



# JUSTICE SECTOR STRATEGIC PLAN

**BHUTAN  
2018-2023**



## FOREWORD

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Bhutan has achieved remarkable progress with the socio-economic and political evolution over the years endowed with principles of justice. Bhutan's purposeful, seamless and smooth transition into the '*Democratic Constitutional Monarchy*' form of government is a testimony of the strong conviction of the Bhutanese people to uphold the fundamental principles of due process and the rule of law. However, with rapid change in the socio-economic and political dimension where growth is overwhelmed by inequality, injustice, corruption and exploitation, it is expected to pose greater challenge in safeguarding the constitutional mandate to secure and enhance social, economic and political justice. Thus, it is imperative to strengthen the rule of law, protect fundamental rights and ensure equal access to justice for a just, equitable and fair civil society. Furthermore, the justice institutions have the solemn duty to preserve the principles of independence, impartiality, integrity, equality, due diligence and professionalism so as to inspire trust and confidence of the people in the overall governance and justice delivery system. Effective administration of justice and thriving rule of law have significant correlation in reinforcing sustainable development with continued peace, prosperity and stability.

Recognizing the pivotal and enduring role that the justice sector institutions play in the development processes, the international community has identified '*peace, justice and strong institutions*' as one of the sixteenth goal for sustainable development. The same goal has been further replicated at the national level by introducing National Key Result Area on '*Justice Services and Institutions Strengthened*' as one of the sixteenth result areas in the 12th Five Year Plan of Bhutan. This places greater emphasis in reinforcing synergy, efficiency, responsiveness and accessibility of justice institutions as a 'sector'. Besides, this integration and recognition as part of the overall development agenda must provide greater impetus for the justice institutions to strive to build a '*free, fair, just and harmonious society*', demonstrating change across the justice sector.

Towards operationalizing the above goals, the *Justice Sector Strategic Plan* has been developed with the primary objective to provide strategic framework for realization of reforms and development initiatives in the justice sector of the country that is more accessible, inclusive, accountable and responsive. Further, the plan outlines strategies to engage community members to inspire greater trust and confidence in the justice sector. While developing the plan, conscious efforts of participatory approach

were made which resulted in a significant number of counterparts and stakeholders generously providing time and support throughout the planning process. Although, the core sectors in the Justice Sector Strategic Plan include *The Royal Court of Justice, Anti-Corruption Commission, Office of the Attorney General, Royal Bhutan Police and Bhutan National Legal Institute*; representatives from the wider justice sector groups also contributed progressively, meaningfully and effectively to this strategy paper through their participation in the consultations and/or interviews.

The Justice Sector Strategic Plan that stretches from 2018 to 2023 does not intend to establish a planning process parallel to that of the Gross National Happiness Commission. The plan provides a mechanism by which justice sector coordination can be realized at both the strategic and operational levels. It also defines the strategic framework needed to enhance service delivery, integration and reporting of ongoing reforms to be achieved at the sector-level. As a result, the strategy not only plays a key role in guiding and coordinating development and reform initiatives, it is also a mechanism for creating and defining the *sector's identity*.

The development of Justice Sector Strategic Plan was generously funded by the Austrian Development Cooperation and developed with the consistent technical support of the United Nations Development Programme. I wish the justice sector every success in achieving the strategic plan, which will raise the level of human contentment, happiness and well-being of the Bhutanese people.



(Thrimchi Lyonpo Tshering Wangchuk)

**Chief Justice of Bhutan  
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## ACKNOWLEDGEMENT

This Justice Sector Strategic Plan was created as a high-level framework to guide coordinated, integrated, and flexible sector-level development in Bhutan. The strategic planning process was designed to maximise participation and promote direction and ownership of the Plan. Implementation was structured around the following key activities: a document review; facilitation of consultations and visioning workshop; drafting, review, and refinement of the documentation; and validation of and sign off on the Strategic Plan.

This participatory approach resulted in a significant number of counterparts and stakeholders generously providing time and support throughout the formulation process.

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The strategy was developed with the funding support from the Austrian Development Cooperation with technical assistance from the United Nations Development Programme.

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## EXECUTIVE SUMMARY

### Context and Scope of the Justice Sector Strategic Plan:

As Bhutan's justice sector grows in size, complexity, and relevance, so too does the need for the sector to develop to meet emerging needs and challenges. With increasing relevance comes the commensurate challenges for justice institutions to: *provide more effective and efficient services; improve cross-institutional coordination; and strengthen internal performance and build staff capacity.*

Government priorities change with time and with the succession of governments. The development and coordination of the justice sector, however, needs to be undertaken in light of clear, long-term objectives that reflect the aspirations and justice needs of the people of Bhutan. The objective of this Justice Sector Strategic Plan (the Plan), therefore, is to define a strategic framework - or road map - for justice sector reform and development in Bhutan so that justice institutions can provide more accessible, inclusive, accountable, responsive, and quality services. Through this, community trust and confidence in the sector can be strengthened and a just, equitable, and harmonious society in Bhutan is continually sought to be achieved.

### Role of Justice Sector Strategic Plan in National & Justice Sector Development:

National development in Bhutan is managed in a five-year cycle led by the Gross National Happiness Commission. The 12<sup>th</sup> Five Year Plan for the first time includes 'National Key Result Area 16' that specifically focuses on strengthening justice services and institutions. Consequently, justice service providers - also for the first time - have a *joint responsibility* for achieving and demonstrating change across 'the justice sector'.

The Justice Sector Strategic Plan does not intend to establish a planning process in parallel to that of the Gross National Happiness Commission. The Plan provides a mechanism by which sector coordination can be realised at both the strategic and operational levels. It also defines the strategic framework needed to allow improved service delivery, integration, and reporting of ongoing reforms to be achieved at the sector-level.

As a result, the Plan not only plays a key role in guiding and coordinating development and reform initiatives, it is also a mechanism for creating and defining the sector's identity. The underlying theme for the Plan, therefore, is: *Establishing a Justice Sector Identity.*

### Key Justice Sector Challenges:

A number of *sector-level challenges* have emerged over the course of creating the Strategic Plan. These include:

- The need for strengthened *sector-level leadership and improved coordination between justice institutions*.
- The need to adopt a clearer focus on *understanding and managing sectoral* issues that impede justice institutions' capacity and responsiveness to deliver services efficiently and effectively - including a focus on: strengthening research; improved planning of reforms; and integration of information/data management systems between justice institutions.
- The need to *ensure institutional independence* - maintaining positive levels of independence in investigations and decision making, and addressing issues with regards to clearly differentiating roles and responsibilities of sector institutions; and executive interference in administration, financial management, and priority setting.
- The need to *improve access, inclusiveness, and awareness* of rights and how right-holders can protect their rights - including a focus on: operationalising legal aid services; the Alternative Dispute Resolution Centre; the Jabmi Tshogdey (Bar Council); and improving coordination of community awareness and empowerment initiatives.

### Strategic Framework to Address Identified Justice Sector Challenges:

To address the identified sector and institutional challenges, a strategic framework was jointly developed with justice sector counterparts and stakeholders to allow service delivery and ongoing development initiatives to be better integrated, planned, and reported on.

Development of the strategic framework was informed by several underlying principles, namely: respect for the Constitution of the Kingdom of Bhutan; recognition of the independence of justice institutions; acknowledgement of the need to coordinate and work together as a sector; and reflection and promotion of the rights of all sentient beings in Bhutan.

These principles enabled the following framework to be collaboratively developed and agreed by key justice stakeholders, namely:

- A joint commitment to the **vision** of a free, fair, just, and harmonious society.
- A shared responsibility to contribute to the **mission** to provide accessible, inclusive, accountable, responsive, and quality services to promote trust and confidence in the justice sector.
- Agreed **thematic action areas** or **goals** that promote: effective justice sector leadership, governance, and collaboration; competent and motivated justice service providers; responsive, efficient, and accountable justice services; accessible and inclusive justice services; and infrastructure development that is adequate to deliver justice services more efficiently.
- Shared **values** of: independence; leadership; empathy; professionalism; and integrity.



## Implementation of the Justice Sector Strategic Plan:

Responsibility for implementing the Strategic Plan and working towards achieving National Key Result Area 16 rests with *all justice sector institutions*. Until the establishment of the sector coordination mechanism/committees, it is anticipated that the National Core Team will play a pivotal role in facilitating the operationalisation of the Plan.

Initial steps to operationalise the Strategic Plan include the need to: *adopt the Plan* by all justice institutions' leadership; *map the key implementation timeframes* to establish agreed timing and responsibilities for the implementation; *align Institutional Action Plans* (under the 12<sup>th</sup> Five Year Plan) with the goals/thematic action areas; *establish the coordination mechanism*; *undertake sensitisation/awareness raising* within the justice sector with respect to the Strategic Plan; identify and agree on *priority sector activities*; and develop a sector-wide, results-focussed, *monitoring and evaluation framework*.



# 1. COUNTRY AND JUSTICE SECTOR CONTEXT

## 1.1. COUNTRY CONTEXT<sup>1</sup>


- 1 The Bhutanese name for the Kingdom of Bhutan is Druk Yul, which means 'Land of the Thunder Dragon'. The country lies in the eastern Himalayas and has a total area of 38,398km<sup>2</sup>. Given its location, Bhutan's geography is largely mountainous, with only a small amount of lower-lying terrain in the south.
- 2 In 1953, the Third King Jigme Dorji Wangchuck established the National Assembly (Tshogdu) to ensure improved democratic governance of the country. Since then, Bhutan has progressively been undertaking a succession of modernisation and democratisation initiatives. This culminated in June 1998 when direct rule by the monarch was ended by Royal Decree and a cabinet of ministers were appointed.
- 3 In 2005, a draft constitution was publicly released, and following a series of consultations throughout Bhutan, The Constitution of the Kingdom of Bhutan (the Constitution) was formally adopted on 18 July, 2008. The Constitution established a Democratic Constitutional Monarchy. It sets out the separation of powers with the Executive, Legislature, and Judiciary being independent of each other.
- 4 Since the promulgation of the Constitution, a notable transformation in governance institutions in Bhutan has occurred. Change, however, is ongoing and the embedding of the principles of democratisation, separation of powers, and the roles of independent justice institutions in a democratic state still need to be fully understood by all Bhutanese citizens.

## 1.2 JUSTICE SECTOR CONTEXT<sup>2</sup>

- 5 Traditional Bhutanese legal structures have had a long background, primarily based on Buddhist natural law and on *Zhabdrung Ngawang Namgyal's* Code (completed in 1652), and these serve as the foundation of the contemporary Bhutanese legal system. Since the 1950s, the development of the contemporary legal and judicial sector has advanced significantly. This further accelerated with the professionalisation of the Judiciary in the 1990s and the creation of the Office of Legal Affairs in 1999, which was later replaced as the Office of the Attorney General in 2006.
- 6 The Constitution guarantees separation of powers and judicial independence, a democratically elected parliament, a well-qualified and effective Judiciary and the Office of the Attorney General, and a system of mediation at local level.

<sup>1</sup> The country context summary is largely based on: <http://www.nyulawglobal.org/globalex/Bhutan.html>

<sup>2</sup> The justice sector context summary is based on the: United Nations Development Programme's terms of reference for the assignment; and Justice Sector White Paper, 15 September, 2016.



In previous decades, three key factors guaranteed at least some coherence across justice sector development initiatives, resulting in assessments of the rule of law in Bhutan being consistent and comparatively positive. These factors are:

- 1) the wise and non-partisan guidance of the hereditary Monarchy;
- 2) the collegial culture among Bhutan's small legal fraternity; and
- 3) the considerable efforts of Bhutan's national planners and international development partners to harmonise the growth of Bhutan's justice sector, especially post-2008 Constitutional era.

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As Bhutan's justice sector continues to grow in size, complexity, and relevance, however, these factors are no longer adequate to sustain coherence and momentum in justice sector development. Added to this, increased international exposure, training, and specialisation has led to a growing awareness of the need to administer justice more effectively and in accordance with international rights and norms. While significant investments to advance and strengthen the rule of law in Bhutan are underway, key challenges remain for the justice sector to fully realise its mandate.

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It is within this complex and dynamic context that the justice sector in Bhutan operates; and for which this Justice Sector Strategic Plan has been developed.

