

Government of Burundi

United Nations Integrated Office in Burundi (BINUB)

Office of the High Commissioner for Human Rights (OHCHR)

United Nations Development Programme (UNDP)

United Nations Children’s Fund (UNICEF)

Human Rights and Justice Joint Programme

The joint programme on Human Rights and Justice will support to the Government of Burundi in:

- Strengthening legislative and institutional capacity to protect human rights, particularly the rights of children, youth, and women.
- Making the justice system: 1) more effective, equitable, and transparent; 2) provide greater access to justice; and 3) better protect the rights of marginalized groups, notably minors in conflict with the law, prisoners, criminal defendants, women who have been victims of violence, and parties to land conflicts.
- Taking concrete steps toward the implementation of the credible transitional justice process that will promote national reconciliation and put an end to impunity in Burundi.

SITUATION ANALYSIS AND PROGRAMME RATIONALE

During the twelve years of conflict in Burundi, Burundi's justice system continued to function, but it did so in an extremely challenging context, with very limited resources and human rights and the rule of law were severely compromised. In this context, the indiscriminate attacks on civilians by both state agents and rebel groups common-place were characteristic of the climate of impunity that constituted one of the fundamental causes of the conflict. The absence of access to justice, and the lack of understanding by the population of the country's legal codes, encouraged the population to take justice in their own hands. If the underlying causes of impunity in Burundi are not addressed as part of a peace consolidation strategy, these conflicts and tensions will continue.

The 2000 Arusha Accords, which ended the conflict in Burundi, set forth a roadmap for the reconstruction and reinforcement of the institutions necessary for ensuring the rule of law in Burundi. Important steps have already been taken by the Government and its partners to begin the implementation of this roadmap. Examples of these steps include the commitment by the Government to create an independent national human rights commission, to implement a transitional justice process, to reform its juvenile justice system in line with international standards, to improve prison conditions in line with its 2006 programme d'urgence, to establish a training academy for judicial personnel, and a collaboration between the Government and partners to address the training needs of the National Police and the need for police oversight mechanism. With respect to the human rights situation, the United Nations has for years been active in monitoring the human rights situation in Burundi. While these efforts have been effective in raising awareness of human rights violations and reducing them, significant justice human rights challenges remain.

There is widespread agreement that over the next two-year period, urgent interventions to support the respect for and careful monitoring of human rights, the strengthening of the justice system, and generating momentum for an effective transitional justice process constitute crucial elements of peace consolidation in Burundi. This agreement, and the priorities in this sector critical to the consolidation of peace, are reflected in the PRSP, the UN/GoB Peacebuilding Roadmap, and the Peacebuilding Priority Plan, all of which provide the basis for UN support to national efforts. The following addresses each of these three areas in detail:

Human Rights Monitoring and Support

Human Rights promotion and protection remains one of the greatest challenges for Burundi. Whilst the peace process has made great strides, a culture of respect for human rights has yet to be established. Indeed, in spite of the efforts made by different actors in the field, violence, violations and abuses of human rights continue, and national institutions that safeguard the respect for rule of law and human rights are weak. This situation underscores the need to pursue and reinforce human rights promotion and protection programs in support of the Government's policy and plans for peace consolidation, and in particular the PRSP and the Peacebuilding Priority Plan.

The crisis which erupted in 1993 and the ensuing violence and human rights violations impacted negatively on the whole of Burundi society. Not only were serious and gross human rights violations committed, but the emergence of new phenomena such as mass internal displacement of populations and the creation of armed movements created new problems. Despite the successive peace and cease fire agreements, and the successful organizations of elections, the human rights situation has not improved at the same pace as the political situation. While human rights protection have been included in the programs for reconstruction and development, crimes and violations of human rights continue to be committed by different actors with impunity.

These violations cross the spectrum of civil, political, economic and social rights. Regarding civil and political rights, most of the violations committed affect the rights to life, to physical integrity, to the security and the safety of the person and to freedom of movement and of opinion and expression. Violence against women and children, including sexual violence, has dangerously increased even in areas where peace is believed to have returned.

With respect to economic and social rights, positive measure have been taken to improve the right to education and to healthcare for some categories, i.e. primary schoolchildren, children under five and expectant mothers. These measures notwithstanding, Burundi still has a long way to go in order to achieve full realization of economic and social rights. Indeed, the country is one of the poorest in the world, mostly rural, landlocked, with the highest level of HIV prevalence in Central Africa and one of the lowest per capita incomes in the world. This poverty impacts the realization of all the economic and social mostly housing, food, health and employment.

National actors, mechanisms and institutions that would play a lead role in human rights promotion and protection actors are still weak. The integrated UN human rights office has been providing technical assistance to the Government for the development of national human rights institutions, and working closely with civil society and human rights organisations, but much still remains to be done to build their capacities in this field.

In addition, the Government still has to implement some provisions of the different accords in order to strengthen a human rights culture in Burundi and ensure that the process of reconstruction be carried out based on human rights principles and in keeping with international human rights obligations

Justice Reform

Judicial reform in Burundi today is an area of urgent and immediate needs and limited progress to date. Burundi's justice system continued to function throughout the conflict, but the system suffers from many weaknesses. Courts and prosecutors' offices lack the most basic equipment and supplies including, importantly, the means of transport necessary to carry out investigations, bring witnesses and defendants to court, and execute judgments. Judges are poorly paid (around \$60 per month) and corruption is perceived to be endemic; the government recently issued a decree raising judicial salaries significantly effective from 1 January 2007, but it is unclear how this measure will be funded.

There is, essentially, no juvenile justice system in Burundi, leaving children as young as 13 in adult prisons, unsegregated and without any kind of protection and specific assistance. Currently, 395 children are in detention in Burundi, 85% of whom have not been sentenced.

The corrections system is among the most urgent justice reform issues in Burundi today. Prisons are operating at up to 340% of capacity. All prisons are remnants from colonial times and thus in very poor physical conditions. Overcrowding has caused many problems, including insufficient sleeping space, shortage of beds and bedding, and extremely poor sanitary conditions that encourage the spread of infectious diseases. Lack of space and segregated housing areas means that women prisoners, and juvenile boys and girls consistently mix with each other and with the adult male population of the prisons in the day time, and sometimes at night as well -- a situation that violates international prison standards, and leads to sexual assault and exploitation.

Medical care, including anti-retroviral and tuberculosis medications, is often unavailable to prisoners. Food provided to prisoners consists solely of 350 grams per day of beans and 350 grams per day of maize – a diet that provides inadequate nutrition for all prisoners, and is particularly harmful to adolescents, people with compromised health, pregnant women, and babies. 59 babies and young children live with

their mothers in Burundi's eleven prisons – prisons with no capacity to meet the specialized needs of babies or plan for their best interests. The prisons are managed by the prisoners themselves much more than by the prison management or Penitentiary Police.

Burundi's repeated cycles of ethnic conflict have been marked by a virtual lack of accountability for the perpetrators of violence and a pervasive culture of impunity. In this context, a credibly functioning court system is a critical element of peace-building in Burundi for two reasons – first, to end a culture of impunity and second, its role in adjudicating conflicts over land. The Burundian court system – for a variety of reasons -- including lack of judicial independence from the executive branch of government, ethnic imbalances, and lack of resources, being understaffed and overburdened – has difficulty fulfilling its role in safeguarding the rule of law. Meaningful and sustainable peace in Burundi will require that rule of law is respected and enforced and that the general population has confidence in its execution and delivery. This is particularly important with regard to the ability of the criminal justice system to respond to the perceived and reported rise in violent crime, including rape, in Burundi.

