

***Indicators of Safety and Justice:
Their Design, Implementation and Use in Developing Countries
Summary of a Workshop Held at Harvard University, 13-15 March 2008***

Executive Summary

Several efforts are underway around the world to create new and sophisticated systems of indicators for measuring performance of the justice and security sectors in developing countries. Most of the people engaged in these projects or sponsoring them are somewhat aware of parallel efforts, but have not had opportunities to compare the major approaches and learn from the collection as a whole. The Harvard workshop provided a forum in which to examine the extent to which planned and existing indicators: (a) complement each other, (b) compete against each other, and (c) provide a basis for common development of more useful and effective indicators.

This paper summarizes the discussion and results of that workshop organized by the Harvard Kennedy School's Program in Criminal Justice Policy & Management and sponsored by the UK Department for International Development. The gathering in one place of so many international actors together with substantive experts and officials of several developing countries for a discussion of justice indicators is unprecedented.

The workshop achieved the following results:

- Expert groups and international organizations sponsoring indicators agreed that the methods and results of their projects were best seen as complementary, rather than as competing with each other.
- There is far more scope than has been realized to date for leadership by national governments of developing countries, by scholars in those countries, and by NGOs in those countries. The workshop participants were particularly impressed by indicators developed for reform of the justice system in Nigeria.
- Both government users and experts agreed that the construction of small bundles of indicators, developed and meaningful locally, would provide the best basis for the development of useful indicators, even if it slows the ability to make international comparisons from the start.
- The next generation of indicators should be designed for use principally by the governments and people of developing countries, and international institutions should rely on these indicators to the greatest extent possible, rather than requiring extensive additional indicators.
- The next generation of indicators should emphasize the human dimensions of safety and justice, producing timely information about how well justice systems (both formal and informal) are achieving purposes meaningful to society.
- Collaboration on indicators among government officials, experts, and international organizations should begin at the start of justice-sector reform.

Outline of This Paper

This paper summarizes the workshop. It begins by describing three significant achievements of the workshop. It then summarizes what was learned about the expanding universe of indicators, describes a common set of frustrations with existing sets of indicators, and explains why participants are seeking new indicators. It then presents two new international projects on indicators -- the UN's Rule of Law Index (ROLIX) and the human rights monitoring project of the Office of the High Commission on Human Rights (OHCHR) – and reports from Nigeria on the use of two different surveys that measure change in levels of victimization, corruption, and confidence in the justice system. The report concludes with a description of the demand for new skills and resources on indicators, as well as the interest in collaborations across a number of developing countries to measure progress in justice and safety in a new way.

Three Achievements of the Workshop

The workshop facilitated three breakthroughs in the global conversation about indicators. First, until now, most of the individuals and organizations producing indicators have seen themselves as developing competing systems of indicators, with new models correcting the shortcomings of their predecessors. **Participants at the workshop recognized common ground in these justice indicators and discovered important aspects of their complementarity** – for example, how indicators derived from surveys of public perceptions can balance and strengthen indicators that are wholly dependant on government reports and administrative data, and how domestic measures of confidence in courts can supplement or correct international indices of corruption. Participants also saw how their own projects could be strengthened by a bundle of basic indicators, jointly designed, that representatives of a few national governments might test and implement together.

Second, the workshop helped **free participants from a perceived obligation to accede to expert-led and essentially western models of indicators**. Most of the existing sets of indicators have been designed with common-law systems in mind, and yet participants need indicators that reflect the aspirations for justice and safety in the countries they live in, and are conceived and designed by officials and people who will use them. A senior official from a developing country responsible for sector-wide coordination in justice said that “without local expertise and the participation of communities in their selection, indicators will have little traction in government.” Participants also agreed that the experience of discrimination in safety and justice, especially among vulnerable groups in developing countries, must be prominent in any credible set of indicators. A person involved in a brand-new global indicators project put it

Who Attended the Workshop?

