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**Workshop 2: Enhancing Criminal Justice Reform
Including Restorative Justice, 22 April 2005**

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Including Restorative Justice**

ENHANCING CRIMINAL JUSTICE REFORMS

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Enhancing Criminal Justice Reforms

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During this workshop, we are invited to consider our collective experience with major criminal justice reforms, to consider the evidence, and to reflect on what has made these reforms successful. We now have the benefit of years of experience in the implementation of various international criminal justice and human rights standards in our field. More recently, we have acquired a brand new and, in some cases, sobering perspective on the complexity of the task of implementing some of the new international conventions in the field of criminal justice (international criminal court, organized crime, trafficking in human beings, firearms, corruption, money laundering, drug control). We recently had to accelerate the reforms to our criminal justice systems that were needed in order to contribute effectively to preventing terrorism. Many of us have been involved, although not always successfully, in the rehabilitation of criminal justice institutions in a conflict or post conflict situation. Are we ready to draw some of the lessons we learned from all of that?

It would seem that the success of our reform initiatives is often frustrated by the complexity of the systems involved and our inability to manage change successfully. Models that are effective in one system are not always directly transferable to another system. We often lack the capacity to assess the transferability of various models and to adapt them accordingly. Many of our methods and tools need refurbishing.

The last five years has been a period of intensive change and adaptation for most criminal justice systems around the world. For some of the smaller States and for many developing countries, the sheer volume of the criminal justice reforms required to keep pace with the rest of the world has been overwhelming. The message of the Secretary General at the opening of this Congress reminded us that many of the States Parties to the new Conventions have not fully implemented these instruments because they lack the capacity to do so. Regrettably, the States that have the least capacity to proceed with effective reforms are often those that are most vulnerable to emerging security threats.

Ironically, the States which are the least able to develop the capacity of their own justice system, particularly the very components of these systems that are so crucial to effective international cooperation, are the same States which can least afford to be omitted from the newly-formed international cooperation regimes. For them, there is always the frightening prospect of becoming the weakest security point in their region and a prime target for organized crime elements. Therefore, strategies must be developed to assist them in implementing the

necessary reforms and developing a basic justice system capacity in an integrated manner. These strategies will likely require broad, evidence-based, system-wide approaches that are capable of generating strong and broad public support.

In many parts of the world, justice and law enforcement institutions are still unable to address basic public safety and human security issues in a fair, effective, credible, and transparent manner. Many systems simply lack a capacity to perform their own basic function. It is important to remember that many States have never had a strong justice and public safety capacity. For them, developing that capacity is difficult and the success of comprehensive reforms to address these challenges is often quite precarious. They need help, they need good advice, and they need useful tools.

In recent years, globalization has contributed an additional dimension to these challenges. For most countries, globalization holds some enticing promises, but for countries which are not able to adapt quickly to this new reality it also raises the prospect of debilitating social and economic consequences. Globalization and, more specifically, the emergence and expansion of transnational organized crime and the threat of international terrorism confront all justice systems with some new and difficult challenges. For States with a relatively weak criminal justice capacity, these challenges can appear almost insurmountable.

This, in turn, raises broader questions about the nature and extent of international cooperation in bringing about the required reforms, the effectiveness of existing technical assistance methods and tools, and the measures to be taken to enhance criminal justice reform.

Sustainable criminal justice reforms are often difficult to deliver. The lack of reliable crime data and the unavailability of data on the performance of the justice system often prevent the development of knowledge-based solutions. The impact of justice reform is rarely evaluated systematically and we therefore have little reliable information on the proven effectiveness of various practices.

Successful reforms require, as a starting point, a careful assessment of the need for change and an understanding of the resistance that will be encountered. One of the reasons why many attempts at reform are not as successful as they could be is that, all too often, they fail to recognize the resistance they are bound to encounter and the reasons for that resistance.

A second reason for the partial failure of many reform attempts is that they tend to focus on a single issue or only one component of the system as a whole. They tend to ignore the interdependence of the various parts of a justice system and the intricate network of relationships and interactions that exists among them. To increase their chances of success, justice system reforms must be designed as comprehensive and coherent initiatives even if, realistically, they can only be implemented incrementally.

Another reason for poor results can often be found in the lack of public support for the proposed changes. This is why it is important to strengthen the connection between the objectives of the proposed justice system reforms and generally shared social goals. In doing so,

one must also be careful not to simply capitalize on public fears as a source of support for justice reforms. Fears are not always rational and building upon them can carry significant consequences for the integrity of the system and the rule of law.

