CITIZEN SECURITY, LAW, AND JUSTICE BRIEF

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IDB
KEY POINTS

• For every three years a country is affected by major violence (defined as deaths due to war or excess homicides comparable to a major war), economic growth lags behind by 2.7 percentage points.¹

• Criminal violence is costly. In Guatemala, for example, it cost approximately US$2.4 billion, or 7.3 percent of the Gross Domestic Product (GDP), in 2005. Spending on security can also be quite high: overall, developing countries spend between 10-15% of their GDP on security compared to the 5% spent in developed nations.

• Citizen security issues impact women and men differently. For example, women are more likely to be assaulted or murdered by someone they know – in fact, worldwide the share of homicides by an intimate partner was six times higher for female victims compared with male victims (39 percent versus 6 percent, respectively).²

• Boys who witness intimate partner violence (IPV) during childhood are more likely to exhibit delinquent behavior³ and to perpetrate IPV in adulthood.⁴ And girls who witness violence are more likely to experience IPV in adulthood.⁵ This contributes to a continuing cycle of violence in homes and in communities.

INTERSECTION BETWEEN CITIZEN SECURITY, LAW AND JUSTICE, AND VAWG: PERSISTANT CHALLENGES

The number of countries recognizing domestic violence as a crime has risen from close to zero to 76 in just 37 years.\(^6\) Still, most countries do not have legislation criminalizing many forms of violence against women and girls (VAWG). While legislative reform is a very important step, it is insufficient to eliminate violence and must be accompanied by other social and structural interventions.

Despite this progress in the adoption of domestic violence laws, major challenges persist related to:

- **Ineffective application of legislation:** This includes the absence of regulations and protocols to apply laws, a lack of training for justice system personnel, and dissonance among legislative instruments (federal/state laws, etc.).

- **Impunity:** Laws are often not enforced due to a culture of patriarchy and corruption.\(^7\) The discriminatory attitudes of (predominantly male) police officers and justice officials, in particular, can serve as a serious deterrent for women seeking justice and support when they experience VAWG.\(^8\)

- **Incomplete legal provisions for addressing VAWG:** In 62% of countries\(^9\), for example, there is no specific law or provision that explicitly criminalizes marital rape and sexual assault within marriage.

**Box 1. Barriers to seeking help and justice for experiences of VAWG**

Seeking justice is an enormous challenge for survivors of VAWG. Only a small fraction of women experiencing physical or sexual violence ever seek help within formal systems, turning instead to families or communities for support. The 2005 WHO multi-country study found that between 55 and 95% of survivors of violence do not seek assistance from formal systems or from individuals in authority positions (such as village or religious leaders). Only in the capital cities of Brazil, Namibia, and Peru did approximately 15% of women report seeking help from the police. Recent research by the World Bank Group found that, across 30 countries, on average only 4 in 10 women exposed to partner violence sought any help from formal or informal sources. Only 6 percent sought help from authorities such as police, lawyers, doctors, or religious leaders.

**Sources:**

• **Harmful traditional justice/redress mechanisms:** For example, in some countries, perpetrators of rape can avoid criminal charges by agreeing to marry the survivor.

• **Procedural challenges:** Complicated and lengthy criminal procedures make conviction unlikely and place a heavy burden on the survivor to provide evidence and dedicate time, money, and other resources she may not have to pursue her case.¹⁰

• **Constraints in access to quality legal, judicial, and other services for VAWG survivors:** Accessing justice can be an enormous challenge for survivors due to: limited access to transportation and/or travel funds, social constraints¹¹ and sanctions, victim-blaming on the part of service providers and poor quality services.¹²

**Evidence suggests that law enforcement/justice sectors could contribute to improving the response to VAWG by:**

• Enforcing punishments for those who perpetrate crimes against women.

• Increasing awareness among law/justice personnel that physical and sexual violence against women are crimes.

