



# SECURITY SECTOR GOVERNANCE

SECURITY SECTOR INSTITUTION BUILDING TOOLKIT

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# TABLE OF CONTENTS

<b>Acronyms</b> .....	<b>ii</b>
<b>Executive Summary</b> .....	<b>3</b>
<b>Overview</b> .....	<b>6</b>
<b>What Is Security Sector Reform?</b> .....	<b>6</b>
<b>Institution Building and the Security Sector</b> .....	<b>7</b>
<b>General Best Practices</b> .....	<b>11</b>
Build Stakeholder Buy-in .....	11
Managing Risk.....	12
Understanding the Security Sector’s Systems .....	14
Apply Best Practices in Advising and Coaching.....	15
Move Beyond Train and Equip.....	16
Manage Expectations Against Program Timelines .....	16
Strategize and Collaborate with Other Initiatives.....	17
Consider Processes and Systems that are Locally Appropriate and Accountable.....	18
Incorporate Male and Female Perspectives and Considerations .....	19
<b>Frameworks for Institution Building</b> .....	<b>21</b>
<b>Assessment and Analysis</b> .....	<b>24</b>
<b>Specific SSR Challenges</b> .....	<b>29</b>
Increasing Civilian Safety and Security .....	30
Increasing Access to Justice.....	36
Improving Police Investigations.....	40
Improving the Quality of Prosecutions, Adjudications and Efficiency of Court Processes .....	44
Improving Corrections Facilities’ Conditions and Prisoners’ Rights.....	50
Improving Border Safety and Security.....	54
Improving the Security Sector’s Response to Gender-based Violence.....	56
Reducing Predatory, Inhumane, or Unethical Behaviors in the Security Sector .....	59
Disarming, Demobilizing, and Reintegrating Former Combatants .....	64

Countering Trafficking in Persons.....	67
Improving Natural Resource Protection .....	72
Strengthening Public Financial Management(PFM).....	75
<b>Monitoring &amp; Evaluation of SSR Programs .....</b>	<b>78</b>
<b>Annex A: Resources, Guides, Tools .....</b>	<b>84</b>



# ACRONYMS

ADP/S	Alternative Development Program/South
BEM	Behavior Engineering Model
CAF	Capacity Assessment Framework
CAR	Central African Republic
CDRF	Capacity Development and Results Framework
CSO	Civil Society Organization
DCAF	The Geneva Centre for the Democratic Control of Armed Forces
DDR	Disarmament, Demobilization and Reintegration
DFID	U.K. Department for International Development
DOS	U.S. Department of State
DRC	Democratic Republic of the Congo
HICD	Human and Institutional Capacity Development
FCAS	Fragile and Conflict-Affected States
FMIS	Financial Management Information System
JCAP	Joint Country Action Plan
LCI	Lebanon Civic Initiative
LDP	Leadership Development Program
M&E	Monitoring and Evaluation
MENA	Middle East and North Africa
MOU	Memorandum of Understanding
OECD	Organization for Economic Co-operation and Development
OJT	On-the-Job Training
PDIA	Problem-Driven Iterative Adaption
PEA	Political Economy Analysis
ROI	Return on Investment
RUC	Royal Ulster Constabulary (Ireland)
SALW	Small Arms and Light Weapons
SGBV	Sexual and Gender-Based Violence
SGI	Security Governance Initiative
SMEX	Social Media Exchange
SPLA	Sudan People's Liberation Army
SSA	Security Sector Assistance
SSG	Security Sector Governance
SSR	Security Sector Reform
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNDP	United Nations Development Programme
UNPOL	United Nations Police
USAID	U.S. Agency for International Development
USG	U.S. Government
WBG	World Bank Group



# EXECUTIVE SUMMARY

Institutions and their capacities drive a sector’s performance. USAID’s extensive experience in institutional reform across sectors from health to education to governance is regularly applied in security sector reform, particularly its rule of law components. USAID’s comprehensive approach to institution building is captured in the



Human and Institutional Capacity Development (HICD) Handbook.<sup>1</sup> USAID has applied this experience specifically in its security sector programming. From a USAID perspective, security sector reform (SSR) is an umbrella term that includes integrated activities in support of defense and armed forces reform; civilian management and oversight; justice and the penal system; police and public safety; corrections, detention facilities and due process; intelligence reform; national security planning and strategy support; border management; disarmament, demobilization and reintegration (DDR); and reduction of armed violence including small arms/light weapons (SALW) proliferation.

USAID programming in security sector reform has included programs focused on civil-security force relations, policing, civilian oversight of the military, parliamentary reform, public administration, policy making, access to justice, judicial reform, transitional justice and DDR. Institution building is a core component of transforming public administration institutions into effective, efficient, transparent, accountable, innovative and citizen-oriented agencies that accomplish the basic missions of the State, in particular the delivery of basic services and meeting sustainable development goals and targets. Given the variety of programs, country partners, and institutions with distinct roles and mandates, tailored approaches are needed. Institution building is a core influence on the services themselves and how they are provided. Key considerations of institution building include:

- Institutions begin with people and the actions they take based upon social and agreed procedures and protocols. Bringing about reform therefore involves large-scale behavior change among essential staff, often numbering into the thousands, as the main causal modality behind successful security sector institution building. Local champions of change must emerge and be supported; a visionary, credible leadership must materialize; and mid-

<sup>1</sup> USAID’s Human and Institutional Capacity Development Handbook [http://pdf.usaid.gov/pdf\\_docs/PNADT442.pdf](http://pdf.usaid.gov/pdf_docs/PNADT442.pdf)

level role models must rise and flourish if behavior change is to scale sufficiently to usher the desired reforms. These factors are entirely indigenous and cannot be assumed at program outset. Yet they are critical to successful national ownership and sustainability. Program design must incorporate methods to evaluate informal and formal incentives to encourage the behavior change. Political will must not be assumed and needs to be continuously evaluated. A reasonable working assumption is and should be that change will be resisted at some level and at some point. Therefore, appropriate risk mitigation strategies are an essential component of institution building projects. Programs should end their support if there is no political will nor ability to encourage it.

- Sometimes the institutions themselves are a source of insecurity, which means there will be reduced incentives to change. Programs will need to conduct a thorough political-economy analysis of what factors could influence political will (if any), what are the likely sources of resistance, and factor considerable time in program timelines for the principle meetings and engagements with the institution.
- Improved administrative functionality within a security system does not guarantee greater safety and security for citizens, as there are many intervening variables between the capacity and functionality of an institution and delivering public goods and service. This is precisely what makes institution building so challenging.
- Security actors must know how to execute their professional functions in line with constitutional mandates. Training and advising play important roles in providing that knowledge. Legal parameters are just as important as professional capacity in delivering safety and security to citizens. Many institution building efforts will require legal reforms, particularly in human resources.
- Institution building in fragile states should support national political bodies and address the repercussions and implications of recent conflict, including ex-combatants, small arms proliferation and ongoing peacekeeping operations.
- The quality of personal and professional relationships between the donor, the implementing agent, and the recipient security institution—particularly its senior leadership—has proven over time to ‘make or break’ any attempt at security sector capacity development. Therefore, effective institution building efforts prioritize hiring the staff with the right skills and experiences and investing in building relationships early on. Technical advisors need to advise and coach since they have no authority over those with whom they work.
- At the same time, the actual day-to-day work of institution building is heavily dependent upon the middle level management of the organization. They are the organizational linchpin managing, directing and supervising the delivery of the public goods and services the institution is mandated to provide. Without their concurrence and active engagement, an institution building project will not possess the requisite political commitment to achieve its objectives. This is particularly true for all and any training initiatives, as they are the leaders who will need to integrate the training into day-to-day practice.

- Accountability is important for keeping the process moving and ensuring the sector reflects democratic norms and values. Oversight mechanisms (civilian, legislative, or internal) play a key role in fostering accountability.

Many resources exist for ensuring these principles and others are incorporated into the design of security sector institution building efforts. The USAID Human and Institutional Capacity Development Handbook<sup>2</sup> provides a starting point with its emphasis the system overall; the need to build buy-in; an evidence-based assessment process to identify root causes; and tailored actions to address performance gaps. Additional key resources include:

- *Interagency Security Sector Assessment Framework (ISSAF): Guidance for the U.S. Government*  
[http://pdf.usaid.gov/pdf\\_docs/PA00HWJX.pdf](http://pdf.usaid.gov/pdf_docs/PA00HWJX.pdf)
- Chapter 3 of the *OECD DAC Handbook on Security System Reform*  
<http://issat.dcaf.ch/download/478/3015/OECD%20DAC%20Handbook%20on%20SSR.pdf>

In addition to the general institution building best practices that should be in security sector institution building, there are additional problem-specific courses of action for reforming institutions that must be incorporated as well. This toolkit focuses on a few of those problems such as poor police investigations, weak responses to gender-based violence, and slow court processes. Each problem set includes an overview with some programmatic considerations and best practices based off the resources highlighted in this toolkit. In the interest of keeping this toolkit user-friendly, this is an introductory document with each of these sections serving as a starting point with references for additional more-detailed resources.

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<sup>2</sup> USAID's Human and Institutional Capacity Development Handbook [pdf.usaid.gov/pdf\\_docs/PNADT442.pdf](http://pdf.usaid.gov/pdf_docs/PNADT442.pdf)

# OVERVIEW

Since the end of the Cold War, development agencies have gradually begun engaging the security sector as part of their governance, public financial management, and rule of law programming, understanding that security is an essential condition for conflict mitigation and sustainable economic, political and social development. Participatory poverty assessments consistently identify lack of security as a major concern for poor people. This is true in conflict-affected, weak states as well as in more prosperous, stable nations without recent experience of violent conflict.

USAID has significant experience in institutional capacity-building writ large. Helping institutions build stronger internal systems is important to carry out reforms. Foreign assistance to develop security capacity in partner countries continues to evolve. USAID has gained a better understanding of what is needed, and restrictions for support to security sector reform has been lifted. The U.S. government has recognized the critical nature of supporting security sector institutional development by establishing the Security Governance Initiative (SGI) in 2014. Under this initiative, the United States committed to multi-year support to Tunisia, Kenya, Ghana, Mali, Niger, and Nigeria to undertake strategic and institutional reforms to tackle key security governance challenges, both to protect state institutions and assure citizen security.

This toolkit provides tips, tools and the rationale behind institutional capacity building so that critical issues like those noted above are not overlooked. It is designed to highlight best practices in institution building that are applicable to SSR, and then identifies objectives for SSR programming and considerations. This is an introductory document that draws from more expansive resource tools and will direct the reader toward more exhaustive studies, resources, and dedicated methodologies.

## WHAT IS SECURITY SECTOR REFORM?

All states require and depend on robust, efficient, and effective security and justice apparatuses. The capacity to maintain security is a precondition of effective governance and development for any state—rich or poor, democratic or autocratic. To achieve these ends, the security sector

Security sector reform is a process aimed at ensuring that security and justice providers:

1. Deliver effective and efficient security and justice services that meet people's needs
2. Are accountable to the state and its people
3. Operate within a framework of democratic governance, without discrimination and with full respect for human rights and the rule of law

— GENEVA CENTRE FOR THE DEMOCRATIC CONTROL OF ARMED FORCES

must itself strive to create a culture of public service built upon legitimacy with administrative procedures and oversight mechanisms that follow international governance standards.

Security sector reform (SSR) emerged from the more established practice of public sector reform in which international donors partnered with national governments to modernize and professionalize various public institutions, particularly those responsible for basic service delivery, from health to justice and education. SSR is thus the set of policies, plans, programs, and activities undertaken to improve the way a state provides safety, security, and justice. The overall objective is to provide these services in a way that promotes an effective and legitimate public service that is progressively more transparent, accountable to civilian authority, and responsive to the needs of the public.

USAID has played various roles in improving the security sector in fragile and post conflict states across the globe. Partner institutions include state security providers; rule of law institutions including police, courts, and prisons; government oversight bodies; non-state security providers; and civil society. Activities range from supporting institutional reforms of the police, military and judiciary (electronic payroll, census of uniformed staff, budgetary planning and execution, national security planning), reinforcing civilian oversight mechanisms, and community policing.

### Examples of Current USAID Security Sector Institution Building

- Human resources reform
- Police investigative and evidence collection training
- Training and equipping civilian oversight mechanisms
- Community policing mentoring
- Training for judges, prosecutors, and legal aids
- Anti-corruption measures
- Pay management systems
- Case management systems
- Disarmament, demobilization, and reintegration policies
- Technical support for national security policies
- Personnel census

## INSTITUTION BUILDING AND THE SECURITY SECTOR

Institution building is the process of transforming public administration institutions into more effective, efficient, transparent, accountable, innovative and citizen-oriented agencies that accomplish the basic missions of the State including the delivery of basic services and meeting sustainable development goals and targets.

In fragile or volatile contexts, the development priority for institutional transformation is to deliver citizen safety and security, equity, justice, and economic opportunities. Without a basic level of citizen security there can be little equitable social and economic growth as perceptions of chronic fragility breed deeper grievance. This often hardens and militarizes into armed conflict and mass migration.

Security sector governance builds on decades of traditional security assistance in the form of arms transfers and operational support ('train and equip') by working with partner governments

to professionalize the management, performance, and oversight of national security institutions. This mode of security sector engagement intends to ‘reform’ or professionalize the security institutions, and deliberately echoes its origins in public sector reform. Across its many activities and facets from reintegrating former insurgents to community policing, SSR’s focus on democratic governance requires a dedicated and explicit approach to institution building.

Yet improved administrative functionality within a security system does not guarantee greater safety and security for citizens. Security actors must also understand how to execute their professional functions in line with constitutional mandates. A further prerequisite the effective development of security institutions concerns the legacy of recent conflict, including DDR, small arms proliferation, human rights abuses, and ongoing peacekeeping operations. National political bodies need to address these potentially destabilizing factors coherently and conclusively before institutional capacity can be assessed and developed.

In fragile states, institution building prioritizes capacity and accountability, typically the weakest areas. Capacity means greater resilience to the shocks and stresses of poor governance, environmental catastrophe, internal strife or regional conflict. Such changes take time and are rarely quick or easy wins. Accountability is a complex activity and undertaking, with multiple overlapping dimensions. Ultimately, accountability is how an institution is held responsible for its strategies, policies, and the actions of its personnel. One of the key elements of accountability and donor support has proven to be most effective is the provision of information to all citizens so that they can more directly interact and be engaged with the institutions providing them with safety, security, and justice. In addition, accountability support can be directed to strengthening legal avenues of dispute resolution and complaints, particularly against the state, as well as bolstering the checks and balances across institutions and the disciplinary and professional standards, procedures, and processes within institutions.

Forms of support range across the spectrum of ‘supply’ and ‘demand’ and may include:

- **Human resource reform.** Institutions need the right people. Human resource reform is usually required to get the people with the right skillsets in the right position.
- **Increasing popular demand for public safety and citizen-centric security policies.** Activities involving media and civil society to improve civil-security relations at a community level and increasing civilian input into security, safety, and justice day-to-day performance and its policymaking, locally and nationally. This may first require public literacy initiatives on security issues, but will also increasingly revolve around varying types of dialogue processes.
- **Development of independent oversight bodies.** Training and technical assistance for oversight mechanisms in the legislature, select committees, auditors general, police commissions and human rights commissions. May also extend to informal oversight or ‘watchdog’ organizations, parastatal or traditional authorities. Local neighborhood groups



and civil society organizations can also be trained to engage in external oversight activities of community policing efforts.<sup>3</sup>

- **Justice and the penal chain.** The criminal justice system includes the police and in some countries the gendarmerie and military police. Activities to improve cooperation and understanding of roles and responsibilities between police, prosecutors, courts, prisons and internal intelligence. Inclusion of civil society and local civil authorities can amplify awareness of these roles and responsibilities, correct misunderstandings and manage public expectations for each service in the chain.
- **Public financial management** Training for public safety and national security institutions on public financial management. May include training and technical assistance with transition to electronic payroll, restructuring revenue generation (traffic police), budget planning and execution, procurement, public reporting, and external relations.
- **Armed forces and intelligence.** Technical assistance and training, based on jointly conducted capacity assessment for managerial divisions of the armed forces, reserves or local defense units supporting military functions such as border security.



*“Meeting of Inspectors, Chiefs or Human Rights liaisons and delegates from the National Divisions of the National Police to update their knowledge of the Transparency Policy, learn how to implement the new policy, receive training on the Vulnerable Populations Guideline. Bogotá, May 2017.” - USAID/Colombia Human Rights Activity (HRA)*

The design of these efforts should be informed by a cogent political economy analysis of participating security agencies, a well-informed, holistic governance lens, specifically the legitimacy and effectiveness of the agencies concerned (See USAID’s Political Economy Analysis (PEA) guide).<sup>4</sup> This process exceeds the ‘train and equip’ scope of classic security sector assistance by also assessing and addressing internal and external accountability systems (e.g.,

<sup>3</sup> Eden Cole, Kerstin Eppert and Katrin Kinzelbach, ed. *Public Oversight of the Security Sector: A Handbook for Civil Society Organizations*. UNDP, 2008. <http://www.dcaf.ch/Publications/Public-Oversight-of-the-Security-Sector>.

<sup>4</sup> One tool to use for political economy analysis is USAID’s *Draft Working Document: Applied Political Economy Analysis (PEA) Field Guide* [http://pdf.usaid.gov/pdf\\_docs/PNADT442.pdf](http://pdf.usaid.gov/pdf_docs/PNADT442.pdf)

intra-governmental relations [horizontal]; the hierarchy binding elites, officers and field agents [vertical]; legal accountability [constitutional mandate, etc.]; and transparency to lawmakers, elected officials, and the public). Only with such perspectives can larger systemic challenges such as corruption be addressed.

As in other areas of public administration, sustainable institutional development in the security sector requires most of personnel, officers and administrators to change their behavior daily and over time. This alone is an immense challenge, yet it is further complicated by ingrained political incentives and institutional values often at odds with the proposed shifts in culture and procedure; the accumulation of professional behaviors; and internal management systems. There will, most likely, be structural deficits that cannot readily be overcome in the short- to intermediate-term, with and for which programming will need to reckon. These challenges are daunting because successful social and behavior change—the crux of any realistic theory of change—is not the result of intensive capacity building or technical support alone.

Other requirements to make a programming environment conducive to reform include:

- **Local champions of change** must emerge and be supported;
- A visionary, **credible leadership** must materialize; and,
- **Mid-level role models** with clear roles and support must rise and flourish if behavior change is to scale sufficiently to usher the desired reforms.

We cannot assume these aspects naturally exist at the program outset. They will either emerge naturally as a program unfolds, converting doubters and gaining momentum, or they will need support to be identified and fostered. Program design should consider how to support these efforts, although the ultimate results depend on local dynamics, many of which are out of donor's control.

Lastly, the track record of SSR programming shows that the quality of personal and professional relationships between the donor, the implementing agent, and the recipient security institution—particularly its senior leadership—has proven over time to 'make or break' any attempt at security sector institutional development. Therefore, effective institution building efforts prioritize hiring staff with the relevant skills and invest in building relationships early on. See the advice in the next section on effective practices for advising.



# GENERAL BEST PRACTICES

## BUILD STAKEHOLDER BUY-IN

Assessing and strengthening security sector governance is sensitive and highly political, but there is no change without local support and ownership. Long-term reforms cannot be sustained without political will, willingness to independently manage U.S. and other international donor investments, and an equal stake in the success of security sector initiatives.

It cannot be assumed, however, that political will or commitment automatically exists. In fact, SSR is frequently least welcome where it is most needed. Many programs are forced to function in the continual uncertainty of tenuous working relations with national counterparts. Weak and undemocratic states generally make worse use of security sector assistance and resist governance reforms. In many instances, these development initiatives are perceived to be counterproductive or against the interests of elites. Also, dysfunctional institutional cultures can be averse to change, particularly to the transparency and accountability required of public service. Such openness is perceived to threaten informal and undeclared, often highly lucrative, arrangements.

The big structural challenges blocking security and justice reform—political interference and lack of political will—often elude external actors seeking to influence positive security and justice outcomes. Lasting reform cannot take place without the buy-in of the host country’s

*“Where there is a sense of urgency among political elites, the sense that ‘something is broken’, leadership and commitment emerge easily. Patronage systems and kickback governance are a common hindrance, as junior or sub-national leadership fear the consequences of independent action, and instead await orders or permission to act from above.” - Niger Diffa Governor Dan Dano*

leadership, both in the government and in the security sector, as well as the middle management of the institutions being supported. The United States should be prepared to end funding to countries that do not show a genuine desire to reform because the likelihood of success, especially sustainable success, is very low.

The performance of institutions depends heavily on the quality and commitment of leadership and management. In many cultures, personnel in public institutions is drawn almost exclusively from civil service personnel who stay in their positions for the longer-term (though there are exceptions to this rule). There are advantages to this trend. In the case of police, prosecutors, and the judiciary having a consistent civil service fosters familiarity with the complex nature of policing and police organizations, the peculiar organizational ethos of the police, and experience in applying the law as it relates to criminal justice. Importantly, institutions are often suspicious of outsiders brought into their ranks and will frequently resist outsiders’ attempts to reform them (particularly if the new manager is perceived to be a political appointment).

As a result, changing the behavior of institutions and the individuals within them is extremely difficult. Existing leaders are imbued with the ethos and culture of the organization in which they have spent their careers, and they are invested in its practices. They are also already influenced by their extra-professional relationships such as tribes and clans, any former armed group/gang affiliations, and perspectives from the international training they have already received. They also tend to have been appointed by managers who share similar views. These existing leaders will in turn appoint managers beneath them who also reflect and perpetuate the same approaches. The effect is to entrench and reproduce existing strategic approaches, managerial practices, and day-to-day behaviors within the organization. Where an institution is relatively well managed (and has been for a time), this creates a virtuous, self-reinforcing cycle; where the institution is poorly managed, the opposite can occur.

Resistance to the transformation of institutional culture can take many forms and may only become explicit when threatened with change. Institutional culture may appear entrenched or hostile to change but experience shows that even at the highest level, it is never monolithic. Yet allies of reform or champions of change may not immediately appear, as conformity is the rule.

Achieving success in such environments involves early identification of risks and strategies to manage them. National contexts should be closely analyzed in terms of institutional willingness, degree of need and potential return on investment and programming adjusted or stopped accordingly. In practical terms, this requires flexibility in program design, ingenuity, and a constant attention to alternative routes toward the agreed destination.

Assessments of political will should incorporate systematic identification of political destabilization factors or ‘triggers’ to determine partnership viability within a wider national context and the long-term. Much of this assessment will be, by definition, temporal in nature – why political will has changed over the past few months or year, in which direction has that change occurred (to promoting or resisting development), who are the actors, and what are the dynamics behind the continuously changing circumstances. Training and education activities can help gauge commitment levels from partner institutions, as will the actual government budgetary expenditures for institutional units for which donor support is being directed. Typical indicators of positive engagement or lack thereof include per diem demands for trainings, appropriateness of the attendees for the specific training given, attendance levels, and degree of demand for security sector governance-related trainings. They also help track emerging perverse incentives.

## **MANAGING RISK**

Institution building is a complex challenge. Those implementing it must have strong interpersonal skills, emotional intelligence, and patience, and program design should incorporate revolving political economy analyses and risk mitigation mechanisms. Throughout any of these processes, dialogue and consultation are essential. Communicate often and early and include the host nation in the assessment and design process.

