

**IN THE DEVELOPMENT NEXUS OF EVERYDAY VIOLENCE AND
JUSTICE SYSTEM REFORM: A COMPARATIVE STUDY OF THE
UNITED NATIONS AND INTERNATIONAL JUSTICE MISSION
APPROACHES TO LAW ENFORCEMENT AND JUDICIAL
CAPACITY BUILDING**

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ABSTRACT

The purpose of this study is to draw attention to the crossroads of everyday violence in developing countries and examine justice reform as a means to address the phenomenons of forced labor, sex trafficking and other forms of everyday violence affecting the vulnerable. It takes a look at the present state of justice system reform efforts through the comparative study done of International Justice Mission and the United Nations in their crime prevention programs. Questions regarding their implementation approaches, efficacies and outcomes are studied in order to assess what is working and what is not in this quest to protect the vulnerable from lawlessness and impunity by the building up of broken justice systems.

The literature review of this research summarizes the findings pertaining the interconnection of everyday violence to development, the role of violence prevention as a means to address broken justice systems in developing country context, along with an introduction to a law enforcement based strategy. The methodology adopted of document analysis is used to probe the research questions which looks at both UN and IJM crime prevention initiative documents in order to discern differences in perspective, focus and approach to justice reform in which they are engaged; that of capacity building of law enforcement and judicial systems.

The findings identify an administratively centered strategic approach by the UN in a top down dissemination of international instruments on crime prevention and of UN criminal justice standards and norms while an IJM pioneered model utilizes a grassroots oriented approach of collaborative casework. They work together with the local law enforcement and prosecutors on real cases in an effort to rescue victims from their peril, bring perpetrators to account all while investigating gaps in the justice system that they aim to address as part of their program.

For the UN, strategies to reach measurable results in the ground level is needed, along with evidence of actual crime reduction and perpetrator accountability is yet to be realized in their outcome reporting. IJMs Justice System Transformation model demonstrate that a well thought through approach to training of and collaboration with law enforcement create tangible outcomes as seen in the rescue and restoration of victim's rights and evidence based capacity building within justice systems. Against this backdrop; measuring impact, program efficacy and duplicability is weighed to discern takeaways and prospects for future improvement and recommendations.

Keywords: capacity building, everyday violence, justice system reform, law enforcement training, program design, violence prevention

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I hope that this thesis can serve as a resource to those researching or involved in the fight for justice against everyday violence.

“This is what the Lord says: ‘Do what is just and right. Rescue from the hand of the oppressor the one who has been robbed. Do no wrong or violence to the foreigner, the fatherless or the widow, and do not shed innocent blood in this place.’” *Jeremiah 22:3*

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Acronyms

AHTUs	Anti-Human Trafficking Units
CA	Capability Approach
CPCJ	Crime Prevention and Criminal Justice
ECOSOC	United Nations Economic and Social Council
GP	UNODCs Global Programme
IACAT	Inter-Agency Council Against Trafficking
IJM	International Justice Mission
ILO	International Labour Organization
MDG	The Millennium Development Goals
MOU	Memorandum of Understanding
NGO	Non-governmental Organization
PL	Project Lantern
PNP	Philippine National Police
RAHTSOG	Regional Anti-Human Trafficking Special Operations Group
RATTF	Regional Anti-Human Trafficking Task Force
SDG	Sustainable Development Goals
TOT	Training of Trainers
UN	United Nations
UNODC	United Nations Office on Drugs and Crime
WB	The World Bank
WBG	The World Bank Group
WHO	The World Health Organization

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Chapter 1: INTRODUCTION

1.1 Background and Problem

Understanding the crossroads between poverty and the vulnerability factor of violence is imperative if we are to effectively alleviate poverty and stop its perpetuating forces. Violence in the context of how it affects developing countries is often associated with the larger scale phenomenons of war, genocide or ethnic cleansing. But there is another equally devastating form of violence opposing the efforts of those trying to get out of the clutches of poverty. This being the devastating force of everyday violence such as forced labor, forced marriages, land grabbing, police brutality, rape, sexual abuse and trafficking.

It's these forms of violence that continue to go unchecked by local law enforcement and victims are without properly functioning justice systems. Hence, the efforts of the poor to improve their lives and income are thwarted by these destructive forces. Widows in Africa for instance are faced with land grabbing and they are forced out of their home and into destitution. Forced labor, which equates to also being held in poverty by force is one of the most prevalent forms of everyday violence. According to a study on modern slavery conducted by the Walk Free Foundation: "An estimated 40.3 million men, women, and children were victims of modern slavery on any given day in 2016. Of these, 24.9 million people were in forced labor and 15.4 million people were living in a forced marriage." (2018) Everyday violence create a perpetual cycle of poverty and are perpetrated by criminals in poor communities who commit violent crimes against the vulnerable such as sexual assaults or business owners holding people in slavery. What's more is this violence is largely unconstrained by the absence of any properly functioning law enforcement.

1.2 Aim of the Study and Research Questions

Everyday violence such as forced labor, land grabbing, police brutality, rape, sexual abuse and trafficking thwarts the efforts of the poor to escape poverty and inadvertently reduces the impact of international aid efforts. Many developing countries lack a properly functioning law enforcement and judicial system to protect their people. By examining how building up local justice systems in developing countries plays a central role in mitigating everyday violence, the research aims to derive policy recommendations regarding strengthening justice systems in developing county context by identifying best practices and opportunities for

improvement through the study of UN and IJM justice reform efforts. By examination of what is currently being done at the intergovernmental and non-governmental organization level and by means of a comparative analysis of the aforementioned, the main results are then presented in order to highlight areas in justice reform that stakeholders in international organizations, government and policy makers engaged in development efforts may want to consider. The following outlines the aims of the study.

- I. To articulate the current state of development efforts in addressing broken justice systems within the context of addressing everyday violence in developing countries, with particular attention to police and judicial system reform.
- II. To investigate the methodologies and efficacies of what the international community at large and non-governmental-organizations (NGO) are doing regarding justice reform efforts in combating everyday violence, drawing particular comparison between United Nation's (UN) and NGO International Justice Mission's (IJM) work.
- III. Looking at specific case studies of IJM, a global organization who take a hands-on approach in pushing back everyday violence by strengthening justice systems in developing countries; what approach and outcome differences are there to what the UN is doing? Are there takeaways for violence prevention policy makers from their strategic approaches?

1.3 Structure of the Thesis

In a broader sense, this research is comprised of two main categories, first one being that of macro analysis on the nexus of poverty, everyday violence and justice systems as seen in the literature review. And for a more granular view, I plan to use information from case specific studies gathered through specific International Justice Mission research in order to examine how they have strengthened law enforcement and judicial systems in developing countries. Likewise the same will be done regarding UN and their work so as to draw some comparison to their methods and efficacies. However, in order to delve deeper into the differing aspects of the issue being researched, the thesis has been sectioned into seven Chapters. They are described as follows;

Chapter 1 of the thesis sets the backdrop of the thesis by defining the context of the problem, explaining the aim of the study, and articulating the research questions and constructing the overall conceptual approach.

In the literature review of Chapter 2 the research problems of thesis are examined further. It begins with examining the nexus of everyday violence, poverty and justice systems. The research analyzes the past work done on these aspects of international development namely justice systems in developing countries. In this comprehensive chapter also the contextual application of law enforcement and efficacies are examined.

Chapter 3 is an introduction to the theoretical framework of this research and entails theories such as rights-based theory, interest and will theory and capability theory to provide a macro perspective of how justice reform is essential to developing states in addressing everyday violence and poverty.

Chapter 4 explains the research question methodology. It will also include discussion on how the data was compiled and the reasoning for the approach chosen.

In Chapter 5 the actual examination of justice reform casework and implementation methods is covered with examination of partnership collaboration, system reform, law enforcement, prosecution and court system capacity building. These are then synthesized in Chapter 6 of the thesis with discussion on relevance and outcomes.

Chapter 7 provides concluding remarks while taking a look at the original research questions at hand, and also includes final thoughts on the limitations of the research. And lastly, it includes suggestions for future research work.

Chapter 2: LITERATURE REVIEW

This Chapter provides as a backdrop for the thesis. In order to focus on literature that is related to particular aspects of the thesis topic, it has been divided into six parts. It starts with the broad strokes of looking at everyday violence and its connection to development in order to thereafter discuss the role of violence prevention by means of addressing broken justice systems in developing countries.

The latter section covers literature about justice systems in developing countries. An examination of how the global community has evolved in their understanding about the role of violence prevention in addressing everyday violence as a component of development is presented through literature found on the topic. Included in this is a brief introduction of the work of NGO IJM and its implementation methods used to reduce the prevalence in everyday violence, which is examined in the analysis phase of this thesis in more detail. This sets the stage in later chapters to discussion regarding justice system reform as a vital aspect of violence prevention.

2.1 Everyday violence and development

In order to establish why a strategy for developing country justice systems should be included in the development debate of Sustainable Development Goals (SDG), I will first aim to articulate how everyday violence affect the poor through literature on the various aspects surrounding everyday violence within this context. And for sake of ease in working through this topic, I have organized it into three sections. The first part will analyze the impact of everyday violence on the poor within the context of development, followed by a look at the global trend of everyday violence, and the past portion entail a brief summary of how everyday violence is addressed in the SDG and development discourse in general.

2.1.1 Everyday violence and the development nexus

First regarding terminology, it's important to first establish what is meant with the phrase everyday violence and establish an understanding of its difference from other forms of 'violence'. The World Health Organisation (WHO) coins the definition of violence as; "The intentional use of physical force or power, threatened or actual, against oneself, another person, or against a group or community, that either results in or has a high likelihood of

resulting in injury, death, psychological harm, maldevelopment or deprivation.” (WHO 2002, p.4) However, the concept of ‘everyday violence’ originates from social scientist Nancy Scheper-Hughes who in her writings called attention to a more phenomenological assertion of what she considered “peace-time crimes,” the “small wars and invisible genocides” (Scheper-Hughes 1992, 1996, 1997) that affect the vulnerable within a structural and institutional violence context. In more recent times the term everyday violence is used to refer to the various kinds of routinized violence affecting the vulnerable in developing countries. This is also partly due to the work of Gary Haugen, founder and CEO of IJM, whose international human-rights organization protect the poor from violence, slavery and human trafficking. In fact, according to 3BL Media, a news publication serving leading companies and NGOs, IJM is considered to be the world’s largest antislavery organization. (3BL Media 2017)

Haugen’s background as UN Director and lead investigator to the Rwandan genocide and work as an human rights attorney for the U.S. Justice Department, connections with key authorities around the globe, and ultimately the highly effective models IJM has developed in judicial reform has earned IJM a reputation as an expert in the mission to address everyday violence through justice system reform. Their use of the term ‘everyday violence’ pertains to the incorporation of different types of violence such as forced labor, land grabbing, police brutality, rape, sexual abuse, forced marriages and trafficking into daily practices of the poor in the developing world. (IJM 2014)

The debate about the impact of everyday violence on development is a fairly new discussion and study in development. While the health, economic, and social consequences of violence has been long acknowledged, strategies on how to combat these effects and their efficacies remain unproven and in need of examination. While there is extensive literature on the socio-economic determinants of everyday violence found in poverty assessments of the World Bank, or as a public health priority in studies conducted by the WHO, and by the studies of United Nations Office of Drugs and Crime on specific aspects and trends of violence such as corruption, human trafficking and homicide, there are only a handful of studies that examine the various strategies utilized in violence prevention such as justice reform. The aim of this thesis is to scrutinize efficacy, results and learn from best practices through comparative analysis of justice reform initiatives done by IJM and the UN. To discuss this within the literature review context by elaborating on past studies regarding the crossroads of violence and development, I begin with the WHO.

World Health Organization

In a 2008 WHO violence prevention report it was stated that: “Violence has long been considered a criminal justice issue and a human rights issue. More recently it has also been considered a health issue.” (WHO 2008, p. v)

This statement is depictive of the growing understanding that violence is in fact a multidimensional concept, encompassing a variety of sections across our societies and development. In the 1996 assembly of the WHO passed a resolution which brought violence center stage to public health discussion. Furthermore, in 2002 the WHO released what is considered to be the first major study on the magnitude of violence around the world titled; *World Report on Violence and Health*. It investigated the various types of violence suffered such as child abuse, domestic violence and sexual violence. The data however derives itself from the context of violence in the developed world rather than developing world, which is noteworthy to point out simply to show that the studies on violence began with these areas of focus and within the developed world where data was more readily available. This is attested to by the mere fact that WHO's stated aim is to: “expand their global evidence base to cover more low- and middle-income countries.” (WHO 2002, p.22)

Since then much of what WHO aims to do regarding violence, its prevention and subsequent reporting is as it says with a focus on: “interpersonal violence; child maltreatment, youth violence, intimate partner violence, sexual violence and elder abuse by firstly raising awareness of the prevalence, causes and consequences of the different types of violence”. (WHO 2020) According to the *2007 Third Milestones of a Global Campaign for Violence Prevention Report*; “A clearer role for development agencies in violence prevention has started to emerge, at least in relation to some types of violence, such as armed violence, gender-based violence and violence against children.” (WHO 2007, p.25)

Studies such as WHO's; *Preventing violence and reducing its impact: How development agencies can help* furthered the discussion on the interconnection about everyday violence and development by articulating: “how violence obstructs achievement of the Millennium Development Goals (MDG), which focus on particular types of or factors contributing to violence, thus helping to push the issue of violence up the development agenda”. (WHO 2008, p.4-11) More recently WHO took landmark action with the publication of *The Global Status Report on Violence Prevention 2014*; a resolution it stated covered: “current status of violence prevention efforts in countries, and calls for a scaling up of violence prevention programs; stronger legislation and enforcement of laws relevant for violence prevention; and

enhanced services for victims of violence”. (WHO 2014) This promoted the furtherance of important publications on violence amongst development stakeholders and in scholarly work.

The World Bank

In the late 1990s the World Bank (WB) conducted a number of unprecedented large-scale poverty studies aimed at obtaining insight on what the poor are experiencing in their lives and communities across the developing world. One of these studies, *Voices of the Poor* comprised of the account of 60,000 individual’s from 60 countries providing major insights to further the discussion on poverty and development.

The primary reason for the study was to understand the concerns of the poor and how they viewed poverty, defined well-being, and what their specific problems and priorities are. Also, questions regarding how they viewed their governmental institutions, the condition of their economy and civil society were examined.

As part of the conclusion regarding the crime and violence portion of the report, it stated that: “At the extreme, general lawlessness escalates to crime and violence, which becomes a vicious cycle, fed by the absence of functioning systems of communal or formal justice and police”, (Narayan, Chambers, Shah, Petesch 2000, p.227) and furthermore that: “Given the impact of crime, lawlessness, corruption, and police harassment on poor people's lives, poverty reduction strategies can no longer ignore the role police play either through their activities or the lack of activities that can lead to lawlessness in impoverishing poor men and women.” (Ibid) Thus, it can be seen that everyday violence in this report was understood as a cycle perpetuated by the absence of functional justice systems and that with its impact being detrimental, poverty reduction strategies must also take into account the need to mitigate lawlessness as it directly impacts poverty.

Since then a growing discussion has ensued concerning the cost that violence has on the human, social and economic development as seen in further studies such as *Pathways for Peace: Inclusive Approaches to Preventing Violent Conflict*, a 2018 book co-authored by the United Nations and the World Bank. Most importantly, this study finds that violence is a principal inhibitor to the Sustainable Development Goals (SDG) and has enormous global impact with an estimation of more than half of the poor of the developing countries will be affected by violence by 2030. (UN; WB. 2018, p.1-5) There is an understanding that violence in development needs to be effectively addressed by the global community along with the broader challenges to violence prevention.

And according to the World Bank Group (WBG) report ‘*World Bank Group Strategy for Fragility, Conflict, and Violence 2020–2025*’ their: “work has evolved from a focus on post-conflict reconstruction to addressing challenges across the full spectrum of fragility”. (WBG 2020, p.5) They state their goal is to also “mitigate fragility, conflict and violence (FCV) challenges which is key to making progress toward the Sustainable Development Goals (SDG) and to the international community’s broader efforts to promote peace and prosperity.” (WBG 2020, p. viii) To be more granular, and because the focus of this thesis is the use of building up of criminal justice systems in developing countries as a strategy of violence prevention, it’s noteworthy that this report mentioned one of their high priority issues being that of achieving the aforementioned WBG goals of “engaging on justice and the rule “ within developing countries. (WBG 2020, p. x)

The United Nations

The publications set forth by the UN show their agencies involved in violence prevention focus on either specific types of violence, a population subgroup or a certain aspect of society such as education or health. Of these various forms of violence I will expound on two primary forms of everyday violence affecting the poor in developing countries. These being forced labor and human trafficking.

Research efforts of forced labor is seen for instance in the 2017 study conducted by the International Labour Organization (ILO) and Walk Free Foundation in which the true scale of modern day slavery was examined. It concluded that in 2016: “40 million people around the world were victims of modern slavery”. (ILO and Walk Free Foundation 2017, p.21)

Regarding this report the Director-General of ILO stated that: “The message the ILO is sending today – together with our partners in Alliance 8.7 – is very clear: the world won’t be in a position to achieve the Sustainable Development Goals unless we dramatically increase our efforts to fight these scourges. These new global estimates can help shape and develop interventions to prevent both forced labour and child labour.” (ILO 2017)

Pertaining human trafficking, the year 2000 adoption of the United Nations Convention against Transnational Organized Crime ‘*Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children and the Protocol against the Smuggling of Migrants by Land, Sea and Air*’ serves as an important step by the international community to address trafficking of people. (UN 2000) The Protocols of the Convention set the stage for further action in the fight against trafficking and has guided human trafficking policy making since.