• Reducing mistreatment of women by law enforcement institutions themselves.¹³

• Facilitating the collection of evidence after an incident of violence has occurred.¹⁴

• Systematically collecting data on VAWG-related crimes against women.¹⁵

• Strengthening or establishing a coordinated systems and procedures for protection and survivor support.

**ETHICAL AND SAFETY RECOMMENDATIONS FOR VAWG INTERVENTIONS¹⁶**

Any intervention that aims to prevent or address VAWG should include precautions above and beyond routine risk assessment to guarantee no harm is caused. This includes following ethical guidelines related to: *respect for persons*, *non-maleficence* (minimizing harm), *beneficence* (maximizing benefits), and *justice* to protect the safety of both service providers and the survivors. The sensitive nature of collecting information about VAWG demands additional precautions above and beyond routine risk assessments to guarantee no harm is caused. Interventions should:

• Assess whether the intervention may increase VAWG

• Minimize harm to women and girls

• Prevent revictimization of VAWG

• Consider the implications of mandatory reporting of suspected VAWG cases

• Be aware of the co-occurrence of child abuse
• Minimize harm to staff working with survivors
• Provide referrals for care and support for survivors

For further details on these Ethical and Safety Recommendations, visit the Ethics section of our website.

RAPID SITUATION ANALYSIS

Integrating VAWG prevention and response into citizen security projects requires an understanding of the legal, social, and epidemiological context of VAWG as it relates to initiatives in the security sector. Teams should work with governments (including actors in the law enforcement and judicial sectors), private sector partners, non-governmental organizations, local experts, and other counterparts in the country to answer some or all of the following questions:

For general questions to undertake a Rapid Situation Analysis visit the Integrate section of our website.

Additional Questions for the Citizen Security, Law and Justice sector¹⁷:
• What types of VAWG are codified as crimes? Are they aligned with international legal frameworks?
• Do policies, plans and programs on citizen security address VAWG?
• What is the prevalence of VAWG, disaggregated by age, ethnicity, geographic locations, etc.?
• What percentage of VAWG cases received by the criminal justice system (police and courts) result in conviction?
• What are the procedures and protocols that the justice system applies in VAWG cases for handling complaints, registry of cases, protection of victims, prosecution, etc.? Do they reduce re-victimization of women?
• What specialized justice services are available for VAWG survivors (police units, courts, justice centers for women, hotlines, legal counselling etc.) and how effective are they in increasing women’s access to quality services?
• What are the training programs on VAWG available for citizen security/justice system stakeholders?
• What are the existing coordination mechanisms among agencies in the citizen security/justice system sector?
• Are specific budget allocations made available by the government to address VAWG in this sector?

Box 2. Guiding Principle: Due Diligence

The due diligence principle holds states accountable for human rights abuses, including violence against women, committed not only by the state or state actors, but also by non-state actors. The due diligence framework is applicable in circumstances that include state obligation on the five P’s regarding violence against women.

“As such, the State should look into making protection of victims/survivors a priority, effectively prosecute perpetrators to remove impunity, ensure punishment is commensurate with the offence and capable of preventing recidivism and deterring others, provide adequate reparations to victims/survivors to enable them to rebuild their lives away from the perpetrator, if required, and address women’s fears effectively in prevention campaigns.”


KEY AREAS FOR INTEGRATING VAWG IN CITIZEN SECURITY, LAW, AND JUSTICE

Protecting survivors of violence and preventing future acts of violence requires the establishment of legislation and policies that recognize all forms of VAWG as crimes and actively prosecute perpetrators. To facilitate a coordinated response, efforts should include key actors within the justice sector (such as police, prosecutors, judges, etc.), other relevant persons in the education and health sectors, and key actors at various levels, including communities. Promising practices and recommended actions at each level (policy, institutional, and community) are outlined in further detail in the sections below.