Finally, yet another reason for failing attempts at criminal justice reform is either insufficient resources or poor resource planning and management. A pre-requisite to successful justice reform is often the modernizing and upgrading of key agencies' resource management capacity and public accountability.

Criminal Justice Reform and Development Objectives

The renewed emphasis on public security and justice system reform is partly related to development goals. Justice reforms are fundamental to reducing poverty and achieving the Millennium Development Goals. "Security is (...) a core government responsibility, necessary for economic and social development and vital for the protection of human rights" (OECD, 2004:7). Justice and security sector reforms and capacity development have become important parts of national development strategies.

As was noted by the Caribbean Group for Cooperation in Economic Development, "at a very basic level, the justice sector helps to build a foundation of trust within society, so that people know what to expect from each other and from organizations and thus can interact with each other in productive rather than destructive fashion." (CGCED, 2000: ii).

Range of Activities

As we all know, criminal justice reform has come to mean a lot more than simply promoting changes to the criminal law. It is now broadly understood as a whole range of activities meant to develop the capacity of a criminal justice system, improve its efficiency and effectiveness, its governance, and its accountability.

Typical activities include: (1) activities to strengthen the governance of the justice system and the various agencies operating within it; (2) activities to support strategy formation and consensus-building around the need for reforms and the nature of the changes to be effected; (3) activities to promote the involvement of citizens and civil society in the preparation, implementation and monitoring of reform projects; (4) activities to promote citizen participation in crime prevention and other aspects of the operation of the system; (5) activities to promote legislative reforms when required; (6) activities to bring national laws and systems in compliance with international standards and treaty obligations; and, (7) institutional strengthening and capacity building activities to bring about organizational change, including training and other programs to modernize existing structures and procedures and to assist with the change process.

The activities are often facilitated through international cooperation and technical assistance activities. Their success often depends on the presence of sound information, good information management systems, proper planning, budgeting, and effective change management practices.

Key Areas of Reform

So many demands are exerted on the criminal justice system that it becomes very difficult to identify and create a consensus around the priorities for change. Some areas, however, seem to impose themselves naturally because they relate directly either to immediate public safety concerns or to the overall credibility of the system. Access to justice, for everyone but also particularly for victims of crime, is certainly one of these areas. Judicial system reforms, sentencing and corrections, police reforms, and youth justice reforms are four other priority areas.

Access to Justice

Access to justice remains a problem for everyone as long as the justice system itself continues to be unresponsive. It is also a problem for all those who feel excluded or marginalized. Women and youth, particularly when they are poor, have very limited access to, and usually a very frustrating experience with, the justice system. Although public legal information programs may help, they are usually ineffective in situations where the system is itself not "public service oriented". Finally, under difficult circumstances, the best guarantee of access to justice is still provided by the retention of legal counsel.

Police Reform

The police are usually the most visible and immediately present aspect of the security system. The performance of the police is absolutely crucial to the performance and credibility of the rest of the justice system. Police reform is a pre-requisite for the establishment of a democratically accountable justice system. In that respect, the police can be a liability and obstacle to efforts to create a civil society and good governance.

Judicial Reform

A strong and independent judiciary and a competent public prosecution system are clearly the cornerstones of an efficient justice system. Any reform that cannot rest on a strong and independent judicial system is likely to fail.

Correctional Reform

Reforms are required to ensure that correctional systems have the capacity to fulfil their mandate in accordance with international standards and norms. These reforms are far more complex than is often assumed and go well beyond the mere formal reaffirmation of the standards or even legislative reforms. Furthermore, some of the required reforms actually reach beyond prison systems and must address sentencing and other criminal law reform issues, as well as the need for alternative to prisons and the need to challenge society's over-reliance on prisons (Griffiths, 2001).

In most developing countries, there is a need to increase the accountability of existing systems by imposing on personnel a duty to act fairly in managing offenders and to ensure that the decision making process is fair and equitable. Reform initiatives can focus on ensuring that the system remains subject to the rule of law and that the courts are prepared to play a role in holding the system accountable, and on establishing and enhancing the role of offices of ombudsmen, correctional investigators, and other human rights mechanisms.