Further research to try to understand the causes, consequences and scope of human trafficking was mandated under the ‘*2010 UN Global Plan of Action to Combat Trafficking in Persons*’, producing since, four subsequent ‘*Global Report on Trafficking in Persons*’. (UN General Assembly 2010)

In the 2018 report it outlined the current state, that: “We have made headway in the 15 years since the Protocol against Trafficking in Persons entered into force. Nearly every country now has legislation in place criminalizing human trafficking. The international community needs to accelerate progress to build capacities and cooperation, to stop human trafficking in conflict situations and in all our societies where this terrible crime continues to operate in the shadows.” (UNODC 2018, p.3)

In a broader scope of action, on September 2015, the United Nations General Assembly adopted the *2030 Agenda for Sustainable Development*, (UN General Assembly 2015) placing violence prevention front and center in the development agenda. Since then violence within the context of development has become a field of its own right. Despite this, according to a 2016 study on structural violence of which everyday violence is a derivative form, it stated that: “Still, a systematic approach of the topic has been lacking, and no textbook yet synthesizes the knowledge of multiple disciplines toward a cogent understanding.” (Lee 2016, p.1)

So while violence has been studied within various contexts by aforementioned multilateral organizations in regards to its socio-economic determinants, as a public health priority, and studies of specific aspects and trends of violence such as corruption, human trafficking and homicide, it’s been as recent as a decade ago that academic scholars Chant and Macllwaine referred to everyday violence as being a new subject in development studies. In their 2009 book ‘*Geographies of Development in the 21st Century: An Introduction to the Global South*’: they spoke of the “new themes of key relevance to the evolving field of Development Studies such as globalization, conflict and everyday violence.” (Chant, Sylvia H., McIlwaine, Cathy. 2009, p.3) Furthermore, in a 2011 book by scholars and development economists ‘*A Micro-level perspective on the Dynamics of Conflict, Violence and Development*’ authors exclaim that a “lack of systematic understanding of the interplay between violent conflict and development has limited the effectiveness of policy interventions, and weakened processes of state- and peace-building in areas affected by conflict and violence”. (Justino, Brück & Verwimp 2013, p.3) So within the academic context literature on everyday violence as a collective phenomenon, rather than segmented study of fractions of aspects of violence has

evolved only in the past decade during which time a more systematic understanding of the nexus of everyday violence and development has also increased.

Noteworthy literature from other sources related to the struggles of the poor with everyday violence also include a book titled *Locust Effect; Why the end of poverty requires the end of violence*. Since it was published in 2014 it has received much recognition within academic and development circles as well as from state leaders because it not only depicts how violence compromises the ability of the poor to succeed but it also underpins the particular focus of this thesis which is the importance of addressing broken justice systems in developing countries beginning with law enforcement capacity building. Furthermore, per Haugen and Boutros, their book highlights: “how the developed world is preoccupied with poverty alleviation through aid and economic growth, failing to focus on, prioritize, or fund the protections that the poor really need. Thus, the poor remain without basic protections as criminal justice systems in the developing world are crippled by institutional failures, ultimately leaving the poor devoid of remedy”. (2014, p.199).

2.1.2 Global trends in everyday violence

A major problem with international research into violence is the lack of data available of incidences, as they often do not get reported particularly in developing countries where law enforcement is largely distrusted. Hence, I will not focus on micro level data but larger global thematic information set forth by leading think-tanks in global development efforts on violence prevention. The goal is to set the stage for later discussion on justice system reform as violence prevention. For the purpose of keeping to the context of everyday violence, but without going into all the forms of violence for the sake of time, in this section, I will focus on two of its most prevalent forms affecting the developing world; modern day slavery and human trafficking.

According to the 2018 Global Slavery Index slavery in today's world entails being: “bought and sold in public markets, forced to marry against their will and provide labour under the guise of “marriage,” forced to work inside clandestine factories on the promise of a salary that is often withheld, or on shing boats where men and boys toil under threats of violence. They are forced to work on construction sites, in stores, on farms, or in homes as maids. Labour extracted through force, coercion, or threats produces some of the food we eat, the clothes we wear, and the footballs we kick. The minerals that men, women, and children have

been made to extract from mines find their way into cosmetics, electronics, and cars, among many other products.” (Global Slavery Index 2018) And according to the 2016 Global Estimates of Modern Slavery, there is: “an estimated 40.3 million men, women, and children that are victims of modern slavery on any given day in 2016. Of these, 24.9 million people are in forced labor and 15.4 million in forced marriage. And of the 24.9 million people trapped in forced labour, 16 million people are exploited in the private sector such as domestic work, construction or agriculture; 4.8 million persons in forced sexual exploitation, and 4 million persons in forced labour imposed by state authorities”. (ILO 2017)

As attested to by the following figure, Africa, Asia and the Pacific region respectively have the highest concentrations of modern slavery.

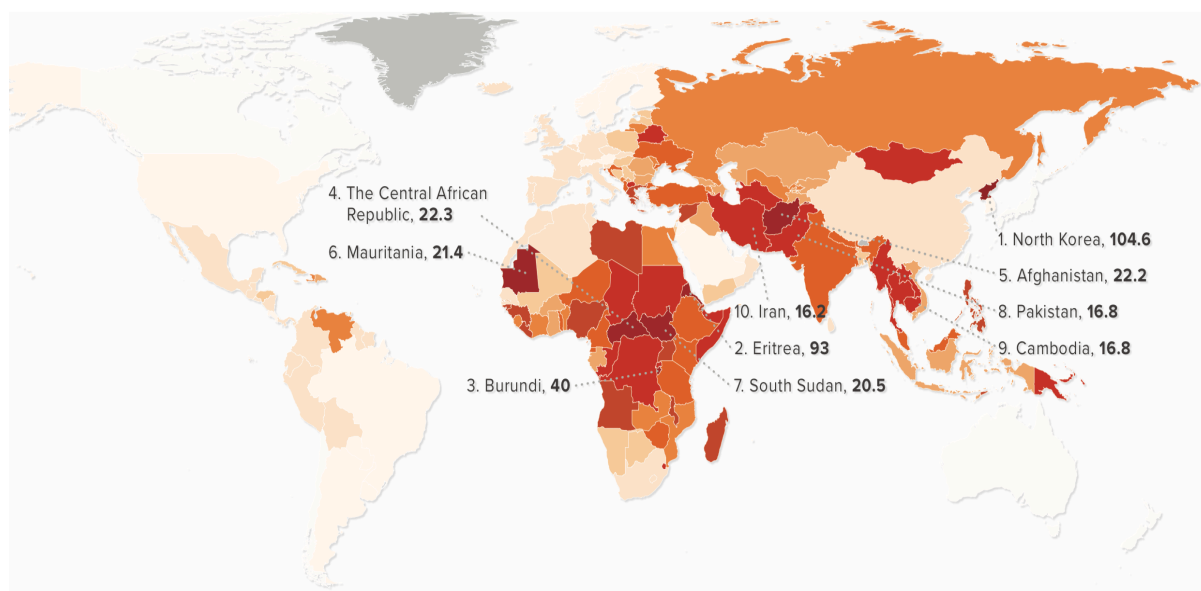


Figure 1. 2018 Map on modern slavery per country showing top 10 countries with highest concentration and the number of victims in 1,000 people

Human trafficking in turn, has a broad definition due to the many different forms that it may take. Article 3, paragraph (a) in the ‘*Protocol to Prevent, Suppress and Punish Trafficking in Persons*’ defines human trafficking as: “Trafficking in Persons”... mean[s] the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other 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”. (UN General Assembly 2000)

Human trafficking is big business. According to the ILO report from 2014, it is an approximately a \$150 billion a year profitable industry for traffickers. This explains why it is so prevalent and persistent. The following is an allocation recap from ILO of profits per sector: “\$99 billion from commercial sexual exploitation, \$34 billion in construction, manufacturing, mining and utilities, \$9 billion in agriculture, including forestry and fishing, \$8 billion dollars is saved annually by private households that employ domestic workers under conditions of forced labor”. (ILO News 2014)

In short, the global trend of these types of everyday violence against the poor is indicative of just how prevalent modern day slavery and human trafficking is. Such forms of everyday violence affect millions of people primarily in the developing nations. Furthermore, those seeking to exploit the poor continue to make a profit of their demise. The need for enhanced national capacity to detect and protect victims by strengthening institutional efforts, particularly by building up law enforcement capacities and local judicial systems which is discussed in a section of its own in the latter part of this thesis. Hence, upon establishing the status of the global trends of everyday violence the following section asserts the place of everyday violence in the global development agenda.

2.1.3 Everyday violence in SDG

The Millennium Development Goals, did not explicitly address everyday violence or prioritize justice as a vital component to addressing global poverty, much less the capacity building of institutions or public justice system reform.

However, the UN SDG do attempt to show importance to the issue of mitigating violence. Everyday violence in development is stated in the SDG, though with some limitations. The SDG Goal 16 purposes to: “Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels.” (UNDP, 2015) It furthermore outlines two violence reduction sub-targets in 16.1 and 16.2.

- 16.1 aims to: “Significantly reduce all forms of violence and related death rates everywhere.” (Ibid)

- 16.2 seek to: “End abuse, exploitation, trafficking and all forms of violence against and torture of children.” (Ibid)

And 16.6 validate the importance placed in institutional reform by stating its aim as being to: “Develop effective, accountable, and transparent institutions at all levels.” (Ibid)

Although SDG now reflect attention to violence prevention and the importance of developing more effective institutions in a greater way, the issue of measurability and methodology of implementation of such remain. The latter is discussed in the data analysis portion of this thesis specifically pertaining IJM and UN work in justice system reform.

The inclusion of these issues in the SDG is considered a positive step forward by most scholars, but on the other hand, the concern and criticism is the challenge posed by how to implement Goal 16. As stated by scholar Terra Lawson-Remer; “Governments are often falling short on peace, justice, accountability, and inclusion because they are corrupt, unaccountable, autocratic, violent, and exclusionary” and states further regarding implementation that: “by fostering bottom-up empowerment and supporting homegrown institutions and reformers, this favors building inclusionary processes and strengthening grassroots advocates and organizations over applying technocratic quick-fixes.” (2015) And it is pertaining the capacity building of justice systems as a means of violence prevention that this thesis aims to research.

2.2 Violence prevention and criminal justice systems

2.2.1 Violence prevention in the development agenda

According to the WHO 2009 technical report ‘*Preventing violence and reducing its impact: How development agencies can help*’ despite an; “increased understanding of the role of violence as a barrier to development and growing knowledge about how to tackle it, violence prevention in almost all countries – rich, middle-income, and poor – suffers from a combination of institutional fragmentation, weak national planning, and low political status. Internationally, the situation is similar, despite a multiplicity of global action plans: overall, prevention of violence (as opposed to post facto peacekeeping and conflict resolution) appears to have a low priority within the international development agenda, including the national agencies responsible for official development assistance (ODA)”. (WHO 2008, p.20)

Regardless, the importance of violence prevention in the international agenda cannot be overstated. Not only is it essential to public health but also to socio-economic betterment. According to statistics on violence and peace put out by Peace Alliance, violence prevention rather than merely responding to escalation to violent conflict is cost effective and states that based on research by the Carnegie Commission on Preventing Deadly Conflict's *The Cost of Conflict: Prevention and Cure in the Global Arena*, it is: "60 times more cost effective than intervening after violence erupts". (Peace Alliance 2020)

While violence prevention has always been understood as an important undertaking in addressing violence of various sort, not until the early 2000s did it first make its way into the international development agenda when in 2002 the WHO began their initiative 'Global Campaign for Violence Prevention' aimed at increasing awareness and through sharing resources of best practices support a coordinated international response. This same year the WHO published '*Preventing violence: a guide to implementing the recommendations of the World report on violence and health*' a policy recommendation promoting the six key points. It entails:

1. "Increasing the capacity for collecting data on violence.
2. Researching violence – its causes, consequences and prevention.
3. Promoting the primary prevention of violence.
4. Promoting gender and social equality and equity to prevent violence.
5. Strengthening care and support services for victims.
6. Bringing it all together – developing a national action plan of action".

(WHO 2004, p. vii)

Various stakeholders involved in violence prevention have different focus areas. The WHO for instance primarily addresses child and elderly abuse, youth violence, domestic violence and sexual violence. Conversely, the UN agencies involved in violence prevention tend to focus on either a specific type of violence, people groups within the society affected by violence or the relationship between violence to health or other sectors of the society. However, the idea of violence prevention with the understanding of its interconnectedness to poverty alleviation and elevating justice for the poor did not rise to importance in the development agenda until the 2015 SDG. But despite that the 2030 agenda include targets aiming to address violence in order to eradicate forces contributing to global poverty, the landmark studies on violence prevention by the World Bank; '*World Development Report 2011: Conflict, Security, and Development*' (WB 2011) and '*States of Fragility 2018*'

highlight the vastness of this task stating that: “Currently, about 1.8 billion people live in fragile contexts, but this figure is projected to grow to 2.3 billion by 2030. Poverty, too, is increasingly concentrated in fragile contexts; upwards of 620 million people, or 80% of the world’s poorest, could be living in these contexts by 2030.”(OECD 2018, p.6) Countries affected show persistent high levels of violence, poverty and stagnant human development, highlighting the need and importance of violence prevention efforts, including improving access to justice and capacity building within institutions.

Stakeholders in violence prevention have differences of focus in the specific types of violence they work on and their approaches vary depending on the viewpoint held. Some see it as a matter of public health or a matter of criminal justice administration, while other view it from a human rights perspective. Regarding the coming together of this multiplicity of approaches, the WHO report titled *Third Milestones of a Global Campaign for Violence Prevention* provides the following insight in saying that: “Agencies can increase their effectiveness by improving the coordination of violence prevention activities at global and country levels; by working towards shared criteria for the development of more integrated information systems, shared prevention objectives, targets and strategies, and common standards for victim services; and, at the operational level of country work, by defining the division of roles and responsibilities between agencies.” (WHO 2007, p.29)

Improved coordinated efforts have grown over time as reflected in the knowledge sharing within reports and publications. Reports such as one conducted by WHO and UNESCO: ‘*Global status report on preventing violence against children 2020*’ depict this collaboration and summarize the global efforts made across countries on violence against children in relation to their shared SDG. It furthermore exclaims how that; “countries are investing in prevention, decision-makers in every country accept they need to scale up their efforts” (UNICEF 2020, p.xii)

Similarly, scholarly work on violence prevention in developing countries also encompass a host of varied topics such as child abuse and gender violence prevention, addressing urban violence, and prevention of larger scale violent conflict. Of this, a 2007 scholarly article by Dahlberg on the current state of prevention efforts stated that: “Research conducted to date shows an imbalance in the emphasis of prevention programmes across the different types of violence. This imbalance is reflected in the timing of response, the nature and level of influence of interventions and programmes and the outcomes studied. Promising and

effective approaches have been identified, but many more still require rigorous testing, particularly in developing countries. The current state of the science in violence prevention reveals both progress and a number of remaining challenges.” (Dahlberg and Butchart 2005, p.93) To this present time, these challenges remain, but knowledge gained from research or programmatic efforts continue to contribute to building a more evidence-based framework for violence prevention in developing countries.

2.2.2 Justice system reform in the developing world

Justice systems that are efficient, impartial, and accessible promote peace and security, providing fundamental protections to citizens. And as understood by scholars Daniel and Trebilcock; “a country’s commitment to the rule of law is a critical determinant to its development trajectory”. (2004, p.100) For this reason governments around the world and global stakeholders on development such as the UN and The World Bank have invested in struggling justice systems with the intent to lower barriers to access, address corruption, and improve the quality of judicial decisions. According to a 2014 *UN World Governance Survey Discussion* pertaining the assessment of judiciary systems across 16 developing countries; “Access to justice remains low. Administration of justice is not only slow, but there is often widespread corruption and a lack of accountability. People lack trust in the court system.” (ODI 2003, p.1) This is depictive of the need to improve or entirely reform developing country justice systems.

The United Nations Office on Drugs and Crime (UNODC) is the branch within the UN with the responsibility to respond to Member States requesting technical assistance to help reform their criminal justice systems. This takes place by the implementation of United Nations criminal justice standards and norms. Examples of such are the following UN Economic and Social Council (ECOSOC) resolutions; ‘*Guidelines for the Prevention of Crime. Resolution 2002/13*’, ‘*Action to promote effective crime prevention. Resolution 2005/22*, and ‘*Strengthening prevention of urban crime: an integrated approach*’ Resolution 2008/24. These sought to discuss the need for greater efficacies in crime prevention approaches and promote to States the implementation of appropriate measures and policies.

In a more granular level, the UNODC works across the globe to provide assistance to member states in the justice reform of their law enforcement, judicial and prison systems. Pertaining police reform, its web page on ‘Criminal Justice Reform; Police Reform’ states

that in many places around the world it is the police that actually “perpetrate serious human rights violations against the civilians they are supposed to protect”. (UNODC 2020) Thus the UNODC aims through capacity development of police organizations improve police accountability and uphold its integrity.

When it comes to the court systems in developing nations, instead of balancing the power within the government and exercising impartiality, they are all too often marred with incompetence or partiality. And with the case of public prosecutors, misappropriation of justice happens when there’s a failure to properly uphold a fair judicial process. It’s for these reasons the UNODC promotes legislative reform through its Prosecution service to States in order to change the environment of partiality and promote prosecutorial integrity. The *UN Basic Principles on the Independence of the Judiciary* in turn provide the guidelines for governments to assess their own judiciary system to assess it is in conformity with international standards. (UN 1985) UN furthermore provides assistance by enhancing capacity through training and various educational tools for judges while highlighting the importance to the adherence of human rights standards.

Similarly, The World Bank has worked on justice and development initiatives for 25 years providing support to justice institutions through targeted interventions, legal empowerment to women, strengthening regulatory frameworks and research and development of data analytics. Their publications comprise of a variety of justice-related analytics and diagnostics such as country specific legal needs surveys, functional and institutional reviews, and assessments of the quality of judicial systems and legal barriers. The World Bank's *‘Data and Evidence for Justice Reform’* in turn compiles evidence based best practices in justice reform. (WB 2020)

Considering the global trends on everyday violence and the role the importance of justice reform through targeted interventions such as aforementioned, serve as a good baseline to further evaluations and consideration to this pertinent aspect of development. This research paper will explore the undertakings of selected stakeholders by looking at their methodologies and by an analysis of efficacies.

