

Selected Resources

Justice Sector Reform and Human Rights

Human rights in German development policy

BMZ Strategy and Guidelines on human rights in German development policy

The cross-sectoral strategy affirms the central role of human rights in German development policy and contains binding requirements for the implementing agencies; the Guidelines provide guidance on the incorporation of human rights standards and principles, including gender, in programme proposals.

- BMZ Strategy (2011), highlighting the interlinkages between human rights and the rule of law:
http://www.bmz.de/en/publications/type_of_publication/strategies/Strategiepapier305_04_2011.pdf
- BMZ Guidelines (2013), see in particular Annex pages ii-iii:
http://www.bmz.de/en/zentrales_downloadarchiv/themen_und_schwerpunkte/menschenrechte/Leitfaden_PV_2013_en.pdf

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 can be found on pages 22-23.

- http://www.bmz.de/en/publications/topics/human_rights/BMZ_Information_Brochure_7_2010e.pdf

United Nations reference documents related to equality before courts and tribunals and the right to a fair trial

International Covenant on Civil and Political Rights (ICCPR), Articles 14 and 26, the rights to equality before the law and to a fair trial, Articles 9 and 10, the right to liberty and security, also of persons under arrest or in detention, Article 7, the prohibition of torture; and further justice-related rights enshrined in Articles 11, 15 and 16.

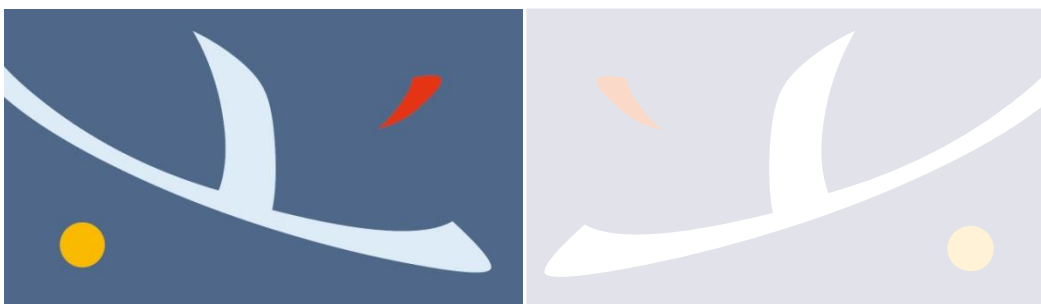
- <http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>

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

The treaty bodies, committees of independent experts established under the UN human rights treaties, issue “General Comments”, authoritative interpretations of the provisions of the treaty. The HR Committee, through General Comment No. 32, has interpreted Article 14 with respect to the rights to equality before the law and to a fair trial.

- http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fGC%2f32&Lang=en

All states parties are obliged to submit regular reports to the HR Committee on the steps taken to implement the rights stipulated by the Covenant. The Committee examines each report and addresses its concerns and recommendations to the state party in the form of “Concluding Observations”.



- http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/SessionList.aspx?Treaty=CCPR

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

Clarification by the CRC Committee of the normative content of the rights, and corresponding state obligations regarding children and juveniles in the justice system.

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

International standard-setting

An overview of international standards developed by the UN in the area of rule of law and the judiciary is provided here:

- <http://www.ohchr.org/EN/Issues/Judiciary/Pages/Summarytableissuesinfoocus.aspx>

UN Special Rapporteur on the independence of judges and lawyers

The UN Special Rapporteur on the independence of judges and lawyers – currently held by Gabriela Knaul – is mandated to study the human rights obligations related to the independence of the judiciary, and to promote best practices. The Special Rapporteur undertakes country missions and issues annual reports on the structural challenges in the justice sector.

- Website: <http://www2.ohchr.org/english/issues/judiciary/index.htm>
- Annual reports: <http://www.ohchr.org/EN/Issues/Judiciary/Pages/Annual.aspx>
- Country visits and reports: <http://www.ohchr.org/EN/Issues/Judiciary/Pages/Visits.aspx>

More on justice sector reform and human rights

UN rule of law website and document repository

This website is a promotional and educational tool for practitioners and the general public. It seeks to inform users about the UN's work in the field of rule of law, and its efforts to coordinate and strengthen system-wide approaches in this field.

- <http://www.unrol.org/dr.aspx>

International Council on Human Rights Policy (ICHRP)

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

Foreign aid to the justice sector reform (2000)

This report analyses the factors that make justice sector reform programmes successful. Its recommendations focus on improving the impact of human rights assistance.

- <http://issat.dcaf.ch/content/download/2205/19102/file/ICHR%20report%20local%20perspectives%20foreign%20aid%20to%20justice%20sector.pdf>

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 further identifies ways for officials and human rights organisations to improve access to all human rights.

- http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1551193

Vera Institute of Justice

The Vera Institute of Justice has published two reports that offer guidance for developing indicators and assessing the justice sector. Their methodology is characterised by both, applying the rule of law and analysing people's experiences with the rule of law. Moreover, the reports entail statistical information and 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>

Swiss Development Cooperation (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 justice sector reforms. Although not explicitly written from a human rights perspective, the concept integrates many human rights concerns and includes separate chapters on human rights and human rights-based approaches. It situates the rule of law within the broader context of recent trends such as new aid modalities, the adoption of a systemic perspective in justice sector reform programmes, access to justice for the disadvantaged, and the inclusion of non-formal justice systems. The concept concludes with a selection of lessons learnt within Swiss development cooperation.

- https://www.eda.admin.ch/content/dam/deza/en/documents/Publikationen/Diverses/170419-etatdetroit_EN.pdf

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Documents for development practitioners

UK Department for International Development (DFID) (2008), Justice and accountability

This practice paper argues that an effective, fair and accessible justice system is a strong mechanism of accountability, a key guarantor of the rule of law and an essential element of democratic politics. Basic legal knowledge – and the threat to use the law to seek redress – can be a powerful deterrent, and serve to hold local actors to account.

- <http://www.gsdrc.org/docs/open/innovations-in-accountability/IA4.pdf>

Governance and Social Development Resource Centre (GSDRC) (2012), 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, monitoring and evaluation, etc. It also encompasses case studies, reports and tools, sorted by subject.

- <http://www.gsdrc.org/docs/open/justice.pdf>

UN 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 advice on assessment methods, capacity-development strategies and awareness-raising, as well as a special focus on the specific needs of disadvantaged groups.

- http://www.unicef.org/ceecis/Programming_for_Justice.pdf

UN practitioners' portal on HRBA to programming – Resources on justice

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

- <http://hrbaportal.org/archives/topics/justice-rule-of-law>

Justice sector reform, human rights and vulnerable groups

UNDP (2011), Enforcing rights and correcting wrongs: overcoming gender barriers in legal systems

This report uncovers barriers to equality in legal systems that restrict human rights along gender lines and proposes possible ways to redress legal discrimination for accelerating human development. It explores three strategic avenues for simultaneous action: first, fixing institutions – laws, legal practices and modes of access; second, changing attitudes of those who create, uphold, and use laws; and third, establishing ongoing assessments to reveal inequalities and monitor progress.

- http://www.asia-pacific.undp.org/content/dam/rbap/docs/Research%20&%20Publications/human_development/RBAP-HDR-2011-Enforcing-Rights.pdf

UNICEF (2008), Comprehensive and holistic legislative reform on behalf of children's rights

This report first elaborates on the human rights-based approach to legislative reform (Part I) in order to then discuss the critical components of such approaches (Part II) with a focus on minors.

- http://www.unicef.org/policyanalysis/files/Comprehensive_and_Holistic_Legislative_Reform_on_Behalf_of_Children_Rights.pdf

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