



2021 UNDP Annual Meeting on Rule of Law and Human Rights

PEOPLE-CENTERED APPROACHES TO RULE OF LAW, SECURITY AND HUMAN RIGHTS – SECONDARY IMPACTS OF COVID-19



Virtual Meeting | 22-24 June 2021

SUMMARY

The sessions on Day 1 reaffirmed that our joint support and interventions must put people first, focusing efforts on the most vulnerable. In each session, speakers discussed and clarified why locally led initiatives and the active involvement of women and youth in decision-making processes are critical in addressing challenges to rule of law, justice, security, and human rights. Inclusive and participatory approaches are a pre-condition for sustainable outcomes and the achievement of SDG 16.

The Opening address was given by the UNDP Administrator, Mr. Achim Steiner, who framed the overall purpose and objectives for the Annual Meeting. The panelists voiced the need to ensure a comprehensive people centered response to the COVID-19 pandemic that addresses the systemic and structural roots of pre-existing inequalities and reaches those left furthest behind.

Specific country examples demonstrated that participatory consultations on security sector reform are not only possible but necessary even against the backdrop of recurrent multi-dimensional crises, as in *Mali*, *Burkina Faso* and *Iraq* provided examples of people-centered approaches to security that support the reintegration of former fighters and their families to reduce tensions and foster social cohesion. Examples from *Ukraine* illustrated that in order to restore confidence between communities and security bodies, it is necessary to understand and address drivers of mistrust.

As the COVID-19 pandemic sent tidal waves across the globe, we also witnessed increased levels of gender-based and domestic violence. In *Peru*, as in many other places, UNDP supported virtual courts that provided uninterrupted access to justice for survivors of violence. In the *Arab States (Jordan)* and *Central Asia (Uzbekistan)* UNDP is supporting efforts to leverage the transformative power of women in the justice sector. While many challenges remain, innovative solutions proved to be effective. Representatives from partner countries, UNDP Country Offices, and civil society all attested to the fact that in order to achieve lasting peace and prosperity, first we must safeguard the rule of law and protect human rights.

The sessions on Day 2 focussed on accountability for human rights violations, overcoming the digital divide and building forward better to fulfil our obligations to future generations. To strengthen accountability, the international community must leverage partnerships to support human rights mechanisms and integrate them with SDG efforts. Stakeholders across the private and public sectors, as well as civil society, need to work together to address context-specific challenges, ensure accountability, promote civic space, and protect human rights defenders.

While digital tools and virtual platforms helped improve, and in some cases, expand access to justice under the COVID-19 pandemic, there are serious concerns related to data protection and privacy that must be addressed. While digitalization has made justice and legal services more accessible to many, those who do not have access to the internet, cannot afford technology or lack skills are being pushed even further behind.

The panelists agreed that technology alone will not bridge systemic justice gaps. We need community-based and people-centered approaches, a more sophisticated understanding of the context and active political engagement. To build forward better, we need to listen to people, be driven by their needs and ensure that access to justice and human rights are not luxuries for the few -- but rights for all.

NOTES FROM DAY 1 SESSIONS

Session 1. Rule of Law and Human Rights for Development: the final push to achieving Agenda 2030. Opening of the 2021 Annual Meeting

The **UNDP Administrator, Mr. Achim Steiner**, opened the 2021 UNDP Annual Meeting with the keynote address articulating the importance of the rule of law and human rights for a more just and inclusive future. His speech can be found [here](#). **Ms. Asako Okai, Assistant Secretary General, Assistant Administrator and Director of the UNDP Crisis Bureau** moderated the opening session.