Burundi is among the least urbanized countries in the world (only 9% urbanized) and is very densely covered by a population relying primarily on subsistence agriculture to survive. Its population is growing by 2.6% per year, and the end of the conflict has meant that refugees and displaced people who have been away from their land, in some cases for as long as 30 years, are now returning and demanding the return of their land that has been used by others in their absence. In this context, land conflicts are endemic and are viewed by many as the greatest threat to lasting peace in Burundi. At present, 80% of all cases heard by Burundian courts are land conflict cases – a situation which not only overburdens the courts, but also compromises the courts' ability to adequately deal with other types of cases such as criminal matters. Lengthy delays in court proceedings, the courts' near inability to enforce judgments, and public perceptions of judicial corruption and favoritism have undermined faith in the courts and encourage “self-help” vigilantism in land disputes posing a serious threat to Burundi's fragile peace and one that must be addressed immediately through the reinforcing of capacities and renewed confidence in the court system.

The Ministry of Justice developed a sectoral plan in June 2006 that provides a detailed and deliberate road map for justice reform, which the UN intends to support. In addition, UN agencies have been supporting the Ministry in engaging donors in the area of justice reform, including through the PRSP process. To date however, donor support for justice reform has been limited. Now is a critical moment to rally donor support for the Ministry of Justice's plan and the justice reform components of the PRSP.

Transitional Justice

Burundi's recent history has been marked by cycles of ethnic violence where its population has not had the opportunity to work on its past, to share its sufferings and to address the root causes of conflict, and to fully engage in a durable peace consolidation process.

With the current judicial system of Burundi not in the position to respond adequately to the sufferings of the past and absent a mechanism to find truth and justice, the parties to the conflict agreed in the Arusha Accord to establish transitional justice mechanisms that would be meet these needs. The following institutions were foreseen: an International Investigative Commission (IIC) to determine the type of violations that were committed in Burundi, a National Truth and Reconciliation Commission (NTRC), and an International Criminal Tribunal (ICT). While the IIC and the NTRC are to shed light on the different waves of violence that have affected the country since its independence, the ICT would be launched in case the IIC came to the conclusion that the crimes committed in Burundi qualified as genocide, crimes against humanity or war crimes. The law on the NTRC was promulgated on 27 December 2004 but has yet to be applied.

In 2004, the UN organised a mission to assess the feasibility of these transitional justice mechanisms foreseen in the Arusha Accords. In its report, published in May 2005, he came to the conclusion that the competencies of the IIC and the ICT would be concurrent and suggested the establishment of a Truth and Reconciliation Commission (TRC) and a Special Chamber within the Burundian judiciary to try the crimes under international criminal law. This proposal was accepted by the Security Council in its Resolution 1606 (2005). Following a mission to Burundi in March 2006, led by the Legal Council, the United Nations and the Government of Burundi agreed on a double mechanism, a Truth and Reconciliation Commission and a Special Tribunal (ST) that would both be composed of Burundian and international members. This approach has been endorsed by the Security Council in its Resolution 1719 (2006) establishing BINUB.

Currently, the Government of Burundi and the United Nations Secretariat are negotiating a framework agreement for the establishment of transitional justice mechanisms. Both sides have agreed in principle on the major points for the establishment of this double-mechanism. The three outstanding issues still subject to discussion are the holding of broad-based popular consultations on the implementation of the transitional justice mechanisms, relationship between the TRC and the ST, especially the independence of the prosecutor in its investigative capacity, and the exclusion of amnesty for the crime of genocide, crimes against humanity and war crimes.

PROGRAMME GOAL AND STRATEGY

The overall goal of the United Nations Human Rights and Justice Joint Programme for 2007-2008 is to support national efforts in ensuring that by the end of 2008, national and local institutions, civil society organizations, and communities are better able to protect human rights, and to ensure that the justice system functions in a manner that is effective, equitable, and transparent. This goal is one of the outcomes that the UN intends to support as part of its Integrated Peacebuilding Assistance Framework.

Guiding principles and methodology:

In defining the programme strategy and approach to achieve these objectives, the UN organizations participating within the framework of this programme first identified the relevant interventions included in the PRSP, the Ministry of Justice's sectoral plan, the joint UN/Government Road Map, and the Peacebuilding Priority Plan and identified specific activities to be supported by the UN in the context of the Joint Programme according to the following criteria:

- The activities have an impact on peace consolidation in Burundi over the next two years;
- The activities can be implemented and produce visible results within the two-year period.
- The activities are not already included in on-going or planned interventions by other actors;
- The UN will add concrete value in supporting these activities based on its competitive advantage, existing country-level capacities, and its ability to quickly draw on and bring in appropriate expertise;
- More than one UN agency can contribute to the implementation of the activities.

Specific Objectives:

In order to achieve the overall programme goal, and define the UN's strategic approach as well as detailed activities, the following specific objectives have been identified, :

- 1) Support the reform of laws and institutional mechanisms to create an environment more favorable to the realization of human rights, particularly the rights of children, young people, and women.

- 2) Support the strengthening of the justice system to a) become more effective, equitable, and transparent; b) provide greater access to justice; and c) better protects the rights of marginalized groups, notably minors in conflict with the law, prisoners, criminal defendants, women who have been victims of violence, and parties to land conflicts.
- 3) Support the Government in the development and implementation of a credible transitional justice process that will promote national reconciliation and an end to impunity in Burundi.

Strategic Approach

The specific objectives and expected results of the Human Rights and Justice Programme are by definition closely linked, hence the need to address them within the same Joint Programme work plan and through the close integration and coordination of efforts by relevant UN organizations. Human rights monitoring will inform justice reform activities, justice reform is a strategy for systemic response to human rights violations, and transitional justice provides a crucial element of peace-building by addressing the injustices of the past.

The support to be provided by the UN in each of these areas is closely based on the priorities for human rights and justice articulated by the Government in a number of frameworks, most notably the PRSP and the GoB/UN Road-Map. The latter in particular identifies a number of issues for UN support to Government efforts, including:

- Supporting the development and implementation of a justice sector reform strategy;
- Strengthening the capacity of justice actors;
- Supporting the national reconciliation process through establishment of transitional justice mechanisms;
- Promoting and protecting human rights, and in particular those vulnerable groups;
- Strengthening institutional capacities to address human rights;
- Supporting the establishment and operationalisation of the Independent Human Rights Commission.

On this basis, the United Nations Security Council, in its resolution establishing BINUB (1719 of 25 October), mandated the UN to support the Government in:

- Consolidation of the role of law, in particular by strengthening the justice and corrections system, including independence and capacity of the judiciary (para 2.a);
- Promotion and protection of human rights, including by building national institutional capacity in that area, particularly with regard to the rights of women, children and other vulnerable groups, by assisting with the design and implementation of a national human rights action plan including the establishment of an independent national human rights commission (para 2.i);
- Support for efforts to combat impunity, particularly through the establishment of transitional justice mechanisms, including a truth and reconciliation commission and a special tribunal (para 2.j).

In addition, the UN will also support the GoB in the implementation of the Peacebuilding Priority Plan, to be funded by the Peacebuilding Fund, which identifies a number of critical interventions that need to be urgently implemented in order to address threats to peace consolidation in the near-term.

The human rights and justice reform process in Burundi is a partnership between the Government, the UN and International Partners. This Joint Programme will ensure that a comprehensive approach is adopted to addressing human rights and justice priorities, but the areas where international donor partners have

already identified and funded specific programs and/ or bilateral agreements for support in specific areas will not be further covered by UN programs. For this reason, UN support envisioned within this programme will closely reflect and support the urgent interventions identified by the GoB in the Peacebuilding Priority Plan, and which are currently not included in on-going and planned contributions from donors. The motivation behind this approach is to avoid duplication of resources on areas already covered. It thus becomes even more important to ensure that joint coordination structures are in place and that they function efficiently during this process.

