

MODULE 5:

Programming at the Country Level



Empowered lives.
Resilient nations.



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MODULE 5:

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*Empowered lives.
Resilient nations.*



THE TOOLKIT AT A GLANCE

The Toolkit comprises an Introduction and five Modules:

INTRODUCTION	MODULE 1 The Theory and Practice of Women's Access to Justice Programming	MODULE 2 Marriage, Family and Property Rights	MODULE 3 Ending Violence Against Women	MODULE 4 Women in Conflict with the Law	MODULE 5 Programming at the Country Level
Summary	Summary	Summary			Summary
Women's access to justice	Understanding the overall country context	Creating an enabling environment for women's access to justice			New generation of UNDAFs
Overarching commitments underpinning women's access to justice	Creating an enabling environment for women's access to justice	Creating effective, accountable and gender-responsive justice institutions			The programming cycle of UNCTs
Justice needs of women who face multiple and intersecting forms of discrimination	Creating effective, accountable and gender-responsive justice institutions				Cross-cutting issues to consider during implementation
Programming principles, approach and methodology	Legally empowering women	Legally empowering women			APPENDICES
Purpose and scope	Considerations for crisis-affected contexts	Considerations for crisis-affected contexts			ENDNOTES
About the Toolkit	APPENDICES	APPENDICES			
ENDNOTES	ENDNOTES	ENDNOTES			

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Above: Cambodia. A woman from the Jarai tribe smoking a pipe. © UN Photo/John Isaac.

1.0 Summary

1.1 Why country level programming?

Development requires transformational change at the country level, achievable through effective programming by United Nations Country Teams (UNCTs). Therefore, identifying entry points for enhancing women's access to justice within the programming cycle of UNCTs is critical for strengthening the gender dimensions of the United Nations system's work on access to justice for all. Using the UNCT as an organizational focal point promotes the leveraging of mandates, synergies and accountability across and within United Nations funds, programmes and agencies on gender equality and women's empowerment.

This Module provides guidance on how best to advance women's access to justice through the step by step modality of the UNDAF roadmap.¹ It identifies opportunities and approaches for aligning with the three entry points of women's access to justice programming: creating an enabling environment for women's access to justice; creating effective, accountable and gender-responsive justice institutions; and legally empowering women. It also reflects the four UNDAF principles for integrated programming, elaborated in Module 1: leave no one behind; human rights, gender equality and women's empowerment; sustainability and resilience; and accountability.²

1.2 Why is integrating women's access to justice in the programming cycle important?

The programming cycles (or roadmaps) of UNCTs are the institutional frameworks for milestone setting and the delivery of technical assistance at country level. The programming cycle of each agency is linked to the UNDAF, which is expected to reflect the national development priorities of governments.

United Nations General Assembly Resolution 71/243, [Quadrennial Comprehensive Policy Review of Operational Activities for Development of the United Nations System](#) recognizes the importance of partnerships and programmatic coherence to minimize duplication, promote cooperation between development partners and enhance individual agency mandates, while connecting programming to shared principles across the United Nations system.³ These shared principles, opportunities, mandates and entry points for women's access to justice programming are highlighted in this Module.

Integrating women's access to justice into the programming cycle ensures that it is given appropriate attention and prominence and is effectively addressed at the country level

2.0 New generation of UNDAFs

"New generation of UNDAFs" is a term that is used in the [United Nations Development Assistance Framework Guidance](#) to establish the expectation that all new UNDAFs will respond to the imperatives of the 2030 Agenda for Sustainable Development and the complex and interconnected nature of the [Sustainable Development Goals](#) (SDGs).⁴ In

In addition to human rights and the 2030 Agenda framework, all country level programming must be anchored in:

- The Report of the Secretary-General, [Repositioning the United Nations Development System to Deliver on the 2030 Agenda: Ensuring a Better Future for All](#), (2017)
- United Nations Security Council Resolution [2282](#), (2016)
- United Nations Resolution 70/262, [Review of the United Nations Peacebuilding Architecture](#), (2016)

These three instruments strengthen the focus of the United Nations on prevention and sustaining peace as important pillars of rule of law. Furthermore, in their design and implementation, all UNDAFs should demonstrate and explain how the outcomes respond to gender inequalities and contribute to the advancement of women and girls through, among other areas, access to justice.

A desk review of UNDAFs demonstrates that access to justice, more broadly, tends to be reflected as a cross-cutting theme of the entire UNDAF, or alternatively, integrated into a number of objectives such as democratic governance, rule of law or institution-building. A number of new generation UNDAFs have reflected women's access to justice in their planning frameworks (see Table A.5.1 in the Appendices).

While access to justice can serve as a rallying point for United Nations system engagement, its lack of distinct prominence in UNDAFs can result in women's access to justice (as part of the broader justice agenda) being marginalized or minimized in UNDAF planning, unless a corporate decision is made to prioritize it. One way of ensuring the visibility of women's access to justice is to ensure that it is fully anchored in the four UNDAF principles and identifiable opportunities and entry points, as elaborated in Box 5.1.

BOX 5.1 Linking women's access to justice to the UNDAF principles

Leave no one behind

- Design tailored services for groups, including marginalized and excluded groups of women
- Justice must be accessible in hard to reach and underserved areas

Human rights, gender equality and women's empowerment

- Use of the principle of non-discrimination to address discrimination in access to justice services
- Promote the collection of sex disaggregated administrative and household data on the reach of justice services
- Use the recommendations and observations of the human rights system in programming
- Advocate for women's participation in justice sector reforms and delivery

Sustainable development and resilience

- Strengthen capacities of formal and informal justice institutions and respond to national capacity assessments and strategies

Accountability

- Enhance monitoring of justice delivery
- Institute performance benchmarks for each justice institution and the justice sector as a whole

2.1 Integrated Strategic Frameworks

UNDAFs are the dominant strategic planning tool in development contexts. However, where there is an integrated United Nations presence, a peacekeeping mission or a political mission, such missions and UNCTs are required to develop an Integrated Strategic Framework (ISF).⁵ ISFs promote United Nations mission/UNCT collaboration and reflect the shared objectives and means through which the United Nations will promote peace consolidation.⁶ The essential elements of the Secretary-General's Policy on Integrated Assessment and Planning contain the minimum and mandatory requirements for the integrated conduct of assessments and planning in both conflict and post-conflict settings (see Box 5.2).⁷

BOX 5.2 ISFs and Integrated Assessment and Planning

A. Purpose and rationale

2. Integrated assessment and planning processes are intended to maximise the individual and collective impact of the context-specific peace consolidation activities of the UN system. There are important systemic constraints to integration within the UN, but, at a minimum, the political, peacekeeping, humanitarian, human rights and development entities of the organization share a common analysis and agree on a set of common strategic objectives for peace consolidation as a starting point for planning and implementing their responses in conflict and post-conflict settings.

...

C. Scope

7. The requirements set out in this policy apply in all cases where a multi-dimensional peacekeeping operation or field-based Special Political Mission is deployed alongside a UN country team, or where such presence is being considered.

8. This policy focuses on the peace consolidation activities of the UN as defined in each particular context and in line with Security Council mandates and the relevant mandates of UN entities, agencies, funds and programmes. UN activities in response to critical needs in areas other than peace consolidation fall outside the scope of this policy.

Source: Adapted from United Nations, [Policy on Integrated Assessment and Planning](#), pp. 1-2, (New York, 2013).

ISFs are country-led and country-owned frameworks for transitions out of fragility, based on compacts prepared under [A New Deal for Engagement in Fragile States](#) (New Deal).⁸ As previously mentioned in the Introduction, the five PSGs developed under the New Deal are: (1) legitimate politics; (2) security; (3) justice; (4) economic foundations; and (5) revenue and services.⁹ Synergies with post-conflict and peace-building processes will depend on the country context. The only existing example of an ISF is that of the United Nations Assistance Mission in Somalia, which although under revision, serves as a good example of how an ISF can integrate the gendered dimensions of justice content and results. This is reflected under the third Results Area (PSG 3: Justice) of Somalia's [Integrated Strategic Framework 2014-2016](#) (see Box A.5.1 in the Appendices).

The UNDAF roadmap cycle consists of a country analysis, strategic prioritization, implementation, monitoring and evaluation

3.0 The programming cycle of UNCTs

The programming cycle of each UNCT is linked to the national development priorities of governments. In this context, UN agencies, funds and programmes are enabled to explore opportunities for leveraging and influencing both national planning and joint country level planning processes, as offered through UNDAFs and ISFs. In addition to the [United Nations Development Assistance Framework Guidance](#) on integrated programming, UNCTs should reference UNDG, [Resource Book for Mainstreaming Gender in UN Common Programming at the Country Level](#) as the primary guidance on the effective integration of gender equality perspectives into planning (see Box 5.3).