While there are various program mechanisms that help to structurally manage the risks in institution building programs, the program should conduct political economy analyses periodically – if not continuous. For the purpose of managing risk, these analyses are not the customary ‘systems’ assessments that are done at the outset of the design phase, but, as discussed above, an appraisal of the temporal dynamics of the country, its politics, and, equally importantly, the institution and security sector as they change over time. Keeping the pulse of the **changing** context in which the program operates is the single most important component of risk management.

**Memorandums of understanding.** One risk mitigation mechanism is a strategic security sector review (such as the Joint Country Action Plan used by the Security Governance Initiative) conducted with national authorities, to generate the initial trust and respect necessary for further SSR implementation. As noted above, another option is a MOU between the host government and the donor agency to ensure a common understanding and expectations of each party. Another way to ensure continuity is to transfer project personnel into the institution either through the course of the project or at the end. An MOU can contain provisions to prevent arbitrary, counterproductive transfers of key staff in the target institution.

**Multi-stakeholder efforts.** Another option to encourage buy-in is to strive for a multi-stakeholder approach. In general, this is not hard to achieve as all social strata and political camps across government will readily agree that personal safety and national security are the immediate interest of all citizens. But there can be times when reforms would affect the individual interests of key stakeholders who may be more personally interested in reforms not going forward. Or there may be different perspectives on how the goal should be achieved. If successful, a multi-stakeholder approach can strengthen national buy-in by going beyond the immediate program beneficiaries in the security institution itself.

Multi-stakeholder approaches to dialogue bring together large cross-sections of society to include voices often marginalized from certain political or social processes.<sup>5</sup> Most commonly, multi-stakeholder dialogues include government officials, civil society participants, and other important stakeholders. Civil society participants frequently consist of leaders of community organizations, religious figures, and local non-governmental representatives (i.e. tribal leaders etc.). The military and police are often included in the dialogue as important stakeholders. Common objectives include increasing positive interactions between stakeholders, teaching stakeholders to work together, and strengthening community engagement in decision-making and reform processes. UNDP encourages the inclusion of participants from multiple political parties to “reduce the risk of the program being perceived as politically motivated, or even fueling conflict.”<sup>6</sup>

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<sup>6</sup> Building Police Institutions in Fragile States: Case studies from Africa, CSIS 2013, Richard Downie, p. 23. Building Police Institutions in Fragile States: Case studies from Africa, CSIS 2013, Richard Downie, p. 23.

**Leverage existing efforts.** Secondly, and under almost all circumstances, programs should be designed to build on existing local capacities and their proven management skills, which will help cultivate national ownership of new programming. Patchwork interventions have little lasting impact or ownership in the security sector given its nature as a system. Development donors can be more credible and effective when their programs are an extension of the host country's broader development agenda.

**Support champions for change.** Lastly, identify and reward 'champions' or 'change leaders' early on with incentive systems that encourage and track results over the program life cycle. The one caveat to this approach is the need to acknowledge that the lifespan of any one 'champion of change' is, likely, to be limited. On average, a 'champion' may be able to deliver on change for a period of 2-3 years, which implies that programming that depends upon a 'champion' would need to be appropriately contoured.

## UNDERSTANDING THE SECURITY SECTOR'S SYSTEMS

The security sector is composed of multiple systems. As a whole, it is a system of various institutions and actors that relate and rely on each other while also influencing additional broader and external systems. An action taken to reform one portion of the system will either have an effect on another portion or may not be effective because another part of the system requires a change to accommodate the initial reform.

A system is a set of elements that interact with one another within a defined set of boundaries (or environment) to produce a result or output of some kind. A local system refers to those interconnected sets of actors – governments, civil society the private sector, universities, individual citizens and others – that jointly produce a particular outcome. The various levels to consider within a system when building capacity are:

**Systemic Level --** The process of creating “enabling environments” (the legal, policy, economic, regulatory, and accountability frameworks within which institutions and individuals operate). This includes relationships and processes between institutions as well as institutional mandates.

**Institutional Level --** The process of improving an organization's overall functioning, performance, and adaptability. It involves developing the institution as a total system, including its individuals and groups and its relationship to the outside. In addition to infrastructure improvements, this involves clarification of mission, strategy, and structure; modifications in managerial procedures and processes; methods of evaluating performance, and human resource changes.

**Team/Group Level --** The process of helping teams or groups acquire knowledge and skills as well as refining attitudes and behaviors. This involves coaching individual team members to refine their knowledge and skills and revising work assignments to better use areas of individual expertise.

**Individual Level** -- The process of changing individual attitudes, skills, knowledge, and behaviors begins by imparting knowledge and developing skills through training. It must also involve practice, learning by doing, and participation to foster ownership. Training should also incorporate processes associated with increasing performance through managerial, technical, or administrative changes.

Analysis of the impact of a proposed program must be done on and between all of these levels to ensure that there are no unintended consequences and identify areas of leveraging other portions of the sector. It is this complexity that makes institution building a challenging endeavor.

A systems or holistic approach also extends in time as well as across institutions. Programming must consider future sources of funding and support from the host government to ensure that new practices and behaviors are retained and adopted by security and justice institutions into the future. For example, putting large numbers of new police on the streets today will not improve security in the long term if the host government is unwilling or unable to pay them in the future, there is no ongoing training program, there is no system in place to hold them accountable for their conduct, and/or there is no one to fix their new computers and vehicles when they break down. These issues are core considerations for longer-term engagement with the security sector.

A holistic or systems approach also implies the understanding that the 'root causes' of local insecurity have multiple causes, one of which frequently originates in a state's weak security and justice institutions. Efforts to enhance the ability of police, prosecutors and judiciary must be linked with initiatives to improve the overall environments that make their jobs so challenging in the first place.

## **APPLY BEST PRACTICES IN ADVISING AND COACHING**

Capacity building frequently includes providing technical advisors to institutions. These advisors can be incredibly influential but must have effective advising skills to be so. Just because someone understands a topic does not mean that they know how to advise and instruct in it. Also, many make the mistake of thinking individuals with experience in the military can advise police and vice versa. They perform different functions and act with civilians in different ways. Advising takes patience, strong emotional intelligence, and a strategic approach. An advisor cannot simply drop into a context and begin telling people what to do. They must read the environment and learn how to frame their advice in a way that others will be receptive and that is actionable. Actions should have clear objectives and directions and should be tracked against a broader task. Effective advising involves the ability to keep support on task without irritating the beneficiary and also creating the space for the beneficiary to be the ultimate decider and executor. A combination of political, social, and managements skills must be applied.

## **MOVE BEYOND TRAIN AND EQUIP**

Most professionals working on SSR agree that police and other security sector reform efforts rely exclusively on the “train and equip” model are doomed to fail. Yet this approach still characterizes a lot of U.S. engagement with overseas police. Experts point out that training is a tactic, not a strategy, and can be effective only if it is integrated with a much broader effort centered on developing institutions and bringing about a change in culture among the police.

Even host countries recognize the ineffectiveness of the predominant train and equip approach, which too often focuses on handing over expensive gadgets and teaching police officers a dozen different ways to disarm a suspect, but has less to say about equipment maintenance and the proper role of a police officer in a democratic society. A U.S. police trainer in Liberia said that the most consistent message he received from his Liberian counterparts was “Stop giving us stuff.” Similarly, a Timor-Leste village chief told a security sector practitioner, “What effect will one week of training have on us after our living here for 50 years?”

A related tendency persists, despite lack of evidence of positive impact: pushing hi-tech or gadget-heavy solutions when simpler ones will do. “The LNP doesn’t need a photon microscope when they can’t collect, organize, and analyze evidence or keep documents properly,” the above trainer added. When asked what piece of equipment every Liberian police officer most needed, another trainer said, “a pen.” Mass transfers of equipment—whether police cars or computers—are the quickest ways to waste money unless they are accompanied by training on how to use and maintain them. It also violates the earlier principle of managing risk and maximizing political commitment by leveraging support to build upon existing local capacities and proven management skills.

## **MANAGE EXPECTATIONS AGAINST PROGRAM TIMELINES**

The task of security sector and justice reform is arduous and cannot be completed within the duration of the average U.S. budget cycle. Patience and discipline are required. Programmers need to develop realistic plans and not expect overnight success—particularly in the case of fragile states where success is more likely measured by small, incremental achievements rather than the implementation of a grand solution for the whole security sector. The lessons of the failures of SSR in Iraq and Afghanistan and the reality of tight budgets in Africa suggest that micro-level rather than macro-level state-building initiatives might be the best way to proceed.

The reality is that developing professional, accountable police, prosecutors and judiciaries in insecure, poor, ill-governed places like South Sudan or DRC will take more than a generation. Perhaps the best that can be hoped for in such places is that the institutions of the state establish a physical presence across the country, that they are not too egregiously corrupt, and that the public begins to trust them enough to consider approaching public officials for help. These may seem like small steps but they would be big achievements within the context of South Sudan, Nigeria, Guatemala, DRC and similarly autocratic states with weak public institutions.

The appeal of early ‘quick wins’ is inevitable and can build confidence on both sides of a partnership. Demonstrating progress in professionalizing and modernizing the governance of the security sector in weak, fragile or post-conflict states will invariably exceed the usual donor programming timeline of five years. *Security sector institutional development and governance require more than five-year investments.* In the Democratic Republic of the Congo, DFID consistently spoke of a twenty-year engagement to improve police accountability and services.

Additionally, credit for early successes cannot however be based on inputs, such as number of trainings conducted or advisers embedded. Progress can only be measured through outcomes that are agreed by all partners. *Important preparatory work includes a range of activities devoted to confidence building and developing a constituency for reform within security institutions themselves, broader legislative bodies, and the general public as well.* Successful international assistance fosters the reform-friendly environment needed for SSR and develop consensus on the reform process.

## **STRATEGIZE AND COLLABORATE WITH OTHER INITIATIVES**

Well-known development principles can ensure the commitment of governments and the sustainability of good security sector governance. These principles include: promoting partnership and collaboration; coordinating interagency and inter-ministerial efforts; and adopting a flexible and adaptable approach based on the needs of the institution and the evolving environment.

**Coordination and complementarity are high priorities of good development and of SSR.** SSR is a wide, unwieldy arena and no single donor is sufficiently engaged or wealthy enough to drive an entire country’s security reform. Host-country governments will agree to almost any assistance offered, particularly if it is equipment and training, even if it duplicates something already provided by another donor. While examples of good donor coordination can be found, the default position, according to the head of the UN police section in Sierra Leone, is that “Everyone wants to coordinate but no one wants to be coordinated.”<sup>7</sup> While it would be optimal to rely on the host country to coordinate donor assistance and such units are invariably established by donors, it is prudent that donors work among themselves so as not to duplicate their efforts and not exclusively rely on the host country to do it for them.

Structures can be set up to make the task easier. Pooled funding mechanisms, such as the basket fund established for Sierra Leone’s elections and the justice and security fund in Liberia were good ways of ensuring that donors are pulling in the same direction. SSR working groups, have also performed a useful role, notably in Liberia. That so many of Africa’s security challenges are transnational means it is important that U.S. initiatives with police in one country are coordinated with efforts by other donors in neighboring countries.

Also, when host country governments took the lead in coordinating donors within a clear policy framework, this resulted in a clearer division of labor between donors and was beneficial

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<sup>7</sup> Building Police Institutions in Fragile States: Case studies from Africa, CSIS 2013, Richard Downie, p. 22.



for SSR implementation. This was the case in the European Union's SSR programs in Rwanda and Georgia for criminal justice reform.

## **CONSIDER PROCESSES AND SYSTEMS THAT ARE LOCALLY APPROPRIATE AND ACCOUNTABLE**

Tackling the issue of sustainability in the security sector is key to ensuring the future stability of countries, particularly those transitioning out of conflict. SSR institution building requires long-term engagement and commitment. Therefore, efforts must consider the factors that support locally appropriate methods because they assist with sustainability. This issue of sustainability is of particular concern for institution building initiatives, for they, frequently, have the longest-term ramifications and repercussions. There are few efforts that have been deemed to be sustainable, but even finding temporary sustainability may create the conditions for a longer-term sustainable effort to take place.

Sustainability issues cut across a number of different domains. The first and most obvious is that programming needs to be financially sustainable through public monies collected, budgeted and allocated by the host government. To anticipate this, it is prudent for programs to run budgets for the institutions and units they are supporting 5 years out, after the anticipated termination of the project, in order for everyone to be aware of the likely long-term costs.

Sustainability, however, also refers to the human capital required to sustain the reforms that have been initiated. Without sufficient human capital over the long-term, institution building efforts will erode and collapse, once the project closes. Therefore, it is imperative that programs generate 5-year projections of what the probable human capital (quantity, knowledge, and skill sets) requirements will be. Similar studies ought to be conducted for associated infrastructure, maintenance, and assets needs, along with the raft of new administrative rules and regulations (subsidiary law) that usually accompany new institutional and administrative procedures and processed. Without this type of program planning, institution building can have potentially destabilizing impacts as support to newly constituted armed police units dwindle.




As is evident, the challenge of “right-sizing” and “right-financing” the security sector is at the heart of the sustainability question. It means that police development programs cannot merely concern themselves with training and equipping officers. It may even extend to working with governments on ways to expand their resource base, for example, by establishing effective tax systems that enable them to pay adequate salaries to their police and other public officials.

Therefore, one of the more important activities in SSR is engagement with a host country's Ministry of Finance and other international partners to conceive and build a security strategy that is sustainable in the medium to long term. For example, this means matching the size of the military and police services to the types of future security threats **and** the likely future budget. If there is a gap, as is often the case in emerging economies, it is incumbent upon the donor to negotiate with the host country and seek ways to fill the impending deficit or develop low-cost methods for meeting the requirements. Sustainability is not limited to financial issues, but crosses into many other areas of public management such as training and recruitment.



## INCORPORATE MALE AND FEMALE PERSPECTIVES AND CONSIDERATIONS

Security institutions exist to protect and serve the needs of men, women, boys and girls. Integrating gender perspectives into the management and operations of security services is also key to their performance and accountability, both internally and publicly. A demonstrated commitment to provide them with equal opportunities and forums to voice their perspectives contributes to the local ownership and legitimacy of SSR initiatives and processes. In the case of national police, for example, local officers need to understand the different forms of crime and insecurity faced by men, women, boys, and girls to better prevent and respond to them. Particularly in conflict-affected states, gender-based violence—ranging from domestic violence to human trafficking and sexual assault—is among the greatest threat to citizen security and personal safety and affects men, women, boys, and girls.

WHY INTEGRATE GENDER CONSIDERATIONS IN SECURITY SECTOR REFORM?	
 <p><b>Benefits for Institutional Effectiveness:</b> <i>Improved Service Delivery and Trust</i></p>	Institutions improve service delivery of through workforce diversification with women bringing additional skills and perspectives.
	Institutions receive increased public legitimacy and trust in institutions by being representative of the populations they serve.
 <p><b>Benefits for Men and Boys:</b> <i>Improved Opportunities and Ability to Address Violence</i></p>	With a better understanding of gender dynamics within the security sector, institutions strengthen their responses to gender-based violence against men and boys.
	Approaches to preventing and responding to male youth violence will be more effective.
 <p><b>Benefits for Women:</b> <i>Improved Ability to Address Women's Issues and Decreased Discrimination</i></p>	Inclusion of more women in security sector institutions improves the institutions ability to response to gender-based violence and creates a safer space for women to seek assistance.
	Through gender mainstreaming, there is less sex discrimination and harassment of women employed in the security sector.
	Employment opportunities offer the means for women to provide for themselves and their families.



## **FOR ADDITIONAL TIPS & TOOLS, SEE THE FOLLOWING:**

USAID's *Local Systems: A Framework for Supporting Sustained Development*

<https://www.usaid.gov/policy/local-systems-framework>

DCAF's e-learning module in *Fundamentals of Strategic Advising in Reform Environments*

<http://lissat.dcaf.ch/Learn/E-Learning/Fundamentals-of-Strategic-Advising-in-Reform-Environments>

Nadia Gerspacher *Strategic Advising in Foreign Assistance: A Field Guide*

[https://www.rienner.com/title/Strategic\\_Advising\\_in\\_Foreign\\_Assistance\\_A\\_Practical\\_Guide](https://www.rienner.com/title/Strategic_Advising_in_Foreign_Assistance_A_Practical_Guide)

United States Institute for Peace's *The Nuances of Capacity Building: Influencing Versus Advising*

<https://www.usip.org/index.php/publications/2012/06/nuances-capacity-building-influencing-versus-advising>

USAID's *E3 Bureau Capacity Development Assessment: From Capacity Development To Sustainable Development*  
(A study of 50 capacity building case study and summary of best practices)

[http://pdf.usaid.gov/pdf\\_docs/pa00mrj1.pdf](http://pdf.usaid.gov/pdf_docs/pa00mrj1.pdf)

CPS Human Resources' webinars *Techniques and Tools for Meaningful Mentoring and Coaching for*

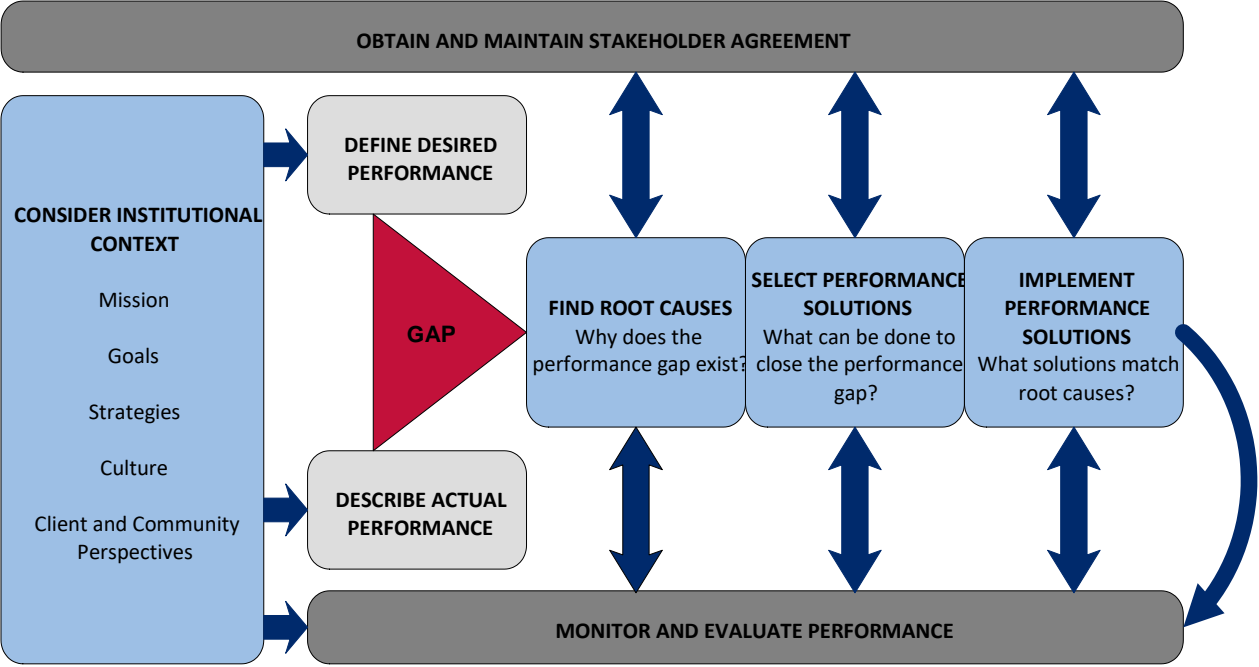
*Performance* (includes question banks and planning templates) [http://www.cpsshr.us/resources\\_webinar.html](http://www.cpsshr.us/resources_webinar.html)

# FRAMEWORKS FOR INSTITUTION BUILDING

Institution building requires both a tailored and comprehensive approach. Frameworks can help to facilitate thinking around how to go about institution building. Multiple institution building frameworks exist to guide a process for reform. USAID’s [Human and Institutional Capacity Development](#) (HICD) model is the leading framework informing its institution building. Other frequently-utilized frameworks also include:

1. The World Bank’s [Capacity Development and Results Framework](#) (CDRF)
2. The United Nations Development Programme’s (UNDP) [Capacity Assessment Framework](#)
3. [Problem Driven Iterative Adaptation](#) (PDIA)

USAID’s *Human and Institutional Capacity Development (HICD)*. HICD provides structured and integrated processes designed to identify fundamental causes of performance gaps in host country partner institutions, address those gaps through a wide array of performance solutions, and enable a cyclical process of performance enhancement. The HICD steps are as follows:

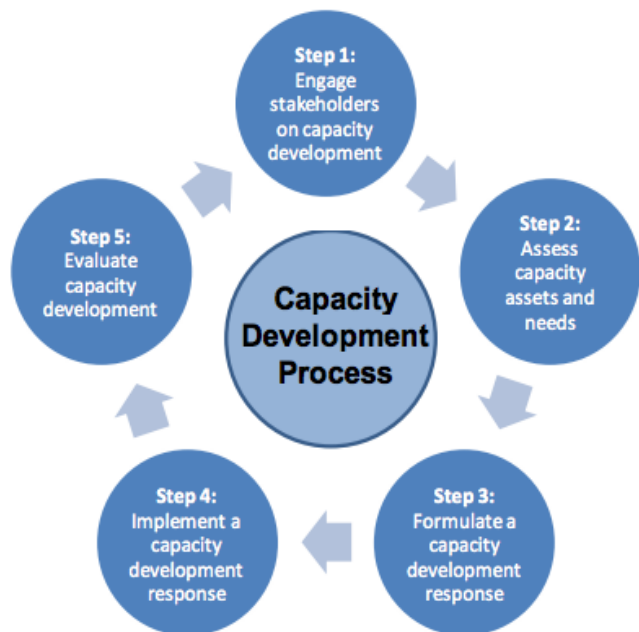


Source: USAID’s Human and Institutional Development Framework Handbook

HICD does not provide all of the answers but puts in place a framework for thinking about the process required for gaining buy-in, analyzing the performance gaps, and tailoring assistance to achieve results. For more information on HICD, see [USAID's Human and Institutional Capacity Development Handbook](#).

2. The World Bank's **Capacity Development and Results Framework** (CDRF) provides methods for setting goals for capacity building and validating them. This includes identifying current institutional characteristics and characteristics against which to prioritize efforts. One of its greatest strengths is the focus on identifying agents of change within an organization and capitalizing on them through specific efforts like creating centers of excellence. For more information on the CDRF, see [The Capacity Development and Results Framework: A strategic and results-oriented approach to learning for capacity development](#).

3. The United Nation's Development Program's **Capacity Assessment Framework** methodology is an iterative 5 step-process (outlined in the figure to the right) that identifies the desired capacities, makes a plan, executes the plan, and then learns from it and uses that to inform new engagements. A unique focus of this framework is that it ensures this process and its pieces are in the budget. For more information, see on the [Capacity Assessment Methodology: A User's Guide](#).



4. Harvard University's Center for International Development developed the **Problem-Driven Iterative Adaptation** approach. It too facilitates an iterative learning process and emphasizes ensuring problem-solving is locally driven by creating an 'authorizing environment' that encourages experimentation rather than relying on people to implement as designed. All of the experimentation then goes into a quick feedback loop to adopt lessons learned and best practices. Lastly, "it actively engages broad sets of agents to ensure that reforms are viable, legitimate, relevant and supportable, as opposed to a narrow set of external experts promoting the 'top- down' diffusion of innovation." For more information on PDIA, see the original article published on the approach, "[Escaping Capability Traps Through Problem-Driven Iterative Adaptation](#)".

