



Selected Resources on Justice Sector Reform and Human Rights

Compiled by GIZ project "Realizing Human Rights in Development Cooperation"

<http://www.gtz.de/human-rights>

January 2011

I. Human rights in German development policy

BMZ (2010), Human rights in practice – Fact sheets on a human rights-based approach in development cooperation

Collection of 2-page fact sheets that explain what the human rights-based approach in development cooperation means in general and for all priority sectors of German development cooperation. The fact sheet on judicial reform is on pages 22-23.

http://www.bmz.de/en/publications/topics/human_rights/BMZ_Information_Brochure_7_2010e.pdf (English)

http://www.bmz.de/de/publikationen/themen/menschenrechte/BMZ_Informationsbroschuere_07_2010.pdf (German)

II. Human rights Reference documents related to equality before courts and tribunals and the right to a fair trial

International Covenant on Civil and Political Rights (ICCPR) contains the equality before the law and right to a fair trial (Art. 14 and 26), rights of persons under arrest or in detention (Art 9 and 10), prohibition of torture (Art. 7), and other justice- related rights (Art 11,15 and 16).

<http://www2.ohchr.org/english/law/ccpr.htm>

Human Rights Committee: General Comment No. 32 on ICCPR Art.14 concerning the right to equality before courts and tribunals and to a fair trial (2007), CCPR/C/GC/32

Interpretation of the UN Committee on Civil and Political Rights on the content of the right to equality before courts and tribunals and to a fair trial.

http://www.bayefsky.com/general/ccpr_gencom_32_2007.pdf

UN Committee on the Rights of the Child (2007): General Comment No. 10 on Children's rights in juvenile justice, CRC/C/GC/10

Interpretation of the UN Committee on the Rights of the Child on the content of state obligations and rights of juveniles with regard to the justice system.

http://www2.ohchr.org/english/bodies/crc/docs/GC10_en.doc

International standard-setting

An overview of international standards developed in the area of rule of law and especially the judiciary is provided here: <http://www2.ohchr.org/english/issues/judiciary/standards.htm>

III. More on human rights and the justice sector

UN Special Rapporteur on the Independence of Judges and Lawyers

The UN Special Rapporteur on the Independence of Judges and Lawyers undertakes regular country missions and annually reports on the structural challenges in the judicial sector.

<http://www2.ohchr.org/english/issues/judiciary/index.htm>

His thematic reports, dedicated to specific issues (e.g. independence, judicial corruption etc.), are available here: <http://www2.ohchr.org/english/issues/judiciary/issues.htm>

Country reports can be accessed here: <http://www2.ohchr.org/english/issues/judiciary/visits.htm>

International Council on Human Rights Policy (ICHRP):

The ICHRP is a renowned think tank which delivers excellent, practice-oriented research with concrete recommendations. It has frequently dealt with justice sector issues:

- **Foreign aid to the justice sector reform (2000)**
This report analyses the factors which make justice sector reform programmes successful. Its recommendations focus on improving the impact of human rights assistance.
<http://www.ichrp.org/en/projects/104>
- **Access to human rights: improving access for groups at high risk (2004)**
This report examines the impediments that obstruct large numbers of people, especially those vulnerable due to exclusion, poverty and discrimination, from accessing the full range of human rights. It then identifies ways for officials and human rights organisations to improve access.
<http://www.ichrp.org/en/projects/123>
- **Legal pluralism and Human Rights (draft, 2009)**
This project seeks to identify the key challenges in enforcing human rights in the context of coexisting formal and non-formal legal authorities. It examines the interaction between those systems and their implications for human rights protection of women, indigenous and religious groups.
<http://www.ichrp.org/en/projects/135>

Swiss Development Cooperation (SDC) (2008), Rule of Law, Justice Sector Reform and Development Cooperation

This concept paper provides a concise introduction into the concept of rule of law as well as recent developments, experiences and lessons learnt in the implementation of rule of law in justice system reforms. Although not explicitly written from a human rights perspective, the concept integrates many of its concerns and includes separate chapters on human rights and human rights-based approaches. It situates rule of law within the broader context of recent trends such as the new aid modalities, the adoption of a more systemic perspective in justice sector reform programmes, the growing focus on access to justice for the disadvantaged and the inclusion of non-formal justice systems. The concept concludes with a series of selected lessons learnt from SDC.

http://www.deza.admin.ch/ressources/resource_en_170419.pdf

Vera Institute of Justice

The Vera Institute of Justice has published two reports which offer guidance for developing indicators and assessing the justice sector. Its methodology is characterized by encompassing both the operation of the rule of law as well as how it is experienced by people. It further combines statistical information with surveys.

- **Measuring Progress toward Safety and Justice: A Global Guide to the Design of Performance Indicators across the Justice Sector (2003)**
<http://siteresources.worldbank.org/INTLAWJUSTINST/Resources/VeraDFIDSummaryPaperNov2003.pdf>
- **Developing Indicators to Measure the Rule of Law: A Global Approach (2008)**
<http://www.vera.org/content/developing-indicators-measure-rule-law-global-approach>

Governance and Social Development Resource Centre (GSDRC) – Topic Guide on Justice

GSDRC is a website funded by DFID. Its justice section offers a wide range of resources on various aspects of justice reform in developing countries, such as social exclusion, access to justice, gender, policing, fragile states, M&E etc. Included are case studies, reports, tools, which are sorted by subject.

<http://gsdrc.ids.ac.uk/go/topic-guides/justice>

United Nations Development Programme (UNDP) (2005), Programming for Justice: Access for all – A Practitioner’s Guide to a Human Rights-Based Approach to Access to Justice

This comprehensive guide offers a step-by-step approach for designing access to justice programmes. It includes inter alia advice on assessment methods, capacity-development strategies, and awareness-raising as well as specific needs of disadvantaged groups.

http://hrbaportal.org/wp-content/files/1233230279_8_1_1_resfile.pdf

UN Practitioners Portal on HRBA Programming – Resources on Justice

A growing collection of resources on applying a human rights-based approach in the justice sector.

http://hrbaportal.org/?page_id=3197