One of the most critical challenges confronting all systems of corrections is prison overcrowding which undermines and severely limits reform initiatives and also creates a number of additional challenges. The report prepared for the Secretary General for submission to the Commission on Crime Prevention and Criminal Justice entitled “Reform of the Criminal Justice System: Achieving Effectiveness and Equity” stated that “...until the problem of overcrowding was resolved, efforts to improve other aspects of prison reform were unlikely to have any meaningful impact”. Prison overcrowding also creates a range of other difficulties for societies, including increases in the rates of communicable diseases such as Tuberculosis, Hepatitis B and C, HIV/AIDS that, in turn, place severe demands on health care systems and can have serious public health consequences. The importance of developing initiatives in prisons that are designed to prevent the spreading of HIV/AIDS has been identified by most national strategies to prevent the further spreading of the disease, but little actual programming in that area has taken place.

Special categories of offenders such as sex offenders, the mentally disordered, indigenous peoples, and female offenders also require policies, programs, and facilities specific to their needs.

Restorative Justice

Relying heavily on incarceration as a response to all crimes is an expensive proposition that cannot reasonably be sustained by any country. Communities, religious organizations, and non-profit agencies are playing a major role in the development of alternatives to incarceration, many of which are based on principles of restorative justice. A key attribute of restorative justice is the significant involvement of the community in the response to persons whose behaviour has been deemed harmful to the victim and to the community. Restorative justice holds considerable promise as a cost efficient and effective alternative to traditional responses to criminal offenders. Part of the purpose of the present workshop is to exchange information on evidence-based approaches for the further development of restorative justice practices.

Youth Crime Prevention

Most States recognize the need to focus on youth crime prevention strategies as well as on education and other strategies to promote the positive social and labour force integration of youth. However, not all countries have the same capacity to generate and implement such comprehensive strategies.

A World Bank (2003) study identified several key intervention points for youth development that take into account risk and protective factors. These include improving the juvenile justice system, increasing the control of weapons, and reforming the police.

Most of us can appreciate the damaging, long-term social consequences of failing to implement effective crime prevention strategies that target children and youth and focus on education and social development. This has led many to argue that interventions to prevent the escalation of youth crime should focus on programs that are designed to engage youth in legitimate activities to achieve their goals and expectations.

Civil Society Involvement, Human Rights and Democratic Values

Broad civil society involvement in the planning and implementation of justice system reforms must be encouraged.

Public support for security reforms and civil society involvement in that process should not be romanticized. The media and large segments of the population, in developed and in developing countries alike, are often prepared to sacrifice individual rights and liberties for the illusion of safety. Genuine public debate around the real nature of the justice and public safety issues that are being confronted and around local solutions must be encouraged. The failure of justice institutions to provide some basic level of public safety can create a climate in which the various public safety advocates, and even the general population, are prepared to support security measures that threaten democratic development and human rights.

It is important to build criminal justice institutions and processes that represent and engage all members of society. Enabling civil society to organize, advocate, and effect change in all aspects of governance is essential to sustainable development. In the field of justice reform, the involvement of civil society is an absolute prerequisite to enhanced human security and ongoing respect for human rights and democratic principles. Creating a “pro-reform environment” which is grounded not in collective fears, but in a respect for democratic values and human rights is often the most difficult task of all.

As was emphasized in a recent OECD policy statement, it is essential that reforms be people-centred and “locally owned.” In that context, the reform process must be one which builds on the existing strengths of the system and through which local strategies are developed. This would seem to dictate that reforms must be introduced in a manner that makes them relevant to local agendas and timeframes.

There are a number of strategies that may be utilized to increase the efficacy of locally owned justice reforms. These include:

(1) Establishing the legitimacy of the proposed reform. If an initiative is identified as being solely the effort of an outside agency or government, the effort is not likely to be legitimized and may not be sustainable. Even when the reform is part of a multilateral international initiative it must not be viewed as externally imposed. It is important that all stakeholders develop a sense of “ownership” of the reform initiative. They should play a primary role in identifying and prioritizing the areas in need of reform.

Furthermore, because changes in one part of the system will invariably affect other parts of the system, reforms that are seen as the initiative of only one agency within the system are not likely to receive the broad support they require in order to succeed.

(2) Finding champions. In identifying key actors in the process, it is important to distinguish between those persons who are “figureheads” and those who are committed to reform and have the requisite influence and authority to enhance the reform process. Investing sufficient time and resources in identifying these persons will increase the likelihood of success of the reform effort.

(3) Providing incentives for change. Reform is a difficult task in all systems, due in large measure to the tendency of agency personnel to resist change, to not place their positions and status at risk, and to not challenge the *status quo*. There must be some incentives for senior personnel and individuals at the managerial and line levels to participate in the reform effort. It is not realistic to assume that there will be enthusiastic support for an initiative merely because it is labelled as “reform.”