Within each of the areas identified for UN support, the UN will implement a number of sequenced activities based on the priorities identified above, the results expected in the near term and the absorptive capacity. The following sections outline the UN's support strategy and expected results for each of these areas:

Human Rights Monitoring and Support

As part of its assistance to the Government in improving the human rights situation, the United Nations will support the Government and other national actors in achieving the following outputs:

- National laws are drafted or revised, reviewed, harmonized with international human rights standards, translated into the national language and disseminated, especially those relating to women, children and other vulnerable groups;
- The National Independent Commission on Human Rights is set up and starts operating;
- The Government, civil society and other rights holders and duty bearers provide increased human rights protection, especially to children, women and the youth as a result of increased human rights knowledge and expertise;

In order to achieve the above mentioned outputs, the activities listed below will be implemented:

- Monitoring of the human rights situation; investigations, systematic follow-up of cases, advocacy, public reporting and maintenance of the human rights case database;
- Monitoring and reporting on child rights violations are required by Security Council Resolution 1612;
- Training on human rights for Government officials and agents, including parliamentarians, political parties, security forces personnel and judicial officials;
- Training on human rights for civil society organizations, including the human rights networks, women's associations, community leaders and the media;
- Technical assistance to support the establishment of the National Independent Commission on Human rights;
- Technical assistance to the Ministry responsible for Human Rights to draw up a national plan of action for the protection and promotion of human rights
- Training on and advocating for the mainstreaming of human rights in the work of all the field actors, including UN agencies.
- Support to the Ministry of Education for the inclusion of human rights education in school curricula in line with the World Program for Human Rights Education initiated by the General Assembly in 2004
- Promotional and outreach activities in collaboration with national human rights partners and authorities including through the media, targeting all sectors of society

Justice Reform

A key window of opportunity exists in Burundi to make significant advances in the area of justice reform. The Ministry of Justice in mid-2006 presented its sectoral plan, and the Government has made justice reform a priority for its work with BINUB. There is increasing bilateral donors interest in this area: some bilateral funds are likely to pass through the UN; other bilateral-funded activities will be implemented by other partners in coordination with the UN activities described below. Close collaboration between GoB and the UN, and careful coordination with international partners have the potential to make 2007 a key turning point in the functioning of Burundi's justice system

In the area of justice reform, the UN will support the Government and other national actors in achieving the following outputs:

- Professionalization of the magistrature, to ensure that the careers of magistrates are managed in a way that encourages professional development, skill and hard work, prevents misconduct and corruption, and promotes appropriate ethnic and gender diversity in the magistrature
- Capacity building of court and prison staff to ensure professionalism
- Development and implementation of a comprehensive justice system response to children in conflict with the law, in line with international juvenile justice standards and the revised Penal Code.
- Rehabilitation of the infrastructure of courts, tribunals, and prisons sufficient to permit courts and tribunals to function effectively and prisons to comply with international prison standards
- Reduction of prison overcrowding, through implementation of reintegration programmes, acceleration of judgments, and alternative sentencing
- Access to legal assistance improved, especially for marginalized groups.

In order to achieve the above mentioned outputs, the activities listed below will be implemented:

- Technical assistance to the Ministry of Justice in reinforcing the capacity of institutions already overseeing the magistrature, assistance in developing revised conduct rules and human resources polices for the magistrature.
- Assistance to the Government in the development of regular training programs for court and prison staff, and in collaboration with Belgian Cooperation, the development of a training academy for justice system personnel.
- Assistance to the Government in identifying infrastructure needs, developing projects and budgets, and liaising with donors to mobilize resources in support of these needs.
- Support to the Government in developing new structures across the police, courts, legal assistance, sentencing, and prison systems to respond to young people in conflict with the law, and in mobilizing resources necessary to implement these structural changes
- Assistance in the implementation of provisions of the revised Penal Code that permit new forms of non-incarcerative sentencing and early release, including support in designing new structures and mobilizing resources
- Assistance to the Ministry of Justice in designing a Government-administered structure for providing legal assistance, including criteria for eligibility and a plan for sustainable funding, and in mobilizing resources for the implementation of this structure.

Transitional Justice

Once a framework agreement on transitional justice is signed between the Government and the UN, the latter through this Joint Programme will play a crucial role in assisting the Government of Burundi in the

establishment of these Transitional Justice mechanisms. This will also include a mapping of the Burundian conflict, recently initiated by OHCHR and ONUB's Human Rights Division, and assistance in the organization of broad-based popular consultations and a large popular information campaign. Meanwhile, BINUB will help the Government of Burundi, including justice officials, parliamentarians, as well as civil society organizations to increase their capacity in the field of transitional justice, in order for all actors involved in the process to be adequately prepared.

In the area of transitional justice, the UN will support the Government and other national actors in achieving the following outputs:

- The development and adoption of a framework agreement between the United Nations and the Government on the establishment of Transitional Justice mechanisms and the adoption of the necessary national legislation to implement the agreement;
- The establishment and the functioning of the Truth and Reconciliation Commission
- The planning for the establishment of a Special Tribunal

In order to achieve the above mentioned outcomes, the activities listed below will be implemented:

- Close liaison with all stakeholders taking part in the implementation of the TJ
- Technical assistance to Government and advocacy with Parliament for the adoption of the laws required for the establishment of Transitional Justice mechanisms, including through an introductory workshop for government officials on Transitional Justice
- Assistance to the government in the organisation of a brains-storming and experience sharing workshop with civil society
- Mapping of the Burundian conflict, which has been recently initiated by OHCHR and ONUB's Human Rights Division,
- Assistance in the organization of broad-based popular consultations
- Assistance in the organization of a large popular information campaign
- Capacity building for justice officials, parliamentarians, as well as civil society organizations on Transitional Justice in general
- Organisation of a Victim and Witness protection seminar for the two transitional justice mechanisms, taking into account the special needs of children and victims of sexual violence
- Organisation of a workshop for the journalists responsible for the legal chronicles
- Organisation of dedicated technical workshops for the national and international members of the TRC and their immediate staff
- Organisation of a workshop for the international and national support staff of the TRC
- Establishment of a database for the TRC

How the UN adds value in Human Rights and Justice in Burundi

The UN has a crucial role to play in the area of human rights and justice in Burundi. Human rights, justice reform, and transitional justice, while all essential to peace consolidation, are also among the most sensitive of issues that need to be addressed by recently-elected governments in countries emerging from conflict. In this context, UN agencies, notably OHCHR, UNDP, and UNICEF, have a long history on the ground in Burundi, working as trusted partners with Government. ONUB brought with it greatly enhanced capacity to monitor the human rights situation in Burundi and has been successful at developing a relationship with Government as a "trusted partner."

The United Nations have already provided a significant support to government in the area of Human Rights and Justice. In the last couple of years, key activities in this area have included:

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- Support to the revision of the Penal Code: with financial and technical support from OHCHR, as well as technical inputs from ONUB and UNDP, the government produced a revision of the Penal Code which is expected to be adopted as soon as the end of 2006. The revised Penal Code introduces crucial changes in Burundi in criminal law, including abolishing the death penalty, raising the age of criminal responsibility, establishing mechanisms for alternative sentencing and community supervision, criminalizing genocide, war crimes and crimes against humanity, adding modern offences such as credit card and internet fraud, and increasing penalties for sexual assault.
- Support for the creation of an Independent Human Rights Commission: ONUB and UNDP have collaborated in encouraging the government to establish the Human Rights Commission. In spring 2006, the decision to establish such a mechanism was made by the President and the Council of Ministers, and ONUB and UNDP have since continued to support the work preparatory to the Commission becoming functional.

By bringing together under one set of objectives and an integrated strategy the expertise of UN agencies and the UN's peacebuilding resources, this Joint Programme seeks to build on this work and increase its support to Government in addressing these difficult issues in a comprehensive and structural manner.