## 2. JUSTICE SECTOR AND INSTITUTIONAL ANALYSIS

### 2.1 JUSTICE SECTOR AND NATIONAL DEVELOPMENT IN BHUTAN

9 As Bhutan's justice sector grows in size, complexity, and relevance, so too does the need for it to evolve to meet these emerging challenges. With increasing relevance comes the commensurate challenge for more effective service delivery, improved coordination between justice service providers, and the development of the institutional and individual capacity - so that all people in Bhutan are *aware* of the increasingly complex legal frameworks that exist; *understand* their rights and duties; and can *access* dispute resolution mechanisms to protect those rights when needed.

10 The importance of the justice sector as an integral element in the governance of Bhutan is increasingly becoming recognised. The Gross National Happiness Commission's (GNHC) 12<sup>th</sup> Five Year Plan includes a new National Key Result Area (NKRA 16) which recognises the national importance of strengthening justice services and institutions.<sup>3</sup>

11 More broadly - a strong, responsive, and inclusive justice sector has a wider influence on society and the success of national development goals. In the context of Bhutan, the justice sector directly contributes to four<sup>4</sup> of the nine Gross National Happiness Domains, namely:

- **Psychological Well-being** - which explores how people experience the quality of their lives.
- **Time Use** - which analyses the nature of time spent on activities like work, leisure, care and sleep, and highlights the importance of maintaining a harmonious work life balance.
- **Good Governance** - which evaluates how people perceive governmental functions and public service delivery. Among other considerations, this domain explores people's level of participation, and their assessment of various rights and freedoms.
- **Community Vitality** - which focusses on the strengths and weaknesses of relationships and interaction within communities.

12 More specifically, the sector and its institutions are seen as supporting and enabling several other NKRA's identified in the 12<sup>th</sup> Five Year Plan, including:

- **NKRA 3** focusing on *reductions in inequity* - in particular key performance indicator 3.9 (relating to inequality of subjective well-being);

<sup>3</sup> The justice sector context summary is based on the: United Nations Development Programme's terms of reference for the assignment; and Justice Sector White Paper, 15 September, 2016.

<sup>4</sup> GNHC *Guidelines for Preparation of the 12<sup>th</sup> Five Year Plan (FYP) 2018-2023*, page 20.

• **NKRA 10**

focusing on the *promotion of gender equity and empowerment of women* - in particular key performance indicators 10.1 (women in decision making positions) and 10.4 (effective and sustainable systems for protection and empowerment of women);

• **NKRA 12**

focusing on *reduction in corruption*; and

• **NKRA 13**

focusing on *strengthening of democracy and decentralisation* - in particular key performance indicator 13.5 (people enjoying a sufficient level of fundamental rights.)

• **NKRA 16**

“Justice Service and Institutions Strengthened - the NKRA is about harmonising conflicting laws, increasing the efficiency and quality of judicial services, ensuring procedural justice and enhancing citizens’ awareness of laws and procedures. It is about promoting rule of law and justice system that allows every citizen to pursue and realise individual and national aspirations through strong institutions.”

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Internationally, the importance of efforts to promote justice sector development and reforms have also been recognised. A peace, security, and justice goal and related targets have been set as part of the Sustainable Development Goals (SDG) with the justice sector development being seen as both as an outcome and an enabler of broader sustainable development. SDG 16: *promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels* - is the heart of the framework’s approach to justice development<sup>5</sup>. A stronger, more responsive, and inclusive justice sector, however, is seen as also contributing more broadly to the achievement of the SDGs (a summary of these links is found in **Annex One**).

## 2.2 SECTOR-LEVEL ANALYSIS AND KEY CHALLENGES

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Factors that have led to the development of the Strategic Plan include the: i) national focus on justice development through NKRA 16; ii) need to act and report as a *sector* to achieve the targets set in NKRA 16; iii) recognition of the need to improve coordination between justice institutions to strengthen service delivery; and iv) acknowledge that emerging justice needs in Bhutan require a more responsive and coherent sector-wide response.

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The ‘justice sector’ is defined in different ways from context to context. In the context of this Justice Sector Strategic Plan the *justice sector* is made up of the: Royal Courts of Justice; Office of the Attorney General; Anti-Corruption Commission; Royal Bhutan Police; Bhutan National Legal Institute; and Bar Council. More broadly, *justice sector stakeholders* are organisations/groups such as the: public/community; justice-focussed civil society organisations; Jigme Singye Wangchuck

<sup>5</sup> SDG 16.6: *develop effective, accountable and transparent [justice] institutions at all levels*, in particular aligns with the focus of Bhutan’s NKRA 16.

School of Law; Bhutan Narcotics Control Authority; Election Commission of Bhutan; National Commission for Women and Children; National Assembly; and National Council.

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In a self-assessment undertaken by key justice sector institutions and stakeholders, the following key strengths, weaknesses, opportunities, and threats were identified in the Bhutanese context.

#### • **Strengths:**

The Constitution of Bhutan; independence in decision making and investigation; easy access to the courts; strong national and institutional leadership; and timely delivery of justice.

#### • **Weaknesses:**

Inadequate coordination between institutions; lack of human resources capacity, capability, and retention; lack of a framework for implementation of legal aid; weak data management leading to inadequate management and accountability; and institutions are often seen as being substantively accessible, but are not considered as being approachable by the community.

#### • **Opportunities:**

NKRA 16 in the 12<sup>th</sup> Five Year Plan and the development of a Justice Sector Strategic Plan; enhancing coordination between institutions; ICT-isation of the justice sector; deepening of democratic principles.

#### • **Threats:**

Increasing risks of corruption/weak ethics; lack of data and limited data accuracy; favouritism/nepotism and insufficient transparency in the criteria for appointments; and lack of administrative and financial independence.

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In developing the Strategic Plan, a number of *sector-level challenges* have emerged, including:

- Recognition that development and reforms within the sector can only be realised if **improved sector-leadership and coordination** among justice institutions occurs. Furthermore, NKRA 16 focusses on justice services and institutions as a group for the first time - this now requires a sector-wide commitment. Improved leadership and coordination is seen as occurring at two levels, namely:
  - i) *Sector leadership at the strategic or policy level* - building capacity at all levels to promote effective governance, establish effective succession planning and to allow joint identification of sectoral needs and priorities, promotion of access and human rights, assessing change/results over time, and joint reporting under NKRA 16; and

ii) *Operational level coordination* - harmonising systems and processes, integrating cross-institutional data management and data flow, and coordinating development and reform initiatives across the sector.

- The need to adopt a clearer focus on understanding and managing *sectoral* issues that impede justice institutions' capacity and responsiveness to deliver services efficiently and effectively. At the sector-level these challenges include:
  - Strengthening **research** to enhance understanding of justice issues in Bhutan and inform sectoral planning and decision-making.
  - Improved **structuring and planning of reforms** through the development of medium-term *professionalisation plans*. Align with this, is the need to *build professional and specialist capacity* across all justice institutions.
  - **Integration of information/data management systems** between justice institutions to enable: streamlined transfer of case files and data; collection and tracking of case-flows and trends; collection and reporting on performance and change (monitoring & evaluation); and improved accessibility of data to users/the community.
- The need to **ensure institutional independence**. From the statutory perspective and from available information relating to investigations and decision making - justice institutions in Bhutan are seen as independent. Operationally, however, there are concerns across the sector relating to the independence of institutions with regards to their administration, finances and priority setting.

A case in point is the proposed outlay for the key justice institutions (that is: Judiciary; Office of the Attorney General; Anti-Corruption Commission; Royal Bhutan Police; and Bhutan National Legal Institute) in the 12<sup>th</sup> Five Year Plan. Initial allocations indicate that these justice institutions *combined* will receive approximately 1.04% of the total 12<sup>th</sup> Five Year Plan budget. This allocation is low when compared with the average proposed outlay for Ministries - where the average indicative allocation is around 2.99% of the total 12<sup>th</sup> Five Year Plan budget per Ministry (or almost three times the allocation made to *all* key justice institutions). Justice institutions, therefore, see a need to review allocations so that adequate resources are provided to enable them to fulfil their mandate; and contribute positively to the realisation of the 12<sup>th</sup> Five Year Plan as a whole, and NKRA 16 in particular.

- The development of opportunities to *improve access, inclusiveness, and awareness* of rights and duties on the part of justice institution's *ultimate beneficiaries* (all sentient beings<sup>6</sup> in Bhutan). Sector-level challenges include: operationalising **legal aid services**; the **Alternative Dispute Resolution Centre**; and the **Jabmi Tshogdey** (bar council). Additionally, improved coordination of **community awareness and empowerment initiatives** (focussing in particular on vulnerable groups) and supporting these with monitoring and evaluation frameworks that allow changes over time to be assessed and reported are needed.

<sup>6</sup> The definition that justice services are for all sentient beings (not just 'people' or 'citizens') was developed in the Visioning Workshop to ensure an inclusive definition that acknowledges the need to ensure protection of environment and broader socio-economic considerations by justice institutions in Bhutan.

## 2.3 INSTITUTIONAL ANALYSIS AND KEY CHALLENGES

### 2.3.1 Royal Court of Justice

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Article 21 (1) of The Constitution of the Kingdom of Bhutan 2008 defines the Judiciary's mandate and guarantees judicial independence: *"The Judiciary shall safeguard, uphold, and administer Justice fairly and independently without fear, favour, or undue delay in accordance with the Rule of Law to inspire trust and confidence and to enhance access to Justice."*

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Judicial authority in Bhutan is vested in the Royal Courts of Justice (the Judiciary) and such other Courts and Tribunals as may be established from time to time by the Druk Gyalpo (His Majesty the King of Bhutan) on the recommendation of the National Judicial Commission. At this time, there are four tiers in the court structure defined in Article 21 (2) of the Constitution, as follows:

- **Supreme Court** - comprised of the Chief Justice of Bhutan and four Drangpons (Justices). The court has appellate jurisdiction from the High Court, as well as original and advisory jurisdictions with regards to constitutional matters.
- **High Court** - currently comprised of one Acting Chief Justice and six Justices. The court sits with a minimum of three benches consisting of two Justices for each bench. The court has appellate jurisdiction from Dzongkhag and Dungkhaag Courts, original and advisory jurisdiction in civil and criminal matters, and jurisdiction to undertake some Constitutional review.
- **Dzongkhag (District) Court** - There are 20 District Courts and each court is comprised of a Judge supported by Registrars and bench clerks. The District Court has appellate jurisdiction from the Dungkhaag Court, as well as original (territorial) district jurisdiction in civil and criminal matters.
- **Dungkhaag (Sub-district) Court** - There are 15 Dungkhaag Courts, each comprised of a Judge and supported by bench clerks. The courts have (territorial) sub-district jurisdiction in civil and criminal matters.

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The Royal Courts of Justice has a total of 579 employees out of which 60% are females.<sup>7</sup> Staffing levels for case adjudication are reported (in 2015) by the Judiciary as being sufficient for the courts to fulfil their tasks. In terms of the administration of courts, however, the Royal Courts of Justice does not have adequate personnel. The Secretariat, stationed in Thimphu at the Supreme Court under the Registrar General, is tasked to administer the Judiciary throughout Bhutan, as the District and Sub-district Courts do not have administrative personnel.

<sup>7</sup> Note: a breakdown of the levels within the institution at which women are employed was not available.