BOX 5.3 Undertaking a gender analysis in CCAs and integrating gender perspectives into UNDAFs

Integrating gender in the CCA means understanding the dynamics of power relationships between men and women, their access to and control over resources, their activities, and the constraints they face relative to each other, with a view to subsequently developing results that *challenge and transform* those power relationships. A gender analysis focuses on the reasons for the current division of labour and their effect on the distribution of rewards, benefits and incentives. Furthermore, gender analysis provides information that recognizes that gender, and its relationship with ethnicity, culture, class, age, sexuality, gender identity, disability, and/or other status, is important in understanding the different patterns of involvement, behaviour and activities that women and men have in economic, social, political and legal structures. Gender analysis involves examining the enabling and constraining factors for gender equality, and the potential impact (both positive and negative) of certain development interventions on existing gender roles and strategic gender interests, as well as, humanitarian and peacebuilding dimensions, multi-hazard disaster risks and climate change along with associated gender considerations in response and resilience systems ... When priority gender issues have been identified, a deeper analysis of root causes of gender inequality can point to potential policy and programming responses ... In addition, a financial analysis to map the financial landscape is undertaken during the CCA process, and a gender analysis should be integrated here.

Source: UNDG, [Resource Book for Mainstreaming Gender in UN Common Programming at the Country Level](#), p. 20. (New York, 2018).

3.1 Entry points, priorities and milestones to mainstream gender into CCAs/UNDAFs in the context of women's access to justice

3.1.1 Securing women's access to justice in the roadmap

The [United Nations Development Assistance Framework Guidance](#) indicates that a roadmap is needed to: promote a smooth and transparent planning process; outline required and agreed steps that lead to the signing of the UNDAF with the government; identify the timing and nature of support required from stakeholders; and undertake dialogue with governments, partners and other stakeholders from the inception of the process. In addition to being aligned with the national planning cycle, roadmaps must highlight

Develop research questions to investigate women's access to justice for the CCA

overall direction, partnerships and implementation modalities. They serve as entry points for reflecting access to justice more broadly, as well as women's access to justice in particular, as development priorities.

3.1.2 The CCA and situation analysis on women's access to justice

The CCA (see Module 1) fosters a shared understanding of a country's national development situation and provides the situation analysis for the UNDAF. Based on the CCA, the UNDAF is the United Nations system's collective response to national development priorities over an agreed period, usually three to four years.¹⁰ Together, the UNDAF and CCA are strategic planning tools for a common vision and shared strategy.¹¹ They aim to foster effective development assistance through joint action to support nationally defined priorities and avoidance of risks associated with lack of coordination. While the CCA is mandatory under the new [United Nations Development Assistance Framework Guidance](#), *the United Nations system is encouraged to undertake a separate targeted situation analysis of women's access to justice to underpin evidence-based UNCT programming*. A situation analysis on women's access to justice may be undertaken separately or as part of a broader situation analysis on access to justice. Situating women's access to justice within a broader national justice framework ensures that existing structures, systems and processes are adapted to address the specific barriers facing women in their efforts to access justice.

The roll out of any situation analysis should involve the UNCT, government and CSOs. It must also be linked to the CCA, the formulation or review of the government's justice and security sector strategy and the concluding observations and recommendations of the CEDAW Committee, other treaty bodies and the UPR on access to justice and related issues. As a corollary, a comprehensive situation analysis on women's access to justice can also inform fragility assessments, UNCT confidential reports to the CEDAW Committee and the UPR.

The three dimensions of women's access to justice programming outlined in this Toolkit do not only provide entry points for programming, but also pillars for the design of strategic documents such as funding proposals, terms of reference for women's access to justice-related assignments, briefing notes for senior staff and institutional messaging. The following checklists must be used to define the rationale and undertaking of a situation analysis, which is based on the three programming entry points of this Toolkit:

Situation analysis and the enabling environment for women's access to justice¹²

- Describe the status of the ratification and domestication of international human rights instruments, especially those that affect women's access to justice.
- Assess and describe the political context, and where relevant, the crisis context.
- Describe the policy environment: the status of justice sector-wide and sub-sector policies, gender-sensitive budgets and associated indicators.
- Describe the legal environment: the progress and gaps in legislative and constitutional reforms, including a clear, analytical description of the legal system and justice institutions; progressive case law, the existence of gender equality and

Checklist for the enabling environment for women's access to justice



Above: Nepal. Wife and husband live in a temporary shelter for earthquake survivors. © UN Women/ Narendra Shrestha.

“claw back” clauses in the constitution and sources of law; and practices that govern semi-formal and traditional justice systems.

- Identify existing customary and social norms which impede the implementation of women’s rights.
- Determine the reasons for limited implementation and enforcement of existing laws and the value added of additional legal reforms.
- Describe the socioeconomic situation of the population who live below the poverty line by sex.
- Identify women who are most at risk of vulnerability and exclusion and due to such factors are unlikely to claim their rights.
- Determine the budgetary allocation to the justice and security sector and women’s access to justice in particular.

Situation analysis and effective, accountable and gender-responsive justice institutions

Infrastructure:

- Existence of institutional protocols for effective vertical and horizontal coordination, including with traditional and customary justice systems.
- A step by step description of the institutional arrangements of the justice sector (e.g., the sub-sectors which make it up) and other relevant sectors (e.g., social welfare), with an emphasis on the agency responsible for coordination, as well as relevant organs that are responsible for convening technical and administrative processes and appointments.

- The description should focus on all types of systems (formal, semi-formal and informal) and legal domains (constitutional, criminal, family, civil and administrative).
- A description of the court hierarchy, and the extent to which women access the various levels, including within traditional justice systems.
- An analysis of specialized units within justice institutions (e.g., family courts, land courts, small claims courts, “one-stop” centres).
- Ratio of lower courts to population and number of physical structures which serve as justice institutions within a particular locality.
- Assessment of gaps in capacity and roles of justice institutions and other actors (e.g. social services, security, CSOs) in performing their preventive and protective functions.
- Accessibility and reasonable accommodation for the elderly, persons with disabilities, pregnant and lactating mothers and children.
- Availability of training curricula on women’s rights and access to justice, and integration of materials into standard teaching and coaching programmes among training institutions for administrative staff, operational staff and decision makers.

Human resources and training:

- Number of personnel trained and retrained in women’s rights annually by sex.
- Ratio of judges, police, prison staff, investigators, prosecutors and forensic experts to population.
- Percentage of judges, police, prosecutors and prison officers who are female.
- Existence of public sector human resource performance standards that include commitments to the implementation of women rights.

Special measures and accessibility:

- Availability of court waivers and legal aid.
- Availability of “one-stop” centres and mobile courts.
- Linguistic accessibility for indigenous and minority women.
- Confidentiality and special spaces for women, including the elderly and nursing mothers.
- Accessibility for persons with disability (e.g., physical access, provision of hearing aids and braille).

Data and accountability:

- Record-keeping, case management through administrative data collection, availability of institutional performance indicators.
- User surveys and relevant household data on justice delivery.
- Institutionalization of feedback mechanisms for justice users.
- The extent of reduction or increase in attrition rates in criminal, civil or family cases.

- The extent of reduction or increase in the rate of female imprisonment.
- Monitoring/oversight roles for independent NHRIs, ombudsperson and observatory institutions.
- Monitoring decisions that have an impact on women's access to justice, for example, through bench books and judicial records.
- Results of annual and midterm reviews of justice policies, as well as strategic use of data and results to support revised policies and benchmarks.
- Cross-tabulation of the ratio of staff to population, ratio of lower courts (criminal, civil and family) to population by geographical area and sex and access to court waivers, legal aid and mobile courts.

Situation analysis and legally empowering women

- Use poverty analysis and other social, economic and political indicators to determine where the poorest women are located and establish who among them are left behind.
- Quantify average or median incomes, information on assets (e.g., land, housing and savings accounts).
- Assess women's time burdens, including productive and domestic workloads and unpaid care work.
- Analyse the vulnerability of relevant groups based on, among other things, the intersection of gender and poverty, ethnicity, race, religion, indigenous status, disability, age and geographic location—particularly of women living in rural and remote areas.
- Obtain perception data pertaining to the justice system and its effectiveness with regards to domestic and family violence.
- Determine the frequency of crime reporting, utilizing demographic and health surveys and criminal justice statistics.
- Describe traditional and religious institutions and actors, and entry points for engagement.
- Assess evidence of engagement with religious and traditional leaders, and their impact on the implementation of women's rights.
- Describe the impact of social and cultural practices and norms which obstruct women's access to formal and informal justice.
- Identify paralegal organizations and CSOs at national and community levels which provide legal services to women.
- Identify major social norms and harmful practices that hinder women's accessibility to formal and informal justice.
- Map out women-owned media and other media (including at community level), which focus on promoting women's rights.
- Monitor the existence and number of human rights defenders and the protective mechanisms put in place by the State to ensure their rights.



