

# Safety, Security and Access to Justice

From policy to practice...

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# Outline

- Understanding policing and justice
- Bad practice
- Policy
- Examples of programmes
- Post-conflict interventions



# Security and Justice

## Policy making, budgeting, and accountability

Constitution, legal framework, Parliament committees  
Ministries (Defence, Interior, Justice, Finance, Women, etc)

Armed Forces  
Paramilitary Forces  
Intelligence Services  
Border Control  
Customs  
Immigration

**SECURITY**

Police  
Service  
Prosecution

**CRIMINAL**

Criminal Courts  
Prison Service

**JUSTICE**

Law Reform Commission  
Judiciary / Magistracy  
Civil / Commercial  
Courts  
Mediation / Arbitration  
Human Rights Inst  
Parliament (legislation)

**JUSTICE**

Private Security Companies  
Vigilantes Militias  
Neighbourhood Watches  
Community Safety Groups

Defence  
Lawyers  
Community  
based Sentences  
Victim Support

Bar Association  
Court Users Committees  
Paralegals  
Traditional Rulers  
Religious Leaders

Academics Think tanks NGOs Media and  
other Civil Society Organisations

**Non-state service delivery, advocacy and  
accountability**

# Criminal Justice

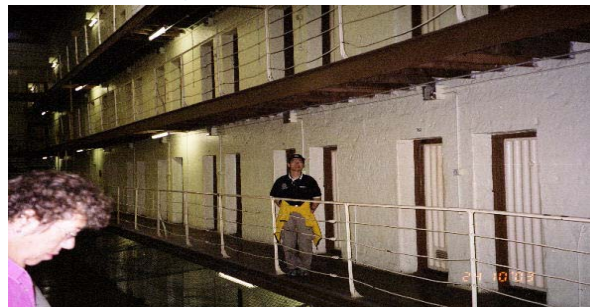


Russell Boyce / Reuters



Right to Defence

Not guilty OR  
Non custodial  
sentence



*Where's the victim?*



# Relationships to SSR

- Policing: state and citizen security
  - Relationship to military
  - Criminal justice + law enforcement
- Justice: protection of rights
  - Criminal and civil justice systems
  - Judicial oversight (e.g. judicial review, military justice)
  - Judiciary as third branch of gvt



# Bad practice is everywhere...

- Repeated lack of learning from past
- Narrow focus on: e.g.
  - law reform
  - training and equipment
- Individual organisations (e.g. police)
- State supply at high levels
- Transplants by foreign experts
- Donor competition for influence



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# SSAJ Policy Framework

- To make all people **safe** from violence and intimidation in their communities, homes, work and schools;
- To make people's property **secure** from theft and damage;
- To ensure that everybody has **access** to systems which dispense **justice** fairly, speedily and without discrimination.



# SSAJ policy and guidance

Available at [www.gsdrc.org](http://www.gsdrc.org)

- Policy statement (2000) – “Justice and Poverty Reduction”
- Guidance on putting policy into practice (2002) – “Safety, Security and Accessible Justice”
- Briefing note (2004) – “Non-state Justice and Security Systems”
- Global guide (2003) to performance indicators for the justice sector



# Distinctive Features of SSAJ

- Pro-poor approach - moving from institutional efficiency to outcomes for poor people
- Linking supply and demand
- Sector-wide approach - broad definition of justice sector
- Formal and informal / non-state systems
- Process approach to programming - no blueprints, using local solutions



# SSAJ Programmes

- Current spend: ~£225 million
- DFID bi-lateral programmes – e.g. Malawi, Nigeria, Sierra Leone
- Work with/through multi-laterals – e.g. Bangladesh, India (UNDP)
- Donor support to government sector strategy – e.g. Uganda (JLOS), Kenya (GJLOS)
- SSAJ component of Global Conflict Prevention Pool (GCPP) strategy – e.g. Balkans



# Sector-wide approaches

- Can cover many things:
  - Analysis of criminal + civil justice systems (including non-state)
  - Identifying weakest point in chain (e.g. causes of overcrowding)
  - Strengthening collaboration (e.g. Uganda Chain-Linked project)
  - Developing sector policy and strategies linked to budget



# Sierra Leone Justice Sector Development Programme (£25m, 5 years)

- Twin-track approach
  - Priority reforms
  - Costed justice sector strategy
- Justice sector strategy
  - Stakeholders involved at all levels
  - National policy (2005), outline sector strategy (2007), costing strategy, links to budget and performance management
  - Donor resources to be invested in implementation of strategy



# Malawi Safety Security and Access to Justice (£35m, 5 years)

- Weaknesses
  - UK experts located outside gvt
  - Too many activities and partners
  - Lack of gvt buy-in
- Strengths
  - Long term engagement e.g. police capacity improved after 10 years
  - Paralegal Advisory Service
  - Primary Justice Pilots



# Post-conflict interventions

- International presence and 'executive functions' (PSOs)
- Deal with legacies of past (TJ)
- Re-establish basic security and create confidence in state structures (DRC)
- Can create openings for radical reforms over longer term



# Transitional Justice

- Prosecutions
  - International Tribunals (ICC, ICTY/R)
  - Domestic / Hybrid Prosecutions (DRC)
  - Participatory justice (gacaca Rwanda)
- Other
  - Truth seeking (South Africa TRC)
  - Reparations for victims
  - Vetting e.g. army, police, judges
- Issues: local demand, timing, cost



# Support for the Restoration of the Rule of Law in DRC (+/- £14m, 2 years)

- Ensuring the political transition
  - Elections Security (police)
  - Electoral Disputes
- Service delivery
  - Mobile Courts
  - Eastern DRC criminal justice
- Longer-term reforms
  - Laws, capacity, integrity
  - Donor coordination across SSR

