a great diversity of activity by UN rule of law entities.

1 The primary focus of the review is on current activity, but also includes some examples of recently concluded programming since 2009. The review covers the relevant work of the original nine RoLCRG entities as they were in 2012 – this includes: UNDP, DPKO, DPA, UNHCR, UNICEF, UNODC, OLA, OHCHR, and UN Women. RoLCRG has subsequently been expanded to encompass a number of new UN entities. Of these, only UNOPS provided information on their relevant women's access to justice programming; this is included in a footnote below.

2 In detailing the activities of rule of law entities across the UN system, it is also hoped that this will serve as a source of information to prompt further collaboration in this area and inform the uptake of programming ideas in new contexts.

The UN system now has at its disposal a wealth of research-based policy guidance, at the heart of which lie practical strategies for responding to the demands and concerns of women grappling with the realities of ongoing or recently concluded conflict. The extent to which the objectives and forms of intervention are grounded in context-driven assessments – in which the voices of intended beneficiaries feature – is not always clear. Some aspects of global policy, particularly around issues of sexual violence in conflict and the broader messages of the Security Council's landmark resolution 1325 (2000) on women, peace and security, seem to have permeated through the system – at least at the level of awareness. More is still needed to turn awareness into reality, particularly in connecting women's social and economic empowerment with what is done under a rule of law banner. The trend, rightly, seems to be in favour of longer-term programming, often conducted jointly between UN entities. Nonetheless, there are clear calls at field level in particular for more effective coordination, and crucially, more sustained political support from

UN field-presence leadership on the importance of strengthening women's access to justice as a core part of post-conflict peacebuilding.

In terms of substantive focus and the form of interventions, there is still a tendency to prioritize training and other forms of capacity development, while infrastructure, administrative reforms and helping local actors mobilize resources lag behind. Infrastructure support is often the focus of early recovery efforts rather than subsequent peacebuilding or development programming. Ensuring that attention is paid to addressing gender-specific obstacles to accessing justice during these initial phases can be critical if it is not to fall between the gaps later on. Likewise, the challenges of engaging with informal justice systems (and other authorities such as religious leaders) remain areas in which more effort is needed. The possibilities offered by transitional justice processes (both judicial and non-judicial) in tackling root causes of impunity for both past gender violence and the links to ongoing violence or exclusion seem under-explored in the activities reported.

While the focus on sexual violence in many areas is to be commended as tackling a historical silence, this should not be substituted for mainstreaming gender-sensitive perspectives across the board in rule of law programming. It is now widely documented that the obstacles to women's access to justice derive as much from justice-chain actors' attitudes and skills as the availability of legal assistance or other direct forms of support to victims of gender-based rights violations. Issues of economic and social injustice, although connected to access to justice issues more broadly, also remain largely separate from the activities of rule of law actors, a gap which highlights the

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importance of integrated assessment and planning, and the need to sustain meaningful partnerships with other sectoral actors. The need to improve women's participation in all levels of decision-making in peacebuilding settings has been well recognized, but looking back upstream – such as to the cultural, economic and institutional reasons for blockages to women and girls accessing legal education – needs greater attention to get to the source of downstream absences. New tools and policy guidance produced over recent months offer great potential to address many of these challenges, if effectively integrated into internal capacity-building and planning processes.

The difficulties of gathering data, particularly on budget allocations, highlight the imperative that the UN system has already identified of ensuring consistent ways of tracking efforts at all stages, such as through the gender markers. Although the work is complex, methodologies have been developed and are already proving useful tools in practice. Finding ways to bring these to bear on the financing and planning of both secretariat action and work done as part of multi-dimensional peacekeeping and special political missions should be acknowledged as part of this imperative. Lastly, efforts to evaluate the actual impact of these interventions must then inform ongoing research and monitoring in ways that are accessible as ready resources for both field and headquarters staff to draw upon and inform future programming.

ADDITIONAL FINDINGS

- The most common areas of RoLCRG members' engagement across the board are legislative reform, promoting awareness of legal rights and protection, and capacity-building or training of key justice chain actors (judicial officials, legal professionals, law enforcement and corrections officers). In the field, core access to justice work is being done in newer ways, such as training of paralegals and assisting civil society groups who support victims of sexual and gender-based violence (SGBV);
- There is evidence of multiple areas of programming that are addressing different aspects of women's access to justice. This suggests that practice on the ground is either informing or reflecting recent policy developments and that developments at field and global levels are interconnected. Interventions are providing some, but not all, aspects of the holistic responses that are needed for women to access justice processes;

- There is little consistency or common reference points between UN rule of law actors in identifying when an activity has a gender-focused objective or outcome;
- Sex-disaggregated data should be utilized to inform the design and monitoring of all rule of law programming in addition to monitoring specific outcomes related to women's access to justice;
- In field settings, training and other forms of capacity development focus heavily on developing the specialized skills needed to investigate and prosecute SGBV. Within policing, specialized vulnerable persons/special protection units feature strongly as a specialized strategy;
- Gender programming and donor engagement in the area of corrections, although having increased in recent years, continues to be a challenge and requires ongoing support. More recently, DPKO has incorporated gender sensitivity training in pre-deployment training for government-provided corrections personnel. DPKO has also partnered with Rwanda, Sweden and Canada (the secretariat of the Group of Friends of Corrections) to host a workshop in Kigali focusing on gender and women corrections officers, with the aim of increasing awareness of women's issues in a correctional context and to augment the number of women corrections officers deployed to peacekeeping operations. Corrections components in the field have been actively promoting awareness among national counterparts of the *United Nations Standard Minimum Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders* (Bangkok Rules), including by encouraging national prison services to increase the number of women corrections officers and thereby enhance the capacity of national prison authorities to protect female prisoners from sexual and gender-based violence and discrimination. Finally, the Criminal Law and Judicial Advisory Service in DPKO is currently revising its policy on corrections support to peace operations to include strengthened provisions on gender-specific issues.
- Increasing women's participation requires greater focus on women's access to legal education (e.g. through scholarships) as well as professional support networks. Work supporting women's participation in other forms of governance or oversight bodies is less prominent as part of access to justice engagement;
- Mobile courts and similar administrative reforms aimed at improving women's access to justice services, as well as work on women's access to informal justice processes, were the least common areas of engagement even at field level;
- There is a need for greater awareness-raising and debate about the possible transformational role that transitional justice efforts can play in transforming pre-existing gender biases that were contributing factors in facilitating the violence in the first place. New guidance notes including on reparations for conflict-related sexual violence and minimum standards for gender-responsive transitional justice, as well as improved dissemination of UN Women's existing briefing note on gender and transitional justice offer opportunities to improve this;
- The most commonly noted authority for interventions were the Security Council resolutions on women, peace and security, in particular resolution 1325, highlighting the extent to which these resolutions have permeated the UN system's awareness. The Secretary-General's *Seven-Point Action Plan on Gender-Responsive Peacebuilding*, DPKO policy guidance (particularly



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the DPKO/Department of Field Support (DFS) policy guidelines on integrating gender perspectives into the UN), and the UN Development Programme's eight-point agenda for women's empowerment and gender equality have also had significant impact;

- While UN rule of law work at field level is comfortable operating in areas such as training/capacity development and other forms of technical assistance/advisory services, justice sector assessments and mobilizing national and international resources remain more limited across most entities;
- While joint programming is well established both at headquarters and in the field, this is not necessarily translating into better coordination on the ground. A recurring comment received from survey respondents was the need for political commitment from senior UN representatives in field settings – be they Special Representatives of the Secretary-General (SRSGs), Resident Coordinators (RCs) or Humanitarian Coordinators (HC) – to prioritize the issue of women's access to justice; and
- There is a broad lack of transparency and readily available sources of data to obtain a comprehensive picture of UN rule of law funding writ large, and women's access to justice within this. This is more acutely the case in mission settings due to the nature of mission funding arrangements.

SUMMARY OF RECOMMENDATIONS

Growing the knowledge base for coherent programming design and tracking of programming and funding:

- UN Women through the GFP arrangement should explore the establishment of a centralized repository of programming on women's access to justice and budget allocations as a way to track the implementation of the Secretary-General's commitment on rule of law under the *Seven-Point Action Plan on Gender Responsive Peacebuilding*. This could be maintained by requesting UN partners to provide regular updates on country level activities to GFP partners. This data should be included in the annual contributions to the report of the Secretary-General on strengthening rule of law activities, as a way of tracking further progress and completing a more comprehensive picture, and it should form part of existing reporting requirements rather than create a new reporting requirement. The matrix compiled for this review could serve as a possible template for the GFP collations of additional information. It can also be used to ensure UN-wide consistency and access to resources and training opportunities on gender and access to justice;
- UN Women, together with GFP partners, should jointly commission research to develop a means of estimating rule of law resource allocation and data collection methodologies that address the reality of mission funding arrangements;
- Further research and analysis is needed into the effectiveness of monitoring and evaluation mechanisms, including the *Country Team Gender Scorecard* and data-gathering vehicles such as the *Rule of Law Indicators Project*. Once there is more data available, additional



research should be commissioned to determine improved outcomes of UN programming under each new process;³ and

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- The generation of new research and knowledge tools should equally focus on ensuring dissemination to the field and uptake in future programming design.

Linking field and headquarters efforts further:

- The establishment of the GFP offers new opportunities to create integrated programming on post-conflict gender justice issues that maximizes the coherence between strategic approaches developed at headquarters and practical implementation on the ground. This should be a priority as the GFP system is operationalized;
- Following the model of the GFP, integrated and joint programming should be encouraged at the country level between all entities. This is happening but in an as yet limited way in the area of women's access to justice. Comprehensive and integrated responses, such as one-stop centres with police, lawyers, social and health workers, as recommended in UN Women's *2011 Progress Report*, would be one example of joint and integrated responses that have real impacts;
- Recent research and the resulting policy guidance, such as UNDP's 2005 *Programming for Justice: Access for All* and *The Price of Peace* (2010), the Secretary-General's *Seven-Point Action Plan on Gender-Responsive Peacebuilding* (2010), the joint UNDP/UN Children's Fund (UNICEF)/UN Women report on *Informal Justice Systems* (2012), UN Women's *Progress of the World's Women: In Pursuit of Justice* (2011) and *Making Transitional Justice Work for Women* (2012), the Department of Political Affairs (DPA)'s *Guidance for Mediators on Addressing Conflict-Related Sexual Violence in Ceasefire and Peace Agreements* (2012) and the UN Office on Drugs and Crime's (UNDC) *Gender in the Criminal Justice System: assessment tool* (2010) should be more thoroughly disseminated and used as the basis of capacity development. Forthcoming guidance material on gender and transitional justice and reparations for conflict-related sexual violence offer important opportunities to fill outstanding gaps in the field;⁴

3 The *Country Team Gender Scorecard* is a method of tracking internal performance on gender equality in UN field presences, and the *Rule of Law Indicators Project* is a tool that has been developed to measure external progress on rule of law development in national justice systems. Both are relatively new tools and further descriptions of them are contained below in notes 46 and 36.

4 This guidance material is forthcoming from OHCHR and UN Women.



- Given the cross-sectoral nature of some UN engagements (such as national strategy development on eliminating violence against women) which go beyond traditional forms of rule of law/access to justice assistance, there is a need for adequate field capacity in these areas and appropriate backstopping from headquarters;
- UN entities should explore how to leverage their influence with national governments to encourage an awareness of gender equality and justice issues in post-conflict settings through planning frameworks (including UN Development Assistance Frameworks, Integrated Strategic Frameworks, and transition compacts). UN Women could play a role in engaging UN field leadership on how to prioritize women's access to justice in post-conflict settings;
- In DPKO-led mission settings, regular and consistent close coordination between mission and UN Country Team (UNCT) gender advisors, as well as other UN actors working on access to justice issues, is essential; and
- Forthcoming research on the effectiveness of newer forms of UN interventions, such as support to mobile courts or working with customary justice actors, can provide important recommendations to inform gender-sensitive rule of law assistance programs in other conflict-affected settings.

Improving resource allocation

- RoLCRG entities should build institutional knowledge and skill in applying Gender Markers to rule of law assistance programs globally.
- Relevant UN entities should ensure that 15 per cent of funding of rule of law and access to justice programming is dedicated to gender equality and women's empowerment by 2014, in line with the Secretary-General's *Seven Point Action Plan on Gender-Responsive Peacebuilding*.
- The Peacebuilding Fund (PBF) should actively encourage UN entities applying for funding to prioritise women's access to justice in *Peacebuilding Priority Plans* and project proposals.
- The Peacebuilding Fund (PBF) should actively encourage UN entities applying for funding to prioritise women's access to justice in *Peacebuilding Priority Plans* and project proposals.

FIGURE 1. OVERVIEW OF ROLCRG MEMBERS' WORK ON WOMEN'S ACCESS TO JUSTICE POST-CONFLICT

Areas of Work	Entities doing HQ-level work	Field level work	
		% of 23 countries	Entities ⁵ doing field level work
i.) Legal protection from gender-based discrimination or violence	DPKO (J); OHCHR; OLA; UNDP	83%	DPA, DPKO (J), DPKO (P), OHCHR, OLA, UN WOMEN, UNDP
ii.) Legal awareness, education or advocacy	DPKO (J); DPKO (P); OHCHR; OLA; UNDP; UNODC	91%	DPA, DPKO (J), DPKO (P), OHCHR, OLA, UN WOMEN, UNDP, UNICEF
iii.) Legal assistance or representation	UNDP	83%	DPA, DPKO (J), DPKO (P), OHCHR, OLA, UN WOMEN, UNDP, UNICEF
iv.) Capacity development of judicial or legal officials	DPKO (J); OHCHR; OLA; UN Women; UNDP; UNODC	91%	DPA, DPKO (J), DPKO (P), OHCHR, OLA, UN WOMEN, UNDP, UNICEF, UNODC
v.) Capacity development of law enforcement or corrections officials	DPKO (J); DPKO (P); DPKO (C); OHCHR; UNDP; UNODC	96%	DPA, DPKO (J), DPKO (P), DPKO (C), OHCHR, OLA, UN WOMEN, UNDP, UNODC
vi.) Women's participation in justice institutions	DPKO (P); DPKO (C); OHCHR; UN Women; UNDP; UNODC	96%	DPA, DPKO (J), DPKO (P), DPKO (C), OHCHR, OLA, UN WOMEN, UNDP, UNODC
vii.) Women's participation in governance or oversight structures	DPKO (J); DPKO (P); DPKO (C); OHCHR; UNDP; UNODC	70%	DPA, DPKO (J), DPKO (P), OLA, UN WOMEN, UNDP, UNODC
viii.) Mobile courts and gender-sensitive administrative reform	UNDP	57%	DPA, DPKO (J), DPKO (P), DPKO (C), OLA, UN WOMEN, UNDP
ix.) Other infrastructure reforms for victims of gender-based harm to access justice	DPKO (J); DPKO (P); DPKO (C); UNDP	83%	DPA, DPKO (J), DPKO (P), DPKO (C), OHCHR, OLA, UN WOMEN, UNDP, UNODC
x.) Gender-sensitive transitional justice processes	OHCHR; OLA; UN Women; UNDP	70%	DPA, DPKO (J), DPKO (P), OLA, UN WOMEN, UNDP, UNODC
xi.) Gender-sensitive informal justice, customary, or community-based dispute resolution	DPKO (P); OHCHR; UNDP	61%	DPA, DPKO (J), DPKO (P), OLA, UN WOMEN, UNDP, UNODC

⁵ DPA has been implementing the spirit of the *Seven Point Action Plan on Gender-Responsive Peacebuilding* in all of its conflict resolution and prevention efforts since the adoption of the Plan in 2010, both at headquarters and in the field. However, as DPA-led Special Political Missions do not manage dedicated programming funds, resources allocated/spent by these field missions should be understood as allocated staff time, travel and associated mission support costs related to activities that promote women's access to justice and inclusive rule of law practices during conflict and in post-conflict situations.

INTRODUCTION



In 2011, as part of a broader reflection on and assessment of the UN's provision of rule of law assistance, the Secretary-General's Policy Committee requested a mapping exercise to measure the extent to which the primary UN entities engaged in access to justice work in conflict-affected settings are focusing on women's empowerment and gender equality, both through their programming and funding.

IN 2011, AS PART OF A BROADER REFLECTION ON AND ASSESSMENT OF THE UN'S PROVISION OF RULE OF LAW ASSISTANCE, THE SECRETARY-GENERAL'S POLICY COMMITTEE REQUESTED A MAPPING EXERCISE TO MEASURE THE EXTENT TO WHICH THE PRIMARY UN ENTITIES ENGAGED IN ACCESS TO JUSTICE WORK IN CONFLICT-AFFECTED SETTINGS ARE FOCUSING ON WOMEN'S EMPOWERMENT AND GENDER EQUALITY, BOTH THROUGH THEIR PROGRAMMING AND FUNDING. THIS REPORT DOCUMENTS THE RESULTS OF THAT EXERCISE, WHICH HAS FOCUSED ON MAPPING CURRENT AND RECENT RELEVANT ACTIVITIES BEING UNDERTAKEN BY THOSE NINE UN ENTITIES WHICH WERE MEMBERS OF THE RULE OF LAW COORDINATION AND RESOURCE GROUP (ROLCRG) AT THE TIME OF THE STUDY. THE REVIEW COVERS BOTH HEADQUARTERS AND FIELD LEVEL.⁶

The intended aim of the review was to catalyze a system-wide effort towards a measurable increase in such programming and funding, illustrating the growing connections between the UN's rule of law work on the one hand, and its commitment to mainstreaming gender into peace and security issues on the other. The study has been guided by the recommendations contained in the Secretary-General's reports on the *Rule of Law and Transitional Justice* (2011) and *Women's Participation in Peacebuilding* (2010), as well as the findings of the 2011-12 UN Women report *Progress of the World's Women: In Pursuit of Justice*. In addition, the Secretary-General's *Seven Point Action Plan on Gender Responsive Peacebuilding* (2010) identifies rule of law as one of the seven commitment areas of the UN system and sets concrete targets for the UN system as regards women's access to justice. With the creation of the new Global Focal Point (GFP) in the Police, Justice and Corrections Areas in the Rule of Law in Post-Conflict and other Crisis Situations, it is hoped that this report will contribute also to the gender mainstreaming aspects of the GFP mandate.⁷

The scope of this project is vast, and a desk-based review has necessarily meant that the picture presented is in broad brush strokes and incomplete. In contrast to the compilations maintained by the Interagency Network on Women and Gender Equality (IANGWE), for example, there is no standing resource that offers a comprehensive picture of rule of law programming and funding across the UN system to use as a starting point.⁸ As the Secretary-General has recently noted, UN rule of law assistance is being provided globally by many parts of the UN, and not limited to conflict-affected contexts.⁹ In addition, the nature of rule of law assistance varies widely, as do the delivery structures, mandates and funding modalities.

It warrants emphasis at the outset that examining the impact or effectiveness of UN work to improve women's access to justice post-conflict is also well beyond the scope of this review. It is hoped that other, complementary review initiatives underway will help shed light on the vital questions of how this work is indeed making a difference to women's lives on the ground.¹⁰

This report, after outlining the methodology employed, examines the substance and scope of the work: who is doing what, and where. Next, the report examines briefly the design of the interventions: to what extent their objectives and mandates are a reflection of context-specific needs and/or coherent policy, whether they are short or long term engagements and how progress towards the objectives is being measured. This is followed by a discussion of the trends in the functional forms of the assistance, distinguishing between headquarters and field level. The report then explores questions of coordination and coherence, looking at the key partnerships both inside and outside the UN system. Lastly, the report examines the available data on resource allocation to UN work on women's access to justice post-conflict, and the sources and modalities of funding. At the end of each section, where possible, the report suggests recommendations for further research and guidance to improve and strengthen the UN's work.

6 The primary focus of the review is on current activity but also includes some examples of recently-concluded programming since 2009.

7 The GFP, co-led by DPKO and UNDP, is responsible for ensuring system-wide coherence in the UN's support to the field on efforts to strengthen the rule of law at national levels in the areas of policing, justice and correction in post-conflict and other crisis situations. UN Women has co-located one staff member with this new arrangement to support gender mainstreaming through all areas of rule of law support.