In this regard, the UN intends to add value to current efforts by channeling its support on the basis of a specific set of 'services':

- Supporting strengthening of institutional capacities through close partnering with government counterparts in implementation of specific activities (including through temporary co-location of UN staff in Ministries) in order to facilitate knowledge-transfer and provision of technical advice;
- Promoting and facilitating policy and technical dialogue at the sector level, wherein UN experts would also provide technical and expert advice;
- Leading and coordinating advocacy efforts on issues related to human rights and justice, both with the Government, other national actors, and the broader international community;
- Supporting the Government and other national actors through the direct implementation, on a temporary basis, of very specific activities for which no other capacity currently exists in the country.

Sustainability / Exit Strategy

The UN's engagement in Burundi, assuming that the political situation in the country remains stable, will be a time-sensitive one, necessitating a clear exit strategy as part of the UN's overall strategy. In human rights and justice, the structural changes that need to occur in the country are both broad and deep and it is therefore not realistic to think that the process will have been completed in the next two years. Thus, in order for the focus of the next two years' of work to succeed, concentrated efforts in this sector will need to be continued after BINUB has passed from the scene. The exit strategy is, therefore, two-fold. First, by working closely with Government over the next two years, the UN will build capacity within the Ministries most pertinent to human rights and justice, and by the end of BINUB's mandate, these ministries will be better able to carry on these activities themselves.

Second, the UN agencies and programmes that will remain on the ground will have a key role to play, and continuity will be provided by the fact that two of these key agencies (UNDP and OHCHR) are contributing staff to the human rights and justice unit at BINUB. At the end of BINUB, these positions will return to their agencies, bringing with them their knowledge of the activities that have been completed or are on-going. With the Independent National Human Rights Commission in place, BINUB Human Rights officers will increase their joint monitoring, protection, promotion and reporting activities with staff of the independent commission. After the departure of BINUB, the national commission, which would be expected to be functional, will benefit from the technical assistance of OHCHR. With the

Transitional Justice mechanisms in place, OHCHR will, after the departure of BINUB, continue to assist the government, the TRC and the Special Tribunal in their activities related to Transitional Justice and National Reconciliation. UNDP will build sufficient capacity to be able to adequately support the Government in the many on-going aspects of justice reform.

As described in the Addendum to the Secretary General's Seventh Report on Burundi (S/2006/429, 14 August) the key benchmarks that constitute the basis for the Programme's exist strategy consist of:

- Notable improvement in the human rights situation and the implementation of concrete measures to deal with impunity would also be key benchmarks. The establishment of a national human rights commission with the mandate and the necessary independence and resources to promote respect for human rights, within the framework of a national human rights action plan, and the establishment of a national mechanism for monitoring and reporting gross violations of children's rights (pursuant to Security Council resolution 1612 (2005)) would be vital to reaching those benchmarks.
- The development and launching of a comprehensive legal and judicial reform strategy to ensure the independence and efficacy of the judicial system is an important peace consolidation task that would be undertaken with the assistance of BINUB. This would include the establishment of a juvenile justice system and the reform of the penitentiary system.
- A framework agreement should be concluded between the Government and the United Nations on the modalities for the establishment of a truth and reconciliation commission and a special tribunal. In addition, all preparatory work, including a national consultative process for the establishment of those transitional justice mechanisms, should be completed. Subject to the ongoing discussions between the United Nations and the Government, the launch of the truth and reconciliation commission, with the support of the United Nations, would also constitute a benchmark.

IMPLEMENTATION MODALITIES

In order to ensure that the Joint Programme is implemented in a manner that is consistent and coherent with the broader UN integrated peace consolidation strategy, the implementation of programme activities will be based and incorporate the following components:

Linkage with programming in other areas

The UN Human Rights and Justice Programme is grounded in a sector-wide approach, which reflects the understanding that justice reform can only be meaningfully achieved when it addresses the separate yet related components of the justice system, including courts, prisons, and the bar. This approach requires attention to the role of police, which the Human Rights and Justice Programme to address through working in close collaboration with the UN SSR and Small Arms Joint Programme, particularly on activities concerning police responses to women and young people, and in the area of prison reform, where police play a key role as the guardians of Burundi's prisons. In those areas or issues where both Programmes envision implementation of activities, a cross-programmatic work plan will be developed in order to ensure close coordination of efforts.

Another crucial link will be to the supported provided by the UN on governance through the Joint Programme on Peace and Governance. Given that the line between human rights and justice and governance interventions is sometimes difficult to clearly demarcate, particularly with respect to the

governance-related capacity development requirements for justice reform, both Joint Programmes will need to be implemented in close coordination with each other to avoid duplication, develop a clear division of labour, and identify synergies. This coordination, on the basis of cross-programmatic work plans, will be facilitated by the fact that UNDP is a key actor in both Joint Programmes.

Cross-Cutting Issues – Gender and Children/Youth

The rights of women, children, and young people are key cross-cutting issues which will be clearly reflected in the activities and implementation of the joint programme. In the area of human rights, UN human rights monitors and agencies in Burundi pay specific attention to violations of the rights of these populations – including through the Resolution 1612 reporting mechanism. In the area of justice reform, juvenile justice reform, including psychosocial support and alternative sentencing for minors, is a key element of the programming, as is the question of the rights of women in prison and the response to rape and other gender-based violence. In transitional justice, UNICEF has played and will continue to play an important role in ensuring that the rights and needs of children and young people receive special accommodations in any transitional justice mechanisms put in place in Burundi and through out the consultative process pre-dating implementation of these mechanisms.

Coordination with other Actors – Government and Civil Society

Within the framework of this programme, a coordination structure with a flexible geometry, established by the UN and chaired by the Representative of the High Commissioner for Human Rights in Burundi will continue to function. This consists in weekly meetings between the UN, government representatives and major civil society groups, to exchange information on the situation pertaining to Human Rights, Justice and Transitional Justice in Burundi, to prepare jointly, when appropriate, initiatives to address specific situations. This structure consists of a core group of participants from the UN, the government and civil society, and can be enlarged according to the specific subjects that are to be discussed. Out of this structure evolve *ad hoc* working groups for the coordination, organisation and implementation of specific activities in specific sectors or to discuss specific issues such as child protection and gender-based violence.

In addition, in the field of Transitional Justice, the UN and the governmental delegation, meet regularly at the senior working level to update each other on the latest developments, while the UN participates as an observer in the civil society working group on Transitional Justice.

At the senior management level, the Human Rights and Justice Joint Steering Committee (see management arrangements section, below) will review the developments in the field of Human Rights, Justice and Transitional Justice on a quarterly basis.

Coordination with Other Actors – Donors

To date there has been no regular coordinated convening of donors and other actors active in the area of justice and human rights – largely, perhaps, because there has been fairly limited engagement to date with justice reform. The creation of BINUB presents a meaningful opportunity to create a coordination structure for the Government, donors, the UN, and key civil society actors in the area of justice reform. Beginning in January 2007, the Justice Unit will, in partnership with the Government's National Committee for the Coordination of Aid (CNCA) begin convening monthly justice reform coordination meetings.

The Human Rights and Justice Joint Programme Steering Committee will also play a key role in bringing together UN, Government, and key partners.

Risks and mitigating factors and sequencing

The greatest risk affecting the implementation of this programme include negative developments in Burundi on a political level and/or a security level. At the moment, there is significant will by the Government to engage with the United Nations on human rights and justice issues, including on such deeply political issues as the independence of the magistrature. While this openness is commendable it is also fragile, and it is clear that any sort of real or perceived political instability or threat within the country could affect the collaboration between the Government and the UN. For this reason, although the questions of balance of powers and judicial independence are absolutely crucial to long-term democratization in Burundi, the UN has made it its first priority to work on issues that are of urgent importance and where it should be possible to realize real progress quickly, but which are among the less politicized issues in the area of human rights and justice – i.e. the improvement of prison conditions and the question of juvenile justice. As Government capacity increases and concrete results are achieved, it will hopefully become possible to gradually begin to address more sensitive issues

RESULTS FRAMEWORK -- (see Annex A)

The results framework is based on the Burundi PRSP, the Government/BINUB Joint Roadmap for 2007-2008, and the UNDAF 2007-2008 that clearly articulates the hierarchy of outputs, activities and inputs necessary to achieve the desired objectives and outcomes of the programme. The results framework indicates which agencies are responsible for which results, based on their respective comparative advantages. The results framework also includes benchmarks and performance indicators. The Joint Programming Human Rights and Justice Results Framework is attached as Annex A.