Above: Côte d'Ivoire. Children with special needs attend class in a school located in the village of Doyagouine, in the North East of the country. © UNICEF/Frank Dejongh.

- Identify the number of women who have access to ICT, such as radios and mobile phones.
- Determine women's percentage share of positions among police, prosecutors, judges and religious and traditional leaders at all levels.
- Determine the extent to which women, CSOs and CBOs are with and are utilizing international and regional human rights instruments and communications procedures.

3.1.3 Strategic prioritization

An UNDAF theory of change describes how specific development outcomes resulting from interventions proposed by the UNCT can be realized, as well as the pathways that are available to facilitate that change. Specific elements of the three programming entry points of women's access to justice, as outlined in this Toolkit, can be used to contribute to the UNDAF theory of change. UNCTs must prioritize their justice interventions based on the following questions:

- Where are the poorest and most vulnerable women located in the country?
- Who are more likely to face obstacles (institutional, procedural and cultural) when seeking justice?
- What are the justice needs that these women care about the most (e.g., small to medium commercial claims, marriage, divorce and alimony, child custody and maintenance, property or violence)?
- Which justice forums (formal, informal, hybrid) are the most accessible to women physically, geographically, financially, linguistically and who are the main justice actors?

Programming should prioritize women who are left behind

Checklist for vulnerability analysis in the context of access to justice

- What other forums are available but not as accessible and who are the main justice actors?
- What are the main barriers affecting women’s demand for justice (e.g., low levels of rights awareness, gender-discriminatory customary norms and stereotypes, including those that impact on women who defend their rights through recourse to justice)?
- What capacity-enhancing initiatives will support both duty-bearers and rights-holders?
- Are there sector and sub-sector justice policies in place? Who are the stakeholders?
- Are justice policies gender-responsive, and if not, what are the entry points for making them so?
- If justice policies are in place, are they gender-responsive, and if not, what are the entry points for reform? If no such policies are in place, are there opportunities for building support for justice policy development, especially with the involvement of key CSOs, government actors and the United Nations?

The justice components of the UNDAF must also be aligned and coherent with the priorities of government as laid out in national development plans, NAPs, NPAs and other institutional frameworks. Priority must be given to realizing goals and outcomes that correspond to problems identified in the situation analysis, while also taking into account national goals and the comparative advantages of UN entities engaged in the process. Table 5.1 highlights potential priorities for crisis-affected countries.

TABLE 5.1 Potential priorities for crisis-affected countries

Justice chain	Programme priorities
(Re)establishing justice programmes	<ul style="list-style-type: none"> • Direct engagement of female survivors and their advocates should begin prior to and during the re-establishment of justice programming (e.g., within peace processes, truth commissions), as the contours of subsequent programmes are often greatly influenced by their predecessors. • Victim-centred groups—including women’s, disability, survivors’ and human rights groups—should seek to build broad coalitions and strive for relative uniformity in messaging. • Advocacy and messaging should be grounded within the legal obligations of the governing State or de facto power, linking international principles and precedent to national law and striving to domesticate and effectively concretize rights locally. • Advocates should seek to understand the financial and political mechanisms that resource the justice, law and order sector institutions, and in coalition with other victim-centred groups, advocate in advance for dedicated gender-specific budget line items and special funds.

<p>Defining justice programme mandates</p>	<ul style="list-style-type: none"> • Women’s access to justice should be unambiguously listed as an underlying tenet within all justice, law and order programme mandates. • Definitions of “victim” should reflect principles of non-discrimination and the lived realities of affected populations, and should encompass more than “the person(s) toward whom the acts are directly intended”. • A harms-based approach of vulnerability may help to prioritize those survivors upon whom a rights violation has had the most life-altering effects, such as widows, the war wounded, forced mothers (and their children) and other survivors of sexual violence and those abducted or forcibly conscripted. • Sexual violence must be an explicit violation triggering remedy and reparation, but the scope of harms mandating redress should also seek to incorporate other types of gender-based violence and their complex, overlapping and multiplying effects. • Violations demanding redress should include more than the civil and political rights violations of immediate bodily harm, and should also reflect the exacerbating consequences of economic, social and cultural rights violations.
<p>Designing justice programmes</p>	<ul style="list-style-type: none"> • Justice programme design and implementation should begin with survivors’ priority needs and be situated within their local and lived realities, taking care not to empower traditional practices that justify and enable discrimination against women and children in particular. • Justice programmes should include women survivors, women’s rights advocates and victim-focused CSOs as full participants in the design, implementation, monitoring and evaluation of their programmes. • Justice programme design and implementation should strive for a relative equilibrium across the forms of justice, including restorative and retributive, symbolic and material. • Justice programmes should seek to address the potential legal impediments—formal and customary—to the equality of women and girls, including inheritance law, land and property rights, child marriage and domestic violence. • Development programming may effectively complement, but cannot replace, the explicit and personalized remedy and reparation due to survivors. • National duty-bearers should, at least in part, own and resource justice programmes. • Within budgeting processes, advocates should press for dedicated gender-specific budget line items and special funds to support women’s access to justice and gender-responsive justice, law and order institutions.

- Proactive efforts should be made to minimize the unjustified raising of expectations through transparent, active outreach and effective coordination across justice mechanisms.
- Justice programme design and implementation should consider the impacts on, and potential inclusion of, non-beneficiaries, recognizing and proactively planning for the ways that non-beneficiary spouses, parents, extended family and community members may effectively support or inhibit beneficiary repair.
- Justice programme design and implementation should refrain from labelling whole groups as perpetrators, instead focusing on individual liability with an appreciation for complex roles and identities.

Source: Dyan Mazurana and Bretton J. McEvoy, “Enhancing Women’s Access to Justice: From Transition to Transformation and Resilience”, pp. 2-3, (2017). Expert paper prepared for UN Women. (Unpublished).

3.1.4 Implementation

Sustained technical support to government and CSOs is required to implement the objectives and targets contained in justice and security sector policies, including those informed by the CEDAW Committee’s concluding observations and recommendations and national development frameworks. This process should be executed in partnership with other agencies. A checklist of actions for participating in justice and security sector planning and design is presented below:

- Use results from the targeted situation analysis of women’s access to justice to influence decision-making in favour of women at each stage of the planning, implementation and monitoring process.
- Develop policies with clear targets and indicators that address gender-related structural barriers, including women’s participation as justice actors at all levels.
- Ensure the integration of a multi-year budget and promote a United Nations System-wide Action Plan on access to justice broadly, and include critical budget lines for issues related to women’s access to justice.
- Review and consolidate recommendations on women’s access to justice from human rights treaty bodies, the UPR and relevant Special Procedures, and include them in targets, indicators and work plans.
- Ensure that targets and indicators are informed by those of the SDGs and PSGs and fully aligned with CEDAW [General Recommendation No. 33 on Women’s Access to Justice](#) (CEDAW GR 33) and other relevant international standards and norms.
- Based on these indicators, undertake gender audits of existing policies and use the findings as a baseline for all phases of implementation and monitoring.
- Use the results of the gender audit to influence decision-making, including resource allocation.
- Provide technical and financial support to selected strategic aspects of the plan, and demonstrate to the government what works by using lessons learned that can



Above: Côte d'Ivoire. Students in a confessional school in the village of Man, in the North East of the country.
© UNICEF/Frank Dejongh

show positive impacts on justice policy and practice, as well as on legislative and judicial reform.

- Encourage wide participation of women in planning, and leverage space for CSOs, NHRIs and gender-focused institutions to support implementation and oversight of justice sector strategies.
- Advocate for the approval of budget lines which address structural barriers to women's access to justice among relevant committees of legislatures (e.g., finance, justice, legal and constitutional affairs and gender) through separate and joint briefing sessions ahead of budget readings.

For sustainability purposes, all programme interventions should be designed as illustrative models for ultimate government adoption and integration into justice policy and practice. Programming should therefore be informed by research and best practices which suggest that initiatives are demonstrably cost-effective, sustainable, replicable and capable of being taken to scale. Such efforts should be linked to evaluations, knowledge sharing/exchange platforms and communities of practice. The UN Women Multi-Country Office in Morocco used such an approach to promote the integration of social workers in family justice administration (see Box A.5.2 in the Appendices).