8 IANGWE maintains both a repository of *Resources and tools for capacity development on gender mainstreaming within the UN system* and a repository of policies, strategies and action plans on gender mainstreaming within the UN system and a compilation of resources and tools for capacity development. See www.un.org/womenwatch/iangwe/repository

9 As stated by the Secretary-General, "[t]he United Nations is providing rule of law assistance in over 150 Member States spanning every region of the world. These activities take place in all contexts, including development, fragility, conflict and peacebuilding. Three or more United Nations entities engage in rule of law activities in at least 70 countries and five or more entities in over 35 countries. Evidence supports the trend towards more joint and comprehensive initiatives by key operational rule of law entities, particularly in conflict and post-conflict settings, where there are 17 peace operations with rule of law mandates." A/66/133, para 2.

10 See, for example, the forthcoming study commissioned also in 2011 to review the impact achieved by UN rule of law activities at the national level.

BACKGROUND TO THE PROJECT

A young girl with a blue headscarf and a military-style camouflage uniform is looking off to the side. The background is blurred, showing another person in a blue headscarf.

The last decade has seen landmark convictions for sexual and gender-based violence (SGBV) committed during conflict issued by national and international courts, all-female UN police units, innovative solutions such as mobile courts and specialized investigation units and a steady rise in international awareness of the importance of ensuring women's effective participation in all aspects of peacebuilding work as a critical pre-requisite for development and security.



THE LAST DECADE HAS SEEN LANDMARK CONVICTIONS FOR SEXUAL AND GENDER-BASED VIOLENCE (SGBV) COMMITTED DURING CONFLICT ISSUED BY NATIONAL AND INTERNATIONAL COURTS, ALL-FEMALE UN POLICE UNITS, INNOVATIVE SOLUTIONS SUCH AS MOBILE COURTS AND SPECIALIZED INVESTIGATION UNITS AND A STEADY RISE IN INTERNATIONAL AWARENESS OF THE IMPORTANCE OF ENSURING WOMEN'S EFFECTIVE PARTICIPATION IN ALL ASPECTS OF PEACEBUILDING WORK AS A CRITICAL PRE-REQUISITE FOR DEVELOPMENT AND SECURITY. YET WOMEN AND GIRLS CONTINUE TO BEAR THE BRUNT OF POVERTY, INSECURITY, VIOLENCE AND EXCLUSION FROM DECISION-MAKING IN THE AFTERMATH OF ARMED CONFLICT OR CIVIL UNREST – PRECISELY THE ENVIRONMENTS IN WHICH THE RULE OF LAW CHALLENGES ARE GREATEST.

The intersection of the policy agendas on re-establishing rule of law in the aftermath of conflict on the one hand, and women, peace and security on the other, is evidenced by the proliferation of work by a broad range of national and international actors. And yet these agendas continue to evolve on parallel tracks, with few gender experts engaging rule of law actors, and few rule of law actors or policy experts seeing the need to integrate their work with the Women, Peace and Security agenda. There have been clear calls for greater coordination, coherence and effectiveness within the UN system, as well as improved partnerships with non-UN actors (particularly at the national level).¹¹

More specifically, the Secretary-General's *Seven Point Action Plan for Gender-responsive Peacebuilding*, intended to accelerate implementation of Security Council resolution 1325 (2000) by committing the UN system to specific targets, highlights the need for increased access to justice for women and girls whose rights are violated, including promotion of women's participation in post-conflict justice mechanisms and law enforcement.¹² In 2011 the Secretary-General rolled out the *Strategic Results Framework on Women, Peace and Security*, which aims *inter alia* to ensure that "[r]elevant United Nations entities promote, support and provide technical assistance to judicial and corrections reform and legal support services (both formal and informal) to protect and enforce women and girls' human rights consistent with international standards, with specific attention to sexual and gender based violence survivors and other vulnerable women".¹³ Likewise, in the Secretary-General's 2011 report on the *Rule of Law and Transitional Justice in Conflict and Post-Conflict Societies*, he noted the need for a significant increase in funding for women's access to justice programs, incorporating socio-economic rights violations and promoting women's meaningful participation in transitional justice mechanisms.¹⁴ These conclusions are substantiated by extensive research conducted for UN Women's *Progress of the World's Women: In Pursuit of Justice* report, which sets out a comprehensive set of ten recommendations "to make justice systems work for women".¹⁵ Taken together, these target both the substance of the work that is needed and also the way in which it should be delivered.¹⁶ Achieving the implementation of these recommendations requires a clear understanding of the UN's own initiatives in this area, and it is to this end that this review is offered as a modest contribution.

11 *Review of Civilian Capacities Report*, 22 February 2011, A/65/747-S/2011/85; *Strengthening and coordinating United Nations rule of law activities: Report of the Secretary-General*, 8 August 2011, A/66/133, part IV.

12 See Action Plan commitments 6a and 6b in *Women's participation in peacebuilding: Report of the Secretary-General*, 7 September 2010, A/65/354-S/2010/466.

13 Strategic results framework on women, peace and security, Outcome 3.3.

14 S/2011/634.

15 *Progress of the World's Women: In Pursuit of Justice*, UN Women, 2011.

16 A comparative chart of the recommendations from each of these three sources is appended as Annex B to this report.

METHODOLOGY

A photograph of a rubble-strewn area, likely a site of destruction. In the foreground, a large, smooth, spherical stone object sits on the ground. To the right, the lower leg and foot of a person wearing a brown garment and a green sandal are visible. In the background, several people are walking through the debris. The ground is covered in dirt, stones, and broken bricks. The sky is overcast.

Aside from a review of relevant documentation and summary material provided by RoLCRG entities, the primary means of data collection for comparative analysis was by way of web-based surveys of field and headquarters-level activity, which are described in greater detail below. It is clear that further inquiry and substantiation of the data collected through the surveys – as well as supplementary means of data collection – would be of great value, both to guide UN Women’s own programme planning but also for coordination purposes.



3.1 SCOPE AND PARAMETERS OF THE MAPPING

ASIDE FROM A REVIEW OF RELEVANT DOCUMENTATION AND SUMMARY MATERIAL PROVIDED BY ROLCRG ENTITIES, THE PRIMARY MEANS OF DATA COLLECTION FOR COMPARATIVE ANALYSIS WAS BY WAY OF WEB-BASED SURVEYS OF FIELD AND HEADQUARTERS-LEVEL ACTIVITY, WHICH ARE DESCRIBED IN GREATER DETAIL BELOW. IT IS CLEAR THAT FURTHER INQUIRY AND SUBSTANTIATION OF THE DATA COLLECTED THROUGH THE SURVEYS – AS WELL AS SUPPLEMENTARY MEANS OF DATA COLLECTION – WOULD BE OF GREAT VALUE, BOTH TO GUIDE UN WOMEN’S OWN PROGRAMME PLANNING BUT ALSO FOR COORDINATION PURPOSES. FURTHERMORE, IT IS RECOMMENDED THAT UN WOMEN AND/OR THE RULE OF LAW UNIT (BASED IN THE EXECUTIVE OFFICE OF THE UN SECRETARY-GENERAL) CONSIDER REQUESTING ROLCRG MEMBERS TO PROVIDE REGULAR UPDATES (WHICH COULD BE DONE DIRECTLY INTO THE MATRIX COMPILED THROUGH THIS REVIEW, AS PART OF THE ANNUAL CONTRIBUTIONS TO THE REPORT OF THE SECRETARY-GENERAL ON STRENGTHENING RULE OF LAW ACTIVITIES), AS A WAY OF TRACKING FURTHER PROGRESS AND COMPLETING A MORE COMPREHENSIVE PICTURE.

As the bulk of UN rule of law assistance takes place in countries in which some form of large-scale violence or conflict has occurred previously or currently, it was necessary to limit the scope of this review.¹⁷ In order to ensure a comprehensive yet manageable picture of relevant field-based activity, 33 countries were selected for inclusion in the review, based on meeting at least one of the following criteria defining it as ‘conflict-related’:

17 For example, another review is currently underway to examine UN work on women’s access to justice in non-conflict settings, under the auspices of IANGWE.

18 I.e. this *excludes* those mission settings not covered by the Secretary-General’s Decision on Integration (Decision 2008/24).

- a) Mission settings in which there is a multidimensional peacekeeping operation (PKO) or special political mission (SPM) present with a Security Council rule of law mandate¹⁸;

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- b) The country is a beneficiary of support from PBF;¹⁹
- c) There is a UN-supported post-conflict justice mechanism in operation;
- d) It is one of the priority countries covered by UNDP/UN Bureau for Crisis Prevention and Recovery (BCPR) Global Programme for Strengthening the Rule of Law in Fragile and Conflict-Affected Situations.

More than two-thirds of the countries covered meet at least two of these criteria, with only nine countries included by reference to one category alone. Some countries such as Rwanda and Cambodia, while still recovering from significant legacies of conflict and mass violence, are no longer considered fragile or immediately conflict-affected but are included because of the existence of UN-supported justice processes.²⁰

It warrants noting that this review is only able to present a snapshot of a selection of UN activity and there is relevant activity both taking place in other country settings and by other members of the UN family.²¹ Likewise, some entities may consider additional areas of their work to be contributing to women’s access to justice, but this review focuses on those under the umbrella of rule of law assistance.²²

These settings represent a spread of both mission settings (nine SPMs and nine PKOs) and 18 non-mission settings. It is worth noting that all of the 2011-12 priority countries identified by the Team of Experts on the Rule of Law / Sexual Violence in Conflict (ToE) are included in the review.²³ In order to delineate parameters for the areas of activity to be included in the review, it was necessary to take a composite approach of common elements among rule of law actors. There is no single definition of “access to justice”, or programming for it, currently in use across the UN system. Recent and current rule of law review processes by external actors tend to use a narrow conception that focuses on the provision of legal advice/representation and awareness

19 These are largely but not exclusively non-mission settings. Myanmar is not included in the review as it only began to receive PBF support in late 2012 after the review had already commenced.

20 Several of these internationally-supported tribunals have led landmark prosecutions and jurisprudence on gender-based crimes.

21 Although beyond the scope of the review, UN Women Thailand and UNRWA both indicated that they are doing work similar to that covered in the review. Note also that this review does not cover the relevant programming of new RoLCRG members as the membership of the group expanded in 2013. Of the new entities, only UNOPS provided information on their relevant programming. UNOPS programming in this area includes: capacity development of judicial or legal officials and of law enforcement or corrections officials; establishment of mobile courts and gender-sensitive administrative reform; counseling services and other infrastructure reforms for victims of gender-based harm to access justice. In the occupied Palestinian territories, UNOPS is operating as one of the executing agencies and implementing the procurement component of the Sharaka Project, a programme of assistance to support and strengthen the Palestinian prosecution services. The project is supporting Palestinian women and girls in the realization of their full rights by strengthening the legal system in their favor, increasing public awareness of issues that affect women in the criminal justice system, and improving the prosecution’s response to gender-specific rights violations. Through the establishment of a gender strategy and Gender Unit, Sharaka is working to build the institutional capacity and gender sensitivity of the Office of Attorney General and Public Prosecution prosecutors and staff, improve gender analyses of systematic issues, policies and programs – especially employment equality – and to continue training-related activities and outreach to victims of gender-based violence. In Liberia, UNOPS has partnered with UNDP in supporting women’s access to justice through the rehabilitation of the Gbarnga regional justice and security hub. The project will establish an SGBV office in the courthouse building which will include counseling for affected women.

22 For example, UNHCR’s *Comprehensive Protection Framework on Access to Justice for SGBV Survivors* includes activities related to ensuring women in camps have personal documentation, an issue of particular relevance to displaced populations but not classified as access to justice work by other entities.

23 Further detail about the Team of Experts is described in Section 4.1.3 below.

FIGURE 2. CONFLICT-AFFECTED COUNTRIES COVERED BY THE REVIEW

Afghanistan	Guinea (Conakry)	Occupied Palestinian Territories (oPt)
Bosnia and Herzegovina (BiH)	Guinea Bissau	Pakistan
Burundi	Haiti	Rwanda
Cambodia	Iraq	Sierra Leone
Central African Republic (CAR)	Kenya	Somalia
Chad	Kosovo	South Sudan
Colombia	Kyrgyzstan	Sri Lanka
Comoros	Lebanon	Sudan
Côte d'Ivoire	Liberia	Timor-Leste
Democratic Republic of Congo (DRC)	Libya	Uganda
Guatemala	Nepal	Yemen

activities aimed at *users of the criminal justice system* (demand side) in order to distinguish these forms of assistance from other types of rule of law assistance directed at *justice sector providers or decision-makers* (supply side). This leads, however, to a dominant focus on reform of the state institutions of criminal justice (including capacity-building of police, corrections and judicial personnel), but also extends to legislative reform, constitutional reform, responses to transnational threats, transitional justice institutions and infrastructure strengthening.²⁴ More recently, there has also been greater recognition of the importance of informal or community-based justice processes.

24 There remains a strong Member State focus on this conception of access to justice, as demonstrated by the recent adoption by the UN Commission on Crime Prevention and Criminal Justice (UNCCPCJ) of the *United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems*: UNCCPCJ Decision, 27 April 2012. While the UN Principles focus on the centrality of guaranteed legal aid systems, the *Principles and Guidelines* also emphasize the need for more diverse forms of assistance to those who come into contact with the criminal justice system.

25 S/2011/634, paras 41–46. The report noted that the UN's access to justice programming has largely focused on "legal aid, training of public defenders and paralegal assistance, rights awareness and close engagement with informal justice leaders", although there is a growing recognition of the need for this to broaden to include support for advocacy litigation, witness protection and referral networks as well.

In practice, however, the overlap between this strict concept of access to justice and certain other core forms of UN rule of law assistance is well recognized within the UN system, even if specific definitions vary.

For the purposes of this review, a broad frame has been used to capture the range of rule of law assistance that is aimed at improving *women's access to justice in conflict and post-conflict settings*. As noted in the 2011 report of the Secretary-General on *Rule of Law and Transitional Justice*, the types of assistance necessary to achieve this goal require an approach that combines ensuring that "mandates, procedures and organizational cultures of justice and security institutions are gender sensitive" (work that might normally be categorized as capacity-building of justice-chain officials) in addition to the more obvious work of empowering women through "greater provision of legal aid, paralegal support and awareness-raising" and the growing use of mobile courts (including but not limited to those dealing with sexual violence cases) and engagement with 'informal' or 'customary' law mechanisms.²⁵

That report emphasized that funding of women's access to justice programs must be driven by "a holistic approach to access to justice that addresses physical, psychological and wide socio-economic consequences of violations," an emphasis that is reinforced by the findings

FIGURE 3. UN APPROACHES TO ACCESS TO JUSTICE

- The DPKO/Office of the High Commissioner for Human Rights (OHCHR) Rule of Law Indicators include "access to justice" as one basket for measuring the performance of the judiciary, and rely not just on indicators of legal assistance but also practical matters such as costs and interpreters, as well as substantive responsiveness to rights violations for vulnerable groups (including victims of gender-based violence).
- DPKO's policy on Justice Components in Peace Operations (2009) uses a list of 14 common areas of rule of law assistance, one of which is "access to justice and victims' rights."
- DPKO's policy directive on Prison Support in UN Peacekeeping Operations (2005) refers to the Standard Minimum Rules for the Treatment of Prisoners (1955) which takes into consideration gender-related and access to justice aspects in prison settings and DPKO support therein.
- UNODC's Criminal Justice Reform in Post-conflict States: a Guide for Practitioners (2011) distinguishes both legal empowerment (primarily of vulnerable or marginalized populations) and awareness activities from general capacity development, law reform, police, courts, prisons and customary law, yet refers to access to justice as a recurring goal throughout. Similarly, its toolkits for assessing criminal justice systems refer to "Access to Justice" as composed of "courts", "prosecution services" and "defence/legal aid."
- The most expansive elaboration of access to justice is contained in the 2004 UNDP Practice Note on Access to Justice and the 2005 Guide for Practitioners on a human rights-based approach to access to justice, Programming for Justice: Access for All. This conceives of access to justice holistically and groups programming into three broader categories of (1) legal protection, (2) the capacity of those who need it to demand justice, and (3) capacity of relevant institutions to provide it.

of both UN Women's 2011-2012 report *Progress of the World's Women: In Pursuit of Justice*, and articulated in UNDP's 2010 concept note on *Strengthening Women's Security and Access to Justice*. In a post-conflict setting, transitional justice mechanisms also present significant opportunities for transformation of past patterns of gender-based abuse. Furthermore, in line with the Secretary-General's *Seven-Point Action Plan on Gender-Responsive Peacebuilding*, access to justice programming must also include the promotion of women's participation in post-conflict justice mechanisms, so the review also includes attention to efforts to improve the gender-balance in the recruitment and composition of law enforcement and judicial institutions.

The gender-focused objectives of much of this work are self-evident. In practice, however, much of the work is being done as part of broader (and non-gender focused) rule of law assistance. In order to further clarify which types of examples to include, the review therefore employed an additional methodology that is drawn from the gender markers that are increasingly used in various parts of the UN system to measure resource allocation towards gender equality.²⁶ As a result, entities were asked to highlight activities that are either aimed at women's empowerment or gender equality as a 'principal' (targeted as the sole or leading) objective of the intervention, or as a 'significant' (mainstreamed but explicit) objective.²⁷

There are some exceptions, namely where a RoLCRG entity wished to include certain activities in the review even though they classed the activity as having no explicit gender focus, in which case this is noted in the review.

3.2 PRIMARY DATA COLLECTION

The primary data collection tool was chosen based on the imperative of gathering as large a sample of data as possible in a form that would allow comparison across a range of key areas in a more consistent and time effective manner than by individual interviews.

RoLCRG members were invited to participate in two online surveys, capturing field and headquarters-based activity respectively.²⁸

A snapshot of the survey responses:

- Total of 47 consolidated field responses covering 23 of 33 countries.²⁹



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26 The gender marker methodology was first developed in 2007 by OECD's Development Assistance Committee (DAC) for members to report on the amount of Official Development Assistance allocated to activities that advance gender equality. For further detail on how this is being used, see *Aid in Support of Gender-Equality in Fragile and Conflict-affected States*, INCAF/OECD DAC (2010).

27 So far, the only RoLCRG members (of the original nine members) to consistently apply some form of gender marker to their work are UNDP and UNICEF. UNHCR is in the process of developing a similar system, and the PBF also applies a gender marker to all funded projects, many of which are implemented by various RoLCRG members. The categories used in this review are equivalent to activities marked 2 or 3 under both the UNDP and UNICEF marking systems. *Note that UN Women and UNDP have commissioned a forthcoming study, "Budgetary Baselines and Methodology Development for Strategic Results Framework (SRF) and Seven Point Action Plan (7PAP)," which reviews financing commitments on gender equality by UNDP in six pilot countries.*

28 Although initially intended to gather responses over a period of several weeks, the surveys remained open from mid-September 2012 to mid-January 2013 to allow entities additional time. Full copies of the surveys are on file with UN Women.

29 No field responses from any entity were received for the following 10 countries: Chad, Comoros, Guinea (Conakry), Kenya, Libya, Pakistan, Somalia, Sri Lanka, Uganda and Yemen. However, additional material on activities in Chad, Guinea, Kenya, Uganda, and Somalia was subsequently provided, and these examples are included in the matrix.

- Responses are spread between peacekeeping operations (9), special political missions (7),³⁰ and non-mission settings (7).
- Responses were received from 8 out of 9 RoLCRG entities at field level, and 6 entities at headquarters level.³¹ The majority of the 47 field survey responses came from DPKO (14), UNDP (13), and UN Women (8).
- Survey respondents ranged from Country Representatives to consultants or programme officers.

30 DPA has been implementing the spirit of the *Seven Point Action Plan on Gender-Responsive Peacebuilding* in all of its conflict resolution and prevention efforts since the adoption of the plan in 2010, both at headquarters and in the field. However, as DPA-led SPMs do not manage dedicated programming funds, resources allocated/spent by field missions should be understood as allocated staff time, travel and associated mission support costs related to activities that promote women's access to justice and inclusive rule of law practices during conflict and in post-conflict situations.

31 At headquarters level, a total of seven substantive responses were received from six entities (two from DPKO). No responses were received from UNHCR or UNICEF, and DPA indicated that it had no relevant headquarters-level activity to include in the mapping.