For more information, see the links above to resources and the chart on the following page.

## Overview of Common Institution Strengthening Frameworks

	Human and Institutional Capacity Development (HICD) – USAID	Capacity Development and Results Framework (CDRF) – World Bank	Capacity Assessment Framework – UNDP	Problem-Driven Iterative Adaptation (PDIA) – Harvard University Center for International Development
<b>Understanding of local context</b>	<ul style="list-style-type: none"> <li>Creates a common understanding of external conditions and internal factors to institutional weaknesses</li> </ul>		<ul style="list-style-type: none"> <li>Looks at points of entry (enabling environment, organizational, or individual level)</li> </ul>	<ul style="list-style-type: none"> <li>“Local solutions for local problems”</li> <li>Entry point is identified</li> </ul>
<b>Local buy-in and empowerment</b>	<ul style="list-style-type: none"> <li>MOU and facilitated identification of desired performance, actual and targets</li> <li>Transfer of skills and systems to institution’s staff</li> </ul>	<ul style="list-style-type: none"> <li>Goals validated by stakeholders</li> <li>Engages agents of change to manage change process</li> </ul>	<ul style="list-style-type: none"> <li>Mobilizes and designs by clarifying objectives and expectations, engaging stakeholders, adapting framework to fit local conditions and COST the capacity assessment process</li> </ul>	<ul style="list-style-type: none"> <li>Creates an authorizing environment for decision-making</li> <li>Change process is driven by change agents</li> </ul>
<b>Process for conducting performance assessments</b>	<ul style="list-style-type: none"> <li>Conducts root cause analyses of performance gaps to develop tailored performance solution packages to close performance gaps</li> </ul>	<ul style="list-style-type: none"> <li>Identifies institutional capacities &amp; priority characteristics</li> <li>Separates out changes that can be addressed through training</li> </ul>	<ul style="list-style-type: none"> <li>Establishes desired future “capacities”</li> </ul>	<ul style="list-style-type: none"> <li>Focuses on solving locally nominated and defined problems in performance</li> </ul>
<b>Monitoring and Evaluation</b>	<ul style="list-style-type: none"> <li>Continuous monitoring of progress toward achieving anticipated performance results</li> <li>Comprehensive measurement tool used to establish performance measures at every level of performance</li> </ul>	<ul style="list-style-type: none"> <li>Builds on results framework</li> <li>Assesses achievements of learning outcomes and targeted changes</li> </ul>	<ul style="list-style-type: none"> <li>Defines learning outcomes and monitors throughout</li> <li>Evaluates capacity development at end of process</li> </ul>	<ul style="list-style-type: none"> <li>“Try, learn, iterate, adapt”</li> <li>Is problem solved? If yes, exit process</li> </ul>
<b>Sustainability</b>	<ul style="list-style-type: none"> <li>Ensures participation of a key staff member from partner institution as a member of performance assessment team to promote the ongoing use of HICD to address challenges in future performance cycles</li> </ul>			<ul style="list-style-type: none"> <li>Actively engages broad sets of agents to ensure that reforms are viable, legitimate, relevant, and supportable</li> </ul>

# ASSESSMENT AND ANALYSIS

Assessments and the resulting analysis provide the foundation for institutional capacity-building design. If the assessment or analysis is incorrect, including not identifying the real drivers behind people and institution's behaviors, then the solutions provided may not be the correct one or they may be designed in a way that will not have an effect. The following section will provide an overview of key principles specifically related to the assessment and analysis of security sector institutions. For more in-depth information, resources are available at the end of the section.

## DEFINE THE PROBLEM AND ITS DESIRED END STATE

The definition of a specific problem to be addressed and its desired state provide the foundation upon which the theory of change rests. The theory of change, in turn, is the path for how to achieve the desired outcome, so that the tighter it can be framed the better the pathway can be delineated. It is the difference between describing the end state of a human resource reform effort as “an effective workforce versus “a diverse and exceptionally competent workforce – X% women and Y% men – that provides opportunities for promotion with an average retention rate of 8 years.” Defining the problem and its end state at the beginning helps to frame the assessment questions, but sometimes neither the problem nor its appropriate end state can be determined without additional analysis. In such instances, narrowing the problem and its end state, practitioners work with the institutional and other stakeholders to answer the initial question, “How do you want your institution to be after this process and what are the specific problems that lie in the way of your institution achieving that performance?” Once those problems have been raised, they will need to be prioritized and one or two identified as those suitable for donor support.

The security sector is a complex system and cannot be reformed as a whole. Rather the most effective approach is addressing it problem by problem, each discrete but indelibly connected to other parts of the sector.

## CONDUCT THE PERFORMANCE ASSESSMENT

The assessment is the most important stage in the process, but tends to be the one that is rushed or even overlooked. This generally makes it more difficult to manage programs effectively, and to measure results and impacts. In particular, it is difficult to build capacity without conducting an organizational audit that lays out clearly the problems and requirements prior to commencing.

Initial assessments can provide the current or “as is” state in an institution. A good assessment should be participatory, with a clearly defined objective, and can span from a few weeks to a few months. **If the assessment is incorrect—meaning the development hypothesis is**

**founded on incorrect assumptions, or the political economy analysis is superficial—program interventions will be improperly designed from the beginning.**

**Host country buy-in.** Host country buy-in is the determining factor in any form of institution building, and it must be incorporated at all stages and through all efforts. Host country partners should have been engaged in preliminary discussions about institution building support and sought host country partner input and commitment. Even more to the point, the leadership and personnel of the institution being supported should have been an integral part of determining the core problems that need to be addressed. This is, first, a question of ‘what works’ and, second, the challenge of how to ameliorate specific and tightly defined problems, reforms that build upon what works.

In the HICD framework (Step I), the host country partner and donor entity providing assistance should have agreed on roles and responsibilities and executed a formal memorandum of understanding (MOU). A good memorandum of understanding includes:

- Partner support for the program’s scope of work, goals, objectives and budget, and if feasible codify matching contributions;
- Definitions of the desired performance in measurable terms; and,
- Descriptions of actual performance and the roles and responsibilities behind them (quality, quantity, time, resources allocated from each side).
- Institutional development in the security sector has little lasting impact without host nation support and engagement. This is why the Security Governance Initiative (SGI) begins its work at the national level with the Joint Country Action Plan (JCAP) for reform agreed to by the host government and the U.S. government.

**Assessment team.** An assessment team’s composition should include a variety of perspectives, including host countries nationals, government staff, women, rural and urban perspectives, and different socio-economic, ethnic or political backgrounds. It is recommended to include a gender expert or train members on incorporating a gender lens in their analysis. Security and justice issues are politically sensitive, especially when they involve victimization. If a woman cannot participate in the full assessment, ensure that one is hired to conduct one-on-one interviews with women in situations where it may be sensitive to elicit their responses. Involving beneficiary institutions in the design of justice and law enforcement programming is an increasingly recognized best practice. Beneficiary involvement refers here to the state institutions targeted by these programs and not to the final beneficiaries who are in general the populations of these countries. It is, however, imperative that those who are the recipients of the public goods and services delivered by the institution being supported and assessed are consulted, if not involved in the assessment. Without their input, there would be virtually no knowledge upon which the assessment is grounded that would pertain to or illuminate the day-

to-day actual performance of the institution. No matter how challenging, the objective of institution building is to promote a better service by the institution to its customers. This is the only real measure by which to judge the effectiveness of institution building.

**What to assess.** In an assessment, three complimentary lines of analysis require attention:

- The political, social, and economic environment in which the relevant institutions perform their functions and how that environment has changed to warrant the initiation of a program
- How these institutions compare in executing their prescribed mandates and functions (e.g., human resources, financial management, procurement, organizational planning, travel, communications) and if that execution is improving and deteriorating and why that is so
- Security sector-specific vectors of analysis

**When Comprehensive Analysis Is Not Done**

*As part of a project to reduce violent crime, a particular geographic area has been identified as a “hot spot.” Program advisors suggest adding a surge of police presence to the underserved area for 60 days to assist in achieving greater public safety. A plan to use the surge effectively is drawn up but the systems analysis was not done, and the agency may not be capable of administering the scheduling, payroll, supervision and reporting changes necessary to make implement the surge correctly or to measure its effect. A useful idea flounders.*

A good initial assessment examines each of these angles and their interactions. Consulting a wide variety of sources from various locations (rural/urban, capital/provinces, etc.), political perspectives, socio-economic strata, ethnicity, and religious backgrounds performing diverse types of functions will help to cover these bases.

Many tools can be used to guide this analysis (See box). One of the most relevant is the political economy analysis (PEA)<sup>8</sup> tool, a field-research methodology designed in the early 1990s to help decipher the power relationships between key actors, or



**FOR MORE SPECIFIC GUIDANCE ON ASSESSMENTS, SEE:**

*Interagency Security Sector Assessment Framework (ISSAF): Guidance for the U.S. Government*

[http://pdf.usaid.gov/pdf\\_docs/PA00HWJX.pdf](http://pdf.usaid.gov/pdf_docs/PA00HWJX.pdf)

USAID’s *Applied Political Economy Analysis Field Guide February 2016*

<https://usaidearninglab.org/library/applied-political-economy-analysis-field-guide>

Interaction’s *The Gender Audit Handbook*

<https://www.interaction.org/sites/default/files/Gender%20Audit%20Handbook%202010%20Copy.pdf>

Chapter 3 of the *OECD DAC Handbook on Security System Reform*

<http://issat.dcaf.ch/download/478/3015/OECD%20DAC%20Handbook%20on%20SSR.pdf>

USAID’s *Organizational Capacity Assessment Tool*

<https://usaidearninglab.org/library/organizational-capacity-assessment>

<sup>8</sup> See USAID’s Draft Working Document USAID’s Political Economy Analysis (PEA) Field Guide for more detailed guidance on how to conduct these types of analysis. [https://usaidearninglab.org/sites/default/files/resource/files/applied\\_pea\\_field\\_guide\\_and\\_framework\\_working\\_document\\_041516.pdf](https://usaidearninglab.org/sites/default/files/resource/files/applied_pea_field_guide_and_framework_working_document_041516.pdf)



their absence, and how this causal web accounts for the state of institutional health (function or dysfunction). A PEA is particularly useful for SSR because it prioritizes analysis of how power is used to manage resources and how its dynamics have changed over the recent past, which can uncover a lack of political will.

A PEA or similar process is also helpful to conduct assessments to inform institution building in the security sector, because legacies of conflict, including DDR, small arms proliferation, and ongoing peacekeeping operations, all affect institutional readiness, performance and willingness to engage with external partners. Receptivity to outside technical assistance is an expression of political will and cannot be assumed at the outset. In addition, the level of cooperation will vary depending on the agency's internal politics and exercise of power. Analysis of these dimensions and recent changes in them shape the type and scale of institutional capacity building to best mitigate risk, accrue positive momentum quickly, and deliver measurable results. A sample of assessment questions related to the security sector is in Annex B.

Weak modes of institutional capacity (e.g., human resources, financial management, procurement, infrastructure, asset management, organizational planning, travel, communications) drive the performance of any public institution. Each of these domains contain many moving parts, are subject to institutional cultures and contain multiple life-cycle attributes that capacity building efforts can address. But hard questions must be asked. Personnel recruitment, vetting, and training additional personnel is vital to any human resource management system. But what of those investments when a security institution has no pension program or retirement plan or has not done a census of its ranks for over ten years? USAID's organizational capacity assessment guide with checklists can assist with this analysis.<sup>9</sup>

The security sector crosses so many institutions that changes within one actor will likely be insufficient to affect other institutions. The fact that the agencies involved rely on one another to provide service to the public does not translate into a harmonized system. For example, an investigative agency increases investments in its basic forensic capabilities. But the prosecutor and courts are not sufficiently involved, perhaps not even interested. When the police present new types of evidence, neither is able to process, absorb or utilize it or, worse, there may be no legal means by which to present such evidence in court as the requisite laws, rules, and regulations have not been drafted and ratified. Therefore, the downstream impacts of new processes must be assessed. A local systems analysis may be beneficial. USAID's Local Systems Framework<sup>10</sup> provides a clear roadmap for analysis with ten principles such as tap into local knowledge, map local systems, and ensure accountability.

**Analyzing the System of Payments in Central African Republic:** In 2009, the World Bank assessed the public financial management of the Central African Republic's armed forces. The goal was to assess the personnel strength and payment of salaries in the police services. The inability of police services to grasp the full extent of the staff complement (around 1,400 people) and the payroll was a critical challenge identified by the study. The problem was rooted in overlapping institutional arrangements. The management of National Police personnel, which had been

<sup>9</sup> USAID's Organizational Capacity Assessment Tool <https://usaidthroughlearning.org/library/organizational-capacity-assessment>

<sup>10</sup> USAID's Local Systems Framework Guide <https://www.usaid.gov/policy/local-systems-framework>

undertaken by the Ministry of Civil Service, was to be transferred to the Central African Republic Police, but the two agencies did not have consolidated data on the actual size of the forces.

Further analysis revealed that the pyramid of police ranks was very unbalanced. The personnel census of the police showed that noncommissioned officers represented a very large part of the staff (6 percent for the superintendents and *contrôleurs généraux* and 43 percent for the inspectors, officers, and commanders), while the enforcement officers (police officers) constituted only a small minority (18 percent). The last recruitment of inspectors and police officers took place in 1974, and no promotion of chief constables, superintendents, and policemen took place between 2004 and 2007. The payment of salaries was also complicated by the recording system used in the budget: all salary expenses were aggregated together under a single heading, Salary expenditure not distributed between the departments, which made it impossible to separate the salaries paid to the police from those paid to the other employees of the ministry.<sup>11</sup>

## DEFINE THE CURRENT STATE & IDENTIFY PERFORMANCE GAPS

The interviews and review of resources should lead to a conclusion of what the current state is in terms of the institutions affairs and performance. Comparing the current state with the desired state will lead to the identification of the performance gaps that will need to be addressed. There are usually three basic types of causes of performance gaps:

**Physical causes** – Tangible, material items failed (For example, a car's brakes did not work).

**Human causes** – People did something wrong or did not do something that was needed. Human causes typically lead to physical causes (E.g. No one filled the brake fluid, leading to brakes failing).

**Organizational causes** – A system, process, or policy that people use to make decisions or do their work is faulty (for example, no one person was responsible for vehicle maintenance, and everyone assumed someone else had filled the brake fluid). Some illustrative examples of performance gaps can be found in the HICD handbook.



### FOR OTHER ROOT CAUSE ANALYSIS TOOLS, SEE:

ASQ's Webcast: *Root Cause Analysis for Beginners*, [Part 1](#) and [Part 2](#)

Clingendael Institute's *Enhancing Democratic Governance of the Security Sector: An Institutional Assessment Framework*. [https://www.clingendael.org/sites/default/files/pdfs/20030800\\_cru\\_paper\\_ball.pdf](https://www.clingendael.org/sites/default/files/pdfs/20030800_cru_paper_ball.pdf)

ASQ's *Under Scrutiny: A New Approach to Root Cause Analysis Can Help Clear Up Misconceptions*. <http://asq.org/quality-progress/2010/04/quality-tools/under-scrutiny.html>

ASQ's *Root Cause Analysis Information and Resources* <http://asq.org/learn-about-quality/root-cause-analysis/overview/more-resources.html>

<sup>11</sup> The World Bank's *Report on the Assessment of the Financial Management of the Defense and Security Forces in the Central African Republic*. (Washington, DC, 2009).

# SPECIFIC SSR CHALLENGES

SSR programs typically cluster around a relatively finite number of challenges. Within each challenge the specific problems to be tackled are virtually infinite. Since the specific problems are the crux around which SSR programs must be designed, implemented, and evaluated, this toolkit divides SSR programming into its high-order characterization of the problem sets the programming is trying to solve.

The types of SSR program activities described below in each of the different challenges, however, are not mutually exclusive. Discrete projects in an access to justice initiative, for example, can and, frequently, will also be incorporated into programs predominantly aimed to increase civilian safety and security or improve the security sector's response to gender-based violence. The same is true across many of the other challenges.

As discussed earlier, institution building is more than building institution's processes, procedures, capacities and infrastructure. It is a means to an end, the outcome of which is better justice, safety, and security for beneficiaries in their day-to-day lives. As described in the section on monitoring and evaluation, it can and should be claimed that a program to enhance the capacities of one or more of the security sector institutions has achieved significant *outputs*. That program, however, may not have produced positive outcomes if the direct beneficiaries of the institution in question have not received better justice, safety, and security.

The distinction between effective outputs and positive outcomes/results in institution building SSR programming is crucial and necessary to highlight and maintain. The distinction also illustrates the empirical hurdle that is difficult to overcome when discussing the efficacy of institution building programs. Across all clusters and for a myriad of reasons, there is limited credible, reliable, and valid data with which to evaluate, in a systematic way, 'what works' to generate effective institution building *outcomes*.

In fact, according to a 2015 review written for DFID,

the literature suggests capacity building is overwhelmingly operationalized in a limited manner... as one of capacity deficit, neglecting the fact that dysfunction is often the result not only of weak capacity but of a particular constellation of political incentives. [Moreover,] the reviewed literature overwhelmingly suggests a weak relationship between capacity building and improved security outcomes... [and, lastly] capacity building is widely viewed in the literature as unsustainable, with a heavy reliance on international personnel and finance.

Studies suggest that, when these resources are removed, there would likely be a reversal in any gains made.”<sup>12</sup>

Consequently, most of the examples provided below for each challenge may not highlight effective outcomes, but rather outputs. In order to have more reliable data, it is essential that programs establish evaluation systems from the beginning that also include indicators and processes to measure outcomes. For more information on how to measure the outcomes of institution building efforts, see USAID’s SSR Indicators Guide.

Lastly, it is important to note that in the interest of keeping this guide manageable, the best practices below are not fully comprehensive. They are a starting point, and the additional references can provide more detail and additional options. The best practices and points to consider focus on the types of reforms conducted within the security sector institutions themselves. They do not include the types of reforms that could take place as part of security sector reform writ large.

## INCREASING CIVILIAN SAFETY AND SECURITY

More and more SSR programs are designed to work across institutions and sectors to address the broader issue of civilian safety and security. Therefore, these programs can include a variety of programs from community policing to rule of law programming to citizen oversight. In 2002, USAID’s authority to support the police was expanded for “community-based police assistance.” This expansion gave USAID more flexibility to pursue goals such as institutional effectiveness and community policing. For more information on what type of programming is appropriate and legally allowable, speak to the General Counsel or Regional Legal Advisor.

### Program Considerations

Policing is a public service whose delivery of citizen safety depends on public trust, the law, citizen engagement, and ethical leadership. Police reforms can aim to demilitarize the police force, reduce or increase its size force, make it more accountable and inclusive, and improve its effectiveness to provide public safety to all citizens regardless of gender or background.



Corrections officers monitor at-risk youth engaging in recreational activities at the Juvenile Provisional Detention Center Las Gaviotas in Guatemala City in 2016. To rebuild public confidence in Guatemala’s justice system, USAID is supporting the government to improve service provision for victims of violence and reduce recidivism among juvenile offenders.  
**USAID/Guatemala Youth and Gender Justice Project (YGJP)**

<sup>12</sup> The Overseas Development Institute’s *Evidence Synthesis: Security Sector Reform and Organisational Capacity Building*. <https://www.odi.org/publications/10510-evidence-synthesis-security-sector-reform-and-organisational-capacity-building>

Where there is narrow, technical emphasis on reforming and enhancing the capacity of state security and justice institutions internally, SSR tends to not result in immediate improvements in service delivery that benefit citizens. Where these reforms are expanded outwards to include a service delivery dimension – either by creating political incentives for governments to be more responsive to citizen needs or by empowering citizen groups themselves to influence justice and security provision – populations tend to benefit more from reforms. Therefore, it is critical that the broader objectives of a program articulate this requirement when designing a SSR program. However, these changes are unlikely to be sustained, unless there are significant capacity improvement in all of the institutions related to citizen safety and security (e.g. courts, legal support, the penal system, police, and sometimes military). Their likelihood of success increases when accountability measures are also put into place.<sup>13</sup>

There is little empirical evidence to suggest that community policing initiatives can, on their own, provide better safety and security in the neighborhoods and to the communities in which they are implemented. Nevertheless, community policing projects can increase the legitimacy of the police through improved procedural justice enhancements. If, community policing efforts are coupled with a methodology in which the police, business community, neighborhood groups, and civil society work together to solve problems, it is plausible to improve safety and security.<sup>14</sup>

In many instances, the community component of security sector reform will include various configurations of local policing groups and organizations. Many of these groups will be mandated by law to exercise policing powers. Others may not, but perform these functions regardless. It is vitally important to identify and recognize the distinction.

Part of the distinction pertains to whether the program focuses on “the police,” or on “policing” services. The distinction here is between a narrow set of functions performed by one or more public sector agencies and the wider understanding of “policing” as a social function performed by multiple entities.<sup>15</sup> Among these entities can be such groups and organizations including (i) traditional, local police and courts, whose operations are mandated in law and constitutionally; (ii) non-statutory police and courts whose operations are not be codified in law; (iii) militias and paramilitary groups; (iv) private security companies; and (v) local neighborhood and community responses to localized criminality and safety concerns that are not institutionalized.

While these entities’ activities may complement those of public institutions and may have the improve the overall security situation, there are instances when these groups and organizations can compete or conflict with public institutions. The following issues must be considered:

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<sup>13</sup> The Overseas Development Institute’s *Evidence Synthesis: Security Sector Reform and Organisational Capacity Building*. <https://www.odi.org/publications/10510-evidence-synthesis-security-sector-reform-and-organisational-capacity-building>

<sup>14</sup> Enrique Desmond Arias and Mark Ungar. *Community Policing and Latin America's Citizen Security Crisis*. <https://www.jstor.org/stable/40599216>

<sup>15</sup> Michael Rowe, *Introduction to Policing*, 2nd ed. (London: Sage Publishing, 2014).

- The different problems, needs, and communities to which these groups and organizations appeal; the legitimacy of each; and the political and power dynamics to which they are subservient
- Clarity of jurisdictional boundaries between various groups and organizations and the definition of their roles
- How these different entities can be better woven together to maintain a legitimate and better functioning local safety and security system

An important task in any assessment is to understand the challenges raised by crime, violence, and social disorder and the various institutions engaged in addressing those challenges, including the police. One recommended way to do this is through a six-step process in which the team examines (i) the security context; (ii) policy options to deliver safety and security; (iii) institutional functions; (iv) institutions and organizational structure; (v) management and oversight mechanisms; and (vi) any special issues pertaining to policing services that emerge out of the previous steps. An assessment will be inhibited by the lack of data, both from the lack of systems to collect it and the culture of secrecy around the security sector. Donor support may need to help establish systems for collecting data in order for the security institutions to have evidence-based programming decisions.

**Illustrative Framework for Policing Institutional Capacity Analysis**

Analytical Focus	Questions
<b>Context</b>	What are the main types and key drivers of crime? How is crime geographically distributed?
<b>Policy</b>	What are the policy options for delivering safety and security?
<b>Functions</b>	What are the main functions performed by police, including public order management, investigative services, patrols?
<b>Institutions</b>	What are the key police services, and how are they organized?
<b>Management and oversight</b>	How are police services managed and supervised?
<b>Special issues, e.g., corruption</b>	E.g.: What forms does police corruption take and what are its key causes?