International and Development Organizations

AusAID
 Canadian Ministry of Foreign Affairs
 CIDA
 International Criminal Court (ICC)
 Organization of American States
 UK DFID
 UNDP
 UNICEF
 UN OHCHR
 US AID
 US Department of State
 World Bank

Developing Country Government Representatives

Jamaica
 Mexico
 Nigeria
 Sierra Leone
 Yemen

Expert Groups

ABA World Justice Project
 CLEEN Foundation
 Harvard Kennedy School
 Open Society Justice Initiative
 Vera Institute of Justice

(See full list in Appendix A)

this way: “there are very few universals in this field, but if there is one, it is that there is bias and discrimination within any system of justice.”

Third, **participants recognized the strengths and potential of new collaborations among officials across developing countries and with the help of non-government organizations.** Participants expressed a desire to build a basic bundle of indicators together, a small set that is tailored for systems of safety and justice in developing countries, not translated from another public sector, and which captures outcomes of importance to local communities and helps officials and civil leaders compare progress over time in several states. Developing relevant and usable indicators is no simple task, but participants witnessed enough expertise at the workshop to be confident that, by working together, they can design indicators that suit local conditions.

The Glut of Indicators

The world today is swimming in indicators of justice, safety, and the rule of law. National governments and international organizations collect and compile a rich and sometimes confusing array of data on the frequency of victimization of individuals and businesses, public perceptions of crime and the amount of fear in society, estimated levels of corruption and impunity in government, and the growing number of prison inmates, police officers, prosecutors, judges and lawyers. There are also global or nearly global indices of freedom, governance, human rights, inequality, poverty, economic stability, political violence, and human development, all of which contain or depend upon sometimes valuable information about justice and safety in societies across the world. And there are ambitious efforts to synthesize all the data being collected into meta-indicators -- composite measures that rank how governments are doing in the pursuit of safety, justice, and especially the rule of law. There are in fact so many indicators being developed today that an effort by the World Justice Project to list them produced an inventory so large and diverse that it is difficult to digest or use. One workshop participant said, only half in jest, that we may need “indicators of indicators” in order to know whether and how any of these indicators are actually being used.

Not everyone is happy with or helped by the growing global supply of indicators.

Participants say they are distracted by the conflicting demands of international organizations to develop indicators, and disappointed that existing indicators focus so much on rules and activities, not people and experiences. They want indicators that capture the human aspects of justice and which deliver information to responsible officials in a timely manner.

1. Several participants said they are **distracted by the large array of indicators and the burden of collecting so much information for so many different international organizations.** A senior official responsible for planning and research in developing country said that she is “pulled in many different directions” by the different desires of donors and international obligations. Few, if any, of the existing indicators “actually help” her do her own work, too. She and other participants wished there were fewer indicators, as well as ones more closely related to the tasks faced by managers in agencies tasked with delivering safety and justice.

2. A more fundamental criticism was **that few of the international indicators in play today reflect concerns about safety and the aspirations for justice in the countries in which participants live.** Many international indicator projects have been conceived and designed “without the participation of governments whose behavior they seek to shape,” said one participant, and with “little input” from the communities whose experiences of justice they are intended to improve. One participant lamented that domestic concerns about accountability and fairness were folded into some measurement projects “too late.” Others said the activities of the informal justice sector, which in some countries determines a large portion of the public’s experience of safety and justice, have been almost completely “neglected.” Participants agreed that the process for selecting and designing indicators in the future has to be “more participatory,” which would not only make them more applicable to the conditions in which participants work, but also strengthen governments’ sense of ownership of the indicators.

3. **Many indicators focus too much on the content of the rules and activities of individual government agencies,** not their actual or cumulative impact on the quality of justice and safety. For example, one participant said that counts of the number of prosecutors or lawyers trained in human rights precepts “doesn’t capture the quality of their work or practice.” Others criticized the penchant “engineering” in existing indicators, especially the focus on output measures such as the number of police officers, judges, court houses or prisoners per capita. These indicators, participant agreed, were “too much like GDP” and instead should be “more like the Gini index,” which focuses on the distribution of wealth and income in society and compares countries by the degree of inequality.