Despite continuing efforts, the Royal Courts of Justice faces a number of ongoing challenges:

- A perceived *lack of trust and confidence in the courts and justice sector* with a social stigma existing if people need to go to court. This is related to limited awareness of laws and the role of an independent Judiciary.
- The *lack of a strategic plan for the Royal Courts of Justice*. The absence of an institution-specific strategic plan makes it difficult for the Judiciary's leadership to articulate and communicate a clear strategic direction for the institution, with the result that organisational planning and management is undertaken in the absence of a clearly defined strategic action agenda.
- *Consistency* in decision-making and in the application of procedures and systems also provide challenges to accessing the courts (including the standardisation of process across all courts). These have the potential to impact on the quality of decision-making and to create uncertainty in the system as a whole.
- Ongoing *professional capacity development* at all levels is seen as a challenge within the Judiciary. While all judicial officers have law degrees, and a significant number have masters of law, court administration capacity is lower. The secretariat/administration need to be strengthened both in terms of number and professionalism to allow judges to adjudicate cases effectively. Besides, it is a challenge to keep the lower level judicial personnel motivated. Added to this, with increasing complexity in the cases being heard, and the establishment of several specialised benches, *specialisation* is seen as a necessity.
- While the Judiciary is seen as being *independent* in its decision-making function, it is not independent in terms of its administration (both personnel and financial) and finances. Registrars, bench clerks, and administrative/finance personnel are administered by the Royal Civil Service Commission and are governed by the Bhutan Civil Service Rules. This results in the Judiciary not being able to directly and effectively manage its non-judicial human resources. Additionally, financial independence of the institution is limited as budgets are subject to approval, refinement, and prioritisation by the Ministry of Finance.
- Recognizing the threat posed with the nature of job, strengthening *security for judges and justices* to protect them from threats by parties is imperative. In this way judicial officers will be able to perform their professional functions more effectively without fear from threats, intimidation, hindrance, harassment, or improper interference.
- Improving utility of the *case management system* is also a key challenge for the Judiciary to: i) inform the planning, management, and operations (internal); ii) data is integrated with other justice institution's (coordination), and iii) case, performance, and accountability-related data is available to the public.
- *Low levels of legal literacy* and limited *access to legal advice* result in most litigants appearing in Court in person as *pro se* (unrepresented) litigants. This is exacerbated by a lack of operational legal aid and alternative dispute resolution mechanisms/centres.



### 2.3.2 Office of the Attorney General

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Seek Truth & Ensure Justice

Article 29 (1) of the Constitution defines the Office of the Attorney General's (OAG) mandate as: "...*autonomous, to carry out the responsibilities within the domain and authority of the Government and such other legal matters as may be entrusted to the office.* The Constitution further defines the role of the Attorney General "...*legal advisor to and legal representative of the Government*" with further responsibilities including: litigation and prosecution of criminal matters on behalf of the Government; representing the Government in a civil litigation; and providing legal advice and support (including legislative drafting) to the Government.

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The recent organisational restructure undertaken by the OAG reflects this mandate, with key departments being the:

- *Department of Justice* - including the: Prosecution and Litigation Unit; Property and Judgment Enforcement; a Media and Information Services Unit; and a Library.
- *Department of Legal Services* - which includes the: Drafting and Review Division; Legal Services Division; and the Dzongkha Proficiency Section (translation).
- *Secretariat Services* - responsible for managing all aspects of the OAG's operations.

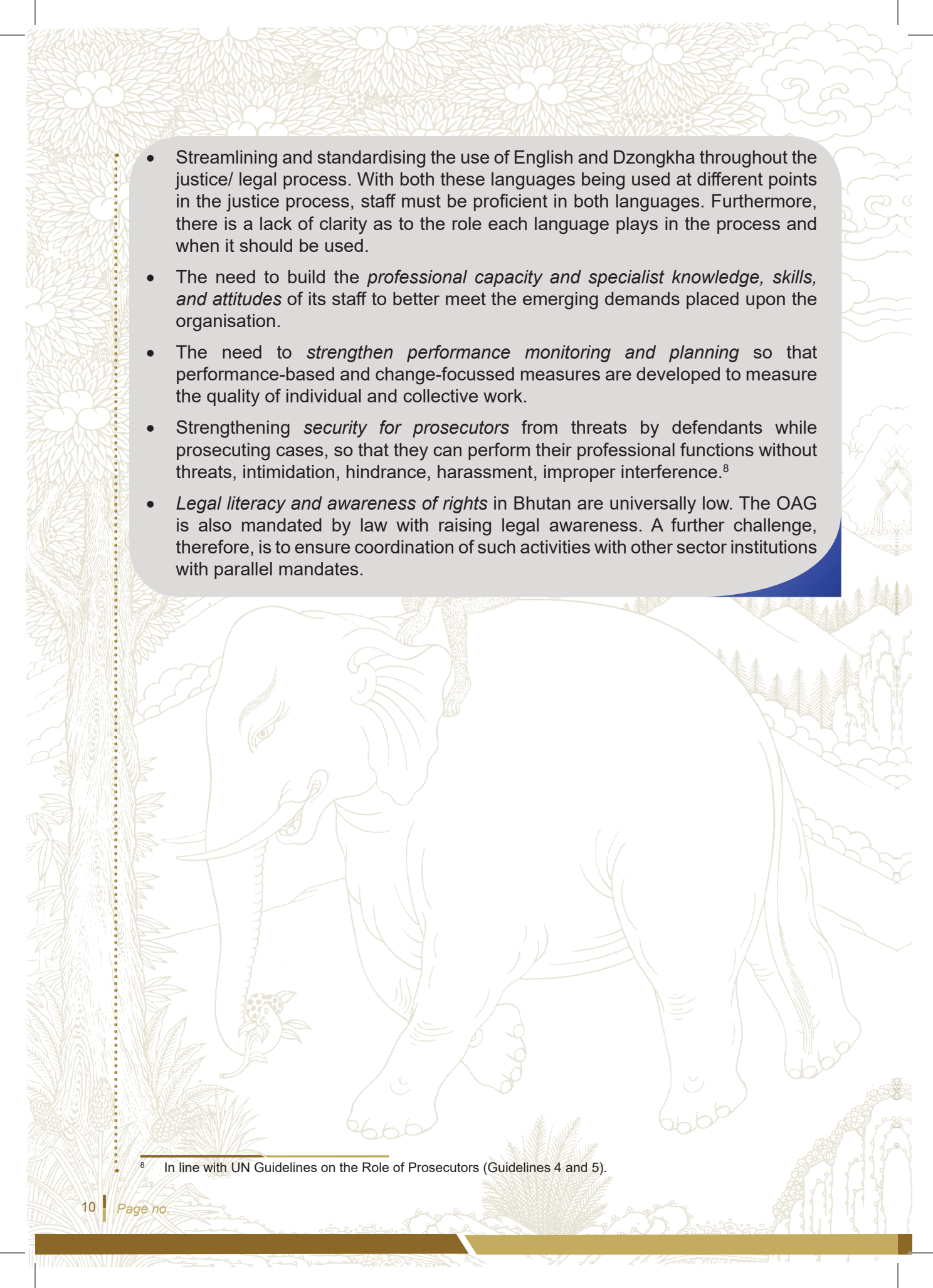
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In total (as of 2017) the OAG has a staff of 44 Legal Personnel (27% are female) to manage a case load of 1348 prosecutions as well as other day-to-day responsibilities, including legislative drafting and review, and the provision of government legal services and advice.

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The following challenges are faced by the OAG:

- *The use and management of the OAG's resources is limited* as a result of a lack of human resource, planning, and management capacity in the OAG. Key challenges include an absence of succession planning, and a need to further expand its staffing and resources to respond to significantly increased workloads across all divisions.
- The need to improve and expand the institution's internal *case management systems* to provide adequate case management data; collection of managerial data; and dissemination of performance data. Related to this need is the challenge of coordinating data management between institutions in the sector.
- Need to standardise and document core OAG processes. Areas identified where manuals or other processes to standardise actions may be most valuable including: legal drafting; the provision of legal services; and the delivery of prosecution services.

- 
- Streamlining and standardising the use of English and Dzongkha throughout the justice/ legal process. With both these languages being used at different points in the justice process, staff must be proficient in both languages. Furthermore, there is a lack of clarity as to the role each language plays in the process and when it should be used.
  - The need to build the *professional capacity and specialist knowledge, skills, and attitudes* of its staff to better meet the emerging demands placed upon the organisation.
  - The need to *strengthen performance monitoring and planning* so that performance-based and change-focussed measures are developed to measure the quality of individual and collective work.
  - Strengthening *security for prosecutors* from threats by defendants while prosecuting cases, so that they can perform their professional functions without threats, intimidation, hindrance, harassment, improper interference.<sup>8</sup>
  - *Legal literacy and awareness of rights* in Bhutan are universally low. The OAG is also mandated by law with raising legal awareness. A further challenge, therefore, is to ensure coordination of such activities with other sector institutions with parallel mandates.

<sup>8</sup> In line with UN Guidelines on the Role of Prosecutors (Guidelines 4 and 5).

### 2.3.3 Anti-Corruption Commission

26



With growing concern over corruption and the introduction of a Democratic Constitutional Monarchy, the Anti-Corruption Commission (ACC) was established under a Royal Decree issued on December 31, 2005. Article 27 (1), of the Constitution defines the ACC's mandate: "...which shall be an independent authority and shall take necessary steps to prevent and combat corruption in the Kingdom." The ACC's functions are defined in

*The Anti-Corruption Act of Bhutan (2011)* as: receiving and considering complaints of corruption; detecting and investigating suspected corruption-related offences; public education relating to corruption issues; examination of practices and systems, and the provision of advice to minimise or eliminate corruption; and research on corruption issues.

27

The ACC is comprised of a Chairperson and two members, supported by a Secretariat. An organisational restructure has commenced in 2016 to better align the ACC's structure with its three primary functions, namely: investigation; prevention; and public education, with regards to corruption-related issues.

28

While the ACC enjoys considerable trust and confidence of public, there is scope to gain greater momentum and confidence of citizens. As per the National Integrity Assessment 2016, 52% of the total respondents acknowledged that ACC is '*doing very well*' as against 62% in 2012.<sup>9</sup> Of the total complaints received by the ACC in the last four years, an average of 46.15% were 'known complaints' (where the complainant was identified) and an average of 22.9% were walk-in complaints.

29

Despite the positive assessments of corruption in Bhutan and the ACC being considered as a progressive institution in the region/internationally,<sup>10</sup> ongoing challenges remain, including:

- The ability of the ACC to maintain its *capacity to independently fulfil its mandate* needs to be ensured with consistent and sufficient financial allocations for its programs and continuous capacity development of its staff. The ACC's administrative independence is also weak, with approval of all budget and human resources residing with the Ministry of Finance, Gross National Happiness Commission and the Royal Civil Service Commission, respectively.
- A persistent challenge is that of staff recruitment and retention - with significant levels of staff change-over impeding the execution of the ACC's functions. As of December 2017, the total staff strength of ACC was 96 (about 33% are female) as against an approved staffing-level of 147 (to be recruited by 2020).

<sup>9</sup> This change in perception is seen as resulting from an increased focus in the media on 'sensational' cases, rather than on the full mandate of the ACC. The ACC's efforts to adopt a media and communication strategy and operationalization have not been successful to-date due to a lack of resources.

<sup>10</sup> Transparency International, 2017 Corruption Perception Index: [www.transparency.org/cpi](http://www.transparency.org/cpi); last viewed November 2017. The 2017 Corruption Perception Index ranked Bhutan as the 26<sup>th</sup> internationally. This ranks Bhutan 1st in South Asia, and 6<sup>th</sup> in the Asia-Pacific region over the last six years.

- The average staff attrition rate of ACC over the last four years has been 8.6% with the highest rate of change of 15.4% being experienced in 2014. While reasons for the high-turnover have not been investigated, strengthening human resource management and development may assist in addressing staff-related issues.
- Need to *reduce backlog of complaints qualified for investigation* with only 36 of 96 staff being investigators. Related to staffing levels is a mounting backlog of complaints that qualify for investigation, which is placing significant pressure on the ACC. As at the end of 2016, 529 backlog complaints for the period 2006-2015 qualified for investigation. It is the ACC's aim to reduce the backlog to no more than 40% by July 2020. Streamlining of internal procedures to further reduce backlog will need to be continued.
- Another challenge is that, in the absence of an alternative administrative complaints mechanism (such as an Ombudsman's Office), the ACC receives *a large number of administrative complaints* (47.5% of all complaints actioned in 2016) that are not intrinsically corruption-related. This places a significant demand on its resources and staff without contributing to the ACC in fulfilling its mandate.
- *Strengthening of security* for ACC investigators - given the critical mandate of the ACC and the reality of operating within a close-knit society; investigations can be physically, emotionally, and professionally challenging and stressful. Consequently, the investigators and their families are often isolated, marginalised and/or demoralised. As the ACC is instituting significant institutional reforms to staffing, structure, work environment, and systems/processes - these reforms need to be supported by comprehensive, informed, and structured ongoing *professional development programs* that allow for changes to be embedded and specialised capacity needs to be developed.
- *Integrating data and related management systems* across the sector so that coordination and data management (for example with the OAG) is streamlined to enable improved data collection, monitoring and management of complaints/cases.
- *Weak monitoring and evaluation of anti-corruption initiatives* is an ongoing challenge, without which it is difficult to gauge the effectiveness of existing anti-corruption programs and/or adapt strategies to address changing needs.