**Best Practices to Improve Civilian Safety and Security**

**Police Capacities**

- Support community-based policing as an effective way of preventing crime and violence, while helping officers to become more aware of the current gender dynamics and needs of both genders within the community. This should include holding regular meetings between police and community groups and NGOs. However, police can be suspicious of community

groups and vice versa, so it can take considerable effort to build trust and develop open, effective communications.

- Couple community policing efforts with a methodology in which the police, business community, neighborhood groups, and civil society work together to solve problems. The participation of the business sector is crucial for improved community safety and security programming. It is often overlooked, but, if engaged may make a significant difference.<sup>16</sup> Following the Boston model, the importance of business community participation has shown positive results even in Port Mosby, where the private sector undertook to initiate training and internship programs for youth who were engaging with the police.<sup>17</sup> Also, some of the more effective community policing efforts started with intermediaries and NGOs facilitating the bringing together of the police, local authorities, and neighborhood groups. One of the more ingenious incarnations was in Nepal, which is also one of the few for which reliable empirical data exists for improved safety and security results.<sup>18</sup>
- Integrate the programming with other community development and rule of law reforms. For example, match reforms within the police to reforms in the justice system to create a functional system to ensure arresting officers' cases can be prosecuted. For example, the police may want to change their search and seizure approaches, but the laws may still restrict their ability to change their processes.
- Include a clear service delivery objective and component as part of community policing efforts
- Conduct police training at the local police station with the whole team together. There are also selected efforts that have empirical evidence of positive outcomes in which police training at the local police station played the crucial role when all personnel are trained at the same time.<sup>19</sup>
- Facilitate systems and processes for crime and insecurity mapping to inform community-police dialogues for problem-solving. The systems should be as simple as possible to ensure feasibility and sustainability.
- Examine and utilize the best practices from USAID's community policing efforts in the northern triangle of Central America. This evaluation identifies six "elements of effectiveness" including:
  - "Specificity. Violence is "sticky," i.e. it clusters together, so focusing on the people, places, and behaviors most at risk for violence is critical.

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<sup>16</sup> The Institute of Development Studies' *Co-Producing Citizen Security: The Citizen-Police Liaison Committee in Karachi*. <https://www.ids.ac.uk/files/Wp172.pdf>

<sup>17</sup> AidWorks' *PNG-Australia Law and Justice Partnership (PALJP)*. <http://www.centreforjudicialstudies.com/wp-content/uploads/paljp-progress-report.pdf>

<sup>18</sup> USIP, *Evaluation of USIP's Strengthening the Rule of Law and Security in Nepal Program*.

<sup>19</sup> J-PAL South Asia at IFMR's *The Rajasthan Police Performance and Perception Study: Study Description and summary of Major Findings*. <https://www.povertyactionlab.org/evaluation/police-performance-and-public-perception-rajasthan-india>



- *Proactivity.* Violence should be prevented before it occurs whenever possible, either through deterrence or prevention. Active engagement with high-risk populations is critical. Reacting after the fact is necessary but not sufficient.
- *Legitimacy.* Interventions that create a positive feedback loop between formal (e.g. police) and informal social control (e.g. communities) are more likely to sustainably succeed.
- *Capacity.* Even the best interventions fail if not implemented effectively or lack sufficient resources.
- *Theory.* A well-defined, well-understood theory of change is critical for both implementation and evaluation.
- *Partnership.* Interventions do not exist in a vacuum. Actively engaging and partnering with critical stakeholders is essential.”

In this evaluation, they found focused deterrence or a “pulling levers” strategy works. This includes identifying the offenders, reaching out to them to state their behavior will not be tolerated, and providing credible threats coupled with offers of assistance.<sup>20</sup>

- Conduct human resources reforms as identified in previous sections; ensure physical fitness requirements are appropriate for the position and do not “weed out” qualified men and women with potential for implementing alternate policing models
- Ensure there are laws and policies to address GBV, anti-trafficking, and discrimination against persons; train members on these new protocols, including the complex evidence collection and investigative processes required
- Conduct public information campaigns to explain new reform processes

### **Police Conduct**

- Promote public/citizen monitoring and reporting on cases of corruption. This should include developing a clear process for individuals to register complaints such as a hotline to monitor and report police officers who violate sexual harassment policies. While naming and shaming is not always effective, ensuring citizens have access or information on their rights and how to register complaints is important for promoting accountability.
- Create or update and use standards to remove police based on assessments of their individual conduct. The standards need to be transparent, available to non-literate individuals, and have protections for those file complaints.
- Create clear methods for dealing with police who do not support victimized women’s and children’s needs, including consistent codes of conduct and protocols. Review the codes of

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<sup>20</sup> USAID’s *What Works in Reducing Community Violence: A Meta-Review and Field Study for the Northern Triangle*. <https://www.usaid.gov/sites/default/files/USAID-2016-What-Works-in-Reducing-Community-Violence-Final-Report.pdf>



conduct with women and children's organizations and ensure senior-level buy-in to those protocols. Translate the protocols into different languages and communicate them to those who are illiterate.

- Promote a culture of service, not of control
- Establish oversight mechanisms such as legislative strengthening and support to civil society (see later section on improving external oversight)

## Programming Highlights

USAID's Crime Prevention Program in Colombia worked with the Colombian government to improve their municipal and state security policies. They created crime observatories to help local governments monitor and evaluate their crime prevention programs. They also supported inter-institutional coordination and trained authorities on public safety policies. The crime rate dropped by 49% in intervention areas.

In Jamaica, the USAID's Anti-Violence Initiative worked with the Jamaican Constabulary Force and the private sector in Grants Pen (an inner-city community) to facilitate engagements between citizens through efforts such as bikes for the police to conduct patrols, the creation of a community police facility that offers services to community members, and training for police and community members.

In Macedonia, USAID produced a twelve-part radio series on successful policing programs that built trust between citizens and police. In collaboration with the Ministry of Interior, they were broadcast by an ethnic-Albanian radio station where mistrust of the police was highest.

Launched in the Democratic Republic of the Congo in 2009, DFID's Security Sector Accountability and Police Reform Programme (SSAPR) supports a community policing approach with regular neighborhood meetings (*forums du quartier*) where locally appointed representatives voice their security concerns, identify emerging threats and suspects. Police officers, urban administrators, local community and neighborhood leaders meet regularly in informal, local security councils to discuss proposals for containing a threat or resolving a violent dispute, as equipment and manpower are often lacking. Initiated entirely informally, these experiments in public relations gradually began to change expectations, reinforce collaboration, and gain momentum.

Concurrently, the National Parliament submitted a motion to formalize the *Conseils Locaux pour la Sécurité de Proximité* (or CLSP, finally passed in late 2013), which recognizes the right of civilian representatives to participate in official security discussions at the municipal level. Over three years, SSAPR legal advisers worked with national parliamentarians to build support and draft a bill. Given the long-standing animosity between politicians and civil society, this new decree was a highly significant opening. The platform has since been incorporated into other police reform efforts that also understand SSR in the Congolese context as a governance challenge requiring civilian involvement.



## ADDITIONAL TIPS AND TOOLS

USAID's *What Works in Reducing Community Violence: A Meta-Review and Field Study for the Northern Triangle*.

<https://www.usaid.gov/sites/default/files/USAID-2016-What-Works-in-Reducing-Community-Violence-Final-Report.pdf>

USAID Assistance for Civilian Policing: USAID Policy Guidance

<https://www.usaid.gov/sites/default/files/documents/1866/200mbf.pdf>

United States Joint Forces Command *Handbook for Military Support to Rule of Law and Security Sector Reform*

[http://www.dtic.mil/doctrine/doctrine/jwfc/ruleoflaw\\_hbk.pdf](http://www.dtic.mil/doctrine/doctrine/jwfc/ruleoflaw_hbk.pdf)

USAID A *Field Guide for USAID Democracy and Governance Officers: Assistance to Civilian Law Enforcement in Developing Countries* [http://pdf.usaid.gov/pdf\\_docs/pnadu808.pdf](http://pdf.usaid.gov/pdf_docs/pnadu808.pdf)

For sample congressional notifications and waivers, see the USAID intranet at

<http://inside.usaid.gov/DCHA/DG/Pub/index.cfm> and search for “Assistance to Civilian Law Enforcement in Developing Countries Annexes”

For U.S. Department of State Vetting Guidance see the State Department Intranet at

<http://diplopedia.state.gov/images/Vetting.pdf>

The U.S. Department of State INL Bureau's *Guide to Police Assistance*

<https://www.state.gov/documents/organization/263419.pdf>

The U.S. State Department International Narcotics and Labor (INL) Bureau's *Guide To Gender and The Criminal Justice Sector* <https://www.state.gov/documents/organization/222034.pdf>

DCAF's *Gender Self-Assessment Guide for the Police, Armed Forces and Justice Sector*

<http://www.dcaf.ch/Publications/Gender-Self-Assessment-Guide-for-the-Police-Armed-Forces-and-Justice-Sector>

National Center for Women and Policing's *Hiring and Retaining More Women: The Advantages to Law Enforcement Agencies* <http://womenandpolicing.com/pdf/NewAdvantagesReport.pdf>

U.S. Department of State *INL Guide to Police Assistance* <https://www.state.gov/documents/organization/263419.pdf>

## INCREASING ACCESS TO JUSTICE

Even if a country has a justice sector that performs effectively in terms of processes and procedures, inequalities and inequities may exist when accessing justice. There may also be inequities in how the police treat different demographic groups that hampers their access to justice and, thus, requires attention. Citizens, particularly in marginalized populations or communities, often have inadequate or unequal access to justice services due to a lack of information or other barriers.

Numerous current and past USAID projects focus on access to justice, seeking to improve citizens' ability to make use of the justice system. USAID programs seek to address these weaknesses by implementing approaches such as improving citizens' access to information on

legal rights, increasing the number of courts or police stations, reducing costs associated with filing a police report or case, and increasing the availability of public defenders.

## Program Considerations

Programs must consider that in many developing countries, a form of legal pluralism exists where individuals can access justice through both formal or informal mechanisms. Some countries' "informal" local justice systems are mandated by law and are certified in constitutions to provide justice and security service and, in fact, do deliver a significant percentage of these public goods to the populace and may promote economic development.<sup>21</sup> While these systems are burdened by the same inequities that the formal courts are – gender and elite discrimination – they are still widely used because they are more physically and culturally accessible to the surrounding communities; proceedings are conducted in the local language; and they are, typically, less expensive than the 'formalized' state processes.<sup>22</sup> In these situations, access to justice efforts include not only efforts to strengthen those local systems, but bolster the linkages between local systems and the 'formal' institutions of the state.

Some SSR evaluations have identified flaws in theories of change that assume capacity building to be a sufficient condition for improving legal services and increasing access to those services. "[European] Commission justice assistance programs generally contributed to the strengthening of the justice machinery in the countries where it intervened, but there is limited evidence that this has resulted in improved access to criminal justice services for the population."<sup>23</sup> Improved processes does not necessarily mean improved access. For instance, as an Asian Development Bank evaluation noted, "a publicly accessible legal information system does not necessarily lead to a responsive legal system."<sup>24</sup> It is not to say that processes or access to information are not the solution to improve access to justice. They may be if they are the true root causes for limited access to justice. Therefore, the actual factors for why access is hindered in that context must be assessed, and the program's theory of change must target those specific factors.

## Best Practices to Increase Access to Justice

- Train paralegals to promote legal literacy, provide legal aid clinics, serve as victim/witness coordinators, and teach how to access the judicial system. Paralegals often work in more rural areas, and can be an effective means to bring more women into the system, particularly in family law. For example, the Enhanced Palestinian Justice Program conducted legal training

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<sup>21</sup> See Edgardo Busaglia, Justice and the Poor: Formal vs. Informal Dispute Resolution Mechanisms: A Governance-Based Approach, <http://siteresources.worldbank.org/INTJUSFORPOOR/Resources/JusticeandthePoorFormalandInformal.pdf>, accessed November 2017.

<sup>22</sup> See The state and accessible justice in Africa: is Ghana unique? African Power and Politics: Policy Brief 03, November 2011.

<sup>23</sup> Thematic Evaluation of the European Commission Support to Justice and Security System Reform, 2011, p. 22.

<sup>24</sup> Asian Development Bank, ADB Technical Assistance for Justice Reform in Developing Member Countries. Reference Number: SES: REG 2009-06 Special Evaluation Study August 2009.

for students about family law, GBV, and client interviewing at An-Najah and Hebron Law Schools.

- Train lawyers on how to properly conduct interviews of women and members of socially marginalized groups (per the tips outlined in the assessment section of this toolkit). Link service providers, from shelters to legal services, since access to these services can improve an individual's likelihood of following through on a complaint.

### **Lawyers and Legal Support**

- Provide mock trial opportunities to lawyers and judges on these types of cases and what additional measures can be used such as DNA testing and closed-circuit television for testimony
- Establish witness protection programs and train personnel on victim treatment. In parallel, ensure measures to monitor implementation of such programs.
- Promote the establishment and use of restraining, vacate, custody, and restitution orders — all important protective tools for prosecutors, particularly in cases of human trafficking and gender-based violence (GBV)
- Support the reform of court filing fees processes. Except for criminal proceedings, most courts impose a filing fee. Court fees are legitimate user charges to help support the court's work and offset its costs. However, fees should not be so high that they prevent access to courts for resolution of serious litigation. Court rules and regulations set the amount of the fee and may also permit fees to be waived or refunded. The collection of filing fees requires procedures that ensure proper accounting of fees collected, prevent corruption, and make the granting of fee waivers transparent.
- Establish mobile courts to address the issue of distance being a constraint to access. However, mobile courts are complex undertakings, requiring the collaboration of most of the institutions of the recipient country's security sector for them to be successful, the key partners being the country's supreme court or equivalent, prosecutors and police. Without the active and consistent participation of the court's senior judges, there is little likelihood that mobile courts can be successfully implemented.
- Consolidate legal services into one-stop shopping legal services centers. For example, an USAID-supported program in Bolivia (Bolivia National Access to Justice Program, BNAJP) was initiated in 2004 in which 11 justice centers (*cases de justicia*) were established to address the most frequently complaints including livelihood-oriented issues (property and small contract) and family disputes (inheritance, legal identity, domestic violence, child support and divorce).
- Engage with local justice systems. There are many different ways in which to engage with local justice systems, many of which incorporate the use of facilitators, paralegals, and/or advocates as a means by which to institute new processes and managerial practices, strengthen the recording and archiving of local court proceedings, and engage in legal and rights awareness raising. For examples, see Sara Westerlund and Marlene Widenbladh's *The*

*Rural Judicial Facilitators Program in Nicaragua - an Exemplary Model of Restorative Justice?* and the TIMAP program in Sierra Leone<sup>25</sup>

- Promote efforts to increase the availability of public defenders
- Implement systems that provide citizen with greater access to their legal rights
- Conduct investigation or evidence collection training and provide equipment required for analyzing evidence such as DNA testing equipment and supplies

### **Victims Services**

- Establish family units that address issues such as child custody, ‘honor killings’, property ownership, marriage and divorce, and domestic violence; ensure participation of women in these units; support these units by ensuring prestige and promotion potential for those serving them (These units may not necessarily diminish these domestic crimes but will help to improve prosecutions, law changes, reporting, and protection orders.)
- Create private areas for conducting interviews to make it easier for witnesses and victims to come forward
- Support communication and cooperation between medical, law enforcement, and judicial actors to understand their respective roles in supporting justice for survivors/victims

### **Programming Highlights**

In Guatemala, USAID supported the development of specialized integrated 24-hour courts that include a criminal court, public defense office, police substation, and forensic clinic to address cases related to violence against women, exploitation, sexual violence, and human trafficking. Staffed by prosecutors, psychologists, doctors, and lawyers, the integrated court system ensures citizens have greater access to the assistance they need. Further, it strengthens criminal investigation by using scientific evidence.

In Uganda, traditional authorities and customary forums for resolving disputes are typically used to address land ownership and conflict. The USAID Supporting Access to Justice, Fostering Equity, and Peace Program worked to enhance the knowledge and awareness of traditional and elders’ councils on relevant legal issues on land ownership, as well as alternative dispute resolution (ADR) mechanisms for resolution of land disputes. Legal aid services (e.g. legal advice and counseling, filing land disputes in court, legal representation, the drafting of legal documents, and mediation of disputes) were provided through mobile legal aid clinics at the grassroots level.

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<sup>25</sup> Sara Westerlund and Marlene Widenbladh’s *The Rural Judicial Facilitators Program in Nicaragua - an Exemplary Model of Restorative Justice?* [http://www.jus.umu.se/digitalAssets/13/13607\\_sara-westerlund-marlene-widenbladh.pdf](http://www.jus.umu.se/digitalAssets/13/13607_sara-westerlund-marlene-widenbladh.pdf) and African Center of Excellence for Access to Justice’s *Sierra Leone Case Study*. <http://www.accesstojustice.africa/wp-content/uploads/2017/07/ACE-Sierra-Loene-Case-Study.NOLOGO.pdf>



## ADDITIONAL TIPS AND TOOLS

OSCE *Trafficking in Human Beings: Identification of Potential and Presumed Victims. A Community Policing Approach 2011*  
<http://www.osce.org/secretariat/78849>

US Department of Justice Access to Justice Initiative <http://www.justice.gov/atj/index.html>

International Development Law Organization  
[http://www.idlo.int/sites/default/files/Womens\\_Access\\_to\\_Justice\\_Full\\_Report.pdf](http://www.idlo.int/sites/default/files/Womens_Access_to_Justice_Full_Report.pdf)

Children's Equitable Access to Justice: Central and Eastern Europe and Central Asia  
<http://www.idlo.int/publications/childrens-equitable-access-justice-central-and-eastern-europe-and-central-asia>

SIDA's *Equal Access to Justice: A Mapping of Experiences* <https://www.scribd.com/document/250577140/Equal-Access-to-Justice-a-Mapping-of-Experiences-2011>

African Center of Excellence for Access to Justice <http://www.accesstojustice.africa/>

United States Joint Forces Command's *Handbook for Military Support to Rule of Law and Security Sector Reform*  
[http://www.dtic.mil/doctrine/doctrine/jwfc/ruleoflaw\\_hbk.pdf](http://www.dtic.mil/doctrine/doctrine/jwfc/ruleoflaw_hbk.pdf)

Center for Law and Military Operations' *Rule of Law Handbook: A Practitioner's Guide for Judge Advocates*  
[https://www.loc.gov/rr/frd/Military\\_Law/pdf/rule-of-law\\_2011.pdf](https://www.loc.gov/rr/frd/Military_Law/pdf/rule-of-law_2011.pdf) has M&E

DCAF *Justice Reform and Gender* <http://www.osce.org/odihr/30676?download=true>

United Nations Development Programme: *Informal Justice Systems*  
<http://www.undp.org/content/dam/undp/library/Democratic%20Governance/Access%20to%20Justice%20and%20Rule%20of%20Law/Informal-Justice-Systems-Charting-a-Course-for-Human-Rights-Based-Engagement.pdf?download>

United Nations Office on Drug and Crime *Gender in the Criminal Justice System Assessment Tool*  
<http://www.unodc.org/documents/justice-and-prison-reform/crimeprevention/E-book.pdf>

U.S. Department of State *INL Guide to Justice Sector Assistance*  
<https://www.state.gov/documents/organization/222048.pdf>

USAID's *Guide to Court Reform and the Role of Court Personnel* [http://pdf.usaid.gov/pdf\\_docs/PNADX808.pdf](http://pdf.usaid.gov/pdf_docs/PNADX808.pdf)

## IMPROVING POLICE INVESTIGATIONS

As previously mentioned, policing is a public service whose delivery of citizen safety depends on public trust, the law, citizen engagement, and ethical leadership. Investigating criminal activity is a cornerstone of policing and, therefore, central to enhancing the legitimacy and public trust in the police. Consequently, improving how police investigate is and ought to be a principal initiative of institution building.

In 2002, USAID's authority to support the police was expanded for "community-based police assistance." This gave USAID more flexibility to pursue goals such as institutional effectiveness including improving the capacity to conduct investigations if support is not directed to supporting one specific case. See the regional legal advisor or general counsel for guidance.

## Program Considerations

Limited empirical knowledge exists on how to address the challenge of strengthening police investigation. The most important study was published in the US in the 1979<sup>26</sup> and has not been seriously or significantly updated or revisited since. One issue appears to be there is little data upon which to base programming intended to improve police investigations in current criminology overall and the data is even more limited in less developed countries.

In the 1979 study, it was found that 80% of serious crimes were ‘cleared’ by patrol officers or by information (the name of the perpetrator or similar direct information) provided by the victim of the crime or witnesses to it at the scene of the crime. Another principal key finding was that careful case file maintenance was vital for the investigation of 20% of the case, but that the file preparation, verification, and follow-up could be considered largely clerical and did not require specially trained police investigators. Only about 3% of the total cases were resolved by criminal investigations dependent upon the skill and talents of investigators.

If this study were to be utilized as the primary theory of change for police investigations, almost all police development programs concentrating on investigations would include four main topics:

- (1) crime scene protocols, procedures, and practice;
- (2) case file preparation, verification, maintenance, and follow-up;
- (3) basic criminal investigation instruction for **all** police personnel, with special attention given to crime scene protocols and practice; and
- (4) extensive training of patrol officers in how to police their neighborhoods.<sup>27</sup>

There are two caveats. First, the study was U.S.-centric and it is open to debate and challenge as to the transferability of its findings to non-Western countries. Second, the study was conducted 40 years ago and, again, it is open to query as to the continued reliability and validity of its findings. Nevertheless, what is not questionable is the ultimate importance in criminal investigations of good and meticulous crime scene practice and case file maintenance. Field experience suggests that neither topic is the core foundation for the current practice of all police investigations institution building in conflict-affected or fragile environments. Until there are credible empirical studies that suggest otherwise, it may be prudent for criminal investigation programming to be designed, primarily, around the four principal topics mentioned above.

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<sup>26</sup>RAND's *The Criminal Investigation Process — Volume I: Summary and Policy Implications*. <https://www.rand.org/pubs/reports/R1776.html> and RAND's *The Rand Criminal Investigation Study: Its Findings and Impact to Date*. <https://www.rand.org/pubs/papers/P6352.html>

<sup>27</sup> See David Bayley, (ed.) *What Works in Policing*. New York: Oxford University Press, 1998.



It should also be noted that there is little to no empirical evidence to suggest that enhancing the managerial capacity of investigation units will have a causal effect on better investigations, increasing clearance rates, or lowering crime. Neither a better prioritization of cases or strengthening management has been shown to have an appreciable effect.<sup>28</sup>

Despite the lack of empirical evidence on what to do to improve investigations, there is good political and national interest reasoning for donors to engage in the support of specialized police units. By building the capacities of these units, donors can gain leverage and insight into particular serious crimes that might have significant effects in their home countries. Building the institutional capacity of such units, then, is supported by a plausible theory of change. It is important to recognize and acknowledge that this theory of change does not apply to the incidence of crime within the country whose specialized units are being supported and whose capacity is being enhanced. After years of support to the Colombian police, there has been virtually no reduction in the illicit drugs flowing out of that country. In fact, recent evidence suggests that the peace treaty with the FARC has increased the volume.

