

## **Background Paper on Strengthening the Justice Sector**

### **Introduction**

1. Since the end of the single-party system in 1991, the justice sector has made efforts to re-establish its independence. However, due to the lack of resources and the destruction of State infrastructure during the armed conflict of 1998/99, the sector has not been able to properly discharge its functions. In Guinea-Bissau today, the average citizen continues to rely primarily on traditional justice mechanisms to address interpersonal and community disputes.
2. Despite the progress made since 1992, there remain challenges related to the need of a sufficient number of trained judges and personnel; the consolidation of the principle of separation of powers; the strengthening of basic legislation and statutes; the need to ensure financial autonomy; the provision of basic material means and suitable premises; the enhancement of access of the population to Justice; the establishment of constitutional and administrative tribunals; and the development of capacity to prosecute criminals through the construction of prisons.
3. The Government's programme for the reform of the security and defence sector SSR Programme was operationalized and officially launched in January this year. The Government of Guinea-Bissau sees the reform of the security, defence and justice sector as interconnected, requiring a comprehensive approach. The Government also considers the reform of these sectors of vital importance and indispensable to the creation of a State based on the rule of law, contributing to the consolidation of political stability and economic and social development. It has been showing its commitment and political will to make all necessary steps to pursue a comprehensive reform in the Justice Sector.
4. Throughout the years the women of Guinea-Bissau have made important contributions to justice, stability and peace. They have served in formal and informal capacities as mediators in situations of conflict. Because of their active role in the War of Independence, women exercise strong leadership roles and occupy positions of power. Currently women are serving in the following key positions in the area of justice: Minister of Justice; President of the Supreme Court; and Director-General of the Judiciary Police. The continuous strengthening of the role of women in the justice sector reform process is critical to the effective protection of women and the promotion of human rights.

Enacting and implementing treaties such as that of the Organization for the Promotion of Business Law in Africa (OHADA);  
Strengthening the capacity of judicial institutions to better deal with crime;  
Improving the management of human resources and reform of organizational structures;  
Obtaining logistics and secure suitable premises to conduct duties and deliver services; and  
Regaining the trust of the population through a professional performance of duty.

6. Law enforcement institutions in the justice sector are actively engaged in the fight against general criminality and organized crime, including drug trafficking, despite their very limited capacities to control the land territory, the maritime borders and air space. There have been some successes in this area; local law enforcement agents managed on two occasions in 2006 and 2007 to effect substantial seizures of cocaine and arrest those involved. These commendable efforts have not been followed through as detained persons have subsequently been released without charge and some of the confiscated drugs disappeared without trace. While it is difficult to accurately account for an activity as clandestine as drug trafficking, the measures recently deployed by the Government against drug trafficking activities, although limited, could be a factor behind a reported decrease in the number of potential traffickers in the country. Even a modest increase in capacity could significantly raise the risk for those involved in illicit activities, particularly for the local counterparts of international traffickers. However, owing to resource constraints, the increased attention by law enforcement authorities to the combat against drug trafficking is



Judiciary police has still not been able to move into their new facilities because these facilities have not yet been readapted to their future function. UNODC is assisting the Judiciary Police in this regard. This move could allow for the old premises to be readapted and enlarged into a fully-equipped prison facility.

13. Following the approval of the Interim Priority Plan under the Peacebuilding Fund for Guinea-Bissau in early April, the Secretary-General allocated a funding package of US\$6