



FORTES Informa

Newsletter of the Rule of Law and Security Programme

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EDITORIAL

Dear Reader,

This is the first edition of **FORTES Informa**, the bimonthly newsletter of the Rule of Law and Security Programme/RoLS (FORTES, from the acronym in Portuguese), a United Nations Development Programme (UNDP) initiative in Guinea-Bissau.

FORTES has been implemented since the beginning of 2009 with the aim to support Guinea-Bissau in the process to reform justice and security, key sectors for the democratic rule of law and consolidation of peace. The program, initially financed by the Bureau for Conflict Prevention and Recovery (BCPR) of the UNDP, was reinforced, in the middle of 2009, with the support of the Spanish Millennium Development Goals Fund (MDG-F). This contribution was carried out through a complementary supporting project to the sector, with special emphasis on gender.

In September 2010, FORTES was widely revised and a new programme was approved by the Guinean-Bissau government in order to allow its actions to focus more in the regions. In addition, the new program provides a more effective answer to national worries, expressed in the National Strategy on Reduction of Poverty Document (DENARP, acronym in Portuguese), in the National Strategy on Modernization and Restructure of the Defense and Security Sectors and in the National Policy for the Justice Sector (NPJS). The main objectives of the revised program are decentralization and access to justice, judicial training and mentorship, strategic planning, coordination and civil governance of the security sector reform.

In this edition, we present the most important results achieved during 2010, such as the National Policy for the Justice Sector, Sensitization and Information Campaign on the Defense, Security and Justice Sectors Reform (SSR), the Strategic Plan 2010-2015 of the National Popular Assembly, the support to the Judiciary Training Centre and the mechanism of access to justice, with emphasis on the protection of women and children.

We take this opportunity to convey our sincere appreciation to our main national partners, in particular, to the Ministry of Justice and to all judicial staff and lawyers, to the Permanent Secretariat of the SSR National Steering Committee and to the National Assembly, which have been actively committed to the planning and implementation of the FORTES Programme.

Enjoy reading!
Ana Graça, FORTES Programme Specialist



Forum discusses policy for the justice sector

Representatives from the state (magistrates, public staff, police, army), lawyers, civil society (traditional and religion leaders, non-governmental organizations), and the international community met on the 5th and 6th October in Bissau to finalize the formulation of the National Policy for the Justice Sector (NPJS). This meeting occurred in the scope of the first National Forum for the Justice Sector, organized by the Ministry of Justice with the support of the UNDP through the Rule of Law and Security Programme.

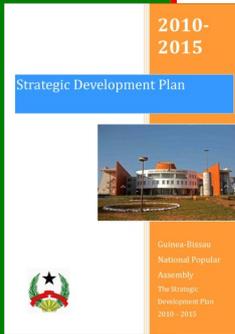
During the two-day debates, more than a hundred participants were divided in workgroups according to the thematic areas discussed in the NPJS: infrastructure, legislation, training and access to justice and citizenship. All the country regions were represented in the groups. The results of the debates were incorporated into the policy final text, which, once approved by the competent authorities, will be the key-document to guide actions to restructure the justice sector in Guinea-Bissau for the next five years.



During the forum opening ceremony, the President of the Republic of Guinea-Bissau, Malam Bacai Sanhá, reinforced the importance of the justice sector for the consolidation of peace in the country. "The consolidation of peace is possible if the justice sector works and is respected by everybody", he said. In the speech given in the same occasion, the former UN Resident Coordinator for Guinea-Bissau, Giuseppina Mazza, said that the problem of access to justice in the country is not limited to the human and institutional capacities, but, actually, to a culture of impunity.

Background - The forum was the last stage of a more than six-month participative process of preparation and debates to draw up the NPJS, headed by the Ministry of Justice with the support of the UNDP, and with the regular and active participation of all representatives from the judiciary power and system, magistrates, public attorneys, lawyers, civil society, police, among others. The process has also counted on international partners who have been supporting the justice sector, such as the European Union, Portugal, Brazil and all the United Nations System.

NPA launches strategic plan



The President of the National Popular Assembly (NPA) of Guinea-Bissau, Raimundo Pereira, gathered in 29th October several representatives from the international community in the country to present the [NPA Strategic Development Plan 2010-2015](#).