### 2.3.4 Royal Bhutan Police

30



Article 28 (3) of the Constitution establishes the Royal Bhutan Police (the Police): “...as a trained uniform force under the Ministry of Home and Cultural Affairs, be primarily responsible for maintaining law and order and prevention of crime, and shall also be considered an important part of the nation’s security force.”

31

The structure of the Police as an institution is defined in the Royal Bhutan Police Act (2009), and includes: the Chief of Police as the head of the organization; a Police Service Board to formulate policies, rules and regulations and guidelines for the smooth functioning of the RBP.

32

Key challenges facing the Royal Bhutan Police include:

- The need to continue to *improve capacity to serve* the community (including the needs of women and children). Key considerations include: improved reliability and consistency of services; continued advocacy programs and improved reputation; and increased efficacy and number of specialised protection desks/units for vulnerable groups.<sup>11</sup>
- Limited capacity to *analyse and produce quality and timely evidence*, in particular through the development of local forensic analysis capability.
- *The lack of a strategic plan for the Royal Bhutan Police*. The absence of an institution-specific strategic plan makes it difficult for the Police’s leadership to articulate and communicate a clear strategic direction, with a result that organisational planning and management is undertaken in the absence of a clearly defined strategic action agenda.
- *Data collection and reporting*, across all aspects of reporting of crimes and investigations, in particular with regards to: crimes relating to sexual and gender-based violence/vulnerable groups; and enabling sex-disaggregated data to be collected and reported on.
- The need to *refine accreditation of the police officers and strengthen capacity building programs for the new recruits*, to improve the quality of the Police Services
- *Strengthening investigations capacity* and development of more effective systems/guidelines to improve the consistency and quality of evidence being gathered. Aligned with this, is the need to *professionalise the Police* to ensure that all officers receive training specific to respond to changing crime trends (including gender-based/family violence); and to institutionalise improved evidence gathering.
- The need to continue to build partnerships with all justice sector institutions and civil society to promote *institutional and community awareness* and understanding of Police functions, victims’ issues, crime trends, and others.

<sup>11</sup> Note: the ratio of male to female officers is an important consideration to ensure the effective operation of such units. Disaggregated data on staffing was, however, not available.

### 2.3.5 Bhutan National Legal Institute

33

The Judicial Services Act of Bhutan (2007), Section 86 establishes the Bhutan National Legal Institute (BNLI), and defines its mandate to: create a forum for legal and judicial discourse in Bhutan; provide research support services to the judicial personnel to promote greater efficiency, fairness, access and productivity; and to improve court administration and management to ensure a litigant-friendly justice system.



34

As the only judicial in-service training organisation in Bhutan, BNLI's primary mandate is to strengthen the capacity of the judicial personnel to deliver efficient and effective judicial services through continuing legal education. Additionally, the Institute is also tasked with carrying out dissemination of laws and legal literacy programs, which include training of local government leaders on Mediation of disputes in the communities, School Law Clubs, etc. BNLI is also engaged in undertaking research and developing publications on contemporary legal issues. Coordination and developing relationships with new and emerging institutions undertaking research and providing legal education services (including Jigme Singye Wangchuck School of Law and the Bar Council) is also seen as an emerging area of responsibility for the Institute.

35

The Institute's structure includes: the President; a Board of Management - overseeing planning and policy development; the Director General - as administrative head of the Institute; a Research, Training and Education Division - implementing the Institute's activities; and administration/finance support sections. In total, BNLI has currently 22 staff to fulfil its mandate (50% of which are female).

36

Although the BNLI is the training arm of the Judiciary, it functions independently from the courts. It has both financial and administrative independence, however, it faces a number of key challenges, including:

- *Low levels of professional staff*, with only five of the 20 staff being professional lawyers (excluding the Director General and the Personal Secretary to the President). Additionally, professional staff are not specialised in the provision of continuing legal/judicial education, which limits the capacity of the Institute to develop and implement its programs.
- *Constraints with regards to resourcing of the Institution* (including staffing, financial and infrastructure). As a result, the Institute experiences difficulties in fulfilling its mandate, attracting and maintaining its staff, and also has no permanent facilities/institutional infrastructure to operate.
- *Increasing expectations for training/services* on the part of the judiciary, government, and public also place pressure on the BNLI. The BNLI is still at a nascent stage in its development - resources and capacity, therefore, still need to be built (as noted above). Added to this, is the emerging demand for more advanced/higher-level training (for example to support the establishment of

specialised benches). This necessitates the development of related specialist curriculum, materials and training capacity. Consequently, development of BNLI and its operational needs are to be undertaken in a strategic and informed manner, if the Institute is to develop and operate sustainably.

- Currently *professionalisation and awareness activities across the sector are not well coordinated*. Consequently, there is an opportunity for BNLI (if appropriately resourced) to act as ‘focal point’ for these activities so that cross-over/duplication of activities, transmission of ‘mixed messages’, and inefficiencies in resource allocation are minimised.

### 2.3.6 Private Lawyers/Bar (Jabmi)

37 Article 7 of the Constitution defines certain fundamental rights, with Article 7 (21) providing that: “A person shall have the right to consult and be represented by a Bhutanese Jabmi of his or her choice.”

38 In addition, the private legal profession (Jabmi) is regulated in the *Jabmi Act of the Kingdom of Bhutan* (2003) as amended by *The Jabmi (Amendment) Act of Bhutan* (2016). Chapter 2 of the *Jabmi Act of the Kingdom of Bhutan* (2003), as amended, sets out the structure and defines the broad operational parameters and functions of a *Jabmi Tshogdey* (analogous to a bar council), as well as broad ethical guidelines. Section 9 defines the functions of the *Jabmi Tshogdey* which broadly are to promote: integrity, efficiency, and responsibility; ethics, codes of conduct, and disciplinary matters; Jabmi registration and examination; ongoing legal education; and provision of legal aid.

39 The *Jabmi Tshogdey* is newly established. In early 2018 the *Jabmi Tshogdey* issued ‘provisional practicing certificates’ to 96 lawyers and 36 para-legals. Operationally, however, the *Jabmi Tshogdey* is, at this time, not functioning as its secretariat has not been established, and key regulations, disciplinary processes, bar examinations, and general systems/processes are not established.

40 The most immediate challenge facing the private legal profession in Bhutan is the full *operationalisation of the Jabmi Tshogdey*, ensuring that it has effective and sustainable structures in place, and that all operational issues are expeditiously addressed.

## 3. STRATEGIC FRAMEWORK FOR ACTION

### 3.1 THE STRATEGIC RATIONALE

41 Government priorities change with time and with the succession of governments. The development and coordination of the justice sector, however, needs to be undertaken in light of clear, long-term objectives that reflect the aspirations and justice needs of the people of Bhutan. It is to provide the first steps towards establishing and realising this long-term view that this Justice Sector Strategic Plan is being developed.

42 The Strategic Plan, however, is not intended to establish a planning/implementation process in parallel to GNHC five-year planning. The Strategic Plan is important in the context of the 12<sup>th</sup> Five Year Plan (and NKRA 16 in particular), as for the first-time justice institutions have a *joint responsibility* for achieving the key performance indicators - and ultimately demonstrating that progress has been made against these. As a result, the Plan plays a key role in creating and defining this sector identity - and so the underlying theme for this first Justice Sector Strategic Plan is: *Establishing a Justice Sector Identity*. Furthermore, the Plan also provides: a mechanism by which sector-coordination can be realised at both the strategic and operational levels; and the strategic framework needed to allow service delivery and ongoing development initiatives to be integrated and reported on at the sector-level.

43 This means that the Strategic Plan will enable each justice institution to integrate its proposed institutional plan for the 12<sup>th</sup> Five Year Plan into the jointly agreed strategic framework. This will ensure that independence of these institutions is maintained, while enabling more effective service delivery, development initiatives, and reporting of results to be achieved based on an agreed strategic framework that encapsulates:

- a joint *vision* of what the underlying aim or rationale for justice is in Bhutan;
- a common understanding of how justice service providers will contribute to achieving the vision (the *mission*);
- agreement on what thematic action areas (*goals*) are most important so that justice institutions can undertake reforms in a coordinated and strategically coherent manner; and
- acceptance of what *values* need to shape the actions of justice institutions and guide the behaviour of those working within the justice sector.

44 The collaborative development of the strategic framework was based on the underlying principles of:

- *Respect for the Constitution of the Kingdom of Bhutan* - to ensure that the vision, mission, goals and values promote the Constitution's direction to safeguard,



uphold, and administer Justice fairly and independently without fear, favour, or undue delay in accordance with the rule of law to inspire trust and confidence and to enhance access to justice.

- *Recognition of independence of institutions* - to enable institutions to achieve their Constitutionally/legislatively defined mandates, and to promote transparency and accountability of action across the sector.
- *Acknowledgement of the need to work together* - to coordinate and streamline service delivery, and to ensure the effectiveness of reform and ongoing development initiatives.
- Reflection and promotion of the *rights of all sentient beings* in Bhutan.

### 3.2 JUSTICE SECTOR VISION, MISSION, GOALS, AND VALUES

45 The sector values are guided by the statement of His Majesty the King during his address at the Calcutta University Convocation (5<sup>th</sup> October, 2010):

“... every single day we are fighting the consequences of simple human negligence, complacency, lack of compassion, inequality. What we need is not a leader to lead the masses - we need Leadership of the Self.  
This is my message today ... the one thing we can all do alike is to live our lives according to the values of kindness, integrity, justice - we can be good human beings.”

46 The justice sector vision, mission, values, and goals<sup>12</sup> developed as the strategic framework for this Justice Sector Strategic Plan for Bhutan are:



<sup>12</sup> Definition of the key terms used for the purposes of this Justice Sector Strategic Plan are found in the Glossary of Terms on page 24. Note: All goals are of equal priority.

<sup>13</sup> Developed to capture His Majesty the King's address at the Concluding Ceremony of the 19th National Judicial Conference (11 June, 2010) as suggested by the Chief Justice of Bhutan.

47

Our **values** guide our behaviour as institutions and individuals. They are like the thread that binds together a necklace; they are the principles that guide all our actions when striving to achieve our mission and vision. The values that guide the justice sector in Bhutan are:

#### Independence

we serve without undue influence or prejudice, and ensure fairness within the law.

#### Leadership

we lead by example, provide direction, and guide by sharing experience and knowledge.

#### Empathy

we serve with respect, humility, and courtesy to address all justice needs.

#### Professionalism

we provide quality justice services in a competent and efficient manner.

#### Integrity

we serve with honesty and diligently to ensure our actions are transparent and accountable.

### 3.3 THEMATIC ACTION AREAS AND PRIORITY ACTIVITIES

48

The goals, or thematic action areas identified by justice sector institutions and stakeholders during the strategic planning process are intended to inform ongoing development activities across the justice sector.<sup>14</sup> They provide a structure to guide justice reforms so that they promote the sector's mission - and ultimately contribute to the sector's vision of a free, fair, just, and harmonious society in Bhutan.

49

This, therefore, is a fundamental conceptual shift. Reforms undertaken in line with the Strategic Plan will be framed by a more explicit 'service focus' so that the sector mission (to provide accessible, inclusive, accountable, responsive, and quality services) is directly contributed to *by all planned development and reform activities*. Justice institutions will, therefore, have to identify needs, response strategies, and most importantly indicators of success, in light of actual changes in the accessibility, inclusiveness, accountability, responsiveness, and quality of *justice services for all sentient beings in Bhutan* - as opposed to simply demonstrating improvements in institutional efficiency or individuals' capacity.

50

The scope of the identified goals and potential sector-wide initiatives that may be undertaken under each thematic action area are found below. The scope of the goals, however, must be interpreted broadly to maximise their relevance to each justice institution's ongoing development and planning under the 12<sup>th</sup> Five Year

<sup>14</sup> A list of the top 10 priority sectoral need/action areas identified by key justice sector institutions and stakeholders in the strategic planning process is found in Annex Two.