2.2.3 Role of NGOs and the case of IJM

The role of NGOs in violence prevention and justice system reform cannot be overstated. Their areas of expertise and their relationship with external organizations give them a unique

placement as a development stakeholder. They are also thought to serve as the voice of civil society on the issues they advocate for. And since 1946 when NGOs first received consultative status, the UN has relied on their expertise and active involvement in their shared mission to promote global human rights and justice.

Criminologists without Borders is an example of an NGO operating in such capacity and work closely with the UN Commission on Crime Prevention and Criminal Justice.

Collaborating with larger organizations such as the UN, they work to change policies holding them accountable to their mandates through their consultative status.

Further affirming the importance of NGOs, the UN Secretary General Antonio Guterres stated before taking office in a meeting on ‘The United Nations & Civil Society’ that:

“Dialogue and cooperation with civil society will, I’m sure, be a central aspect of the activities of the UN in the next few years, not only because of my own activities, but because of the concerns that all the UN bodies have, making sure that partnership becomes a key element in solving global problems.” (UN 2016)

NGOs provide valuable information, raise awareness to social problems and advocate for change on a host of topics, and also work in areas of victim support, violence prevention and justice reform. Smaller NGOs have a concentrated scope of mission, campaigning for change, providing subject matter expertise and research insights.

NGOs with a broader scope of mission such as Save the Children deal with various violations concerning children and advocate for children’s rights while also providing aid to children who have fallen victim to abuse, neglect, violence and exploitation.

Some have the particular focus on preventing, denouncing and documenting human rights violations such is the case with Amnesty International and Human Rights Watch who are well regarded for their work. Human Rights Now actively shares their investigative findings on human rights violations around the world in their more than 100 annual reports and publications. Seen as subject matter experts, they often meet with government and media representatives, the UN, corporations and financial institutions to advocate for policies that promote their mission.

Alongside them, one of the most noteworthy NGOs in addressing everyday violence such as human trafficking and modern day slavery is International Justice Mission, a global organization whose work involves rescuing and restoring victims while also working

in a collaborative case work basis with local justice systems. They are one of the few organizations who have a successful long track record of working with local justice systems in developing nations to bring criminals to justice by actively working with the law enforcement, judges and other community leaders to push back the cycle of violence. They have conducted in-depth studies in collaboration with governmental entities on crime prevalence, public justice system performance studies and program impact studies which will be further examined in later chapters for analysis and with comparison to the UN model of addressing justice systems in the world.

As stated in the book *‘International and Transnational Crime and Justice:*

“Nongovernmental organizations are a growing influence in international criminal justice, both through their relationship with the United Nations and as grassroots movements that are becoming increasingly transnational” (Natarajan. 2011, p.454) and that: “their work is different from that of intergovernmental organizations; ideally the two complement each other, but it is also true that the conflict that ensues from different points of view serve to enhance the democratic process of global governance.” (Ibid) And it is the different approaches, that of the UN and the IJM that this thesis aims to analyze.

Chapter 3: THEORETICAL BACKGROUND

This chapter outlines the theoretical framework within which this thesis is set. In order to examine justice systems in development context from a theoretical viewpoint, this chapter discusses the overarching theories relevant to the subject. The human rights based approach deriving from natural law theorist such as Hobbes (Cooper 2018) and Locke (Von Leyden 1956, pp.23-35), later evolving into today's popular understanding of human rights approach in development, along with Amartya Sen's capability approach (Jacobson 2019) further frames the argument for the importance of building justice systems in the developing world.

3.1 Rights Based Theory

The Rights Based theoretical approach is centered on the idea of empowering rights holders, or those not yet walking in their full rights. This entails being undergirded with increase of capacity upheld by duty-bearers such as an institution or government who within this context are required to aid in fulfilling these rights. Today's rights discussion are primarily guided by the interest theory and will theory which MacCartyr has summed up in the figure below. (McCartyr 2020.)

Interest theory such as that of Hobbes and Locke establish that having rights means to uphold and protect specific essential human interests. The will theory in turn, which will be later discussed more in analysis of Amartya Sen's writings, centers its idea on the human capacity for freedom to which people should have the right to ascertain themselves to.

Theories of Rights

Interest Theory	vs.	Will Theory
Your having a right to something means that it is in your <i>interest</i> , or is to your benefit, and someone else has a duty to provide it.		Your having a right to something means that you have control over others' free will in regard to it; otherwise, they can do as they please.
Someone violates your right by not doing his or her duty to provide the thing that is in your interest.		Someone violates your right by acting contrary to your will in regard to your right's object.

Figure 2. Theories of Rights

The mere fact that the rights based approach is grounded on a concept of how things ought to be it adds a moral dimension to development, making up the framework from which this approach positions development cooperation. According to Cornwall: “By stipulating an internationally agreed set of norms, backed by international law, it provides a stronger basis for citizens to make claims on their states and for holding states accountable for their duties to enhance the access of their citizens to the realization of their rights”. (2004, p.1415 - 1437)

Furthering this framework, the notion that individuals in a society are subject to governing authorities in exchange for security and economic advantage gives way to the ideas of 17th century social contract theorists Thomas Hobbes and John Locke. Hobbs, depicts the relationship between the government and the governed as being likened to a social covenant whereby individuals submitting to a common authority establishes what’s called “sovereignty by institution” and in return the subjects receive the active protection of these powers. Meaning, certain rights are sacrificed in return for an agency enforcement and protection of the remaining rights. However, agency legitimacy is contingent on its ability to adequately protect its subjects. Thus according to Lloyd and Sreedhar, the contract ceases when protection ends. (Lloyd and Sreedhar, 2020)

Similarly, Locke's model depicts a civil state, based on the natural rights of people who agree to the reliance upon the government to protect their property and liberties. It is understood that the government exists for the benefit of its citizens. Thus, failure of authorities to secure and protect the individuals within this social contract is according to Locke’s theory grounds for removal of this government. (Ashcraft 1987, p.577) Furthering his explanation of the legitimacy of a government, Locke explains that upholding the rights of its citizens to life, liberty and property is the goal of such government. Therefore, this also entails seeking justice by prosecuting and punishing those who violate the rights of others so as to preserve the public good and order. Within this context of the relationship between rights-holder and the responsibilities of the duty-bearer lies the concept of the Rights Based approach. This thesis sets the poor in center stage with their governments or intergovernmental development organizations entrusted with their safety and preservation of individual freedoms. Furthermore, regarding this approach to development, Broberg and Sano state that; “the approach is related to the processes of empowerment, forms of advocacy, and the use of legal instruments in defense of groups of people who are poor, discriminated against or marginalized.” (2018, p.1)

These concepts of natural law or rights, and that of social contract, were further brought to light in documents such as “*The French Declaration of the Rights of Man and the Citizen*” (FR 1789) and the “*U.S. Declaration of Independence*” (US 1776). The foundations to these are found in God and religion, in the nature of man and the shared capacity for rationale and freedom. The rights concept found new meaning in the anti-colonialist struggles of the need of rights-holders to overthrow the oppression and exploitation of the colonizer’s and do away with their imposed constructs. Manji states that; “it was in the act of struggling that rights were articulated and came to form the basis for action for social justice”. (1988, p.14)

The introduction of the human rights ideologies into the present international development discourse was initially introduced in the *1948 Universal Declaration of Human Rights*. Thereafter it was the post-Cold War era that significantly highlighted development assistance as a means by which to build alliances between countries and further solidifying the connection between human rights and development. (Hamm 2001, p.1005-31) When the *UN adopted the Declaration on the Right to Development* in 1986, this connection was further solidified. According to Oestreich’s book ‘*Power and Principle. Human Rights Programming in International Organizations*’ it has only been since the 1990s that human rights gained increased attention and became more and more incorporated into the agenda of global development organizations. (2007)

Of the Theories of Rights, the Will Theory, also known as the ‘choice theory’ was coined by British scholar Herbert L.A. Hart. He exclaims that moral or legal rights are built on the most important right of all, that of individual liberty. And to inhibit another man’s freedom entails the authorization of others’ rights; and gives rights-holders free choice to insist upon their rights, or to waive them. (1984, p.77-90)

3.2 Capabilities Approach

In the same way economic theorist and pioneer of the capabilities approach (CA) Amartya Sen esteemed the centrality of individual freedom to development through capacity building. The Capabilities approach entails a person’s freedom to achieve well-being or the ‘good life’ and prioritizes the opportunities people have to realize the things they want to become or want to do. An example of such can be genuine opportunities to be educated, freedom of movement or to have safety. (Sen 1984, p.307 - 324) Sen considers capabilities interchangeable with freedoms explain the difference between opportunities that exist merely

as a formality or legally and those that are actually attainable to the individual. As explained by Kaufman: “capability is to be understood as an opportunity concept of freedom, rather than some other kind of freedom”. (2006, p.289-300)

As aforementioned in the literature review, the vulnerable within developing nations lack capacity, the freedom to be and to do what would benefit their well being, not just because they are impoverished, but because they are afflicted by everyday violence that further perpetuates this poverty. As rights-holders they should be provided safety and just due processes through properly functioning criminal justice systems as is due them by the duty-bearers, their government and development organizations. This thesis will elaborate on the above-mentioned rights theories and capacity approach in the findings portion of this thesis.

Chapter 4: METHODOLOGY

This Chapter will cover the methodological approach utilized for answering research questions and explains the reasons for selecting the document analysis method. Subsequent sections will briefly touch on data authenticity, credibility, representativeness and meaning to explain the through process in the selection of the documents. The last portion of this Chapter discusses the challenges and limitations encountered during data compilation.

4.1 Research Design

Documentary sources are ideal as they provide the greatest level of ease in access and are very cost effective (Denscombe 2007, p.230, 244). The primary reason for selecting ‘document analysis’ as research method is the easy access to documents from the internet. In addition to its convenience, document analysis provides one with the opportunity to study information compiled by professionals that have valuable information and insights that one may not be able to otherwise attain by other research methods unless they have access to such professionals, which is often not the case (Cohen, Manion & Morrison 2008, 200). Additionally, reports prepared by different international organizations such as in this research by the UN and the IJM, are based on long-term studies, something that is difficult to conduct by a single researcher and attributes to the benefit of this approach. By this means one can also gain from the knowledge of otherwise, “inaccessible persons or subjects” (Cohen, Manion & Morrison 2008, p.201). Thus, the document sources utilized for this research were found to be useful and easily accessible through the websites of these particular organizations.

4.2 Data Analysis and Collection

There are two selection methods for choosing documents. One way of such is to use a particular type of representative set of documents from which one chooses randomly; and the other way is to “purposively select documents to reconstruct a case” (Flick 2006, p.249). In this study all documents were chosen based with this aforementioned aspect of intentionality, as it was not possible to have a representative sample of similar types of documents because the UN and IJM had differences in project scope and methods.

Despite this, the aim was to locate documents that would through analysis reveal the methodology and emphasis for the strategy taken and also allow for further analysis on differing project outcomes. In this way, according to Flick (2006), choosing contrasting documents from different contexts (Flick 2006, p.250) can yield useful information. Thus, for the purpose of this study, documents utilized were from organizations with different strategies to the issue of justice reform, making it challenging to siphon through all the reports and data available. Once the list of documents was narrowed down, I categorized them by types of everyday violence such as modern day slavery and sex trafficking, areas in which both organizations had overlapping work in. I further drew parallel to the type of justice reform that was being done by each such as police reform or judicial reform, then taking that one step further by explaining the strategy, the action taken in each. Looking at this data and the outcomes produced material for discussion on best practices and efficacies. The list of the documents that were analyzed for this study is located in the Appendix, which reflects 29 documents total from both IJM and UN. The nine documents chosen from IJM pertained their project performance evaluation studies and justice system performance studies of various countries in which they worked. These provided rich thorough content of their methodologies used for program implementation and details of how they executed capacity building with law enforcement and the judiciary system along with qualitative and quantitative outcome reporting. Data pertaining methodology used by the UN was not so easily discernable as to the implementation used for criminal justice reform in developing countries. While the data provided offered much overarching themes of their guidelines pertaining justice reform, more granular detail about capacity building of law enforcement and outcomes of their efforts within forms of everyday violence required combining data from more sources than was the case with IJM.

Pertaining qualitative research a greater emphasis is placed on validity rather than reliability. According to Flick, validity of the study is determined by whether a researcher truly sees what they perceive. (2006, p.371) It is also determined by whether the methods that they used actually studied the area they aimed to research or rather another area or problem. (Gummesson 2000, p.91) A document analysis' reliability is ascertained by seeing whether same results can be reproduced should the same methods be utilized by another researcher. If this is the case, then it can be said that the employed research method is reliable because it yields the same results when repeated. (McNeill & Chapman 2005, p.9) Furthermore,

professional documents from international organizations such as utilized in this study are generally considered a good source of information.

According to Scott (1990), there are four conditions for reliability; authenticity, credibility, representativeness and meaning. Authenticity entails examining whether the origin of the document is legitimate. (Flick 2006, p.248) In turn, documents are measured for credibility based on their accuracy and on whether it is unadulterated with factual information or whether it is written in an interpretive format. (Cohen, Manion & Morrison 2008, p.203) Different documents might have different meanings for the author, as well as to the reader and for the objective of the study. (Flick 2006, p.249) Lastly, the representativeness is determined from whether the document when compared to others of its kind shows the same characteristics or not. (Denscombe 2007, p.232).

In this thesis these specifics were considered. Firstly, regarding authenticity; by utilizing official documents from the UN and IJM websites it is reasonable to consider that these documents have a genuine, reliable origin. With regards to credibility, the fact that these documents were prepared for official purposes, it is more than likely these documents are more or less accurate. The documents and reports used in this thesis research are official documents and thus representative of their kind. And though documents may have different meanings depending on the author, reader and the objective of the study (Flick 2006, p.249), with the documents analyzed for this thesis will have the same meaning for the author as to the reader since they are derived solely from official documents.

Additionally, for prudence of mention, there are no ethical considerations involved in the utilized data or methodologies of analysis as only official documents from the public domain were utilized.

4.3 Limitations of the Study

The intention in this document analysis is to look at the justice reform efforts of both UN and IJM through their official documents in order to discern differences in crime prevention implementation and applied methodologies. Additionally, the goal is to assess the end results yielded by the application of their strategies, to see if there be major differences in best practices and efficacy that are noteworthy for further discussion on policy proposition. With these goals in mind it was challenging to determine what accounts for a truly successful

outcome when the scope of work and breadth of reach for these two entities are different. How should success in this case be measured? Should it be measured by whether the institutional goals were reached or by some external measure of how exactly was the phenomenon for which justice reform was done has been altered or by raw number on how many people or communities received a greater level of safety from the clutches of everyday violence through the justice reform efforts? Is it the number of justice systems receiving reform that should be considered? What type of justice reform activity matters most? Are these changes sustainable over time? What recommendations are there for the betterment of mutual development goals? Needless to say, analyzing the differences between these two organizations was challenging due to differences in scope of their work, methods utilized and the aforementioned considerations.

Chapter 5: JUSTICE REFORM CASE FINDINGS

The following analysis portion of this research takes a look at the approach and outcomes of both UN and IJM in their justice system interventions within specific developing country projects they have engaged in. The purpose of this comparison is to see if data would emerge from the contrasts between the operation of larger bureaucratically driven multilateral organizations and NGOs that have more agile grass roots approaches in how they address law enforcement and judicial capacity building in the developing country context. The data examined indicates distinct methodological and outcome differences in how they conduct violence prevention interventions through their justice system reform activities.

These are discussed in light of the Rights-based theoretical framework and in light of Amartya Sen's capability approach. The connection between the theoretical frameworks with these organizations working in justice reform is discerned in the effect their capacity building efforts has on both the individual citizens and also the agencies involved who are receiving the development and training assistance from UN and IJM. As established within a Rights-based theory framework in the previous section, there are 'duty bearers' and 'rights holders' whose interest (Interest Theory) is that for instance their government provides them with the social protection of a functioning law enforcement and judiciary. In this particular case we are examining how when there is failure in this responsibility, developing nations receive capacity building support of experts from multilateral and NGO organization to supplement their deficiencies. Furthermore, regarding the Will Theory of Rights-based framework, the discussion in this analysis will center on the phenomenon of how forms of everyday violence violate the right of individuals by the actions of the perpetrators and the inactions of their own government, which is in discord to the freedoms in which they wish to walk in. Furthering the theoretical discussion, Sen's capabilities approach is considered from the view that it is; "an ontological conception of a relational society. In this perspective, an individual's capabilities emerge from the combination and interaction of individual-level capacities and the individual's relative position *vis-à-vis* (within) social structures that provide reasons and resources for particular behaviors". (Smith 2009, p.213) Thus, with the notion that capability is measured not only at individual levels but also from the context of causality of that individual's social structures, the following analysis of the findings will reflect largely upon the latter.

As articulated in the following sections, the practiced crime prevention strategy of both IJM and the UN in police reform and strengthening prosecution and judiciary services are described in the following sections of partnership collaboration, system reform and the capacity building of justice system stakeholders.

While their projects differ in scope and model, these categories within judicial reform implementation efforts is established as valid areas from which to draw some comparative conclusions concerning their strategies, actions and outcome differences as they have both operated in these capacities though to varying extent. This will also allow for further outcome related discussion about efficacies based on measurable results and the sustainability of project outcomes in the following chapter.

5.1 Capacity building

According to Haugen: “helping to build effective public justice systems in the developing world must be part of the development agenda of multilateral institutions, non-governmental organizations, and national foreign aid programs”. (McIntosh and Sawai 2011, p. 1) This notion that functioning justice systems are essential to development is derived from the rights based theoretical framework. It is on this theory that the UN also bases the role of justice systems around the idea of a human rights based approach to development programming and of which it has stated that: “States have the primary responsibility to create the enabling environment in which all people may enjoy all human rights, and have the obligation to ensure that respect for human rights norms and principles is integrated into all levels of governance and policy-making. The principle of accountability is essential for securing an enabling environment for development. Accountability needs to be viewed in light of justice. The principle of the Rule of Law includes resolution of competing claims, access to justice and redress for abuse of human rights and the just distribution of public resources and the benefits and burdens of particular policies”. (UNDP 2003, p.8) In other words, before real strides in development can take place it is imperative to promote an environment conducive to success in development efforts and this begins with the principle of accountability in the area of justice.