MANAGEMENT ARRANGEMENTS

The UN Human Rights and Justice Joint Programme is an inter-agency initiative implemented by BINUB and UNIFEM, UNICEF, UNODC, UN-Habitat. As such, it represents an integrated UN approach to providing support to Burundi in the areas of human rights, justice reform and transition justice.

The overall programme—as detailed the Results Framework—will be implemented under Direct Execution (DEX) modalities, while specific components or activities could be implemented through National Execution (NEX), UN Agency or NGO execution modalities. The Executive Representative of the Secretary General / Resident Coordinator / Humanitarian Coordinator / UNDP Resident Representative (ERSG/RC/HC/RR) will have overall responsibility for the achievement of programme objectives and results.

Management and Coordination structure

The UN Human Rights and Justice Joint Programme will fall under the overall responsibility of the **Human Rights and Justice Joint Programme Steering Committee**. The Committee will be chaired by the ERSG/RC/HC and will be composed of the heads of the UN agencies and the BINUB Section participating in the Joint Programme, representatives of the Government Ministry serving as the technical counterpart to the Programme, a representative of the Government Peacebuilding Steering Committee, as well as key international partners and civil society with observer status. The UN Human Rights and Justice Joint Programme Steering Committee will have overall management authority over the Joint Programme. It will meet on a quarterly basis, or upon invitation from the Chair, to review the

Programme's progress and discuss the strategic direction of the Programme and other Human Rights / Justice related issues. The Steering Committee will also make decisions on any required changes of the joint programme.

In addition, the **UN Joint Programming Group**, composed of all agencies represented in Burundi and chaired by the Deputies for UNDP and UNICEF, will ensure that the Joint Programme is harmonized and coordinated with other UN efforts in the same sector or thematic area, promote establishment of cross-programmatic linkages between sectors and thematic areas, facilitate resource mobilisation efforts, and ensure the mainstreaming of gender, HIV/AIDS and child protection.

Both the Joint Programme Steering Committee will receive secretariat support from the BINUB Human Rights and Justice Integrated Programme Management Section (IPMS) participating in the Joint Programme.

The Human Rights and Justice Integrated Programme Management Section (IPMS) will be established within BINUB to support the implementation of the Joint Programme. The IPMS, working in closely collaboration with all the other participating agencies, will be responsible for:

- The implementation of all the activities for which BINUB is responsible in the Joint Programme work plan
- The day-to-day coordination of its activities with those implemented by the other participating agencies within the Joint Programme work plan
- The provision of secretariat support services to the Human Rights and Justice Joint Programme Steering Committee and the Programme Management Group,
- The consolidation of narrative and financial reports for submission to the Human Rights and Justice Joint Programme Steering Committee
- The co-ordination and support to this area of work at the national level.

The IPMS will be composed of appropriate staff provided and funded by DPKO, UNDP and OHCHR, which has integrated its entire capacity in Burundi in this joint unit. It will be managed as a single integrated unit under the overall authority of the ERSG/RC/HC. The IPMS will be headed by a Director for Human Rights and Justice, who in his/her capacity as Programme Manager will be accountable to the ERSG/RC/HC for the management of the IPMS and the delivery of programme results. The Section will consist of three units: a Human Rights Unit, a Justice Unit, and a Transitional Justice unit and will operate from mission headquarters and three regional offices. Human Rights Officers at the three regional offices will be responsible for carrying out human rights monitoring, capacity-building, and promotional activities as well as supporting the work of the Justice and Transitional Justice Units in all provinces. The units will be co-located to the greatest extent possible, and will regularly meet together as a unit, in order to facilitate communication and cross-fertilization between the three program areas. The Section will include a number of other international and national staff who will support the implementation of specific programme activities, and provide advice and technical assistance in areas requiring UN expertise.

IPMS Staffing arrangements

All IPMS staff will be retained on contracts issued by their respective parent organizations in order to ensure appropriate institutional linkages with agencies participating in the programme, although this does not preclude the possibility of secondments for specific purposes. For the purposes of the programme, all staff, regardless of their organizational affiliation, will be accountable to the Director/Programme Manager for the achievement of results foreseen in the Programme Results Framework and their individual work plans. For purposes relating to the administrative management of agency-specific inputs and contracts, agency-funded staff will retain a secondary administrative reporting line to their respective organizations.

In order to ensure the proper functioning of the IPMS, BINUB will ensure the provision of all necessary support and services to all IPMS staff, including agency-funded staff (with the latter on reimburseable basis), covering office accommodations, communications, transport and logistical services. Further, to ensure the proper management and integrity of the IPMS, all agency funded staff will be accorded the same rights, access and responsibilities as DPKO staff in BINUB, including supervisory, management and administrative responsibilities where relevant. Finally, in order to ensure consistency in evaluating IPMS staff performance, a common performance methodology will be applied.

Management of programme funds

As part of the integrated approach being adopted for the management and implementation of the Joint Programme, and to ensure flexibility and efficiency in the implementation of the activities, programme funds will be managed through a combination of different modalities, including parallel funding, pass through and pooled.

In particular, programme funds allocated to fund activities under the programmatic responsibility of the IPMS will be 'pooled' under the administrative of one agency, the Managing Agent. Under this arrangement, and for the purposes of the present Joint Programme, UNDP will serve as the Managing Agent (MA), and will be accountable for supporting the IMPS in implementation of the Joint Programme through timely disbursement of funds. The IPMS in the pool will sign a Memorandum of Understanding with the MA. The MA will also follow up with the relevant implementation partners, and will be accountable for providing narrative and financial reporting to the IPMS. The MA may engage in resource mobilization for the Joint Programme, in consultation with government and the participating UN organizations. The pooled funding modality will also be available to other participating UN organization.

Audit Arrangements

Consistent with current practice, each participating organization, including the IPMS, will be responsible for conducting regular audits of the activities for which it is responsible according to its own rules and regulations. A common audit protocol will be established to ensure consistency and ease of consolidation. UNDP will also conduct an audit of its functions as MA, according to its own rules and regulations.

Revisions to the Programme Document

Two kinds of revision are foreseen within the context of the Joint Programme:

- Minor revisions to the results framework and budget (but not affecting budget lines or outputs), can be effected based on an authorisation by the Human Rights and Justice IPMS Manager, with notification to the other participating organizations;
- Substantial revisions to the Joint Programme document, affecting implementation strategy, modification of outputs and significant budgetary revisions, will require formal approval by the Joint Programme Steering Committee;

Monitoring and Evaluation

The Joint Programme will be monitored throughout its duration and evaluated in accordance with the UNDAF M&E plan. Participating UN organizations will develop joint information and progress updates in close coordination with the BINUB Joint Monitoring and Evaluation Unit. The UNDAF Evaluation will include a specific assessment of the joint programme, looking in particular at UN System integration within the framework of the Joint Programme and IPMS. Traditional evaluation criteria (relevance,

efficiency, effectiveness, impact and sustainability) will apply with an emphasis on results and on the joint programming process. Specific evaluation criteria will include:

- Effectiveness of the Joint Programme in achieving desired results, and in particular with respect to a) immediate and visible contribution to peacebuilding; b) contribution to strengthening national capacities and ownership; c) strengthening partnerships between all relevant stakeholders;
- The efficiency of the Joint Programme in reducing transaction costs for government and participating UN organizations involved in the programme, and in enhancing overall efficiency in use of resources and implementation;
- The degree of coherence achieved by the Joint Programme with respect to a) collaboration between participating agencies in achieving common results; b) establishment of cross-programmatic linkages with other Joint Programmes; c) mainstreaming transversal issues related to gender, HIV/AIDS, human rights and child protection;
- Effectiveness of management and coordination arrangements in terms of the delineation of responsibilities and coordination for production of results, and the ability of the IPMS to operate as a single integrated entity.