(4) Establishing realistic benchmarks and reform objectives. Even the best-designed reform initiative will fall short of its objectives if it is not planned adequately. It is unrealistic to expect that all of the required changes will occur simultaneously or that a system’s institutional and human resource capacity can be developed overnight. Specific, achievable objectives must be established that hold the best potential for success. Demonstration projects and carefully selected and developed case studies can provide early, visible successes that will increase the momentum of and support for organizational change and reform.

(5) CONDUCTING PROJECT EVALUATIONS. ALL JUSTICE REFORM INITIATIVES SHOULD INCLUDE AN EVALUATION COMPONENT. INDEPENDENT RESEARCHERS SHOULD CONDUCT THIS EVALUATION. THERE ARE NUMBER OF KEY ISSUES SURROUNDING PROJECT EVALUATION, INCLUDING THE USE OF AN EVALUATIVE FRAMEWORK THAT IS NOT EXTERNALLY IMPOSED BUT RATHER REFLECTS THE LOCAL REALITIES. FURTHER, IF THE MEASURES OF SUCCESS ARE TOO RIGID, THE REFORM INITIATIVES MAY INAPPROPRIATELY BE DEEMED NOT TO PRODUCE THE DESIRED OUTCOMES.

In many developing countries, there is no real tradition of involving the community in crime prevention and other aspects of the justice system. In countries where the involvement of civil society in the justice and security sector is resisted by officials, and where financial and human resources are lacking, it would make sense to explore different strategies to involve the community in some of the most important aspects of that sector.

The goal is to foster the development of institutions that involve communities and are accountable to them. The linking, and eventually the mutual reinforcement, of formal and informal social controls must be achieved. Harriott (2000) correctly points out that:

“This is essential to any good policy especially where the legitimacy and moral authority of the state and some of the institutions within the criminal justice system is regarded as dubious. Popular involvement at the community level tends to strengthen the moral authority of the state’s control institutions and improves their effectiveness.”

Multi-sectoral Approach to Security Reform

Past experience has shown that successful security sector reform must be grounded in multi-sectoral strategies that are based on a broad assessment of security needs of the people and the State. Governments are encouraged to develop workable, multi-sectoral strategies, and to help stakeholders determine what will work best for them.

One of the lessons learned is that reform projects require a consensus for change and may therefore be feasible only within narrow windows of opportunity. Furthermore, a review of projects in this sector by the Inter-American Development Bank (IDB) concluded that:

“Given the long-term nature of the task of institution building, such efforts are likely to extend beyond any one project cycle. Such projects are likely to entail coordination among multiple agencies from both the judicial and executive branches of government, and sometimes also the legislature. Many of the projects are multi-disciplinary in nature.” (Biebesheimer and Payne, 2001: 2)

Integrated (Sector-wide) Approach to Reform

Successful justice system reforms are usually not limited to one aspect of that system but rather involve many ministries and agencies as well as more than one branch of government. To be effective, there often must be a holistic framework to guide a *sector-wide approach* that addresses criminal justice policy generally, including policing policies, sentencing reform, bail reform, a fine payment system, conditional release policies and programs, and alternatives to incarceration. The horizontal integration of projects and activities within the justice and security sectors is also crucial.

The UK Government’s new approach to justice system reform, for example, focuses on a sector, rather than on a single institution. This, according to the Security Sector Reform Policy Brief recently released by DFID, “recognises the integral linkages between areas such as police reform, judicial reform and penal reform – each of which, if approached in a fragmented way, would not be sustainable” (2003: 12). The DFID policy brief on security sector reform identifies “Safety, Security and Access to Justice” as one of the five main components of security system reforms.¹

¹ The other four are: peace support operations; small arms and light weapons; disarmament, demobilisation and reintegration, and private security.

Integrated approaches do not necessarily preclude the possibility that an intervention may be targeted at an individual component of a system or at a single process within that agency (e.g. informational management system for the courts). A given reform may also be addressing a more general issue across the system as a whole. It does not matter what strategy is used as long as the reform initiative is carefully planned as part of a broader strategy to enhance the capacity of the system as a whole and its governance. Effective coordination horizontally, across the system, remains one of the essential preconditions to the success of any such initiative.

Partnerships

Broad, multi-sectoral, integrated approaches can only be implemented on the basis of effective partnerships and common understandings of, and commitment to, the goals of the proposed reform and an agreed upon reform process. The success of justice and security sector reforms will necessarily depend on the strengths of the partnerships upon which these reforms are based.