3.1.5 Monitoring and reporting

The monitoring framework of the UNDAF should also be informed by the monitoring framework of the government's justice and security sector strategy. In both cases, emphasis should be placed on availability, accessibility, good quality, accountability and remedies. Baselines, milestones and targets are, however, dependent upon reliable data, the availability of which is critical for effective justice delivery. UNCTs could therefore

Programming should be illustrative of what can work and be sustained in a given country context

The final step of the UNDAF cycle

support justice institutions such as family and domestic violence courts to collect and analyse data related to their services and the backlog of cases.

An excellent example is UN Women's technical support to the Samoan Family Court and Family Violence Court. The [Family Safety Act 2013](#) established a specialized Family Violence Court in 2014. An integrated, coordinated model allows the Court to combine criminal family violence charges with related family law matters. This type of model addresses a range of issues in a more comprehensive way and allows for "one-stop shopping" for families involved with the justice system. Samoa implements a monitoring and evaluation system that is designed to enable the court to monitor its own performance and to capture data for other statistical purposes. Data is currently being generated on 11 indicators and is used to inform practice on an ongoing basis (see Box A.5.3 in the Appendices).

Furthermore, UN Women and the Council of Europe have collaborated to map existing indicators on access to justice in general through wide consultations on specific indicators that support women's access to justice in particular.¹³ These indicators can support partners in measuring, reporting and evaluating women's access to justice programming. Results should be documented systematically in order to continuously assess lessons learned and areas for improvement in justice delivery.

3.1.6 Evaluation and documentation of lessons learned

UN agencies are encouraged to include assessments of the results of their justice programming in midterm reviews of their respective country programmes, UNDAFs and ISFs. Such results should be shared widely through and for South-South and North-South learning and cooperation. Indicators for women's access to justice evaluations can be drawn from the checklist on situation analysis in Section 3.1.2.

3.2 Different programming scenarios

Anchoring women's access to justice initiatives in justice programming is ideal, but country contexts, funding situations and development priorities may require other entry points for women's access to justice programmes. In some cases, agencies and UNCTs may need to integrate women's access to justice programming into broader national access to justice programmes, or specific women's empowerment programmes (e.g., Ending Violence against Women and/or Women's Economic Empowerment). Examples of each scenario are elaborated below.

Scenario 1: Women's access to justice as part of broader national access to justice programmes

When women's access to justice initiatives are integrated and become part of broader access to justice programmes, they can provide more leverage for investing in sustainable interventions for women. In this context, women's access to justice priorities are sustained because they are anchored in a broad overhaul of the justice system. Table 5.2 illustrates a range of opportunities and entry points for integrating women's access to justice into broader justice interventions.

Follow up after
the UNDAF cycle

Women's access
to justice
programming
can be part of
broader national
access to justice
programming

TABLE 5.2 Integrating women’s access to justice into broader justice programmes

Sub-sector	Potential interventions	Areas to consider for integrating women’s rights across sub-sectors
Police	<ul style="list-style-type: none"> • Police vetting and recruiting • Police reforming, restructuring, training and strengthening • Training in community policing • Monitoring local police services to ensure observance of the principles of democratic policing • Assistance in developing public information strategies • Assistance with basic administrative and financial management arrangements for the local police services, determination of a fair and equitable police salary scale • Provision of personnel for positions where local capacity is lacking 	<ul style="list-style-type: none"> • Support justice sector strategy development • Support the reform of discriminatory laws and procedures • Affirmative action in recruiting, legal education and training • Administrative data collection • Development of protocols on protecting women as survivors and accused • Creation of women-only facilities and spaces as necessary, for different purposes • Making women professionals available for sensitive procedures such as searches and medical examinations • Instituting complaints procedures with special desks for women and available linguistic services
Judicial capacity	<ul style="list-style-type: none"> • Recruiting judges and magistrates • Training of judges or magistrates in judicial responsibilities, ethics, human rights, local law relevant to their jurisdiction and legal procedures • Training in lawyering techniques, e.g., how to run a courtroom, move cases along, keep track of files, write opinions and manage heavy caseloads efficiently 	
Prisons	<ul style="list-style-type: none"> • Upgrading prison infrastructure and corrections operational capacity • Assisting in the preparation of laws on prisons, prison policies and regulations • Assisting in the preparation and adoption of human rights policies and guidelines for prison officials and in the implementation of relevant human rights instruments • Selecting, vetting and training local corrections personnel 	

	<ul style="list-style-type: none"> • Human rights training for police and penal system officials, provision of personnel for positions where local capacity is lacking • Monitoring issues such as bribery, corruption, manipulation and abuse of power • Developing reporting procedures to address abuses • Inspection or oversight of the correctional system 	<ul style="list-style-type: none"> • Fast-tracking processes for special groups of women, such as pregnant women, lactating mothers, elderly women and adolescents • Ensure accessibility of persons with disabilities • Sub-sector budgets to reflect barriers to women's access to justice • Promote integrated services and referral systems • Create awareness on the rights of women • Develop sustained partnerships with CSOs, including bar associations and women only legal aid groups
Prosecutor capacity-building	<ul style="list-style-type: none"> • Recruitment and training of prosecutors • Capacity-building of prosecutor's office 	
Legal education	<ul style="list-style-type: none"> • Infrastructure and capacity-building for law schools, professional legal training organizations, judicial training centers and bar associations • Provision of personnel for positions where local capacity is lacking 	
Ministries of justice, interior and defence	<ul style="list-style-type: none"> • Infrastructure support and capacity training of ministry staff, provision of personnel for positions where local capacity is lacking 	
Criminal law reform	<ul style="list-style-type: none"> • Advice on codification or bringing criminal law provisions in line with IHR [international human rights] standards 	
Traditional and customary law	<ul style="list-style-type: none"> • Vetting for compliance with IHR standards, possible codification 	
Legal education in criminal law	<ul style="list-style-type: none"> • Infrastructure and capacity building for law schools, professional legal training organizations, judicial training centers and bar associations • Providing personnel for positions where local capacity is lacking 	
Peacekeeping measures	<ul style="list-style-type: none"> • Deployment of UN Police or international judges 	

Source: Adapted from Kirsti Samuels, "[Rule of Law Reform in Post-Conflict Countries: Operational Initiatives and Lessons Learnt](#)", Social Development Papers: Conflict Prevention & Reconstruction, No. 37, p. 9, (Washington, D.C., World Bank, 2006).

Scenario 2: Access to justice as part of a broader women's empowerment programme

It is also possible for women's access to justice programmes to serve as a critical enabler and as a means of implementing general or thematic women's empowerment programmes. [SDG 5](#) provides a useful framework for bringing together a wide range of women's empowerment programmes under one or more thematic areas. Potential entry points for making SDG 5 "justice responsive" are presented below:

SDG 5. Achieve gender equality and empower all women and girls

Target 5.1 End all forms of discrimination against all women and girls everywhere.

- Reform all discriminatory substantive and procedural laws.

Target 5.2 Eliminate all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation.

- Eliminate discrimination in access to the criminal justice system.
- Improve the capacities of criminal justice actors for women as survivors of crime and women in conflict with the law.

Target 5.3 Eliminate all harmful practices, such as child, early and forced marriage and female genital mutilation.

- Work with women's groups and religious and traditional leaders to change social norms and attitudes towards women and girls, and empower women and girls to claim their right to be protected from harmful traditional practices.
- Raise awareness and improve capacities on the rights of women and girls within communities and among informal justice actors.

Target 5.4 Recognize and value unpaid care and domestic work through the provision of public services, infrastructure and social protection policies and the promotion of shared responsibility within the household and the family as nationally appropriate.

- Address delays in court hearings through the recognition of the multiple roles and responsibilities that women and girls play in society.
- Create specialized family law courts to expedite action on family law cases.

Target 5.5 Ensure women's full and effective participation and equal opportunities for leadership at all levels of decision-making in political, economic and public life.

- Promote women's participation in all sub-sector justice delivery at all levels.

Target 5.6 Ensure universal access to sexual and reproductive health and reproductive rights as agreed in accordance with the [Programme of Action of the International Conference on Population and Development](#) and the [Beijing Platform for Action](#) and the outcome documents of their review conferences.

- Fast-track cases affecting pregnant and lactating mothers.
- Respect the privacy of women and girls by ensuring the availability of separate facilities and by allowing bodily contact only with female justice officials.

Target 5.a Undertake reforms to give women equal rights to economic resources, as well as access to ownership and control over land and other forms of property,

financial services, inheritance and natural resources, in accordance with national laws.

- Prioritize women’s personal laws and expedite claims related to marriage, divorce, inheritance and other forms of property rights.
- Expand the availability of small claims courts for cases of modest value and expedite hearings of such cases.

Target 5.b Enhance the use of enabling technology, in particular ICT, to promote the empowerment of women.