4. Another common frustration was that many indicators depend largely or exclusively on public perceptions instead of the actual experiences of people who need safety and justice. Participants agreed that **indicators should capture “the human dimension” of justice,** documenting the experiences of officials who apply law and administer programs as well as the individuals who depend on the justice sector for such services. “Indicators should help us define what justice is,” added one participant. Other participants want a stronger connection to the Millennium Development Goals, recommending that justice indicators focus on the effect of justice institutions on people in vulnerable groups and communities.

5. Finally, participants were concerned that **few of the indicators in play today are sensitive enough to register and reward incremental change in a realistic time frame.** “Many indicators have a long gestation period, but officials have to act now,” said one participant. Others noticed that the political business cycle can conflict with grand expectations to transform the justice sector or achieve dramatic improvements in public safety. Several participants added that it is difficult to “move” a measure of the rule of law, “especially if you’re responsible only for one sector of the justice system.” And while individual agencies and officials can achieve significant improvements in justice, these might not make a dent in public perceptions of the government, recorded levels of violence in society, or other common macro measures such as the rule of law. “Changes in justice,” said one participant, “are always slow, and probably should be slow,” and indicators should reflect that reality.

The Many Purposes of Indicators

Not everyone is seeking indicators for the same reason. In fact, **the workshop identified a large variety of purposes to which participants wish to put indicators.**

Some participants, for example, want indicators in order *to build global knowledge* about justice and safety. They seek indicators that will facilitate comparisons across time and space, help “contextualize” the problems in individual countries and perhaps also rank the performances of specific systems of justice. Other participants wanted indicators in order *to advocate change* in justice and safety. They are seeking indicators that highlight deficits in justice and safety that resonate with the public and also create pressure or other incentives for change both inside and outside the country. Still others wanted indicators in order *to steer investment* in the justice sector. Donors and government officials alike are seeking indicators *to measure progress* of specific initiatives to improve safety and justice, prioritize the objectives within the sector, and point out directions in which additional finance and training or new programs would have the greatest value.

Participants identified still other functions of indicators. Some participants, for example, wanted indicators *to promote accountability* of government institutions. Lamenting the “ungovernability” of many law enforcement agencies, several participants wished for indicators that would commit and help bind institutions of safety and justice to new standards of service and performance. Other participants desire indicators in order *to formulate policies and evaluate programs*. They seek information and measures of success in justice and safety that can provide policy makers and other public officials with new ideas and better criteria for designing or assessing innovations. Finally, some participants wanted indicators *to coordinate and align* the work of different institutions in the justice sector. Frustrated by diverse and often conflicting sets of information from different government departments, managers in national justice agencies need indicators that help assess and reward contributions to system-wide goals.

Participants welcomed the diverse tasks indicators may perform, but agreed that **effective indicators must be designed with a specific purpose in mind.** Indicators of deficiencies in justice that arouse public consternation, for example, typically do not tell government officials what should be done to remedy the situation, and information about individual program successes might not show whether progress is being made in justice and safety in society as a whole. Participants also agreed that **indicators must match the management structure and configuration of political responsibility** in the country or agency in which they are used. Unless indicators help managers perform their jobs better, said participants, they will have limited traction over time.

New International Indicators Under Design

David Marshall described the evolution of a new “**Rule of Law Index,**” or **ROLIX**, a joint undertaking of the UN’s Department of Peacekeeping Operations and the Office of the High Commissioner for Human Rights, with advice from the UN Development Program and others in the UN family. ROLIX is designed to help international organizations and national governments assess progress toward the rule of law in conditions of conflict and post-conflict. The contractor

chosen to implement the project will be the Vera Institute of Justice, in partnership with the other members of the Altus Global Alliance. Marshall explained that the DPKO - OHCHR Steering Committee was determined to ensure ROLIX would be seen by member states as valid across countries and legal cultures, and that this was one reason that the Altus alliance, with members in many parts of the world, was chosen to develop the Index.

