1. Applicable Principles in the Development of ROLJS Indicators

Whereas the ROLJS sector shares common objectives with AVR, a sub-set of ROLJS indicators can also assist in measuring AV rates, among other things.

It is widely recognized that a stronger commitment to data gathering and analysis is necessary to effectively strengthen the rule of law and realize armed violence prevention and reduction goals. Evidencing this, signatories to the Geneva Declaration on Armed Violence and Development commit to, "support initiatives to measure the human, social and economic costs of armed violence, to assess risks and vulnerabilities, to evaluate the effectiveness of armed violence reduction programmes, and to disseminate knowledge of best practices." The U.N. Secretary General further recognizes that, "effective approaches to armed-violence prevention and reduction will require investments by national governments and international organizations in high quality data-gathering and analysis capacities." With these commitments in mind, global armed violence indicators should be defined to measure:

- Incidences of armed violence
- Underlying risks factors of armed violence
- Capacity of institutions to respond to armed violence

The criminal justice sector has been recognized as a rich source of data to epidemiologists seeking to measure the impact of armed violence on public health.[1] Criminal records from the police, the judiciary, and forensic labs contribute significantly to defining the scope and nature of armed violence occurring in society.[2] ROLJS indicators can thus serve as important proxies to measure incidence rates of armed violence, associated risk factors and state capacity to respond to armed violence. It is also noted, however, that "while the methodology for monitoring injuries through epidemiological surveillance is fairly developed, there are no comparable guidelines for measuring the incidence of crime and firearms-related crime in place at the international level."[3] A lack of standard, international guidelines to data collection and analysis in the ROLJS sector further compounds the challenges to developing cross-national indicators, as discussed in more detail later in this paper.

Generally speaking, ROLJS indicators can be grouped into three categories: (1) activity/programme-based, (2) institutional-based and, (3) strategic/sector-based. Activity based indicators measure the progress of programme activities towards programme-specific objectives. Institutional based indicators are largely focused on the change in capacity and integrity of state institutions over time. Strategic objectives track overall progress made against the largest ambitions, for example, "reduction in armed violence incidents." Because the effort here is focused on collecting

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[1] See EG Krug, et al., eds. *World report on violence and health*. Geneva, World Health Organization (2002) [hereinafter, *World report on violence and health*]; South Eastern and Eastern Europe Clearinghouse for the Control of Small Arms and Light Weapons (SEESAC), *Strategic overview of armed violence data collection and analysis mechanisms (South Eastern Europe)*, 6 (2006) [hereinafter, *Strategic overview of armed violence*].
[2] Id.
[3] Id.

evidence of the impact of armed violence on international development, and global progress towards armed violence reduction, this paper focuses on institutional and strategic-based ROLJS indicators.

The validity of ROLJS indicators is measured by their relevancy to desired outcomes or goals, among other factors.[4] In relation to armed violence, and viewed from a ROLJS perspective, desired outcomes include the following:

- increased safety and security
- reduction of risk factors of violence
- increased capacity of ROLJS institutions to address violence

In addition to being relevant, indicators must also be drafted to ensure functionality in implementation. Much guidance is provided in this regard. A commonly referenced acronym, SMART, provides that indicators must be (1) Specific (2) Measurable (3) Attainable (4) Relevant (5) and Time-bound.[5] The U.N. Office of the High Commission on Human Rights (OHCHR) offers that indicators, among other things, be simple and few in number, while the Organization for Economic Co-operation and Development (OECD) suggests that the quality of indicators be measured by their impact, efficiency, and effectiveness.

Developing indicators that can be used in multiple country contexts requires additional considerations. Importantly, indicators must be able to produce data that is reasonably comparable between countries. This requires, in turn, that they:

- not be overly specialized
- not be numerous
- focus on the types of data that is more readily available
- be consistent in the use of time period covered[6]

Importantly, indicators must be broadly written and flexible enough to be applied in a variety of legal and cultural contexts. This implies, for example, that a single indicator be used to cover multiple types of violent crime as opposed to a disaggregated set of indicators, that seek to capture different types of armed violence. Differences in legal definition of various kinds of violence crime would otherwise make international comparisons problematic.