None of the above is intended to suggest that criminal investigation support is futile. To the contrary, the claim is that, first, the basics of criminal investigation should be disseminated through police services, along with greater operational integration of patrol and investigating officers. Second, control and processing of the crime scene is all important. This also implies that working with witnesses at the crime scene and, thereafter, is a key component. Third, concentrated efforts ought to be dedicated to how police put together their case files. These files are the building blocks of the criminal justice, for they are what the police turn over to prosecutors. If the files are not credible and reliable, then prosecutors cannot prosecute effectively. If the files are inconsistent then future efforts to develop information management systems and central databases – particularly crime mapping, which can be a powerful tool for crime prevention, but only once there is reasonable pre-existing managerial capacity – will flounder. In short, case files can be thought of as the heart and soul of police development.

***The Role of Police Judiciaire.*** In some countries faced with an increasing criminality, the police functions of the gendarmerie, especially within the *police judiciaire* branch, have been increasingly reinforced.<sup>29</sup> The *police judiciaire* is the Criminal Investigation Department in former French colonies. It is the department that oversees investigations and prosecutions ordered by the public prosecutor, or by the court, in cases of offence of common law, including major and organized crime.<sup>30</sup> In Senegal, for instance, brigades specializing in criminal investigations have been created in each legion along with a new *pole de police judiciaire*. It includes a new central database and a new research section with investigators endowed with national authority. This

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<sup>28</sup> John Eck, “Criminal Investigation.” In *What Works in Policing? Operations and Administration Examined*, edited by Gary Cordner and Donna Hale. Anderson Publishing Co., 1992

<sup>29</sup> In Francophone countries, the term ‘*police judiciaire*’ relates to the police services responsible for criminal investigations and prosecutions. In English, there is no relevant term to faithfully translate *police judiciaire*. The difficulties in translating the term cannot be seen as purely linguistic. On the contrary, they are a symptom of the conceptual differences existing between Francophone and Anglophone security systems, particularly in the policing system. It is similarly difficult to find a satisfying translation for the term ‘*gendarmerie*’.

<sup>30</sup> In Burkina Faso, the criminal investigation department is made up of members of the gendarmerie, the police force, and public administration, which is appointed by the government to this department.



research section is organized in different cells dealing with all forms of delinquency (e.g. hold ups, money laundering, drug trafficking and drug consumption, youth delinquency). This empowerment of the gendarmerie occurred in association with the national police and with the assistance of the French.

### **Best Practices to Improve Police Investigations**

- Train and reinforce the basics of criminal investigation and the integration of patrol and investigating officers to work together on investigations
- Put in place standard operations procedures for controlling and processing crime scenes, train personnel on these procedures, and penalize personnel who do not follow them
- Have police investigators and prosecutors develop and be trained together on investigation case preparation, file recording, maintenance and archiving, and procedures on passage of file from police to prosecutors
- Resource forensic units, but ensure that the environment supports the ability for them to execute their job. Also assess whether the level of political will and corruption will allow for the cases to be successfully prosecuted. Otherwise, evidence is showing that there is minimal impact either because a host nation can no longer afford to provide the human and financial resources to support that level of unit. Or corruption or political dynamics eat away at having any effect on security and safety through improved investigations. For example, in Yemen, significant resources were dedicated to the police forensic unit, but the services of that unit were unused because of intra-police political and personal feuds. This is why a political economy analysis is critical for informing program design.
- Support community-based policing efforts that build relationships with the community. This will increase the likelihood that they will share information and cooperate with investigations.
- Provide advanced witness identification and interview training to investigators. Interviewing techniques are distinct from interrogation and should stress respect for human rights and human dignity.
- Create private interview areas to make it easier for witnesses and victims to come forward

### **Programming Highlights**

USAID's Justice Sector Strengthening Activity in El Salvador helped to expand community policing to improve public confidence in the police. Nearly 100 percent of police officers received basic community policing courses that were developed with USAID assistance. The project also provided specialized training for police in leadership, group management, human rights, problem solving and communication. This included training of prosecutors and police investigators in the theory and practical applications of a Joint Manual of Investigative

Procedures, which specifies methodology for tracking and investigating cases. The program also worked with criminal analysts to develop electronic case forms for integration in a shared database that permits institutions to track and identify criminal and victim profiles in cases of extortion, homicide, sexual crimes, and gender-based violence.



## ADDITIONAL TIPS AND TOOLS

USAID Assistance for Civilian Policing: USAID Policy Guidance

<https://www.usaid.gov/sites/default/files/documents/1866/200mbf.pdf>

United States Joint Forces Command Handbook for Military Support to Rule of Law and Security Sector Reform

[http://www.dtic.mil/doctrine/doctrine/jwfc/ruleoflaw\\_hbk.pdf](http://www.dtic.mil/doctrine/doctrine/jwfc/ruleoflaw_hbk.pdf)

USAID A Field Guide for USAID Democracy and Governance Officers: Assistance to Civilian Law Enforcement in Developing Countries [http://pdf.usaid.gov/pdf\\_docs/pnadu808.pdf](http://pdf.usaid.gov/pdf_docs/pnadu808.pdf)

For sample congressional notifications and waivers, see the USAID intranet at

<http://inside.usaid.gov/DCHA/DG/Pub/index.cfm> and search for “Assistance to Civilian Law Enforcement in Developing Countries Annexes”

For U.S. Department of State Vetting Guidance see the State Department Intranet at

<http://diplopedia.state.gov/images/Vetting.pdf>

The U.S. Department of State INL Bureau’s Guide to Police Assistance

<https://www.state.gov/documents/organization/263419.pdf>

The U.S. State Department International Narcotics and Labor (INL) Bureau’s Guide To Gender and The Criminal Justice Sector <https://www.state.gov/documents/organization/222034.pdf>

DCAF’s Gender Self-Assessment Guide for the Police, Armed Forces and Justice Sector

<http://www.dcaf.ch/Publications/Gender-Self-Assessment-Guide-for-the-Police-Armed-Forces-and-Justice-Sector>

National Center for Women and Policing’s Hiring and Retaining More Women: The Advantages to Law Enforcement Agencies

<http://womenandpolicing.com/pdf/NewAdvantagesReport.pdf>

U.S. Department of State INL Guide to Police Assistance <https://www.state.gov/documents/organization/263419.pdf>

USAID’s Anticorruption Strategy [www.dec.org/pdf\\_docs/PDA-CA557.pdf](http://www.dec.org/pdf_docs/PDA-CA557.pdf)

## IMPROVING THE QUALITY OF PROSECUTIONS, ADJUDICATIONS, AND EFFICIENCY OF THE COURT PROCESS

By nature and practice, judicial systems are conservative and rule-bound. Reform is slow, halting, and capital and labor intensive. The concept of judicial independence, which is invariably a relative term, runs counter to efforts to monitor, measure, evaluate and hold accountable judicial actors. Judicial development may be the most challenging type of security sector reform, as it is often the last bastion for the vested interests of power and the elites.

## Program Considerations

Judges, prosecutors, court clerks, and bar associations are all highly sensitive to outside interference and involvement. Therefore, in justice reform the commitment and willingness of key actors within the institutions and agencies is paramount. Furthermore, perhaps the key programming insight is to leverage what already exists and works and build upon that. This occurred in Colombia and demonstrated that these types of efforts provide real possibilities to support positive results.<sup>31</sup>

Justice reform is not only about changing laws, but also improving operations to ensure effectiveness and fairness. These changes are buttressed by oversight mechanisms (see section on oversight mechanism), and must be reconciled and mutually reinforcing with traditional justice systems. While traditional systems can be quicker, more accessible, and have social legitimacy, they often reinforce gender roles.

**Women and Children's Rights.** The justice system is also perhaps the most important institution for protecting the rights of individuals, particularly women, girls, and boys. Such rights will be properly interpreted and enforced only when all the actors in the justice system fully understand the rights of women and children.

**Judicial Training.** In countries from Timor-Leste to Sierra Leone and Yemen, donors have paid great attention to building institutes for the legal education for judges, prosecutors, and lawyers. Despite the fact these efforts are rarely sustainable and, by definition, will not produce notable outcomes in less than 10-15 years, they are a necessary component to institution building in that they are foundational for the functioning of a justice system.

**Work Rules.** It is important to understand and often crucial to revise and update the work rules and regulations by which the courts and lawyers exercise their functions. In some instances, such as in Sierra Leone, the work rules of the courts are sufficiently inefficient that they impede the effective delivery of justice and prevent reform efforts at justice reform from being successful. Without their overhaul, as practitioners have repeatedly stated, justice reform in Sierra Leone is fated to fail. In Bangladesh, the rules

### USAID-SUPPORTED WOMEN'S LEGAL RIGHTS (WLR) INITIATIVE

WLR's employed the expertise of outside legal experts, including the professor of a major U.S. law school and a U.S. federal court judge, to help to strengthen the capacity of prosecutors, public defenders, and other justice sector workers in both Guatemala and Madagascar. In Rwanda, where no formal courses existed for judges, magistrates, lawyers, or other kinds of legal professionals on gender or women's rights, WLR worked with the Ministry of Justice and the new National Institute for Legal Practice and Development to develop a course on gender issues in family law. See the final report:

[http://pdf.usaid.gov/pdf\\_docs/Pdack946.pdf](http://pdf.usaid.gov/pdf_docs/Pdack946.pdf) WLR WLR

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<sup>31</sup> Javier Said and David F. Varela. Colombia - Modernization of the Itagüí Court System: A Management and Leadership Case Study. The International Bank for Reconstruction and Development, 2002.

regulating how lawyers exercise their activities ought to play a central part of any justice reform. One of the many reasons for the inefficient judicial system is that lawyers are paid by court appearance, which encourages them to seek repeated delays and postponements of court sessions to augment their income.

**Streamlined Court Processes.** The process of justice does not move swiftly and efforts to ‘speed its operations’ may not necessarily be consistent with fair and equitable justice. For example, in Nigeria, the courts are notorious for being inefficient and slow. To speed the wheels of justice, a donor-sponsored initiative undermined the rule of law in that defendants were less able to have the time to challenge their ‘confessions’ that may have been elicited through a violation of their human rights.

**Case Backlogs.** One of the persistent challenges in justice reform is the ever-burgeoning backlog of cases. Many different methods have been used to address the issue, from special courts to expedited procedures. In Malawi, prosecutors were awarded special stipends to speed up the processing and day-in-court of serious criminal cases. The extra enumeration achieved its momentary objective, but once the salary supplement was withdrawn the backlog immediately reappeared. The lesson learned is that addressing backlogs cannot be considered a one-off and isolated initiative but must be thoroughly integrated into the day-to-day operations of the judicial system.

## **Best Practices to Improve Prosecutions, Adjudications, and Efficiency of Court Processes**

### **Lawyers and Legal Support**

- Train paralegals to promote legal literacy, provide legal aid clinics, serve as victim/witness coordinators, and teach how to access the judicial system. Paralegals often work in more rural areas, and can be an effective means to bring more women into the system, particularly in family law. For example, the Enhanced Palestinian Justice Program conducted legal training for students about family law, GBV, and interviewing clients at An-Najah and Hebron Law Schools.
- Seek pro bono work from bar associations for legal aid on GBV, trafficking, inheritance, and land laws
- Provide mock trial opportunities to lawyers and judges on these types of cases and what additional measures can be used such as DNA testing and closed-circuit television for testimony

#### **JUDICIAL TRAINING**

The Indonesia C4J project provided a judicial training program in coordination with the Supreme Court on case management, legal writing, and judicial ethics. This included the development of gender-sensitive and inclusive approaches to strengthen equitable opportunities for female judges. Further, the training curriculum covered elements of gender,

- Train lawyers on how to properly conduct interviews of women and members of socially marginalized groups
- Establish witness protection programs and train on victim treatment; in parallel, ensure measures to monitor implementation of such programs
- Train national bar associations and legal groups on gender awareness and due process
- Promote the establishment and use of restraining, vacate, custody, and restitution orders — all important protective tools for prosecutors, particularly in cases of human trafficking and GBV

### Judges

- Examine legal programs at universities to see whether they are providing sufficient and effective judges, including women judges
- Review admissions standards at law programs in universities to ensure women and marginalized groups are not being discriminated against during admissions
- Promote the creation of women judges' associations to promote the active participation of female judges in the system
- Develop fair and transparent procedures for evaluating the work of judicial professionals to ensure fairness and that the most effective are promoted
- Train and include laws against sextortion. (The International Association of Women Judges has an international sextortion toolkit for judges that provides a legal, analytical, and practical framework for understanding and addressing sextortion <http://www.iawj.org/sextortion.html>)
- Provide ongoing judicial education on gender issues as a permanent part of new judge orientation and continuing curriculum for those on the bench. (Evidence has shown “judicial educators and judges are less resistant to courses on gender bias in courtroom interaction which stress correcting forms of address and eliminating sexist remarks than they are to courses on judicial decision making in substantive areas of the law which may reveal, for example, how gender bias affects support awards and enforcement and contributes to the impoverishment of women and children.”<sup>32</sup>)

#### RESPONDING TO GBV

The Dominican Republic Criminal Justice Sector Strengthened project develops training modules to improve prosecutors' and police officers' knowledge, sensitivity, and ability to respond to and process gender-based crimes, as well as crimes against vulnerable populations.

### Court Processes

- Examine the type of caseloads that are backed-up and whether there are certain types of cases that could benefit from improved reforms of administrative law or cases, training more lawyers and judges on the specifics of those types of cases, or the offering of alternative justice

<sup>32</sup> *Operating a Task Force on Gender Bias in the Courts* <http://womenlaw.stanford.edu/pdf/gender-bias.pdf>

that complements the official court system such as mediation. For examples, see USAID's guide to [Using Administrative Tools and Concepts to Strengthen USAID Programming](#).

- Examine court fees (both official and unofficial) to see whether they affect access to court processes, especially in cases of gender-based crimes.
- Create procedures for protecting witnesses and information to improve the likelihood of conviction for gender-based and domestic violence
- Provide processes and safe places to ensure equal access to justice, including child care when in court, translators, transportation costs, closed-circuit television, and screens to protect victims' and witnesses' faces
- Support specialized, streamlined family courts where judges are trained on adjudicating these specific cases
- Establish recordkeeping and case tracking systems
- Promote sentences for murder, sexual offenses, and domestic violence that reflect their serious nature
- Allow for increased sentences for repeat offenders

#### REFORMING LAWS

The Judicial System Reform Law in Montenegro assisted in reforming and implementing reform laws such as the Act of Courts, Civil Law, and Law on Execution of Civil Judgements and regulations (e.g. the Courts Manual) that improved the court system's processing.

### Programming Highlights

USAID has invested significantly in rule of law, including improving the quality and efficiency of justice. One aspect of USAID/Haiti's Justice Sector Strengthening Program is working diligently with the Ministry of Justice to reduce pre-trial detention. In Ghana, USAID is currently supporting the establishment of a new case tracking system that will be used by the police, courts and penal system. USAID's Justice Sector Support Program in Cote d'Ivoire also supports case management systems as well as 1) cooperating with the Ministry of Justice, the National Judicial Training Institute, courts, and civil society organizations to strengthen training for judiciary police, magistrates, and court staff, 2) supporting enhancements to court case management systems, 3) implementing measures to increase transparency and accountability in the courts, 4) improving citizens' access to the Ministry of Justice's public defense fund, and 5) strengthening capacity of the Ministry of Justice's Legal Aid Office.

USAID/Bolivia's Administration of Justice programs strengthened the capacity of justice sector operators and institutions to successfully implement a new Criminal Procedure Code through technical assistance and training activities to strengthen the Judicial Branch, the Public Ministry, the Public Defender's Office and the Forensic Investigation Institute. They also increased access to justice through support for the establishment and expansion of Integrated Justice Centers which provide mediation and other justice-related services to marginalized communities. Lastly, the program developed and promoted commercial and administrative law reforms and

strengthened specialized commercial and administrative courts, as well as supported the establishment of arbitration and mediation centers at the national level.

The European Union also invests heavily in justice reforms. In Jamaica, the European Union's Security Sector Reform Program assisted the government in rolling out forensic crime laboratories and successful legislation on six criminal justice laws, the drafting and implementation of a Ministry of Justice strategy to address gang violence, and the establishment of a Sexual Offender's Registry. The Justice Sector Strengthening for the Reduction of Impunity project in Colombia created a virtual law school to train criminal public lawyers, judges, justices of the peace and mediators.<sup>33</sup> In addition, 1,044 prosecutors have been nominated for public service through a new merit-based examination system. Other examples include Indonesia where the rule of law project integrated training modules for many of the relevant criminal justice actors in transnational crimes. In Guatemala 24-hour courts contributed to reducing the excessive number of pre-trial detention cases and has improved access to justice services.

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<sup>33</sup> Thematic Evaluation of the European Commission Support to Justice and Security System Reform, p. 33, 2011



## ADDITIONAL TIPS AND TOOLS

USAID's Case Tracking and Management Guide.

[http://www.usaid.gov/our\\_work/democracy\\_and\\_governance/publications/pdfs/pnacm001.pdf](http://www.usaid.gov/our_work/democracy_and_governance/publications/pdfs/pnacm001.pdf)

United States Joint Forces Command's *Handbook for Military Support to Rule of Law and Security Sector Reform*

[http://www.dtic.mil/doctrine/doctrine/jwfc/ruleoflaw\\_hbk.pdf](http://www.dtic.mil/doctrine/doctrine/jwfc/ruleoflaw_hbk.pdf)

The National Association for Court Management's Curriculum Guidelines defining core competencies for presiding and supervising judges, court managers and court administrative staff. <http://www.nacmnet.org/CCCG/index.html>

ABA Model Code Of Judicial Conduct(As adopted February 2007 and amended August 2010);

[http://www.americanbar.org/groups/professional\\_responsibility/publications/model\\_code\\_of\\_judicial\\_conduct.html](http://www.americanbar.org/groups/professional_responsibility/publications/model_code_of_judicial_conduct.html)

Code of Conduct for United States Federal Judges. <http://www.uscourts.gov/RulesAndPolicies/CodesOfConduct.aspx>

USAID's *Guide to Court Reform and the Role of Court Managers and Personnel*.

[http://pdf.usaid.gov/pdf\\_docs/PNADX808.pdf](http://pdf.usaid.gov/pdf_docs/PNADX808.pdf)

ABA/CEELI's *Concept Paper on Judicial Independence*

[www.abanet.org/ceeli/publications/conceptpapers/judicialindep/judicial\\_independence\\_concept\\_paper.pdf](http://www.abanet.org/ceeli/publications/conceptpapers/judicialindep/judicial_independence_concept_paper.pdf)

U.N. Special Rapporteur on the Independence of Judges and Lawyers website [www.unhcr.ch/html/menu2/7/b/mijl.htm](http://www.unhcr.ch/html/menu2/7/b/mijl.htm)

The World Bank's *Legal and Judicial Reform*.

<http://documents.worldbank.org/curated/en/218071468779992785/pdf/269160Legal0101e0also0250780SCODE09.pdf>

National Center for State Courts' *Trial Courts Performance Standards and Measurement System*

[http://www.ncsconline.org/D\\_Research/tcps/index.html](http://www.ncsconline.org/D_Research/tcps/index.html)

U.S. Department of Justice's *Trial Court Performance Standards With Commentary*.

<https://www.ncjrs.gov/pdffiles/161568.pdf>

Center for Law and Military Operations' *Rule of Law Handbook: A Practitioner's Guide for Judge Advocates*

[https://www.loc.gov/rr/frd/Military\\_Law/pdf/rule-of-law\\_2011.pdf](https://www.loc.gov/rr/frd/Military_Law/pdf/rule-of-law_2011.pdf) has M&E

DCAF *Justice Reform and Gender* <http://www.osce.org/odihr/30676?download=true>

U.S. Department of State *INL Guide to Justice Sector Assistance* <https://www.state.gov/documents/organization/222048.pdf>

## IMPROVING CORRECTIONS FACILITIES' CONDITIONS AND PRISONERS' RIGHTS

The penal system is a frequently overlooked portion of the security sector but one of the most critical. The penal system includes prisons but also alternatives to custody such as systems for bail, parole, probationary boards, and community service orders as well as (where existing) elements such as traditional and informal sanctions systems.<sup>34</sup> If the penal system does not work, then there is little ultimate accountability. A thorough analysis and examination of the

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<sup>34</sup> Geneva Center for the Democratic Control of Armed Forces (DCAF) Occasional Paper – 18 *The Role of Penal Reform in Security Sector Reform* by Megan Bastick

[http://www.dcaf.ch/sites/default/files/publications/documents/OPI8\\_bastick\\_penal\\_reform\\_ssr.pdf](http://www.dcaf.ch/sites/default/files/publications/documents/OPI8_bastick_penal_reform_ssr.pdf)



causes of pre-trial detention rates (average number of days in pre-trial detention) is the single most revealing indicator across the criminal justice system as its effects and implications touch upon each and every institution and agency.

## **Program Considerations**

***Ensure the Corrections System Does Not Reinforce Insecurity.*** The penal system can create more security issues by bringing criminal actors together in the same place where they can create networks and continue their operations. This affects the credibility of the entire rule of law system. Given the interconnectivity of the institutions, the penal system's operations and processes need to link to reforms in other security sector institutions. This is of special import with regard to criminal networks that are known to be run from prisons, along with the method by which prisoners are released into the civilian population after having served their sentences.

***Gender Considerations.*** Men, women, boys, and girls have different experiences and needs in corrections institutions. Young men may be more vulnerable to recruitment into gangs while incarcerated. All individuals face an additional stigma for going to prison and are at risk for gender-based violence. Women also have additional needs if they are pregnant, breastfeeding, or the principal caregiver for young children. Both men and women have needs as leaders of their household.

***Legal Considerations.*** USAID has restrictions in supporting prison reforms, but there are exceptions for Development Assistance, Economic Support Funds (ESF), and International Counternarcotic and Law Enforcement) funds to eliminate inhumane conditions. Using money for this purpose requires coordination with the U.S. Department of State's Democracy, Human Rights, and Labor Bureau and with the appropriators. For ESF there is also notwithstanding authority in section 534(b)(3)(D) of the FAA for programs conducted through multilateral or regional institutions to improve penal institutions and for the rehabilitation of offenders. Activities could support post-incarceration reintegration of prisoners back into society. Examples of inhumane conditions that could be addressed include ensuring per capita floor space is sufficient to allow for humane sleeping conditions and reasonable physical movement, providing separate facilities for youth offenders, ensuring prisoners can submit complaints to judicial authorities.

An easier, less confusing, and less complicated action is to assist activities that may be considered assistance to prisoners, not to prisons, and could not be diverted to benefit the prison administration. These should be programs that the prison administration is not required to provide. For example, vocational education could be provided if the prison does not already have such a program. USAID has also assisted global health objectives involving communicable diseases, where failure to treat cohorts such as military, police, or prisoners reduces the effectiveness of health assistance to the overall general population.

**Advocacy Support.** One of the programs that donors have consistently advocated and supported is the establishment of NGOs that provides legal rights education to prisoners and work with the institutions and agencies across the criminal justice spectrum to lower prison overcrowding. In some instances, the NGOs may work alongside the police to ensure the original arrest and detention in the police station is handled according to the law and human rights are respected. They also manage criminal justice-wide meetings and efforts to analyze the backlog of cases, as a means by to lower pre-trial detention rates. These programs, originally initiated in Malawi, now also exist in Sierra Leone, Bangladesh, and many other countries.