Reporting

The Joint Programme will produce one consolidated report on project implementation every six months. The Human Rights and Justice IPMS will be responsible for consolidating all narrative and financial reports.. A common format for reporting will be used that will be common to all BINUB Joint Programmes. All reports will be shared with all relevant stakeholders through the Joint Programme Steering Committee.

RESULTS BASED BUDGET

The results-based budget attached as Annex B is based on the outputs and inputs identified in the results framework, which presents a global overview of resources required to achieve programme objectives, broken down by sources and kinds of funding (e.g. regular UN budget, core agency funds, donor contributions, etc.).

Attachments

- Annex A: Results Framework
B: Results Based Budget

Annex A
Human Rights and Justice Joint Programme
Strategic Results Framework

UNDAF Outcome(s): By the end of 2008, national and local institutions, civil society organizations, and communities are better able to protect human rights, and to ensure that the justice system functions in a manner that is effective, equitable, and transparent
Strategic area of support: Human Rights and Justice

Specific Objective 1: Support the reform of laws and institutional mechanisms to create an environment more favorable to the realization of human rights, particularly the rights of children, young people, and women.					
Expected Outputs	Output target	Indicative Activities	Performance indicators	Responsible parties	Resources
1.1 National laws are drafted or revised, reviewed, harmonized with international human rights standards, translated into the national language and disseminated, especially those relating to women, children and other vulnerable groups		<p>1.1.1 Support National Legislative Service (seminars, experts) for the development and the harmonization of national laws and their conformity with international standards and instruments ratified by Burundi</p> <p>1.1.2. Assist local structures tasked with translating and disseminating legislation</p>	<ul style="list-style-type: none"> - Adoption and promulgation of a revised Penal Code, Code of Criminal Procedure, Individual and Family Code and Law of Succession, reflecting equal rights for women and the rights of the child - Adoption and promulgation of revised legislation related to sexual violence, including heavier penalties for offenders - Translation and dissemination of the Civil Code, Criminal Code, Code of Criminal Procedure, Code de la Personne et de la Famille and Law of Succession - Quality and number of Human Rights related reports submitted by the government to the various bodies responsible for the monitoring of Human Rights treaties - Accessibility of legislation (translated and disseminated), and number of people at workshops/seminars 	BINUB UNFPA UNIFEM	\$1,480,000 (PBF \$1,000,000)
1.2 The National Independent Commission on Human Rights is set up and starts operating		<p>1.2.1. Provide technical assistance to support the establishment of the National Independent Commission on Human rights and advocacy for the establishment of a sub-Commission for the rights of children and women</p> <p>1.2.2. Support the Commission's human and physical resources</p> <p>1.2.3. Organize workshops and trainings on Human Rights investigative work and report writing</p> <p>1.2.4. Establish regional support centers and train staff in support services</p>	<ul style="list-style-type: none"> - Legal framework adopted - An established and well-function Commission, with a sub-Commission for the rights of children and women - Number of support centers created and functioning - Number of staff trained for the support centers - Number of people having received assistance 	BINUB, UNICEF	\$ 424,000 (PBF \$400,000)

Human Rights and Justice Joint Programme

Specific Objective 1: Support the reform of laws and institutional mechanisms to create an environment more favorable to the realization of human rights, particularly the rights of children, young people, and women.					
Expected Outputs	Output target	Indicative Activities	Performance indicators	Responsible parties	Resources
1.3 The Government, civil society and other rights holders and duty bearers provide increased human rights protection, especially to children, women and the youth as a result of increased human rights knowledge and expertise		1.3.1. Support to Human Rights training to judicial police, penitentiary personnel, SNR and FDN, including training and awareness raising on sexual violence and child protection 1.3.2 Promotional and outreach activities in collaboration with national human rights partners and authorities including through the media, targeting all sectors of society 1.3.3. Weekly human rights workshops with civil society including journalists, trades unions, professional associations 1.3.4. Human Rights training to civil society and the media 1.3.5. Support to the inclusion of Human Rights in school curricula 1.3.6. Monitoring and reporting on child rights violations are required by Security Council Resolution 1612	- Increased public awareness of human rights - Improved respect for human rights demonstrated by reduction in number of human rights violations and increase in the number of human rights cases investigated and perpetrators brought to justice - Number of training seminars for representatives of national human rights institutions and civil society organizations on monitoring and reporting techniques and support to victims of human rights violations - Reporting obligations on SCR 1612 met - Modules on human rights included in the schools curricula - Reports on the human rights situation published each month and disseminated	BINUB, UNICEF UNIFEM UNIC	\$180,000

Specific Objective 2: Support the strengthening of the justice system to a) become more effective, equitable, and transparent; b) provide greater access to justice; and c) better protects the rights of marginalized groups, notably minors in conflict with the law, prisoners, criminal defendants, women who have been victims of violence, and parties to land conflicts.

Human Rights and Justice Joint Programme

Expected Outputs	Output target	Indicative Activities	Performance indicators	Responsible parties	Resources
2.1 Professionalization of the magistrature, to ensure that the careers of magistrates are managed in a way that encourages professional development, skill and hard work, prevents misconduct and corruption, and promotes appropriate ethnic and gender diversity in the magistrature		2.1.1. Technical assistance to the government in strengthening human resources policies, including measures to promote equitable ethnic representation, and disciplinary mechanisms for the magistrature.	- Implementation of new human resources and disciplinary procedures for magistrates	BINUB UNICEF	\$25,000
2.2 Capacity building of court and prison staff to ensure professionalism		2.2.1. Assistance to the government in mobilizing resources and opportunities for magistrates to receive mentoring and training on subjects including women's rights and sexual and gender based violence. 2.2.2. Assistance to the government in the development of an on-going global training plan for magistrates and other court staff. 2.2.3. Assistance to the government in its work with Belgian Cooperation on the establishment of a training center for justice system personnel. 2.2.4. Development of plan for regular assignment of penitentiary police to specific prisons, and policies agreed between MoJ and MoISP regarding respective roles of Ministry staff in prisons. 2.2.5. Training provided to civilian and PNB staff of prisons of corrections management. 2.2.6. Development of a joint MoJ/MoISP plan for initial and on-going training for all civilian and PNB personnel working in prisons	-Number of magistrates receiving training or mentoring in Burundi or overseas. - Development of a global training plan by the Ministry of Justice - Concrete steps toward the opening of the judicial training center. - MOU between MoJ and MoISP. - Proportion of civil and PNB prison staff certified. - Training plan developed and implemented	BINUB UNIFEM UNICEF UNODC	\$240,000 + Resources to be determined and mobilized to support the training after a plan is completed
2.3 Development and implementation of a comprehensive justice system response to		2.3.1. Technical assistance to the Government (MoJ, MoSNDHG, and MoISP) in the design of strategies and structures to implement the juvenile justice provisions of the Penal Code	- Juvenile justice reform implementation plan developed and its implementation underway	BINUB UNICEF UNIFEM UNODC	\$170,000