H.E. Ms. Yoko Kamikawa, Minister of Justice, Japan, via a video message affirmed the importance of people-centered approaches to ensure justice for all and advancing the 2030 Agenda. **H.E. Ambassador Mary Elizabeth Flores Flake, Permanent Representative of Honduras to the United Nations** reiterated the need for nations to stand in solidarity to protect the most vulnerable, as well as to rebuild public trust in the rule of law. **H.E. Ambassador Yoka Brandt, Permanent Representative of the Kingdom of the Netherlands to the United Nations** highlighted the importance of addressing the justice gaps unmasked by the pandemic and urged the involvement of women, youth, and civil society to design sustainable solutions to address these gaps. While reinforcing the Administrator's address, **Assistant Secretary General Alexandre Zouev** noted the achievements of joint UNDP and UN partnerships and the benefits of the Global Focal Point arrangement which will mark its 10-year anniversary in 2022. **Ms. Colette Rausch, Research Professor and Rule of Law, Conflict & Trauma Practitioner (Mary Hoch Center for Reconciliation)** spoke of the need to overcome trauma deepened by the pandemic and related suffering; if unaddressed, such trauma may pass through to later generations.

The session concluded with the launch of the [2020 Annual Report](#) of UNDP's Global Programme on Strengthening the Rule of Law and Human Rights for Sustaining Peace and Fostering Development.

Session 2. People first: new approaches to security efforts

A variety of achievements and challenges in security sector reforms, prevention of violence, extremism and conflict, as well as confidence building measures were presented by speakers from Burkina Faso, Moldova, Costa Rica, Mali, Ukraine and Iraq.

H.E. Ms. Victoria Ouedraogo/Kibora, Minister of Justice, Human Rights and Civic Promotion, Keeper of the Seals, Burkina Faso, noted that the government prioritized making the justice system independent and accessible to all, including through amendments to the Penal Code and consolidated actions of all actors in the justice chain. The government commenced the first terrorism trials, in parallel with developing reintegration initiatives and increasing accessibility of social services with UNDP support.

In *Moldova*, community policing is at the core of the Police Development Strategy (2016-2020), said **H.E. Mr. Cornel Lebedinschi, State Secretary of the Ministry of Internal Affairs**. To increase the level of trust between communities and local police, over 30 police stations became more accessible to the public and better equipped. Bicycle patrols were introduced in nine regions with support from UNDP and US INL to bring local police closer to the people they serve.

Latin America and the Caribbean have been the hardest hit by the pandemic, both in terms of the number of deaths and economic impact, with 34 million jobs lost in the region, stressed **H.E. Ms. Laura Chinchilla Miranda, Former President, Costa Rica (2010-2014)** in a video address. Weakened rule of law and corruption have impeded the effectiveness of measures to prevent the spread of the virus. Regional consultations, data-based action plans and turning growing activism into an opportunity to engage people in decision-making processes have the potential to reverse these negative trends.

Recurrent multi-dimensional crisis in *Mali* have resulted in a breakdown of trust between people, law enforcement and security bodies, admitted **Colonel-Major Philippe Sangare, Representative of the Malian SSR Commission**. Security Consultative Committees were established in 2019 as part of a commitment to reform the security sector and adopt a people-centered approach to security. Inclusive monthly consultations on the security situation are ongoing at local level, engaging community and civil society actors, traditional and religious authorities in these processes, to assess the situation locally and make recommendations to local executives and security forces.

In *Ukraine*, UNDP works with the government to ensure that local populations are the principal drivers of change, said **Ms. Manal Fouani, UNDP Deputy Resident Representative**. Activities focus on building confidence between security actors and internally displaced persons (IDPs), host communities and people with disabilities in conflict-affected areas. Based on comprehensive research at the national, regional and local levels, interventions are designed to increase capacity of police communications, promote social cohesion, support security providers in service delivery, and address domestic violence.

In *Iraq*, security sector reform is essential to strengthening local peace structures and developing reform-minded policies at the national and regional levels, underlined **Ms. Nadia Alawamleh, Head of the Social Cohesion Pillar, UNDP Iraq**. UNDP supports interventions that reintegrate former fighters to their communities and supports locally led community-based reconciliation programmes for the most vulnerable: displaced persons (six million) and families who are perceived to be affiliated with ISIS (mostly women and children).

Session 3. Women's Transformative Power in the Justice Space

UNDP and UN Women have strengthened their partnership to advance progress on the Women, Peace and Security Agenda and to respond to the Secretary General's Call for Action on Human Rights which specifically notes supporting efforts on addressing non-discrimination. In 2020, UNDP and UN Women implemented joint projects in eight contexts to achieve gender justice, counter inequalities, protect women's rights, and amplify women's voice and leadership.