In the most basic sense of the rights-based theory, development entails the empowerment of rights-holders (the citizens, victims of crime, the poor), or those not yet walking in their full rights, while being undergirded with increase of capacity upheld by duty-bearers, such as an

institution (UN, IJM) or government who are obliged to fulfill these rights. This notion that individuals in a society are subject to governing authorities in exchange for security and economic advantage gives way to the ideas of 17th century thinkers Thomas Hobbes and John Locke. Hobbes, depicts the relationship between the government and the governed as being likened to a social covenant whereby individuals submitting to a common authority establishes what's called "sovereignty by institution" and in return the governed receive the protection of these powers. It is understood that the government exists for the benefit of its citizens. Thus, failure of such authority to secure and protect the individuals within this social contract is according to Locke's theory grounds for removal of this government. (Ashcraft 1987, p.577) Furthering his explanation of the legitimacy of a government, Locke explains that since the goal of such government is the upholding of rights such as the life, liberty and property of its citizens, this also includes seeking justice by prosecution and punishment those who violate the rights of others so as to preserve the public good and order. This thesis sets the poor in developing countries affected by everyday violence in a similar stage with their governments or intergovernmental development organizations as duty bearers entrusted with their safety and preservation of individual freedoms. The following serves not only as a comparative examination of methodological approaches to justice system reform by UNODC and IJM, but also as a means to understand justice system reform efforts within the context of human rights based theory.

We begin with examining the IJMs work in capacity building efforts, namely its training design and system-wide changes before examining the same of the UN. International Justice Mission has a reach of 18 offices in 10 countries in the developing world; "Bolivia, Guatemala, Dominican Republic, Ghana, Uganda, Kenya, India, Philippines, Thailand and Cambodia. Their 5 partner offices are located in the United Kingdom, Canada, Germany, Australia and the Netherlands and its headquarters are in Washington D.C.". (IJM 2018, p.30) IJMs longstanding relationships with stakeholders within these countries is derived from the over 20 years they have been at work at addressing: "cases of forced labor slavery, sex trafficking, child sexual assault, property grabbing, abusive detention and police brutality". (IJM 2018, p.6) It's from this tenured backdrop of grassroots expertise and sustained relationships with varying levels of country stakeholders which IJMs strategies justice reform is derived. At the core of their justice system transformation model is both their collaborative casework followed by their capacity building efforts, an IJM pioneered model called Global Interventional Model which is dexterous in strategic design and: "adapted to conditions and

opportunities of advocacy offered by the political-institutional context of the justice sector” in the countries they operate in. (IJM 2018, p.32) The following figure provides an overview and in the following section there is a more detailed figure of this model.

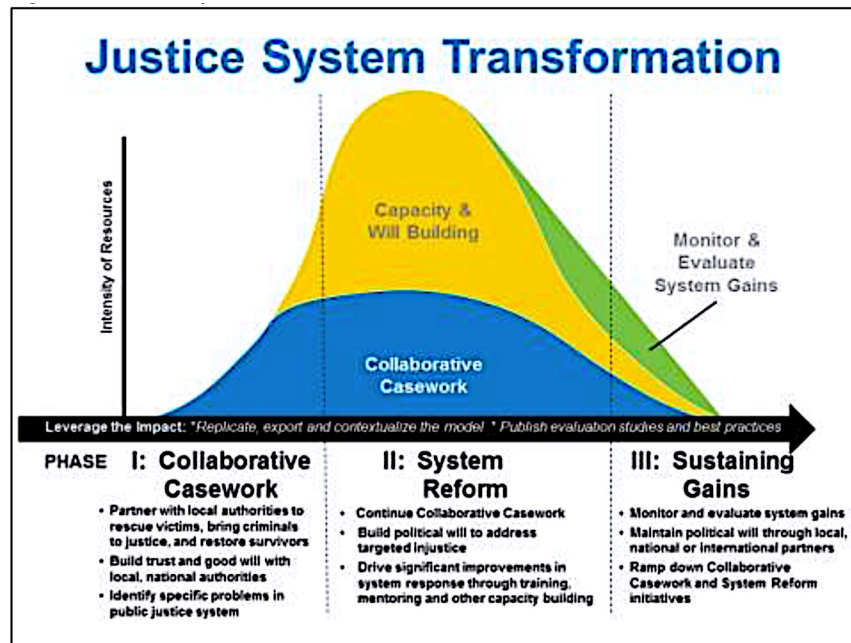


Figure 3. Global Interventional Model

In turn, the United Nations Office on Drugs and Crime (UNODC) provides technical support to its member States requesting capacity building of their justice systems. Their global program ‘Support to Crime Prevention and Criminal Justice Reform’ has been in operation since 2008’ with the objective that: “Policymakers and professionals, in countries in receipt of UNODC advice and assistance, design and implement evidence-based crime prevention and criminal justice reform policy and programmes” (UNODC 2018, p.2) and that through “UNODC assessments, advice and programme support”; ‘States and the international community develop and implement CPCJ (crime prevention and criminal justice) policies and strategies using UNODC tools and trainings’; ‘States develop or update standards and norms with UNODC support’’. (Ibid)

The UNODCs primarily method in justice reform is the national adoption of international legal standards and practices. Their strategic approach depicts a heavy emphasis mainly on the use of a set of programs that emphasize a top-down, state-centered approach for achieving their justice reform goals.

We begin the discussion about these two differing approaches by first by looking at their strategic aim in the following section of ‘partnership collaboration’ and ‘system reform’. This section will also shed some light as to why their capacity building efforts in law enforcement and judicial systems, discussed hereinafter, are also distinctly dissimilar.

5.2 Partnership Collaboration

For both IJM and the UNODC, establishing the right connections with key country stakeholders is imperative to driving justice reform projects forward in order to attain the needed changes. In the case of IJM strategy for justice reform, what they call their ‘Collaborative case work’ approach is central to their engagement with relevant government agencies in: “informal problem solving and technical support” which IJM provides. Within this model framework their: “human rights lawyers and law enforcement professionals collaborate with local law enforcement in the developing world to identify individual victims and assist them in obtaining justice within the local public justice system. IJM is able to use the data from a large volume of individual cases to gather concrete information for assessing what structural changes are necessary to make the justice system work for the poor. Thus the casework approach helps individual victims find redress for the injustice they suffer, serves as an essential diagnostic and assessment tool in identifying the specific challenges of building effective public justice systems, and starts the process of addressing those specific challenges.” (McIntosh and Sawai 2011, p.5)

The collaboration efforts begin with a Memorandum of Understanding (MoU) between IJM and with the State in which they aim to work in. For example, in the case of Philippines, in 2010, IJM entered an agreement to serve in the Philippine: “Inter-Agency Council Against Trafficking (IACAT), and to jointly train government officials in agencies responsible for enforcing anti-trafficking laws and prosecuting trafficking cases” (IJM 2017, p.3) Upon such official agreements the work on IJM begins as does the collaboration with various stakeholders such as the Department of Justice, lawyers, prosecutors, and law enforcement officials in the national and local level. The IJM ‘Collaborative casework’ then begins with the aim to fulfill their goals to restore the rights of victims by helping them leave the cycle of violence, reduce impunity in crimes and strengthen the public justice system, and in doing so, ultimately contribute to reduce violence against the poor.

Rights based theorist Hart alludes to the basis for the aforementioned rights of victims being

achieved by gaining their personal freedoms. He exclaims that moral or legal rights are built on the most important right of all, that of individual liberty and that to inhibit another man's freedom entails the authorization of others' rights; and gives rights-holders free choice to insist upon their rights, or to waive them. (Hart 1984, p.77-90)

In the same way pioneer of the capabilities approach Amartya Sen esteemed individual freedom as a prerequisite to achieving well being or the 'good life' through the chance to do and become what people have reason to value. As Alexander Kaufman (2006, p.289-300) stated, capability is to be understood as ones freedom clasped with the opportunity to do and become what they esteem. Hence, when considering this to the context of this research, the poor within developing nations lack capacity, the freedom to be and to do what would benefit their well-being, not just because they are impoverished, but because they are afflicted by everyday violence that further perpetuates this poverty. As rights-holders they should be provided safety and just due processes through properly functioning criminal justice systems as is due them by the duty-bearers, their government and development organizations. The discussion herein looks further into the methodology used in furthering these rights.

The below figure depicts the phases and results of the IJMs model for justice reform. The first phase, discussed in this segment of the thesis pertains to the case work which aim is to remove the victims from the cycle of violence and attain insight as to the areas where the justice system can be improved before moving to phase two of their model which is to further justice reform through law enforcement and justice system capacity building.

About assessing the areas where the justice system can be improved, the UN states that: "A human rights perspective calls for enhanced attention to the phase of assessment and analysis providing, among others, full understanding of the legal framework of a country, and the factors that create and perpetuate discrimination and social exclusion and hinder people from realizing their potential. A human rights-perspective, therefore, helps us to fully understand how laws, social norms, traditional practices and institutional actions positively or negatively affect people". (UNDP 2015, p.1) In this rights perspective, it is the duty of those engaged in development programs to properly assess the areas of a country or as in the context of this research, to assess the developing nation justice systems in order to discern the issues and problem areas that affect people, the rights bearers. This is evident in IJM's approach.

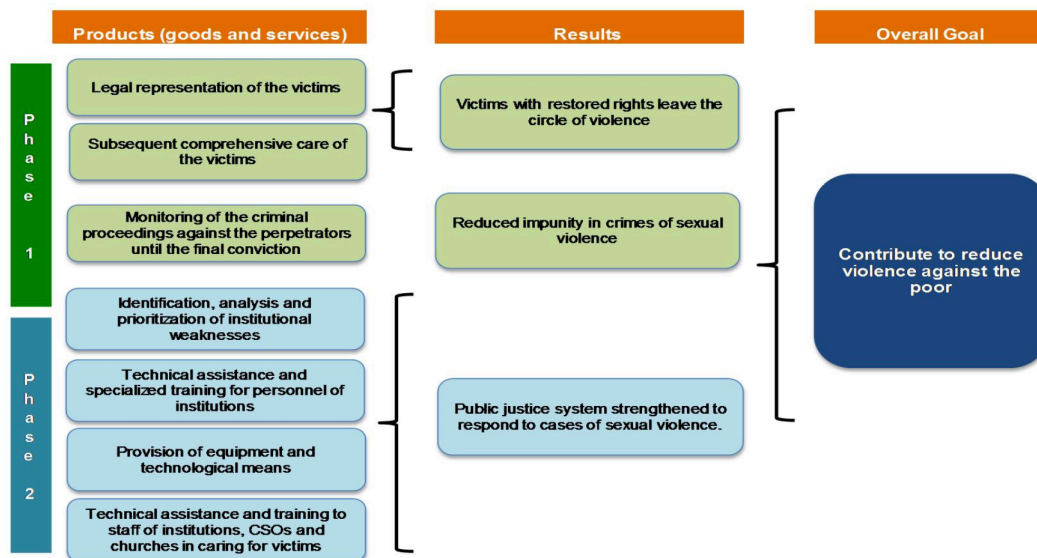


Figure 4. Phases and Results of IJM Global Interventional Model

IJM states of its model that: “collaboration with local authorities on hundreds of real-time cases not only provides tangible, hands-on support to local law enforcement officials and brings relief to victims, but it also identifies gaps and weaknesses in the justice system. Once those gaps and blockages have come to light, IJM implements system reform programs to develop the capacity of local law enforcement officials to address them”. (IJM 2018, p.8)

Whether they are addressing labor trafficking in the Thai fishing industry, bonded labor in India, combatting gender based violence in Guatemala, property grabbing in Uganda or child sex-trafficking in Cambodia, IJMs collaborative efforts always begin with a crime prevalence study followed by case work with local law enforcement to stop the form of everyday violence they are addressing. During the course of these joint efforts, IJM law enforcement experts work with the local law enforcement authorities by providing them case based assistance in investigating cases, conducting raid operations and by providing support to arrest and prosecute suspected perpetrators.

Moreover, a noteworthy example of the extent of IJMs partnership collaboration efforts and reach is its hosting of a 10-day Advanced Investigative Workshop which brought local and international law enforcement agencies together to combat cyber sex trafficking of children. IJM stated that: “The workshop represented an unprecedented level of support from Filipino and foreign law enforcement, as well as local and international organizations. Presented by IJM, with funding from the U.S. Department of State, it was

conducted in partnership with Australian Federal Police, National Police of the Netherlands, UK National Crime Agency, US Federal Bureau of Investigation, INTERPOL, Queensland Police Service, and the Australian Centre to Counter Child Exploitation.” (IJM, 2005) IJMs collaborative partnerships span from local to international authorities dedicated to the common cause of combatting everyday violence in its many forms and to strengthening law enforcement efforts in multiple levels in order to maximize impact on tackling global crimes such as trafficking. They seem to have a track record of forging productive relationships built around collaborative casework. Of their efforts in partnership collaboration, IJM states that they aim for the: “Continued development of and investment in strategic partnerships and advocacy that will yield more significant and lasting change at all levels of the public justice system. Specific recommendations relate to strategic partnerships and advocacy, including emphasis on government accountability, cultivating change agents, building inter-agency collaboration, and supporting robust civil society engagement”. (IJM 2010, p.8)

The approach of the UN entails a greater emphasis of a top down approach. According to the ‘*UN Standards and Norms on Crime Prevention*’ (UN, 2020) the UN supports an “integrated approach within the United Nations in relation to the provision of assistance for building capacity in crime prevention and criminal justice.” (UN 2006, p.1) This chiefly means that when it comes to capacity building of states in this context, they first call upon States to initiate implementation of the *Universal Declaration of Human Rights*, and other crime prevention instruments such as the *Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power* (Resolution 40/34) and the *Convention on the Rights of the Child* (Resolution 44/25). Furthermore, the UNODC is mandated to assist States in their efforts to: “ratify and implement those instruments, through the provision of technical assistance upon request. This might include assistance to criminal justice systems to facilitate the effective implementation of those instruments”. (UNODC 2006, p.277) This sets the framework from which their work in addressing issues within developing country justice systems are derived. And this implementation of universal instruments can be also viewed as a reflection of human rights-based development, in that it has its basis on rights driven standards and principles. Concerning the rights based theory Cornwall states that: “By stipulating an internationally agreed set of norms, backed by international law, it provides a stronger basis for citizens to make claims on their states and for holding states accountable for their duties to enhance the access of their citizens to the realization of their rights”. (2004, p.1415 - 1437)

Furthermore, the UN states that: “Such programming rests on the needs and aspirations of individuals, focusing not on development in general, but on human development. Human rights does not only provide a vision of what development should strive to achieve (to secure the freedom, well-being and dignity of all people everywhere), but it also provides for a set of programming tools and essential references (human rights standards and principles) that ensure pertinent analysis, focus on important human development goals, ownership by the concerned people and sustainability of development efforts”. (UNODC 2014, pg. 1)

And for the UNODC applying a rights-based approach means firstly gaining the support of stakeholders in the development apparatus by forging partnerships with States, civil society and other decision and policy makers. Pertaining what this partnership collaboration might entail in justice reform efforts, the UNODC states it: “includes partnerships working across ministries and between authorities, and civil society” (UNODC 2006, p.295) which coincides with the UNs position of: “the importance of strong Government leadership in establishing a central ministry or agency to take on responsibility for the development and implementation of crime prevention strategies”. (UNODC 2010, p.88) This means the UN aims for a trickle down effect in the use of their resources such as guideline books starting with national, then regional and down to local governments. The UN expectation is also for a multi-sector partnership across departments. But the challenge is getting such collaboration going as often times departments non related to crime consider it solely a justice system responsibility. Of the key institutional partner in the local level UN states that: “Nevertheless, the police have an important but not exclusive role in strategic prevention at national and State levels, especially at the local government level” (UNODC 2010, p.91) Likewise, the UN also views prosecution service and courts as important partners, though not as lead collaborators. The extent of UNs actual work at this level remains limited and dependent on the programs agreed upon and implemented by local and regional stakeholders or civil society who in collaboration are responding to the UN call to action on crime prevention. Examples of such local level partnerships are found in the 2018 UNODC Annual Report, which highlighted its justice reform work various types of collaboration; a trafficking case managed by a civil society organization in Bhutan, provision of training manuals to prosecutors and judges in South-East Asia for the prosecution of child sexual exploitation cases and training of officers on how to use drugs and precursor test kits in cross-border trafficking situations. The extent of these partnership collaborations is better depicted in subsections on law enforcement and judicial capacity building but particularly in the following section ‘system reform’ where UN places its greatest level of technical support through its resource materials.

5.3 System Reform

This section will focus on both IJM and the UNODC work in the implementation of protocols and system-wide changes. While ‘system reform’ can have multiple definitions within the justice reform context such as expressed in IJMs impact assessment of their Project Lantern with these being: “government officials’ political will and leadership; casework-based inter-agency partnerships; commitment and capacity of human resources; agency standards and practices”, (IJM 2010, p.7) this subsection focuses on institutional standards and practices as other areas are already discussed in the following sections of this thesis.

Starting at the granular level, IJM system-wide changes begin with their capacity building efforts as they work together with local law enforcement to combat forms of violence such as trafficking and anti-slavery. During this time they work such cases through the system and find out where it is broken and make a diagnosis as to what needs to be addressed before implementing new institutional standards by mainstreaming good practices derived from learned knowledge on what has worked during phase one of their approach which entails collaborative case work. This contributes to system reform in the most granular sense as standards and practices are recalibrated or all together developed from scratch. The implementation stage is discussed in more detail in the following subsections because it has crossover both as a system reform through changes in standards and practices as well as capacity building through training. This will be covered in the subsections pertaining law enforcement and judicial capacity building which is the context where new standards and practices are discovered and implemented.