Further, it is widely recognized that single indicators are rarely sufficient to define progress against a desired outcomes. The Vera International Indicators Group Institute suggests that baskets of indicators – 3 indicators per basket – be used to measure each outcome.[7] UNDP also recommends that a "variety" of indicator types be used to measure outcomes, however, it also notes that it is good practice to limit the

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[4] Vera Institute of Justice, *Measuring Progress toward Safety and Justice: A Global Guide to the Design of Performance Indicators across the Justice Sector*, 15 (Nov. 2003) ("The validity of your indicators depends on their relationship to the outcomes you seek to achieve and the ability of different people to calculate their value consistently to obtain comparable results over time.") [hereinafter *Measuring Progress toward Safety and Justice*]; Saferworld, *Evaluating for security and justice: Challenges and opportunities for improved monitoring and evaluation of security system reform programmes*, 27 (Oct. 2009)

[5] See UNDP, *Handbook on Planning Monitoring and Evaluating for Development Results*, 58 (2009) [hereinafter *UNDP Handbook*].

[6] *Report of the Expert Group Meeting, Indicators to measure violence against women*, Geneva, Switzerland, 8-10 October 2007 (United Nations) [hereinafter, *UN Indicators to measure VAW*].

[7] *Measuring Progress toward Safety and Justice,* 15.

number indicators to a "sufficient number to measure the breadth of chances happening and to provide cross-checking."[8]

3.1 Sources of Data

The U.N. Secretary General reports that, "Effective strategies for building justice systems will give due attention to laws, processes and institutions."[9] Reflecting this, most ROLJS indicators draw upon police reports, crime statistics, court records, public surveys, expert surveys, legislative reviews and narrative reports as data.

Ideally, governments, through national statistical offices will provide the requisite data on armed violence to populate chosen indicators.[10] Where that data is not readily available, U.N. agencies can act as a source or means of collecting data.[11] The challenge of collecting accurate data, however, should not be underestimated, as discussed in more detail later in this paper.

Official statistics produced by justice and security institutions are often difficult to collect in conflict and post conflict settings. Thus, public surveys provide an important means of filling gaps in official records and for cross checking government statistics. Further, public surveys may give a clearer insight into the impact that policies and practices have at the grass roots level. Unfortunately, however, public surveys are also both difficult to implement and costly. Expert surveys are less costly and may also be a significant means of informing official statistical results even as they do not, by definition, represent a grass roots perspective. Expert surveys may include criminal justice practitioners, government officials, academics, and NGO representatives.

Legislation, codes of conduct, regulations and other documentary evidence supporting the existence of rules and norms are important to capture through indicators as they lend insights into the powers of institutions and the roles and responsibilities of those that help run them. Laws, codes, and regulations provide a critical overview of the foundations upon which a given justice and security sector rest.

Where informal justice methods are in widespread use, they may indicate the inaccessibility of formal justice systems. However, capturing the performance of informal justice systems is a complex challenge. Informal justice practitioners do not usually keep verifiable records and may be reticent to requests to share what information they have.

3.3 Challenges to Data Collection in Conflict and Post Conflict Environments

The drafters of various compendiums of ROLJS indicators readily admit to the challenges of gathering data in conflict and post conflict settings. Extracting reliable information in these contexts requires an immense investment of human and material resources, particularly over long periods.[12] Further, it is widely recognized that where armed violence is highest, the capacity of the criminal justice system to

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[8] *UNDP Handbook*, 62.
[9] *Report of the Secretary General on Transitional Justice*, 12.
[10] *UN Indicators to measure VAW*, 8 ("National statistical systems play a crucial role in providing and improving data to measure the scope, prevalence and incidence of violence against women.").
[11] United Nations Office of Drugs and Crime publishes international homicide statistics collected from criminal justice and public health institutions. The latest available report covers the years, 2003-2008. Available from http://www.unodc.org/unodc/en/data-and-analysis/ihs.html.
[12] *Measuring Progress toward Safety and Justice,* 2.

handle cases tends to be lowest.[13]   In turn, countries with low law enforcement capacity tend to have lower reporting rates, and lower rates of prosecution and conviction.