Given the complexity of multidimensional peacekeeping operations, two sets of DPKO responses were received to allow greater differentiation of the range of activities undertaken and parts of the mission they work with. One set of responses come from DPKO's Criminal Law and Judicial Advisory Service (CLJAS) at headquarters and justice components in field settings, which are collectively referred to in the matrix DPKO(J) and DPKO(C) and in the report as DPKO justice and corrections components. The second set of responses are from UN Police, referred to as DPKO(P) or UN Police. OHCHR and DPKO had agreed in advance that, where relevant, DPKO(J) responses would include activity undertaken by human rights components in the field, although one separate field response was received from OHCHR. No field responses were received from the UN High Commissioner for Refugees (UNHCR), and only one was received from UNICEF. Respondents were given the latitude to determine what level of activity to include and the level of detail provided. They were given space to provide separate details for up to three prime examples, but also to note additional examples of relevant activity in less detail. Given the breadth of rule of law programming, some listed a large-scale multi-year programme as a single activity, while others referred to individual components of broader programs. At times this may have been due to the fact that only a smaller component had an explicit gender focus, but the results must take this into account. For example, UNDP's Bureau for Crisis Prevention and Recovery (BCPR) classified all work reported under the survey as 'principal' because women's

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security and access to justice is one of the Global Programme's six key pillars. A further limitation of the subjective classification of the extent to which an activity was gender-focused is that it does not necessarily reflect how much women's empowerment or gender equality is evident in the outcomes of the activities, as the focus is on the objectives.

Similarly, some respondents provided consolidated information about the mandate, focus, and budget of several relevant activities as a group. In six instances, country teams submitted multiple survey replies from the same office, which required subsequent manual consolidation to avoid distorting the results. This also revealed the disparity in how even individuals in the same office view their work. Sometimes there were significantly divergent views of what the best examples were, or even how gender-focused the same activity was. An initial finding is that there is little consistency or common reference points in identifying when an activity has a gender-focused objective. Further rollout of the gender markers across the UN system may assist with raising awareness on these issues.

Perhaps the greatest limitation, however, is that the examples upon which the findings and analysis are based are presented exactly as they were submitted by the relevant RoLCRG entity. The focus has been on gathering as comprehensive a picture as possible, but a large number of the examples are described only cursorily (in terms often no more specific than "justice reform"), which yields little material for proper analysis. Greater elaboration and scrutiny of many of the examples listed in the matrix would therefore be a worthwhile subject of further research.

3.3 ANALYTICAL FRAMEWORK

Both surveys were structured to capture both overarching questions and specific details about examples of relevant activity aimed at improving women's access to justice. The underlying research questions looked at comprehensiveness, coherence, coordination and effectiveness of resourcing. The survey questions covered the following topics, which the findings and analysis discuss in turn:



The source of mandate or assessment that had triggered the intervention and the types of tools employed to monitor and evaluate progress;

- The substantive *areas* of gender-responsive access to justice programming described above;
- The source of mandate or assessment that had triggered the intervention and the types of tools employed to monitor and evaluate progress;
- The range of *forms of rule of law assistance* that UN entities employ, including the use of joint programming, either with UN or external partners;
- The sources and modalities of funding, and information both about the total budget for the specific activity and for that entity's overall rule of law work; and
- Recommendations for improving the UN's work in the area.

The examples of gender-responsive access to justice work have been classified into eleven categories which are set out below. These are primarily drawn from the UNDP definition of access to justice noted above, which is also the basis of the classifications used by UN Office of Drugs and Crime (UNODC) and DPKO, as well as the areas identified in the ten recommendations of UN Women's *Progress of the World's Women: In Pursuit of Justice* report. They are consolidated as follows:

- i. Legal protection (from gender-based discrimination or violence, including legislative reforms to either civil or criminal law);
- ii. Legal awareness, education and advocacy (including training or support to civil society organizations or media);

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- iii. Legal assistance/representation (including paralegals);
- iv. Gender-responsive capacity-building/training of judicial officials and legal professionals (including on SGBV);
- v. Gender-responsive capacity-building/training of law enforcement officials and corrections officers (including on SGBV);
- vi. Efforts to promote women's participation in justice institutions;
- vii. Efforts to promote women's participation in relevant governance/oversight structures;
- viii. Mobile courts and gender-sensitive court administration reforms;
- ix. Infrastructure reforms, including provision of other forms of assistance to women/victims of gender-based harm in connection with accessing justice processes (such as one-stop shops, victim shelters, witness protection, physical access needs and security);
- x. Transitional justice processes (including both judicial and non-judicial mechanisms such as truth-seeking processes and reparations programs); and
- xi. Informal/customary/community-based dispute resolution processes (such as reducing gender-based discrimination in their operation).



FINDINGS AND ANALYSIS



This section presents the main findings from the mapping along with an analysis of what this means for improving support to women's access to justice post-conflict. It highlights overall trends that emerge from the data, and illustrates these with some selected examples. Full details of each example, as well as others not specifically described, are contained in the matrix charts annexed to this report.



THIS SECTION PRESENTS THE MAIN FINDINGS FROM THE MAPPING ALONG WITH AN ANALYSIS OF WHAT THIS MEANS FOR IMPROVING SUPPORT TO WOMEN'S ACCESS TO JUSTICE POST-CONFLICT. IT HIGHLIGHTS OVERALL TRENDS THAT EMERGE FROM THE DATA, AND ILLUSTRATES THESE WITH SOME SELECTED EXAMPLES. FULL DETAILS OF EACH EXAMPLE, AS WELL AS OTHERS NOT SPECIFICALLY DESCRIBED, ARE CONTAINED IN THE MATRIX CHARTS ANNEXED TO THIS REPORT.

4.1 WHAT DOES THE UN DO ON WOMEN'S ACCESS TO JUSTICE POST-CONFLICT?

This study has tried to distinguish between *what* the UN is doing at a substantive level to improve women's access to justice and *why*, from the often easier to answer question of *how* it is doing this through various forms of support. **The vast majority (75%) of field-based examples collected were considered to be contributing to multiple areas of women's access to justice**, which suggests that practice on the ground is either informing or reflecting recent policy developments, that these areas are interconnected, and that interventions need to be designed with a view to providing holistic responses to the array of obstacles women face in accessing justice processes.³² Some major programs, such as UNDP's Justice and Human Rights in Afghanistan and the UN/Government of Liberia Joint Programme on Prevention and Response to Sexual and Gender-Based Violence, are trying to tackle all eleven reviewed areas of access to justice assistance. Another broad example is in the DRC, where DPKO and OHCHR are working on a Nationwide Sexual Violence Access to Justice Programme (NSAJP) which includes the following activities:

32 67 of 89 surveyed field examples were reported as contributing to at least three different areas of access to justice for women.

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- Legal assistance to victims of sexual violence through judicial clinics;
- Strengthening of the judicial system;
- Support to the organization of mobile courts;
- Joint investigations related to sexual violence;
- Support to national authorities for prosecutions of serious offences, including sexual violence; and
- Sensitization of the local population on sexual violence (e.g. on the Law Repressing Sexual Violence in the DRC).

In Sierra Leone, Guinea-Bissau and Timor-Leste, there are similarly broad engagements. In Latin America, there is UN Women's regional programme on women, peace and security for Guatemala and Colombia, and UNDP Colombia's programme on Access to Justice for Victims of Conflict-Related Sexual Violence. In Nepal, UNDP's programme, Enhancing Access to Justice for the Consolidation of Peace in Nepal, includes mobile legal aid clinics, community mediation, support to women lawyers and implementation of legislation on gender-based violence.

As illustrated by Figure 4 below, of the eleven reviewed areas of access to justice assistance, the most common areas of RoLCRG engagement are legislative reform, promoting awareness of legal rights and protection, and capacity-building or training of key justice chain actors (judicial officials,

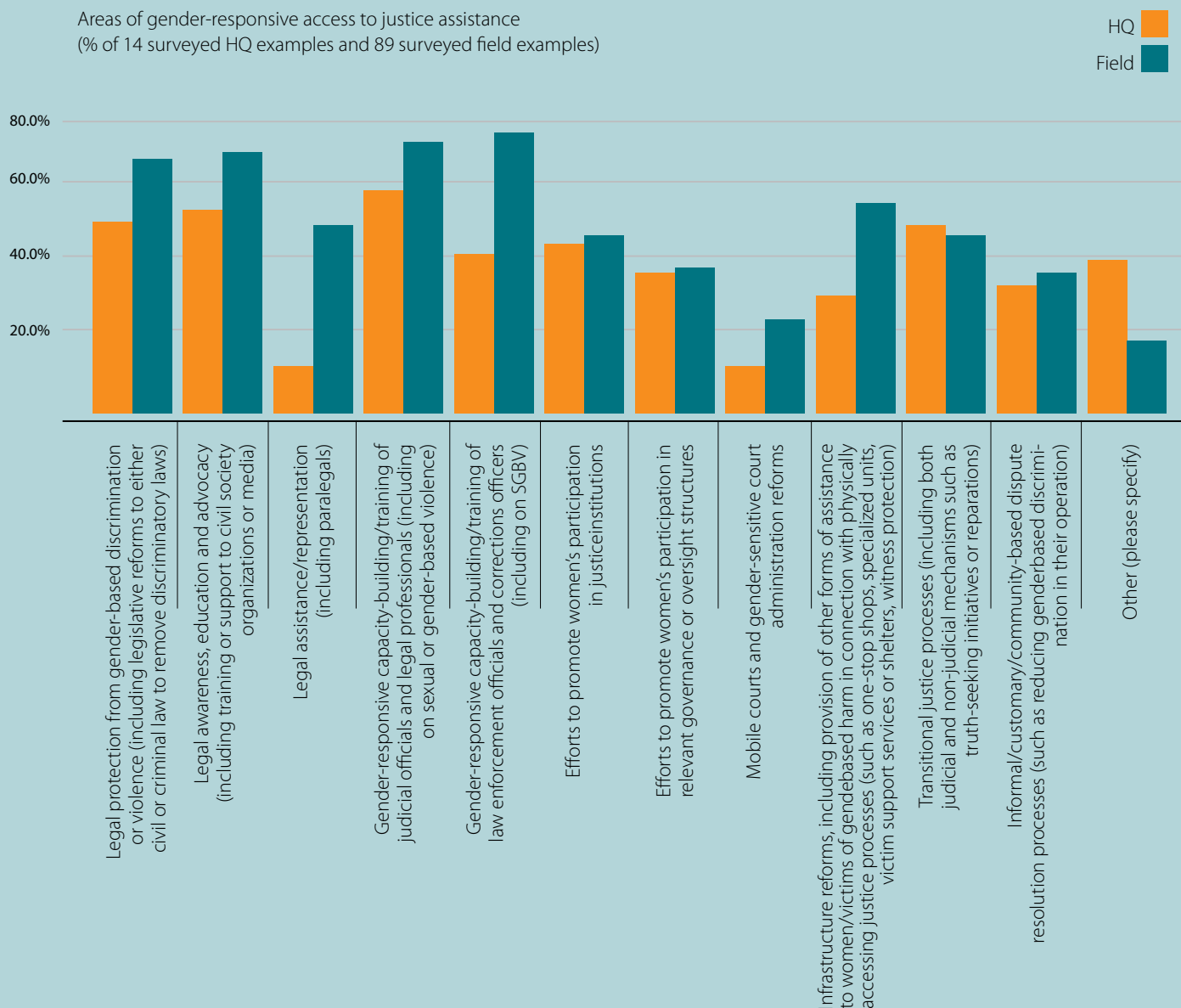
legal professionals, law enforcement and corrections officers). Several other areas that include ‘classic’ access to justice support, such as legal assistance/representation and legal infrastructure/administration reforms, are currently the subject of only minimal engagement from headquarters but have become a recurring feature of in-country assistance, including training of paralegals and engagement with civil society groups. The frequency of these types of programming do not reveal much about the extent to which they are direct responses to the context-specific challenges women face in accessing justice during and after conflict, but they are consistent with similar trends in rule of law assistance more generally. For instance, the recent large-scale review of rule of law assistance in peace operations in Africa by the Folke Bernadotte Academy found that while there has been an increase in rule of law assistance in access/awareness and legislative reform in recent years, the bulk of programming remains focused on capacity-building to the justice chain.³³ Similarly, a 2011 study by the Center on International Cooperation found that the UN’s rule of law assistance has focused overwhelmingly on capacity-building of formal state justice-sector institutions (particularly as part of the continuum from its security engagement), with far less attention given to ‘bottom up’ justice-related areas including legal empowerment, informal community-based dispute resolution, victim support and other ‘confidence building’ measures.³⁴

33 Richard Zajac Sannerholm, Frida Moller, Kristina Simion and Hanna Hallonsten, *UN Peace Operations and Rule of Law Assistance in Africa 1989-2010*, Folke Bernadotte Academy (2012).

34 Camino Cavanagh and Bruce Jones, *Shaky Foundations: An Assessment of the UN’s Rule of Law Support Agenda*, Center on International Cooperation, New York University (2011). The study did note that the confidence-building measures were more likely to be adopted in conflict-afflicted settings where the UN has had a political presence but not a peacekeeping mission.

FIGURE 4. AREAS OF GENDER-RESPONSIVE ACCESS TO JUSTICE ASSISTANCE

Areas of gender-responsive access to justice assistance
(% of 14 surveyed HQ examples and 89 surveyed field examples)





At headquarters, awareness-raising of legal protection regimes is being conducted by UN Women and OHCHR, which are supporting the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) Committee's work to formulate a General Recommendation on Women in Conflict Prevention, Conflict and Post-Conflict Situations.

Some entities considered that aspects of their work were relevant to the review but fell outside the listed categories. In the majority of cases, however, this seemed a matter of interpretation. For instance, in Afghanistan, UNDP is working with religious leaders to raise awareness of women's legal entitlements, which can be considered part of category 2, 'raising awareness'. In Lebanon, the Office of the United Nations Special Coordinator for Lebanon (UNSCOL) listed its work in improving women's electoral participation as a separate area rather than connecting it to access to justice through oversight or governance structures (category 7). The UN-supported tribunals classified their own work in prosecuting gender-based crimes as a separate area of assistance, although this also falls under 'transitional justice' (category 10), and UNODC classified its work in developing a normative framework for member states to be distinct from 'legal protection' (category 1). Some entities considered the collection of sex-disaggregated data to be its own area of access to justice work, which may suggest the need for greater conceptual clarity about the purpose of such data collection and analysis as a means to design and monitor work rather than something that directly contributes to women's access to justice.³⁵

4.1.1 Reforming laws and ensuring women know their legal rights

At headquarters, **awareness-raising of legal protection regimes** is being conducted by UN Women and OHCHR, which are supporting the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) Committee's work to formulate a General Recommendation on Women in Conflict Prevention, Conflict and Post-Conflict Situations. This will clarify the applicability of states' treaty obligations (including those on women's access to justice) in conflict-affected settings. In addition, with input from other UN agencies such as UNDP, the CEDAW Committee is drafting a General Recommendation specifically on access to justice which will include sections on conflict-affected settings.

At the country level, there is also a range of activity underway. In many field settings, UNHCR teams working in Internally Displaced Persons (IDP) or refugee camps provide training and awareness activities on women's rights and implement Standard Operating Procedures (SOPs) on SGBV in camps. The UN Integrated Mission in Timor-Leste (UNMIT) justice unit provided legal drafting support as part of the successful adoption of a law against domestic violence, defining it as a crime. Continued support to the implementation of the law is required, highlighting ongoing needs that should be picked up by the UNCT after the end of UNMIT's mission. Drafting support for new domestic violence legislation has also been provided in Iraq by UN Women and in Liberia by DPKO. In Afghanistan, UN Women has provided assistance to legal code reform as part of the Elimination of Violence against Women (EVAW) programme, which has also seen the creation of EVAW Law Commissions and resource centers to provide information about women's legal rights.

Likewise, DPKO justice components are working on sensitizing women victims and community leaders on legal mechanisms to deal with SGBV in Haiti. In Central African Republic, the UN Integrated Peacebuilding Office in the Central African Republic – a special political mission – has implemented the Raising Awareness of Girls and Women for the Rule of Law (Equality between Men and Women) Project.

Other areas of legislative reform are being tackled in Lebanon, where UNSCOL is working on domestic worker legal protection (reportedly 95 per cent of whom are women), and in OPT, where UNDP has conducted a legislative review from a women's rights perspective and is doing research on prevailing attitudes regarding gender justice.

³⁵ For example, UNDP's DRC programme on strengthening women's access to justice in the Kivus and Ituri includes judicial monitoring; and in Kosovo, DPKO is collecting sex-disaggregated information as part of its reporting on the judicial system.

4.1.2 Legal assistance and representation

Legal assistance and representation services aimed primarily at victims of domestic violence and other forms of SGBV are being supported in a range of field settings and often in partnership with civil society groups. In Afghanistan and Iraq, UNDP is establishing Legal Help Centers (LHC) in the provinces; also in Afghanistan, UN Women has developed a paralegal manual and training to establish a base of paralegal/legal assistance for rural men and women focusing on women's rights. The UN Operations in Côte d'Ivoire (UNOCI) has established six legal aid clinics with the National Women's Jurists Association of Côte d'Ivoire. In Sudan, the African Union-United Nations Mission in Darfur (UNAMID) is facilitating legal aid assistance to female inmates being held on remand and in prison, and training community-based paralegals. In OPT, UNDP is supporting civil society groups in providing pro bono legal aid, counselling and awareness-raising activities for women. UNHCR trains paralegals and court support workers in a variety of field operations.

As the only UN-supported internationalized tribunal that provides for direct victim participation in the proceedings, with support from the UN Trust Fund on the Elimination of Violence Against Women, the Extraordinary Chambers in the Courts of Cambodia (ECCC) Victims' Support Section has provided training to victims' legal representatives (civil party lawyers), some of whom represent clients who suffered SGBV during the Khmer Rouge regime.

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4.1.3 Capacity development of justice-chain personnel

At headquarters, DPKO focuses heavily on **training judicial affairs officers, corrections officers and UN police**, through such initiatives as the regional roll-out of a UN Police Standardised Training Curriculum on Preventing and Investigating Sexual and Gender-based Violence in conflict/post-conflict environments, which has certified 202 police trainers from 80 countries in 2011/12. As a concrete impact, 31 Member States have run their own SGBV training courses using the UN curriculum to create a pool of 8,840 SGBV investigators. Among these, a total of 3,630 police officers (both UN police officers and national police officers) in seven field missions (BNUB, MINUSTAH, MONUSCO, UNAMID, UNOCI, UNMISS, UNMIT) were trained, and a specific session (and training materials) was included on gender justice in its Rule of Law Training for Judicial Affairs Officers in Peacekeeping Operations. DPKO has incorporated gender-sensitivity training in the pre-deployment training for government-provided corrections personnel, which includes the *Standard Minimum Rules for the Treatment of Prisoners and the Standard Minimum Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (Bangkok Rules)*. In terms of tools that are available to help guide field engagements, the Rule of Law Indicators Project includes a number of indicators of justice and law enforcement sector performance which are focused on women's access to justice.³⁶

The nearly finalized *Checklist for Evaluating Prisons against International Minimum Standards and Good Practice*, developed by DPKO, UNODC and UNDP, contains gender-specific questions to enhance the capacity of international corrections officers and national authorities to identify and assess gender-specific needs and provisions in prisons. The Group of Friends of Corrections has identified gender initiatives as a priority for the next two years. This includes developing more specialized gender sensitivity training with an emphasis on SGBV in prisons. In addition, an all-female pre-deployment training programme for UN corrections officers is being considered in partnership with the Swedish Prison and Probation Service. Furthermore, missions are encouraged to assist the national counterparts to hold campaigns to identify, select and train women corrections officers to manage and provide care to women prisoners. There are ongoing efforts in every mission setting to work with the national authorities to strengthen the representation of women prison officers in prisons settings, especially to manage women prisoners. For instance, the UN Stabilization Mission in Haiti (MINUSTAH), through its awareness-raising campaigns, supported the Direction de l'Administration Penitentiaire (DAP) to organize a selection test for 177 police recruits, including 20 women who would be trained to work as DAP officers.