IJM efforts of system reform have also entailed organizational changes within the law enforcement system. In an external evaluation of IJMs work in the Philippines with PL it was said that: “IJM Program was particularly relevant because it supported the PNP to establish anti-trafficking units in the three project areas” (IJM 2017, p.13) and this: “included development of a dedicated PNP Regional Anti-Human Trafficking Special Operations Group (RAHTSOG) for which IJM provided a police trainer who gave technical assistance during investigations, case buildup, entrapment operations, raid and rescue operations, and the arrest of traffickers. IJM also focused on securing government commitment to coordination protocols that included the RAHTSOG”. (Ibid) Similarly, as the work of IJM continued to build up the Philippine National Police through training and material support, it

also led to the establishment of Regional Anti-Human Trafficking Task Force (RATTF) a specialized regional unit which contributed to a stronger law enforcement system. (Jones 2010, p.49)

Furthermore IJM has worked to improve standards and practices in the public justice system by the: “drafting and dissemination of best practices manuals, guidebooks, training curricula and other reference materials to ensure that stakeholders have accurate and accessible information to equip their own personnel for anti-trafficking activities”, which it disseminates to law enforcement authorities”. (IJM 2010, p.10) A similar dissemination of information takes place during the seminars and technical training of prosecutors for which: “IJM also produced and distributed to trainees and others a reference book containing a breakdown of the law and practical tips, illustrations and advice for prosecutors”. (IJM 2010, p.69) This, along with IJM efforts to promote the establishment of special units operatives in the police force, its securing of government approval for new practices show IJMs dedication to improving the justice system apparatus via means of partnerships, focused strategic action within system organization and through dissemination of best practices through training materials.

UNODCs primary strategy for justice system reform is their top down approach of providing technical resources pertaining internationally agreed to justice system standards and practices to governmental officials. Here, the expectation is that the States together with the UNODC would collaboratively design and implement a crime prevention program that can over time transform such standards and practices into system-wide changes within the country or case specific context. This responsibility placed on the States to work towards the adherence of internationally agreed to human rights laws and justice system standards are derived from principles found in the UNs rights based approach, which places the States as primary duty bearers to provide for social protection of its people. (UNODC 2015, p.13)

According to the *2018 UNODC Annual Report*, they have: “developed more than 50 standards and norms in crime prevention and criminal justice areas” (UNODC 2018, p.73) such as the ‘*UN model strategies to combat violence against women in the field of crime prevention and criminal justice*’ and the ‘*Handbook on the Crime Prevention Guidelines*’. The latter states it: “provides examples of strategy and programme development that will be of value to policymakers and practitioners at all levels of government”. (UNODC 2010, p.3) This publication is one among many that is offered to States as guideline for crime prevention

and is also used as training curriculum across various stakeholders.

Furthermore, the UNODCs Global e-Learning Programme courses provide Member states a convenient tool and the opportunity to enlarge their potential participant pool through the convenience of an online platform by which to learn about their profession's standards and practices. They boast of over 9000 users that also include law enforcement officials. The UNODC states that in addressing crime prevention pertaining violence against children their 2018 highlights are the development of: "two handbooks to distribute the UN Model Strategies and Practical Measures on the elimination of violence against children, speaking engagements at 11 global and regional events and organizing eight regional capacity building events". (UNODC 2018, p.75)

Another similar effort is seen in the implementation of the Global Judicial Integrity Network which was set up to provide judges understanding of the Bangalore Principles of Judicial Conduct and their practical application. Of this focused effort on judicial integrity and how it plays into the rights based approach, the UN states that: "Without a sound legal framework, without an independent and honest judiciary, economic and social development risks collapse. The rule of law ensures that no one is above the law, and that there will be no impunity for human rights violations". (UNODC 2015, p.8) The reform of judicial systems is therefore vital to ensuring that rule of law begins with repairing the justice apparatus itself. To further depict the UNODCs approach to reach this goal, it states that: "over 40 jurisdictions have become pilot sites and committed to organizing training activities" and they have conducted: "two expert meetings on emerging judicial integrity challenges" and approximately: "700 judicial stakeholders are registered on the Network's website". (UNODC 2018, p.75)

In the '*UN Standards and Norms for Crime Prevention*' the UN stated that: "Community involvement and cooperation/ partnerships represent important elements of the concept of crime prevention". (UNODC 2002, p.4) Aside from these aforementioned educational tools the UNODC also has a program for schools called Education for Justice, which is aimed at raising youth awareness on how they too can help prevent and address corruption and crime. Their resource guide titled '*Model United Nations*' is designed to challenge youth to come up with solutions to real-world issues related to crime at the various conferences they host. This resource guide has reached over 100,000 stakeholders including students and educators.

The UNODC efforts to improve standards and practices in the public justice system is highly visible in their work aimed at disseminating such to varying levels of the justice system apparatus; from government officials, law enforcement, court systems to community stakeholders. They use their influence and resources materials to cast a wide net of pertinent information about international standards and practices derived from a human rights based approach.

5.4 Law Enforcement Capacity Building

IJM sees the capacity building of law enforcement officials as imperative to also building the case needed for successful prosecutions. In this IJM model they bring together the expertise of their police trainers, human rights lawyers and the local authorities to train police and prosecutors in their work in order to enforce the law and hold perpetrators accountable. From what IJM calls ‘collaborative casework’ approach, they aim: “to identify individual victims and assist them in obtaining justice within the local public justice system”, (IJM 2011, p.5) and then use “the data from a large volume of individual cases to gather concrete information for assessing what structural changes are necessary to make the justice system work for the poor”.(Ibid) Speaking of this in light of the rights based approach, which places the State as duty bearers responsible to victims, IJM states that: “From the time a complaint is filed, the institutional framework of the State is set in motion to provide justice, repair damage caused and restore rights to victims”. (IJM 2018, p.64) IJM aims to aid in restoring such rights by helping individual cases move forward in the justice system and by providing valuable training for local public officials. But they also utilize the insights gained from their collaborative efforts to determine the current condition of the justice system in order to evaluate where they can best support with interventions for justice reform. IJM states pertaining addressing modern day slavery that: “In India, caseworkers from IJM investigate and document cases of debt bondage, partner with the local police to release the bonded labourers and their families from the facilities where they are held, and ensure that the freed slaves obtain release certificates through the local magistrate. IJM lawyers also work to pursue perpetrator accountability, so that slave owners are prosecuted and given sentences commensurate with their crimes”. (McIntosh 2011, p.5)

A project that really demonstrated the efficacy of the case work model was a Bill and Melinda Gates Foundation funded five-year anti-sex trafficking initiative called Project Lantern (PL), which took place between 2005 - 2010. During this time IJM focused greatly in

the intensive training of Philippine National Police (PNP). According to IJM PL: “intended to demonstrate the effectiveness of a law enforcement-based strategy to reduce the prevalence of sex trafficking and commercial sexual exploitation of children”. (IJM 2010, p.2) During the last three years of this period they conducted: 39 one week long training sessions with 730 attendees. This training was in a classroom setting and it was designed to work together with the actual casework IJM was already working on in collaboration with the PNP. The training entailed content and enforcement of RA9208 (aka Anti-Trafficking in Persons Act of 2003), intelligence gathering, police surveillance, crime scene investigation, police raids, evidence gathering, and administrative filings of complaints with public prosecutor’s office. IJM stated that: “The PNP further agreed to work with IJM in the development of their instructors and implementation of IJM training materials in their training programs”. (IJM 2010, p.44) Hence, the training of trainers (TOT) serves as another furtherance of their training program efforts that hopes to ensure sustainability of their justice reform efforts. About the TOT IJM states: “In addition to integrating RA 9208 into the basic training offered to all members of the police force, one opportunity not yet fully tapped may be to beef up the support on offer to the Women’s Desks of the provincial and local-level PNP offices. The evaluation team found multiple highly committed personnel at those levels expressing the need for more significant training and assistance with their efforts to monitor and, where warranted, act against commercial sex businesses in their areas. In fact, RATTF members who participated in the PL TOT course expressed willingness to help with refresher and more advanced trainings within and outside Region VII and could be drawn upon for Women’s Desk trainings in the project area”. (IJM 2010, p.60) This speaks to the need for and the receptiveness to be trained in the most grassroots of levels.

In depicting collaborative casework an IJM project evaluation report stated that this approach: “ has allowed for actual barriers or shortcomings in the system to be jointly diagnosed and addressed, including those that frustrate the efforts of more than one government agency. Project Lantern resources often have supplied the glue holding the system together, for example in bringing together all the resources and personnel required to conduct raids on commercial sex establishments and process rescued victims responsibly and effectively, or in preparing affidavits and the other documentation and evidence required to meet all elements of the crime, or in monitoring and enabling participation of witnesses in the legal process”. (IJM 2010, p.101)

Likewise, the UNODC also aims to include in its crime prevention policies capacity-building

of police in order to fulfill the rule of law mandates of the Bangkok Declaration. This is in accordance with the UN human rights-based approach of which goal is to strengthen operational strategies in key focus areas of crime prevention. According to the UN this rights based approach: “brings in legal tools and institutions – laws, the judiciary and the rule of law principle - as a means to secure freedoms and human development. It is further based on the recognition that real success in tackling poverty and vulnerability requires giving the poor and vulnerable both a stake, a voice and real protection in the societies where they live”. (UNODC 2015, p.2)

In looking further into the crime prevention framework of UNODC, its model indicates a wide range of violence prevention initiatives. The UNODC *Compendium of UN Standards and Norms*, the majority of their crime prevention initiatives take place not in direct relation to everyday violence as defined earlier in this research, but rather, within initiatives addressing organized crime such as cross border trafficking, drug trafficking, and terrorism. Some of these will be briefly discussed here to give a picture of the scope of UNODC law enforcement capacity building, as most of it focuses on the aforementioned though UNODC has also promoted projects in urban violence and youth violence.

Urban safety is contextually the closest type of initiative in which UNODC operate within a local level where training of law enforcement can take place. It is stated about urban violence in the ‘*Integrated Crime Prevention Action Plan*’ that when States are implementing such plans, they should: “Consider involving a range of actors representing in particular: Social workers and education, housing and health workers, in addition to the police, the courts, public prosecutors and probation services etc.” (UNODC 2006, p.284) Here, law enforcement and judicial system stakeholders are mentioned, but not as central partners to crime prevention. It is important to also recall that any UNODC capacity building efforts with law enforcement is contingent on the political willingness of sometimes corrupt authorities of developing country member states for such efforts, governments upon whom the UN places the responsibility of crime prevention program design and implementation. Furthermore, the ‘*United Nations Declaration on Crime and Public Security*’ states that member states are expected to: “promote bilateral, regional, multilateral and global law enforcement cooperation and assistance, including, as appropriate, mutual legal assistance arrangements, to facilitate the detection, apprehension and prosecution of those who commit or are otherwise responsible for serious transnational crimes and to ensure that law enforcement and other competent authorities can cooperate effectively on an international basis”. (UNODC

2006, p.287) This direct mention of promotion of law enforcement cooperation as is often the case within UN standards and principles, is done with a macro, international effect in mind rather than with concentrated focus on local community level public safety where the daily lives of developing nation citizens are affected by everyday violence. However, when moving from the areas of UNODCs broad focus of transnational crime, terrorism, urban violence and youth violence to the areas of victim specific violence, here we can begin to see more mention on inclusion of law enforcement collaboration and training within local levels.

In the UNODC guidebook titled; *‘Introducing the United Nations Model Strategies and Practical Measures on the Elimination of Violence against Children in the Field of Crime Prevention and Criminal Justice’* calls for the building: “of the ability and capacity of the criminal justice system to respond to violence against children and protect child victims. It refers to its specific role in bringing perpetrators of violence against children to justice” (UNODC 2015, p.10) and that: “because system-wide activities are required, it is probably best to rely on a comprehensive approach”. (Ibid) This means that while capacity building of law enforcement is called for, it is not a central focus as ‘system-wide activities’ such as the accessibility of child-friendly detection and reporting mechanisms are also considered equally important as police training in investigations. And concerning resource allocation to law enforcement the UNODC states that; “Sufficient resources must be allocated to these investigations and, therefore, the investigation and prosecution of violent crimes against children must formally and practically be identified as a system’s priority” (UNODC 2015, p.11) and that: “Training, operational policies, guidance tools and effective supervision are all needed to ensure that the investigation, including the collection of evidence, is conducted in a child-sensitive manner and respects their dignity and integrity”. (Ibid) But the issue here is that these guidelines are namely implemented with a sole focus on training law enforcement officials not on doing the skillsets needed for investigation or evidence gathering, but rather on professional standards when addressing child victims. According to the UNODC its training program aims to: “Achieve greater awareness and sensitization on the issue of treatment of child victims and witnesses generally and victims of child sexual exploitation in particular” (UNODC 2015, p.5) through strengthening “the technical capacities of law enforcement professionals towards treatment of child victims and an application of a rights-oriented, gender-sensitive, victim-centered approach in the interactions between law enforcement professionals and child victims and witnesses”. (Ibid) While it is important for police to learn how to treat child victims in their cases, the knowhow of how to

better conduct the central aspects of their work is arguably a better system-wide change that address the causes and not only the effects of everyday violence.

Additionally, it is noteworthy that UN Model framework recommends: “The establishment of dedicated units specialized in the investigation of incidents of violence against children should be considered” (UNODC 2015, p.12) and that it would provide efficacy as: “an integrated, multidisciplinary specialized unit that can respond quickly and competently to the medical, psychological, social and legal needs of the child as well as his or her need for protection”. (Ibid) An example of this is found in UNODC South Asia regional website that speaks of the success of implementing such specialized units in stating that: “Much of UNODC's work on human trafficking centres on strengthening the criminal justice response by helping countries to develop legislation, institutions and effective law enforcement. Under a partnership with the Indian Ministry of Home Affairs, capacity-building activities in five states of the country included training of police officials and prosecutors, setting up of Anti-Human Trafficking Units (AHTUs), establishment of networks among law enforcement agencies and civil society partners as well as development of resource tools and training aids that were used by law enforcement officers throughout the country. Under this partnership, the launch of 9 AHTUs and training of over 14,000 law enforcement officials contributed to an increased awareness of the issue, skill enhancement, better inter agency coordination and victim - witness protection. Considering the efficacy of AHTUs in addressing human trafficking in a holistic manner, the Government of India replicated this model under their anti-human trafficking scheme. As a result, a 20 per cent increase was recorded in registered human trafficking cases between 2009 and 2010”. (UNODC 2020)

This initiative resulted in a replicable model in India and is one of UNODCs prime examples of law enforcement training success in combatting trafficking in persons. The *UNODC 2019 Annual Report* speaks more to their law enforcement capacity building accomplishments in Central Asia stating that: “In Turkmenistan, 76 (10 women) police and migration officers, prosecutors and judges improved knowledge on investigation and prosecution of trafficking in persons cases. Training materials and the “Victims not Villains” training films were translated and dubbed into Turkmen language and used to support practical training processes of law enforcement training institutions” (UNODC 2019, p.48) and furthermore that: “In Tajikistan, UNODC produced a standardized training concept for criminal justice practitioners on trafficking in persons, as well as two training manuals on investigation and prosecution of human trafficking based on the UNODC anti- human trafficking training

manual for criminal justice practitioners” (Ibid) and lastly the: “UNODC also presented the Russian translation of its Case Digest on evidential issues in trafficking in persons cases at a round table which gathered some 30 representatives of State bodies, international organizations, civil society and victim support providers...The digest helps investigators and prosecutors build a trafficking case and analyzes cases in depth, thus showing how the interplay of different evidential patterns leads to a conviction or an exoneration”. (Ibid)

A noteworthy training program designed for police in Cambodia, Lao PDR, Thailand and Viet Nam on how to deal with child sexual exploitation entailed a 3-day training program covering four modules; Introduction to Child Sexual Exploitation, Victims in Introduction to Child Sexual Exploitation, Evidence in Introduction to Child Sexual Exploitation and First Response Duties Introduction to Child Sexual Exploitation Cases. Similarly, a curriculum for a 5-day training of specialist investigators was also developed covering areas of legal framework, victims, offenders, evidence gathering, investigating and cooperation in child sexual exploitation cases. No additional information was offered such as if this program has been utilized and with what outcomes. This document was only intended to make mention of the training curriculums available in support of capacity building efforts. (UNODC 2015)

These examples of UNODCs technical assistance in the form of law enforcement capacity building aim to bolster investigative knowledge and standardization of training concepts for those practitioners involved in addressing the trafficking of persons. And per UNODC it is done: “through the provision of policy advice, assessment and gap analysis, and training of criminal analysts (including in using specialist analytical software), front-line law enforcement and policy makers, including through the use of a set of recently published criminal intelligence training manuals”. (UNODC 2020) Though majority of UNODC capacity building models implemented are of wide-ranging nature and reach, concentrated replicable models of strengthening the criminal justice response do exist such as mentioned in the case with India where specialized units to address trafficking were created, law enforcement networks were fortified and skill enhancement training was provided.