- Raise awareness on women’s rights through various technological mediums.
- Use appropriate and innovative technology, including SMS, to store and share data on case management.

Target 5.c Adopt and strengthen sound policies and enforceable legislation for the promotion of gender equality and the empowerment of all women and girls at all levels.

- Support justice sector policy development.
- Mainstream justice into all gender budgeting efforts.
- Develop implementation action plans for all relevant laws.

Table 5.3 presents examples of opportunities and entry points for integrating women’s access to justice into the thematic area of SGBV in post-conflict settings.

TABLE 5.3 Justice programming in post-conflict settings, including for cases involving SGBV

Justice chain	Programme priorities
<p>Implementing justice programmes</p>	<ul style="list-style-type: none"> • The process of <i>how</i> justice programmes are conceived, designed and implemented is as important as the delivery of tangible justice measures themselves. • Justice programme design and implementation should begin with meaningful victim engagement, where survivors have a real ability to influence process and outcomes. Outreach should be pursued through a range of media outlets and community focal points, and should be translated into local dialects, accessible to the illiterate and adopting creative approaches to reach the most marginalized. • Processes should be put in place to enable survivors of high stigma crimes—such as families of the disappeared, children forced to participate in fighting forces, survivors of sexual violence and children born of rape—to come forward in ways that do not publicly identify or stigmatize them as survivors of such crimes. • Outreach may be complemented by general public education campaigns, such as those in opposition to violence against women.

- Procedural hurdles should be minimized to enable maximum accessibility, with implementation accounting for women and girls who are geographically distant, without sufficient economic resources or unable to leave livelihood/family obligations to reach office locations.
- Justice programmes should make all efforts to reach out and be accessible to survivors of sexual violence or children born of rape, as these groups may face significant economic, social and cultural barriers to coming forward.
- Evidentiary standards should be relaxed when processing reparations claims, especially in the case of sexual violence.
- Survivors should have the opportunity—if they so choose—to provide information in private or public forums, via testimony at a distance, via proxy and/or in the presence of others.
- Given the very real fear of reprisals, stigmatization or re-traumatization for many survivors, confidentiality must be assured when receiving victim statements or reparations claims. Gender-sensitive mental health counsellors, psychosocial workers and/or self-help groups should be available to survivors during and after such interfaces.
- Gender-sensitive, trained and experienced personnel are essential. It is also important to note that some female survivors may only feel comfortable talking to female staff.
- Personnel should be sensitive to the subtleties of less direct forms of expression, as especially with cases of sexual violence, survivors may not clearly state what occurred or use metaphorical language.
- Women may focus on the victimization of others. Without diminishing their emphasis on the well-being of their families, women should also be given the opportunity to speak of their own suffering, if and when they are ready to do so.

Source: Mazurana and McEvoy, “Enhancing Women’s Access to Justice: From Transition to Transformation and Resilience”, pp. 3-4.

4.0 Cross-cutting issues to consider during implementation

Cross-cutting considerations are relevant to programming for every legal domain, issue and stage of the justice chain.¹⁴ The nine elements discussed below must be taken into account at each link of the justice chain to ensure optimal programme outcomes and women’s effective navigation of the justice system.

1. **Ensure a continuum between post-conflict and development:** Justice programming needs to shift from silos to integrated methods of working. As discussed in Module 1, efforts should be made to promote continuity in women’s protection across post-conflict and development phases. The latter stage should also ensure that justice institutions are equipped to deal with the uncertainties that may lead to renewed

Nine cross-cutting programming considerations for all interventions

Continuum across country contexts

Legal protection and justiciability

Gender-sensitive planning and coordination requires effective communication across the justice system

Programming must respond to women's need for legal assistance and related services

Enforcement is key to a State's ability to implement decisions in both the formal and informal sectors

Effective oversight and accountability of the justice system requires accurate data and statistics

conflict. In this context, particular attention must be paid to survivors of SGBV who must receive adequate remedies and be protected against further violations of their rights in both the public and private domains.

2. **Legal protection and justiciability:** The normative framework, as reflected in constitutions, national legislation and customary and religious norms, provides women with the rights and capacities to defend their interests. Legal protections must also be understood in a broad sense to include reform and enforcement of substantive and procedural laws as well as operational instruments.
3. **Gender-sensitive planning and coordination:** This important area requires effective centralized support as well as internal and external communication within and across justice sector actors and other public service units, including, for example, health care and social services. Coordination extends to engagement with CSOs that provide justice-related services, such as legal assistance and shelters.
4. **Legal assistance and related services:** Women need support across all formal and informal legal domains (see Module 1). They require assistance and support to initiate and to pursue justice, as well as to navigate justice systems and continue engagement with the justice process. This can range from legal information, assistance and representation from private lawyers, legal aid and/or paralegals. It also includes other forms of support, such as assistance and psychological services for survivors and victims (Module 3 and Module 4), which CSOs often provide.



Above: Tunisia. A pottery artist in her own right.
© World Bank/Arne Hoel.

5. **Enforcement:** The ability of a State to implement decisions of both formal and informal justice institutions is a test of the justice sector's efficacy and whether it is fit for purpose. The absence of a strong and credible enforcement mechanism questions the integrity of the machinery of justice and places women in jeopardy at each step of the justice chain. Enforcement is also at the core of the human rights-based approach—as duty-bearers, States have the duty to respect, protect and fulfil the fundamental rights of their citizens. Enforcement measures are usually set out in legislation and implemented by justice institutions. Court registry officials usually have responsibilities to execute judgments. Enforcement mechanisms of communications procedures are, however, less stringent since treaty bodies issue non-binding recommendations.
6. **Oversight and accountability:** At each stage of the justice chain, there should be a body that is responsible for oversight and accountability. Higher courts generally supervise lower courts, and may have jurisdiction over informal or traditional mechanisms. Parliaments can fulfil oversight functions and monitoring can be undertaken by NHRIs and observatories managed by CSOs. Such bodies require access to

accurate data and statistics to monitor and evaluate each component of the justice chain and the justice system in general.

7. Capacity-building of justice stakeholders: A capacity development plan for justice stakeholders can be designed as part of the implementation of the UNDAF. Within this context, priority should be given to building on existing capacities and the capacity gaps identified in the situation analysis.¹⁵ The undg estimates that new capacities could include: capacity to lead; capacity to hold, and be held to account; capacity to conduct multi-stakeholder processes; capacity to address inequalities; and capacity to develop partnerships and networks.¹⁶ Capacity must be developed at national, sub-national and community levels and must include traditional and religious authorities, CSOs, the private sector and State actors. It should also be founded on national ownership, the political context and have a long-term objective.¹⁷ Furthermore, women’s rights training programmes are critical for all justice chain actors, including administrative personnel. This requires systematic measures to ensure that women have access to legal information and legal support, and that this information is accessible to those who are poor and marginalized. Capacity-building is also achieved through measures to increase the participation of women in law schools, their role as lawyers, judges and traditional and/or customary decision makers, continuing legal education, as well as through measures to build CSOs that complement existing structures.

8. Programming must be politically smart and attuned to the local context: Undertaking business at the country level should be informed by historical perspectives on interventions (what has happened before and what is happening currently). This includes knowledge and understanding of the stakeholder landscape and using such knowledge to define objectives and priorities. Programmers must also consistently document results on a small scale and learn from their outcomes with a view to adapting and adjusting original priorities where necessary (Problem-Driven Iterative Adaptation).¹⁸

9. Partnerships: The Report of the Secretary-General, [Peacebuilding and sustaining peace](#) emphasizes that “the United Nations system needs to continue to strengthen cooperation and coordination for that purpose in the field through United Nations country teams and at United Nations Headquarters, in accordance with their respective mandates, with respect for national ownership and the priorities of countries affected by conflict, including through the overarching framework of the United Nations operational activities for development.”¹⁹

Women’s access to justice in all settings and development contexts is multidisciplinary in scope. With this in mind, effective partnerships with governments, CSOs and among UN agencies and programmes are needed to ensure comprehensive and gender-responsive justice sector reforms. This means that the United Nations system must draw on the sum of its parts and the comparative strengths of its entities to tackle the barriers that women face across the justice chain in each legal domain. As noted in the Introduction, women’s access to justice must be anchored in broader access to justice programming for it to thrive and be sustained. At country level, this would require strategic alliances with UNDP, which often plays the lead role in supporting States to fashion national justice and security sector agendas, frequently within the framework of democracy and governance.