As a means by which to raise legal rights, these NGOs serve a valuable function. However, there is scant evidence to suggest that they have had an appreciable effect on lowering prison overcrowding or pre-trial detention rates. In many ways, they may be perceived as a useful mechanism by which the criminal justice system ‘expels pressure,’ which permits it not to undertake more fundamental reform.<sup>35</sup> The challenge is that there is little political commitment on the part of the governments and state institutions, not to mention a woeful lack of resources, to undertake the systematic structural work to engage in initiatives that will lower prison overcrowding, such as serious diversion projects (including but not limited to community service efforts), revisions of police arrest procedures, instituting fundamental bail, parole and other programming.

Many countries have conducted one-off prison release programs, where the courts cull their backlogs to release the incarcerated whose cases have fallen through the cracks for a myriad of reasons or whose continued imprisonment exceeds their original sentence. These periodic cleansing, however, do not address the fundamental challenges and overcrowding returns in short order. As a result, most prison development endeavors, while well-intentioned, are, essentially, humanitarian (health, education, childcare, etc.) and human rights (legal education, prison standards and manuals, disciplinary and redress procedures, etc.) efforts to ameliorate a dire situation.

### **Best Practices to Improve Corrections Facilities and Prisoners’ Rights**

- Training on gender issues and capacity building to meet the body of principles for the Protection of All Persons under Any Form of Detention or Imprisonment (1988) to lay the groundwork for behavior change
- Support to civil society or human rights monitoring groups to report on prison standards to encourage advocacy and reform led by prison authorities (although as noted above, this should be coupled with accountability measures since institutions may use this monitoring as a “release valve” for pressure on them to change).
- Conduct anticorruption programming which can positively influence the environment, particularly against GBV.

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<sup>35</sup> Independent Commission for Aid Impact, Review of UK Development for Security and Justice, 2015.

- Support anti-GBV programming such as confidential reporting, procedures for GBV penalties, skilled personnel to handle GBV, training on preventing rape of male prisoners, sensitization for male GBV victims who are least likely to come forward, and a zero-tolerance environment. Oversight mechanisms should include inspection teams with expertise in looking for GBV and health services. Health care can be provided to address sexually transmitted diseases, which are a legitimate issue for both men and women. Programs can assess measures to respond to male youth violence and how those in protective custody are protected from others in the prison population.
- Provide private spaces for undressing and strip searches, feminine hygiene items, and nutritional diets and health care for pregnant and nursing women (The latter can be facilitated through capacity building to pass legislation mandating this be provided and support to public budgeting processes to ensure resources are set aside for these efforts.)
- Support programs that examine and support alternatives to incarceration so women and men in for non-violent acts can be closer to young children and not disrupt the family unit (women proportionally are incarcerated for non-violent acts). Given the importance of breastfeeding, the role women play in keeping the household and family units running, and the how bonding in the first three years can affect an individual's behavior for life, programs can support considerations for women and small children to stay out of pre-trial detention and provide spaces for the children.

### **Programming Highlights**

In Kyrgyzstan and Tajikistan, USAID's Drug Demand Reduction Program worked with the Ministries of Justice to trained more than 70% of corrections facility staff on HIV/AIDS and drug prevention issues. This training was then included in the short-term penal system educational curriculum as well to improve the facilities' ability to manage health issues.

The DFID-supported Justice Sector Development Programme (JSDP) sought to improve Sierra Leone's justice system. It addressed issues such as the quality and accessibility of laws and procedures, prison conditions, delays in courts, the absence of a juvenile justice system, and the general disadvantages faced by the poor, vulnerable and marginalized in accessing justice.

In addition, the PRAJUST program in Chad created an “Observatoire de l’état des prisons,” which aimed to create a dialogue on the state of prisons and on detention conditions and prisoners’ rights between concerned national authorities and civil society with a view of improving authorities’ responsiveness and account of human rights and gender issues.



### ADDITIONAL TIPS AND TOOL

International Centre for Criminal Law Reform and Criminal Justice Policy’s *International Prison Policy Development Instrument* [http://www.aic.gov.au/criminal\\_justice\\_system/corrections/reform/standards/instrument.html](http://www.aic.gov.au/criminal_justice_system/corrections/reform/standards/instrument.html)

United Nations *Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders* (the Bangkok Rules, ECOSOC resolution 2010/16, annex, adopted on 22 July 2010) <http://www.un.org/en/ecosoc/docs/2010/res%202010-16.pdf>

UNODC/WHO’s *Europe Declaration on Women’s Health in Prison, Correcting Gender Inequality in Prison Health* [http://www.euro.who.int/\\_data/assets/pdf\\_file/0004/76513/E92347.pdf](http://www.euro.who.int/_data/assets/pdf_file/0004/76513/E92347.pdf)

U.S. Department of State *INL Guide to Corrections Assistance* <https://www.state.gov/documents/organization/234722.pdf>

## IMPROVING BORDER SAFETY AND SECURITY

Border and customs control have implications in the security sector in two ways. First, they are the frontlines in catching the flow of people and illicit goods either into or out of a country. For example, borders are critical points where trafficking can be identified. Customs and border officials observe security issues, sometimes without even realizing it because they do not have the proper systems or training in place. Secondly, the borders themselves can create security issues for citizens. Male and female traders can get stuck at the border for days with limited facilities, and thieves exploit their vulnerability.

### Program Considerations

There are two main considerations when reforming customs and border management. The first is corruption can run rampant in these institutions given the remoteness of customs and border officials and desperation of some individuals to cross the border, which can be exploited and the easy access of officials to customs revenues. Therefore, all reforms may run into internal stakeholders who will fight against reforms that would decrease their benefits from the current system. External accountability measures will be essential in this case.

Secondly, some safety and security issues exist simply because the border and customs officials are not trained in even identifying them. They are trained in processes, but not necessarily on identifying contraband, fake documents, suspicious behavior, and trafficking victims. These capacity issues can be easily addressed, providing quicker wins in regard to improving border safety and security.

## Best Practices to Improve Borders

- Provide technical and material assistance for greater transparency and efficiencies in ports and customs (The faster individuals, pass through the border, the less likely they are to be victims of violence or theft.)
- Install separate customs areas for processing women traders, preferably staffed by women officers, who are less likely to exploit women traders
- Establish a border management strategy that includes clarification of roles and responsibilities
- Support integrated cross-border management units to conduct joint risk analysis and share information
- Maintain good lighting and surveillance cameras at border facilities to reduce threats to physical insecurity
- Train customs and border officials on identifying contraband and trafficking victims
- Address corruption which can make them susceptible to payoffs by traffickers and more likely to request bribes, particularly of women and youth. Raising the officials' salaries, increasing the number of women officers, and requiring the officials to wear uniforms and badges to increase professionalism and make them identifiable can all help.
- Provide fair and reasonable wages and additional incentives for border offices to stay at their location given the longer they stay, the more likely they are to identify issues and trends
- Train border patrol units on community policing methods to engage with communities along the border to identify issues and obtain information about border dynamics
- Assess the revenue collection systems and support methods for improvement (see public financial management)

## Programming Highlights

USAID supported improvements for ten official border crossings in Montenegro to improve the control of illegal trafficking in humans, drugs, and other trafficking products and to restrict cross-border movement of war criminals.

The E.U. Border Assessment Mission to Moldova and Ukraine (EUBAM) program contributed to building capacity in the Moldovan and Ukrainian border guard and customs services. This enhanced capacity led to greater cooperation between both countries in tackling smuggling and other forms of cross-border crime. Important changes were achieved thanks to a systemic approach targeting the main ministries and agencies involved in border management. The main achievements were increases in customs revenue due to more efficient customs and control procedure and, increases in the number of joint border control operations by authorities from both sides. There has also been a simplification of border crossing procedures, more service-

oriented professional behavior, and enhanced inter-service cooperation through joint operations.

In Kosovo, the Kosovo Police Service (KPS) provides specialized training on gender-related issues, including human trafficking with special attention placed on children. The training covers topics such as how to investigate and distinguish between trafficking and smuggling and how to assist and protect victims and witnesses of trafficking. In addition, the KPS engages with local NGOs and women's organizations. Establishing connections with local organizations helps to promote local ownership as these organizations connect trafficking victims, security personnel, and policymakers. Since introducing specialized training on gender issues, the KPS has continued to make progress in reducing the number of trafficking cases in the country. For example, the U.S. Trafficking in Persons Report of 2013 states that in 2012 the police identified 54 victims of trafficking in comparison to 39 victims in 2011.<sup>36</sup>



## ADDITIONAL TIPS AND TOOLS

The World Bank *Gender Dimensions of Trade Facilitation and Logistics*

[http://siteresources.worldbank.org/INTRANETTRADE/Resources/Pubs/Gender\\_Dimensions\\_Trade\\_Facilitation\\_Logistics\\_Higgins\\_electronic.pdf](http://siteresources.worldbank.org/INTRANETTRADE/Resources/Pubs/Gender_Dimensions_Trade_Facilitation_Logistics_Higgins_electronic.pdf)

USIP Special Report *Maritime Security Sector Reform* <https://www.usip.org/sites/default/files/SR306.pdf>

The U.S. Government's *Maritime Security Sector Reform* <https://www.state.gov/t/pm/rls/othr/misc/151106.htm>

MARAD Department of Transportation *Maritime Security Sector Reform* [https://www.marad.dot.gov/wp-content/uploads/pdf/Maritime\\_Security\\_Sector\\_Reform.pdf](https://www.marad.dot.gov/wp-content/uploads/pdf/Maritime_Security_Sector_Reform.pdf)

The Global Counterterrorism Forum's *Good Practices in the Area of Border Security and Management in the Context of Counterterrorism and Stemming the Flow of "Foreign Terrorist Fighters"*

<https://www.thegctf.org/Portals/1/Documents/Framework%20Documents/AGCTF-Good-Practices%20-BSM-ENG.pdf>

The United National Security Council's Counter-terrorism Committee's *Compendium of Legal Instruments, Standards, and Recommended Practices Related to Border Management* <https://creator.zoho.com/uncted/bordercontrol/#>

United Nations Office on Drugs and Crime Smuggling of Migrants Knowledge Portal (Database of state's legislation, case law, and resources related to migrant smuggling legal frameworks) <https://www.unodc.org/cld/en/v3/som/>

## IMPROVING THE SECURITY SECTOR'S RESPONSE TO GENDER-BASED VIOLENCE

GBV is violence directed at an individual based on his or her biological sex, gender identity, or perceived adherence to socially defined norms of masculinity and femininity. It includes physical, sexual, and psychological abuse; threats; coercion; arbitrary deprivation of liberty; and economic deprivation — whether occurring in public or private life. This can include female infanticide, child sexual abuse, sex trafficking, forced labor, sex-selective war crimes, and

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<sup>36</sup> United States Trafficking in Persons Report. <http://www.state.gov/documents/organization/210740.pdf>

harmful traditional practices such as early and forced marriage and ‘honor killings’.<sup>37</sup> The military, police, prosecutors, and court system all have institutional roles in gender-based violence.

## **Program Considerations**

One big impediment to improving an institution’s approach to addressing gender-based violence can be cultural obstacles where individuals do not see gender-based violence as a problem. In fact, the security forces may be some of the instigators in gender-based violence. In this case, accountability mechanisms must be combined with significant social and behavior change communications efforts must be undertaken to create support for recognizing gender-based violence as a problem. These efforts must be based off an assessment for what drives these cultural norms.

Even if the culture of individuals within an institution can be changed to acknowledge gender-based violence as a crime, the institutions themselves may not see themselves as playing a role to address the problem. For example, some cultures believe that gender-based violence related to domestic violence is an internal domestic problem and not the jurisdiction of the legal or judicial system.

For these reasons, raising awareness of human rights and increasing gender sensitivity in the security and justice services will be necessary. While training is often the primary means used to raise awareness on these issues among security and justice services, awareness can also be raised through programs that support increased access to justice by placing emphasis on key governance principles (participation, inclusion, etc.) in reform programs, and adoption of ‘human rights-based’ or ‘gender mainstreaming’ approaches in programming within the security and justice sectors.

## **Best Practices to Improve Responses to Gender-Based Violence**

- Train and include laws against sextortion. (The International Association of Women Judges has an international sextortion toolkit for judges that provides a legal, analytical, and practical framework for understanding and addressing sextortion <http://www.iawj.org/sextortion.html>)
- Conduct an assessment to identify cultural and institutional views on gender-based violence in order to identify which social and behavior change communications may be required to elicit institutional buy-in to addressing the problem set. This may include raising the issues that men and boys face in regard to gender-based violence.
- Identify male champions for addressing the problem

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<sup>37</sup> *United States Strategy to Prevent and Respond to Gender-Based Violence* [http://pdf.usaid.gov/pdf\\_docs/PDACT888.pdf](http://pdf.usaid.gov/pdf_docs/PDACT888.pdf)

- Include addressing gender-based violence as a priority in the national security strategy
- Train investigators on how to interview victims of gender-based violence and on evidence-collection techniques for these types of crimes
- Train lawyers and judges on prosecuting and adjudicating GBV-related cases
- Establish witness protection programs and means for witness testimony that protects the individual's identity such as CCTV and temporary physical barriers
- Ensure prisons have separate facilities for men and women and female corrections officers for the women's facilities.
- Ensure there are laws and policies to address GBV and train members on these new protocols, including the complex evidence collection and investigative processes required
- Support communication and cooperation between medical, law enforcement, and judicial actors to understand their respective roles in supporting justice for survivors/victims
- Provide mock trial opportunities to lawyers and judges on these types of cases and what additional measures can be used such as DNA testing and closed-circuit television for testimony.
- Train lawyers on how to properly conduct interviews of women and members of socially marginalized groups (per the tips outlined in the assessment section of this toolkit)
- Train national bar associations and legal groups on gender awareness and due process
- Promote the establishment and use of restraining, vacate, custody, and restitution orders — all important protective tools for prosecutors, particularly in cases of human trafficking and GBV

### **Programming Highlights**

In the Democratic Republic of Congo, gender-based violence is most commonly perpetrated by the security services. In Quartier Panzi in South Kivu province, innovative processes of security sector reform and strengthened police-civilian channels of communication provide an opportunity for change. The UK's Department for International Development has experimented with alternative supply-and-demand models of public sector reform and is applying these to the Congolese National Police (PNC). Knowing that regular salaries that could end extortion and rent-seeking by the PNC would not arrive any time soon, the program is designed around seeking behavior change through increased public-police interaction.

In response, new light fixtures are planned in darkened alleys where assaults have occurred, and patrols redirected to suspicious areas noted by the NGO delegation. In another pilot city, Kananga, assaults on women and girls who were walking long distances to fetch water decreased dramatically after local women lobbied for regular police patrols in these areas. It is unknown if these lower rates of sexual violence are attributable to behavior change among



uniformed security or if the increased patrols and better lighting are deterring other possible assailants. Recently, the program helped a women’s NGO organize a nocturnal walk through several Bukavu neighborhoods, including Panzi, to record their own safety concerns as well as those of women and girls met along the way. In a recent meeting, NGO members insisted they would never before have visited these neighborhoods, particularly at night, but that the chance to report their findings to a receptive and interested police *commisariat* justified the risk.



### **ADDITIONAL TIPS AND TOOLS**

UNICEF’s *Training of Trainers on Gender-Based Violence*.

[http://gadguatemala.weebly.com/uploads/3/7/5/2/3752316/tot\\_gender-based\\_violence.pdf](http://gadguatemala.weebly.com/uploads/3/7/5/2/3752316/tot_gender-based_violence.pdf)

U.S. Strategy to Prevent and Respond to Gender-Based Violence Globally. [http://pdf.usaid.gov/pdf\\_docs/PDACT888.pdf](http://pdf.usaid.gov/pdf_docs/PDACT888.pdf)

USAID’s *Equal Rights, Equal Justice: Toolkit for Addressing Gender-Based Violence Through Rule of Law Projects*.

[https://www.usaid.gov/sites/default/files/documents/1865/Toolkit\\_GBV%20and%20RoL\\_final\\_Web\\_14SEP10.pdf](https://www.usaid.gov/sites/default/files/documents/1865/Toolkit_GBV%20and%20RoL_final_Web_14SEP10.pdf)

USAID’s *Toolkit for Monitoring and Evaluating Gender-Based Violence Interventions Along the Relief to Development Continuum*.

<https://www.usaid.gov/sites/default/files/documents/2151/Toolkit%20Master%20%28FINAL%20MAY%2009%29.pdf>

USAID’s *Doorways Student Training Manual for School-Related Gender-Based Violence*.

<https://www.usaid.gov/documents/1865/doorways-training-manual-school-related-gender-based-violence-prevention-and-response>

Resolution’s *Forced Marriage and Honour Based Violence Screening Toolkit*.

[https://issuu.com/resfamilylaw/docs/forcedmarriage\\_toolkit](https://issuu.com/resfamilylaw/docs/forcedmarriage_toolkit)

Tahiri Forced Marriage Initiative. <http://preventforcedmarriage.org/>

## **REDUCING PREDATORY, INHUMANE, OR UNETHNICAL BEHAVIORS IN THE SECURITY SECTOR**

In many developing countries, the security forces can be ineffective, unprofessional, corrupt, even predatory. Their primary interest can be protecting the government in power rather than serving the public. Sadly, they are often sources of insecurity rather than providers of security—people to avoid, not to seek out, in the event of trouble.

The consequences of this failure are severe. Insecurity affects the ability of people to go about their daily lives, farm their fields, run their businesses, and make investments. It acts as a drag on economic development, delaying recovery in post-conflict states. Corruption and unprofessionalism erode people’s faith in the criminal justice system, tempting some to take matters into their own hands. In the long term, it can also erode citizens’ confidence in the state as a whole. Efforts to advance democracy and strengthen institutions will not succeed if state security forces operate outside the law or are not exposed to public scrutiny.

## Program Considerations

**Amnesty.** Although sometimes a necessity in order to bring peace, amnesty programs can result in reinforcing a culture of impunity. If amnesty is required for bringing groups to the table, examine options for levels of amnesty. For example, providing amnesty to all but the most senior officials and/or human rights abusers or conditioning amnesty on confessions around their actions for reduced punishment. Besides reinforcing a culture of impunity in society writ large, amnesty can also result in some of the most predatory actors remaining in or being incorporated into the security sector.

**Vetting.** As noted above, security sector institutions face a risk of hiring or maintaining individuals who engage in predatory or unethical behavior. Clear and independent vetting systems of new personnel should be established. In some cases of reform, everyone in the institution should be re-vetted again either to accommodate the lack of vetting in the past or new vetting requirements. Vetting helps to reduce the number of individuals in an institution who can contribute to a culture of predation and fraud.

**Accountability.** Some evaluations are pointing to accountability measures as a critical element in successfully addressing predatory and unethical behavior. Evidence is pointing towards supporting social accountability (sometimes known as accountability from below) is some of the more effective means. There is growing evidence that shows accountability measures also increase the level of success of most SSR institution building programs writ large. Unfortunately, accountability measures are frequently overlooked in SSR program design.

Accountability can be exercised on several different dimensions. As an integral part of a state's governance system, security forces should be held accountable for their policies, budgets, and actions by other institutions and agencies of the state, such as ministries of finance and justice, parliaments, and anti-corruption and ombudsman offices. Second, security forces' own internal managerial systems function as an accountability mechanism through professional standards units, internal affairs departments, information management systems, inspector generals, and early intervention procedures. Third, independent organizations and groups that lie outside the official state governance system engage in accountability mechanisms when they observe, record, and report on security forces policies, tactics, operations, and performance. This accountability method may also include think tanks and research centers; human rights commissions and ombudsman offices that are not official government offices; labor relations boards; and the national and local bar associations.

These mechanisms are especially important given the culture of secrecy in this sector. Below are examples of considerations with specific types of accountability measures.

**Legislative.** Legislative committees can play their oversight role through a variety of mechanisms. They can hold hearings on behavior, management of resources, and/or gender integration and mainstreaming in security sector institutions. Legislative bodies can pass laws prohibiting certain types of behaviors such as corruption or extra-judicial killings.

For example, in Anglophone Africa, legislative oversight of the security services is provided for in most of the constitutions. Under presidential constitutions, parliament is empowered to make laws for the regulation of the constitutional powers of the president as commander in chief of the security services. This oversight is to be exercised through several mechanisms. As in Francophone Africa, parliaments are empowered to form select committees on particular security services for the purpose of oversight. Apart from Lesotho and Malawi, all national parliaments in Anglophone Africa have select committees responsible for oversight of the security sector. In larger parliaments, like Nigeria's and South Africa's, the parliament has separate committees on defense (in addition to defense, the Senate in Nigeria has a committee for the Army, Air Force and Navy), police (e.g. Safety and Security in South Africa) and intelligence. In smaller parliaments, such as that of Zambia and Ghana, Defense and the Interior Committees. There are also committees on appropriation and public accounts, which are meant to debate, approve and review defense, internal security and intelligence budgets. In addition, the committees have powers to conduct investigations into security matters and to review the management of security by the executive branch as the need arises. This includes the power to summon the president, ministers or heads of the security services to parliament to defend their actions.

The role of parliaments, as acknowledged by the constitutions, is therefore very similar in Francophone and Anglophone Africa. However, the constitutional provisions related to parliamentary oversight in them have been more than often ignored in practice.

**Complaint mechanisms.** The complaint mechanisms aim to ensure that officers do not abuse powers assigned by law and that allegations of abuse are investigated. A key consideration here is the degree to which the complaint mechanism is independent of the entity. For example, public suspicion that police officers will not rigorously investigate their colleagues is widespread—and often justified. While the independence of the complaint mechanism is clearly important, however, it may discourage management from seeing itself as responsible for the conduct of officers. (This is a particular problem when complaint mechanisms are weak, owing either to a lack of capacity or to a lack of political support, or else poorly resourced.) Thus a critical variable in determining the efficacy of complaint mechanisms is the degree to which the commanding officers of the personnel accused of misconduct are held accountable for the actions and inactions of their subordinates and/or for the decision to investigate and discipline them. Also, the individuals must believe that they will be treated fairly when accused of misconduct. Anything less provides a disincentive for them to make objective decisions in their day-to-day public contacts.

**Civil society.** Civil society provides oversight through official and unofficial means. Donor support can be capacity building or materials for events or oversight offices. Programs to train civil society groups on how to advocate, negotiate, and provide oversight. Encouraging coalition-building amongst women's groups as part of accountability measures is fundamental. Training groups on budget analysis and defense and security issues more specifically will help them to engage with defense institutions. With these tools, programs

can support citizen report cards that collect data on a public service or reform, monitor corruption, and provide witness protection and victim assistance legislation.

### **Best Practices For Changing Predatory And Unethical Behaviors**

- Support the development of professional standards units or internal affairs departments to address citizen complaints, use of force, or other unacceptable conduct
- Support the drafting and implementation of written policies and procedures, including codes of conduct, and develop managerial strategies to motivate security force employees to comply with these regulations
- Establish systems for electronic salary payments to help reduce internal corruption
- Train police investigators, prosecutors, and judges on the methods for prosecuting unethical or predatory behavior.
- Strengthen legislation and other legal structures that support prosecution of unethical or predatory behavior
- Train legislative oversight mechanisms and inspector general mechanisms on how to review budgets, including to determine whether they are sensitive to the requirements of gender and marginalized groups
- Ensure internal oversight bodies such as inspector generals are independently resourced so they may remain autonomous and train them on forensic techniques for identifying fraud
- Conduct training on ethical and appropriate behaviors and behavior change campaigns to encourage a culture of service and ethics
- Reform border and customs systems so they are transparent and preferably do not involve the direct transmission of payments to border and customs officials to reduce the ability of officers to shake down or exploit individuals passing through the borders
- Support the establishment and execution of systems for vetting personnel
- Provide fair wages and tenure to judges in order to protect their impartiality
- Support efforts that provide transparency of decisions, activities, and budget, including Freedom of Information Act-type laws and public access to institution's budgets.