ROLIX, Marshall said, has its origins in the Secretary General's expressed mandate to develop the capacity to identify needs for assistance in protecting the rule of law and to measure progress when assistance in strengthening the rule of law is provided. ROLIX covers the justice sector generally, but places a heavy emphasis on criminal justice and penal law, as these are among the most pressing and complex demands on government in post-conflict environments. Vera and Altus will develop the ROLIX over the next two years and will test the instrument in two countries: Liberia and Haiti.

Nicolas Fasel described the contours of a **new project by the Office of the High Commissioner on Human Rights** to promote and monitor the implementation of international covenants and compliance with basic human rights.

This project helpfully distinguishes between indicators that capture:

- (i) the *structure* of government commitments to human rights (for example, in assessing the special protections for juveniles' right to a fair trial, one might measure the extent of policies to prevent youth offending)
- (ii) the *process* of their implementation (e.g., the extent of special training for justice officials that work with juveniles); and
- (iii) the *outcome* of efforts to make these rights real (e.g., changes in the number or proportion of children placed in detention).

Fasel noted that some governments might do well on structure and process, but less well on outcomes, a finding that would help governments better focus their reform efforts and also allow international organizations to tailor their assistance programs. Fasel also gave examples of the kind of information that countries might collect in order to generate measures for these three different dimensions of rights. Participants at the workshop found the distinction between structure, process and outcome extremely helpful. Unlike other international indicator projects, the OHCHR's program will rely on administrative data and existing government reports in order to make assessments of progress in individual countries.

New National Indicators Already In Use

Professor Yemi Osinbajo, the former Attorney General of the State of Lagos, Nigeria, described how his government used [*indicators of levels of confidence in judges and perceptions of corruption*](#) among frequent users of the courts in order to drive system changes in the administration of the judiciary. With the aid of a "user perception" survey administered to lawyers, Professor Osinbajo and colleagues in the Ministry of Justice were able to identify the types of courts in which corruption was perceived to be greatest, and whether or not it was related to the amount of lawyer's experience in or contact with the courts. In addition, by linking the results of the surveys to administrative data on delays in adjudication and other public

information (for example, on the decay of housing stock and frequency of real-estate transactions), he helped build confidence in the accuracy of the survey results and identify realistic ways in which the government could intervene in the problem. For example, the results showed that, by removing obstacles to swifter processing, changing the appointments process, providing judges with greater security, and demanding more efficient results, the Ministry of Justice could reduce levels of perceived corruption. These outcomes mattered to other government agencies, too, for they appeared to improve the investment climate in Lagos state.

Innocent Chukwuma, director of the CLEEN Foundation in Lagos, Nigeria, reported the results of the use of a national survey to gauge [*levels of victimization and confidence in the justice system*](#). First conducted in 2005, and repeated in 2006, the survey discovered important gaps between levels of victimization (between 21 and 23 percent of respondents said they have been victims of some type of crime) and the prevalence of fear of crime (between 69 and 73 percent of respondents said they were fearful or very fearful). The survey also found that fewer victims of crime in 2006 reported the experience to the police than in 2005, in part because of declining confidence in the police, but also because more citizens had solved the problem on their own. CLEEN's surveys drew attention to the role of informal justice systems in evaluations of public safety, and at the same time lend support to a new national strategy for crime prevention that requires the views of communities to be incorporated into policing priorities. They also have promoted more cooperation between the civil society organizations and the state, whose officials need help analyzing and interpreting the data that is collected.

The Demand for New Kinds of Indicators

Participants expressed a hunger for indicators that are tailored for governments in developing countries. They did not want tools that have been modified from other industries or public sectors, but rather indicators that are designed specifically for the problems in justice and safety in developing countries. "These problems," said one participant, "differ in scale and nature" from those in countries in which indicators are currently developed. Indicators of justice and safety must also be "more helpful than punitive," said participants, rewarding leaders for making progress toward key goals at the same time as building confidence among citizens in current systems of justice.