Capacity development plans should include all justice actors and stakeholders

Programming should be context-specific and locally relevant

Leverage partnerships

BOX 5.4 Assessing the comparative advantage of the United Nations system at country level

Within the CCA, comparative advantage analysis informs the strategic positioning of the UN system's programmes in a country. It allows the identification of specific strengths that members of the UNCT bring individually and collectively in relation to other partners. The analysis considers capacity at the country, regional and headquarters levels. Comparative advantage includes the mandate to act, the capacity to act and the positioning to act. Comparative advantage analysis does not articulate the status quo, but rather is a forward-looking projection of capacities and positioning at the country level. It is not necessarily based on those activities with which the UN system is most familiar and comfortable, focusing instead on those where the UN system can best add value.

Source: UNDG, [United Nations Development Assistance Framework Guidance](#), p. 22, (New York, 2017).

In New Deal countries and other fragile States, the United Nations provides support through the GFP, which focusses on the police, justice and corrections areas in rule of law in post-conflict and other crisis situations. Established by the Secretary-General in 2012, the GFP is a hub through which United Nations field presences can access the capacities they need—in terms of strategic advice, technical expertise and seed funding to strengthen host countries' police, justice and corrections institutions. The GFP system serves as a reference point for shaping rule of law partnerships, particularly following peacekeeping missions, strengthened by the United Nations "Delivering as One" approach.

BOX 5.5 Global Focal Point arrangement

The GFP fosters coherence between the development, peace and security and political pillars, sustaining peace and humanitarian action within the United Nations system: Improving the quality of rule of law support offered by UN Missions and the UN Country Team.

The GFP is active in 19 countries in transition, peacekeeping operations and emerging sustaining peace contexts. The countries concerned are Darfur, Haiti, Liberia (transition settings); Afghanistan, Central African Republic, Colombia, DRC, Guinea Bissau, Iraq, Kosovo, Mali, Somalia, South Sudan (peace operations); Burkina Faso, Guinea, Sri Lanka, The Gambia, Syria Response, Yemen (emerging sustaining peace).

The GFP actors: DPKO and UNDP have been entrusted with the joint responsibility of convening the United Nations system for effective response to country level requests of system-wide relevance. Co-located partners are UN Women, OHCHR, UNODC and others that can contribute their expertise in accordance with their specialized roles and specific mandates for a coherent and coordinated response.

The GFP provides comprehensive support services to the field: *Advice* on assessments, planning, funding and partnerships; *knowledge* (e.g., comparative experiences on transitions, how to establish integrated UN structures, sector-wide strategies, multi-partner trust funds, results frameworks and monitoring and evaluation strategies, etc.); and *people* (e.g., deployments of specialized expertise). Through joint assessments, planning and programming, the GFP arrangement has been supporting a "One UN" approach to rule of law assistance, relying primarily on voluntary funding and striving to increase impact through reduced competition, encouraging innovation and leveraging expertise.

The GFP prioritizes the development of innovative institutional structures to improve rule of law support: The GFP has learned that coherent, nationally-driven rule of law support is often best achieved through a one rule of law structure. For example, in Somalia, the GFP supported the establishment of a single comprehensive and prioritized national sector-wide reform programme, implemented by a joint UN team (in which staff from several agencies are co-located, and work closely with staff from other UN entities through joint projects). There is one funding stream through a window of the Multi-Partner Trust Fund established under the New Deal compact.

Source: United Nations, [Fact Sheet: Global Focal Point for Police, Justice and Corrections \(RoL\)](#), (New York, 2017).

Both UN Women and OHCHR have co-located experts within the GFP arrangement. In 2013, UN Women co-located a Gender and Rule of Law expert within the GFP to facilitate collaboration among the GFP and UN Women headquarters and country and regional offices. The objectives of the co-locations are to integrate gender and human rights expertise, knowledge and capacity to improve women's access to justice and security in conflict and crisis settings, particularly in the context of the WPS agenda, to help strategize SGBV responses in United Nations protection of civilian strategies and to ensure gender mainstreaming and compliance with gender benchmarks and policies. Other partnerships related to crisis-affected programming include the network on [UN Action against Sexual Violence in Conflict](#); the [Inter-Agency Standing Committee](#) and its Reference Group on Gender and Humanitarian Action; and the [United Nations-World Bank Partnership Framework for Crisis and Post-Crisis Situations](#).

Constitutional assistance similarly requires the deployment of a combination of expertise across the United Nations system. The [Guidance Note of the Secretary-General, United Nations Assistance to Constitution-making Processes](#) suggests that this should be a collaborative effort in the mobilization and coordination of the requisite expertise under the convening mechanism of the Rule of Law Coordination and Resource Group, chaired by the Deputy Secretary-General and supported by the Rule of Law Unit, currently situated in the Office of the Secretary-General. The specifics cover: political facilitation (Department of Political Affairs/DPKO); procedural and substantive advice in peace processes, and electoral systems and processes (Department of Political Affairs); governance (UNDP); legal (Office of Legal Affairs); human rights (OHCHR); women, children and vulnerable and marginalized groups (UNICEF, UN Women and OHCHR); refugees, displaced and stateless persons as well as the prevention and reduction of statelessness (UNHCR); and public information (Department of Public Information).²⁰

The United Nations system is furthermore unified in its support to SDG-related issues. The [Global Alliance for Reporting Progress on Peaceful, Just and Inclusive Societies](#) (Global Alliance) exists to support governments to undertake planning on all aspects of SDG 16 and related Targets and Indicators found throughout the 2030 Agenda—including women's access to justice. It is co-facilitated by four UN agencies (UNDP, United Nations Educational, Scientific and Cultural Organization, UNODC and UNHCR) and run by seven United Nations Member States,²¹ three major global corporations²² and three CSOs,²³ in close collaboration with more than thirty other UN agencies, Member States, private sector groups and CSOs. Together, Global Alliance members and partners operate a unique coordination platform which enables United Nations Member States to leverage planning, monitoring and reporting processes to ensure that women's access to

justice and other core strategies to advance peace, justice and inclusion are integrated into the heart of national development systems.²⁴ The work of the Global Alliance includes supporting all essential tasks to ensure that women's access to justice is well reflected in national planning, monitoring and reporting frameworks. These include:

- Identification, collection and analysis of relevant disaggregated data.
- Organization of multi-stakeholder consultations to enable all parts of society—including communities, local government, CSOs, private sector and national academia—to identify shared priorities.
- Development of evidence-based, nationally-owned national plans and monitoring and evaluation frameworks with robust components to promote peace, justice and inclusion.
- Provision of data analysis and visualization tools which, by making data accessible and usable for non-statisticians, ensure that data can inform policy and programming.
- Set up and functioning of vertical and horizontal coordination structures to enable government, civil society, the private sector, national academia, the United Nations and other international actors to jointly support planning, monitoring, reporting and implementation of effective initiatives to advance peace, justice and inclusion, including women's access to justice as a proven effective strategy to achieve SDG 16 and the entire 2030 Agenda.

Related to the work of the Global Alliance is the [Pathfinders for Peaceful, Just and Inclusive Societies](#), which is convened by the governments of Brazil, Sierra Leone and Switzerland and facilitated by New York University's Center on International Cooperation. It brings together Member States, international organizations, global partnerships, civil society and the private sector to promote the implementation of SDG 16. The Pathfinders initiative serves as a platform for generating increased commitments to peace, justice and inclusion and in this context launched [The Roadmap for Peaceful, Just and Inclusive Societies: A Call to Action to Change Our World](#) during the 72nd Session of the United Nations General Assembly to scale up political will, momentum, coherence, innovation, results and reporting.

Outside of these formal arrangements, it is also possible for UN agencies to leverage technical and financial resources to achieve a common aim, particularly through [joint rule of law programming between UN agencies in both GFP and non-GFP countries](#). Among these are partnerships in Liberia and the State of Palestine (see Box A.5.4 in the Appendices). Future programming should also explore potential partnerships between UNICEF, UNFPA and UN Women in the establishment of courts which could serve as forums for dealing with multiple issues, such as family cases, domestic violence, juvenile justice cases and sexual offences.



Above: A Heiltsuk girl holding one of the paddles of the "Glwa", the Heiltsuk canoe. © UN Photo/John Isaac.

