

# RoLS

## Factsheet of the Rule of Law and Security Programme

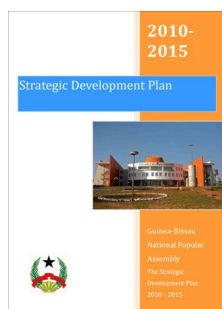


### About the programme

Date of implementation	Started in early 2009. In mid 2010, RoLS was revised so that its activities could be concentrated more in the regions.
Financing	The programme integrates components financed by UNDP's Bureau of Conflict Prevention and Recovery (BCPR) and by the Millennium Development Goals Fund (MDG-F), financed by Spain.
Total Program Budget	USD 5,691.330
Available or Pledged Budget	USD 2,551.546 (MDG-F) USD 1,787.970 (UNDP/BCPR)
Duration	3 years - June 2009 to June de 2012 (MDG-F) and October 2010 to October 2012 (UNDP/BCPR)
Implementers	UNDP
Partners	Ministry of Justice, Courts and Public Prosecution, Ministry of National Defence and Freedom Fighters, Permanent Secretariat of the Steering Committee for the Defence, Security and Justice Sectors Reform, the National Assembly and civil society, amongst others. The program also has activities that are implemented jointly with other United Nations agencies such as the United Nations Population Fund (UNFPA), the United Nations Office on Drugs and Crime (UNODC) and United Nations Development Fund for Women (UNIFEM).
Key outcomes	RoLS strategy is based entirely on national priorities identified in the National Poverty Reduction Strategy Document (DENARP), National Strategy for Modernization and Restructuring of the Security Sector and also the National Justice Policy. The goals of the program are: <ul style="list-style-type: none"> <li>Decentralization of the justice system and improving access to justice for the poor, with special emphasis to women;</li> <li>Judicial training and mentoring;</li> <li>Strengthening of governance and coordination of the Justice and Security sectors.</li> </ul>



RoLS has supported the Ministry of Justice in the elaboration of the Justice National Policy, discussed during the I Justice Sector National Forum, held in Bissau, in October 2010



Strategic development plan of the National Popular Assembly was developed with the technical and financial support of the programme



One of the key results is the spread of access to justice



Gender is a key component for the implementation of the activities

### Context

In these last decades, Guinea-Bissau has gone through various moments of political instability and social tension. The state has difficulties providing essential services such as justice and protection to its population. In this manner, local traditional systems of power remain responsible for key judicial areas, most particularly the resolution of family and property matters, and issues of criminal nature. The poverty and political instability in the country are also reflected in the fragility of state institutions.

These weaknesses are broadly manifested in the security sector (defence, internal security and justice) in three major areas: very limited access to the justice system by the population, very limited capacity of judicial operators and institutions to provide independent and effective services, and weak institutional structures and mechanisms for good governance in the justice and security sectors. These limitations represent a serious obstacle to the respect of democratic governance principles and rule of law.

### For more information, contact:

Ana Graça  
RoLS Programme Specialist  
Tel.: + 245 687 10 04  
ana.p.graca@undp.org

Mirella Domenich  
RoLS Programme Communication and Monitoring Officer  
Tel.: + 245 650 65 09  
mirella.domenich@undpaffiliates.org

## Challenges

### Lack of trust from the general population

Continuous instability and impunity have led the population to lose trust in the capacity of the justice and security sectors to ensure and protect the civil, political, economical and social rights of its people. To a large extent, the lack of proper infrastructure, poor functioning of public institutions and absence of the state in the service of the people are responsible for this lack of credibility that the people have in their justice system. Consequently, capacity building throughout the entire justice sector is a key factor to ensuring a more efficient justice system that delivers efficient services to the people. Additional efforts must be made to improve the people's access to justice and citizenship.