Participants also want indicators that are simple to use, inexpensive, and make intuitive sense. "The meaning of indicators must be straight-forward," said one participant, and "clear to people outside of government as well as inside." Participants admired the simplicity of indicators such as infant mortality rates in the field of public health, body temperature in medicine, or barometric pressure in meteorology. They also noticed it "took decades" for the field of economics to agree on universal indicators such as 'labor participation,' 'unemployment' and 'interest' rates. But participants agreed that these examples yielded important clues about the kind of

Participants also expressed a desire to work together to build a basic set of common indicators. The precise content of these indicators would have to be worked out over the course of future collaborations, but participants agreed that these indicators should be valid across several countries, capture important sector-wide outcomes in safety and justice, and be built by a

combination of government officials and non-government organizations. Participants believed that collaboration along these lines could strengthen the existing field of indicators in ways that international organizations could not by working on their own.

Building Capacity to Use Indicators

Participants expressed a desire for help in the production and use of indicators of justice and safety that are appropriate for and ‘owned’ by developing countries. There is an acute need for more “local expertise” on indicators, participants said, and there should be additional investment in the cultivation of domestic skills in order to minimize the dependence on foreign consultants, whose schedules and commitments do not always match those of national governments. “There also needs to be more aid,” said one participant, both for government officials and NGO leaders to master the technical side of using indicators. It is “hard work” to develop good indicators, participants agreed, but “it’s not just a question of math” or the mastery of a methodology that can be delegated to a mid-level manager. Developing indicators should be “collective, participatory work,” participants said, and it should be performed on-site in developing countries, which would encourage a sense of pride, national ownership, and administrative traction to the measures that are eventually installed.

Participants also requested additional assistance in honing the skills to use indicators. “We need help determining what indicators are meaningful,” said one participant, as well as “what they actually mean.” Managers in justice agencies in particular need help in the interpretation of ambiguous or contradictory findings, as well as the reconciliation of data from different agencies. Civil society organizations want help deciding what kind of information to collect and also how and when to report it, since understanding the constraints of government agencies is essential to productive collaborations. Staff in aid agencies supporting justice projects would like hands-on support to develop and use indicators that are based on national systems and can help meet reporting and accountability requirements of donor governments.

Participants agreed there would be value in continuing to work together, for example by reconvening the group or establishing a web-based information sharing resource and email list. It would be useful to have a meeting paying special attention to the interests of leaders of national governments or ministries, not all of whom always understand or appreciate the uses of indicators. Participants also recommended that there be more tailored and sustained assistance to specific government departments in developing countries – for example, in converting policy goals into outcomes that can be measured over time, in benchmarking performance and comparing results across countries, in rewarding activities that seem to improve outcomes, and in finding ways of working with civil society groups.

Next Steps for Harvard

The Program in Criminal Justice Policy and Management at Harvard is preparing to work with a group of national governments over the next three years to respond to build capacity within these governments and their civil society partners to implement indicators along the lines desired by participants in this meeting. This work would draw upon the strengths of the existing field of indicator development, advancing it by encouraging collaboration among officials in several

developing countries and by drawing on the strength to be found in several different systems of indicators.

The Program will focus specifically on indicators that can be used by national and state governments to manage their own criminal justice systems. It will help link the design of indicators to the configuration of political responsibility in governments and individual agencies, strengthen the connections between the work of government officials and the research of non-governmental organizations, which are increasingly a supplier of justice services and source of expertise on public safety, and disseminate the results of such collaborations to the field. This work aims to strengthen the connections between global indicator projects and national ambitions for better justice and safety.

Appendix: Participant List

The meeting on indicators at Harvard was attended by academic researchers, representatives of governments and civil society organizations, multilateral institutions and international organizations, and also private foundations. A list is provided below.

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Michel de Smedt

Head of the Investigation Division
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Deon Edwards-Kerr

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Stabilization and Reconstruction Task Force (START)
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Nicolas Fasel

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David Marshall

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Zaza Namoradze

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Geraldine O'Callaghan

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Yemi Osinbajo

Justice Research Institute
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Jim Parsons

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Substance Use and Mental Health Program
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Stéphane Roberge

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Luiz Eduardo Soares

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Municipal Secretary for Crime Prevention
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Christopher Stone

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Mohamed Suma

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Monica Thornton

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