5.5 Prosecution and Court System Capacity Building

The work of IJM within the judicial system can be separated into the aspects of legal training, crime prevention technical assistance and material assistance. Per IJM their training component provides: “foundational trainings for newly assigned prosecutors and judges and

refresher trainings to go over the basics while also covering the latest jurisprudence and any refinements in relevant rules and procedures”. (IJM 2010, p.74) As an example during PL IJM covered four different angles in their legal training. The training of judges and prosecutors purposed to ensure that trafficking prosecutions are done per technical legal aspects of anti-trafficking law RA9208. In addition to the legislative training, ‘Competency Enhancement Training’ was also conducted for judges in order to help them better address child trafficking cases. IJM states that a significant collaboration in training was also conducted with the U.S. Embassy and U.S. Department of Justice at which PL hosted: “a three-day law enforcement and prosecutors training entitled “Achieving More Prosperous Prosecutions in Human Trafficking Cases” where participants received training on advanced investigation techniques, evidence collection, witness interviewing, and affidavit drafting”. (IJM 2010, p.6) The fourth of its multi prong training approach entailed the training of law students and legal volunteers in anti-trafficking legal aid in order for them to: “to assist prosecutors and law enforcement, and potentially act as private prosecutors, in the future”. (Ibid) These represent the core of IJMs prosecution and court system capacity building, though in addition to these trainings they also have provided technical assistance in the form of a guidebook put together by IJM legal team that outlined the specific challenges faced in prosecuting trafficking cases in the region of relevance, which was based on the data IJM had collected during their work with and initial assessment of the local judicial system. This *Anti-Trafficking in Persons Prosecution Guidebook* not only provided prosecutors with clear articulation of their areas of opportunity, but it also included highlights of the anti-trafficking legislation RA9208 and recommended guidelines to addressing issues that may arise during prosecution. Lastly, as part of IJMs capacity building efforts in prosecution and the court system, they provided material support by setting up a victim witnesses waiting area for women and children to eliminate the harassment and intimidation that would often happen when they had to wait in the same room as defendants. According to IJM, this collaboration with the regional and Cebu city prosecutors allows them to: “conduct inquest proceeding in the new waiting room, which has separate areas for suspects and victims to stay, and victims can wait in this room before testifying anywhere in the courthouse” (IJM 2010, p.5)

While the PL serves as a model pilot of IJMs Collaborative Case work approach, it’s important to mention that their work to train and build capacity within justice systems is not only applicable in the area of human trafficking, but its model has been replicated in other contexts and countries. Such is the case in India where IJM combats modern day slavery and

seeks to ensure perpetrator accountability through assisting in the prosecution of slave owners in order to ensure that their sentences are proportionate with their crimes. And when addressing property theft in Uganda and Rwanda, IJMs collaborative case work model identified areas within their public justice systems that allowed land grabbing from widows and orphans to continue with impunity. IJM stated it then addressed: “those gaps through training local leaders, women’s groups, and community members on the problem of property grabbing; providing training on writing wills; training police on property grabbing offenses and how to effectively investigate and prosecute such cases; and providing pro bono legal services”. (IJM 2011, p.5)

Collectively, these global efforts indicate IJMs expert use of an agile, multipronged approach regarding the reform needed for the context in which their project resides. These examples of IJMs replicable working model in training law enforcement and the court systems is what they continue to use in their justice reform projects due to its reported effectiveness, which is covered in the ‘Impact Assessment’ portion of this research.

The work of the UNODC on capacity building of judicial systems in developing nation context are called for per the *‘Compendium of United Nations Standards and Norms in Crime Prevention and Criminal Justice’* which states that: “States should strengthen technical cooperation activities designed to assist developing countries and countries in transition, upon request, in enhancing the capability of their law enforcement and judicial systems”. (UNODC 2006, p.240) As with capacity building of law enforcement, judicial reform also happens in areas of larger organized crime. Within these contexts the specific everyday violence related initiatives are found, contingent of course first on States’ technical support request and specific target initiative. The following covers a sampling of what are regionally reported on these initiatives per the Field Offices section of the UNODC website.

In Central Asia the training of prosecuting authorities covers a variety of context such as dismantling illicit financial flows, evidence gathering in cross-border crime and terrorism and in human trafficking. The first two mentioned, took place in one off workshop settings, but anti-human trafficking efforts in Kyrgyzstan had more components to its program design. The UNODC 2019 Annual Report gives the following details of the extent of their training: “at least 100 police investigators and other criminal justice practitioners acquired skills in this area. Two Training-of-Trainers courses were conducted for ten teachers of the Police Academy and 18 judges of the High School of Justice. Four training modules on TIP

investigation for police officers, on TIP prosecution and mutual legal assistance for prosecutors, on TIP adjudication for judges and on legal assistance and protection of TIP victims for lawyers were finalized. Training initiatives sought to employ innovative techniques with 20 police officers, prosecutors, judges and lawyers engaged in preparatory work to launch mock trials as a training tool to enhance prosecution of human trafficking cases. 21 lawyers were trained with a view to launching pro-bono cases to hold perpetrators of trafficking in persons to account”. (UNODC 2019 p.47) UNODC initiatives are not often reported with this level of detail as to numbers of participants and training modules as they often consist of high-level overviews making it less discernable as to the true extent of the capacity building.

Along the same lines of capacity building efforts, according to UNODC Central America and the Caribbean field office website, judicial due to COVID-19 capacity building in Panama was conducted in the form of a webinar regarding managing the issue of human trafficking. It stated that it: “aimed at criminal justice professionals in the central provinces of Panama. This training was attended by 40 officials of the following institutions: Judicial Branch, Public Ministry of Panama, National Immigration Service, Ministry of Security, National Police (Trafficking Section), National Air Service, National Secretariat for Children, Adolescents and Family, Ministry of Social Development, Ministry of Labor and Labor Development, National Institute for Women, National Service for Disability, Unit for the protection of victims, witnesses, experts and other participants in the criminal process and the Ombudsman's Office”. (UNODC 2020)

It is evident from the list of attendees that a wide range of stakeholders was the aim, which is in line with the seeming pattern of the UN, that of reaching as broadly as possible into all the sectors of the governmental apparatus.

Lastly, the regarding its 2018 - 2021 Regional Programme for South Asia, the UNODC stated it had: “organized a Training of Trainers Workshop on Effective Prosecution Responses to Violence against Women and Girls, in collaboration with UN Women and the Thailand Institute of Justice, which was attended by prosecutors from 10 Southeast and South Asian countries”. (UNODC 2018, p.39) These aforementioned efforts reflect UNODCs use of various methods in dispersing technical assistance to States. At the core, these efforts are centered in the idea of a rights based approach seen in the emphasis on dissemination of international human rights standards and rule of law principles by means of training manuals and guidelines followed by capacity building of police and in the judicial system, one that is customized in collaboration with the State to their specific contextual needs. Ultimately, the

UNODC's program model, as is the case with IJMs, is designed to uphold the rights and protect victims of violence through the capacity building of justice systems. Concerning this rights-based development approach, Broberg and Sano aptly state that; "the approach is related to the processes of empowerment, forms of advocacy, and the use of legal instruments in defense of groups of people who are poor, discriminated against or marginalized." (Broberg and Sano 2018, p.1)

Chapter 6: SYNTHESIS & OUTCOMES

6.1 Cross-case synthesis

In this subchapter the following questions are addressed to draw a comparative analysis: How do the UNODC and IJM differ in their perspectives derived from their organizational positionality? How is this seen in the areas in which they operate? How do their approaches and their actions within their strategic program design differ? How do their justice reform program model contribute to the types of outcomes produced by their initiatives in the fight against everyday violence on the poor?

As evidenced by the earlier examination of the UNODC and IJM approaches to justice system reform in developing country context, there is a big contrast in the way they view and prioritize their initiatives to reach their common goal of eliminating impunity and pushing back everyday violence off the poor.

The very fact that within the apparatus of development, UNODCs stakeholder position as the large multilateral organization that it is, lends to a top down systematic approach with a role as being a advisory body with program support to the States who request such technical assistance. This, along with UNODCs many other areas in which they work in aside from crime prevention, creates an arms length distance, macro level positional view from which they operate. As with any other large apparatus with far reaching influences and multiple areas of responsibilities, it's a given that the development areas in which UNODC works on are many. However, this can pose a challenge in that, efforts can become so vastly spread out that it begins to lack the potency required for effectiveness. And this is where smaller organization's abilities to be more agile and specialized can help undergird the common goal of violence prevention through justice reform.

The IJM on the other hand is a well funded and tenured international NGO with two decades of experience in combatting forms of everyday violence, especially bond labor and sex trafficking. The very fact that they are able to focus on specific forms of violence and have learned what works in a particular arena as violence prevention and what doesn't, this gives them a cutting edge subject matter expertise. Yet similar to the UNODC they do also see themselves as an advisory body with program support, but the difference is in the very hands

on approach of IJM, which is centered in their close collaborative casework with law enforcement, judicial systems and all levels of authorities in the countries they operate in.

At the core of IJMs strategic design is their dexterous collaborative casework followed by their capacity building efforts. This means that IJMs teams of experts in justice system transformation work closely alongside the local law enforcement and court systems on the cases at hand, cases, which IJM also actively helps uncover and investigate. In contrast with the UNODC who also train law enforcement and prosecutors, the work IJM does is far more involved than what the UNODC offers in their classroom training of law enforcement. In fact it is the perspective of UNODC regarding the role of law enforcement that: “the police have an important but not exclusive role in strategic prevention at national and State levels, especially at the local government level. It is not uncommon for the police to be seen as having the main responsibility for crime prevention and as the natural lead institution in all questions of safety, rather than as a partner with other institutional sectors”. (UNODC 2010, p.99) This highlights the vastly different perspectives and corresponding emphasis in the work of UNODC and IJM with law enforcement.

As part of IJMs capacity building, they also provide situational training, something that is very useful to developing country law enforcement because often times the knowhow of such police is elementary at best. And it would seem that in this context the most practical way to teach law enforcement to rescue victims and bring criminals to justice is by providing technical expertise on real cases.

In their efforts for system reform the UNODC has done well in asserting its influence and resources in its partnership collaboration with governments to help them build further political will within their country in their efforts to fight everyday violence in all its forms, and that through building up their justice systems. But the tools that they primarily use and rely upon for the capacity building portion of their work; the library of guidebooks and training manuals, could stand diversification to ensure more significant improvements in system response to their efforts. But perhaps the reason why this remains the case is found in the position from which they operate in, in that, they do not lead the design or scope of the country’s capacity building model of choice, but through the technical materials that they provide via their publications, they seek the national adoption of international legal standards and practices for law enforcement and judicial best practices. With the UNODC it is not about digging deeper into the justice system of the country, but about supporting the first

steps that a country takes towards the amicable goal of justice reform. And with the UNODC model the implementation design and subsequent impact of efforts fall mainly on the country they are supporting.

One of the primary determinants of the type of outcome produced in an initiative is the program model from which the subsequent action items are derived. In IJMs case their efforts are focused mainly on equipping the justice system through close collaborative casework with the police to bring perpetrators to justice and in ensuring the court systems also receive the aid they need to properly function and bring criminals to justice. With this being their central focus their outcomes are measured in how well the justice system operates after they help address the problem areas found within the justice system through training and direct involvement in cases, in the cases they are able to successfully work through the justice system, in the number of victims who found relief and in the reduction of crime within the geographical area the project resides in. The focus is acting as a force to push back everyday violence by building up the police capabilities and the judicial system so that impunity would be ended and perpetrators would be deterred from repeating their crimes. In doing so, the rights of the victim would also be restored.

The UNODCs violence prevention model varies depending on the country requesting such technical assistance, that is, the country and the UNODC together collaborate on the approach and area of justice system reform. And with the UNODC, their areas of focus are broader than that of IJM and cover areas such as drug trafficking, human trafficking, cybercrime, corruption and terrorism. Depending on the choice as to which area the program will address, determines the outcome and beneficiaries of the capacity building efforts. The UNODC assess their outcomes by determining the number of contexts with improved capacities, the number of joint programs in place, the number of contexts with national-level security strategies and the number of contexts where justice and security services are functional. These outcomes along with those of IJM are studied more granularly in the following section.

6.2 Relevance

This subsection examines questions of relevance such as: Are the IJM and UNODC program design and outcomes of justice system reform reaching those affected by the problem of everyday violence? Were the activities and tools chosen adequate for achieving the results and expected final impact?

The results of IJM and UNODC in their efforts of fighting everyday violence through justice system reform differ due to their program designs. While IJM has as its sole mission to address the needs of people affected by various areas of everyday violence such as sex trafficking and bonded labor, the UNODC places everyday violence under the umbrella of larger categories of their operations such as ‘Organized crime and illicit trafficking’. Having operational responsibility to work with the States that request technical assistance for implementation of violence prevention projects, the UNODCs regional field offices also provide case specific examples of justice system reform affecting types of everyday violence.

With this said, the results based on these two different program designs are such that, IJM programs are highly relevant to the country and target issue they aim to address, while the UNODC reports results from the stand point of its broader work in violence prevention and also with certain regional programs dealing directly, though to varying degree with everyday violence. IJMs model seems to have a high strategic prioritization of the problem it aims to address and this is seen in how they deal with critical causal factors during their collaborative case work with law enforcement and case work to uphold victims’ right for justice.

While the UNODC exhibits a great deal of synchronization with a State’s public policy priorities, and naturally so, because States are the ones requesting the technical assistance which help align them to international instruments, standards and practices, that in itself doesn’t provide the results that directly impact the immediate needs of those affected by everyday violence. With this being the main part of the UNODCs approach, it leaves more tangible results of how everyday violence is altered disproportionate. IJMs utility of a more technically scientific model where the activities and tools utilized corresponds directly with the problem and caters to the needs and rights of those vulnerable or victimized by everyday violence.

6.3 Outcomes

To assess outcomes the following questions are examined in this subchapter: Have IJM / UNODC initiatives contributed to improvements and changes in every day violence, law enforcement or the overall public justice systems? To what degree and in what ways? What are the pros and cons of how they apply their initiatives? And what areas can be improved to help further overall systemic change?

What lessons or best practices could be learned from each approach and comparatively?

IJM:

IJM measures its results by the increase of efficacy in criminal investigation, in the prosecution and trial process and in how victims are directly impacted. Their baseline assessments conducted before the start of their projects and the collaborative casework with law enforcement where they assess what is working and not, lend to their ability to accurately navigate through and address areas in the justice system needing restoration to working order. Their direct aim is to rescue victims and bring perpetrators to account and strengthen the overall justice systems. To best reflect IJMs work in the most pervasive forms of everyday violence, the following results were selected from their most notable and recent work in these areas. First, Project Lantern (PL) will be discussed to provide a granular view of their results and lastly a snap shot overview of IJM results from other countries and other areas of everyday violence will also be presented.

We begin with previously discussed anti-sex trafficking project, PL which became one of IJMs hallmark projects as it validated the efficacy and duplicability of their Justice System Transformation model. According to the Project Lantern Results Summary: “After the major increase in anti-trafficking law enforcement during PL, a team of independent criminologists found a 79% reduction in the availability of minors for sex, indicating that the publicly available market in minors trafficked for commercial sexual exploitation decreased dramatically. Another research team concluded that “at an overall level, Project Lantern’s law enforcement-based approach to combating sex trafficking in Metro Cebu has demonstrated its merit by contributing to significantly enhanced police operations, services to rescued victims, and prosecution of criminals as well as to a public justice system that is increasingly capable and mobilized to crack down on and deter sex traffickers.” (IJM 2010, p.1)

The reduction of available minors by 79% is substantial and is the most significant change, which in addition to the following figures show quantitatively how IJMs model has worked in the city of Cebu.

	2007	2008	2009	2010 ²	Total
Total Victims Rescued	54	81	89	35	259
IJM-Assisted Law Enforcement Operations	8	10	12	6	36
Perpetrators Arrested in IJM-Assisted Operations	15	15	41	6	77

Figure 5. Results from IJM supported law enforcement operations

The IJM explains the above results saying: “Police in the target area rescued 259 sex trafficking victims from January 1, 2007 to September 30, 2010 as compared to only 27 victims that were rescued during the three years prior to PL’s activities. Of those 259 rescued victims, PL initiated operations resulted in the rescue of 114 victims. Of the remaining 145 rescued victims, PL trained police initiated the majority of the victim rescues”. (IJM 2010, p.3) The fact that IJM trained police initiated the majority of the cases lends way to sustainability of the capacity building efforts done by IJM as now police are able to manage victim rescues and raids themselves.

	2007	2008	2009	2010	Total
Week-Long Law Enforcement Training Sessions ³	7	10	12	10	39
Training Participants ⁴	185	203	198	144	730

Figure 6. Law Enforcement Training

The training consisted of 39 week-long sessions conducted by professional police trainers hired by IJM along with local instructors. The curriculum was chosen together with Philippine Regional Police training department and covered a host of pertinent topics.

	2007	2008	2009	2010	Total
Number of Perpetrators Charged	17	23	48	19	107

Figure 7. Supported Anti-Trafficking Prosecutions

These numbers regarding support given by IJM to anti-trafficking prosecution was set to the challenging background that charges against perpetrators were all together a rare occurrence and even more so convictions to sex trafficking cases. IJM states that a case they helped charge in 2008, which reached conviction only in 2010, was just one of four in the entire history of the Central Visayan Region. This goes to show the high level of impunity in the environment of their work, which further highlights just how impactful law enforcement, and prosecutor training is to the success of cases.

In all, PL demonstrated how collaborative case work with and capacity building of justice system in Metro Cebu area yielded results as seen in the betterment and increased amount of investigations and prosecutions, which ultimately deterred traffickers and reduced the availability of minors for sex by 79%. (IJM 2010, p.2) Moreover important organizational changes also took place. The Regional Anti-Human Trafficking Task Force (RATTF) which IJM helped establish and to which it provided heavy investments in capacity strengthening and resources, expressed a type of non-tangible result concerning combating this form of

everyday violence in their resolve. Per IJM: “the RATTF, in particular, expressed increasing ownership of the cause and willingness to take on more significant criminal syndicates and business owners violating RA 9208 (Philippine anti-human trafficking legislation)”. (IJM 2010, p.6) This increased sense of ownership is ingredient for sustainability of the strides accomplished so far. These outcomes pertaining the successes realized in Project Lantern depicts an action oriented, casework centered model for law enforcement and prosecution capacity building, one that truly builds the justice system from the grassroots level up while also meeting the victims at the point of their need. This project’s success led to continued collaboration with the Philippine government who requested the replication the program model in two other locations. (Burkhalter 2012, p.5)

However efficient this model is on the local level where this program model is designed to thrive, it is also important to consider the bigger picture of the need for systemic change nationally. An external evaluation done on PL alludes to this stating: “coupled with capacity strengthening investments in training and material and infrastructural support, PL’s collaborative casework approach has clearly been appreciated and has helped to mobilize action-oriented partnerships to address sex trafficking in Metro Cebu. Yet more strategic, ongoing inter-agency collaboration, above the level of individual cases, is required for the system to run on all cylinders and more remains to be done – by all concerned – to realize the vision and full potential of an IACAT-like structure (ICAT: Inter-Agency Council Against Trafficking, led by the Philippine Department of Justice) that could meet the need”. (IJM 2010, p.101) This simply means that while a model for success has been demonstrated on a local level, the structural support in levels above, which is required for sustained success and for the furtherance of justice system reform throughout all levels is necessary for the permanence of such reform efforts across the board.