The plan was developed with the support of UNDP/ FORTES which, in the middle of the year, commissioned a parliamentary experts mission to work with the NPA commissions and parliamentarians to undertake a diagnosis of the

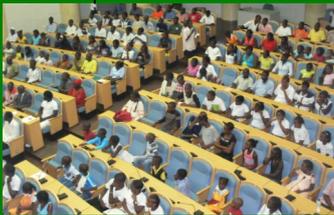
institutional, organizational and technical capacity of the Assembly and its commissions.

After the diagnosis, the same team supported the NPA in the articulation of a national plan to develop the capacities for the Assembly which expresses the vision, the objectives, the strategies and the activities that are needed to promote the NPA development in the next five years.

During the event, Raimundo Pereira emphasized the importance of the NPA to

consolidate the democratic rule of law. "The NPA is about to conclude an ambitious program that reinforces its capacity, aiming to empower the parliament to carry out its legislative duties, inspect the governmental activities and as the highest institution that represents the people of Guinea-Bissau", he said. "So we intend to contribute to affirm the NPA as a sovereign institution, capable to support the development and the consolidation of the rule of law in Guinea-Bissau", he completed.

UNDP supports conflict prevention



Programme aims to build capacity of the National Popular Assembly Defense and Security Commission on conflict prevention

In-country training of magistrates is one of the priorities of the reform of the justice sector

In October, a mission from the UNDP office in Geneva and from the Regional Centre in Dakar came to work with the National Popular Assembly (NPA) Defense and Security Commission to create an annual plan of activities, with emphasis on conflict prevention and resolution.

The main objectives of the mission, consisting of two specialists in parliamentary

development and conflict resolution, were to analyze the NPA capacity to support and oversight the defense and security sectors reform process, under the perspective of conflict prevention.

The mission also supported the NPA and the UNDP of Guinea-Bissau to identify the priority activities for the 2011 work plan of the Defense and Security Commission in the area of conflict prevention

and security sector reform. It has also analyzed the NPA work related to inspection of armed conflict prevention, and small arms and light weapons control.

Throughout the year of 2010, UNDP has supported the members of this commission to participate in regional conferences with parliamentarians from the Regional Workgroup on Prevention of Conflicts in Western Africa.

CENFOJ begins rehabilitation of premises

The ministries of Justice and National Education, Culture, Science, Youth, and of Sports signed in August an agreement to give space up in the premises of the National School of Administration (NSA), in Bissau, to the temporary usage by the [National Centre of Judiciary Training \(CENFOJ, acronym in Portuguese\)](#).

The repair works for the space rehabilitation, which are financed by UNDP/ FORTES, in the scope of the support given for the Defense, Justice and Security Sectors Reform, boosted in November and are to be concluded in January 2011.

The rehabilitation will allow the provision of around five classrooms and administrative

offices which will be the headquarters for the training actions scheduled by the CENFOJ.

UNDP has also supported the CENFOJ Installation Commission with the development of the legal framework of the centre and of the law that will regulate access to the judicial career. The first access to the career course should start in 2011.

First study in the country to analyze access to justice



In Caio, researcher (left) applies questionnaires to participants

power) to portrait the profile of access to justice in three regions of Guinea-Bissau: Bissau, Cacheu and Oio.

The first working meeting happened on the 12th November, in Canchungo, with more than 25 participants.

Individual interviews are

being carried out in the three regions.

“The results of public meetings and of individual interviews provide the baseline, in a quantitative and quality way, of the situation of access to justice in the three regions of study. This information will allow to better understand the state of affairs in terms of justice, in order to obtain correct parameters to plan

and evaluate the actions in the area of justice, headed by the Ministry of Justice and supported by the UNDP”, explains Ana Graça, FORTES Programme Specialist.

Moreover, the research, the first of this type to be carried out in the country, should identify the most vulnerable groups regarding access to justice, their perception of justice, their capacities and constraints to access mechanisms of legal support, judicial advice, among others.

On the side of those who provide justice services, the study will allow the analysis of the capacity and the existing constraints for the implementation of those services in order to answer the needs of the most vulnerable groups. The data will be of key importance and a better guidance for the interventions of the government, the judiciary system and the development partners, which implement access to justice programmes.