In *Peru*, the COVID-19 pandemic has fueled a rise in domestic and gender-based violence with a simultaneous decline in access to justice for survivors, said **Mr. Christian Hernández Alarcón- Superior Judge of the Superior Court of Justice of Puente Piedra-Ventanilla and Member of the Gender Justice Commission of the Judicial Branch in Peru**. To ensure the uninterrupted functioning of the judiciary, UNDP provided technical support and expertise to establish virtual courts. To avoid replicating the weaknesses of the traditional (offline) justice system in the online mode, the government spearheaded a consolidated approach with effective coordination between different actors within the justice chain.

In *Uzbekistan*, programmes are in place to promote women's participation and representation, according to **Ms. Makhmudova Robakhon Anvarovna, First Deputy Chairperson of the Supreme Court**. Female law students benefit from internship opportunities in courts and female judges are able to expand their networks through regional trainings and summer camps. In addition, women in need of legal protection can access free legal aid services provided by public offices, legal clinics at universities and justice institutions.

Ms. Susana SáCouto, Director of the War Crimes Research Office, Washington College of Law, American University spoke of the landmark ruling in the Sepur Zarco case in *Guatemala* (issued in February 2016). As the first conviction of former military persons for conflict-related sexual abuse and sexual slavery, the case demonstrated the indispensable role of the survivors in holding perpetrators accountable and the importance of sustained support from external partners, such as UN Women and UNDP.

In *Uganda*, civil society provides legal support for women who struggle to exercise their land rights, said **Mr. Okwalinga Moses, Chief Executive Officer of Uganda Law Society**. In addition, harmful practices such as female genital mutilation (FGM) remain a critical area in need of support. UN Women through their partnership with UNDP provide training for community (cultural, religious) leaders to become trusted messengers against the practice of FGM.

In *Jordan*, an interagency initiative between UNDP, UN Women, UNFPA and ESCWA has been undertaken to promote women's participation and representation in the judiciary and to abolish discriminatory provisions in legislation. **Dr. Salma Nims, Secretary-General of Jordanian National Commission for Women** gave an example on how Jordan has sought to address discrimination in the selection of candidates for judicial trainings. She noted that hiding the gender of the individual applicants led to more women having access to judicial education programming. However, challenges remain with only 25% of women in the judicial bodies, and despite no legal prohibition, no woman has ever been accepted to be a judge in a shariat court in Jordan.

NOTES FROM DAY 2 SESSIONS

Session 4: Examining accountability mechanisms and putting human rights at the center of Agenda 2030

In her speech, **H.E. Minister Dr. Shireen Mazari, Minister for Human Rights of Pakistan** spoke of the government's evidence-based response to the COVID-19 pandemic that was guided by adherence to human rights. UNDP supported comprehensive research on disproportional vulnerabilities triggered by the pandemic. Response measures prioritized individuals facing systemic discrimination, including women, survivors of violence, transgender persons, people deprived of liberty¹ and the elderly. Policies and legislation were developed to promote inclusion and non-discrimination in the government's COVID-19 response efforts and beyond.

Ms. Janine Alm Ericson, State Secretary for International Development Cooperation, Sweden, called for the expansion of a human rights-based approach to development with the purpose to empower rights holders and to increase capacity of duty bearers. Ms. Ericson stressed the need to protect human rights defenders, especially women, who play a critical role in upholding democracy and the rule of law and ensure accountability for the violence and harassment they face.

State response to the pandemic should be fair, legal and proportional, stressed **Ms. Nada Al-Nashif, Deputy High Commissioner for Human Rights**, calling on governments to uphold the rule of law and human rights while measures to curb the spread of the virus are in place. Human rights defenders, LGBTQ+ individuals, women, detainees, and other vulnerable groups should not suffer further discrimination. The pandemic offers a unique opportunity to change course and recover better with renewed social contracts for equitable and sustainable societies.