36 Examples cut across various 'baskets' of indicators, and include those such as: Indicator 5 (police responses to sexual crimes); Indicator 9 (crime reporting by women); Indicator 11 (gender and confidence in the police); Indicator 22 (discrimination by the police); Indicator 51 (judicial response to gender-based violence); Indicator 100 (separate detention of women prisoners). See *The United Nations Rule of Law Indicators: Implementation Guide and Project Tools*, DPKO and OHCHR, (First edition, 2011).

DPKO has also developed the *UN Standardised Training Curriculum and Best Practices Toolkit on Gender Mainstreaming Police in Peacekeeping*, which has been piloted with over 60 officers in 2011. The Toolkit, which will be made available through an e-learning platform in 2013, includes how-to processes in helping build the capacity of national police in investigating SGBV. This includes project management for developing and rolling out training curricula for specialized investigations of SGBV and setting up specialized police units/desks, as well as problem-solving initiatives for preventive approaches.

UN Women, through its joint SGBV international crimes roster with Justice Rapid Response, provides specialized expertise to where there are national capacity deficits in **investigating and documenting SGBV**. Another innovative tool is the ToE, established under Security Council resolution 1888 (2009). The ToE is mandated to assist national authorities to strengthen the rule of law in relation to conflict-related sexual violence. The ToE draws from existing human resources from the participating agencies and is composed of three staff members from DPKO, OHCHR and UNDP, and a team leader based in the Office of the Special Representative of the Secretary-General on Sexual Violence in Conflict (SRSG-SVC).

It clearly emerges from the data that field settings training and other forms of capacity development focus heavily on developing the specialized skills needed to investigate and prosecute SGBV. In Darfur, UN police have trained more than 100 Sudanese police officers on investigations and prevention of sexual and gender-based violence and the justice unit has conducted training of Magistrates/Rural Court Judges. In Guinea-Bissau, UN Police are conducting training for national police on SGBV as part of a larger reform project, and in Rwanda UN Women are training law enforcement officials. The International Criminal Tribunal for the former Yugoslavia (ICTY) and International Criminal Tribunal for Rwanda (ICTR) have conducted capacity-building on sexual violence prosecutions with national authorities as part of their legacy activities. In Bosnia, UNDP has conducted training for police and judicial institutions on prevention and combating of violence against women, and in Colombia, UN Women has conducted trainings for prosecutors and published an *ABC of Gender Justice*. In Côte d'Ivoire, UNOCI is providing support to the National Institute for Judicial Training to deliver specific courses on gender and justice, and in 2010 organized a major regional seminar to draft various gender justice tools, together with representatives of six West African countries. In 2012, UNOCI trained 72 judges, investigative judges and prosecutors on SGBV before their redeployment after several years of inactivity. The UN Organization Stabilization Mission in the DRC (MONUSCO) is supporting national military investigations and prosecutions of international crimes through Prosecution Support Cells (PSCs). The PSCs are mandated to support the Congolese military justice authorities to fight impunity by providing technical advice and tools to investigate and prosecute. While the mandate of the PSCs is not specific to sexual violence crimes, as of January 2012, the PSCs in Eastern Congo had received requests and provided support in relation to 44 cases, including 32 relating to sexual violence crimes.

Within UN law enforcement engagement, the **establishment of specialized units features strongly as a specialized strategy**. UN Police has assisted in setting up or refurbishing specialized units and deployed co-located officers mentoring national police investigators in eight missions: MINUSTAH, MONUSCO, UNAMID, UNIOGBIS, UNMIL, UNMISS, UNMIT and UNOCI. In South Sudan, for instance, UN Police launched Special Protection Units (SPUs) in ten states, and created a *SPU Legal Framework/Investigation Manual*. UN Police in MINUSTAH has set up five SGBV police units, including a one-stop centre in collaboration with the International Organization for Migration (IOM); developed a specialized SGBV investigations training curriculum; and

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The nearly finalized Checklist for Evaluating Prisons against International Minimum Standards and Good Practice, developed by DPKO, UNODC and UNDP, contains gender-specific questions to enhance the capacity of international corrections officers and national authorities to identify and assess gender-specific needs and provisions in prisons.



Currently, 22 per cent of the 354 government-provided corrections personnel deployed to various peace operations are women.

trained over 800 specialized investigators between 2011 and 2013, including the establishment of a Training Management Unit on SGBV in the police academy. The UN Integrated Peacebuilding Office in Sierra Leone (UNIPSIL) human rights component and UNDP have been conducting training on SGBV for police, prosecutors and Family Support Units (specialized police units), for which UNDP supported the development of the *Guidelines on SGBV Case Management - Reference Handbook*. Similarly, in Timor-Leste, UN Police has been involved in a long-standing intervention since 2001 to help set up a National Vulnerable Persons Unit (VPU) Office at the Police Headquarters level. They have also established thirteen district level VPUs with a total of 86 specialized police investigators, most recently through setting up standard operating procedures (SOPs) to regulate aspects of their work not covered by specific legislation. In 2011/12, UN Police also oversaw a gender mainstreaming self-assessment process by the national police force. In DRC, UNDP has supported the establishment of special police teams for the protection of women and children, as well as community policing initiatives. **Gender-sensitivity training for corrections officials** seems to receive less attention overall, although some is being provided by the UN Integrated Peacebuilding Office in the Central African Republic (BINUCA) (prison guards and managers) and the UN Mission in Liberia (UNMIL), which is preparing a training manual for the security sector, including a training module on gender issues for Corrections Unit staff in the Ministry of Justice. The UN Mission in the Republic of South Sudan (UNMISS) is working with prisons in Northern Bahr El-Ghazal state to adopt gender-sensitive systems, as well as creating a Remand Review Board to deal with women and other vulnerable groups. Also in South Sudan, UN Women and UNDP are piloting rule of law forums, one of which has highlighted the needs of female prisoners. In OPT, UN Women has worked with police and Correction and Rehabilitation Centers to ensure that women inmates received counseling, legal representation and rehabilitation. At headquarters, DPKO is currently revising its *Policy Directive on Prison Support in Peacekeeping Operations*, which will include greater attention to gender-specific concerns as required by the 2009 policy guidelines on reviews of UN judicial and corrections components in peace operations.

At headquarters, DPKO's *Policy Directive on Prison Support in UN Peacekeeping Operations* (2005) refers to the *Standard Minimum Rules for the Treatment of Prisoners*, which takes into consideration gender-related and access to justice aspects in prison settings and DPKO support therein. However, DPKO is currently revising this policy directive to include greater attention to gender-specific concerns, as required by the *Guidelines on the Review of Justice and Corrections Components in United Nations Peace Operations* (2009). Additionally, gender concerns in the corrections sector are considered in all mission planning exercises. Several missions have gender focal points, and issues related to women prisoners are a high priority for corrections components. Corrections personnel also work on sensitizing and ensuring separate housing for women and children in prison settings and their management by women staff, including through the recruitment and training of women prison officers.

4.1.4 Promoting women's participation

In the context of ensuring gender equality in access to justice processes, promoting women's participation in peacebuilding requires both sufficient numbers of women at the front line of service delivery (as police, corrections officials, legal representatives, court administrators), as well as at the highest levels of policy influence (legislators, professional oversight bodies and judges). In relation to law enforcement participation, the UN is seeking to lead by example with the global effort to reach 20 per cent participation of female police peacekeepers by 2014 and the all-Female Police Units (FPUs). Since 2009, DPKO has collaborated with the International Association of Women Police (IAWP) to reach out to female officers worldwide, and since 2011



has established an International Network of Female Police Peacekeepers to promote and advance the status of women in police peacekeeping.³⁷ In Darfur, UN Police female networks have helped empower female police counterparts in the host-state and supported the establishment of the national police women's network, providing them with capacity-building on leadership and case management. In Liberia and South Sudan, UN Police are working with the host state police on increasing recruitment of women police officers. In Chad (MINURCAT), UN Police organized the special recruitment and training of 250 female officers in the national police in 2010.

Currently, 22 per cent of the 354 government-provided corrections personnel deployed to various peace operations are women.

There is also a range of activity taking place that focuses on women's access to legal education, such as UNDP's support in OPT to a female lawyers' network through the Palestinian Bar Association, and UN Women's support to an association of lawyers (NORMA) in Kosovo. In South Sudan, UNMISS is focusing on women's employment at the highest levels in all sectors of the justice system, and in the north UNAMID is assisting female law students to sit bar examinations in Khartoum. In Timor-Leste, UNDP is implementing a gender equality grant for female trainees in the Legal Training Centre, as well as conducting a gender awareness campaign to increase the number of female justice actors.

Work supporting women's participation in other forms of governance or oversight bodies in the justice sector is less prominently recognized as part of access to justice engagement. Such work is a key area of UN Women's programming across all conflict-affected settings, but the ways in which it is connected to access to justice are not always articulated. Similarly, DPA's work on ensuring women's participation in post-conflict mediation and electoral processes offers important entry points for further work on gender-sensitive access to justice. These include the development of mechanisms to track women's participation in peace processes and providing specialized expertise, trainings and guidance material.³⁸ In Iraq, UNDP and UN Women, in cooperation with the UN Assistance Mission for Iraq (UNAMI), have been supporting women members of the Council of Representatives with capacity-building and support for political initiatives. In Lebanon, UNSCOL is also seeking to improve women's political participation. In Central African Republic, UNDP is supporting the Association des Femmes and Association

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37 A website for the network – www.womenspolicenetwork.org - was launched in 2013.

38 Specific guidance on ways to preserve access to justice for conflict-related sexual violence during peace processes is included in recent DPA publications such as *Guidance for Mediators on Addressing Conflict-Related Sexual Violence in Ceasefire and Peace Agreements* (2012) and the *Guidance for Effective Mediation* (2012).

des Femmes Juristes, and in Rwanda UN Women is providing support to the Forum of Rwandan Women Parliamentarians. In Haiti, MINUSTAH and UNMIL have both been supportive of constitutional reform (including for implementation of a constitutional gender quota in Haiti). In Kosovo, UN Women and UNDP are working on a Women's Participation in Peacebuilding programme and a Parliamentary Development Support Project.

Because much of this form of parliamentary support work is programmed under governance portfolios rather than rule of law, there are likely to be further relevant examples of UN engagement in this area than have been captured in this study. This highlights the need for close coordination in both programme design, as well as implementation between justice sector and other governance areas.

4.1.5 Taking justice to communities and removing physical obstacles

Mobile courts and similar administrative reforms aimed at improving how women are able to access justice services were the least common area of engagement even at field level, featuring in only 12 of 89 examples reported in the field survey: UNDP Afghanistan; BNUB; ICTY; UNDP CAR; DPKO/UNDP in DRC; UNDP in Iraq, Kosovo, Nepal and Timor-Leste; Rwanda (UN Women and ICTR); Sierra Leone (UNDP); South Sudan (DPKO). The relative newness of this area of work suggests further analysis is needed of the effectiveness of these interventions and the possibility of incorporating this into rule of law assistance programs in other conflict-affected settings. UNDP is currently undertaking an impact and effectiveness study of mobile courts, including in-country assessments of Sierra Leone and DRC; the results are forthcoming and should offer important guidance for future possible applications of this form of assistance.

In other areas of providing practical support to victims of gender-based harm, there is a considerable range of work underway, such as the development of one-stop shops, victim shelters and witness protection. In Darfur, UN Police are constructing a family and child protection unit in Zalingie. In Kosovo, UNDP has a Women's Safety and Security Initiative and in Haiti UN Police have created a Gender Mobile Team on SGBV that covers IDP camps. In Sierra Leone, UNDP

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has assisted with the creation of Saturday courts for SGBV, as well as provided grants to civil society groups who work with SGBV victims to provide shelter, medical assistance, transport to court hearings and other practical assistance measures. In Bosnia, UNDP is providing support to women's shelters through non-governmental organizations (NGOs) that work with women victims of violence.

In Sierra Leone, Cambodia, the former Yugoslavia and Rwanda, the UN-supported tribunals have provided psycho-social support to witnesses, including dedicated support to victims of SGBV. In Bosnia and Herzegovina, UNDP's support to community security forums and monitoring of local war crimes trials is complemented by ICTY's outreach programme profiling its work on prosecuting sexual violence, both of which are reported as having an aim of raising awareness in the region about such crimes. At the domestic level, UNDP in Liberia is helping establish a victim-witness support system to facilitate testimony from vulnerable victims and witnesses in criminal matters, including on SGBV cases.

4.1.6 Transitional justice processes

Although over 40 per cent of examples offered from both field and headquarters claimed that transitional justice was one of the areas in which the intervention was operating, few entities provided specific information to elaborate on the forms of transitional justice being used to further women's access to justice, particularly in the field.

At headquarters level, UN Women and OHCHR are working on the development of guidance notes on reparations for victims of conflict-related sexual violence, and on minimum standards for gender-responsive transitional justice measures. These documents will build upon work that both entities have done in this area. UN Women is also working with UNDP to strengthen reparations programs by exploring links to development agendas.³⁹ OHCHR has also promoted discussion within the Human Rights Council and by the Special Rapporteur on Violence Against Women to examine reparations for women subjected to violence. UN Women provides SGBV experts to UN commissions of inquiry, fact-finding bodies and international and national courts prosecuting crimes under international law. To date, investigative or gender experts have been provided to the Commissions of Inquiry for Guinea Conakry, Côte d'Ivoire, Libya, North Korea and Syria as well as the Secretary-General's Panel of Experts on Accountability in Sri Lanka. These deployments are made via a dedicated gender-balanced and geographically diverse roster of SGBV experts within the broader intergovernmental facility, Justice Rapid Response. This tool is increasingly being drawn upon by the international community for other accountability mechanisms at both the international and domestic levels.

UN Women is also working with the international courts to support the legacy and documentation of the prosecution of SGBV cases by the ad hoc tribunals, the development and finalization of a manual on sexual violence prosecutions by the ICTR, and funding victim support and representation at the ECCC via the UN Trust Fund to End Violence against Women.

At field level, the lack of detailed reporting may be due to the fact that ensuring women's access to justice – such as through investigations or prosecutions for SGBV – may include both serious human rights violations that took place during the conflict and more recent 'post-transition' forms of violence. However, the data reveals that the bulk of the examples which refer to transitional justice come from Bosnia, Rwanda and Kosovo (where there has been sustained UN and other transitional justice interventions for many years), as well as Colombia, where there is a major UNDP-UN Women initiative underway.⁴⁰ Other examples of relevant activity include Nepal,

At headquarters level, UN Women and OHCHR are working on the development of guidance notes on reparations for victims of conflict-related sexual violence, and on minimum standards for gender-responsive transitional justice measures.

³⁹ See *Reparations, Development and Gender: Report of the Kampala Workshop*, UN Women and UNDP, (2011); *A Window of Opportunity? Making Transitional Justice Work for Women*, UN Women (2012).

⁴⁰ In Bosnia and Herzegovina, UN Women is working with UN Population Fund (UNFPA) and the Ministry of Human Rights and Refugees to establish a reparations programme for conflict-related sexual violence survivors. UN Women provided gender-sensitivity training to gacaca judges in Rwanda. In Colombia, UN Women is supporting victims' organizations, providing technical assistance on implementing reparations measures and investigating crimes of sexual violence.

where a joint UNDP-UN Women programme has been working with the International Center for Transitional Justice and a local network focused on gender-sensitive transitional justice to coordinate civil society and support research on the social and economic impact of enforced disappearances on the women left behind. In Uganda, UN Women has also worked closely with OHCHR and civil society around accountability for SGBV crimes as part of the debate on the impact of the Amnesty Act and to develop a reparations component of the national Transitional Justice Policy. Similarly, in Kenya, UN Women supported the work of the Waki Commission investigation into post-election violence (including SGBV) through an interagency taskforce with two specialist investigators to formulate gender-sensitive investigation methods, locate victims and provide counseling services. UN Women, in line with their mandate, has supported women's access to justice through truth commissions in Liberia, Sierra Leone, Solomon Islands, Côte d'Ivoire, Kenya and elsewhere.

In Liberia, Sierra Leone and Timor-Leste, ongoing programming on gender and transitional justice issues has been limited. It may be that the primary mechanisms have or are close to completing their work and, as such, current interventions are focusing elsewhere. It is also possible, however, that this lack of detail on accountability for past crimes in other reviewed countries suggests the need for greater awareness-raising and debate about the possible role that transitional justice efforts may be able to play in transforming pre-existing gender biases. It is these inequalities and biases that are often contributing factors in facilitating the violence in the first place and continue to facilitate post-conflict gender discrimination and violence. This should take place both within UNCTs and as part of policy dialogues with external partners. This is an area in which UN Women, together with OHCHR and UNDP, is well placed to contribute further guidance, awareness-raising and training across the UN system.

4.1.7 Informal or customary processes

Similarly, extremely little information was provided about activities purporting to be focused on facilitating women's access to informal or customary methods of dispute resolution as part of access to justice, although it was identified in passing as the subject of work in responses received from Bosnia, Guatemala, Guinea-Bissau, Iraq, Liberia, South Sudan, Sierra Leone, and Timor-Leste. In Afghanistan, UNDP noted its work with educating religious leaders on women's rights, and in CAR, UNDP has commissioned research on the extent to which alternative dispute resolution processes protect women's rights and possible areas of reform. UNDP Nepal's access to justice programme includes a focus on community mediation.

Recent research commissioned by UN Women, UNICEF and UNDP has confirmed that for many women, especially in fragile or conflict-affected states, informal or customary justice processes are the only ones they encounter. Yet many of the same barriers to women's access to formal justice processes also apply in the context of informal mechanisms, such as fear of intimidation and discrimination by those administering the system. Worse, these forums may in fact be sites of further violation of women's rights. Gender-sensitivity training as well as increasing women's participation as adjudicators can be important remedial steps. Likewise, while procedural flexibility can help women in some situations, the lack of confidentiality can be an additional dissuasion from utilizing these processes, particularly in relation to domestic or other disputes of a socially sensitive nature.⁴¹

Although the non-state justice sector is the focus of UN Women programming in places such as Cameroon, Tanzania and Tajikistan, which fall outside the scope of this review, it highlights the importance of these experiences being shared with those UN actors working in conflict-affected



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⁴¹ See *Informal Justice Systems: Charting a course for human rights-based engagement*, UN Women, UNICEF and UNDP (2012).

settings. Often the primary post-conflict focus is (re)construction of state institutions, yet the non-state sector offers important practical and strategic opportunities to make meaningful change in women's lives by working with what is already there, even if as part of a longer term transition.

UN rule of law assistance efforts could look at ways of including informal justice process adjudicators in current justice-chain capacity-development programming, at least where baseline-assessments have demonstrated that these processes enjoy high levels of trust among women in those communities. There is a need for an increased understanding and focus by the UN on user engagement with informal justice processes in post-conflict contexts and interactions between informal justice and the formal justice system, including mechanisms of transitional justice. Learning is available within the UN system and from partners on programs that engage with informal justice systems in non-conflict and development settings, and cross-learning within the UN system on the lessons and methodologies used in these settings should be drawn into post-conflict-focused work.

4.2 THE LOGIC BEHIND THE INTERVENTIONS – WHY DO THIS WORK?

As previously detailed in the background to this review, there has been a wealth of policy and research developments around why improving women's access to justice is an important part of post-conflict rule of law engagement. The extent to which these sources are influencing practice on the ground is often difficult to track. Survey respondents were asked a series of questions that sought to elucidate the extent to which the interventions mentioned for this review have been designed as context-specific responses to national needs, and to see if there was a discernible coherence drawn from UN system-wide policy.

4.2.1 Identifying a rationale and clear mandate

Most respondents indicated that the motivating force behind their entity's engagement was an assessment undertaken by the relevant entity itself, although broader UN strategic assessments also feature prominently. This may suggest that RoLCRG entities are being proactive in taking into account gender considerations in their respective work cycles, although several entities at headquarters level were unable to identify how the rationale for their gender-responsive programming had been identified. In the context of field activities, NGO and national assessments of the challenges facing women and girls in accessing justice are reported more frequently as motivating forces than at headquarters.



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The Secretary-General's request in his 2011 report on Women Peace and Security that UN Women ensure all UN-supported commissions of inquiry and truth commissions include gender experts was cited by UN Women as a rationale for their work in this specific area.