Lastly, the approach of IJM to improve and change law enforcement and affect the overall public justice systems in which their projects reside, directly impact the lives of people affected by everyday violence as seen in PL rescues, the restoration of victims and reduction of trafficking of children Cebu. Furthermore, the betterment and restoration of rights of victims of crime derived from the system reform model designed to practically and technically strengthen justice system stakeholders has had similar results across the network of operations they are involved in worldwide. This not only includes projects in sex trafficking, but also other areas of everyday violence. For the sake of providing an overview

sampling from other countries and types of everyday violence, the following is a short list of highlights from IJMs *Journal on Protection and Justice for the Poor; 'Justice System Review'* which states:

(Cambodia - labor and sex trafficking)

“In Cambodia, anti-trafficking training modules developed by IJM were formally incorporated into the Cambodian National Police Academy; all new police recruits will now receive expert instruction on combating both labor and sex trafficking”. (IJM 2018, p.36)

(India - bonded labor)

“IJM has been invested in cases of bonded labor in India since the early 2000s (when few in law enforcement knew India’s laws prohibiting bonded labor, and almost none had experience in enforcing it). Since the outset, IJM and its partners have worked with local law enforcement authorities in India to identify and rescue more than 10,000 victims of bonded labor crimes, including bonded labor trafficking.” (Ibid)

(Guatemala - sexual violence against women and children)

“IJM's collaboration with the Guatemalan criminal justice system over the past 13 years has contributed to substantial changes in how the criminal justice system responds to cases of sexual violence against children. When IJM first began representing Guatemalan child victims of rape in 2005, few law enforcement officials had no experience in investigating and prosecuting such cases. Child victims were forced to repeat their testimony numerous times, and their experience in court was more likely to be re-traumatizing than healing.

However, today the situation is very different. A case review conducted by IJM revealed that officials employ trauma-informed, victim-friendly processes in almost 100% of child rape cases. There are 11 holistic care centers where women and child victims of sexual assault can report crimes and receive legal and health services. A designated unit of the Guatemalan National Police specializes in combating violence against women and children. Over the past four years, the number of arrests for child sexual assault has nearly tripled, and the number of convictions for the crime has quadrupled”. (IJM 2018, p. 7)

(Uganda - property and land grabbing)

“In Uganda, where IJM worked with the public justice system to address the violent seizure

of property from widows and orphans, there has been substantial progress as well. Expropriation of widows' property in Uganda (and most countries in sub-Saharan Africa) is common, notwithstanding laws granting inheritance rights to women. But the prevalence of the crime dropped by over 50% in IJM's project area (Mukono County) after a four-year collaboration with local authorities to prosecute perpetrators and restore property to rightful owners." (Ibid)

These results validate the efficacy and duplicability of IJMs Justice System Transformation model and demonstrate that even scarcely resourced justice systems can improve greatly with the correct, well thought through approach to training of and collaboration with police and the overall recalibration of public justice systems. The tangible effects seen in the rescue and restoration of victim's rights is the biggest strength of this model. Those needing rescue from the clutches of everyday violence are getting the help they need. This, along with qualitatively and quantitatively measurable results of the improved performance of law enforcement and prosecution are prime indicators of a successful model that works.

UNODC

According to the UNODC, their Crime Prevention and Criminal Justice (CPCJ) approach entails that the: "States improve CPCJ systems in line with UN standards and norms in CPCJ and other relevant instruments"; 'States develop and implement CPCJ policies and strategies based on UNODC assessments, advice and programme support'; 'States and the international community develop and implement CPCJ policies and strategies using UNODC tools and trainings'; 'States develop or update standards and norms with UNODC support'" (UNODC 2018, p.vii) The emphasis is in the integration of standards, norms and international instruments into the justice system of the developing countries their projects reside in. In comparison to the quantitative and qualitative data provided by IJM of their project results, these UNODC stated pillars of approaches are broad in nature, which is also reflected in their somewhat vague outcome reporting. To reflect their stated results with as much comprehensiveness as possible, the following shows from where the data was made available by UNODC regarding their initiative results; the 2012 '*UNODC Thematic Programme on Crime Prevention and Criminal Justice, Major Achievements*' document, the 2018 '*Final Independent Project Evaluation of Support to Crime Prevention and Criminal Justice Reform*' document and lastly from their field offices website which report in a bit more granular detail on their country or regional projects pertaining crime prevention and justice

system reform initiatives.

To begin, it is important to notate the UNODC states that their: “field-based crime prevention portfolio is relatively new as compared to its portfolio in other mandated areas. In the last years, however, significant progress has been made and various projects and initiatives are now being implemented”. (UN 2020) This implies that although crime prevention and justice reform are now vital aspects of UNODC initiatives, their extent is still developing. This is also reflected in the *2018 Final Independent Project Evaluation of Support to Crime Prevention and Criminal Justice Reform*, an evaluation report of the UNODCs Global Programme (GP) on Crime Prevention and Criminal Justice Reform conducted by an external evaluation team. It states of the program’s results that: “The interlinkages between the different outcomes should be made more explicit in practice, while also avoiding the thinly spreading of resources by selecting target countries for a more sustained effort for CPCJ reform. Additionally, the use of only quantitative indicators, the absence of clear definitions of these indicators, the absence of SDG, human rights-based and gender-sensitive indicators and annual planning documents posed challenges to results-based performance monitoring”. (UNODC 2018, p.31)

Therefore, the challenge in discussing the outcomes about UNODC efforts in justice reform is that the data interconnectedness is not so straightforward as seen in the differing reported outcomes. For this reason the data has been collected here at times into a figure format or has been discussed in thematic order so as to draw a conclusion about the results UNODC has provided.

Beginning with the 2012 ‘*UNODC Thematic Programme on Crime Prevention and Criminal Justice, Major Achievements*’ document, the most recent of its kind, which provides an overview of its technical assistance in field projects and overall global achievements. It describes its aim of reforming criminal justice systems through its top down approach of implementing policies aligned with international human rights along with standards and norm in line with UN resolutions. As part of its achieved efforts it states that: “UNODC developed 20 tools covering virtually all areas of crime prevention and criminal justice – many of which are available in several languages. They support the work of field officers and local crime prevention and criminal justice practitioners.” And how they furthermore: “conducted assessments in 29 countries, based on the Criminal Justice Assessment Toolkit”. (UNODC 2012, p.1) In the same way as IJM, the UNODC conducts an initial evaluation to determine

present condition of the justice system in a given country context. But the difference is, in that while IJM conducts this baseline study on a local level, the UNODCs ‘Criminal Justice Assessment Toolkit’ looks at the macro picture of the country as it related to criminal justice and needed reform. And this is no surprise, because their primary method of justice reform is the implementation of international instruments and UN derived policies. Further explanation as to how exactly did they provide field support or execute crime prevention initiatives were not provided. The UNODC citing a 2012 external evaluation report findings, stated that: “The overall performance is positive and some of the activities have received outstanding ratings on their effectiveness. The on-line handbooks, the local safety audit along with trainings have been the most useful form of support. Successful support to technical assistance depends in part on the following: gaining support of local authorities; promoting successful solutions; dedicating professional and sufficient human resources”. (UNODC 2012, p.1) In their findings they state that the acquisition of local level governmental support helps ensure the success of their efforts which attest to the fact that in order to see true results to justice reform efforts, one must look not only to policy making or changing standards and norms, but these need to be realized where it counts the most, in the local level, in the day to day realities of the people they aim to affect with these policies.

The 2012 ‘*UNODC Thematic Programme on Crime Prevention and Criminal Justice, Major Achievements*’ document discusses achievements by focus areas. It states UNODC put together many handbooks, guidelines, held pertinent workshops and meetings to further these agendas. And, pertaining field activities it listed 32 countries where it focused on crime prevention, and stated its local efforts in the: “Strengthening of local capacities on crime and drug abuse prevention, implementing evaluation mechanisms to design strategies and training (e.g. of criminal justice officials)” (UNODC 2012, p.2) It seems that information from initial justice system evaluations was still being gathered in order to first determine an feasible model for crime prevention implementation and training of local stakeholders. In the area of law enforcement and judiciary reform UNODC states of its work in 18 countries and 3 regions that it conducted assessments of the capacity of law enforcement, the prosecution and judiciary and that it also provided material assistance, training courses and improvement in the monitoring of criminal justice officials. No additional results related data was offered in this report pertaining to ‘Crime Prevention’ and ‘Police Reforms, Strengthening of Prosecution Services and Judiciary’. The aforementioned data is provided in the figure below.

Crime Prevention
<p>Headquarters' activities:</p> <ol style="list-style-type: none"> 1. Handbook on Crime Prevention Guidelines - Making them work 2. Workshop on practical approaches to prevent urban crimes, during the 12th UN Congress on Crime Prevention and Criminal Justice in 2010. 3. E-lecture on Sports, Violence and Crime prevention 4. On civilian private security services, an Open-ended Intergovernmental expert group meeting (IEGM) discussed State oversight of such services, and how they contribute to crime prevention and community safety. Draft preliminary recommendations are submitted to the 21st session of the Commission.
<p>Field activities:</p> <p>Strategies, action plans and measures in 32 countries: CARICOM, Brazil, Bolivia, Colombia, Honduras, Mexico, Panama, Ethiopia, Kenya, Cape Verde, Egypt, Rwanda, Tanzania, Uganda, Ghana, Afghanistan, Lebanon and Pakistan. Achievements included:</p> <ol style="list-style-type: none"> 1. Support to young people at risk of becoming perpetrators/ victims of crime with professional skills training for labour market, (re)-integration and training on human values 2. Strengthening of local capacities on crime and drug abuse prevention, implementing evaluation mechanisms to design strategies and training (e.g. of criminal justice officials) 3. Promotion of social prevention proposals for juvenile violence and violence against women, and of rehabilitation and social reintegration of offenders.
Police reforms, strengthening of prosecution services and judiciary
<p>Headquarters' activities:</p> <ol style="list-style-type: none"> 1. Introductory Handbook on policing Urban Space and the Handbook on Police accountability, Oversight and Integrity 2. Guide for Practitioners on Criminal Justice Reform in Post conflict States 3. Resource Guide on Strengthening Judicial Integrity and Capacity
<p>Field activities:</p> <p>Strategies, legislations and action plans in 18 countries and 3 regions: Ethiopia, Guinea Bissau, Ghana, Kenya, Libya, Mauritius, Seychelles, Somaliland, South Africa, Indonesia, South East Asia, Afghanistan, Kyrgyzstan, Pakistan, Panama, Occupied Palestinian Territory. Achievements included:</p> <ol style="list-style-type: none"> 1. Comprehensive assessments of the functioning of the criminal justice systems covering access to police, justice, courts, the independence, impartiality and integrity of the judiciary and the prosecution 2. Distribution of equipments; training courses; improved monitoring of criminal justice officials.

Figure 8. Outcome summary from 'UNODC Thematic Programme on Crime Prevention and Criminal Justice, Major Achievements'

The second component utilized in analysis of UNODC outcomes is the '*Final Independent Project Evaluation of Support to Crime Prevention and Criminal Justice Reform*' report. The main outcomes are organized thematically in the following summary about their findings on relevance, efficiency, impact and sustainability of their CPCJ reform efforts.

The report considers the program to be relevant in its purpose of being an administrative delivery mechanism for the implementation of standards and practices. The report states that the program was altered in its scope and size due to other emerging programs aimed to address cross sectional aspects of crime prevention explaining that: "The GP's focus on CPCJ norms and standards and related tools continued to be relevant, although its size and scope had become more limited since the launch of the 'Global Programme on Violence against

Children in the Field of Crime Prevention and Criminal Justice' (GLOZ43) in 2015, the 'Global Prison Challenges' (GLOZ85) in 2016 and the foreseen 'Strengthening Crime Prevention and Criminal Justice Responses to Violence against Women' (GLOW65) in 2019. UNODC's programming architecture with regional programmes (RPs) further diminished the relevance of GP-supported field-level technical support". (UNODC 2018, p.viii) Having other emerging projects meant addressing cross sectional aspects of crime prevention, which it states diminished the field-level technical support of the GP. This alludes to the need to restructure UNODC's overall program architectural design for better efficacies in resource allocation and executional coordination.

Despite this, the project was thought to be effective to some extent as it supported the implementation of pertinent UN resolutions related to violence prevention while also supporting pertinent crime prevention resolutions. The UNODC stated that: "The GP also supported UNODC's project proposals in Central Asia and Nigeria, as well as provided 17 tools to support States in the implementation of CPCJ norms and standards and provided training for criminal justice practitioners in different regions". (UNODC 2018, p.ix) It is once more evident that the approach to justice system reform and the top priority being is the dissemination and implementation of UN norms and standards. And as seen here, the training of criminal justice practitioners and project proposals in Central Asia and Nigeria is mentioned more so as secondary.

In terms of impact, the report states that it could not be measured during this evaluation because of "lack of capacity and data" and furthermore stating that: "The impact of the GP on the SDGs, especially goals 5, 11 and 16, could also not be measured as relevant indicators were not aligned. Human rights and gender equality were to some degree mainstreamed, sustainability had only been considered partially and the recommendations of the 2012 Mid-Term Independent Project Evaluation were only in part implemented. Together with the crime and drugs conventions, CPCJ norms and standards continued to be viewed as being at the heart of UNODC's mandate, which should inform the development of a new strategy on CPCJ reform and a related programming architecture". (UNODC 2018, p.ix-x) Surprisingly, the independent evaluators also found that the mainstreaming of human rights and incorporation of sustainability into the agenda were not given the level of attention they should have received in the program. It is also restated that the focus of the UNODC's mandate is the top down dissemination of CPCJ norms and standards. And perhaps most

importantly, a recommendation for a new strategy was also implied pertaining CPCJ reform and program architecture due to lack of measurability of results, which also includes results to program impact on SDG 16.

As previously mentioned sustainability was considered in the program design but not to a meaningful extent. When speaking of sustainability, the report only offers the following about resolutions being integrated into national policies and cites the technical requests for assistance as a means to show ‘ownership’ of the said standards and norms. Additionally, it stated that: “sustainability was more contumacious in practice, and dependent on political priorities, resources and cultural sensitivities, and UNODC’s ability to update, disseminate and facilitate access to tools and tailor these to the needs of target groups. Training was often one-time, and rarely followed-up on”. (UNODC 2018, p.ix) Sustainability was far from certain and actual practice of referred to norms and standards within the justice system apparatus of the country were unproven. Furthermore, training of stakeholders within justice systems were one offs and void of follow up. To conclude, the UNODCs approach in justice system reform through their administrative style focus of policy dissemination lacks in efficacy, impact and sustainability. Their model lacks the practical application required to create lasting political engagement and is not by its implementation approach designed to provide true institutional capacity building where it matters most, in the law enforcement, prosecutor and judicial levels of the justice system apparatus.

As stated earlier the UNODC acknowledges that in comparison to their work in other mandated areas, their field-based crime prevention work is at its beginning stages. The data that is available on their field office sites can provide some additional detail as to their action items and reported outcomes though again, without a clear sense of result indicators or a plan design that would clearly reflect the interconnectedness of their outcomes. Their fieldwork is separated by regions and countries and further into sectors. The sectors examined for the purpose of this thesis are ‘Criminal Justice Reform’, ‘Human Trafficking’ and ‘Combatting Child Sex Offenses’. UNODC work within these areas is simply related by short story overviews of how a specific initiative was executed but without any reference to evidence-based results. No project specific summary or evaluation had been made available. But in order to present a sampling of some of the initiatives that directly relate to capacity building of law enforcement and judicial systems, and their said outcomes, the UNODCs work in ‘Criminal Justice Reform’ was studied. And to examine initiatives of aspects of everyday

violence, areas of ‘Human Trafficking’ and ‘Combatting Child Sex Offenses’ are also included herein.

The following UNODC field work in criminal justice reform are derived from capacity building work done in Myanmar between 2017 and 2020 that aimed to mitigate violence against children and women through police and prosecutor training. To begin these efforts, a one-day workshop was held to train Myanmar's prosecutors on these types of cases.

(UNODC 2018) Additionally, in 2017 a three-day workshop on gender-based violence and victim-oriented investigations was conducted to increase professional aptitude on how to manage such cases. This workshop was attended by 36 Myanmar police officers. (UNODC 2017) And most recently in 2020 another similar workshop reached 1700 officers and was said to provide an increased understanding of child protection and human trafficking while equipping officers in the prevention of gender based violence. The UNODC Myanmar field office stated that: “Since 2016, a partnership between UNODC and the Myanmar Police Force (MPF) has resulted in several officer trainings on gender and gender-based violence awareness, with a focus on case management and victim-oriented investigation techniques”. (UNODC 2020)

However, while workshops to discuss prosecutor needs for better efficacy and law enforcement trainings on gender-based awareness are helpful, these are only first steps to creating measurable, much less sustainable changes in justice reform.

Pertaining human trafficking, in 2017 partnership collaboration between Bangladesh, Cambodia, Lao PDR, Indonesia, Malaysia, Philippines, Thailand and Viet Nam took place where investigators from these countries discussed joint responses to child trafficking cases and forced labor. Here, UNODCs law enforcement experts discussed intelligence-led investigation methods and attaining arrest warrants. The UNODC Southeast Asia and Pacific field office reported that outcomes from these efforts were: “identification of a hidden rest-house used by migrant smugglers, the discovery of new smuggling routes, the updating of twenty-four arrest warrants, and the rescue of twelve victims of serious cases of human trafficking with the support of police in Vietnam, Malaysia, Thailand and the Philippines”. (UNODC 2017)

The reported results here target criminality and address the actual cases and rescue of victims. This is an example of less seen effort to address justice reform from a grassroots level rather than by mere policy dissemination.