Human Rights and Justice Joint Programme

Specific Objective 2: Support the strengthening of the justice system to a) become more effective, equitable, and transparent; b) provide greater access to justice; and c) better protects the rights of marginalized groups, notably minors in conflict with the law, prisoners, criminal defendants, women who have been victims of violence, and parties to land conflicts.					
Expected Outputs	Output target	Indicative Activities	Performance indicators	Responsible parties	Resources
children in conflict with the law, in line with international juvenile justice standards and the revised Penal Code		Revision, including at the level of courts, prisons, police functions, alternative sentencing mechanisms, rehabilitation centre and community-based social services including provision for the special needs of girls in the juvenile justice system			
2.4 Rehabilitation of the infrastructure of courts, tribunals, and prisons sufficient to permit courts and tribunals to function effectively and prisons to comply with international prison standards		2.4.1. Technical assistance to the Government (MoJ) for the development of a detailed rehabilitation plan, budget, and project documents for justice system rehabilitation with particular attention to the needs of women prisoners. 2.4.2. Provision of oversight to rehabilitation of Tribunals de Residence 2.4.3. Provision of oversight to PBF-funded assistance support for the execution of court judgements	- Plan, budgets, and project documents completed. - Sufficient resources mobilized to fund plan. - Work underway on implementing the plan.	BINUB UNICEF UNIFEM UNODC	\$1,920,000 (PBF: \$800,000 for Rehabilitation of Tribunals / \$1,000,000 for assistance support for the execution of court judgments)
2.5. Prison population reduced, particularly minors, through implementation of reintegration programmes, acceleration of judgements, and alternative sentencing (2 years)		2.5.1. Technical assistance to the Government (MoJ, MoSHDHG, and MoISP) for the development and implementation of plans to: 1) reform use of pre-trial detention to ensure that it is used only in cases where it is necessary to ensure appearance by the defendant; 2) monitor the pre-trial delays of all prisoners and develop mechanisms (e.g. a paralegal system or travelling courts) to ensure that judgements are rendered in accordance with speedy trial rights; 3) develop and implement community supervision structures that can be used for pre-trial supervision, supervised early release, and alternative sentencing; and 4) implement a range of non-custodial sentencing alternatives, as provided for in the revised Penal Code 2.5.2. Technical assistance to the Government in mobilizing the resources necessary to implement the plans	- Plans developed - Resources mobilized and plans implemented	BINUB UNICEF UNODC	\$400,000

Human Rights and Justice Joint Programme

Specific Objective 2: Support the strengthening of the justice system to a) become more effective, equitable, and transparent; b) provide greater access to justice; and c) better protects the rights of marginalized groups, notably minors in conflict with the law, prisoners, criminal defendants, women who have been victims of violence, and parties to land conflicts.

Expected Outputs	Output target	Indicative Activities	Performance indicators	Responsible parties	Resources
2.6. Access to legal assistance improved, especially to marginalized groups, including women		2.6.1. Technical assistance to the Government (MoJ) in the design of a Government administered nation-wide structure for providing legal assistance, including consistent criteria for eligibility and a plan for sustainable funding. 2.6.2. Assistance to the Government in mobilizing the resources necessary to launch this legal assistance structure	- Plan developed and approved. - Resources mobilized and structure launched	BINUB UNIFEM UNODC	\$450,000

Human Rights and Justice Joint Programme

Specific Objective 3: Support the Government in the development and implementation of a credible transitional justice process that will promote national reconciliation and an end to impunity in Burundi.					
Expected Outputs	Output target	Indicative Activities	Performance indicators	Responsible parties	Resources
3.1. A framework agreement on transitional justice is signed between the Government and the UN		3.1.1. Technical assistance for the preparation of a legal framework for the establishment of the Truth and Reconciliation Commission and Special Tribunal	- Adoption of legislation for the establishment of a TRC and ST, taking into account the specific needs of children and women	BINUB UNICEF	-
3.2. The Truth and Reconciliation Commission is established and functioning	2007	3.2.1. Technical assistance for the development and organization of an information campaign and a broad-based consultations process on the transitional justice mechanisms through public meetings, workshops, seminars, broadcasts, conferences and training of NGOs and other partners participating in the outreach and consultations process 3.2.2. Support to the Government in the conduct of reconciliation initiatives country-wide 3.2.3. Support to the TJ process by providing training to TJ actors in statement taking, investigations, reporting database management, and a gender-based approach, including training of BINUB HROs working on transitional justice and journalists who will be reporting TJ issues 3.2.4. Support to the TJ process by providing training on TJ issues for the judiciary, the local bar and professionals involved in the TJ process 3.2.5. Development of a functioning documentation centre, including a database of violations comprising a database of documents, declarations and testimonies 3.2.6. Conduct of a mapping exercise to take stock of past human rights violations in Burundi	- The Commission is established - Initiation of hearings by the TRC - Completion of training - Establishment and operation of a documentation center - Completion of mapping exercise - Women adequately participating in the TJ mechanisms - Aspects of special protection of women and children taken into account in the TRC.	BINUB UNICEF	\$ 1,000,000 (PBF: \$1,000,000)
3.3 The planning for the establishment of a Special Tribunal is finalized		3.3.1 Training and technical assistance provided to government, MPs, and civil society, with focus on women's SCOs.	- The Special Tribunal is established - Aspects of special protection of women and children taken into account in the Special Tribunal.	BINUB UNICEF	\$132,000

Human Rights and Justice Joint Programme

Specific Objective 3: Support the Government in the development and implementation of a credible transitional justice process that will promote national reconciliation and an end to impunity in Burundi.

Expected Outputs	Output target	Indicative Activities	Performance indicators	Responsible parties	Resources

Annex B - Human Rightst and Justice Joint Programme

Results Based Budget

UNDAF Outcome: By the end of 2008, national and local institutions, civil society organizations, and communities are better able to protect human rights, and to ensure that the justice system functions in a manner that is effective, equitable, and transparent

Specific Objective 1: Support the reform of laws and institutional mechanisms to create an environment more favorable to the realization of human rights, particularly the rights of children, young people, and women

Expected Outputs	Indicative Activities	Type of expenditure	Amount		Total	Remarks Project Identification
			Funded	Unfunded		
1.1 National laws are drafted or revised, reviewed, harmonized with international human rights standards, translated into the national language and disseminated, especially those relating to women, children and other vulnerable group	1.1.1 Support National Legislative Service (seminars, experts) for the development and the harmonization of national laws and their conformity with international standards and instruments ratified by Burundi		-	-	-	
	1.1.2. Assist local structures tasked with translating and disseminating legislation		480,000	1,000,000	1,480,000	Request of \$1,000,000 to PBF (Government has earmarked \$480,000)
SUBTOTAL 1.1			480,000	1,000,000	1,480,000	
1.2 The National Independent Commission on Human Rights is set up and starts operating	1.2.1. Provide technical assistance to support the establishment of the National Independent Commission on Human rights and advocacy for the establishment of a sub-Commission for the rights of children and women		24,000	400,000	424,000	Request of \$400,000 to PBF To be allocated across Activities 1-4
	1.2.2. Support the Commission's human and physical resources		-	-	-	
	1.2.3. Organize workshops and trainings on Human Rights investigative work and report writing					
	1.2.4. Establish regional support centers and train staff in support services		-	-	-	
SUBTOTAL 1.2			24,000	400,000	424,000	

Human Rights and Justice Joint Programme

Expected Outputs	Indicative Activities	Type of expenditure	Amount		Total	Remarks Project Identification
			Funded	Unfunded		
1.3 The Government, civil society and other rights holders and duty bearers provide increased human rights protection, especially to children, women and the youth as a result of increased human rights knowledge and expertise	1.3.1. Support to Human Rights training to judicial police, penitentiary personnel, SNR and FDN, including training and awareness raising on sexual violence and child protection			48,000	48,000	
	1.3.2 Promotional and outreach activities in collaboration with national human rights partners and authorities including through the media, targeting all sectors of society			60,000	60,000	
	1.3.3. Weekly human rights workshops with civil society including journalists, trades unions, professional associations			36,000	36,000	
	1.3.4. Human Rights training to civil society and the media			36,000	36,000	
	1.3.5. Support to the inclusion of Human Rights in school curricula			-	-	
	1.3.6. Monitoring and reporting on child rights violations are required by Security Council Resolution 1612			-	-	
	SUBTOTAL 1.3		0	180,000	180,000	
	TOTAL OBJECTIVE 1		504,000	1,580,000	2,084,000	