### Access to justice

Legal assistance or legal representation is almost non-existent. The country's BAR Association does not receive the prescribed budget for this purpose and is therefore carrying out its activities with limited resources. Legal assistance and services such as information, advice and representation for the poor and vulnerable, such as women, are practically non-existent. Moreover, in the rural and remote parts of the country there are no courts and where courts are available most of the population can't access them due to barriers such as limited public transportation and associated costs which make access to formal justice extremely difficult. As a result most disputes are solved through alternative mechanisms and traditional practices that are frequently discriminative, especially where issues related to women's rights, property inheritance and family are concerned.

### Judicial Organization

The judicial power in Guinea-Bissau is divided into four categories of courts: the Supreme Court, The First Court of Appeal (former Circle Courts), the Regional Courts (courts of first instance) and Sector Courts (small claims courts). The highest court is the Supreme Court, which is responsible for the management of all



Bafatá Court before rehabilitation

the other courts in the country. The courts of first instance are being restructured and an appeal now exists in the national jurisdiction. Administrative Courts, Business Courts and Maritime Courts have not yet been established.

### Penitentiary System

The lack of prisons and lack of a penitentiary system aggravates the situation because pre-trial and convicted felons are incarcerated together in police cells (detention centres) or in military facilities. Two regional prisons have already been rehabilitated and a plan is being made to construct a central prison.



### Education and judicial career access

A policy for training of magistrates and continued strengthening of the technical capacity of judges through training is needed. This can be achieved at national level through a specialized training institution for this purpose. Many judges and other legal professionals have the degrees and theoretical knowledge of the job but lack practical and professional experience, which has an impact on the quality of the decisions made in court by these legal professionals. This is mostly due to the current system of continuing education in which selected magistrates are sent abroad for short training courses or given *ad hoc* training courses within the country but without an appropriate and regular plan for continuous practical training. A national judicial training centre for magistrates and legal professionals is now being established.

### Reform in the justice and security sectors

The justice sector is characterized by a lack of inter-institutional coordination and collaboration between the executive power, which is responsible for the administration of justice and judicial power within the country, and lawyers. Moreover, there is lack of regular coordination between the justice sector and the police which has had a negative impact on criminal investigations and court processes. This lack of coordination has resulted in slow and tedious court proceedings and processes, and limits the possibility of external oversight as well as internal inspection mechanisms. As for the security sector, even though there are subdivisions responsible for planning, supervising and overseeing the reform process, they operate within a limited capacity. For both sectors, the government is implementing a reform process to restructure and modernize the police, the army and judicial institutions by reducing the number of active military personnel, implementing a pension fund, reintegration programmes and providing training, amongst others.

## Strategy

RoLS develops its activities in three main regions –Bissau, Cacheu and Oio–, with the objective of improving the justice system in these regions. With this purpose in mind, RoLS provides support for all stakeholders with a role in the administration of justice, whether formal or informal. At national level, the program will support capacity building in the form of training of judges and lawyers in the country, as well as strengthen institutional mechanisms for proper management of the sector. In order to achieve these expected results, the programme adopts the following strategies:

### **Decentralization of the Justice System and improvement of access to justice for the poor, with special emphasis on women:**

- Strengthening the capacity of the courts and the Public Ministry for better administration of justice in the regions and communities;
- Creation of proper mechanisms to ensure legal assistance and representation, with particular focus on women and children;
- Reinforcement of alternative mechanisms for resolution of conflicts at community level and interface with the formal justice sector;
- Reinforcing the protection of the rights and safety of citizens by building the capacity of law enforcement and criminal investigation officers.

### **Judicial training and mentoring**

- National Centre for Judicial Training running and providing certified training and legal education to legal professionals;
- Improvement of practical procedural and judicial processes through job training and counselling.

### **Strengthening governance and coordination in the justice and security sectors**

- Improved capacity for policy formulation, strategic planning and accountability in the justice sector;
- Improved capacity for managing and coordinating the implementation of RSS;
- Strengthening the capacity of the national assembly for monitoring of the justice and security sectors (including the RSS process);
- Reinforcement of the public's knowledge regarding the processes of justice and security.