Policy Level

• **Support law and policy reforms.** This includes specific legislation on VAWG, age of consent and age of marriage, and other laws that limit women’s ability to obtain protection and redress (such as laws relating to divorce, custody of children, maintenance claims, property rights, inheritance and sex work). Recommend dedicated budget allocations for implementation of VAWG laws, policies, and response mechanisms. Monitor existing legislation’s impact on women. See Box 3.
Detailed, up-to-date information on laws in every country and region regarding various forms of VAWG, property rights violations, and other issues that disproportionately affect women, can be found in the *World Bank Women, Business and the Law* database.

- Include the law enforcement/justice sectors in comprehensive, multi-sectoral national plans or strategies to combat VAWG. National plans involving the law enforcement/justice sectors are essential for providing comprehensive and sustained blueprints for ending violence against women and girls. Such plans allow all the sectors involved to coordinate and evaluate their activities in a structured manner.\(^{21}\) (For detailed guidance, see the UN Women *Handbook on National Action Plans on Violence Against Women*.)

**Box 3. Promising practices… Increasing women’s access to justice in Papua New Guinea**

In Papua New Guinea, a Family Protection Bill was introduced in Parliament in 2013 after extensive and inclusive stakeholder consultation. This effort was accompanied by the establishment of specialized Family and Sexual Violence Units and survivor-centered training for service providers. Prosecution efforts were also strengthened to support legal staff and to improve case management. The early results are promising. The number of female magistrates rose from 10 in 2004 to more than 900 in 2013. Since 2012, a record number of IPV cases have been heard in Papua New Guinea’s courts, with two out of three resulting in a conviction or guilty plea. Of particular note are two landmark sexual violence cases involving police officers, who received combined sentences of 30 years imprisonment.

*Sources:*


**Institutional Level**

Personnel in the law and enforcement sectors often lack the knowledge and capacity to respond adequately to survivors. They may also share with society values that condone violence against women and girls, leading to victim-blaming or discriminatory attitudes and decisions. Thus, in addition to establishing clear responses to VAWG and specialized support services for survivors, it is crucial to provide on-going training and awareness-raising interventions for personnel at all levels.\(^{22}\)

**Procedures/Protocols**

- **Establish codes of conduct for security personnel**, including staff from private military and security companies. These should provide explicit guidelines about what constitutes sexual
harassment, sexual violence, and other exploitive behaviors. These codes of conduct should specify behaviors that are unacceptable within the ranks of the security forces as well as by security personnel toward civilians. For further information, please see the training curriculum created by Ideamérica.

- **Develop protocols/guidelines for the medical forensic examination of sexual assault survivors** to enable medical evidence to be collected and used in possible prosecution, as well as to ensure that women receive adequate medical care. These guidelines should be accompanied by extensive training, particularly for health care personnel as well as law enforcement representatives involved in maintaining the integrity of the evidence. Important investments in this area may also include support for crime laboratories and training of forensic scientists to analyze evidence for prosecutions.

- **Put in place protocols for filing police reports and pressing charges**, as this process is an important entry point for survivors to access the justice system. These protocols can guide the justice staff on the information required for the report, standardize the process, and reduce revictimization.

- **Establish appropriate measures to protect women who are at higher risk of revictimization, especially murder (femicide)**. Measures could include issuing emergency protection orders in less than 72 hours or requiring law enforcement personnel to contact the survivor of violence within 24 hours after she files a police report. The measures implemented should be aligned with local experience of women’s increased risk after reporting, including immediately after the perpetrator is notified of the claim. For guidance on how to assess a survivor’s risk of being murdered by her partner, please see the Danger Assessment website and also see Box 4.

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**Box 4. Promising practices… A Multidisciplinary Strategy to reduce murders of women by intimate partners in Costa Rica**

The Ministry of Security, the Ministry of Justice, the public health system, judicial system, public services, and the National Institute for Women have signed a protocol to be applied in circumstances of high risk to the lives or well-being of women. In every situation where a threat to the life of a woman has been made or identified, a risk assessment must be carried out by these agencies. This, in turn, triggers special measures. Information from all agencies is collected and shared in a common database so that protective orders are recorded, shared, and tracked, along with violations of orders, or other factors/acts that may increase the risk of homicide.