42 These resolutions were mentioned as a source of authority for more than a quarter of the surveyed examples.

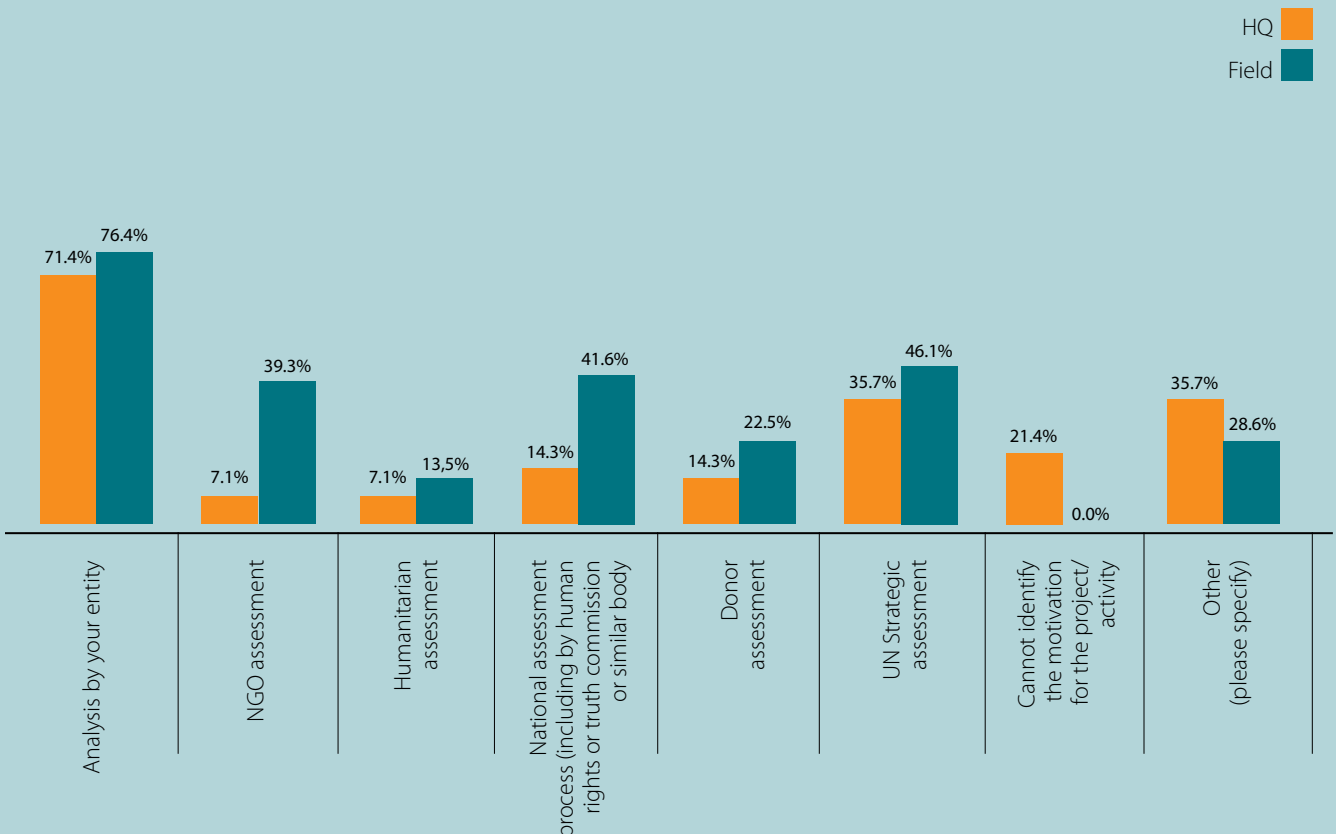
UNDP noted that both its headquarters and regional bureau staff conduct field missions with in-country staff that include meetings with local stakeholders (including communities) as well as international partners in order to formulate in-country programming, and that these have often revealed the critical nature of women's access to justice. UNODC noted that it has received specific mandates to work on these issues from the UN commission on Crime Prevention and Criminal Justice (UNCCPCJ), and from the Economic and Social Council.

Following on from the question of how the problem (which the intervention seeks to address) was identified, a separate issue is how this translates into a specific authority or mandate. Entity policy and national requests were regularly cited as the primary authority for the intervention, but the most commonly noted authorities were the Security Council resolutions on women, peace and security – in particular Resolution 1325 (2000) – highlighting the extent to which these resolutions have permeated the UN system.⁴² The Secretary-General's request in his 2011 report on Women Peace and Security that UN Women ensure all UN-supported commissions of inquiry and truth commissions include gender experts was cited by UN Women as a rationale for their work in this specific area.

Some other examples of entity- or country-specific authority for interventions included the following:

FIGURE 5. SOURCES OF ANALYSIS/ASSESSMENT

Source of activity rationale
(% of 14 surveyed examples of HQ activity and 89 surveyed field examples)

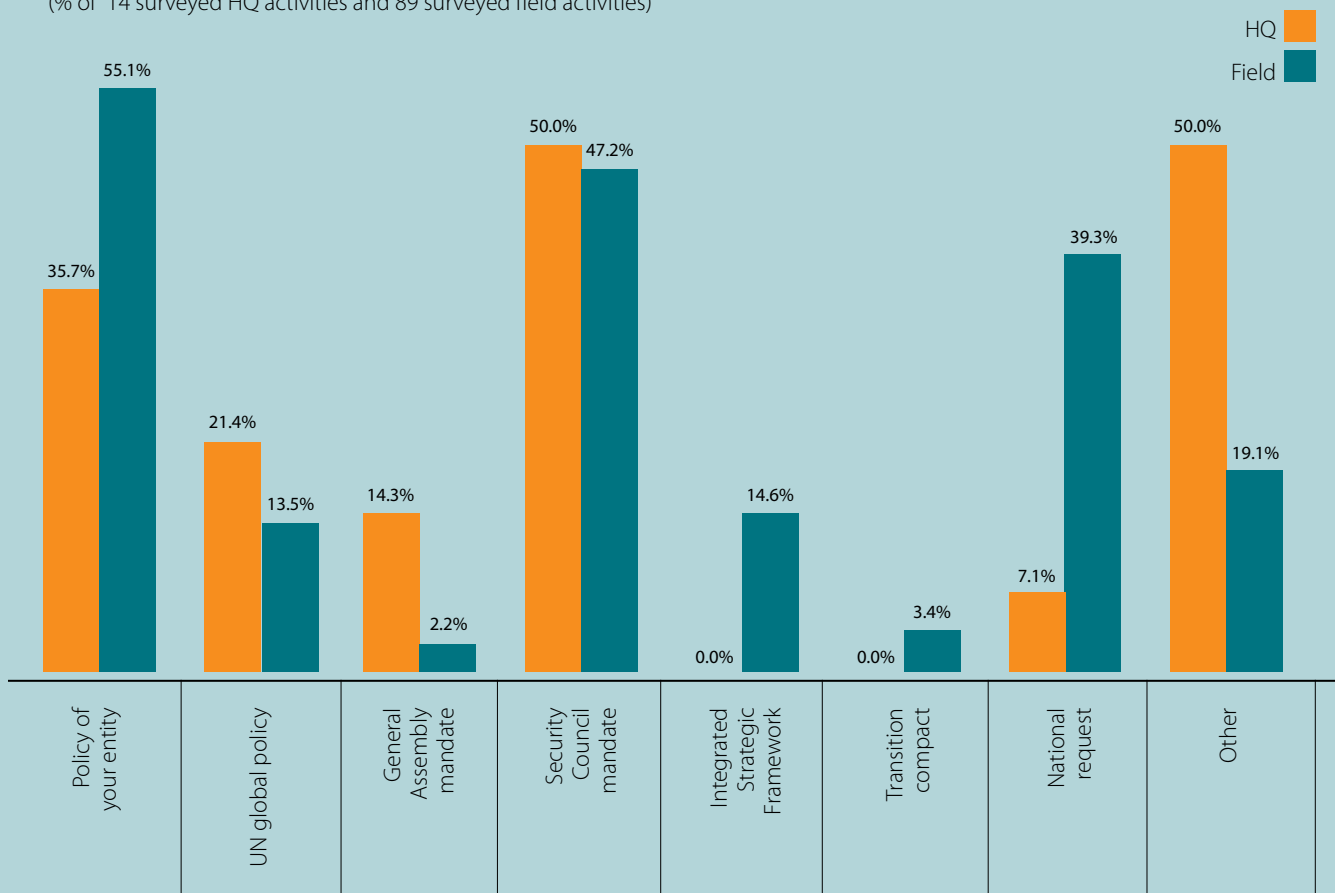


- The Secretary-General's *Seven-Point Action Plan on Gender-Responsive Peacebuilding* (2010);
- UNDP's *Eight Point Agenda for Women's Empowerment and Gender Equality in Crisis Prevention and Recovery*;
- DPKO's *Policy Directive on Gender Equality in UN Peacekeeping Operations* (July 2012);
- DPKO/DFS *Policy on mainstreaming the protection, rights, and well-being of children affected by armed conflict within UN Peacekeeping Operations* (2009);
- DPKO/DFS *Guidelines for Integrating Gender Perspectives into the Work of United Nations*;

Despite nearly 40 per cent of surveyed field examples referencing national requests as a source of authority, this neither reflects whether requests are the result of consultative processes with affected communities, nor does it necessarily translate into high-level policy prioritization. A recurring comment received from survey respondents was the need for senior UN representatives in field settings (whether SRSGs or RC/HCs) to prioritize the issue, which seems directed both at

FIGURE 6. SOURCES OF MANDATE OR AUTHORITY

Sources of mandate/authority for activities promoting women's access to justice post-conflict (% of 14 surveyed HQ activities and 89 surveyed field activities)





The extent to which women's needs and issues feature consistently in key post-conflict planning processes, such as Integrated Strategic Frameworks (ISFs), has been the subject of detailed recent research, which found that security/rule of law is one of the weakest sectors in many of the frameworks examined.

their relations with national authorities and in terms of showing leadership on the issues involved internally for the UNCT as a whole.

The extent to which women's needs and issues feature consistently in key post-conflict planning processes, such as Integrated Strategic Frameworks (ISFs), has been the subject of detailed recent research, which found that security/rule of law is one of the weakest sectors in many of the frameworks examined.⁴³ UN Development Assistance Frameworks (UNDAFs) were identified as a source of authority for relevant activity in Burundi, Cambodia, Guatemala, Guinea-Bissau, Iraq, Kosovo and Liberia and other forms of ISFs (Côte d'Ivoire, DRC and Timor-Leste). Despite an increased policy focus on the use of transition compacts as high-level agreements between national and international partners on peacebuilding priorities in situations of conflict/fragility, such arrangements were only mentioned in relation to Timor-Leste and Darfur as a source of authority for UN work supporting women's access to justice.⁴⁴ One area for further exploration is how the UN can leverage its influence with national governments to encourage an awareness of gender equality and justice issues in post-conflict settings through these mechanisms.

4.2.2 Monitoring and evaluation issues

In terms of the availability of data to track progress of whether the interventions are achieving their intended objectives, baseline assessments and specifically-developed indicators were the most common methods identified by survey respondents. Some examples of reported project-specific indicators include:

- An environment where women's and children's rights are promoted and respected through the provision of friendly, effective and efficient service delivery and role in safeguarding victims by the Government of Sudan (GoS) Police created; co-location process between UNAMID and GoS Police enhanced; the capacity of GoS Police women improved; police assisted in their recruitment and retention of police women (UNAMID UN Police);
- Timely response, effective reporting, effective evidence collection and effective victim protection (UNOTIL UN Police);
- In the absence of national statistics, specific targets for each civil society organization involved in trainings have been set based on numbers of victims provided with specific assistance, the numbers of community members benefitting from awareness-raising activities, and numbers of chiefdom level bylaws being made on the basis of such activities (UNDP Sierra Leone);
- Separation of men and women prisoners; increased numbers of women recruited as prison officials (UNMIL Judicial Component); and
- The tribunal's work is accurately reflected in school curricula, media, political debate; feedback from stakeholders in the region; enhanced public discussion and media interest in relation to wartime sexual violence; national initiatives to create state programs for victims of sexual violence; change in social climate to help encourage women to talk about their suffering without being ashamed (ICTY).

In many cases, it was not clear whether these were identified at the outset as indicators of progress towards meeting objectives, or have emerged through the course of the engagement. They offer suggestions, however, for the design of future work.

⁴³ *What Women Want: Planning and Financing for Gender-Responsive Peacebuilding*, UN Women (2nd Edition, 2012). Only in Poverty Reduction Strategy Papers (PRSPs) did this sector receive a higher gender responsiveness rating, yet the overall finding was that PRSPs allocated the smallest amount of funds directly to women and girls.

⁴⁴ 'Transition compacts' is a general term that has emerged to describe high-level agreements between national and international partners regarding shared peacebuilding priorities that require coordinated and collective support. These compacts were identified as a key component for both donors and recipient governments by OECD DAC and the International Dialogue on Peacebuilding and Statebuilding's 'New Deal for Engagement in Fragile States', as well as by the UN Secretary-General's Five Year Action Agenda launched in January 2012, which also highlights the importance of women's participation and the need for greater UN capacity in rule of law and ending impunity. See www.un.org/sg/priorities/index.shtml and *Transition Compacts: Lessons from UN Experiences*, International Peace Institute (2012).



© UN Photo/Stacy Weld-Blundell

In addition, UNDP is working towards establishing baseline assessments for all projects covered by Phase 2 of the Global Programme, and UNODC is using questionnaires to assess Member State compliance with the new norms that have been elaborated.⁴⁵

The Monitoring Analysis and Reporting Arrangement on Conflict-related Sexual Violence, was established under Security Council resolution 1960 (2010) with a view to measuring the prevalence of such crimes and prevent their occurrence, rather than to measure steps being taken to provide women with effective justice-based responses. Interestingly, however, one third of respondents at both field and headquarters level cited them in the latter context.

The Country Team Gender Scorecard system and the System-wide Action Plan (UN-SWAP) offer a targeted means of measuring the UN's own performance with regards to gender equality and women's empowerment.⁴⁶ Likewise, the DPKO/OHCHR Rule of Law indicators offer specific indices for measuring gender equality in justice services.⁴⁷ However, neither system is as yet sufficiently widely used to produce definitive results; UN-SWAP is still recent in implementation. DPKO/OHCHR are piloting implementation of the rule of law indicators in Haiti and Liberia; eleven surveyed examples made reference to the indicators, although without elaborating further on their modes of employment. The only references in survey responses to the Country Team Gender Scorecard came from UNDP Iraq and Liberia, UN Women in Rwanda, and Timor-Leste (DPKO Judicial, UN Women and UNDP all made reference). Further research and analysis of the impact of these mechanisms, and indeed any possible correlation between them in settings where the UN is engaging in access to justice programming, is worth further consideration once data becomes available.

Donor reporting often requires the impacts of access to justice programming to be measured annually. However, progress towards greater gender equality is incremental, requiring changes in behaviour that are difficult to measure. While short term indicators are critical, it is also necessary to conduct further research and analysis into developing effective indicators sensitive to the nuances and long term nature of gender equality goals and that are able to measure progress of behavioural change.

45 See for example *Report of the Secretary-General on strengthening crime prevention and criminal justice responses to violence against women*, 2 February 2012, E/CN.15/2012/13.

46 The UN Country Team Performance Indicators for Gender Equality and the Empowerment of Women (also known as the Gender Scorecard) is an accountability framework that was rolled out in 2008. It comprises 22 indicators against which each UN Country Team is rated, to help improve their mainstreaming of gender equality into their strategic planning cycle for how they deliver development assistance. A separate but related development is the UN System-wide Action Plan on gender equality and women's empowerment (UN-SWAP), which was adopted in 2012 and aims to provide a set of common indicators to measure progress across the UN system in gender-related work, including mainstreaming a gender perspective across UN operations.

47 See note 36 above.



48 See for example *Guidance Note for UNODC Staff: Gender Mainstreaming in the Work of UNODC*, UNODC (2013)

4.2.3 Long term engagements

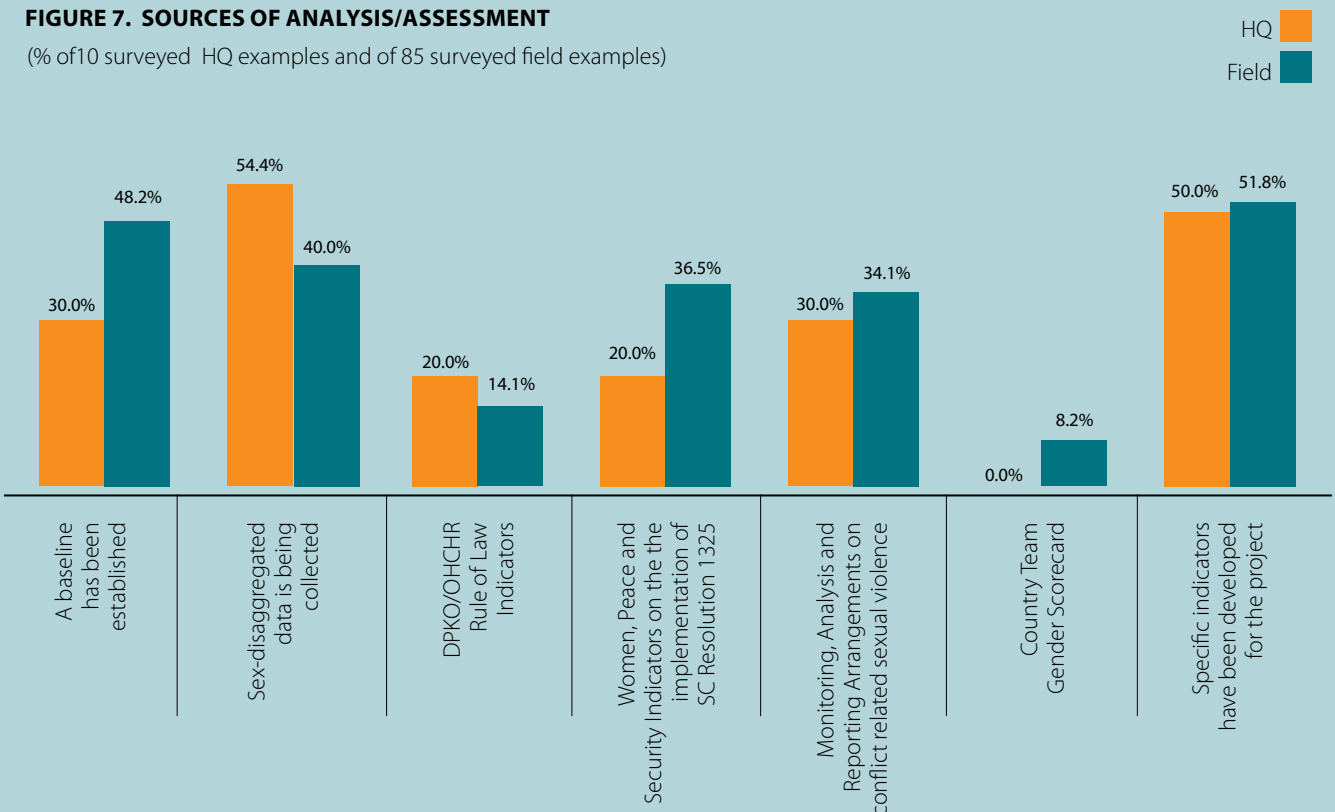
At both field and headquarters level, at least 75 per cent of the interventions for which detailed information was provided were multi-year engagements, acknowledging perhaps the need for sustained follow-up but also reinforcing the need for clear rationales for engagement and means to track progress and adjust programming as needed.