New linkages can be explored between agencies that, although often collectively characterized as a system, rarely collaborate. New partnerships should be fostered and encouraged, including those between security and justice sector agencies and other institutions, or between these agencies and the private sector (e.g. with a tourism bureau, with the airline industry, etc.).

Regional Approaches

Regional approaches are often recommended. The OECD (2004) suggests that the common security needs faced by a region should whenever possible be identified. There are many reasons why the OECD and others recommend regional approaches, including the fact that: (1) as security challenges often involve cross-border (transnational) issues, they are part of a “regional security complex”; (2) it can be helpful and more effective to have collective responses to security issues; (3) unaddressed security issues can lead to conflict within the region and weak points that can be exploited by criminal elements and others; and, (4) the need for capacity development is often better addressed by initiatives at the regional and sub-regional levels, particularly when regional programming can produce economies of scale and a greater harmonization between security systems that will invariably be called upon to cooperate in defending the region against outside security threats.

There are also some potential disadvantages to regional approaches to assistance for security system reform. Greene (2003:8) cautioned that a regional approach may: (1) encourage inappropriate regional generalisations; (2) be based on inadequate analysis of specific national challenges, strengths, needs and opportunities; (3) encounter some national resistance based on regional politics; and, (4) introduce a bias in the identification of priorities for action and entail significant opportunity costs for specific national programs.

It is evident that regional approaches, if they are to be more than a collection of disparate projects at the national level, require careful planning and meticulous design, as well as careful execution. The pre-conditions to success, including the required political commitment to the objectives of the reform, are often hard to maintain over time and across the region.

Nevertheless, regional approaches to promote international cooperation are often the only effective approaches in dealing with external, transnational security issues/threats. This perspective was reflected in the major treaty initiatives designed to fight against terrorism (the 12 global conventions against terrorism) or organized crime (the UN Convention against Transnational Organized Crime and its three supplementary protocols) and the UN conventions against narcotics, all of which have one primary objective: harmonizing the efforts of each country and removing obstacles to international security cooperation in the fight against these transnational security threats.

In some cases, a regional or sub-regional project may offer a particularly promising and cost-effective way of promoting coordinated approaches to fight transnational security threats and preventing crime displacement from one country to another. For example, a Special Meeting of the OECS Authority on the Economy (October 2002) recommended that serious consideration be given to regionalizing some of the critical functions of government in order to make them cost effective. A regional police and a regional prison service are likely candidates and the organization is looking at possible scenarios for the regionalization of these services.

Long Term Approach

Most of the problems faced by developing countries in relation to their justice and security sectors are not amenable to short-term interventions, but rather require changes in culture and attitudes that can only occur over a long period of time. They require human resources and institutional capacity development that would take years, if not decades, to accomplish even in well-developed and prosperous countries. Improvements in capacity, quality, and effectiveness, when achieved, will tend to be slow in developing. Capacity development projects, as a rule, require a longer-term commitment than traditional projects. Justice system reform must therefore be viewed as a long-term process that requires persistence over time.

Taking a long-term view does not imply that justice system reforms should only be in pursuit of long-term objectives. On the contrary, the need to develop and maintain strong relations with dedicated partners, to have project accountability mechanisms in place, to overcome well-engrained resistance to change, and to periodically renew the commitment of all partners through the experience of success illustrates the importance of having a careful mix of long-term and short-term initiatives that will help maintain the momentum of the reform process.

In many instances, the institutions concerned have to implement change very slowly and have to “learn to walk before they run”. Since the success of these reforms will be dependent to a great extent upon the success of the associated capacity-building initiatives, the timing of each

initiative will have to take into account the capacity of the system to absorb the changes and the potential disruption that reforms may cause established processes. The accumulated experience clearly emphasizes the need for what is generally referred to as “confidence building measures”.

Technical Assistance

Implementing reforms requires interventions over the long term that will encourage and support cultural, as well as structural, organizational and technological transformation.

Capacity development often requires assistance in reforming organizations and institutions and developing their capacity to achieve their goals efficiently and effectively. Assistance must be based on a careful assessment of the existing capacity of the organization or institution, the factors (political, organizational, psychological, financial, technical or technological) that limit that capacity, the forces that can support the necessary reforms and the obstacles or the resistance which could undermine the required changes. It cannot be assumed that all stakeholders are in favour of improving the capacity, performance, or effectiveness of the system. There are often complex reasons why a system’s relative “incapacity” has been cultivated, tolerated, and even supported. These reasons often involve a powerful group (or groups) benefiting in one way or another from the *status quo*, weak as it is.