Data collection efforts may be compromised by many factors:

- weak government support or buy-in
- local political sensitivities
- high administrative staff turnover rates
- logistical constraints
- administrative records are non-existent or in significant disarray
- over and under-reporting
- differences in methodology in gathering statistics
- lack of professionalism or institutional resources

Additionally, the integrity of public surveys can be easily compromised where trust is lacking between interviewers and interviewees.   Indeed, in conflict and post-conflict settings, surveys may expose respondents to unforeseen dangers, leading to under-reporting. Data collection can also put survey takers at risk where the efforts are seen as a part of a larger political agenda. On the other hand, where surveys are conducted in politically charged environments, violence and human rights abuses may be over-reported to further a political cause. Still, while the integrity of survey-based results may be mitigated by pressures to under or over-report, they are generally considered to be reliable.[14]

Collecting information on gender based violence (GBV) or violence against women and girls (VAW/G) presents additional challenges.   Rates of violence against women are notoriously underreported. Survivors of both domestic violence, rape and other forms of sexual violence face formidable social, economic and legal barriers to pursuing justice.[15]   In conflict and post conflict settings, the ability of women to report cases to the police is reduced further by logistical and security constraints. Because of significant under-reporting of domestic violence in particular, it is not recommended that this form of violence be disaggregated into a separate indicator to measure violence against women and girls.[16]

There are few means to mitigate the multitudinous obstacles data collection presents to both governments and international organizations. Those that are available should be pressed to maximum advantage. Among them, involving key stakeholders responsible for managing justice systems in the process of developing and applying indicators at the earliest stages is the most promising. Government stakeholders in particular can, "help to choose which measures and data sources to use, provide access to data, and help to interpret results."[17] Flexibility in the interpretation of indicators must also be tolerated so that regional and cultural disparities do not hamper data collection efforts. Data harvesting efforts are also more likely to be sustainable where they are linked to national strategies that measure progress towards national goals. Where sufficient data is not readily available, formal capacity assessments of government or civil society organizations must be conducted to gauge whether data can be harvested in a sustained and efficient manner. Capacity of statistical accounting firms and other technical partners must be high to ensure integrity in data collection and data entry.

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[13] *World report on violence and health*, 6.

[14] *UN Indicators to measure VAW,* 8.

[15] UNIFEM, *Progress Report, Who Answers to Women*, *Gender & Accountability*, (2010), 78 (In some countries, domestic violence and marital rape are not considered crimes).

[16] UN Human Rights Council, *Report of the Special Rapporteur on violence against women, its causes and consequences, Yakin Ertük: Indicators on violence against women and State response,* 29 January 2008, A/HRC/7/6 , ¶ 37 [hereinafter, *Report of the Special Rapporteur*].

[17] Vera Institute of Justice, *Developing Indicators to Measure the Rule of Law: A Global Approach*, (July, 2008), 6.

3.4 Goals, Targets, and Indicators

Attempting to navigate the many obstacles to collecting data in one setting is complicated further still by the need for the data to be comparable cross-nationally. Countries are noted to be "at very different stages with regard to their capacity for [violence-related] data collection," and further that, "there is a general lack of uniformity in the way data on violence are collected, which makes it very difficult to compare data across communities and nations."[18] With these caveats in mind, the goals, targets and indicators below offer a menu of strategic and institutional-based indicators intended for cross-national comparison. Thus, they are informed by the need to be simple in construction, few in number, focused on data that is readily available, and consistent in the use of time periods covered, among other factors. At least two indicators are provided as a means of measuring change towards each target. These include one indicator drawing on administrative statistics and one indicator based on public or expert survey. Many of the indicators below can be further disaggregated to ensure greater fidelity in data collection.