Plan and beyond. As noted above, the Strategic Plan is not intended to establish a planning/implementation process in parallel to GNHC five-year planning. The strategic framework - and the coordination mechanism proposed - will enable:

- Justice sector institutions to implement (and report on) joint sectoral reform initiatives, particularly with regards to progress against NKRA 16.
- Sector-level policy and service standards to be defined and agreed.<sup>15</sup>
- Individual institutional five year plans to be developed and implemented in a more strategically-focussed, coordinated, and integrated manner in light of the sector's overall vision and mission.

### Goal 1:

### **Justice Sector Leadership, Governance, and Collaboration are Effective**

51

For institutions to operate effectively, and for ongoing development/reforms to be successful, clear leadership and strong governance is needed. Furthermore, successful collaboration across the sector is the end-point or result of effective coordination. The combination of these factors enables improved service delivery standards, increased accountability and transparency - and through this, the enhancement of public trust and confidence in justice institutions in Bhutan.

52

Sector-level programs or activity priorities identified in the planning process include:

- **Building technical capacity within the justice sector to lead, plan, and manage** all aspects of justice sector reform in a coordinated, structured, and integrated manner. Institution-level leadership is seen as being strong, however, leadership at the sector-level to date is quite limited. Without negatively influencing or restricting institutional independence, it will be critical to enable and develop sector-level leadership to provide strategic direction and coordination of ongoing development across the sector.
- Promoting **greater administrative and financial independence**. With the increased demand for quality justice services, there is a commensurate need for increased allocation of resources to enable such services to be provided across Bhutan. Aligned to this is the need to limit executive interference in justice institutions' administration, financial management, and priority setting so that these organisations can effectively and impartially fulfil their respective mandates. To enable this to occur, there is a need to strengthen: **data-driven planning** that takes into account current demands and future trends at the sector-level; and the capacity to develop **evidence-based budgets** prepared in line with strategic priorities and documented needs in the sector.

<sup>15</sup> One example is how best to address emerging environmental justice matters. The 'Green Bench' currently is narrowly focussed on the Judiciary. Sector-level policy research and dialogue is needed on: how the justice system will/should respond to environmental protection needs; what impact the promotion of environmental justice will have on the operations of different justice agencies (for example - how will the Police investigate environmental crimes); and how will relationships, processes, and coordination with non-justice sector institutions (for example with the National Environment Commission and Department of Forest and Park Services, MoAF) be established.

- Establishing a **justice sector coordination mechanism** is needed to promote: sector-level leadership and policy setting; improve coordination at both the strategic and operational levels; and the development of 'sectoral thinking' and joint responsibility and commitment to achieving NKRA 16.
- The mechanism will need to enable engagement and interaction at the: i) executive/leadership level via *National Steering Committee*; ii) Management-level via a *Justice Sector Working Committee*; iii) *Operational-level at the institutional level*; and iv) community/user level via a *Public Engagement Forum*. Additional details of this coordination mechanism are discussed in **Section 4.1** below.

## Goal 2: Justice Service Providers are Competent and Motivated

53

The result of professional development/capacity building is competence. Additionally, improvements in competence and motivation will need to be clearly linked to promoting the sector's vision and mission. To enable effective interventions to occur, the capacity and capability of all actors in the justice sector needs to be known and understood. The needs of both service providers and users must be properly analysed so that the staffing levels, general capacity and specialisation needs, performance, and broader personnel development requirements are targeted towards addressing identified work demands and capacity/performance gaps.

54

Sector-level programs or activity priorities identified in the planning process include:

- Ongoing professionalisation of justice service providers was identified as the single highest priority activity area. To ensure that the most critical development needs/gaps are identified, prioritised, and addressed will necessitate the development of detailed medium-term **professionalisation plans** for the sector/all justice institutions. These professionalisation plans must be informed by comprehensively and objectively identified *sectoral*, institutional (performance), and individual (capacity) needs. A key aspect of the plans should be that relevant capacity development initiatives are *harmonised* between institutions so that a coordinated response to addressing *sectoral capacity gaps* is enabled.
- There is evidence of the need for **specialisation** of actors across the sector to address emerging service delivery needs (for example in areas relating to the environment, commercial matters, and domestic/family law). It is of importance that well designed *and harmonised* specialisation programs are developed that ensure uniformity and equal application of relevant laws, international conventions and obligations, and procedures across the sector.
- Aligned with developing personnel capacity across the justice sector is the need to **build sectoral capacity to implement** the professionalisation plans. Only by adequately resourcing institutions to embed ongoing professionalisation initiatives will it be possible to: sustainably build capacity; limit dependence on external resources and donors; and enable the justice sector to assume responsibility for its own development.

### Goal 3: *Justice Services are Responsive, Efficient, and Accountable*

55

To promote this goal, a dual focus is needed:

1. **Performance focus** - whereby roles, responsibilities, and systems and processes are clearly defined, documented, refined (if needed), and understood both within the sector and externally by users and the community. Additionally, monitoring of performance will also be critical to ensure that services meet current and emerging justice needs.
2. **Data focus** - that enables the collection, analysis, and reporting of data in an integrated manner across the sector and its institutions. For responsive, efficient, and accountable justice services to be delivered, comprehensive data collection is needed for: a) management, planning, and operational purposes (internal focussed) so that improvements in efficiency and refinements to service delivery can be undertaken; and b) accountability and transparency purposes (externally focussed) to promote accessibility of justice and performance data to the sector's ultimate 'clients' - the citizens of Bhutan.

56

Sector-level programs or activity priorities identified in the planning process include:

- Development/refinement and documentation of **standard operating procedures** for core processes to promote quality service delivery across justice institutions. By developing streamlined systems, manuals and procedural documentation, as well as quality assurance and complaints process - improvements in service delivery are promoted, and requirements/expectations of justice 'users' is clarified - thereby contributing to a streamlining of the administration of justice.
- Development of strategies/systems that enable **integration of databases/information management systems** between justice institutions to promote: streamlined transfer and management of cases and case data; collection and tracking of case-flows and trends; collection and reporting on performance; and development of management data. Additionally, sector-wide data collection strategies could be used to manage performance, develop trend data to establish evidence-based reporting, budgeting, and improve public access to information.
- Related to the previous point, is the parallel need to develop **performance monitoring** and **results evaluation frameworks** (supported by rigorous data collection and reporting).<sup>16</sup> In this way, responsiveness to changes in needs, and the efficiency of service delivery can be tracked and reported on over time.

<sup>16</sup> Note: the development or refinement of justice sector performance management frameworks will need to be aligned with relevant established performance management process such as the Annual Performance Agreements of the Government Performance Management Division; and the Individual Work Plans and performance appraisal processes of the Royal Civil Service Commission.

- Promoting **justice research initiatives**<sup>17</sup> so that problem-solving, planning, and institutional decision-making across the sector can be more evidence-based and responsive to actual and emerging needs. Research may be undertaken using one of two approaches: i) 'in-house' by justice sector institutions; or ii) 'outsourced' by independent researchers/research organisations. Potential areas for further research will need to be defined by the sector's leadership, however, the strategic planning process identified a number of possible research areas, including:
  - o *In-house research on:* operationalisation of the 'Green Bench' and promotion of environmental protection; establishment of an Ombudsman's Office; establishment of a Parliamentary Counsel or Law Reform Commission.
  - o *Outsourced research on:* collecting comprehensive data-sexual and gender-based violence assessment;<sup>18</sup> justice strategies to promote commercial/economic development; and comprehensive Access to Justice Mapping, including interaction of formal and informal justice systems.
- Refining **communications strategies and access to data** (for example reviewing annual report formats; and re-structuring websites) to improve internal information flows and to promote accountability and transparency in the operation of all justice institutions.

#### **Goal 4: Justice Sector Services are Accessible and Inclusive**<sup>19</sup>

57

Improving accessibility of justice services and enabling right-holders to exercise their legal rights may be strengthened in a number of ways in Bhutan. Consideration needs to be given to promote accessibility of minorities, women, children, disabled, and marginalised groups in the community. *Public awareness and legal literacy* is a key way in which to promote improvements in the accessibility of justice services as these increase: understanding of the ways in which the justice sector operates; awareness of rights and duties; understanding of mechanisms to protect rights and resolve disputes (including new mechanisms such as the 'Green Bench'); and availability of information on the sector, its services, and performance.

58

Persistent fiscal constraints on justice institutions (noted earlier) have the potential to make the justice system vulnerable to entrenching inequalities. While some informal dispute resolution mechanisms are accessible at the community level, functioning legal aid and alternative dispute resolution systems are important to

<sup>17</sup> Extant research capacity is found in the: Anti-Corruption Commission, Bhutan National Legal Institute; the Jigme Singye Wangchuck School of Law; and the Bar Council (once fully established). Note: at the time of drafting the Plan (early-2018), the School of Law was in the process of obtaining final approval for establishing a 'Research Centre' that will be a valuable resource to the sector once operational.

<sup>18</sup> Including - incidence, severity, levels of reporting, response by formal and informal justice systems, outcomes of cases, etc across Bhutan.

<sup>19</sup> While the concept of 'inclusiveness' must ensure consideration of minorities, people with disabilities and other vulnerable groups, in the context of Bhutan it was noted that socio-economic and environmental considerations also need to be explicitly considered when promoting an inclusive justice sector.

ensure that economic status does not inhibit the capacity of individuals and legal entities to protect their rights.

More broadly, the justice sector performs a key role in *enabling economic growth and stability* and *protection of the environment*. While economic development and environmental protection are sometimes seen as two conflicting outcomes, the Constitution (Article 5) and the Gross National Happiness framework (the 4 pillars and 9 domains), show that Bhutan has chosen a “middle path” with regards to economic development. This middle path aims to balance impact of economic growth against the benefits for the Bhutanese people and the impact on the environment/ecology of that growth. Consequently, justice sector reforms to facilitate economic and commercial matters, will also need to be viewed in light of the above policies/GNH framework, and the impact of economic development on the environment.

59

Demonstrated efficiency, consistency in investigation, independent decision making, effective enforcement, and transparency across justice services - are all contributory factors to promoting increased investment and commercial activities; and for ensuring environmental protection.

60

Sector-level programs or activity priorities identified in the planning process include:

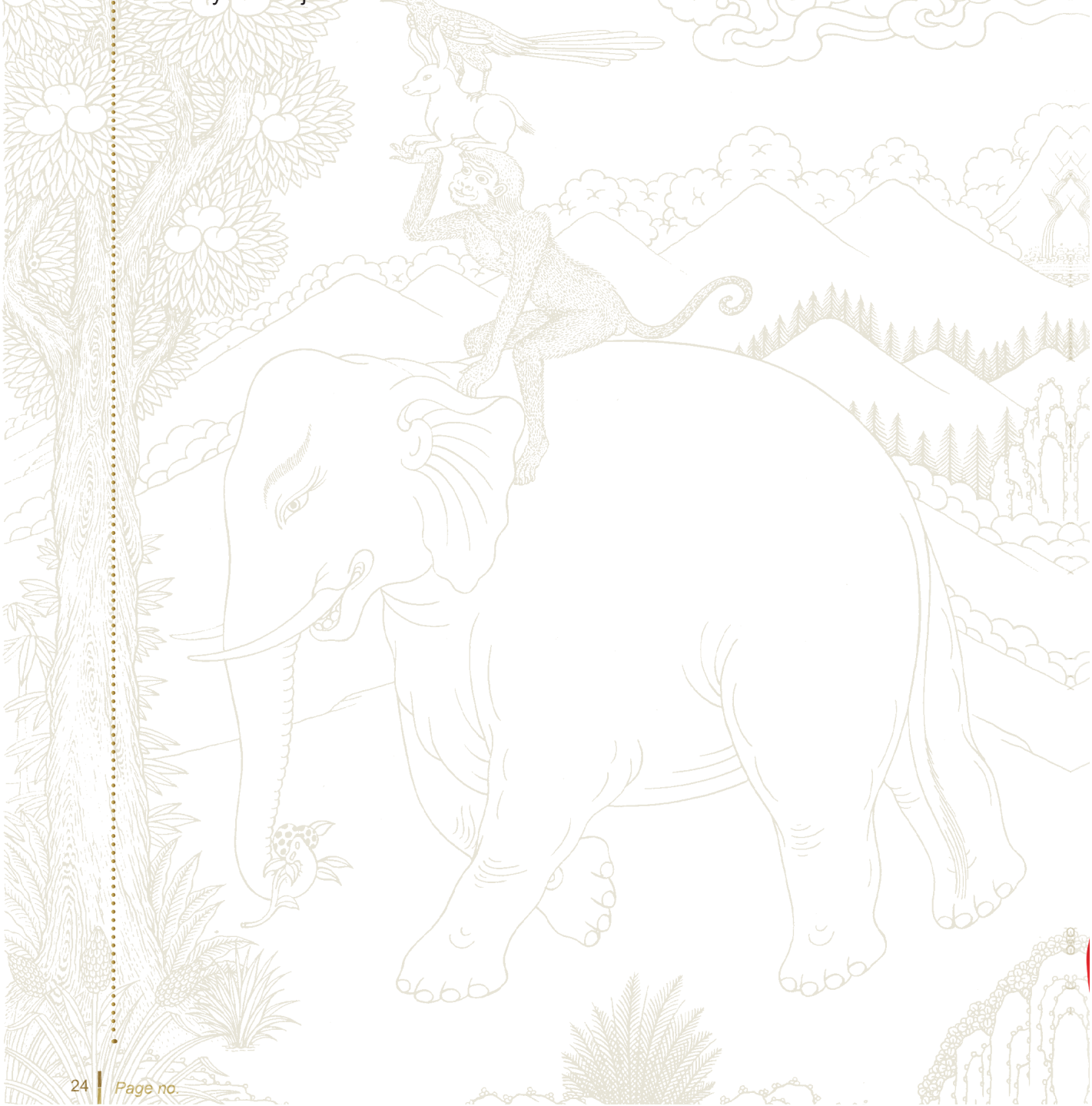
- Operationalising the constitutionally mandated **legal aid services** (including clarity on the criteria for eligibility to access legal aid).
- Operationalising the **Alternative Dispute Resolution Centre** and promoting court Annexed mediation, particularly to resolve commercial disputes.
- Operationalising the **Jabmi Tshogdey** (bar council), and integrating the private bar as an independent, professional, and fully functioning actor in the justice sector.
- Development of sector-wide integrated **Community awareness and engagement policy and plans** that are supported by a monitoring and evaluation framework to allow changes in awareness and understanding over time to be assessed and reported on. Activities need to be broader than just ‘training’ and ‘dissemination’ and may include development of community resources or manuals such as: a Legal Aid Guide; information for victim of crime (including sexual and gender based violence); and multi-language resources on justice processes.

### **Goal 5: Infrastructure is Adequate to Deliver Justice Services More Efficiently**

61

Physical infrastructure, equipment and facilities are important elements in promoting physical accessibility and efficiency in the provision of justice services. Physical and technical facilities are often lacking, and integration of information communication technologies across the sector/between institutions is still largely under-developed in Bhutan. Infrastructure development, however, is principally undertaken by individual institutions as part of the GNHC’s five-year planning, and *not* at the sector-level.

Sector-level priority needs identified are, therefore, limited to the need to jointly advocate for the development of **local forensic analysis capability** so that evidence gathering can be undertaken in a more timely manner. Additionally, to ensure efficient resources allocation and maximise integration of infrastructure development initiatives across the sector, **integration and prioritisation** of justice sector infrastructure investments and **coordination in the use** of existing/available infrastructure across institutions will need to be undertaken at the sector-level activity via the justice sector coordination mechanism discussed below.







## 4. JUSTICE SECTOR STRATEGIC PLAN IMPLEMENTATION

“

*“We Bhutanese are good at writing plans, speaking well and expounding ideas. But implementation falls short of commitments. There is a gap between commitments made and outputs delivered. We are not able to deliver results of expected quality in a timely manner.”*

His Majesty the King, National Day Address, 2013

”

### 4.1 JUSTICE SECTOR COORDINATION

63

Responsibility for implementing the Justice Sector Strategic Plan and working towards achieving results identified in NKRA 16 in the 12<sup>th</sup> Five Year Plan rests with *all justice sector institutions*.

To ensure the coherent implementation of the Plan - and to promote improved coordination across the sector - a sector coordination mechanism is needed. As justice institutions are, however, either wholly or partially autonomous bodies, each institution undertakes its own planning and budgeting. Consequently sector-wide budget allocations are not available, and so the cost implications of establishing and maintaining the coordination mechanism have intentionally been kept to a minimum.



64

The GNHC has identified the Royal Court of Justice as the ‘focal point’ for NKRA 16. Consequently, it is anticipated that the Judiciary will lead the establishment and operationalisation of the justice sector coordination mechanism with the active support of the National Core Team. The following coordination structure was presented, refined, and endorsed by justice sector representatives and stakeholders during the strategic planning process:<sup>20</sup>

<sup>20</sup> There are indications that the Chief Justice is establishing a committee similar to the proposed National Steering Committee. Where extant structures exist, it would be ideal to use these as the basis for the coordination mechanism to avoid duplication and simplify establishment. Furthermore, the structure, membership, and responsibilities defined are indicative, and intended as guidance to the sector’s leadership, which will have complete discretion with respect to establishing any coordination mechanism.

### **National Steering Committee for the Justice Sector:**

- i) **Responsibilities:** to provide policy/strategic guidance to all justice actors; prioritise sector-wide development activities; supervise the implementation of the Justice Sector Strategic Plan; and coordinate joint reporting on change and progress against the key performance indicators under NKRA 16 and SDGs.
- ii) **Members:** The Chief Justice (Committee Chair), Chairperson of the ACC, Attorney General, Chief of Police, and Secretary/Director of GNHC.
- iii) **Meeting frequency:** scheduled bi-annual meetings, with additional ad hoc meetings as required.

### **Justice Sector Working Committee:**

- iv) **Responsibilities:** to support the *National Steering Committee*; design, plan and coordinate initiatives to implement the Plan; undertake sector-level monitoring and evaluation; organise and manage ad hoc implementation teams; and report to the *National Steering Committee* on progress and change.
- v) **Core Members:** Management-level representatives from each of the key justice sector institutions (Judiciary, OAG, ACC, RBP and GNHC) and BNLI. Additional members may include the Bar Council (once operational). Participation from selected wider justice stakeholders will be determined by the Core Members on an activity-by-activity basis and may include: Jigme Singye Wangchuck School of Law; community and training organisations; UNDP and other donor organisations; etc.
- vi) **Meeting frequency:** fixed quarterly meetings, with additional ad hoc meetings as required.

### **Project Teams:**

- vii) **Responsibilities:** a resource to support the *Justice Sector Working Committee* to implement, monitor, and report on specific sector-wide projects/activities (e.g. cross-institution data and information communication technology integration; etc.).
- viii) **Members:** will be selected on a case-by-case basis according to their skills and ability to meet the technical and managerial needs of a *specific sector project/activity*. Members may be identified from within the justice sector/institutions, other local resources, or even international technical expertise.
- ix) **Meeting frequency:** to be determined based on the needs of each project/activity.

### **Public Engagement Forum:**

- x) **Role:** to enable participation in sectoral policy development by all those affected by the justice system; consensus building on justice issues; and

stakeholder feedback on sector priority setting. Its role will also be to support, coordinate, and implement awareness raising, empowerment, and education initiatives. The Forum will, therefore, be a critical mechanism to support the development of accessible, inclusive, accountable, responsive justice services.

- xi) *Participants*: the *Justice Sector Working Committee* will have responsibility for managing the Forum, and will need to **ensure that broadest possible participation is enabled**. Those involved in the Forum's activities can include (but not be limited to): public/community members; community representatives (including - women, youth/students, and marginalised groups such as people with disabilities and people affected by HIV) and civil society organisations, such as RENEW, Bhutan Transparency Initiative, etc.
- xii) *Frequency of Fora*: on a quarterly basis. Consideration can be given to: the Justice Sector Working Committee holding engagement fora in areas outside of Thimphu;<sup>21</sup> and conducting an annual Justice National Conference to discuss justice issues and to develop consensus on how best to address these issues.

## 4.2 OPERATIONALISATION OF THE JUSTICE SECTOR STRATEGIC PLAN - INITIAL STEPS

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A number of 'initial steps' to operationalise the Strategic Plan were identified by justice institutions and stakeholders during the planning process. Until the establishment of the coordination mechanism and related committees/teams, the National Core Team will play a pivotal role in facilitating the operationalisation of the Plan.

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Initial steps to operationalise the Plan include the following matters:

- **Adoption of the Justice Sector Strategic Plan**: following the completion/ endorsement of the Plan at the *Validation Workshop*, formal adoption by the heads<sup>22</sup> of each key justice institution is needed.
- **Map key implementation timeframes**: to establish agreed timing and responsibilities for the implementation of the Plan, including: all matters noted below; mid-term and terminal evaluations; and the development of a *second* strategic plan so that this is informed by a comprehensive needs assessment<sup>23</sup> and is finalised well in advance of justice institutions' planning and preparations for the 13<sup>th</sup> Five Year Plan.

<sup>21</sup> Wider Public Engagement Forum activities may be undertaken on a regular or periodic basis and:  
a) focus on specific issues/topics (for example to obtain feedback on draft legislation); and/or  
b) provide a forum for communities to engage in a dialogue on justice sector policy, issues, and needs.

<sup>22</sup> Namely: President of BNLI, Chief Justice of Supreme Court, Chairperson of the ACC, Attorney General, and Chief of Police.

<sup>23</sup> The comprehensive needs assessment is a critical precursor to any planning for a second Justice Sector Strategic Plan so that the develop of that Plan and preparation for the GNHC 13<sup>th</sup> Five Year Plan are based on contemporary needs-data that has been objectively identified, analysed, and prioritised. The needs assessment should be broad-based and include both internal and external data collection (including extensive consultations using the Public Engagement Forum). It should also include analysis of: sectoral; institutional (performance); and individual (capacity) needs/gaps.

- **Align institutional Action Plans:** (under the 12<sup>th</sup> Five Year Plan) with the five identified goals/thematic action areas to ensure that all planned institutional activities contribute to the sector's strategic framework.

Undertaken  
in parallel

**Establish the coordination mechanism:** including - developing terms of reference; defining rules of proceedings; establishing frequency of meetings; and holding initial meetings of all committees/teams.

- **Undertake sensitisation/awareness raising within the justice sector:** on the existence of the Plan; its scope and nature; and the sector vision, mission, goals, and values.
- **Sector leadership to prioritise activities:** a range of sector-level activities have been identified under each goal or thematic action area (see **Section 3.3**). An important initial step will be for the *National Steering Committee*, with the support of the *Justice Sector Working Committee* and the *Public Engagement Forum*, to identify sector-level priority activities, develop project scoping/designs, and seek funding support (either from the government/ GNHC or donor agencies) for all planned projects/activities.

### 4.3 MONITORING AND EVALUATION

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Sector-level monitoring and evaluation has been developed by the GNHC in defining NKRA 16 and associated key performance indicators. The Plan is explicitly aligned with this framework so that duplication of efforts is minimised.

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Consequently, the strategic framework that will shape the scope of future justice sector reforms and development has been aligned with NKRA 16's key performance indicators. A summary of how the Plan's goals or thematic action areas align with NKRA 16's key performance indicators is found in the following table:

Strategic Framework	NKRA 16 Key Performance Indicators allowing progress to be measured <sup>1</sup>
<b>Vision: A free, fair, just and harmonious society</b>	16.1 - Public satisfaction in justice services
<b>Mission: To provide accessible, inclusive, accountable, responsive, and quality services to promote trust and confidence in the justice sector</b>	16.1 - Public satisfaction in justice services
	16.2 - Timely justice services delivered
<b>Goal 1: Justice sector leadership, governance, and collaboration are effective</b>	16.1 - Public satisfaction in justice services
	16.2 - Timely justice services delivered
	16.5 - National law harmonisation
<b>Goal 2: Justice service providers are competent and motivated</b>	16.1 - Public satisfaction in justice services
	16.2 - Timely justice services delivered
	16.3 - Civil law cases handled by Alternative Dispute Resolution (ADR)
	16.4 - Recidivism
<b>Goal 3: Justice services are responsive, efficient, and accountable</b>	16.1 - Public satisfaction in justice services
	16.2 - Timely justice services delivered
	16.4 - Recidivism
<b>Goal 4: Justice sector services are accessible and inclusive</b>	16.5 - National law harmonisation
	16.1 - Public satisfaction in justice services
	16.3 - Civil law cases handled by ADR
<b>Goal 5: Infrastructure is adequate to deliver justice services more efficiently</b>	16.4 - Recidivism
	16.1 - Public satisfaction in justice services
	16.2 - Timely justice services delivered

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The GNHC-defined monitoring and evaluation (M&E) framework for NKRA 16 defines several key performance indicators that are a good starting point for measuring progress across the justice sector. Once detailed planning and priority projects/initiatives have been identified and agreed by the *National Steering Committee*, however, it would be valuable for a more comprehensive sector-wide M&E framework to be developed.