Kaufmann (2003:24), in his work on governance for the World Bank, concluded that it is now necessary to move beyond the traditional approach to public sector reforms and to rethink orthodoxy on legal and judicial reforms. He adds:

“Although donor programs supporting the traditional and largely unsuccessful legal and judiciary technical assistance projects of the past is yet to be fully abandoned, a salutary move away from narrow support for hardware, study tours, traditional training, focus on marginal improvement in narrow organizational issues such as caseload management, and the like is beginning to take place—even if slowly. In the next phase it will be important to face up to the enormous difference in the nature, performance, and vulnerability of legal and judiciary institutions across emerging countries. These vast differences have major strategic and practical implications.” (Kaufmann, 2003: 24)

The manner in which assistance is offered in the justice and security sectors is often as important as the type of assistance offered. In most developing countries, these sectors are generally not amenable to reform but rather are essentially conservative elements of society that typically offer fierce resistance to any change, particularly when a reform initiative is implemented by parties who are perceived as threatening their power and autonomy under the *status quo*. Many components of these sectors are characterized by the presence of a strong sub-culture that does not value outside input or influence.

The various agencies involved are inter-related and inter-dependent. Change in one part of the system affects other parts of it. At the same time, however, it is somewhat misleading to

characterize the various components of the justice sector as part of a “system”, as they often tend to be isolated from each other, to compete at least as often as they cooperate, and to frequently work at cross-purposes.

When the assistance provided attempts to address specific security problems in a piecemeal manner, without addressing broader systemic and structural issues, or without sufficient sector-wide buy-in and coordination, such assistance generally fails to improve the security system’s capacity, efficiency and governance.

Capacity Development

Training is often viewed as a key component of capacity development and it often is. Training activities can also provide an entry point that can lead to further collaboration. In itself, however, training rarely produces appreciable results. The question has been examined in relation to the technical cooperation programs in human rights in the administration of justice delivered by the United Nations Office of the High Commissioner on Human Rights. A recent global review of the OHCHR activities regarding the administration of justice reveals the need to put training activities into a wider perspective, the need to “get under the skin of the institutions”:

“Requests for assistance in the field of training are interesting because they provide access to an organization. Knowledge of Human Rights law is a primary and central condition for compliance with these laws. As such it is of vital importance, but it is no more than a primary condition. If changing police conduct is the goal, as some of the evaluations indicated, much more has to be done. Institutional development is the next concern. Efforts have to become directed towards changing the culture and structure of the police and prison system, the quality and training of police and prison leadership, the improvement of operational practice, the selection and training of police officers and prison staff and the improvement of system of accountability. If the behaviour of the police and in prisons is to be changed, support for the institutional development of the police is unavoidable.” (Flinterman and Zwamborn, 2003: 41)

The use of outside expertise in training programs is often crucial. However, it should also be evident that a continued reliance on external “experts” who fly in, deliver a training or development program, and then fly out, does little to build local capacity or effect meaningful change. The same holds true for retired experts who sometimes are not current in their field, lack appropriate knowledge and skills, and have little or no understanding of the cultural, political, social, or economic context in which they are attempting to provide assistance.

The issue of the *transferability* of techniques, structures, procedures, strategies, and legislation requires far more attention than it has received to date. However successful a particular practice or method may have been in a given country, it does not follow that it will be useful or effective in a different development context. Comparative evaluations of various

practices and the identification of the conditions and specific features responsible for their success in a given context can help identify and address these transferability issues.

Drawing the Lessons

Although it is obviously possible to draw some general lessons from our collective experience, we should remain alerted to the fact that different context and different circumstances call for different methods and different approaches. Today, this workshop is going to focus on a number of case studies of criminal justice reform initiatives that were undertaken in a variety of context. Their respective focus is different and so are their approaches. Each one of them brings new elements to our understanding of how we can enhance our efforts to reform criminal justice systems, make them more effective. These case studies have been grouped under four categories: (1) comprehensive reforms; (2) reforms based on regional or international cooperation, including initiatives to rehabilitate criminal justice systems in a conflict or post conflict situation; (3) reforms focused based on a restorative justice approach; and, (4) reforms aimed at increasing the protection offered to some of society's most vulnerable groups.

Following these cases studies we will try to identify best practices and draw some conclusions on how best to enhance criminal justice reforms and improve their effectiveness.

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