### **Programming Highlights**

USAID's Colombia Human Rights activity works closely with the Colombian government to prevent and address human rights violations. They work closely with the Ombudsman's Office Early Warning System, National Protection Unit, Office of the Presidential Advisor for Human Rights, Attorney General's Office, National Police, and the Inspector General's Office, and the

Ministry of Interior to address human rights abuses. Together they launched 30 prevention, protection, and guarantee of non-repetition subcommittees which are the legally-mandated institutional coordination mechanisms responsible for prevention-related matters at the municipal and departmental levels. To complement this work, they provided prosecutors with tools, techniques, and protocols to address impunity and worked with police to familiarize them with the Police Conduct Guide for Vulnerable Populations.

In the Dominican Republic, the Criminal Justice Systems Strengthened Project is working with the Public Ministry (responsible for prosecutions) and the National Police to establish internal controls and oversight to address corruption. Similarly, USAID/Zambia supported the parliament, civil society, and parts of the government to reform laws and systems to prevent corruption and abuse of office. The program worked with the Department of Public Prosecutions and conducted a legal systems corruption prevention study.

DFID funded the nine-year Security Sector Reform Programme (SILSEP) to establish a basic coordination mechanism for Sierra Leone's security and intelligence agencies and to build civilian oversight of the armed forces. SILSEP was established with two components, one for security (Office of National Security or ONS) and one for defense (Ministry of Defense). The ONS became the central body for the security sector's co-ordination and effectiveness. It was put in charge of core executive functions including the preparation of joint assessments; oversight of security organizations; coordination of disaster management; coordination and implementation of a security sector review; and the provision of security policy advice to the President. It was so successful that it acquired a cabinet-level function and a secretariat to manage security coordination committees networked from the President to civil society.



## ADDITIONAL TIPS AND TOOLS

USAID's *Effectiveness of Police Accountability Mechanisms* <https://www.usaid.gov/node/33416>

USAID's *Tools for Assessing Corruption and Integrity* <https://www.usaid.gov/node/33416>

USAID's *Combatting Corruption Among Civil Servants: Interdisciplinary Perspectives on What Works* <https://www.usaid.gov/node/33416>

USAID's *Reducing Corruption In The Judiciary*. [http://pdf.usaid.gov/pdf\\_docs/PNADO106.pdf](http://pdf.usaid.gov/pdf_docs/PNADO106.pdf)

USAID's *Analysis of USAID Anticorruption Programming Worldwide*.  
<https://www.usaid.gov/sites/default/files/documents/1866/AnalysisUSAIDAnticorruptionProgrammingWorldwideFinalReport2007-2013.pdf>

USAID's *USAID Program Brief: Anticorruption and Police Integrity*. [http://pdf.usaid.gov/pdf\\_docs/PNADN948.pdf](http://pdf.usaid.gov/pdf_docs/PNADN948.pdf)

USAID's *Anti-corruption Investigation and Trial Guide*. [http://pdf.usaid.gov/pdf\\_docs/PNADE146.pdf](http://pdf.usaid.gov/pdf_docs/PNADE146.pdf)

The Overseas Development Institute's *Evidence Synthesis: Security Sector Reform and Organisational Capacity Building*. <https://www.odi.org/publications/10510-evidence-synthesis-security-sector-reform-and-organisational-capacity-building>

The Overseas Development Institute's *Evidence Synthesis: Security Sector Reform and Organisational Capacity Building*. <https://www.odi.org/publications/10510-evidence-synthesis-security-sector-reform-and-organisational-capacity-building>

## DISARMING, DEMOBILIZING, AND REINTEGRATING FORMER COMBATANTS

The ultimate aim of disarmament, demobilization, and reintegration (DDR) is the full social and economic reintegration of ex-combatants and their families into civilian life by reducing their reliance on military means to ensure their security and livelihoods. Reintegration into civilian life is more likely to be sustained if psychosocial support is provided for their return to civilian life. Programs include providing viable alternative livelihoods for ex-combatants and their families, provided that they are accepted into the communities where they resettle and state institutions are able to provide the security, justice and other services they may require. In other cases, small national budgets might require a reduction in the armed forces.

USAID has supported the demobilization and reintegration of former soldiers and combatants as part of its assistance programs to societies in transition from war to peace. USAID efforts to support DDR include the following countries: El Salvador, Nicaragua, Haiti, Guatemala, Mozambique, Angola, Liberia, Sierra Leone, Eritrea, Ethiopia, Democratic Republic of the Congo, Uganda, and Cambodia.

## Program Considerations

**Legal Considerations.** USAID historically has worked in the area of reintegration of former combatants. It cannot support disarmament and demobilization directly, but it does provide support to information campaigns on the DDR processes. Each DDR program is unique. Officers should consult with the general counsel or regional legal advisor's offices for more specific guidance.

**Vetting.** There are two different types of processes of vetting individuals related to DDR. The first is to vet whether individuals were members of the armed groups and are eligible for DDR benefits. Each country has unique circumstances for determining this, but once individuals are vetted, they usually receive an ID card with biometric data to reduce fraud. The second type of vetting is to determine which individuals being demobilized should be allowed into the formal security forces. It is a best practice to not allow for serious human rights violators to be incorporated into the security forces, but political matters may make that more difficult. Regardless, a clear and independent vetting systems of new personnel should be established.

**Local Politics and DDR Institutions.** DDR processes usually come at the end of conflicts where many invested interests may not have been completely resolved through peace negotiations. Therefore, some stakeholders within the institutions may not have an interest in disarming and demobilizing their troops or reintegrating members of other armed groups into their mix. They may look for ways to internally sabotage the efforts. Astute donor attention, behavior change communications to demonstrate the benefits of the DDR process, and carefully selected individuals who manage the efforts within the institutions can help to mitigate these issues, but at times, these issues can be insurmountable.

**Community Reintegration.** It is a well-known best practice that members from communities where former combatants are returning should benefit from reintegration support as well. Community members can be angry with a system that is perceived as rewarding bad behavior. This could lead to unrest and/or a rejection of returning combatants. Institutions will need to have the capacity for the additional resources and processes required to include community members in reintegration activities as well.

**Gender Considerations.** Men, women, boys, and girls participate in armed groups. For example, approximately 40 percent of FARC (Revolutionary Armed Forces of Colombia) were women. Defining "members" of an armed group in ways that addresses the specific conflict dynamics is important to encompass all individuals needing support. Women can be both active militants or supporters within the camps, but women are frequently overlooked because they are either not considered to have been active militants or played supporting roles behind the scenes. After the conflict is over, men frequently abandon the women who followed them in the armed groups, leaving them with additional responsibilities (including children). Women may not speak up about their situation because of insecurity, fear of stigma, or lack of outreach to them. Because of this, institutions usually do not know how to handle their needs, and communities may not recognize their psychological needs.

Young men may also be discriminated against by their communities, which may refuse to accept them back home. They will have to adjust to not being in charge, a difficult psychological and social status transition, and may turn to domestic violence to retain authority. Also, they can be suffering from trauma from GBV and require psychological support.

### **Best Practices for DDR**

- Resource and provide technical support to the national entity responsible for DDR. This can include training staff on best practices, establishing standard operating procedures and financial management systems, or providing technical advisors to be embedded in the entity.

### **DDR Policymaking**

- Ensure DDR policies will benefit community members and address how female dependents; abducted boys, girls, and women; and support personnel within armed groups will be handled. Including civil society and women's groups' representatives during ceasefire and political negotiations can be an effective way of achieving this. Ensure funds are available in budgets for community member beneficiaries.
- Pay attention to local customs on when a girl is considered a woman and a boy a man (In many cases, marriage or having children can give a boy or girl the status of an adult. Therefore, traditional children's DDR programs may not be as appropriate for them as the adult programs.)

### **Disarmament and Demobilization**

- Support the establishment of systems to disburse any demobilization compensation funds through electronic payments or another way that is private, accountable, and accessible
- Provide technical support for the institutions to conduct communications campaigns on DDR resources and processes
- Respond to sexual abuse issues both during and after the conflict, ensure protection both in and around cantonment sites; use strict enforcement of code of conduct for security forces to protection camps from sexual abuse; maintain mechanisms for reporting abuse; and offer training in the camps on the prevention of sexual violence

### **Reintegration Into Communities or Integration Into Security Forces**

- Verify that existing systems will allow for single women and widows can access benefits including microcredit and social security and pension schemes
- Establish systems to register children born into armed groups to ensure they have long-term access to education and social resources that will facilitate their reintegration



## Programming Highlights

USAID supported the implementation of the Democratic Republic of the Congo's official DDR program through two efforts. It provided a reintegration advisor that was embedded in the government's institution responsible for managing the DDR policy and process. It also supported the reintegration of 11,200 ex-combatants in Ituri province by providing psychosocial support, training on agriculture, health, peace, democracy, and small business management, and access to cash for work on community rehabilitation programs or vocational training and tools. The project also provided these services to 5000 community members.



### ADDITIONAL TIPS AND TOOLS

UNIFEM (Now UNWOMEN's) *Checklist on Gender-aware Disarmament, Demobilization and Reintegration*

<http://www.peacewomen.org/assets/file/Themes/unifem-ddrgenderchecklist.pdf>

United Nations Disarmament, Demobilization, and Reintegration Resource Centre (includes integrated DDR standards and an operational guide to the integrated DDR standards) <http://www.unddr.org/iddrs.aspx>

GTZ, the Norwegian Defence International Centre, Pearson Peacekeeping Center, and Swedish National Defence College's *Disarmament, Demobilization and Reintegration: A Practical Field and Classroom Guide* [http://www.cimic-coe.org/wp-content/uploads/2014/06/ddr\\_handbook\\_eng.pdf](http://www.cimic-coe.org/wp-content/uploads/2014/06/ddr_handbook_eng.pdf)

## COUNTERING TRAFFICKING IN PERSONS

USAID is one of the largest donors combating trafficking in person. Human trafficking occurs when traditional development efforts, such as education, income earning opportunities and access to justice, fail and state security structures are unable or unwilling to protect the most vulnerable citizens. Women, girls, and boys are all victims of trafficking for sexual exploitation or forced labor. In fact, men and boys have the highest rates of being trafficked. The *United Nations Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children, 2000* defines trafficking in person as:

The recruitment, transportation, harboring, or receipt of persons, by means of the threat or use of force or forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.<sup>38</sup>

<sup>38</sup> The United Nations Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children, 2000 <http://www.ohchr.org/EN/ProfessionalInterest/Pages/ProtocolTraffickingInPersons.aspx>

When it comes to human trafficking, traffickers take advantage of inefficiencies within a country's security and judicial system, such as limited border controls, ineffective laws, and inadequate specialized training. As no country is immune to human trafficking, the need for SSR goes beyond post-conflict situations. The responsibility to prevent and limit the impact of trafficking is based on a collaboration between central and local state institutions, civil society, the public, and international organizations. The security sector must have specific methods for identifying these cases, protecting victims, and prosecuting traffickers. Addressing this issue also helps with other security issues, given the networks and groups used to traffic persons tend to perpetrate other illicit activities such as drugs and weapons.

### **Program Considerations**

Countering human trafficking requires a whole development system approach whereby all actors ensure that vulnerable populations are included in programming efforts to reduce the vulnerabilities that make them susceptible to human traffickers. Security sector programs in particular can assist in these efforts by ensuring that vulnerable populations are able to access protection measures at any stage – either before trafficking happens, during or after.

Unfortunately, at present, there is little, if any, empirical evidence to suggest 'what works' in countering and reducing the trafficking in persons.<sup>39</sup> Initiatives to strengthen border controls and monitoring may lower the incidence of individuals being trafficked through those crossings, but the flows of people may then be displaced to other routes, as has happened in Nigeria by better Nigerian and European airport controls.

To control trafficking, many advocate for an increase in livelihoods in affected areas, especially for women. Increased livelihoods are, in and of itself, a definite good and should be undertaken for that reason. However, increasing livelihoods has no effect on trafficking in persons, for there are no reliable empirical studies to suggest what the required level of income may be for a defined demographic in a specific geographic area that will inhibit or curtail trafficking. Additionally, the very poor, those for whom livelihoods ought to be raised, is not the demographic group most susceptible to being trafficked. On the contrary, the most vulnerable tend to be those who come from slightly higher income quartiles.

As with building specialized police units in general, there is no evidence to suggest that augmenting the capacities and systems of dedicated anti-trafficking units produces any appreciable positive outcome. As indicated above, these types of units may prove useful for the donors when pursuing cases in their own countries, but they do not lessen the flow of persons from out of the originating countries. Part of the challenge is the political dynamics and

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<sup>39</sup> An unpublished review of an Australian multi-year program to address the trafficking in persons in ASEAN suggested that efforts to build the capacities of the various national and regional institutions of the area – police, courts, prosecutorial offices – had no effect on trafficking. Interestingly, the review found that regional efforts may be counterproductive in that trafficking, in that area of the world, tends to be a bilateral challenge rather than a regional one. In the Sahel, that finding may not be applicable, but it does raise the empirical question to define the specific nature of trafficking before initiating programming.

organized crime nature of the networks that engage in trafficking in persons. Another challenge is the empirical and legal difficulty to disentangle the differences between the illicit movement of people, smuggling and trafficking.

Awareness-raising is an initiative that many donors support and undertaking such efforts is important. A better educated populace is a public good, and some evaluations show some evidence of having an impact of helping victims to self-identify, but there is little evidence to indicate that doing so reduces the overall incidence or rate of trafficked persons.

Innovative programming to counter or reduce trafficking in persons is urgently needed. What is required is to analyze the ‘value-added’ at each and every stage of the trafficking chain – from origination and recruitment to transportation and arrival through to distribution and labor at the trafficked person’s destination. Along that chain may be moments or points at which a vital value-added component exists that may be susceptible to programming. For instance, in the fishery industry men are trafficked onto boats for extended periods of slavery. Rather than concentrate on the enslaved men, the boats may prove to be the most vulnerable asset in the trafficking chain in that they need to be licensed, insured, and fueled.

In another example of how a value-added approach may prove effective, in Nigeria, it appears important for juju practitioners to be used to ensure that the trafficked women maintain their subservience and loyalty to their traffickers. This is a cultural and normative issue. There may be parallels between juju practitioners in the trafficking of persons and the cutters involved in genital mutilation. There appears to be empirical evidence that suggests ways in which genital mutilation mitigation may have resonance to the reduction of trafficked women and children.

### **Best Practices for CTIP**

- Create and/or support national referral mechanisms (NRM). This has been shown to be one of the most useful tools. Regional bodies in Europe and Asia have good/decent regional guidance on NRMs (see resources below).
- Create a national action plan on trafficking in persons. For an example, see Macedonia’s *National Action Plan Against Human Trafficking* <http://www.osce.org/skopje/24905> The plan should identify roles and responsibilities of institutions including confirming what entity coordinates and monitors counter-trafficking in persons (CTIP) activities.
- Establish an entity to coordinate and monitor if it does not exist
- Establish a human rights commission to examine trafficking in persons

### **REFORMING LAWS**

In 2009, the international organization Conciliation Resources (CR) implemented a project that focused on a broad spectrum of security issues among border communities of the Mano River Union, which includes Sierra Leone, Liberia, and Guinea. Border communities identified the following risk factors that contribute to criminal activities such as human trafficking: unofficial border crossing points, an inadequate number of security staff, insufficient border management facilities, and a lack of dialogue between both sides of the border.

- Network the judiciary, police, and the military with civil society organizations to work together to prevent trafficking in persons. (This includes sharing the gender-specific ways traffickers ensnare women, girls, men, and boys.)
- Ensure there are laws and procedures in place for handling and prosecuting trafficking cases. (This includes support services to trafficked persons. Policies and procedures should reflect the different experiences of women, men, and children in trafficking.)
- Train police officers in interviewing trafficked victims and collecting evidence in these cases; train lawyers in how to prosecute trafficking in persons cases and judges in how to adjudicate them
- Provide training on trafficking awareness, identifying victims of trafficking, and the means to address trafficking to customs and border control personnel and other personnel tasked to or otherwise positioned to identify victims
- Create mechanisms and processes to ensure the safety of victims if they testify, including the ability to testify anonymously or through closed-circuit television (This may include victim-witness coordinators who can advocate for witness' safety and other protection programs.)
- Support institutions in their ability to conduct public information campaigns on the issue and how to access services

### **Programming Highlights**

USAID supported the Southeast Europe Anti-Trafficking Coalition to combat trafficking in persons and protect victims by creating a regional network of governmental and non-governmental professionals. Strong collaboration between NGOs and law enforcement agencies across borders is essential to locate and prosecute traffickers and to identify and protect victims. The coalition supported regional victim and witness protection programs and cross-border and national referral mechanisms to identify, assist, and protect victims.



## ADDITIONAL TIPS AND TOOLS

The OSCE's *Leveraging Anti-Money Laundering Regimes To Combat Trafficking in Human Beings*

<http://www.osce.org/secretariat/121125>

OSCE *Trafficking in Human Beings: Identification of Potential and Presumed Victims. A Community Policing Approach 2011*

<http://www.osce.org/secretariat/78849>

USAID's *Counter-Trafficking in Persons Field Guide* [http://pdf.usaid.gov/pdf\\_docs/PNADX808.pdf](http://pdf.usaid.gov/pdf_docs/PNADX808.pdf)

USAID's *An Evaluation Framework for USAID-Funded TIP Prevention and Victim Protection Programs.*

[http://pdf.usaid.gov/pdf\\_docs/PNADR430.pdf](http://pdf.usaid.gov/pdf_docs/PNADR430.pdf)

U.S. Department of State Senior Policy Operating Group Grantmaking Committee's *Promising Practices: A Review of U.S. Government-Funded Anti-Trafficking in Persons Programs.* <https://2009-2017.state.gov/j/tip/rls/reports/2012/207590.htm>

The OSCE's *Fact Sheet on Preventing and Combating Trafficking in Human Beings in the OSCE Region*

<http://www.osce.org/secretariat/74755>

The OSCE's guidance for Europe on national referral mechanisms <https://www.osce.org/odihr/13967?download=true>

ASEAN regional guidance for Asia on national referral mechanisms <http://asean.org/storage/2016/09/ACWC-Regional-Review.pdf>

The OSCE's *Trafficking in Human Beings: Identification of Potential and Presumed Victims. A Community Policing Approach 2011*

<http://www.osce.org/secretariat/78849>

IOM resources including the *Handbook on Direct Assistance for Victims of Trafficking* [http://publications.iom.int/search-books?keyword=trafficking&category=All&subject=All&book\\_lang=All&country=All&year=All&=Search](http://publications.iom.int/search-books?keyword=trafficking&category=All&subject=All&book_lang=All&country=All&year=All&=Search)

United Nations Office on Drugs and Crime Smuggling of Migrants Knowledge Portal (Database of state's legislation, case law, and resources related to migrant smuggling legal frameworks) <https://www.unodc.org/cld/en/v3/som/>

USAID's *Reducing Vulnerability to Human Trafficking: An Experimental Intervention Using Anti-Trafficking Campaigns to Change Knowledge, Behaviors, and Attitudes in Nepal.*

<https://www.usaid.gov/sites/default/files/documents/2496/Reducing%20Vulnerability%20to%20Human%20Trafficking--An%20Experimental%20Intervention%20in%20Nepal.pdf>

U.S. Department of State *Trafficking in Persons Report* (reports by country)

<https://www.state.gov/j/tip/rls/tiprpt/index.htm>

ASEAN's *Handbook on International Legal Cooperation on TIP Cases* [https://www.unodc.org/documents/human-trafficking/ASEAN\\_Handbook\\_on\\_International\\_Legal\\_Cooperation\\_in\\_TIP\\_Cases.pdf](https://www.unodc.org/documents/human-trafficking/ASEAN_Handbook_on_International_Legal_Cooperation_in_TIP_Cases.pdf)

[https://www.unodc.org/documents/human-trafficking/ASEAN\\_Handbook\\_on\\_International\\_Legal\\_Cooperation\\_in\\_TIP\\_Cases.pdf](https://www.unodc.org/documents/human-trafficking/ASEAN_Handbook_on_International_Legal_Cooperation_in_TIP_Cases.pdf)

*External evaluation of the International Justice Missions CTIP programs, 2004-2014.*

<https://www.ijm.org/sites/default/files/resources/2015%20Evaluation%20of%20IJM%20CSEC%20Program%20in%20Cambodia%20-%20Final%20Report.pdf>

ICMPD's *Guidelines for the Development of a Transnational Referral Mechanism for Trafficked Persons in Europe.*

[https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/guidelines\\_for\\_the\\_development\\_of\\_a\\_trm\\_1.pdf](https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/guidelines_for_the_development_of_a_trm_1.pdf)

The OSCE's *National Referral Mechanisms: Joining Efforts to Protect the Rights of Trafficked Persons, a Practical Handbook.*

<http://www.osce.org/odihr/13967?download=true>

The European Commission's *International's Trafficking in Human Beings for Police, Prosecutors and Judges.*

[http://lastradainternational.org/lsidocs/HANDBOOK\\_EN\(3\).pdf](http://lastradainternational.org/lsidocs/HANDBOOK_EN(3).pdf)

## IMPROVING NATURAL RESOURCE PROTECTION

In the last sixty years, at least forty per cent of all intrastate conflicts have had links in some form with natural resources. The presence of natural resources makes conflicts twice as likely to recur. In addition, growing global competition over access to scarce resources in developing countries, many of which are prone to economic and political instability, is likely to increase conflict risks. Due to competition, some minerals have increased their value, which, in combination with governance challenges, further adds to economic and political fragility.

### Program Considerations

***The Militarization of Natural Resources.*** The role of the security sector in abetting these conflicts in fragile states is well documented. The militarization of natural resource exploitation and trade is a common legacy of self-financing conflicts. As seen in Liberia and Cote d'Ivoire, it is a problem that can worsen after peace agreements have been signed. Even when peace deals seem robust and peacebuilding processes on track, failure to tackle warring parties' access to natural resources can derail the political process, not to mention the international peacebuilding and donors' exit strategy.

Beyond the immediate danger it poses to security and human rights, militarization of natural resources also represents a longer-term threat: the retrenchment of a criminalized economy which stunts development via the systematic theft of public assets and the loss of potential revenues to the state. In Cambodia, the creation of institutions, regulations, and accountability mechanisms to promote natural resource governance did not begin until several years into international reconstruction efforts. But the consequence was highly abusive patterns of natural resource management becoming so entrenched as to be almost irreversible with ordinary citizens unable to hold their leaders to account.

***DDR and National Resource Management.*** SSR and DDR of ex-combatants' efforts must address the militarization of natural resources. DDR programs that do not consider the economic needs of ex-combatants appropriately could create conditions that could lead to ex-combatants exploiting natural resources instead to meet their needs. As seen in Liberia and the DRC, ex-combatants often continue illicit resource extraction and trade after the fighting has ended, particularly where there are few alternative sources of employment. Commanders will not want to end these activities without receiving something equal or better in exchange, including posts in the national army or civilian government.