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In developing such a sector-wide M&E framework, it will be important to clearly establish the links (causality) between individual reform initiatives and actual results (change and impact - not just outputs) so that progress towards the sector's vision, mission, and goals as well as NKRA 16 can be more accurately documented.<sup>24</sup>

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Guidance for developing a more outcome/results focussed M&E framework for the sector is found in **Annex Four**. When developing a sectoral M&E strategy, consideration will also need to be given to establishing effective progress reporting; mid-term review; and comprehensive completion evaluation processes.

<sup>24</sup> Note: The Jigme Singye Wangchuck School of Law has piloted a 'Legal Needs Assessment' that (once completed) may be a valuable resource for baseline data on justice services and delivery.

## LIST OF ACRONYMS AND ABBREVIATIONS

ACC	-	Anti-Corruption Commission
ADR	-	Alternative Dispute Resolution
BLSS	-	Bhutan Living Standards Survey
BNLI	-	Bhutan National Legal Institute
GNHC	-	Gross National Happiness Commission
ICT	-	Information Communication and Technology
M&E	-	Monitoring and Evaluation
NKRA	-	National Key Result Area
OAG	-	Office of the Attorney General
RBP	-	Royal Bhutan Police
RCoJ	-	Royal Court of Justice
RENEW	-	Respect, Educate, Nurture and Empower Women
SDG	-	Sustainable Development Goals
Strategic Plan; or Plan	-	Justice Sector Strategic Plan
The Constitution	-	The Constitution of the Kingdom of Bhutan (2008)

## GLOSSARY OF TERMS

Accessible	-	Physical, procedural, cost, and geographic access to both formal and informal justice services. The concept also extends to access to information and support to prevent, identify, and resolve disputes.
Accountable	-	Justice institutions taking responsibility for their actions and for fulfilling their mandate within the existing laws and available resources with honesty and integrity.
Drangpon	-	Judge or Justice
Druk Gyalpo	-	His Majesty the King of Bhutan
Druk Yul	-	Bhutan ( <i>Land of the Thunder Dragon</i> )
Dungkhag	-	Sub-district
Dzongkha	-	National Language of Bhutan
Dzongkhag	-	District
Fair and Just	-	Impartial, consistent, and dignified treatment according to law.
Harmonious	-	<i>"...[E]very individual lives in harmony with oneself; with the community; with nature; and with culture and traditions."</i> <sup>25</sup>

<sup>25</sup> As defined by GNHC in the Guidelines for Preparation of the 12th Five-year Plan (FYP) 2018-2023, page 17.



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- Inclusive** - Protecting the rights of all sentient beings, and respecting diversity irrespective of legal status, cultural, physical, mental, religious and/or linguistic diversity. In the context of Bhutan, socio-economic and environmental considerations must also be addressed by an inclusive system of justice.
- Jabmi** - Legal Counsel/lawyer
- Jabmi Tshogdey** - Bar Council
- Justice Sector** - The justice sector is defined in different ways from context to context. In the context of this Justice Sector Strategic Plan the 'justice sector' is made up of the: Royal Courts of Justice; Office of the Attorney General; Anti-Corruption Commission; Royal Bhutan Police; Bhutan National Legal Institute; Gross National Happiness Commission; and Bar Council (once operational).
- More broadly, *justice sector stakeholders* were identified as including organisations/groups as the: public; community representatives; justice-focussed civil society organisations; parliament; and relevant government agencies. A list of potential justice sector stakeholders is found in **Annex Five**.
- Public Engagement Forum** - 'Public' is defined widely and includes community members, civil society organisations, private sector representatives, and individuals.
- Quality** - Delivering competent, courteous, mindful, and timely justice services.
- Responsive** - Justice services that proactively respond to, and meet all justice needs in Bhutan.
- Zhabdrung Ngawang Namgyal** - The first theocratic ruler of Bhutan in the 17<sup>th</sup> Century, who unified the country and established the foundations for national governance and the Bhutanese identity. He codified Bhutan's laws (completed in 1652) on the basis of the fundamental teachings of Buddhism and addressed the violation of secular and temporal laws alike, which serves as the foundation of the contemporary Bhutanese legal system.

# ANNEXES

## ANNEX ONE - THE JUSTICE SECTOR AND THE SUSTAINABLE DEVELOPMENT GOALS

The following is a summary of the relationship between the justice sector and all SDG's.<sup>25</sup> Consideration of how these SDG's can be promoted by the sector in its actions and development activities will need to be given by the:

1. *National Steering Committee for the Justice Sector* in priority setting and activity identification; and
2. *Justice Sector Working Committee* when developing sector-level M&E and related reporting frameworks.

This approach aligns with the concept of 'mainstreaming cross-cutting themes' defined by the GNHC, namely to "...identify SDGs relevant to their sectors within the scope of the NKRA..." and "...lead agencies for sectors ... shall integrate relevant SDGs into their KRAs."<sup>26</sup>

### SDG 3 - Ensure Health Lives and Promote Well-being for all at All Stages:



- **Target 3.3:** By 2030, end the epidemics of AIDS, tuberculosis, malaria and neglected tropical diseases and combat hepatitis, water-borne diseases and other communicable diseases.

*Justice sector considerations:* ensure appropriate conditions of detention.

- **Target 3.6:** By 2020, halve the number of global deaths and injuries from road traffic accidents.

*Justice sector considerations:* detection, enforcement and prevention of dangerous or illegal road user activity.

### SDG 5 - Achieve Gender Equality and Empower All Women and Girls:



- **Target 5.2:** Eliminate all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation.

*Justice sector considerations:* prevention, detection, investigation and prosecution of violence all against women and girls.

### SDG 8 - Promote Sustained, Inclusive and Sustainable Economic Growth, Full and Productive Employment and Decent Work for All:



- **Target 8.8:** Protect labour rights and promote safe and secure working environments for all workers, including migrant workers, in particular women migrants, and those in precarious employment.

<sup>26</sup> Based on: The Danish Institute for Human Rights: Justice, Security and the 2030 Agenda for Sustainable Development in Africa (March 2016)

<sup>27</sup> GNHC Guidelines for Preparation of the 12th Five-year Plan (FYP) 2018-2023, Part X, page 69ff.

*Justice sector considerations:* protect the labour rights, provide extensive skills and safety training, ensure safety protocols are in place to prevent officers from working alone, and provide debriefing and counselling after critical or traumatic events.

### **SDG 10 - Reduce Inequality Within and Among Countries:**



- **Target 10.7:** Facilitate orderly, safe, regular and responsible migration and mobility of people, including through the implementation of planned and well-managed migration policies.

*Justice sector considerations:* prevention, detection, investigation and prosecution of human trafficking.

### **SDG 11 - Make Cities and Human Settlements Inclusive, Safe, Resilient and Sustainable:**



- **Target 11.1:** Safe and affordable housing.
- **Target 11.2: Safe and reliable public transport.**
- **Target 11.3: Urban planning.**

- **Target 11.7:** Access to safe public spaces.
- **Target 11.A:** Strengthened development planning.
- **Target 11.B:** Disaster risk management.

*Justice sector considerations:* detection, investigation and prosecution of crime, and police involvement in crime prevention planning and implementation.

### **SDG 16 - Promote Peaceful and Inclusive Societies for Sustainable Development, Provide Access to Justice for All and Build Effective, Accountable and Inclusive Institutions at All Levels:**



- **Target 16.1:** Significantly reduce all forms of violence and related deaths everywhere

*Justice sector considerations:* crime prevention strategies, based on cooperative, developmental, rights-based and evidence-based approach as part of broader policing and justice sector safety and security frameworks.

- **Target 16.2:** End abuse, exploitation, trafficking and all forms of violence against and torture of children.

*Justice sector considerations:* prevention, detection, investigation and prosecution of all forms of violence and torture of children, specialist training and provision of victim support services.

- **Target 16.3:** Promote the rule of law at the national and international levels and ensure equal access to justice for all.

*Justice sector considerations:* strategies to reduce the number of pre-trial detainees, and systems and processes to improve crime detection, reporting, investigation, and trust in justice and security sector institutions.

- **Target 16.4:** By 2030, significantly reduce illicit financial and arms flow, strengthen the recovery and return of stolen assets and combat all forms of organised crime.

*Justice sector considerations:* engagement of sub-regional frameworks as an entry point for the establishment of national specialist units to prevent, detect and investigate organised crime and arms proliferation that cooperatively engage at the regional and sub-regional levels.

- **Target 16.5:** Substantially reduce corruption and bribery in all their forms.

*Justice sector considerations:* anti-corruption initiatives provide an entry point for reform to address supply side policing challenges, including recruitment, training, remuneration, and accountability frameworks.

- **Target 16.6:** Develop effective, accountable and transparent institutions at all levels.

*Justice sector considerations:* reform efforts should be centred on principles of democratic policing, with a strong emphasis on effective, transparent and independent oversight mechanisms for justice and security institutions.

- **Target 16.7:** Ensure responsive, inclusive, participatory and representative decision-making at all levels.

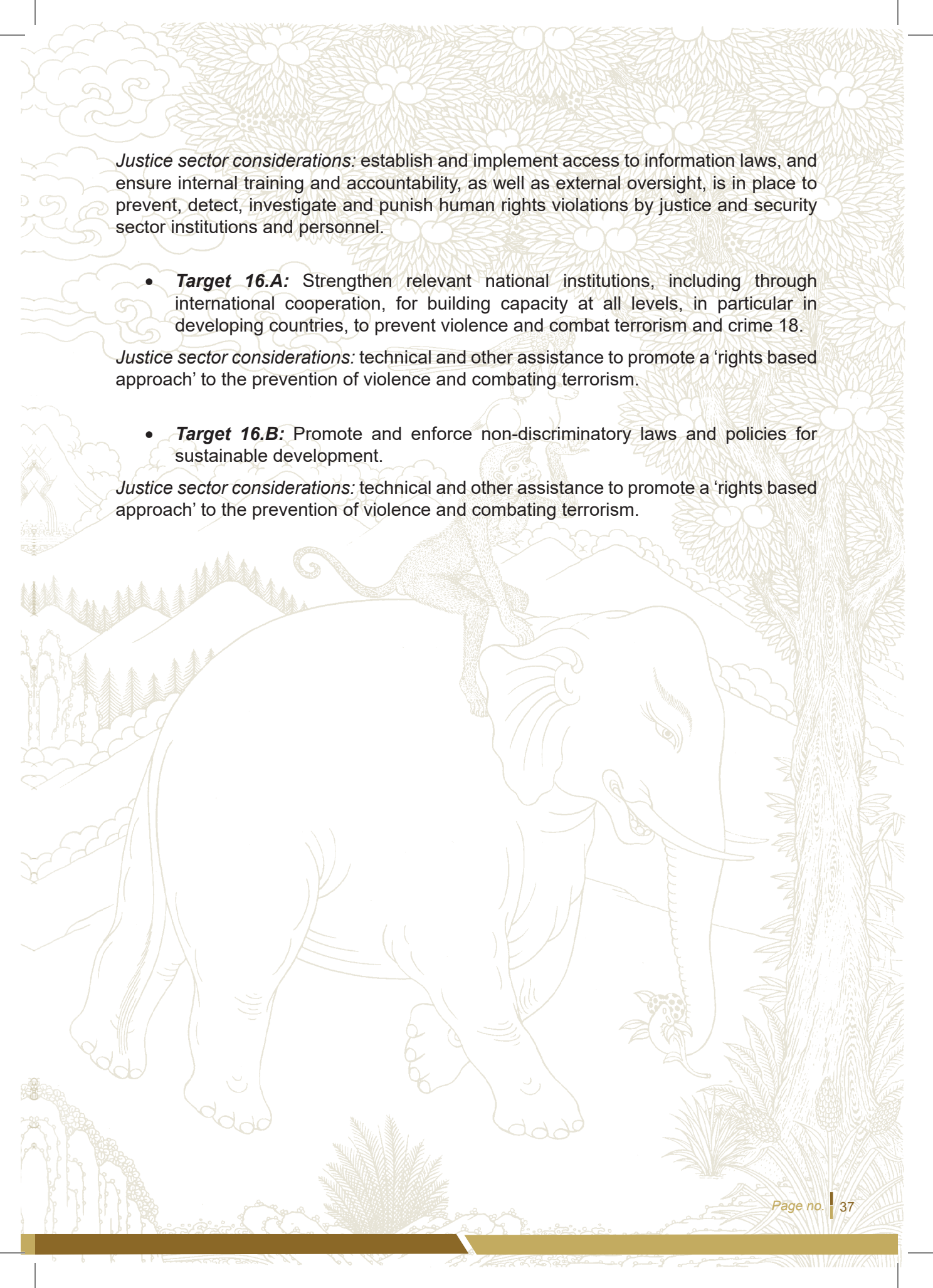
*Justice sector considerations:* address supply side drivers within justice and security sector institutions, such as recruitment, promotion and training, to ensure that the demographic profile of institutions is representative of the population.