• Develop policies that facilitate the arrest of VAWG offenders and require supervisory audits of domestic violence and VAWG calls, reports, and follow-ups by police. Supervisory audits, for example, could help to ensure that women who call the police to report violence are taken seriously and receive appropriate response, while facilitating the arrest of VAWG offenders could play a role in protecting women from further harm.

• Systematize and strengthen data collection on VAWG-related crimes. To improve the processing, analysis, and follow up of criminal cases related to VAWG, the different institutions involved in justice and law enforcement (including the public health system, for example) must have a reliable case registry and follow-up system with high-quality data. Further, it is important to use the same quantitative indicators to compare the effectiveness of different programs and legislation, a practice that is still currently lacking.

- Ensure that data on the incidence, prevalence, and type of violent crime is disaggregated by sex, age, and location.
- Promote the use of agreed indicators and a common registry for reporting and tracking such cases, such as the Gender-based violence Information Management Systems (GBVIMS) developed by UNFPA, UNHCR, WHO, the IRC, and UNICEF.

Institutional Structures and Capacity

• Support the development of a more responsive and inclusive justice system. This includes increasing the representation and participation of women at all levels of the justice system, including institutions responsible for citizen security. Gender parity alone will not address all of challenges within the justice system. Efforts to improve the meaningful participation of women, in concert with changing institutional norms and expectations to be more gender equitable, can help to heighten the responsiveness of the security and justice sector to the needs of VAWG survivors.

- Support the recruitment of female police officers to provide survivors with the option of giving their statement to a woman; the increased comfort this provides has been shown to increase reporting.

- The participation of women as judges or arbiters can help to render the process more gender sensitive, especially where there is a predominance of customary laws that do not favor women’s rights.

• Establish dedicated units or specialized police stations. Specialized stations or dedicated units with trained personnel may be better equipped to provide survivor-centered service, collect survivors’ statements without re-victimization, and facilitate the collection of forensic evidence.
Despite generally being under-resourced and under-staffed, a study in Melanesia found that women reported better treatment and services in special police units for offences against women and would like to see such services expanded.\textsuperscript{30} If dedicated units or specialized police stations are already in place, provide additional resources and training based on their assessed needs and assist with monitoring and evaluation efforts.\textsuperscript{31} See Box 5.

- **Provide long-term support and on-going training to frontline workers, the police and justice system personnel** with the objective of sensitizing them about VAWG issues and improving their response to survivors. In order to improve the quality of the services, training should be accompanied by adequate staffing, infrastructure, and equipment as well as inter-institutional protocols/referral systems to meet survivors’ short-term and long-term needs.\textsuperscript{32, 33} For further information on such training, see the website for Aequitas, an organization that provides training on the prosecution of violence against women for justice system personnel.

  o For the police, focus the training on clear protocols for responding to reports of domestic and sexual violence, emphasizing women’s legal right to be protected from violence. Include information about disciplinary action against police offenders.\textsuperscript{34}

  o For justice system personnel, including judges, emphasize human rights approaches more broadly; include training on violence against women.\textsuperscript{35}

Provide training (including refresher trainings) on new laws.\textsuperscript{36, 37}

**Box 5. Promising practices…**

**Gender Desks in the Rwanda National Police**

The Gender Desks in the Rwanda National Police, with the support of UN Women, conducted a recruitment campaign for female police officers and set up a hotline for survivors of sexual and gender-based violence. These actions led to a significant increase in reported cases of violence. This result can be attributed in large part to the greater comfort survivors felt sharing information about VAWG with other women.

More examples at: http://www.unwomen.org/co/what-we-do/peace-and-security/achieving-security#sthash.jMxILw3y.dpuf

**Coordinated/Multisectoral Initiatives**

- **Improve the inter-institutional coordination and responses to VAWG among actors of the justice sectors through collaboration agreements and joint interventions.** These actors include police, judges, lawyers, public defenders, and legal aid as well as actors of other relevant sectors (health, education, social services). Facilitate coordination between different levels of government, civil society, and the private sector.\textsuperscript{38} See Box 2.