As the recent histories of Cambodia and DRC show, the militarization of natural resource production involves not only non-state armed groups, but also the armies of national governments. In eastern DRC, the militarization of mines today is largely driven by the government's own armed forces.<sup>40</sup> Disassociating government units from natural resource

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<sup>40</sup> The United Nations' Human Rights Office of the High Commissioner's *DRC: Mapping Human Rights Violations 1993-2003*. Global Witness' *Country For Sale: How Cambodia's Elite has Captured the Country's Extractive Industries*. <https://www.globalwitness.org/en/reports/country-sale/>

production will require some of the more technical elements of peacebuilding--such as improved law enforcement, SSR and DDR. The greater determinant of success is the willingness of international donors that bankroll the government to insist on demilitarization of natural resource production as a condition of their continued support. This highlights the crux of the matter: demilitarizing natural resource production--and reforming natural resource governance--is a process that requires intensive engagement at a political level, not merely a technical one.

## Best Practices to Improve Natural Resource Protection

Many natural resource management programs work directly with national park, border and customs officials. Please see the section on recommendations for improving police investigations, citizens safety and security, and border and customs process for additional

### DATA-INFORMED POLICING

USAID's project in the Philippines supports improved information on the status and trends of wildlife conservation and trafficking. Police, communities and conservation groups help to collect data. The park police officers use that data to determine how and where to patrol and what other types of measures they might need to take.

recommendations.

- Provide DNA-analysis technology
- Conduct anti-corruption activities, particularly among customs and border officials as well as park police including promoting moral
- Adopt a regional approach. The South African Development Community's (SADC) Law Enforcement and Anti-Poaching (LEAP) Strategy is an example of an important step toward regional coordination. It calls for a regional wildlife crime prevention and coordination unit (WCPCU) and unifies communities and state actors' vision for wildlife conservation. Buy-in at the state level exists through the LEAP, but action requires first establishing the WCPCUs. Beyond a strong WCPCU, an effective regional response requires stakeholders' trust, improved capacity to share information, safeguards to deter and detect corruption, and robust incentives to rally stakeholder participation.
- Establish data collection and reporting systems such as the Spatial Monitoring and Reporting Tool (SMART). Increasing data has also been shown to improve political will.
- Train border and customs officials on identifying contraband

- Establish a regulatory agency that supports the implementation of policies
- Train officials on the forensics collection and analysis to pull together a case
- Provide training on trafficking awareness,
- Ensure wildlife crime information sharing is incorporated in bilateral agreements
- Develop a natural resource protection / wildlife crime national strategy across security sector actors, including a clarification of roles and responsibilities between forest, maritime police and national police
- Conduct legal reforms to clarify penalties and processes for enforcing the wildlife crime laws, including ensuring it is classified as a serious crime

### **Programming Highlights**

The USAID/Vietnam Saving Species Project (2016-2020) is working with civil society and the Vietnamese government, including law and customs enforcement to disrupt the illicit trade of marine and terrestrial animals, a black market that has exploded in the past decade and is now worth \$20 billion/year as of 2016. Southeast Asia has become a major center for wildlife trafficking and Vietnam, in particular, has seen an exponential increase in the demand and supply of wild animals from as far as Africa, including several critically endangered species. In Vietnam, USAID is empowering local agents and systems of accountability to a) reduce consumer demand for illegal wildlife products through social and behavioral change communication, b) empower law and customs enforcement to enforce the rule of law and fight corruption, and c) improve and harmonize the legal framework for wildlife crime to ensure long-term sustainability. The program provided training on the latest developments in illegal wildlife trade in the world and its impacts for airport personnel including check-in counter attendants, baggage handlers, customs officers, immigration staff and security officials. The training then provided information on the Convention on International Trade in Endangered Species of Wild Fauna and Flora, relevant national legislation, smuggling techniques, species identification and the handling of confiscations.





## ADDITIONAL TIPS AND TOOLS

USAID's *Measuring Impact: Measuring the Impact of Efforts to Combat Wildlife Crime – A Toolkit for Improving Action and Accountability* [http://pdf.usaid.gov/pdf\\_docs/PA00KOR6.pdf](http://pdf.usaid.gov/pdf_docs/PA00KOR6.pdf)

USAID's Changes for Justice Project's *Wildlife Crime in Indonesia: A Rapid Assessment of the Current Knowledge, Trends, and Priority Actions* [http://pdf.usaid.gov/pdf\\_docs/PA00KH52.pdf](http://pdf.usaid.gov/pdf_docs/PA00KH52.pdf)

The United States' *National Strategy for Combating Wildlife Trafficking*  
<https://www.fws.gov/home/feature/2014/trafficking/national-strategy-wildlife-trafficking.pdf>

*USAID's Forest and Conflict Toolkit.* [http://pdf.usaid.gov/pdf\\_docs/PNADE290.pdf](http://pdf.usaid.gov/pdf_docs/PNADE290.pdf)

*USAID's Minerals and Conflict Toolkit.* [http://pdf.usaid.gov/pdf\\_docs/pnadb307.pdf](http://pdf.usaid.gov/pdf_docs/pnadb307.pdf)

## STRENGTHENING PUBLIC FINANCIAL MANAGEMENT(PFM)

Strengthening public financial management is a key component of SSR. It reduces the risks of corruption that can facilitate predatory behaviors (see section on reducing predatory behaviors) while also ensuring the security sector has the resources that it needs to function effectively. As described in the PEFA framework, there are seven pillars of PFM performance: Transparency of public finances; management of assets and liabilities; policy-based fiscal strategy and budgeting; predictability and control in budget execution; accounting and reporting; and external scrutiny and audit.<sup>41</sup>

### Program Considerations

The difficulty in security sector public financial management lies in the fact that frequently security institutions are not treated the same as other government institutions; there is little to no external oversight of the budget and spending. Budgets for security sector institutions are typically formulated in the same manner as other public institution budgets, including the same cycles of execution, oversight, and performance. However, there can be some key points where defense/security institution budget creation and management is treated differently. For example, people may need security clearances to review the budget, making it more difficult to have transparency in the security sector reform's financial management.

Public financial management reforms require a detailed assessment of the system (see the World Bank report in the resources section below for an excellent guide). All public financial management systems have weaknesses. However, a weakness may not necessarily be a major

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<sup>41</sup> PEFA's framework can be found at <https://pefa.org/content/pefa-framework>

risk or concern to the institution and its mandate. Since it is impossible to do everything, all weaknesses should be classified according to the level of risk they bring to the institution and prioritized by those that affect the most important goals of the institution.

Fraud can be a major risk area because it can siphon off resources required for those institutions and/or reduce credibility in the institution. Per CGMA's, there are three types of fraud including asset misappropriation, fraudulent, statements, and corruption and fraud results from either motivation, opportunity, and/or rationalization, and prevention requires a sound ethical culture and internal control systems.<sup>42</sup> To address these issues, an institution must have both the ability to detect fraud and address it.

Another major area of weakness in public financial management that affects security institutions is the ability to forecast. Security sector institutions' budgets are frequently formulated years in advance. If institutions do not have the internal capacity to produce accurate forecasting against their future plans and threats, the institution may end up without the required resources either because they are insufficient writ large or the resources went to less necessary items. This similarly occurs if an institution's budgeting and planning is not linked to the national budget process and planned donor funding.

### **Best Practices to Strengthen Public Financial Management**

- Conduct a Public Financial Management Assessment to identify needs. This should include a corruption assessment and an expenditure review to examine how government resources are allocated to security institutions and identify the reforms needed in budget processes and administration. Resources are noted below but include the World Bank's guide on public finance and the security sector and PEFA framework, which includes encouragement of country ownership and donor harmonization.
- Create or strengthen a clear fraud policy and response plan. This can include a risk mitigation plan such as independent and anonymous fraud hotlines, the establishment of independent auditing entities internal to institutions, and clear guidance for the handling of fraud cases.
- Assist with forecasting and budget tracking capabilities including training and systems
- Conduct an audit of personnel in security sector institutions and establish identification cards for all staff to reduce the ability to create "ghost" employees
- Support clear and efficient systems for electronic payments, including for salaries, to facilitate the tracking of expenditures
- Establish inventory systems with annual inventory audits
- Institute expenditure controls including levels of approval for expenditures and establishing cost reimbursable arrangements for expenditures

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<sup>42</sup> Chartered Global Management Accountant's *Fraud Risk Management: A Guide to Good Practice* <https://www.cgma.org/Resources/Reports/DownloadableDocuments/fraudriskmanagement.pdf>

- Support the processes behind the creation and review of clear process guides to ensure that staff understand, implement, and can be held accountable to the processes.

## Programming Highlights

Improving electronic payment schemes is one more recent element of public financial management reform in security sector institutions. For example, in Afghanistan, support was provided for the development of an electronic payment scheme for Afghan police officers with the bulk of funding going into a trust fund to cover salaries. A similar situation took place in the Democratic Republic of the Congo:

“The European Union’s security sector reform program was established the Democratic Republic of Congo in 2005... One of its first initiatives was the Chain of Payments project aimed at rehabilitating the salary system and delinking the wage distribution lines from the official chain of command. A biometric census was undertaken (finding 120,000 soldiers instead of the official count of 190,000); army IDs were issued; and a central database and payroll system were created (the salaries of lowest ranks increased from \$10 to \$40/month). This intervention was credited with cleaning up a part of the financial management system commonly associated with embezzlement and a preponderance of “ghost soldiers”.<sup>43</sup>



### ADDITIONAL TIPS AND TOOLS

USAID’s *Public Financial Management Risk Assessment Framework Manual*  
<https://www.usaid.gov/sites/default/files/documents/1868/220mae.pdf>

The World Bank’s *Security Development: Public Finance and the Security Sector*  
<https://openknowledge.worldbank.org/handle/10986/25138>

Chartered Global Management Accountant’s *Fraud Risk Management: A Guide to Good Practice*  
<https://www.cgma.org/Resources/Reports/DownloadableDocuments/fraudriskmanagement.pdf>

PEFA’s methodology for assessing public financial management performance. <https://pefa.org/content/pefa-framework>

United Nations Women’s *Gender Responsive Budgeting In Practice: A Training Guide* <http://www.unwomen.org/en/digital-library/publications/2010/1/gender-responsive-budgeting-in-practice-a-training-manual#viewpage>

USAID’s *Anticorruption Assessment Handbook: Final Report* [http://pdf.usaid.gov/pdf\\_docs/pa00jp37.pdf](http://pdf.usaid.gov/pdf_docs/pa00jp37.pdf)

The OSCE’s *Leveraging Anti-Money Laundering Regimes To Combat Trafficking in Human Beings*  
<http://www.osce.org/secretariat/121125>

DFID’s *Off-Budget Military Expenditure and Revenue: Issues and Policy Perspectives for Donors*  
[https://www.ciponline.org/images/uploads/publications/OPI\\_OffBudget\\_Military\\_Expenditure.pdf](https://www.ciponline.org/images/uploads/publications/OPI_OffBudget_Military_Expenditure.pdf)

<sup>43</sup> The World Bank’s *Security Development: Public Finance and the Security Sector*, page 127  
<https://www.usaid.gov/sites/default/files/documents/1868/220mae.pdf>

# MONITORING & EVALUATION OF SSR PROGRAMS

Institution building is a complex and iterative process, frequently without a guaranteed path from activity to results. Therefore, it is even more important that strong monitoring and evaluation (M&E) systems be in place to inform progress against reform goals and identify best practices for future efforts. The following are key design principles for an SSR program's M&E system:

**Have a Theory of Change.** With any new policy or activity, a clear theory of change and desired outcomes must be articulated (See USAID Guidance).<sup>44</sup> Too many activities, particularly training activities, result in limited change because the expected causal effect and related assumptions are not articulated. Given the complexity of the security sector, articulating assumptions can help to highlight where there are flaws in the program design, where the real actors capable of providing impact are not within your span of control, or the types of individuals one must ensure they are including. The program should then set its research agenda to consistently evaluate its progress against that theory of change.

**Qualify Outcomes Instead Of Just Quantifying Inputs.** It is most important, although challenging, to have outcome related indicators and not just input indicators, but it is essential to determine whether progress has been made.

**Collect Gender-Sensitive Data.** Have women and men review the questions and how they are structured. Ensure that both female and male staff participate in interviews and the responses are disaggregated on an individual level by male and female see where gender differences do and do not exist.

**Support The Institution's Ability To Monitor Itself.** A lack of data can inhibit all forms of evaluating performance. Participatory M&E can help (see below), but is not sufficient. Donors should design their M&E systems for their programs with the host government institution so they can continue collecting and evaluating data around the impact of reforms and the institution's performance beyond the life of the project. This will assist them in making informed decisions around resourcing and approaches. This may require promoting greater training in the design of M&E processes and the reflection on theories of change.

**Sources** There is usually limited data collection conducted in these environments both because of capacity but also because some data can be secretive or sensitive. In this case, multiple sources can help to triangulate the truth. Sources could include using ombudsman's and independent audit groups, parliamentarians, international and regional monitoring mechanisms, donors, security sector members, institutions, independent bodies, national level surveys, and civil society. Regardless of the source, confidentiality is important.

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<sup>44</sup> USAID's *Theories of Indicators of Change: Concepts and Primers for Conflict Management and Mitigation* [http://pdf.usaid.gov/pdf\\_docs/pnaed180.pdf](http://pdf.usaid.gov/pdf_docs/pnaed180.pdf)

Another option is to use participatory monitoring (see below) to inform the design of indicators and monitoring methods and assist in their implementation.

**Indicators** To shed light on a more complete picture of SSR progress, careful selection of indicators is essential. Moreover, indicators need to be interpreted in baskets, rather than individually, in order to obtain a reliable understanding of the situation. Because various security sector institutions and agencies need to cooperate for the sector to function optimally, it is generally advisable that indicators, when feasible and programmatically appropriate, measure performance across institutions and agencies. For more specific information on SSR indicators, see the resources at the end of this section including the link to the USAID's *Security Sector Reform Indicators Guide*.

Indicators should be established in the beginning of the project, after the assessment and once programming has been designed. They should link directly to prove or disprove the theory of change and the program's objectives. Typical areas of focus for developing indicators with participatory M&E in security sector institutional development include:

- **Access:** How many members of a given population have access to a particular service? How accessible is the service? This analysis can be further disaggregated to capture differences among locations, gender, age, socioeconomic groups, and ethnic groups.
- **Usage:** Where access exists, to what extent is the service infrastructure being used? What are the reasons for nonuse where it exists?
- **Quality:** How satisfying, useful, or relevant is the service to the client? What is the technical quality of services?
- **Reliability:** Is the service being delivered in accordance with stipulated schedules and specifications or are there deviations from norms? What are the reasons for the discrepancies?
- **Frequency of problems and responsiveness:** How often do respondents experience

Under the g7+ New Deal process, which aims to strengthen country ownership and increase the effectiveness of aid, member countries have produced indicators to facilitate more rigorous monitoring of security sector accountability. Particularly for actors working with embryonic policing services, these indicators help to support oversight and management capacity. Indicators include the following:

*Police capacity and accountability:*

- Ratio of prosecutions of police misconduct to the total number of cases taken to an independent commission;
- Capacity to monitor, investigate, and prosecute police misconduct.

*Police performance and responsiveness:*

- Level of public confidence in police
- Average response times
- Perceptions of corruption

There are also indicators that can capture staffing, attitudes, leadership, and efficacy of process.

service problems? Do they complain about it? If so, to whom? Does the problem get resolved? If so, how quickly?

- **Service and opportunity costs:** What costs, if any, are respondents bearing due to poor service, including “forced” investments in alternatives, demands for unauthorized payments, frequent travel over large distances and inconvenient delivery schedules or mechanisms?
- **Transparency in service provision:** To what extent do service providers proactively disclose norms and standards as it relates to service delivery? What is the extent of corruption in service delivery faced by users? How does the corruption manifest itself?

Institution building and related indicators can be measured through traditional M&E methods, but participatory methods of M&E are particularly well-suited for evaluating progress against institution building efforts. Participatory approaches are where the security sector institutions themselves or external actors report on the state of the institutions.

Having the security institution rate itself on its own performance indicators is a way to create progress check-ins that can inform next steps. This method lacks objectivity, but it does force the institution to go through a self-analysis process, which is important because it teaches them how to evaluate their own performance and creates buy-in.

Participatory M&E can also take place amongst those engaging with, overseeing, or benefitting from the institution such as citizen groups, lawmakers, local authorities and communities. They can be involved in assessing the performance of security and safety providers and monitoring the quality of their services. Unlike conventional approaches that rely on external experts measuring quality and performance against a pre-determined set of indicators, participatory monitoring and evaluation tools seek to engage members of the public in not only providing feedback, but also actively participating in the planning and implementation of the assessment. This helps build the capacity of local people to analyze, reflect and take action. Some mechanisms offer more scope for active participation than others, such as Community Scorecards, or other model of social accountability.<sup>45</sup> Models of participatory M&E include:

- **Stakeholder Surveys** are a valuable tool to increase an organization’s understanding of the knowledge, attitudes, and opinions of their stakeholders. In this context, the organizations are service providers and their major stakeholders are citizens (service users)
- **Community Score Card** is a participatory, community based monitoring and evaluation tool enabling citizens to assess the quality of public services through the method of weights

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<sup>45</sup> <http://siteresources.worldbank.org/EXTSOCIALDEVELOPMENT/Resources/244362-1265299949041/6766328-1298477370227/7751772-1346353066230/Citizen-Report-Cards-Final.pdf>

and ranking a set of community generated indicators.

- **Citizen Report Cards** are survey-based quantitative assessments of public services based on user feedback and not opinions and perceptions.
- **Community Based Monitoring and Evaluation** is a general approach to involve citizens in gathering evidence of governmental performance.
- **Participatory Outputs Tracking** refers to methodologies for monitoring the transfer of goods or services from the government to the community/citizens.
- **Social Audits** combine both qualitative and quantitative methods to examine the impact of a service or project by all stakeholders. Social audits are also sometimes referred to as one of the social accountability tools.

### ***Benefits of Participatory M&E Models***

#### ***For governments and security providers:***

- Obtains credible feedback on user perspectives regarding service delivery
- Assesses whether programs are achieving desired objectives
- Establishes benchmarks to promote performance improvements
- Tracks delivery performance for services whether they are centralized, decentralized, or contracted out to private providers
- Monitors service-delivery effectiveness across regions and sectors
- Provides incentives for continuous improvement over time
- Serves as a check on corrupt practices by identifying areas of inefficiency, waste, and leakage
- Improves transparency and accountability for public service providers and contracting agents responsible for project implementation

#### ***For service users:***

- Allows end-users the opportunity to provide input on service coverage and quality and to identify priority service needs
- Provides citizens with documentation (factual reporting) they can use to hold providers accountable for the efficient and equitable provision of services
- Generates public support for positive reforms

#### ***For program managers:***

- Generates new and reliable data on service coverage by locality
- Identifies the priority service needs of citizens
- Mitigates implementation risks by obtaining tangible data from users that can be used to track performance and assess the responsiveness of providers
- Facilitates supervision of projects
- Identifies areas of inefficiency, waste, and leakage
- Strengthens the demand for good governance

Although participatory M&E offers many advantages, one must also exercise caution in the case of the public providing measures of public trust and confidence in the security sector. A number of different factors drive public perceptions, with some factors outside the control of the security sector institutions or the programs working within SSR. Personal understanding of the institution's roles and responsibilities, expectations of how it should function, and access to information concerning its performance all shape an individual's perceptions of the institution. Measurements of these indicators tend to be volatile and responsive to the latest media, and citizens may not have a complete understanding of the roles and responsibilities of security institutions. Therefore, indicators are best measured by those who have had direct interaction with the security institution, those whose family members have had that direct experience, and those who have directly witnessed security sector officials in action.





## FOR ADDITIONAL TIPS & TOOLS, SEE THE FOLLOWING:

USAID's *Handbook of Democracy and Governance Indicators* [http://pdf.usaid.gov/pdf\\_docs/PNACC390.pdf](http://pdf.usaid.gov/pdf_docs/PNACC390.pdf)

The World Bank's *The Capacity Development Results Framework: A Strategic and Results-Oriented Approach to Learning for Capacity Development*

[http://siteresources.worldbank.org/EXTCDRC/Resources/CDRF\\_Paper.pdf?resourceurlname=CDRF\\_Paper.pdf](http://siteresources.worldbank.org/EXTCDRC/Resources/CDRF_Paper.pdf?resourceurlname=CDRF_Paper.pdf)

USAID's *Toolkit for Monitoring and Evaluating Gender-based Violence Prevention Interventions Along The Development Continuum*

<https://www.usaid.gov/sites/default/files/documents/2151/Toolkit%20Master%20%28FINAL%20MAY%209%29.pdf>

United States Joint Forces Command's *Handbook for Military Support to Rule of Law and Security Sector Reform*

[http://www.dtic.mil/doctrine/doctrine/jwfc/ruleoflaw\\_hbk.pdf](http://www.dtic.mil/doctrine/doctrine/jwfc/ruleoflaw_hbk.pdf)

USAID's *A Field Guide for Democracy and Governance Officers: Assistance to Civilian Law Enforcement in Developing Countries* (See Criminal Justice Sector Assessment Rating Tool on page 178) [http://pdf.usaid.gov/pdf\\_docs/PNADU808.pdf](http://pdf.usaid.gov/pdf_docs/PNADU808.pdf)

CPS Human Resource Services' Workforce Planning Tool Kit: Evaluating Workforce Planning

<http://www.cpsshr.us/workforceplanning/documents/ToolKitEvaluation.pdf>

CPS Human Resource Services' Webinar Best Practices in Assessing and Developing Leadership

[http://www.cpsshr.us/resources\\_webinar.html](http://www.cpsshr.us/resources_webinar.html)

Saferworld's *Evaluating for Security and Justice* <https://www.saferworld.org.uk/downloadfile.php?filepath=downloads>.

Saferworld's *Community Security Handbook* (Starting on Page 36)

<https://www.saferworld.org.uk/resources/publications/806-community-security-handbook>

American Bar Association Judicial Reform Index

[https://www.americanbar.org/advocacy/rule\\_of\\_law/publications/assessments/jri/jri\\_factors.html](https://www.americanbar.org/advocacy/rule_of_law/publications/assessments/jri/jri_factors.html)

The Woodrow Wilson School of Public and International Affairs' *The PRIME System: Measuring the Success of Post-Conflict Police Reform*

[http://dmeforpeace.org/sites/default/files/Princeton%20University\\_%20The%20Prime%20System%20Measuring%20the%20Success%20of%20Post%20Conflict%20Police%20Reform.pdf](http://dmeforpeace.org/sites/default/files/Princeton%20University_%20The%20Prime%20System%20Measuring%20the%20Success%20of%20Post%20Conflict%20Police%20Reform.pdf)

The Vera Institute of Justice's *Measuring Progress Toward Safety and Justice: A Global Guide to the Design of Performance Indicators Across the Justice Sector*

<https://www.vera.org/publications/measuring-progress-toward-safety-and-justice-a-global-guide-to-the-design-of-performance-indicators-across-the-justice-sector>

# ANNEX A: RESOURCES, GUIDES, TOOLS

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U.S. Agency for International Development. [Local Systems: A Framework for Supporting Sustained Development](#). 2014.

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## CRIME AND VIOLENCE PREVENTION

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## **CROSS-SECTORAL PROGRAMMING**

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## **DISARMAMENT, DEMOBILIZATION, AND REINTEGRATION (DDR)**

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## **INSTITUTION BUILDING**

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**for International Development**

1300 Pennsylvania Avenue, NW

Washington, D.C. 20523

Tel.: (202) 712-0000

Fax: (202) 216-3524

[www.usaid.gov](http://www.usaid.gov)