- **Target 16.9:**<sup>27</sup> By 2030, provide legal identity for all, including birth registration.

*Justice sector considerations:* ensuring that all people have equal access to resources, protection of rights and opportunities.

- **Target 16.10:** Ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements.

<sup>28</sup> Note: SDG 16.8 (broaden and strengthen the participation of developing countries in the institutions of global governance) and SDG 16.9 were not included in The Danish Institute for Human Rights' report.



*Justice sector considerations:* establish and implement access to information laws, and ensure internal training and accountability, as well as external oversight, is in place to prevent, detect, investigate and punish human rights violations by justice and security sector institutions and personnel.

- **Target 16.A:** Strengthen relevant national institutions, including through international cooperation, for building capacity at all levels, in particular in developing countries, to prevent violence and combat terrorism and crime 18.

*Justice sector considerations:* technical and other assistance to promote a 'rights based approach' to the prevention of violence and combating terrorism.

- **Target 16.B:** Promote and enforce non-discriminatory laws and policies for sustainable development.

*Justice sector considerations:* technical and other assistance to promote a 'rights based approach' to the prevention of violence and combating terrorism.

## ANNEX TWO - TOP 10 PRIORITY SECTORAL NEED AREAS IDENTIFIED BY KEY JUSTICE SECTOR INSTITUTIONS AND STAKEHOLDERS

Priority Need Identified <sup>29</sup> (ranked in order of priority)	Justice Sector Strategic Plan Goal /Thematic Action Area
1. Ongoing capacity building / education (including specialisation)	<b>Goal 2:</b> Justice Service Providers are Competent and Motivated
2. Dissemination, advocacy and awareness raising	<b>Goal 4:</b> Justice Sector Services are Accessible and Inclusive
3. Development of service delivery standards/streamlining of procedures	<b>Goal 3:</b> Justice Services are Responsive, Efficient, and Accountable
4. Establish/strengthen cross-Institutional links	<b>Goal 1:</b> Justice Sector Leadership, Governance, and Collaboration are Effective
5. Undertake comprehensive sector research and development	<b>Goal 1:</b> Justice Sector Leadership, Governance, and Collaboration are Effective
6. Financial/administrative independence	<b>Goal 1:</b> Justice Sector Leadership, Governance, and Collaboration are Effective
7. Infrastructure development	<b>Goal 5:</b> Infrastructure is Adequate to Deliver Justice Services More Efficiently
8. Institution of forensic laboratory	<b>Goal 5:</b> Infrastructure is Adequate to Deliver Justice Services More Efficiently
9. A centralised case management system / platform	<b>Goal 3:</b> Justice Services are Responsive, Efficient, and Accountable
10. Establishment/operationalisation of legal aid	<b>Goal 4:</b> Justice Sector Services are Accessible and Inclusive

<sup>29</sup> These needs were identified and prioritised by justice institution representatives and wider stakeholders in the Strategic Plan Visioning Workshop (10-12 January, 2018). These priority needs areas were re-confirmed/ endorsed as part of the Validation Workshop (7-8 March, 2018).

Note: all but one of the prioritised needs (i.e. development of service delivery standards/streamlining of procedures) were also identified as needs in the Justice Sector White Paper, 15 September, 2016.

### ANNEX THREE - JUSTICE SECTOR STRATEGIC PLAN INTEGRATION WITH NKRA 16 M&E FRAMEWORK<sup>31</sup>

Strategic Framework	Key Performance Indicator	Description	Baseline Year	Baseline	Target	Data Source
<b>Vision: A free, fair, just and harmonious society</b> <b>Mission: To provide accessible, inclusive, accountable, responsive, and quality services to promote trust and confidence in the justice sector</b>	16.1 - Public satisfaction in justice services	Measures public satisfaction of justice services	2017	75.67%	>90%	BLSS
	16.1 - Public satisfaction in justice services	Measures public satisfaction of justice services	2017	75.67%	>90%	BLSS
	16.2 - Timely justice services delivered	Measures the turnaround time for the delivery of all justice services	2017	RCoJ - N/A OAG - N/A ACC - 270 days RBP - 90 days	RCoJ - 108 days OAG - (RBP cases- 10 days; ACC cases- 90 days; cases from other agencies- 20 days) ACC - 180 days RBP - 90 days	Inst'l admin data
<b>Goal 1: Justice sector leadership, governance, and collaboration are effective</b>	16.1 - Public satisfaction in justice services	Measures public satisfaction of justice services	2017	75.67%	>90%	BLSS
	16.2 - Timely justice services delivered	Measures the turnaround time for the delivery of all justice services	2017	RCoJ - N/A OAG - N/A ACC - 270 days RBP - 90 days	RCoJ - 108 days OAG - (RBP cases- 10 days; ACC cases- 90 days; cases from other agencies- 20 days) ACC - 180 days RBP - 90 days	Inst'l admin data
	16.5 - National law harmonisation	Measures the number of national laws harmonised	2017	11	21	NA & NC admin data

Strategic Framework	Key Performance Indicator	Description	Baseline Year	Baseline	Target	Data Source
<b>Goal 2: Justice service providers are competent and motivated</b>	16.1 - Public satisfaction in justice services	Measures public satisfaction of justice services	2017	75.67%	>90%	BLSS
	16.2 - Timely justice services delivered	Measures the turnaround time for the delivery of all justice services	2017	RCoJ - N/A OAG - N/A ACC - 270 days RBP - 90 days	RCoJ - 108 days OAG - (RBP cases- 10 days; ACC cases- 90 days; cases from other agencies- 20 days) ACC - 180 days RBP - 90 days	Inst'l admin data
	16.3 - Civil law cases handled by Alternative Dispute Resolution (ADR)	Measures the percentage of cases handled by informal justice system such as ADR	2017	42.25%	70%	BNLI & ADR Centre data
	16.4 - Recidivism	Measures the percentage reduction of recidivists in prison	2017	4.7%	4.5%	RBP admin data
<b>Goal 3: Justice services are responsive, efficient, and accountable</b>	16.1 - Public satisfaction in justice services	Measures public satisfaction of justice services	2017	75.67%	>90%	BLSS
	16.2 - Timely justice services delivered	Measures the turnaround time for the delivery of all justice services	2017	RCoJ - N/A OAG - N/A ACC - 270 days RBP - 90 days	RCoJ - 108 days OAG - (RBP cases- 10 days; ACC cases- 90 days; cases from other agencies- 20 days) ACC - 180 days RBP - 90 days	Inst'l admin data



Strategic Framework	Key Performance Indicator	Description	Baseline Year	Baseline	Target	Data Source
	16.4 - Recidivism	Measures the percentage reduction of recidivists in prison	2017	4.7%	4.5%	RBP admin data
	16.5 - National law harmonisation	Measures the number of national laws harmonised	2017	11	21	NA & NC admin data
	16.1 - Public satisfaction in justice services	Measures public satisfaction of justice services	2017	75.67%	>90%	BLSS
	16.3 - Civil law cases handled by Alternative Dispute Resolution (ADR)	Measures the percentage of cases handled by informal justice system such as ADR	2017	42.25%	70%	BNLI & ADR Centre data
<b>Goal 4: Justice sector services are accessible and inclusive</b>	16.4 - Recidivism	Measures the percentage reduction of recidivists in prison	2017	4.7%	4.5%	RBP admin data
	16.1 - Public satisfaction in justice services	Measures public satisfaction of justice services	2017	75.67%	>90%	BLSS
<b>Goal 5: Infrastructure is adequate to deliver justice services more efficiently</b>	16.2 - Timely justice services delivered	Measures the turnaround time for the delivery of all justice services	2017	RCoJ - N/A OAG - N/A ACC - 270 days RBP - 90 days	RCoJ - 108 days OAG - (RBP cases- 10 days; ACC cases- 90 days; cases from other agencies- 20 days) ACC - 180 days RBP - 90 days	Inst'l admin data

## ANNEX FOUR - GUIDANCE FOR DEVELOPING A SECTOR M&E FRAMEWORK

The following guidance may assist with developing a more change/results focussed monitoring and evaluation approach to assessing the outcomes of reform activities in the justice sector.<sup>30</sup>

**Level 1 - Reaction:** Assess reactions to inputs of those who participated or were involved.

Reaction assessments subjectively measure participants' satisfaction with the inputs. This data is readily collectable by way of post-activity questionnaires at the conclusion of an activity, then collated, ranked and analysed. Satisfaction ratings will test several elements including the quality of presenters and materials along with the applicability, relevance and comprehensibility of the content.

**Level 2 - Learning:** Assessing the knowledge, skills and attitudes<sup>31</sup> of participants and/or those involved in an activity.

Learning assessments measures the 'learning gain' resulting from the activity and includes questioning the quality, relevance and comprehensiveness of the activity along with substantive questions about its technical content. The learning gain can be assessed from the difference between correct responses provided before and after the activity, and can be a collation of subjective input from participants/those involved and objective feedback from technical advisors.

**Level 3 - Behaviour:** Assessing the quality and degree to which there has been demonstrable behavioural change through the application of learned and the effect this has on performance.

With reference to an index of intended behaviour, change can be determined in concert with those involved in the activities and supervisors of those involved in the activities. Actual change will be subjectively measured using both self- and independent assessment methods.

**Level 4 - Results:** Assessing changes in institutional performance/service delivery.

Results are measured against targeted outcomes due to behavioural changes, and seek to identify changes with regards to quality, utility, and benefit.

<sup>30</sup> Adapted from Kirkpatrick DL and Kirkpatrick JD, 2009, Evaluating Training Programs, Berrett-Koehler Publishers; [www.bkconnection.com](http://www.bkconnection.com).

<sup>31</sup> Including motivation, values, confidence and commitment.

## ANNEX FIVE - POTENTIAL WIDER JUSTICE SECTOR STAKEHOLDERS

Wider justice sector stakeholders identified include (but are not limited to):<sup>32</sup>

- Ability Bhutan Society
- Bhutan Narcotics Control Authority
- Bhutan Network for Empowering Women
- Bhutan Transparency Initiative
- Department of Forest and Park Services
- Department of Revenue and Customs
- Election Commission of Bhutan
- Jigme Singye Wangchuck School of Law
- Lhak-Sam (network of HIV positive people in Bhutan)
- Ministry of Education
- Ministry of Information and Communications (Department of Information and Technology)
- Ministry of Labour and Human Resources
- National Assembly of Bhutan and National Council of Bhutan
- National Commission for Women and Children
- RENEW
- Royal Audit Authority

<sup>32</sup> The list of potential wider justice sector stakeholders was identified by counterparts during the Validation Workshop (7-8 March, 2018).