- **Promote integrated services for VAWG survivors** such as one-stop-shops using multidisciplinary teams that include police, attorneys or public prosecutors, forensic experts, psychologists, and health providers to provide quality services and reduce revictimization during the process of criminal investigation.\textsuperscript{39}
• Carry out campaigns to promote citizen disarmament, control the circulation of firearms, and limit alcohol sales. A successful intervention by the municipal government of Bogotá, Colombia, which combined citizen disarmament with limits on the sale of alcohol after certain hours, generated a significant reduction in all types of violence. Excessive alcohol consumption, particularly binge drinking, has been strongly associated with intimate partner violence in almost every setting in which this association has been studied. Recent World Bank Group research showed that women whose husbands get drunk “often” have five times the risk of experiencing IPV.

Information and Communication Technology (ICT)

• Promote the use of technologies to increase awareness around VAWG and knowledge of available services. New promising technologies that aim to increase safety-seeking behaviors, such as internet-based tools (for example, Internet Resources and Information for Safety (IRIS) and smartphone apps like MyPlan and Love is Not Abuse) should be integrated into service provision and prevention strategies. Technology can be used to provide information on georeferenced services to women as well as educational resources through the internet. Nonetheless, the development and use of such technology for survivors of VAWG should be undertaken with caution, since perpetrators may have access to women’s technology devices.

• Adopt technology such as SMS and geocoding technologies for monitoring and reporting VAWG incidents. Information about sexual harassment from women can be collected in real time through SMS to generate maps of “hotspots” of sexual violence through apps like Hollaback! Confidential hotlines and reporting via SMS can make it easier for VAWG survivors to contact a crisis intervention officer or the police. Telephone hotlines are a way for survivors, their family, and friends to speak about the violence they are experiencing and is often the first and only way survivors report the violence and access information on the suite of services available to them. Reports show that survivors often feel like they have more support and information after accessing a hotline. Panic buttons are GPS devices that can increase the protection of IPV women survivors that have restraining orders. Once the women activate the device, the police are able to track down their location and protect them.

Community Level

• Foster dialogue among community actors, NGOs, and the justice sector: Discussions should include women’s human rights and their participation within traditional or restorative justice systems. Although informal and community justice systems such as restorative justice, peace mediation, and conflict resolution can offer culturally sensitive, straightforward solutions to incidents of VAWG, in certain cases these systems may further perpetuate unequal gender norms, as community institutions are often controlled by men.

• Work with partners to establish community policing initiatives or police-community partnerships that include an explicit focus on violence against women and girls. There are numerous examples of successful community policing initiatives to prevent and respond to
survivors of VAWG. The roles of such partnerships may vary depending on the issues faced by the community and the resources available. Partnership activities include creating new arrest policies, providing follow-up support for victims, prosecuting offenders, monitoring system activity, developing intervention programs, or strengthening civil remedies, among others.

- **Provide support to NGOs offering women legal literacy and human rights training in order to promote women’s rights in the community.** Wherever possible, include men in the training. Survivors should, at a minimum, have access to information provided through self-help pamphlets – this has been successfully used by women in Melanesia to obtain support and protection orders. Assist NGOs with building the capacity of civil society groups, especially women’s organizations, to monitor the situation of women’s security and the quality of services received.

- **Support the establishment and training of community paralegals to support and advise VAWG survivors on legal recourses.** Community paralegals may help to bridge the gap between formal and informal systems. As such, the uptake of legal options is higher when women are provided with assistance from trained paralegals.

- **Increase available services for survivors of violence, such as safe houses and mobile legal aids clinics if they exist.** Service access can be improved by bringing them closer to the communities and providing them free of charge or at low cost. Addressing awareness of services as well as women’s time and resource constraints may increase the demand for and use of such services.