APPENDICES

Appendix I: Country case studies

New generation of UNDAFs

TABLE A.5.1 The integration of women’s access to justice in the UNDAFs of Afghanistan, Brazil and Ethiopia

Country UNDAF Year	Women’s access to justice-related content
Afghanistan 2015-2019	<ul style="list-style-type: none"> • Functional provincial councils, established judicial system and enacted laws, including those protecting the rights of women and girls. • UNCT to support gender equality advocates, youth, academia and community and opinion leaders to develop their capacity to influence peacebuilding processes at the national and sub-national level. • <i>Expected results:</i> Increased accessibility, effectiveness and accountability of rule of law services reflected by the number of Afghans (in particular women, children and vulnerable groups) that receive Government provided legal aid; more efficient case recording, tracking and follow-up in police stations. Particular emphasis to be placed on community-orientated, child-sensitive and gender-responsive justice and policing services, SGBV, illicit trafficking and land rights violations.
Brazil 2017-2021	<ul style="list-style-type: none"> • Regarding the promotion of access to justice, two main areas will be addressed: the strengthening of institutions of the Justice System and their respective access mechanisms, and the promotion of alternative dispute resolution practices, contributing to the advancement of a culture of civic coexistence and peaceful conflict resolution that values gender, racial, ethnic and generational equality, especially with regarding access to and quality of care. • In the fight against violence against women, the Maria da Penha Law, passed in 2006, defined five types of violence against women: physical, sexual, psychological, moral and patrimonial. In addition, penalties against assailants became more stringent and determined the implementation of public policies for the prevention of violence. From then on, the Network to Assist Women in Situations of Violence (Rede de Atendimento à Mulher em Situação de Violência) has played a leading role in the policies for combating violence, aiming to bring together institutions responsible for preventing violence and implementing the law.

	<ul style="list-style-type: none"> • The identification and training of public safety and justice sector officers to deal with the theme of internal moral and sexual harassment and institutional racism and sexism, are essential to ensure effective action from a gender, race and ethnicity perspective. • <i>Outcome 6:</i> A peaceful, fair and inclusive society promoted through social participation, transparency and democratic governance, respecting the secularity of the State and ensuring human rights for all. • <i>Indicators:</i> <ul style="list-style-type: none"> • 6.2: Number of reports of violence against women and girls registered by the violence and accidents surveillance system (age, type of violence and Federative Units) • 6.6: Deficit of public defenders in Brazil • 6.7: Deficit of vacancies in the Brazilian prison system
<p>Ethiopia 2016-2020</p>	<ul style="list-style-type: none"> • The UN will continue investing in national institution-building, particularly ... the development and strengthening of mechanisms to increase access to justice, especially for women children and other vulnerable groups. • The FDRE Rural Land Administration and Use Proclamation (2005) affords women the right to use rural land through land holding certificates. Regional states have followed suit and have issued their own land use and administration laws in conformity with the federal law. • The UN will continue to support the justice system to deliver accessible, efficient and accountable justice to all citizens, paying particular attention to children, women and other vulnerable groups of the population. The development of a national legal aid strategy, including the establishment and strengthening of existing legal aid clinics targeting the most vulnerable populations throughout the country, will be one of the key focus areas under this outcome. • <i>Outcome 11:</i> By 2020, key government institutions and other stakeholders apply enhanced capacities to ensure the rule of law; an efficient and accountable justice system; and the promotion and protection of human rights in line with national and international instruments, standards and norms. • <i>Output 11.1:</i> Enhanced institutional and technical capacity of the justice system to deliver accessible, efficient and accountable justice to all (with a focus on vulnerable groups). • <i>Indicators:</i> <ul style="list-style-type: none"> • 11.1.1: National legal aid strategy and standards adopted • 11.1.2: Number of operational legal aid clinics

- *11.1.3*: Number of beneficiaries, particularly vulnerable groups, provided with free legal aid service, disaggregated by sex, disability, age and income status
- *11.1.4*: Number of operational child friendly and gender sensitive justice mechanisms (child-friendly benches, child protection units, special prosecutor units)
- *11.1.6*: Number of regions with structures in place for implementation of the UN Convention on the Rights of Persons with Disabilities (CRPD)

Sources: [United Nations Development Assistance Framework for Afghanistan 2015-2019](#), pp. 15, 30, 32; [United Nations Sustainable Development Partnership Framework Brazil 2017-2021](#), pp. 36-39, 49; [United Nations Development Assistance Framework for Ethiopia 2016-2020](#), pp. 5, 11, 30, 94.

Integrated Strategic Frameworks

BOX A.5.1 ISF of Somalia

Priority 1 – Key priority laws in the legal framework, including on the reorganization of the judiciary, are aligned with the Constitution and international standards: An efficient, effective and transparent justice system will be an important element in the establishment of the rule of law in **Somalia**. The UN will support the FGS [Federal Government of Somalia] in building the capacity and efficiency of the Ministry of Justice and Constitutional Affairs to lead effective reforms of priority laws and further develop a human rights based legal framework. This will include the reorganisation of the judiciary, the establishment of independent, accountable and efficient justice institutions capable of addressing the justice needs of all people regardless of age, sex, and clan in compliance with human rights norms and standards, and with the Constitution.

Priority 2 – Justice institutions start to address the key grievances and injustices of Somalis: The UN will provide support to the FGS to coordinate efforts in the areas of justice and corrections. Specific attention will be given to establishment of justice institutions as foreseen in the Constitution, by setting up a functional case management system, providing support to enable the payment of regular salaries to justice and correction actors, strengthening the capacity of justice and corrections institutions and supporting the provision of technical assistance to the legislative process of drafting bills, laws and the necessary regulatory framework.

Priority 3 – More Somalis have access to fair and affordable justice: The UN will promote access to justice through a multi-pronged approach. This will focus on institution-building ... the establishment of systems compliant with human rights standards, and accountability and oversight systems as well as the provision of legal aid. The imperative for all programming will be to ensure that women and vulnerable groups such as children, IDPs [internally displaced persons], and refugee-returnees are properly protected and properly considered in all levels of strategy and decision-making. The UN will encourage dialogue around the possible linkages between [the] formal justice system and traditional justice mechanisms.

Source: United Nations Somalia, [Integrated Strategic Framework 2014-2015](#), p. 8, (2014).

The programming cycle of UNCTs

Implementation

BOX A.5.2 Programming in Morocco to integrate social work and family justice

From 2010 to 2014, the UN Women Multi-Country Office in **Morocco** developed a national project as part of the global Gender and Democratic Governance programme, supported by the Norwegian Government and the Catalan Agency for Development. In the first phase of the project, users' satisfaction surveys and increased support to social workers were used to develop a Charter on the Reform of the Judicial System. The Charter included access and quality of services for women and covered national and local levels, in partnership with the Ministry of Justice and Liberties, gender-focused institutions, CSOs and five pilot sections of family justice divisions. In addition to concrete institutional improvements, the results achieved by the Gender and Democratic Governance programme strengthened the partnership between UN Women and the Ministry of Justice and Liberties. In particular, the Ministry of Justice has institutionalized the position of judicial social workers to improve women's use of and access to family justice services.

Source: UN Women, "Review of Annual Reports", (2015). (Unpublished).

Monitoring and reporting

BOX A.5.3 Indicators measuring progress of justice delivery by sex in the Samoa Family Court and Family Violence Court

1. Number of cases filed
2. Number of cases disposed
3. Clearance rate
4. Timeliness
5. Pending: Disposal ratio
6. Age of pending
7. Outcome
8. Orders
9. Attendance rate
10. Workload efficiency
11. Data quality

Source: UN Women, “Samoa Family Court and Family Violence Court Monitoring and Evaluation Update Report”, (2015). Prepared by Loretta Pupalii. (Unpublished).

Cross-cutting issues to consider during implementation

BOX A.5.4 United Nations partnerships in Liberia and the State of Palestine

Liberia: UNDP, UNFPA, UNHCR, UNICEF, UN Women, WHO and the United Nations Mission in Liberia

Sexual and gender-based violence (SGBV) was a pervasive problem in **Liberia** throughout the civil war and remains a widespread problem. Sexual violence including rape accounted for 73.9 per cent of sexual offences during the conflict in Liberia and 13 per cent after the conflict. Sexual offences have been the number one crime reported to the Liberian police and in 2007, 46 per cent of reported rape cases to the Liberian National Police (LNP) involved children under the age of 18. The high levels of SGBV related cases in Liberia, coupled with the prioritization of SGBV within the Government’s interim Poverty Reduction Strategy (PRS) necessitated a more comprehensive approach to address SGBV in Liberia.

The Government of Liberia/United Nations Joint Programme to Prevent and Respond to SGBV, or ‘JP on SGBV’, was designed in 2008 as a response to the high prevalence of SGBV in the country during and after the war, especially sexual and domestic violence ... Six agencies came together to start off the joint gender programme ... [which] also provided an opportunity for the United Nations to test out ‘Delivering as One’ through joint working.

The specific outcomes were designed under each the five pillars of Phase 1, with each pillar led by a United Nations agency. Areas where priorities were not sufficiently met in Phase 1 were identified and integrated into the design of Phase 2, for example, a need to extend outreach to communities and move from the Phase 1 focus on the provision of services to SGBV survivors to, in Phase 2, an increased focus on advocacy to reduce harmful traditional practices, increased community networks and to encourage men’s involvement, as well preventive strategies on GBV at community level, capacity-building of protection actors and establishing community-led preventive strategies such as legislation, and training of wider members of the society. Results include:

- Strengthened capacities of duty bearers to provide services and support to SGBV survivors through a series of trainings has built relevant skills among health workers and counsellors.