Human Rights and Justice Joint Programme

Specific Objective 2: Support the strengthening of the justice system to a) become more effective, equitable, and transparent; b) provide greater access to justice; and c) better protects the rights of marginalized groups, notably minors in conflict with the law, prisoners, criminal defendants, women who have been victims of violence, and parties to land conflicts.						
Expected Outputs	Indicative Activities	Type of expenditure	Amount		Total	Remarks Project Identification
			Funded	Unfunded		
2.1 Professionalization of the magistrature, to ensure that the careers of magistrates are managed in a way that encourages professional development, skill and hard work, prevents misconduct and corruption, and promotes appropriate ethnic and gender diversity in the magistrature	2.1.1. Technical assistance to the government in strengthening human resources policies, including measures to promote equitable ethnic representation, and disciplinary mechanisms for the magistrature.		25,000	0	25,000	
SUBTOTAL 2.1			25,000	0	25,000	
2.2 Capacity building of court and prison staff to ensure professionalism	2.2.1 Assistance to the government in mobilizing resources and opportunities for magistrates to receive mentoring and training on subjects including women's rights and sexual and gender based violence.		25,000	25,000	50,000	
	2.2.2. Assistance to the government in the development of an on-going global training plan for magistrates and other court staff.		40,000	40,000	80,000	
	2.2.3. Assistance to the government in its work with Belgian Cooperation on the establishment of a training center for justice system personnel.		-	-	-	

Human Rights and Justice Joint Programme

Expected Outputs	Indicative Activities	Type of expenditure	Amount		Total	Remarks Project Identification
			Funded	Unfunded		
	2.2.4. Development of plan for regular assignment of penitentiary police to specific prisons, and policies agreed between MoJ and MoISP regarding respective roles of Ministry staff in prisons.		15,000	15,000	30,000	
	2.2.5. Training provided to civilian and PNB staff of prisons of corrections management.		-	-	-	
	2.2.6. Development of a joint MoJ/MoISP plan for initial and on-going training for all civilian and PNB working in prison		40,000	40,000	80,000	
		SUBTOTAL 2.2	120,000	120,000	240,000	
2.3 Development and implementation of a comprehensive justice system response to children in conflict with the law, in line with international juvenile justice standards and the revised Penal Code	2.3.1. Technical assistance to the Government (MoJ, MoSNDHG, and MoISP) in the design of strategies and structures to implement the juvenile justice provisions of the Penal Code Revision, including at the level of courts, prisons, police functions, alternative sentencing mechanisms, rehabilitation centre and community-based social services including provision for the special needs of girls in the juvenile justice system			170,000	170,000	
		SUBTOTAL 2.3	0	170,000	170,000	

Human Rights and Justice Joint Programme

<p>2.4 Rehabilitation of the infrastructure of courts, tribunals, and prisons sufficient to permit courts and tribunals to function effectively and prisons to comply with international prison standards</p>	<p>2.4.1. Technical assistance to the Government (MoJ) for the development of a detailed rehabilitation plan, budget, and project documents for justice system rehabilitation with particular attention to the needs of women prisoners.</p>		60,000	60,000	120,000	
	<p>2.4.2. Provision of oversight to rehabilitation of Tribunals de Residence</p>		0	800,000	800,000	\$800,000 requested to PBF
	<p>2.4.3. Provision of oversight to PBF-funded assistance support for the execution of court judgements</p>		0	1,000,000	1,000,000	\$1,000,000 requested to PBF
		SUBTOTAL 2.4	60,000	1,860,000	1,920,000	
<p>2.5. Prison population reduced, particularly minors, through implementation of reintegration programmes, acceleration of judgements, and alternative sentencing (2 years)</p>	<p>2.5.1. Technical assistance to the Government (MoJ, MoSHDHG, and MoJSP) for the development and implementation of plans to: 1) reform use of pre-trial detention to ensure that it is used only in cases where it is necessary to ensure appearance by the defendant; 2) monitor the pre-trial delays of all prisoners and develop mechanisms (e.g. a paralegal system or travelling courts) to ensure that judgements are rendered in accordance with speedy trial rights; 3) develop and implement community supervision structures that can be used for pre-trial supervision, supervised early release, and alternative sentencing; and 4) implement a range of non-custodial sentencing alternatives, as provided for in the revised Penal Code</p>		200,000	200,000	400,000	

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	2.5.2. Technical assistance to the Government in mobilizing the resources necessary to implement the plans		-	-	-	
		SUBTOTAL 2.5	200,000	200,000	400,000	
2.6. Access to legal assistance improved, especially to marginalized groups, including women	2.6.1. Technical assistance to the Government (MoJ) in the design of a Government administered nationwide structure for providing legal assistance, including consistent criteria for eligibility and a plan for sustainable funding.		250,000	200,000	450,000	
	2.6.2. Assistance to the Government in mobilizing the resources necessary to launch this legal assistance structure		-	-	-	
		SUBTOTAL 2.6	250,000	200,000	450,000	
		TOTAL OBJECTIVE 2	655,000	2,550,000	3,205,000	

Human Rights and Justice Joint Programme

Specific Objective 3: Support the Government in the development and implementation of a credible transitional justice process that will promote national reconciliation and an end to impunity in Burundi.						
Expected Outputs	Indicative Activities	Type of expenditure	Amount 2007		Total	Remarks Project Identification
			Funded	Unfunded		
3.1. A framework agreement on transitional justice is signed between the Government and the UN	3.1.1. Technical assistance for the preparation of a legal framework for the establishment of the Truth and Reconciliation Commission and Special Tribunal		0	0	0	
SUBTOTAL 3.1			0	0	0	
3.2. The Truth and Reconciliation Commission is established and functioning	3.2.1. Technical assistance for the development and organization of an information campaign and a broad-based consultations process on the transitional justice mechanisms through public meetings, workshops, seminars, broadcasts, conferences and training of NGOs and other partners participating in the outreach and consultations process		0	1,000,000	1,000,000	\$1,000,000 request to the PBF - To be allocated across Activities 1-6
	3.2.2. Support to the Government in the conduct of reconciliation initiatives country-wide		-	-	-	
	3.2.3. Support to the TJ process by providing training to TJ actors in statement taking, investigations, reporting database management, and a gender-based approach, including training of BINUB HROs working on transitional justice and journalists who will be reporting TJ issues		-	-	-	

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	3.2.4. Support to the TJ process by providing training on TJ issues for the judiciary, the local bar and professionals involved in the TJ process		-	-	-	
	3.2.5. Development of a functioning documentation centre, including a database of violations comprising a database of documents, declarations and testimonies		-	-	-	
	3.2.6. Conduct of a mapping exercise to take stock of past human rights violations in Burundi		-	-	-	
	SUBTOTAL 3.2		0	1,000,000	1,000,000	
3.3 The planning for the establishment of a Special Tribunal is finalized	Establishment of national coordination mechanisms and training of security sector coordination actors	3.3.1 Training and technical assistance provided to government, MPs, and civil society, with focus on women's SCOs.	0	132,000	132,000	
	SUBTOTAL 3.3		0	132,000	132,000	
	TOTAL OBJECTIVE 3		0	1,132,000	1,132,000	
	TOTAL UNDAF OUTCOME		1,159,000	5,262,000	6,421,000	