Kazakhstan is struggling to eliminate torture in places of deprivation of liberty and guarantee that medical personnel are independent from penitentiary/security service authorities and free from pressure, said **Ms. Elvira Azimova, Human Rights Commissioner of Kazakhstan**. UNDP supported the National Preventive Mechanism to continue its visits to Kazakhstan's places of deprivation of liberty² to monitor human rights during the pandemic. Legislation

¹ Article 4 of the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment defines deprivation of liberty as any form of detention or imprisonment or the placement of a person in a public or private custodial setting which that person is not permitted to leave at will by order of any judicial, administrative or other authority. In addition, the [Body of Principles for the Protection of All Persons under any Form of Detention and Imprisonment](#) distinguishes the terms "detained person" and "imprisoned person". Therefore, a broader term "people deprived of liberty" is used in this document.

² According to various [definitions](#), places of deprivation of liberty may include prisons, immigration detention facilities, closed refugee camps, psychiatric hospitals, etc.

to reform the penitentiary system and change medical protocols in prisons is currently under consideration.

A common platform for action, political will and capacity building are all required to better engage with businesses for human rights protection, said **Mr. Dante Pesce, Chairperson of the UN Working Group on Business and Human Rights**. Ten years since the adoption of the UN Guiding Principles on Business and Human Rights (BHR), governance gaps still allow for too many business-related abuses to go on without access to remedies. The UN Working Group on BHR will soon present a roadmap to further efforts in the next decade.

Political instability, legislative gaps and lack of independent institutions are challenging accountability mechanisms in **Lesotho**, noted **Ms. Nessie Golakai-Gould, UNDP Deputy Resident Representative**. The pandemic has exacerbated poverty, increased inequalities, and placed more obstacles to accessing justice. Through the Tripartite Partnership, UNDP and OHCHR are supporting the establishment of a national human rights institution to enhance protection for vulnerable groups and lay the foundation for the government's capacity to develop effective accountability mechanisms alongside broader national reform efforts.

Session 5: Bridging the digital divide and investing in an inclusive and fair digital transformation

Even before the pandemic, **the Caribbean Court of Justice** was using digital tools. In 2020, digitalization progressed and expanded to include online judicial deliberations, said **Hon. Mr. Justice Adrian Saunders, the President of the Court**. A court, he stressed, is not a place, but a service to satisfy the needs of all people in a transparent manner. To master new technologies, the court staff is learning continuously, expanding knowledge throughout the region.

The use of technology to advance the rule of law presents both advantages and risks, warned **Ms. Sarah McCoubrey, UNDP Judicial Integrity Consultant**. Digitalization in justice provides ways for timely adjudications, allows engagement of certified translators, reduces delays and shrinks opportunities for corruption. At the same time, it raises issues of data control and security, putting in jeopardy the privacy of all parties. The integrity of evidence may also be called into question. People without access to the internet, people with disabilities, linguistic minorities, and the elderly can be pushed even further behind by this digital divide. Good practices need to be put forward, with judges and lawyers encouraged and incentivized to understand technology and data in justice processes.

Innovations should come before or in parallel with digitalization, urges **Ms. Mascha Matthews, Director Business Development, The Hague Institute for Innovation of Law**. Improving access to justice is a systemic challenge, and technology alone will not solve it. The following justice services have the potential to be game-changing: community justice services, new types of courts including one-stop tribunals, online information and advice, problem-solving courts, and prevention programmes.

Since 2020, UNDP supported over 250 digital solutions globally, and received over 100 country requests for support on digitalization, including for innovations in e-justice, said **Mr. Robert Opp, Chief Digital Officer at UNDP**. Digital solutions brought positive changes in *Bangladesh, The Gambia, Kyrgyz Republic, and Zimbabwe*. At the same time, 3.5 billion people in the world do not use the internet, vividly illustrating current digital inequalities. The digital divide is not only about internet connection and access to electricity. It is also about affordability, skills, and privacy. Data ownership and misinformation are some of the major risks when digitalizing the justice sector.

In *Georgia*, the caseload of the Tbilisi City Court Mediation Center doubled in 2020, with 102 mediation cases compared to an average 50 previously, said **Ms. Elene Orjonikidze, Tbilisi City Court Mediation Center Coordinator**. 55 court mediators achieved a settlement rate of 60-70%. Virtual platforms for mediation allow for sessions without space constraints. Confidentiality,

however, is challenged as a mediator has limited control over who else is in the room or behind the screen.