Additional mentions of other one off sessions of training were presented with results just

stating the curriculum topics and of the hopes being that those trained would take ownership and duplicate the effort upon returning to their own country. As stated by UNODCs Southeast Asia Regional Representative Mr. Douglas: “The training provides an excellent opportunity for officers to learn and share with other police colleagues, and to take what they learned from this event back with them and hold their own training sessions.” (UNODC 2013)

Further follow up should be conducted after workshops and trainings in order to assess the true dispersion rate of the knowledge provided in the initial trainings to attain a greater measure of training impact.

A final example of human trafficking related assistance is the 2013 adoption of the UNODC manual ‘*Standard Operating Procedures: Trafficking in Persons Investigations*’ by the Philippines National Police (PNP) for management of trafficking in persons investigations. The UNODC states it: “outlines standardized operational planning procedures and teaches risk assessment, management of victims, and the use of special investigation tools and techniques to pursue and investigate” and that: “Prior to the Manual, the absence of a standard operating procedure for trafficking in persons made it difficult for officers and prosecutors to build an airtight case. This resulted in low conviction rates for trafficking in persons cases”. (UNODC 2013) It’s presumed that low conviction rates prior to the use of the manual by the PNP is due to the absence of standardized procedures. But in reality the absence of proper conviction rates can also be due to other factors such as corruption, lack of political will or other gaps in the justice system process. Not until these gaps are thoroughly investigated, as is the case with IJM who over an extended period of time work closely with law enforcement for the very purpose of identifying root problems within the system, can matters such as low conviction rates be accurately understood. While the aforementioned use of the UNOCD manual is certainly a right step forward, it cannot be considered a cure all fix, as the issues within developing country justice systems are not so single dimensional.

In 2017, the UNODC, Cambodia, Lao PDR, Thailand and Viet Nam met for a comparative analysis on the latest developments in legislation and approaches to addressing child sex trafficking. The collaboration was concluded by agreeing to a ‘*Declaration of the Third Regional Legal Research Group Meeting*’ which agreed to the continuation of their collaboration in combatting child sex offenses and stated that their aim was to: “further regional cooperation and efforts to enhance the legal framework for combating child sexual exploitation in travel and tourism, and to call on other ASEAN member countries to join this established regional framework”. (UNODC 2017) Regional partnership collaboration is

essential in justice system reform efforts to combat child sexual abuse and their trafficking. UNODCs expertise in bringing different stakeholders together serves as an essential ingredient in the development apparatus as a whole and they do well in operating in this particular platform of asserting their influence and bringing governments and institutional authorities together.

In the same year, another multi-country training event took place in Phnom Penh to discuss how child sex-traffickers exploit the various gaps in the system and how a comprehensive training program is needed to help strengthen investigations of online sexual exploitation of children. UNODC states that: “The training also focused on enhancing international cooperation between participating justice officials, judges, prosecutors and police from Cambodia, Indonesia, Malaysia, Philippines, Thailand and Viet Nam”. (UNODC 2017)

Through the training workshops conducted it is evident that the UNODC recognizes the need to identify and address gaps across the criminal justice spectrum so that law enforcement and prosecution would be better equipped to address sexual crimes against children, forced labor and other forms of everyday violence within the respective countries represented in these collaborative workshop trainings. More thought through design beyond these training sessions should be considered so as to ensure maximized impact of such training and see to it that dissemination of information at the level of these workshops could be felt in the daily realities of law enforcement activities through out the countries involved so that ultimately impunity can be halted and victim rights be restored.

The UNODC does well with rallying stakeholders to be politically engaged and by promoting an environment conducive to strengthening the rule of law. Their goal is improved capacities in justice systems, but they lack the methodology, delivery or oversight to truly measure their outcomes. Calculating success by means of the number of countries applying for technical assistance, the number of implementation of international standards and practices or by the number of training workshops only looks at reform from an administrative application centered perspective. Further development of more deeply penetrable strategies to reach measurable results in the ground level is needed. Evidence of actual crime reduction and perpetrator accountability is yet to be realized by UNODCs outcome reporting of their justice reform efforts. Once the causes of the actual problems within the justice system are prioritized a more comprehensive approach can be developed and applied, and thereafter the need for sustainability of their justice system reform efforts can also be addressed.

Chapter 7: CONCLUSION

In this final chapter the analysis, data collected, and results obtained is briefly summed up in light of the research questions studied. It serves to reiterate the examination done in this thesis of the crossroad in development of everyday violence and the role of justice system reform therein, while also providing concluding remarks as to its current state through the lessons learned from the comparative study done of IJM and UNODC work. And lastly, the limitations of the research and future recommendations for research are discussed.

7.1 Research questions revisited

This section serves as a brief summary of the research aims and questions mentioned in the beginning of the thesis. The aim of the research was to:

- I. To articulate the current state of development efforts in addressing broken justice systems within the context of addressing everyday violence in developing countries, with particular attention to police and judicial system reform.
- II. To investigate the methodologies and efficacies of what the international community at large and non-governmental-organizations (NGO) are doing regarding justice reform efforts in combating everyday violence, drawing particular comparison between United Nation's (UN) and NGO International Justice Mission's (IJM) work.
- III. Looking at specific case studies of IJM, a global organization who take a hands-on approach in pushing back everyday violence by strengthening justice systems in developing countries; what approach and outcome differences are there to what the UN is doing? Are there takeaways for violence prevention policy makers from their strategic approaches?

To conclude, the following is a look at approach and outcome differences, best practices and opportunities for improvement regarding strengthening justice systems. The central concern of this research is the prevalence of everyday violence and broken justice systems in developing nations, issues which leave victims of violence in a perpetual cycle of being stripped from their rights to 'a good life' while the perpetrators continue to assault, rape, enslave, traffic or otherwise abuse the poor and thrive in an environment of impunity because

laws are not being enforced. When there is no accountability the vulnerable are threatened by everyday violence. This highlights the need for the international community to continue their development efforts in building up the functionality of justice systems in developing countries.

Since the first major studies were published in the early 2000s regarding the cost of violence, the discussions have ensued and developed into a general consensus that violence is an indisputable aspect of poverty, which must be addressed. And as stated in a World Development Report of the World Bank: “Given the impact of crime, lawlessness, corruption, and police harassment on poor people's lives, poverty reduction strategies can no longer ignore the role police play either through their activities or the lack of activities that can lead to lawlessness in impoverishing poor men and women.” (Narayan, Chambers, Shah, Petesch 2000, p.227) Since then, as studies on violence prevention grew as did an understanding that justice reform plays an important role in achieving that goal. But it wasn't until 2015 at the establishment of the UN SDG Goal 16 to: “Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels” (UNDP 2015) that justice was considered a central component to addressing poverty. Before this, capacity building of police and judicial systems was simply not in the global agenda as seen by its absence in the Millennium Development Goals. But even though the prioritizing of justice by leading intergovernmental organizations such as the UN is more recent occurrence, justice reform was not only understood as a priority, but as a central component to alleviating the predicament of the vulnerable by international NGOs such as IJM. This is the backdrop to which the current state of development efforts in addressing broken justice systems takes place where varying methodological approaches are applied by organizations to violence prevention. Because this is still an evolving field, in that, best practices to implementation methods is still being developed and refined, this research looking at two contrasting approaches, that of IJMs and UNODCs provide some insight as to what the overall landscape in justice reform looks like and the lessons learned so far.

The methods in which organizations approach justice reform particularly in terms of law enforcement and judicial capacity building varies to a large extent. And this is what has become clear in this research aim to examine UN and IJM differences in justice reform approach and outcomes. The UN approach is from a position of being an administrative

partner to States requesting technical assistance, at which a country specific strategy is designed and implemented together using the primary tool of disseminating a host of UN Standards and Norms along with internationally recognized instruments regarding human rights and violence prevention through published material offered and training workshops. Most of the collaboration with law enforcement or prosecutors take place within the context of training which are most often participated by higher ranking officials with the hopes that they take the initiative to disseminate the lessons learned to others in the localities of where they work. The problem with this is that the important aspect of extending the impact of such training to the many others working in the same capacity is not formally agreed to or followed up on. Hence, as reflected in the UNODC reporting of their outcomes, the impact remains just on reporting how many of these workshops were conducted, how many officers were trained on a given type of standard or policy. The limitations of this top down approach are aptly described by IJM in stating that: “when initiatives focus on reforming institutions (such as training the judiciary and lawyers or reforming court processes), they meet with limited success in actually enforcing rights on behalf of the poor. Because law enforcement occurs on the ground level, strategies that develop the capacities of street-level law enforcement are paramount in particular, as they affect the poor”. (McIntosh 2018, p.4) In other words, the actual impact, which should be felt by the poor in seeing to it that their rights are being enforced, is not an outcome conducive of approaches focused primarily on the reform starting at institutional levels by the dissemination of standards and norms. To really make a difference in the lives of those most vulnerable to everyday violence, an approach building the capacities of local law enforcement is most impactful. According to a 2019 *Justice for All* report by World Justice Project, a study conducted in collaboration amongst others, the UN and the World Bank: “An estimated 5 billion people have unmet justice needs globally. This justice gap includes people who cannot obtain justice for everyday problems, people who are excluded from the opportunity the law provides, and people who live in extreme conditions of injustice”. (Task Force on Justice, 2019) Considering the scale of the problem, a capacity building approach focused on local law enforcement is not only impactful but also crucial.

What the data from IJM pioneered method of Global Interventional Model shows is its ability to pin point the root problems within the justice system context in which they work in. This is due to the dexterous strategic design of their collaborative casework approach in which they work on real cases together with the local law enforcement and judicial systems so that not

only are perpetrators brought to justice but also gaps within the justice system can be identified and addressed. The measurability of this clearly defined level of focus and approach is far easier to discern than that of a broadly dispersed effort with a variable design, as is the case with UNODC. IJM is able to apply the data found from their baseline studies (studies conducted before justice reform efforts are implemented), the project mid point progress results and final reports conducted by external consultancies to conclude with both quantitative and qualitative results. While the UNODC report the number of training workshops conducted, the amount of officers or prosecutors in attendance, the number of context to where security strategy technical assistance has been delivered and number of UN system delivery joint programs in place, the outcome reporting of IJM includes details about how the vulnerable are impacted as seen in reported increased rescues of victims and arrests or perpetrators and in numbers showing the reduction of crime over time. The IJM has refined a process that has proven effective in the capacity building of justice system stakeholders while also restoring the rights of those victimized by violence. This is a model that they have used over the last two decades and they are considered a leading authority in the mission to fighting everyday violence in its various forms. The UN in turn does well in asserting its influence and providing developing countries the needed tools to create a political environment that strengthens the rule of law. However, though be it in a limited extent, they do acknowledge the need to localize their efforts as seen in one of the technical cooperation priorities listed by UNODC for 2019 in the aim to: “Strengthen UNODC capacity to act locally through the placement of regional anti-trafficking and anti-smuggling of migrants mentor in selected locations”. (UNODC 2018, p. 6) and furthermore that: “We recognize that comprehensive and effective crime prevention strategies can significantly reduce crime and victimization. We urge that such strategies address the root causes and risk factors of crime and victimization and that they be further developed and implemented at the local, national and international levels, taking into account, inter alia, the Guidelines for the Prevention of Crime”. (UNODC 2006, p.284) This acknowledgement of the need to better investigate the root causes of crime, proposing such be implemented at all levels, should include learning from other stakeholders with expertise in capacity building at the local level. UN and other stakeholders involved in violence prevention initiatives would do well in considering the methods used and results gained by IJM. The simple fact is that impunity is the reason why so many in the developing world are without properly functioning justice systems. Thus, one must look to those responsible for law enforcement; the police and judicial system, when laws are not enforced to see exactly what is not working and why. The

approaches of UN and IJM could be likened to a doctor prescribing treatment for a broken bone with one prescribing medication treating the pain to manage the overall nervous system response to the brokenness, while the other looks to fusing the bones back together. By investigating the problem areas and creating responses directly addressing the root causes of violence and impunity, IJMs collaborative casework approach provides results felt directly by those vulnerable to everyday violence. While this is of greater help to those vulnerable to violence, the injection of UN standards and norms within the justice system of countries undergirds the effort of IJM by creating political, policy level agreement institutionally so that broadly speaking there is consensus within a country's governmental system to justice principles. While macro level theoretical principles serve its purpose, it is only a framework within which the actual, real-world changes in the cross roads of everyday violence and justice reform can take place. Both approaches serve a purpose, but with varying levels of value to the people whose lives they aim to better by their efforts to ensure properly functioning justice systems. The missing component in this shared mission to address the multi-dimensional problem of broken justice systems is a joint collaboration across agencies engaged in violence prevention in order to truly maximize efforts across the spectrum of this undertaking and together aim for systemic change across the full extent of the country justice system. To attain sustained results in combatting everyday violence, systemic change across the scope of the country justice system is required. As stated in WHO report '*Third Milestones of a Global Campaign for Violence Prevention Report*'; "Agencies can increase their effectiveness by improving the coordination of violence prevention activities at global and country levels; by working towards shared criteria for the development of more integrated information systems, shared prevention objectives, targets and strategies, and common standards for victim services; and, at the operational level of country work, by defining the division of roles and responsibilities between agencies." (WHO 2007, p.29) In essence, collaboration across stakeholders who share in the same cause is needed so that the specializations of, for example IJM and influential reach of UN are through planned joint efforts complimentary to each other's work, making strides in the shared mission, but from two differing vantage points.

7.2 Rights-based theory reflected in justice reform

The previously articulated rights-based theory established the framework in development that entails the empowerment of rights-holders, those not yet walking in their full rights, while

being undergirded with increase of capacity upheld by duty-bearers such as an institution or government who within this context are required to aid in fulfilling these rights. As researched in the case study of IJM and UNODC, their work in justice reform is work that of duty-bearers who work alongside country governments to build capacity of law enforcement and judicial systems which in turn also empowers the rights-holders to gain their freedom from victimization and the oppression of lawlessness and in doing so are restored their rights to a 'good life'. Locke's theory of a civil state explains how governments are accountable to their subjects via a social contract and that they are to uphold the rights of its citizens; the right to life, liberty, and property and to also seek justice by prosecuting and punishing those who violate the rights of others so as to preserve the public good and order. Consequently, those affected by impunity and everyday violence have been failed by their government, because the benefit due them of public safety and security is not provided for.

This thesis sets the poor in center stage with their governments or development organizations entrusted with their safety and preservation of individual freedoms. Furthermore, regarding a rights based perspective, Broberg and Sano state that; "the approach is related to the processes of empowerment, forms of advocacy, and the use of legal instruments in defense of groups of people who are poor, discriminated against or marginalized." (Broberg and Sano 2018, p.1) The approaches to justice reform studied in this thesis entail not only the empowerment of law enforcement and judicial systems, but also the empowerment of those vulnerable to crime through the provision of a properly functioning justice system. This approach rooted in human rights is reflected in IJMs advocacy within their collaborative casework approach and UNODCs implementation of international legal instruments and UN standards and norms.

7.3 Limitations of the study

This thesis purposed to explore the current state of development efforts in addressing broken justice systems within the context of everyday violence in developing countries, with particular attention to police and judicial system reform. This included looking at methodologies and efficacies of what is being done regarding justice reform, but this was limited to drawing comparison only between UNODC and IJM work. Also, the challenge in gathering data related to everyday violence and justice reform efforts is that by definition it includes multiple types of violent crime and the reported information is strewn which was

particularly the case with UNODC's outcome reporting. And with IJM there seem to be more detailed data on sex trafficking projects than data provided on other initiatives such as forced labor or land grabbing. This could be due to the differing nature of the types of everyday violence and how measurement and reporting of such can be impacted, or it could simply be that IJM has more experience and a refined measurement system of their projects related to sex trafficking than other forms of everyday violence. Thus, this research reflects more discussion on sex trafficking related projects. Direct correlational comparability of UNODC and IJM outcomes was a challenge due to these factors. Nonetheless, their methodological approaches provided discernable evidence of which approach had the most direct impact on those vulnerable to crime. How results are measured or reported in the area of justice reform in developing countries is a work in progress, which is reflected in the challenge to reconcile the data discovered in this research derived from the variability of what is considered by organizations a successful outcome and in the different levels of engagement they have in the various types of everyday violence.

7.4 Future prospects of research

Despite constrictions in data, the resulting analysis could serve to provoke discussion for future research work. If changing the environment of the poor and vulnerable through operational justice systems is the shared goal then reporting on the impact of how rights of people were restored and communities changed should be the basis for measuring justice system outcomes. Why is this not the case across the board and what perspectives motivate the different implementation models to justice reform? A proposed unified consensus for the international community of stakeholders addressing this issue as to what is the ideal outcome and measures for the efforts taken should be an aspect of further research.

Secondly, there are separate themes that can be explored in more detail such as a more narrow study on one element of everyday violence (e.g. sex trafficking, forced labor) as addressed across various justice reform implementation models. This can serve to give more specific data on the efficacy of an approach to a particular phenomenon which in turn could be further developed to a proposal of a proven model with attributes considered well-thought through and efficient enough to be worthy of duplication.

Lastly, as seen in this study, stakeholders implementing justice reform have a different perspective, focus and approach about justice reform. And as previously proposed, it would be prudent to set-up a concerted collaboration across the spectrum of stakeholders, a purposeful joining of forces in the quest to eradicate everyday violence through justice reform implementation. The viability of this, the collaboration done so far, and hindrances to collaborative efforts could serve as another theme to be further analyzed.

The research purposes to serve as a tool to consider the nexus of everyday violence and addressing broken justice systems in developing countries. It also aims that through its findings, it would aid in informing decisions regarding design and administration of justice system program efforts. Lastly, it hopes to facilitate further conversation about the measurement and models of justice reform initiatives, deeper assessments of how various implementation models deal with differing forms of everyday violence and what the prospects might be for a more unified effort across the international community of organizations involved in this endeavor.

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APPENDIX

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