4.3 HOW THE UN PROVIDES SUPPORT TO WOMEN'S POST-CONFLICT ACCESS TO JUSTICE

There are clear distinctions between the forms of support that the UN can direct to women's access to justice, based on the respective capacities and advantages in headquarters and field settings. The survey results show that when taken as a whole, headquarters level rule of law work in access to justice that is either principally or significantly aiming at women's empowerment and gender equality is fairly evenly distributed between seven primary functions, detailed in Figure 8 below. Not surprisingly, different RoLCRG entities tend to focus on different forms of assistance depending on whether they have a direct relationship to field operations. DPKO (both police and CLJAS), UNDP, UN Women and OHCHR reported that they are performing all of the functions; UNODC's efforts are focused on production of normative instruments, internal policy guidance and research as well as tools for technical assistance such as handbooks and training manuals.⁴⁸ The Office of Legal Affairs (OLA) reports engaging in some training. For UN Women, all activities fall within its programme on women's access to justice in conflict and post-conflict settings. For UNDP, a considerable amount falls under BCPR's Global Programme, although a range of policy development and country support on access to justice (in both conflict-affected and other settings) comes from the Bureau for Development Policy's Rule of Law team in its relationship with regional bureaus.

FIGURE 7. SOURCES OF ANALYSIS/ASSESSMENT

(% of 10 surveyed HQ examples and of 85 surveyed field examples)



The most frequently used forms of headquarters assistance are policy development – whether for system-wide use or directed internally at the entity’s own programming – followed by training of UN staff. UNHCR has developed a *Comprehensive Protection Framework for Access to Justice for SGBV Survivors*, using categories largely the same as those employed in the present review. Although some of the policy development work had already occurred outside the time period covered by this review, DPKO field presences demonstrated a high level of awareness of the relevant policies, such as those on gender mainstreaming in DPKO operations.

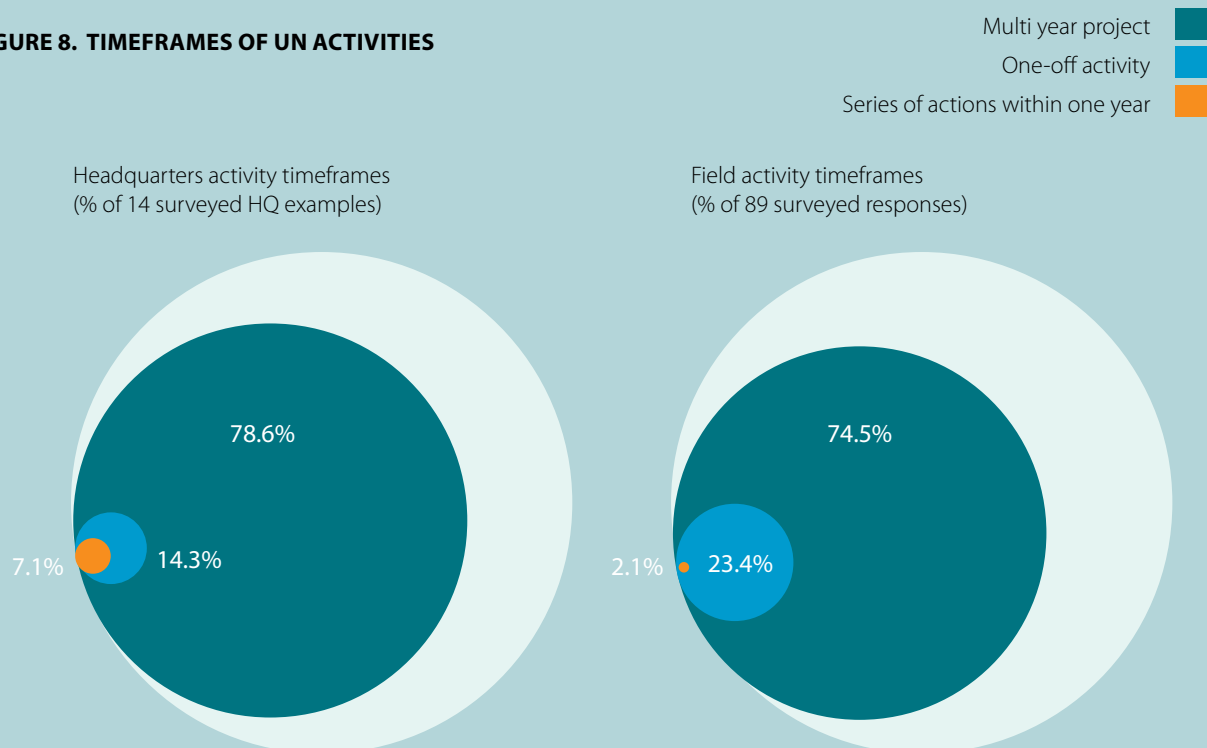
Newer models of engagement between field and headquarters are represented by UN Action Against Sexual Violence in Conflict (UN Action), established in 2007, the SG Policy Committee, and the ToE by Security Council Resolution 1888 (2009). UN Action involves eight of the nine RoLCRG members (excluding only OLA), together with other UN system entities at both headquarters level and through UN missions and UNCTs, to raise awareness, build capacity and provide strategic support to efforts at community, national and international levels to prevent and address sexual violence.

The ToE is specifically mandated to strengthen national capacities of police, justice and corrections actors in countering impunity for sexual violence in conflict and post-conflict societies.⁴⁹ By identifying gaps and challenges faced by national authorities and institutions in responding to conflict-related sexual violence, the ToE has been able to support police and justice actors in a number of post-conflict states.⁵⁰ For example, with full involvement from the Guinean Ministry of Justice and in close cooperation with the UN on the ground, the ToE deployed an expert to support the work of the Panel of Judges tasked with investigating crimes, including sexual violence committed in Conakry in September 2009. In the DRC, in cooperation with MONUSCO Justice Support Section and the Joint Human Rights Office, and in coordination with the Auditeur Militaire and the Haut Court Militaire, the ToE supported the training of military investigators from Goma and Uvira and deployed a national expert to undertake case tracking within the

49 The ToE was created by Security Council Resolution 1888(2009) to strengthen national capacities for countering impunity for sexual violence. It is composed of three experts seconded by UNDP, DPKO and OHCHR, plus a team leader from the Office of the Special Representative on Sexual Violence and Conflict. It has already been active in the DRC, Somalia and South Sudan. Other priority countries it has identified are Bosnia and Herzegovina, CAR, Colombia, Côte d’Ivoire, Liberia and Sudan.

50 The ToE aligns its geographic priorities with those of the Office of the Special Representative of the Secretary-General on Sexual Violence in Conflict (SRSG-SVC) and UN Action, but this does not prevent the ToE from engaging in other conflict and post-conflict countries identified as “situations of particular concern.” Since its establishment, the ToE has already deployed to the DRC, Liberia, Guinea Conakry, Sierra Leone, Côte d’Ivoire, South Sudan, the CAR and Colombia.

FIGURE 8. TIMEFRAMES OF UN ACTIVITIES





More than two-thirds of the surveyed field settings claimed to be providing a broad range of forms of assistance.

justice system. In early 2013, the ToE deployed an expert on sexual violence investigations to the Prosecution Support Cells in Eastern DRC. The ToE has also provided advice on draft legislation and guidelines or protocols in a number of countries, and has made recommendations that reinforce the need to implement a comprehensive framework for combating impunity for sexual violence in conflict that includes protection initiatives. It has now entered its second programme cycle and is supported through the UN Action Multi-Partner Trust Fund with an annual budget of around US\$2.8 million.⁵¹ One of the key lessons it identified after its first programme cycle is the need for a holistic understanding of the challenges facing post-conflict actors at all points in the justice chain, including informal/customary processes.

It is important to note that gender experts have the most impact when they are embedded in a thematic unit, section or sector along with clear terms of reference. In addition, it is critical for longer term impact that gender experts come with specialist (rather than generalist) expertise. Senior UN leaders and managers need to be better informed on the possibilities and nuances between different types of women, peace and security related expertise.⁵²

More than two-thirds of the surveyed field settings claimed to be providing a broad range of forms of assistance.⁵³ **Technical assistance and training were the most commonly reported gender-focused forms of programming, followed by strategic/policy support, advisory services and convening stakeholders.** Mobilizing resources for on-the-ground initiatives and assessing the justice sector's responsiveness to women's needs were the least common reported ways in which RoLCRG entities were operating in the field. Both of these forms of support are areas in which the gendered nature of economic impediments to accessing justice are likely to arise, and as noted already in this review, this is probably the greatest weakness in the degree to which UN responses to gender-justice inequality are indeed holistic. *The focus on SGBV in training and technical assistance, while providing important skills and knowledge, may obscure a lack of true mainstreaming in terms of what women's justice needs really are.* Justice issues related to economic

51 The total projected budget for 2012-2014 is US \$8,340,606.

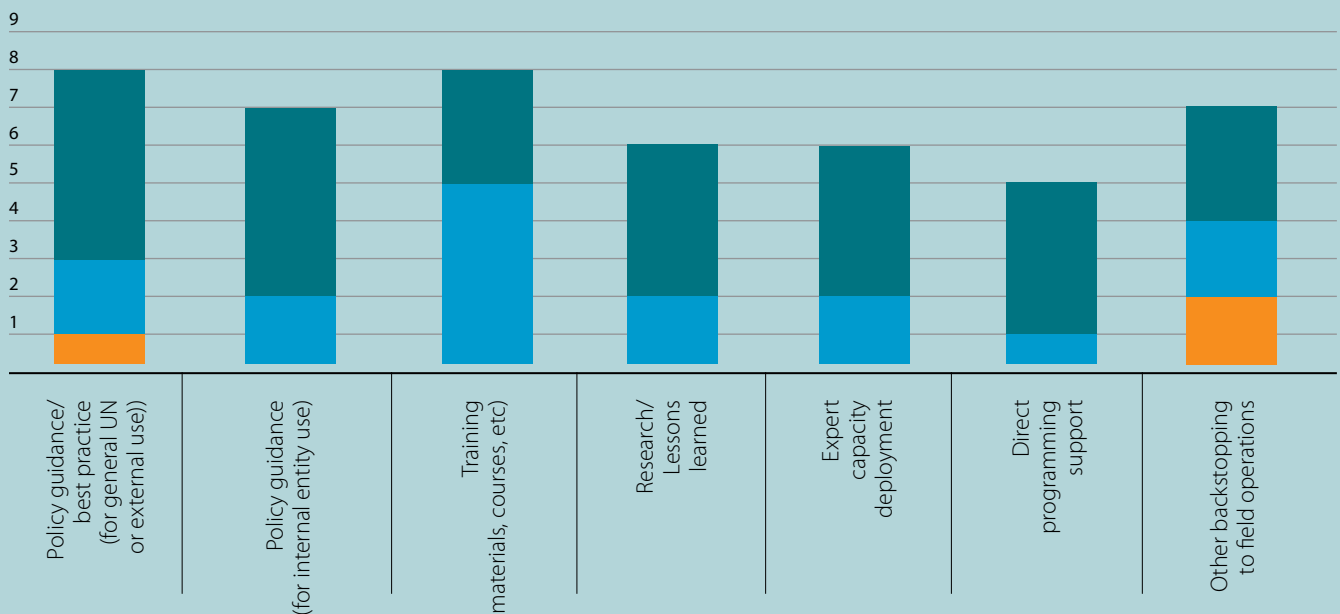
52 UN Women and UN Wide Inter-Agency Task Team, UN Gender Architecture in Post-Conflict Countries Final Report, 20 September 2012 at 29-30.

53 55 per cent of surveyed field responses reported that they fulfilled all seven forms of assistance listed in Figure 9, with a further 14 per cent reporting that they performed six out of seven forms.

FIGURE 9. HEADQUARTERS-LEVEL FORMS OF ASSISTANCE

(based on 7 surveyed HQ responses)

Gender focus is a PRINCIPAL objective ■
 Gender focus is a SIGNIFICANT objective ■
 No EXPLICIT gender-focus but the assistance is expected to have some positive impact ■



well-being and recovery for women, such as access to land and property rights (in Afghanistan and Sierra Leone), or legal documentation efforts (Sri Lanka), have been and are beginning to be tackled more by UNDP's second phase of the BCPR Global Programme on Rule of Law. Overall, and in line with the Secretary-General's *Seven Point Action Plan on Gender-Responsive Peacebuilding*, there is a need for increased support to holistic approaches to promoting women's access to justice that encompasses the economic recovery concerns of women.

Evidence-based assessments may become more common with the roll-out of the Rule of Law Indicators Project in a broader range of conflict-affected settings than is currently the case. Already, however, MONUSCO's Judicial Affairs team assists the Sexual Violence Unit to map interventions related to sexual violence by way of a 'landscape database', and rates coordinating stakeholders as one of its principal activities. Likewise, in Côte D'Ivoire, DPKO is monitoring judicial cases and allegations of gender based violence, and in Haiti, UN Police's Reporting Analysis and Mentorship (RAM) unit has created a SGBV database. In Liberia, UN Police's Crime Analysis Section has included sex-disaggregated data and tracking of crimes related to SGBV. The UNMIL Rule of Law Pillar undertook a study in which UN Police and Liberian counterparts tracked SGBV cases from initial entry into the criminal justice system in April 2010 to March 2011. In South Sudan, UNMISS is also tracking sexual and gender-related offences and in Bosnia and Herzegovina, UN Women is monitoring national war crimes trials.

Some survey respondents identified tasks such as judicial monitoring and collecting sex-disaggregated data as ways in which they were improving women's access to justice, which may suggest that greater conceptual distinction is needed between the substantive objectives of the interventions and the means of measuring progress towards achieving them, or indeed methods of analysis to inform the design of interventions in the first place.⁵⁴

54 Examples included responses from UNDP/DRC and DPKO/Kosovo.

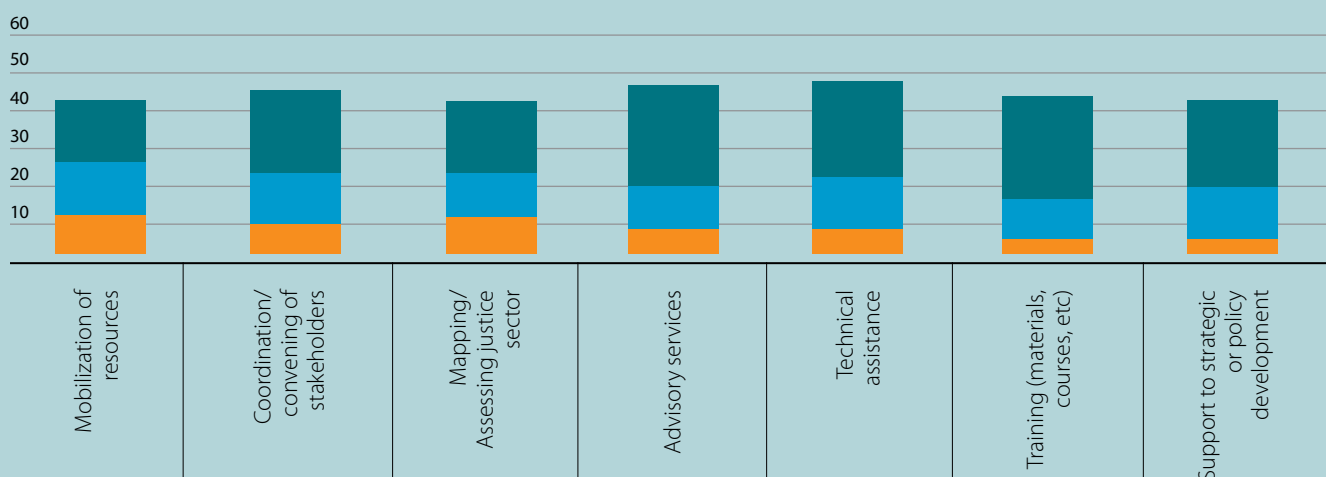
FIGURE 10. FIELD LEVEL FORMS OF UN ASSISTANCE

(based on 47 surveyed field responses)

Gender equality/women's empowerment is a **PRINCIPAL** objective

Gender equality/women's empowerment is a **SIGNIFICANT** objective

NO EXPLICIT gender-focus but the assistance is expected to have some positive impact on women's empowerment/gender equality



Although technical assistance and advisory services at the field level are predominantly focused on justice-chain actors, this is not exclusively the case. In some cases these services have connected with work aimed at supporting national strategies to improve women's access to justice. In Iraq, for instance, UNDP is providing capacity-building and technical support to the Human Rights Commission, which has a strategic focus on women and children. Similarly, in Timor-Leste, UNMIT was including social and health workers in its SGBV training, together with justice sector officials. Also in Timor-Leste, UN Women has provided advisory services to the Secretary of State on Security, focusing particularly on the implementation of Security Council resolution 1325 (2000) in relation to the areas of access to justice and eliminating violence against women. This has been part of a broader effort at strategic coordination in support of the National Action Plan on Gender Based Violence (NAP). In OPT, UNDP has supported the establishment of a gender justice unit and a gender justice action plan within the Palestinian Ministry of Justice. The diversity of these engagements, beyond traditional forms of rule of law/access to justice assistance, suggests the need to ensure there is sufficient field-based capacity to support them. A 2007 review of the role of DPKO gender advisors noted that the bulk of their time was spent on four thematic areas, all of which are relevant to the kinds of work being done to overcome the obstacles to women's access to justice: 1) rule of law, human rights, and legal reform; 2) SGBV; 3) security sector reform; and 4) capacity-building of women's organizations.⁵⁵ In DPKO-led mission settings, this highlights the need for regular close coordination between DPKO gender advisors and the full range of UN actors working on access to justice issues.

4.3.1 Coordination and joint programming

A significant proportion of the work surveyed is being conducted not by single RoLCRG entities alone, but in some form of **joint programming arrangement**, suggesting a notable degree of coordination at both field and headquarters. At headquarters level, over three-quarters of the work surveyed is being done together with other members of RoLCRG, whereas NGOs and national authorities are common partners at field level. Some examples of non-RoLCRG UN partners include the UN Population Fund (UNFPA) and the UN Office for Project Services (UNOPS).

55 *Mapping Exercise of Priorities and Workloads of Gender Advisors in UN integrated missions*, DPKO Best Practices Unit (2007).

© UN Photo/UNDP Somalia





At field level, government partners range from Ministries of Women’s Affairs, Social Affairs, Labour, Justice, Security, Defence or Interior to law enforcement, judicial/prosecutorial institutions and professional training bodies, and even local-level public administrations. Less common, but still mentioned several times by survey respondents, were professional associations such as the Women Police Officers Network, or an Association of Women Judges. Oversight bodies such as ombudsperson’s offices and human rights commissions are also important partners in some settings (Colombia and Iraq, for example).

NGO partners range from those working on women’s rights, mental health issues, human rights and justice reform more broadly. Other international partners include intergovernmental organizations such as IOM, as well as bilateral donors and NGOs. A few of those listed by survey respondents were Mercy Corps, Danish Refugee Council, International Rescue Committee, Cooperazione Internazionale, International Medical Corps, National Democratic Institute and the Open Society Institute.

The Secretary-General has set a 2014 target that 15 per cent of funding for rule of law and access to justice programming is dedicated to gender equality and women’s empowerment, rising to a target of 30 per cent by 2020.

4.4 FUNDING

The Secretary-General has set a 2014 target that 15 per cent of funding for rule of law and access to justice programming is dedicated to gender equality and women’s empowerment, rising to a target of 30 per cent by 2020.⁵⁶ In furtherance of this, one of the goals of this review was to determine not just the scope and breadth of RoLCRG activities connected with promoting women’s empowerment and gender equality in post-conflict access to justice assistance, but also to explore the allocation of resources to this work *as a proportion of overall rule of law assistance*.