- **Design and implement information, awareness-raising, and capacity-building campaigns in the communities** on the impacts of VAWG and how to prevent and respond to it.
RECOMMENDED RESOURCES FOR INTEGRATING VAWG INTO CITIZEN SECURITY, LAW, AND JUSTICE PROJECTS

Guidance/Tools


DESA/DAW. (2010). Handbook for Legislation on Violence against Women. Provides stakeholders with detailed guidance to support the adoption and effective implementation of legislation, which prevents violence against women, punishes perpetrators, and ensures the rights of survivors everywhere.


Data sources

The Committee on the Elimination of Discrimination against Women (CEDAW) is the body of independent experts that monitors implementation of the Convention on the Elimination of All Forms of Discrimination against Women. The website provides information on countries that have ratified, latest reports by country, and other useful documents.
The Due Diligence Project is research-advocacy project that aims to add content to the international legal principle of ‘due diligence’ in the context of State responsibility to end VAWG. The objective is to create and accountability framework based on the due diligence principle, namely the Due Diligence Framework together with guiding principles that are concrete and measurable across regions.


The Stop Violence Against Women website (STOPVAW), a project of The Advocates for Human Rights, is a forum for information, advocacy and change in the promotion of women's human rights around the world.

Research


World Bank. (2011) *Increasing Access to Justice for Women, the Poor, and Those Living in Remote Areas: An Indonesian Case Study.* *Justice For the Poor Briefing Note 6(2).*


REFERENCES


6 Klugman, et al., 2014.


8 Note: Other challenges include the re-victimization of survivors through bias or mistreatment, and in some countries, women’s limited right to practice voluntary marriage, divorce, child custody, and child support (Bott et al., 2010).

9 Note: Out of 100 included in *Women, Business and Law 2014*.


11 McCleary-Sills et al., 2013.


13 Bott et al., 2010.


Violence Prevention and Response Activities.


17 Adapted from Inter-American Development Bank (IDB). (2014). *Violencia contra las mujeres y el Sistema de Justicia Penal: Nota técnica sectorial para la incorporación del enfoque de igualdad de género*.; and IDB. (2013). *Seguridad Ciudadana y Justicia: Nota técnica sectorial para la incorporación del enfoque de igualdad de género*.

18 USAID, 2009.

19 UN WOMEN. (2013). A transformative stand-alone goal on achieving gender equality, women’s rights and women’s empowerment: imperatives and key components.


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26 USAID, 2009.


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Note: Controlling firearms and alcohol had a significant, albeit not large, effect in violence reduction. In Bogota, Colombia, homicide rates decreased from 80 to 28 homicides per 100,000 people and the police increased arrest rates by 400 percent without an increase in the size of the police force. Buvinic, M., Alda, E., and Lamas, J. (2005). Emphasizing prevention in citizen security: The Inter-American Development Bank’s contribution to reducing violence in Latin America and the Caribbean. Washington, DC: Inter-American Development Bank


Klugman et al., 2014.

Klugman et al., 2014.

Note: Details about MyPlan can be found at http://www.joinonelove.org/resources-help and information on the Love is Not Abuse app can be found at http://www.loveisnotabuse.com/ Note: To learn more about IRIS, please visit https://www.pdx.edu/sites/www.pdx.edu.wrc/files/Iris_Study_Summary.pdf.

Klugman et al. 2014.


Press. Examples of monitoring VAWG using technology are Harassmap in Egypt (http://harassmap.org) and Maps4Aid in India (https://www.facebook.com/we4change). For further information on Hollaback, see http://www.ihollaback.org/about/

49 Bennett, L. et al., 2004.
50 Ellsberg, 2008.
51 Reuland, et. al., 2004.
52 Ellsberg, 2008.
54 Ellsberg, 2008.
55 Bott et al., 2010.
56 USAID, 2009.
57 World Bank, 2012.

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