- Greater protection for survivors of SGBV, including the establishment of a safe haven for survivors in different parts of the country, through the safe homes model,²⁵ which is coupled with the integrated approach being adopted to link SGBV survivors to economic empowerment initiatives.
- Strengthened procedures and systems for handling of SGBV survivors, which are beginning to ensure that SGBV services are streamlined in Liberia, including the development and rolling out of the standard operating procedures for SGBV services, and referral pathways for psychosocial support.
- Increased public awareness of SGBV. Information campaigns have been a major thrust of the programme at national, counties and community level. Increased public awareness of SGBV has led to increased community involvement in GBV, reporting of GBV and start-up of initiatives such as cell phone reporting, establishment of county observatories.
- A strengthened justice system for SGBV survivors which has supported the prosecution of rape crimes (after the enactment and amendment of the rape law), and the establishment of the Criminal Court E dedicated to prosecution of SGBV crimes. These initiatives are providing some level of protection for survivors.

State of Palestine: UNDP/UN Women Joint Programming

In the **State of Palestine**, the weak rule of law negatively affects the lives of the entire population, with repercussions for vulnerable groups, including women and children. Insufficient capacity and lack of coordination among justice, security and protection actors exacerbate gaps and ambiguities in the legal frameworks of the West Bank, the Gaza Strip and East Jerusalem. These factors interact with discriminatory cultural norms to impair the functioning and efficiency of the rule of law system, especially for women.

The development and implementation of the large-scale UNDP/UN Women Joint Programme, “Strengthening the Rule of Law in the OPT: Justice and Security for the Palestinian People” (2014-2017) created a programmatic vehicle for achieving systemic change across the rule of law sector. The Joint Programme offers a comprehensive approach to rule of law assistance at the nexus of the justice and security sectors and pays significant attention to the integration of security sector governance and accountability interventions as part of a synchronized approach to rule of law. Programme interventions expand efforts to increase women’s access to justice, including by providing capacity development support to the Sharia courts, engaging with informal justice actors and processes to increase observation of international standards and monitoring their impact upon women and girls. To eliminate discrimination against women, the entire justice and security system must consider gender. Specialized services for women and girl survivors of violence must be provided. The Joint Programme provides a platform to address both areas. The close partnership among UN agencies ensures that all activities implemented are gender-responsive and increases the likelihood of reaching more non-traditional justice and security partners. The UN Women team provides support to government and CSO partners to address violence against women by increasing the gender-responsiveness of the justice chain through support to specialized services within the police, public prosecution and the judiciary.

Sources: UN Women, [Summary Case Study Report: Joint Evaluation of Joint Programmes on Gender Equality in the United Nations System – Joint Programme to Prevent and Respond to Sexual and Gender-Based Violence in Liberia](#), pp. 6-9, 13, 23, (New York, 2013) and UN Women State of Palestine, “Joint Programmes to Advance the Rule of Law and Women’s Access to Justice - the Palestine experience”, (2016). (Unpublished).

Appendix II: Additional resources

- Craig Valters, Clare Cummings and Hamish Nixon, ODI, [Putting Learning at the Centre. Adaptive Development Programming in Practice](#), (2016)
- Rachel Kleinfeld, Carnegie Endowment for International Peace, [Improving Development Aid Design and Evaluation. Plan for Sailboats, Not Trains](#), (2015)
- Matt Andrews, Lant Pritchett, Salimah Samji and Michael Woolcock, OECD, [Building Capability by Delivering Results: Putting Problem-Driven Iterative Adaptation \(PDIA\) Principles into Practice](#), (2015)
- ILO, [Integrating Gender Equality in Monitoring and Evaluation of Projects: Guidance Note 4](#), (2014)
- David Booth and Sue Unsworth, ODI, [Politically Smart, Locally Led Development](#), (2014)
- UNODC, [Guidance Note for UNODC Staff. Gender Mainstreaming in the Work of UNODC](#), (2013)
- United Nations Evaluation Group, [Integrating Human Rights and Gender Equality in Evaluation - Towards UNEG Guidance](#), (2011)

ENDNOTES

- 1 See UNDG, *United Nations Development Assistance Framework Guidance*, p. 20, (New York, 2017).
- 2 Ibid., pp. 9-12.
- 3 United Nations, General Assembly, Resolution 71/243, *Quadrennial Comprehensive Policy Review of Operational Activities for Development of the United Nations System*, para. 9, 21 December 2016, A/RES/71/243.
- 4 UNDG, *United Nations Development Assistance Framework Guidance*, p. 4.
- 5 The ISF document must include the main findings from integrated assessments of the conflict. For more information on the United Nations process of conducting integrated assessments see Module 1 and United Nations, *Integrated Assessment and Planning Handbook*, pp. 71-83, (New York, 2013).
- 6 The ISF can feed into the UNDAF or vice versa; in certain circumstances, only one document may be necessary if the requirements of both frameworks are met. For further information, see UNDG, *United Nations Development Assistance Framework Guidance*, p. 15.
- 7 Ibid. "An UN Integrated Presence means that there is a multidimensional peacekeeping operation or field-based special political mission deployed alongside an UNCT".
- 8 Compacts are planning mechanisms, drawn from multiple stakeholders and the public, and reviewed annually to ensure harmonization, donor coordination and the reduction of duplication and fragmentation in programming.
- 9 International Dialogue on Peacebuilding and Statebuilding, *A New Deal for Engagement in Fragile States, Fourth High Level Forum on Aid Effectiveness, Busan, Korea, 30 November 2011*, p. 2, (2011).
- 10 UNDAFs were instituted in 1997, as part of the reforms led by Secretary-General Kofi Annan.
- 11 Outcomes are defined, a programme results matrix is developed and a monitoring and evaluation framework is elaborated with specific, measurable, achievable, realistic and time-bound outcomes and outputs that comprise indicators, baselines, targets and means of identification. UN entities contribute to the attainment of these objectives by implementing activities in line with their mandates and comparative advantage. For more information see UNDG, *United Nations Development Assistance Framework Guidance*.
- 12 With a view to undertaking a comprehensive situation analysis of the enabling environment, the assessment could also rely on UNODC, "Gender in the Criminal Justice Assessment Tool", in *Criminal Justice Assessment Toolkit*, (New York, United Nations, 2010).
- 13 See Teresa Marchioni, *A Framework for Measuring Access to Justice Including Specific Challenges Facing Women*, (New York, 2015). Report commissioned by UN Women realized in partnership with the Council of Europe.
- 14 A substantial number of these considerations are adopted from UNDP, *Access to Justice Practice Note*, (New York, 2004).
- 15 For 10 principles on the effective use and development of national capacity in post-conflict contexts see United Nations, *United Nations Guidance Note for Effective Use and Development of National Capacity in Post-Conflict Contexts*, pp. 6-13, (New York, 2013).
- 16 Ibid., p. 34.
- 17 Ibid., pp. 6-12, 33-34.

- 18 Ibid., pp. 2-4 and see Matt Andrews, Lant Pritchett, Salimah Samji and Michael Woolcock, *Building Capability by Delivering Results: Putting Problem-Driven Iterative Adaptation (PDIA) Principles into Practice*, A Governance Practitioner's Notebook: Alternative Ideas and Approaches, pp. 125-126, 128, (Paris, OECD, 2015).
- 19 United Nations, General Assembly, Security Council, Report of the Secretary-General, *Peacebuilding and sustaining peace*, para. 5, 18 January 2018, A/72/707-S/2018/43.
- 20 United Nations, Guidance Note of the Secretary-General, *United Nations Assistance to Constitution-making Processes*, p. 7, (New York, 2009).
- 21 Cabo Verde, Mexico, Norway, Qatar, Sierra Leone, Tunisia and the United Kingdom.
- 22 Deloitte Ltd., LexisNexis and White & Case LLP.
- 23 New York University Center on International Cooperation, Transparency and Accountability Network and World Federation of United Nations Associations.
- 24 See RELX Group, SDG Resource Centre, "Global Alliance: Reporting Peace, Justice & Inclusion", (2018), available from <https://sdgresources.relx.com/ga/resources> (accessed 15 March 2018), or contact SDG16alliance@undp.org.
- 25 The safe homes model is an innovative approach to providing safe spaces for women in smaller communities that are unable to provide a full shelter service. See Women in Cities International, *Women's Safety Awards 2004: A Compendium of Good practices*, p. 12, (Montréal, 2004).



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