4.4.1 Challenges in measuring resource allocations

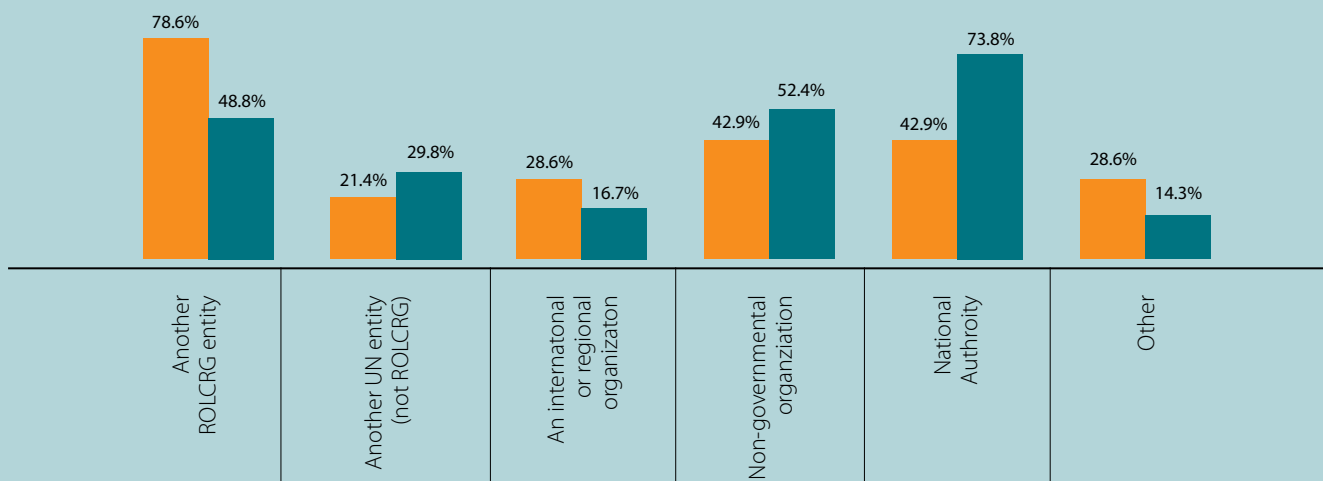
Recent in-depth research by UNDP and UNIFEM (now UN Women) on gender-responsive resource allocation in post-conflict settings found that on the whole, ‘finding gender’ is especially

⁵⁶ UN Strategic Framework on Women, Peace and Security (2011), outcome 3.3 (on access to justice for women and girls whose rights are violated), annexed to Report of the Secretary-General on women, peace and security, 29 September 2011, S/2011/598, cross-referencing A/65/354-S/2010/466, paras 46 and 47.

FIGURE 11. TYPES OF PARTNERS IN JOINT PROGRAMMING

(based on 14 surveyed HQ examples and 84 surveyed field examples)

HQ 
Field 





© UN Photo/Evan Schneider

difficult due to the opacity and complexity of post-conflict planning, financing and budgeting processes.⁵⁷ Other attempts to look at similar issues in peacebuilding environments have also highlighted these difficulties. Methodological challenges notwithstanding, UN Women estimates that between 5 and 6 per cent of recent budgets for MDTFs and Post-Conflict Needs Assessments are explicitly allocated to gender issues.⁵⁸

Outside the UN system, the Organisation for Economic Co-operation and Development (OECD) Development Assistance Committee (DAC) found in 2010 that 38 per cent of aid allocated by DAC members to the governance sector in fragile states addressed gender equality, compared with only 20 per cent to the peace and security sectors. This was in contrast to nearly half the aid allocated to social sectors such as health and education, **suggesting that international commitments to increase the participation of women in decision-making with regards to peace, justice and security is not being supported by donors.**⁵⁹ Gender-responsive access to justice assistance by UN actors cuts across all of these sectors, further complicating direct comparison. Furthermore – and critically for this review – there is no ready source of information on overall funding to UN rule of law work.

One significant reason lies in the fact that a considerable amount of rule of law assistance takes place in the context of mission settings, increasingly as part of implementing a Security Council mandate either for a peacekeeping operation or a special political mission. In contrast to UN funds, programs and agencies, the nature of UN secretariat and mission budgeting prevents a meaningful breakdown of costs associated with specific sets of activities (such as access to justice, or even rule of law more broadly) and indeed comparison between the types of mission settings. Not only are Member States' contributions to the general budget (from which SPMs are funded) and the peacekeeping budget calculated differently, both systems have few budget lines, which is in part designed to maximize operational flexibility in the field.⁶⁰

In the case of examining the budgets of DPKO field operations, for instance, it is possible to cross-reference the relevant posts working on judicial affairs, gender affairs or human rights in the mission's approved staffing table (which may in any event not be fully filled at any given time or posts may be 'loaned' to other sections within the mission), but this would not reflect the relevant proportion of support costs for mission activities that come from the mission as a whole (such as transport, security, communications, or logistics). In conflict-affected settings, these costs are often considerable. A similar scenario applies to gender-responsive access to justice work being undertaken by UN Police in mission settings. Although many of the UN Police examples

57 *Price of Peace: Financing for Gender Equality in post-conflict reconstruction*, UNDP (2010), p. 31. Notably, this detailed report, based on case studies in Kosovo, Sierra Leone, Timor-Leste and South Sudan, attempts to identify the amount of gender-focused funding as a proportion of post-conflict reconstruction funds, and proceeds to examine the range of MDTFs, planning frameworks (including PRSPs and UNDAF's) and other pooled funding arrangements to provide the larger picture.

58 See *What Women Want. Planning and Financing for Gender-Responsive Peacebuilding*, UN Women, (2nd Edition, 2012).

59 *Aid in Support of Gender-Equality in Fragile and Conflict-affected States*, INCAF/OECD DAC (2010).

60 For further elaboration of the complexities in comparing SPM funding trends and analysis with peacekeeping operations, see *Report of the Secretary-General A/66/340*.

listed in the matrix are discrete activities, this does not necessarily translate into discrete financing arrangements unless the project is funded separately to the general mission budget, such as through a Quick Impact Project (QIP) or a comparable extra-budgetary arrangement.

By contrast, much of the relevant work on women's access to justice undertaken by UNDP, and to an extent those RoLCRG entities which are not funded through the UN general budget, is designed and financed on a project-basis, making it more transparent and, in theory, open to breakdown by work in certain areas. Even so, analysis of 20 UN Country Team Gender Scorecard ratings revealed that gender-responsive budgeting was the weakest area of performance.⁶¹ Overall, UN Women's 2012 review of gender mainstreaming in UN operational activities for development found that:

Financial resources at all levels are generally insufficient for the effective implementation of gender mainstreaming commensurate with the [UN gender mainstreaming] policy requirements. The complexity of the gender equality and women's empowerment goal, which spans several development sectors, as well [as] the slow and cumulative nature of social change means that a very long term perspective on funding is required and predictability of funding is critical.

The capacity to monitor and track the allocation and disbursement of financial resources is generally weak or non-existent, especially in integrated interventions.

The Gender Marker, currently being tested by several entities in consultation with each other, shows promise as an effective tool to track allocations to gender equality, including in integrated projects and programs. The system-wide use of a common gender marker would significantly enhance coherence and accountability.⁶²

The Secretary General's *Strategic Framework on Women and Peace and Security* has set a 2014 target of 40 per cent of UN entities working in conflict contexts to have established, operational gender-specific fund-tracking mechanisms.⁶³ As previously noted, the only RoLCRG entities currently applying a gender marker are UNDP and UNICEF. The PBF does apply a gender marker coding system to all PBF projects, which are implemented by a range of RoLCRG entities, include for some activities listed in this review. A full examination of PBF project documents was beyond the scope of this review, but it offers a useful entry point for broader discussions. RoLCRG should not only develop a means of estimating rule of law resource allocation (including in mission settings), but also ensure that application of existing gender markers is strengthened and, in the longer term, consideration is given to the adoption of a common gender marker across those entities working on rule of law.

4.4.2 Amount of budget allocations

For the purposes of this review, survey respondents were asked to identify the total annual budget for each of the activities they listed, as well as the total amount of their entity's rule of law programming (either at headquarters or for their field setting) and – with a view to comparing resource allocation with programmatic focus – an estimation of the percentage of their total rule of law work that was dedicated to women's empowerment or gender equality.

The most striking finding was the **difficulty of obtaining accurate information about costings for UN support to women's access to justice in conflict-affected settings**. Survey respondents could not identify the total budget allocation for 35 per cent of headquarters level activities and



The capacity to monitor and track the allocation and disbursement of financial resources is generally weak or non-existent, especially in integrated interventions.

61 Ibid, paras 78-79.

62 *Advancing Gender Equality and Women's Empowerment: An Assessment of Gender Mainstreaming in UN Operational Activities for Development*, UN Women, (2012), paras 117-119.

63 *UN Strategic Framework on Women, Peace and Security* (2011), Outcome 4.1. This is cross-referenced to UN Action strategic framework deliverable A9; A/65/534-S/2010/466, para 36.



64 21 out of 47 respondents indicated they could not identify a figure and a further four simply skipped the question.

25 per cent of field-based activities covered by the review. The picture was even worse when asked to provide even an estimate of total rule of law funding for their entity. Of the seven responses received from RoLCRG entities at headquarters level, not one could give a precise figure for the total budget allocated to their rule of law work. At field level, only five out of 47 respondents identified a 'precise' figure, with 40 per cent offering an estimated amount and over half the respondents unable to offer any figure at all.⁶⁴

The reasons offered by survey respondents for this lack of information (both for specific activities and rule of law programming total amounts) included the following:

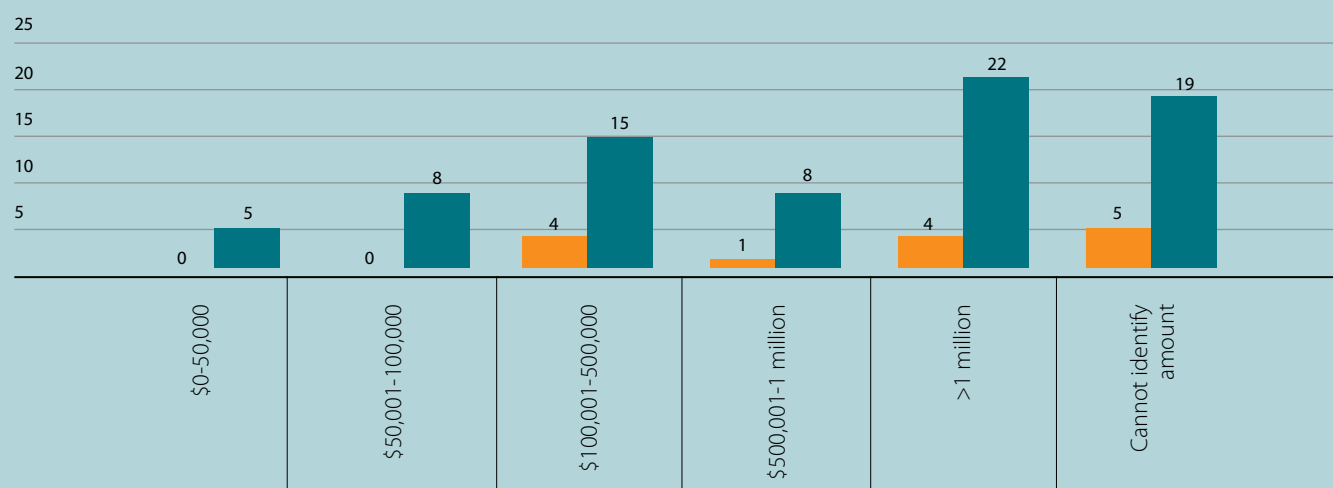
- This work is covered by our general mandate and budget;
- It is hard to distinguish between gender-focused access to justice and our other rule of law work;
- This work includes contributions from other sectoral actors (gender, child protection, security sector reform, etc.), the budgets of which are not available to the person completing the survey;
- It is not possible to calculate the staffing time in addition to consultancies and meetings;
- It is not possible to calculate the figures needed;
- We only provide technical assistance; the activities are funded by another programme;
- The amount mentioned does not take into account staffing expenses – only specific activities related to gender;

FIGURE 12. BUDGET TOTALS FOR SURVEYED ACTIVITIES

Size of approved annual budget (USD) of activity (based on 14 surveyed HQ examples and 77 field examples)

HQ ■
Field ■

Number of examples for which survey data was completed



- Despite continuous efforts, it is not possible to get budget figures broken down by section from our administration;
- Rule of law programming relies on the mobilization of resources (donor funding) and Quick Impact Projects;
- UN Country Team undertakes activities but we are not privy to their budgets; and
- Various agencies sponsor us as per the needs of the programme.

In terms of the range of budgets that *were* identified, the majority of examples listed comprised large-scale projects with annual budgets in excess of US \$1 million (see Figure 11).⁶⁵ At field level, there were a significant number of examples with budgets of between US \$100,000 to \$500,000. At this stage, however, the material received was so incomplete as to render futile further attempts at a total calculation or analysis of the proportion of total rule of law funding.

As a basis for further research, however, it is worth noting that the estimates provided by survey respondents of the proportion of their entity's overall rule of law work was focused on gender equality and women's empowerment (Figure 12).

Interestingly, UN Police – both at field and headquarters level – estimate that a much higher percentage of their work is gender-focused than do their CLJAS colleagues.

These estimates, however, are based on individual survey respondents' perceptions rather than on any analysis of project outcomes or objectives. Nevertheless, they warrant further inquiry.

65 These figures are indicative only from survey responses, as verification based on budget documents was beyond the scope of this review. Although survey respondents were asked to provide a breakdown on an annual basis in US dollars, some responses were not clear as to whether a multi-year figure had been provided. Further follow up with specific entities is recommended for a more accurate picture. Likewise, it was not possible to determine whether these estimates were based on actual expenditures or, in some cases, projected budgets only, or even pledges where full financing had not in fact yet been secured.

66 No estimate was provided at headquarters level. DPA field setting breakdown: BNUB 10%; BINUCA 30%; UNRCCA30%; UNSCOL 5%; UNIPSIL 12%.

67 DPKO(J) Field setting breakdown: Côte d'Ivoire 5%; DRC 10%; Haiti 5%; Kosovo 0%; Liberia 15%; South Sudan 35%; Timor-Leste 30%

68 DPKO(P) Field setting breakdown: Haiti 60%; Liberia 30%; South Sudan 16%; Sudan (Darfur) 20%; Timor-Leste 10%

69 Only one OHCHR field setting completed this answer: OPT.

70 UN-supported tribunals are represented here as OLA 'field settings' and they report considerable variation in their perceived gender focus overall: ICTY 25%; ECCC 100%; ICTR 0%. The Special Court for Sierra Leone did not provide an estimate.

71 UN Women field breakdown: Afghanistan 100%; BiH 100%; Cambodia 90%; Colombia 40%; Guatemala 100%; Iraq 10%; Rwanda 30%; Timor-Leste 100%. **Despite the inconsistency in some field office estimates, UN Women headquarters clarified that by mandate, all of its field programming on rule of law is 100% aimed at promoting women's empowerment and gender equality.**

72 UNDP field breakdown: Afghanistan 30%; BiH 30%; CAR 40%; Colombia 15%; DRC 70%; Iraq 30%; Kosovo 100%; Liberia 30%; oPt 18%; Sierra Leone 85%; Timor-Leste 35%; Guinea Bissau 25%

73 Only one survey reply was completed, from OPT.

FIGURE 13. GENDER-FOCUSED ACTIVITIES AS A PERCENTAGE OF OVER-ALL RULE OF LAW WORK

Entity	Field estimates % (average by entity)	HQ estimate %
DPA ⁶⁶	17.4	-
DPKO (J) ⁶⁷	14.3	10
DPKO (P) ⁶⁸	27.2	33
OHCHR ⁶⁹	10	50
OLA/Tribunals ⁷⁰	41.7	10
UN Women ⁷¹	71.3	100
UNDP ⁷²	42.3	35
UNODC ⁷³	10	12.5



In terms of pooled funding modalities, the UN Trust Fund on the Elimination of Violence Against Women is supporting access to justice work in Cambodia, Sierra Leone, DRC, Kenya, Côte D'Ivoire, Colombia, Nepal, Tunisia, CAR, Libya and Sudan.

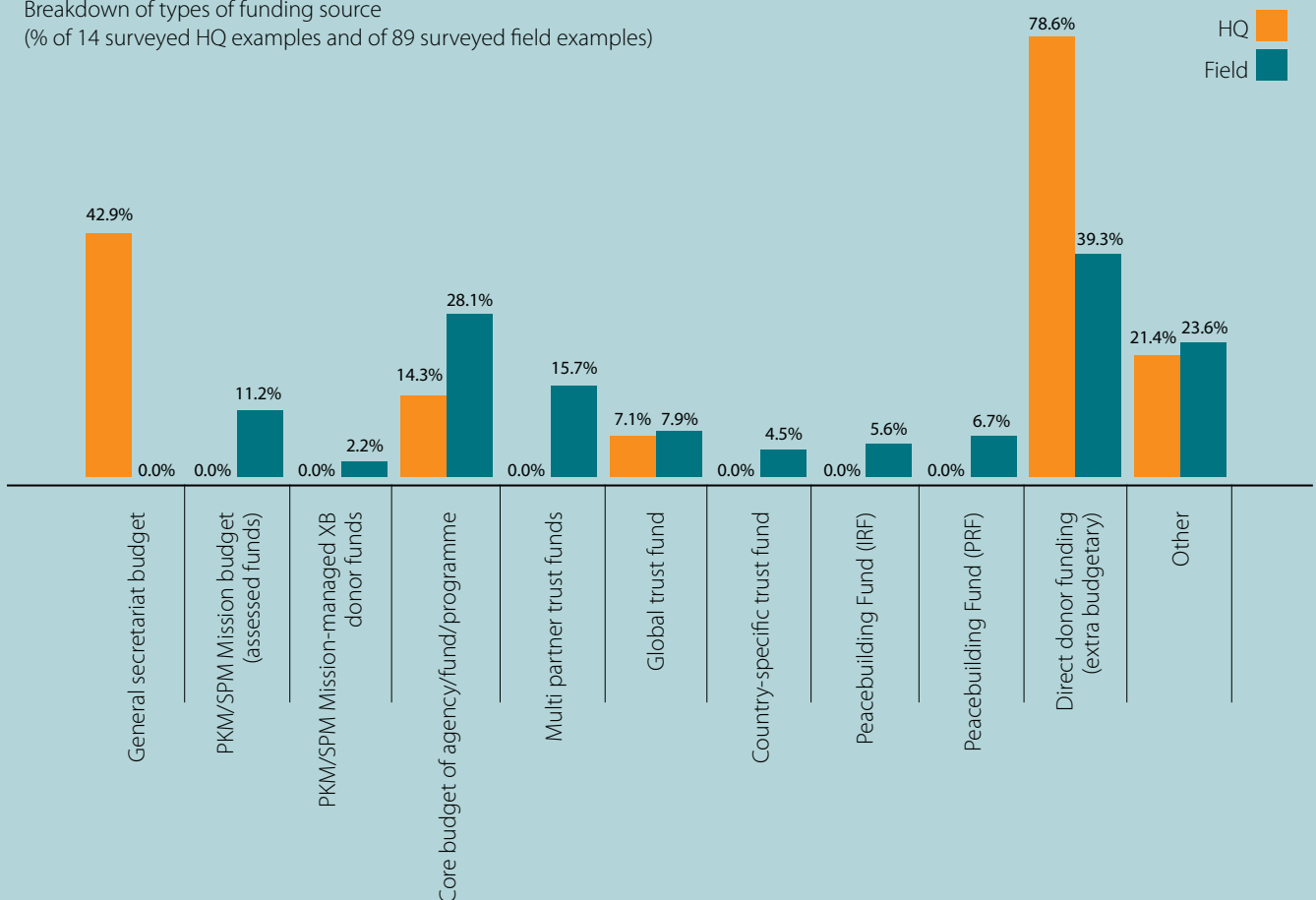
4.4.3 Funding modalities and sources

Although precise figures are not possible, the survey responses revealed some tentative trends within the sources and modalities of funding that support UN activities in gender-responsive access to justice in conflict-affected settings. First, multiple sources and modalities of funding often coexist to support a single activity. As illustrated in Figure 12 below, at headquarters level, the bulk of the activities reported were financed through the general secretariat budget, although direct donor funding (sometimes through pooled funding arrangements such as trust funds, but more often through bilateral contributions in addition to regular budget sources) was the most common modality in both field and headquarters settings. The relationship between field and headquarters, and between UN entities, was also highlighted in responses. For instance, some of DPKO's headquarters-activity is financed through the Peacekeeping Support Account, rather than only through the regular secretariat budget. Several field replies noted the support they receive from UNDP BCPR and from UN Women.