The UNDP defines access to justice “as the ability of people, particularly those belonging to poor and disadvantage groups, to seek and obtain a remedy through formal and informal judiciary systems, in accordance with human rights principles and standards”.

A gender issue

Any process to reform the justice sector requires specific measures aimed to reinforce the population trust in the judiciary system. Some regions of Guinea-Bissau do not yet have courts and lawyers, and, in others, the courts only operate sporadically, leading the population, in particular in rural zones, to a limited access to justice.

Women, who are in general the most vulnerable group due to gender-based violence, face specific difficulties in the access to justice. Thus, the majority of disputes are solved through traditional mechanisms and practices which often involve an excluding and discriminatory decision, especially in questions related to property, inheritance and family.

In cooperation with other UN

agencies, such as the United Nations Population Fund (UNPF), United Nations Drugs Office on Drugs and Crime (UNDOC) and United Nations Development Fund for Women (UNIFEM), the UNDP, through FORTES, implements a project to reinforce the process of justice and security sectors reform, with the introduction of conflict prevention approaches which are also gender-sensitive. Those activities are financed by the Millennium Development Goals Fund (MDG-F) of Spain, in the scope of the third Millennium Goal, which focus on the promotion of gender equality and women empowerment.

The project aims to increase the population access to justice, with special attention to women, through the spread of information and awareness about

their legal rights and the availability of free counseling services and legal representation to the most vulnerable.



The project also aims to train judiciary staff, judges, lawyers, police, among others, in order to provide more efficient and effective judicial services, an essential pre-condition to consolidate a rule of law culture, which is necessary for a sustainable process of the justice and security sectors reform.

Steering committee launches campaign on SSR



The National Steering Committee for the Defense, Security and Justice Sectors Reform (SSR) launched in June 2010 a Sensitization and Information Campaign, during the International Sensitization Conference for SSR. Under the motto *Reforma Segurança i nô futuro – cu es reforma, terra na cumpu* (Security reform is our future – with this reform,

Population awareness is key to the reform success

our country will progress), the objective of the campaign is to raise awareness, inform and educate the reform stakeholders and those who will benefit from the reform, as well as the population in general, about the importance of the SSR for the country.

The campaign, which has been more intense since September 2010, has resorted to radio stations and press to divulgate information and has supported the organization of training seminars for journalists. Theatre plays, direct awareness actions in regions, debates, training seminars, and the production of campaign material, such as banners, T-shirts and caps will be used.

The actions are managed by the campaign commission, with UNDP technical and financial support. The United Nations Integrated Peace-Building Office in Guinea-Bissau (UNIOGBIS) has also contributed actively to the success of the activities.

Study examines mechanisms of traditional justice

UNDP and the Faculty of Law of Bissau have signed on 1st December an agreement to complete the second phase of an extensive research on traditional justice mechanisms and customary law in six different ethnic groups in Guinea-Bissau. The goal is to produce a single reference document, which is an analysis of a legal perspective of customary practices used in conflict resolution at community level. It can be used by professionals in the justice sector, among others, for a better understanding of the informal justice system. The study should be fully completed in May 2011.

The agreement also provides for a comparative analysis of customs and solutions adopted in light of the traditional mechanisms of justice and written law in force in Guinea-Bissau. The same is based on information gathered during the first phase of the project, comprised of a research conducted by the Faculty of Law of Bissau

and the National Institute of Studies and Research (INEP, acronym in Portuguese), with the support of UNDP between February 2009 and April 2010. On occasion, the researchers gathered information on customary practices, through surveys and focus groups in six different ethnic groups in the country. These surveys were then analyzed and the information was converted into a sort of glossary of traditional practices in different legal areas. In this second phase, information will be validated and compared with the written law used by the formal justice.

The survey began in 2009 with the support of UNDP, covering various legal areas. It was later complemented by additional research in different areas, as part of a project supported by the European Union. The final results of all research supported by the UNDP and European Union will be compiled into a single publication.

Equipa FORTES

The FORTES Programme is managed by a multidisciplinary team, based at the UN in Guinea-Bissau building:

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