To enhance people-centered justice systems and boost confidence in state institutions, the Bangladeshi government and UNDP developed the 'My Court' platform, a country-wide system of virtual courts. This was in response to a closure of courts due to the pandemic and the results "caught us by surprise", admitted **Mr. Sudipto Mukerjee, UNDP Resident Representative in Bangladesh** in his video address. The result of online hearings and consideration of bail applications, led to a 12% decrease in the prison population, enabling thousands of people to return home and provide economic support their families amidst the pandemic.

Session 6. The Future of Justice: Addressing inequalities together. Closing of the 2021 Annual Meeting.

The session was dedicated to looking forward and reflecting on our obligations and duties to future generations. To build forward better, **Mr. George Conway, Deputy Director of UNDP's Crisis Bureau** spoke of the need to invest in rule of law institutions that are fair, inclusive, and accountable. UNDP is in the process of drafting its new Strategic Plan, reimagining its work on governance; as well as launching strategic reflections on Human Rights and designing Phase 4 of the Global Programme on Rule of Law and Human Rights.

Now is the time for a transformative approach to justice delivery, said **Ms. Leanne McKay, UNDP Rule of Law and Justice Consultant**. It is time to recognize that justice is not only a legal question. To counter inequalities and discrimination, we need to understand power and address power balances. It is essential to fully embrace the complexity of contexts, to put people at the center and listen to their perceptions of justice, questioning traditional assumptions on what justice is.

Mr. Clément Nyaletsossi Voule, Special Rapporteur on the Rights to Freedom of Peaceful Assembly and Association highlighted the connection of these fundamental freedoms to justice. Lack of accountability and trust in justice institutions has a chilling effect on civic space, forcing individuals to stop expressing themselves. Legislative changes are needed to reinstate principles of legality and proportionality of security and counter-terrorism actions. Support to lawyers as strategic partners in achieving justice should be amplified.

The pandemic unmasked inequalities globally, said **Ms. Mandeep Dhaliwal, Director of HIV, Health and Development Groups, UNDP Bureau for Policy and Programme Support**. The COVID-19-related death toll is higher among groups that face discrimination, poverty, and social exclusion. The pandemic has also exacerbated violence against women and LGBTQ+ people. Lessons learned from the HIV pandemic should be applied for and inform better COVID-19 response. Ms. Dhaliwal urged everyone to address structural drivers of inequalities, support reforms based on human rights and evidence, and take an intersectional approach to move forward in the Decade of Action.

The new joint initiative SALIENT (Saving Lives Entity) was launched in *Jamaica* to address the proliferation of small arms. Crime and violence are widespread on the island driven by wider social issues such as poverty, inequality, lack of access to healthcare, education, and low employment. UNDP's scoping mission found that men and boys (aged 16-24) are both victims and perpetrators of armed violence, while women, children, and elderly become collateral damage, said **Ms. Denise E. Antonio, UNDP Resident Representative, Jamaica, the Bahamas, Bermuda, Cayman Islands, and Turks and Caicos Island**. SALIENT will focus on broad consultations, support to legislative reforms, youth engagement, community-level interventions, and psychosocial support.

Both during and after the pandemic, waves of demonstrations and public anger will continue, warned **Mr. Alejandro E. Alvarez, Chief of Rule of Law Unit, Executive Office of the Secretary General**. Corruption, inequalities, and a failure to deliver on the promise of democracy has deepened mistrust toward justice institutions. It is essential to embrace political dynamics and right political balances. The

Justice-centered approach is about listening to people and to ensure positive individual justice experiences.

In her closing remarks, **Ms. Katy Thompson, Head of UNDP's Global Programme on Rule of Law and Human Rights** reaffirmed that joint UN efforts will continue to ensure that human rights are accessible to all, with justice and people-centered security as an undeniable public good. While shaping UNDP's New Strategy and Phase 4 of the Global Programme on Rule of Law and Human Rights, it is crucial to look at the lessons learnt that this Annual Meeting provided.