In terms of pooled funding modalities, the UN Trust Fund on the Elimination of Violence Against Women is supporting access to justice work in Cambodia, Sierra Leone, DRC, Kenya, Côte D'Ivoire, Colombia, Nepal, Tunisia, CAR, Libya and Sudan. In Guinea-Bissau, the Millennium Development Goals Fund (MDGF) is supporting the Joint UN Justice and Security Sector Reform programme and includes Access to Justice Centers, which provide legal counsel, mediation and rights awareness training to vulnerable groups, with women a primary target group. In the past, the MDGF has also supported a similar grass roots access to justice joint programme in Afghanistan. Country-specific trust funds in Colombia (for transitional justice), CAR, DRC and Iraq have also been useful sources of budget support for activities reported in the review.

FIGURE 14. BREAKDOWN OF FUNDING SOURCES

Breakdown of types of funding source
(% of 14 surveyed HQ examples and of 89 surveyed field examples)



Eleven reported examples were the result of PBF support:

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- In response to the Secretary-General's 2011 Action Plan on the implementation of Security Council resolution 1325 (2000), PBF launched a gender promotion initiative, which is supporting a major joint project in Guatemala on access to justice for survivors of conflict-related sexual violence;
- In Liberia, PBF has supported the establishment of a specialized Ministry of Justice unit dedicated to prosecuting SGBV crimes as part of the Joint Programme on SGBV;
- In CAR, PBF support (through the human rights component of BINUCA) is being used to conduct gender-sensitivity training for prison guards and managers, and UNICEF is also implementing a PBF project on SGBV prevention and response. In an earlier phase of PBF support, UNHCR established mobile justice clinics in CAR. UNDP is currently providing justice assistance to sexual violence victims with PBF assistance;
- In Côte d'Ivoire, DPKO is using PBF support to establish six legal aid clinics with the National Women Jurists Association of Côte d'Ivoire. According to information available on the PBF website (although not reported through the survey), PBF funds are also supporting the establishment of the Dialogue, Truth and Reconciliation Commission (implemented through UNDP and OHCHR), including to ensure the participation of women's participation and attention to the interests of victims of SGBV;
- In Kyrgyzstan, the UN Regional Centre for Preventative Diplomacy for Central Asia (UN-RCCA) reported it was receiving PBF support as part of the Infrastructures for Peace project;
- In Sierra Leone, the human rights component of UNIPSIL reported PBF support to GBV training;
- In South Sudan, DPKO/UN Police reported that PBF support is going to the establishment of Special Protection Units in ten states, as well as a legal framework and investigation manual for training of SPUs; and
- In Darfur, UNAMID/UNPOL are using PBF support to create a family and child protection unit as well as establishing a police women network.



Although PBF identifies women's participation in peacebuilding as a core component of its 'Priority Area Two', aimed at good governance and national reconciliation, many of the above projects are classified under PBF's 'Priority Area One', which focuses on supporting the implementation of peace agreements, as rule of law generally is categorized in this way. Future PBF support for women's access to justice should therefore be actively promoted under both priority areas.

In terms of bilateral donors, the following were highlighted in survey responses: Australia (AusAID), Belgium, Canada (both CIDA and DFAIT), European Union, Finland, France, Haiti, Ireland, Italy, Liberia, Luxembourg, Netherlands, Norway, Rwanda, Spain, Sweden (SIDA), UK (DFID) and USA (State Department).



CONCLUSIONS AND RECOMMENDATIONS

The preliminary findings of this review show that there is a great breadth of activity by UN rule of law entities that are attempting to tackle the myriad obstacles to women's access to justice in conflict-affected settings. The UN system now has at its disposal a wealth of research-based policy guidance, at the heart of which lie practical strategies for listening to the demands and concerns of women on the ground who are grappling with the realities of ongoing or recently concluded war.





The need to improve women's participation in all levels of decision-making in peacebuilding settings has been well recognized, but looking back upstream – such as to women and girls' access to legal education – needs greater attention to get to the source of downstream absences.

THE PRELIMINARY FINDINGS OF THIS REVIEW SHOW THAT THERE IS A GREAT BREADTH OF ACTIVITY BY UN RULE OF LAW ENTITIES THAT ARE ATTEMPTING TO TACKLE THE MYRIAD OBSTACLES TO WOMEN'S ACCESS TO JUSTICE IN CONFLICT-AFFECTED SETTINGS. THE UN SYSTEM NOW HAS AT ITS DISPOSAL A WEALTH OF RESEARCH-BASED POLICY GUIDANCE, AT THE HEART OF WHICH LIE PRACTICAL STRATEGIES FOR LISTENING TO THE DEMANDS AND CONCERNS OF WOMEN ON THE GROUND WHO ARE GRAPPLING WITH THE REALITIES OF ONGOING OR RECENTLY CONCLUDED WAR. THE EXTENT TO WHICH THE OBJECTIVES AND FORMS OF INTERVENTION ARE GROUNDED IN CONTEXT-DRIVEN ASSESSMENTS – IN WHICH THE VOICES OF THOSE INTENDED AS BENEFICIARIES FEATURE – IS NOT ALWAYS CLEAR. SOME ASPECTS OF GLOBAL POLICY, PARTICULARLY AROUND ISSUES OF SEXUAL VIOLENCE IN CONFLICT AND THE BROADER MESSAGES OF RESOLUTION 1325 (2000), SEEM TO HAVE PERMEATED THROUGH THE SYSTEM. THE TREND SEEMS TO BE IN FAVOUR OF LONGER TERM PROGRAMMING, OFTEN CONDUCTED JOINTLY BETWEEN UN ENTITIES. NONETHELESS, THERE ARE CLEAR CALLS – AT FIELD LEVEL IN PARTICULAR – FOR MORE EFFECTIVE COORDINATION, AND CRUCIALLY, MORE SUSTAINED POLITICAL SUPPORT FROM UN FIELD-PRESENCE LEADERSHIP WITH REGARDS TO THE IMPORTANCE OF INCREASING WOMEN'S ACCESS TO JUSTICE AS A CORE PART OF POST-CONFLICT PEACEBUILDING. UN WOMEN COULD PLAY A ROLE IN ENGAGING FIELD LEADERSHIP IN THIS REGARD.

In terms of substantive focus and the form of interventions, there is still a tendency to prioritize training and other forms of capacity development, while reforms to infrastructure or administration, or helping local actors mobilize resources, lag behind. Likewise, the challenges of engaging with informal justice systems (and other authorities, such as religious leaders) remain areas in which more effort is needed. The possibilities offered by transitional justice processes (both judicial and non-judicial) in tackling root causes of impunity for both past gender violence and the links to ongoing violence or exclusion seems under-explored in the activities reported. While the focus on sexual violence in many areas is to be commended as tackling a historical silence, this should not be substituted for mainstreaming gender-sensitive perspectives across the board in rule of law programming, as it is now widely documented that the obstacles to women's access to justice derive as much from justice-chain actors' attitudes and skills as the availability of legal assistance or other direct forms of support to victims of gender-based rights violations. Issues of economic and social injustice, although connected to access to justice issues more broadly, also remain largely separate from the activities of rule of law actors, a gap which highlights the importance of integrated assessment and planning, and the need to sustain meaningful partnerships with other sectoral actors. The need to improve women's participation in all levels of decision-making in peacebuilding settings has been well recognized, but looking back upstream – such as to women and girls' access to legal education – needs greater attention to get to the source of downstream absences. New tools and policy guidance produced over recent months offer great potential to address many of these challenges, if effectively integrated into internal capacity-building and planning processes.

The difficulties of gathering data, particularly on budget allocations, highlight the imperative that the UN system has already identified of ensuring consistent ways of tracking efforts at all stages, such as through the gender markers. Although the work is complex, methodologies have been developed and are already proving useful tools in practice, such as the mandatory application of the gender marker in UNDP's financial and project management ATLAS database. The challenge,

however, is finding ways to bring these methodologies to bear on the financing and planning of both secretariat action and work undertaken as part of multi-dimensional peacekeeping and special political missions, which, for the most part, do not operate on a project management basis. Incorporating this challenge should be acknowledged as part of the system-wide imperative. Further research is needed to at least develop ways to calculate estimates of funding allocation in mission settings. Efforts to evaluate the actual impact of these interventions must then inform ongoing research and monitoring, in ways that are accessible as ready resources for both field and headquarters staff to draw upon.

RECOMMENDATIONS

Growing the knowledge base for coherent programming design and tracking of programming and funding:

- **UN Women** – working with the **Global Focal Point (GFP)** for police, justice and corrections in crisis situations, **UNDP and DPKO** – should explore the possibility of establishing a centralized repository of programming on women's access to justice and budget allocations. This could be maintained by requesting UN partners to provide regular updates on country level activities to the GFP. This data should be included in the annual contributions to the report of the Secretary-General on strengthening rule of law activities, as a way of tracking further

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progress and completing a more comprehensive picture. The reporting should be integrated into existing reporting arrangements to avoid creating new burdens on the field. The matrix compiled for this review could serve as a possible template for the GFP collations of additional information;

- The **GFP partners and UN Women** should jointly commission research to develop a means of estimating rule of law resource allocation and data collection methodologies that address the reality of mission funding arrangements;
- Further research and analysis is needed of the effectiveness of monitoring and evaluation mechanisms, including the Country Team Gender Scorecard or data-gathering mechanisms, such as the Rule of Law Indicators Project. Once there is more data available, additional research should be commissioned to determine any correlation between improved outcomes of UN programming under each new process;⁷⁴
- **UN Women, together with OHCHR and UNDP**, should address the need for greater awareness-raising within the UN system, and particularly at country levels and with partners, with regards to the transformational role that transitional justice can play in addressing pre-existing gender biases that contributed to conflict-related violence and which continue to facilitate post-conflict gender discrimination and violence. This could include the commissioning of research and further guidance, awareness-raising and training across the UN system;
- Increased understanding and focus by **all UN rule of law entities** on informal justice processes in post-conflict contexts is required. Efforts should be made to draw from the learning that is available within the UN system and from partners on programs that engage with informal justice systems in non-conflict and development settings. On this basis, UN rule of law assistance should identify more ways of including informal justice processes in justice-chain capacity-development programming;
- In line with the Secretary-General's *Seven Point Action Plan on Gender-Responsive Peacebuilding*, more effort is needed by **all UN rule of law agencies and field offices** in increasing support to holistic approaches to promoting women's access to justice that include specific initiatives that promote women's economic recovery concerns in post-conflict contexts; and

⁷⁴ The Country Team Gender Scorecard is a method of tracking internal performance on gender equality in UN field presences, and the Rule of Law Indicators Project is a tool that has been developed to measure external progress on rule of law development in national justice systems. Both are relatively new tools and further descriptions of them are contained in notes 46 and 36.

- UN rule of law entities should consolidate past and current good practices on access to justice by women in conflict and post-conflict contexts and agree on sharing mechanisms within the organization. There should be UN-wide consistency and access to resources and training opportunities on gender and access to justice.

Linking field and headquarters efforts further:

- The establishment of the GFP offers new opportunities to create integrated programming on post-conflict gender justice issues that maximizes the coherence between strategic approaches developed at headquarters and practical implementation on the ground. This should be a priority as the GFP system is operationalized;
- Recent research and the resulting policy guidance, such as UNDP’s 2005 *Programming for Justice: Access for All and The Price of Peace* (2010), the joint UNDP/UNICEF/UN Women report on *Informal Justice Systems* (2012), UN Women’s *Progress of the World’s Women: In Pursuit of Justice* (2011) and *Making Transitional Justice Work for Women* (2012), DPA’s *Guidance for Mediators on Addressing Conflict-Related Sexual Violence in Ceasefire and Peace Agreements* (2012), UNODC’s *Gender in the Criminal Justice System: assessment tool* (2010), the UN Police *Standardised Training Curriculum on Investigating Sexual and Gender-based Violence in conflict/post-conflict environments* and the UN *Standardised Training Curriculum and Best Practices Toolkit on Mainstreaming Gender in Police Peacekeeping*, should be more thoroughly disseminated and used as the basis of capacity development. Forthcoming guidance material on gender and transitional justice and reparations for conflict-related sexual violence offer important opportunities to fill outstanding gaps in the field;⁷⁵
- Given the cross-sectoral nature of some UN engagements (such as national strategy development on eliminating violence against women) which go beyond traditional forms of rule of law/access to justice assistance, there is a need for adequate field capacity in these areas and appropriate backstopping from headquarters;
- **UN entities** should explore how to leverage their influence with national governments to encourage an awareness of gender equality and justice issues in post-conflict settings through planning frameworks (including UN Development Assistance Frameworks, Integrated Strategic Frameworks, and transition compacts). **UN Women** could play a role in engaging UN field leadership on how to prioritize women’s access to justice in post-conflict settings;
- In mission settings (both peacekeeping and special political missions), regular and consistent close coordination between mission and **UNCT gender advisors**, as well as other UN actors working on access to justice issues, is essential. Gender advisors should be embedded in a thematic unit, section or sector along and have clear terms of reference; and
- Forthcoming research on the effectiveness of newer forms of UN interventions, such as UNDP’s research on support to mobile courts or working with customary justice actors, can provide important recommendations to inform gender-sensitive rule of law assistance programs in other conflict-affected settings. The research should be widely disseminated and recommendations taken up by relevant entities.

In line with the Secretary-General’s Seven Point Action Plan on Gender-Responsive Peacebuilding, more effort is needed by all UN rule of law agencies and field offices in increasing support to holistic approaches to promoting women’s access to justice that include specific initiatives that promote women’s economic recovery concerns in post-conflict contexts.

⁷⁵ This guidance material is forthcoming from OHCHR and UN Women.

Improving resource allocation:

- **RoLCRG entities** should build institutional knowledge and skills in applying gender markers to rule of law assistance programs globally;
- **Relevant UN entities** should ensure that 15 per cent of funding to rule of law and access to justice programs targets gender equality and women's empowerment by 2014, in line with the *UN Strategic Results Framework on Women, Peace and Security*;
- Future support for women's access to justice should be actively promoted by the **PBF** under both priority areas one and two;
- UN Development Assistance Frameworks, political and programming agreements between the UN and partner governments, and other national planning processes should be increasingly used to identify and include entry points for the UN to support national governments to address gender equality and women's access to justice needs in post-conflict settings; and
- Further research is needed to develop ways to calculate estimates of funding allocation in mission settings and to evaluate the actual impact of these interventions, making learning accessible for both field and headquarters staff.

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LIST OF ANNEXES

Annex A: Guiding high level recommendations on women's access to justice

Annex B: Bibliography/List of key documents consulted

ANNEX A. Guiding high level recommendations on women's access to justice in conflict-affected settings

Progress of the World's Women: In Pursuit of Justice, UN Women, 2011.

1. Support women's legal organizations
2. Support one-stop shops and specialized services to reduce attrition in the justice chain
3. Implement gender-sensitive law reform
4. Use quotas to boost the number of women legislators
5. Put women on the front line of law enforcement
6. Train judges and monitor decisions
7. Increase women's access to courts and truth commissions during and after conflict
8. Implement gender-responsive reparations
9. Invest in women's access to justice
10. Put gender equality at the heart of the MDGs

Report of the Secretary-General on the rule of law and transitional justice in conflict and post-conflict societies, 12 October 2011, S/2011/634.

22."...there is a need for gender-sensitive procedures to protect victims and witnesses....evaluations of the impact of transitional justice measures on women and children must be conducted on a more systematic basis".

41. In many settings, women and girls face violence, economic and political marginalization, and the denial of basic rights. Gender inequality is at the root of these conditions, fuelled by discrimination in such areas as employment, political rights, education, health care and property rights. Weak legal frameworks abet discriminatory policies and practices of institutions, limiting women's access to legal redress. Gender biases of State justice and security actors discourage women and girls from reporting crimes against them and result in greater attrition. Conflict exacerbates existing conditions of inequality, enabling and encouraging the proliferation of the most vicious forms of gender-based violence, including the widespread use of sexual violence as a tactic of war. Conflict also destroys community and social networks, pushing women and the families that depend on them further into destitution and cycles of poverty.

42. Since 2004, there has been increased understanding that women and girls are impacted uniquely and disproportionately by the direct and indirect effects of conflict and its aftermath. This has begun to inform the development of rule of law interventions that specifically address women's justice and security concerns. There are currently more efforts to reform discriminatory legislation, enhance access to justice and end impunity for crimes of sexual and gender-based violence, and to ensure women's participation in institutions and peacebuilding forums as part of a comprehensive response to create transformational change in the lives of women and girls.

43. Experience reveals that State focus on political stability can delay necessary legislative action addressing violence against women. Civil society advocacy and transitional justice interventions are important in spurring legislative and attitudinal changes. ... However, too often the passage of legislation is not followed by implementation. Implementation is more likely when accompanied by a comprehensive policy framework which includes dedicated funding modalities and a national action plan or strategy. The Organization must continue its efforts to monitor laws to ensure their enforcement and effectiveness.

44. In conflict and post-conflict settings, a chronic failure of justice institutions to be responsive to women's rights and concerns results in high levels of underreporting and attrition. Since 2004, more efforts have been made to ensure that the mandates, procedures and organizational cultures of

justice and security institutions are gender sensitive. Greater provision of legal aid, paralegal support and awareness-raising efforts are empowering women. As a result of these initiatives, more perpetrators of sexual and gender-based violence are being brought to justice in such countries as Chad, the Democratic Republic of the Congo, Nepal, Sierra Leone, South Sudan, the Sudan and Kosovo. The growing use of mobile courts is complementing these developments, bringing judges and prosecutors to otherwise remote crime scenes in eastern Chad, eastern Democratic Republic of the Congo, Haiti, Nepal and elsewhere.

45. A significant increase in funding for women's access to justice programs is needed. Such initiatives need to focus on underlying economic and social issues driving inequality. Furthermore, a holistic approach to access to justice that addresses physical, psychological and wide socio-economic consequences of violations is required. In Burundi, Liberia and Somalia, one-stop centres that offer survivors medical care, psychological counselling, access to police investigators and legal assistance in one location are proving to be successful at mitigating secondary victimization and reducing court delays, while improving conviction rates.

46. The Organization must also continue to promote women's participation in defining the scope, remit and design of all post-conflict justice mechanisms to increase access to justice in line with resolution 1325 (2000). Discrimination can be addressed through women's participation in justice and security institutions. Increasing the number of women professionals can be facilitated by programs encouraging women to pursue legal careers and through mandatory minimum quotas for women's involvement in the administration of justice.

Women's participation in peacebuilding: Report of the Secretary-General, 7 September 2010, A/65/354-S/2010/466.

Tracking Progress: 7-Point Action Plan Commitment Measures (with detailed UN commitments for Rule of Law)

1. Conflict resolution

UN entities will take more systematic action to ensure women's participation in and the availability of gender expertise to peace processes.

2. Post-conflict planning

The UN system will more systematically institutionalize women's participation in (and apply gender analysis to) all post conflict planning processes so that women and girl's specific needs and gender discrimination is addressed at every stage.

3. Post-conflict financing

The UN commits to increasing financing for gender equality and women's and girl's empowerment in post conflict situations.

4. Gender-responsive civilian capacity

Civilian capacity will include specialized skills to meet women's urgent needs and expertise in rebuilding state institutions to make them more accessible to women and girls and less prone to gender-based discrimination.

5. Women's representation in post-conflict governance

The UN will ensure that technical assistance to conflict-resolution processes and countries emerging from conflict promotes women's participation as decision-makers in public institutions, appointed and elected, including through the use of temporary special measures such as positive action, preferential treatment and quota-based systems, as enshrined in international human rights law.

6. Rule of Law

The UN's approach to the rule of law – before, during and after conflict – will systematically promote women and girls' rights to security and justice.

- a) Peace operations to initiate immediate and longer-term efforts to prevent and respond to SGBV as detailed in para 46 of the SG's Report on Women's Peacebuilding. [para. 46]**
- b) Legal Support Services (LSSs) for women and girls – implemented early and on a scale sufficient to demonstrate commitment to ending impunity and protecting victims – will become a standard component of the UN's rule-of-law response in the immediate post-conflict period. [para. 47]**
- c) Minimum standards of gender-responsiveness to be established (and options for ensuring their implementation incorporated into the technical advice activities of relevant UN actors) for TRCs, reparations programs and related bodies. [para. 48]**

7. Economic recovery

The UN system will ensure that women's equal involvement as participants and beneficiaries in local-development, employment-creation, frontline service-delivery and DDR programs in post-conflict situations.

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