1. Goal: Increased Safety and Security

1.1 Target: Reduce incidents of armed violence

1.1.1   Indicator: Change in reports of violent crime in 12 month period

A reduction in violent crime correlates strongly with the reduction in incidents in armed violence, which would in turn provide for increases in safety and security. Especially in countries with high levels of violence, administrative data does not always designate whether and what kind of weapon was used in the commission of the crime.[19] It is thus recommended that armed violence indicators should always be collected as part of a larger set of indicators for violence in general.[20]

1.1.2   Indicator: Change in percentage of people who feel unsafe

Reporting rates of armed violence are likely to be lower than actual rates of armed violence, especially where trust in law enforcement institutions is low.[21] This indicator helps to inform administrative statistics that may otherwise signify much lower rates of violence than actually experienced at the grassroots level.

1.2 Target: Reduce burden of armed violence against women and girls

1.2.1   Indicator: Change in the reporting rates of violence against women and girls in 12 month period

Reporting of violence against women and girls to the State and by the State is critical to provide justice for survivors and to punish perpetrators.[22] Further to the logic found at Indicator 1.1.1 above, all incidents of violent crime, not merely armed violence are measured to ensure a complete picture of the threat that

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[18] *World report on violence and health*, 9; See also, *Report of the Expert Group Meeting, Indicators to measure violence against women*, Geneva, Switzerland, 8-10 October 2007 (United Nations), 19.

[19] Alex Butchart, Chris Mikton, Kidist Bartolomeos, *A Public Health Approach to Developing Armed Violence Indicators*, World Health Organization, 3 (Geneva, 2010) [hereinafter, *A Public Health Approach to Developing Armed Violence Indicators*].

[20] Id.

[21] *Strategic overview of armed violence*, 6

[22] *Report of the Special Rapporteur*, ¶ 84.

armed violence poses to women and girls. Moreover, developing individual indicators to account for all types of violence against women – sexual violence, domestic violence, FGM – would both duplicate other efforts underway and unduly burden stakeholders attempting to measure armed violence.[23]

1.2.2   Indicator: Change in the percentage of women and girls who feel unsafe

This indicator provides a counter point to official reports that would otherwise under-represent levels of violence against women and girls.

1.2.3   Indicator: All forms of violence against women and girls criminalized and treated as serious offences

Legislative frameworks criminalizing violence against women and girls, are not complete in many countries. Thus, the full scope of violence against women and girls will not be captured by official statistics until such time as all violence is criminalized.

2. Goal: Reduce risk factors for violence

2.1. Target: Increased institutional integrity of the justice and security sectors

2.1.1.   Indicator: Change in the percentage of respondents who believe that justice and security institutions discriminate in the prosecution of their duties

Integrity of justice and security institutions is measured by factors of transparency, accountability, and equity. Where, as discussed above, rule of law institutions engage instead in discriminatory practice, human rights abuses, or otherwise provoke social grievances, state institutions may increase risk of armed violence. Measuring public perceptions of discrimination by justice institutions therefore is a significant indicator in this regard. By necessity this selection of indicators relies heavily on public opinion surveys.

2.1.2   Indicator: Change in percentage of respondents expressing willingness to approach law enforcement officials to report incidents of violent crime

Where the public is unwilling to approach law enforcement officials to report violent crimes this may indicate distrust in the security sector. In the alternative, it may also be a measure growing public trust or confidence in security institutions.

2.1.3   Indicator: Change in percentage of respondents who believe that prosecutors, judges, and police can be bribed

Where justice delivery is not determined by ability and willingness to pay, marginalized or impoverished classes would ostensibly have fewer grievances with the state, thereby reducing the risk of armed violence.

2.1.4   Indicator: Change in the diversity of professional staff of justice and security sector.

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[23] *UN Indicators to measure VAW*, 21 (Indicators to measure violence against women offered that international indicators could be based on either one or two general measures covering prevalence and incidence of all forms of violence or a series of specific indicators related to different forms of violence).

Where proportional representation of minorities is achieved it can be assumed that the risk of discriminatory searches and seizures, arrests and sentencing is reduced.

3. <u>Goal: Increase capacity of ROLJS institutions to address armed violence</u>

3.1 Target: Increased capacity of justice and security services to respond to armed violence

3.1.1   Indicator: Change in percentage of respondents that feel satisfied with policing mechanisms

Increases in the capacity of ROLJS institutions are indicative of the state's capacity to manage armed violence. Capacity levels may also be indicative of the State's ability to moderate opportunities for violence by illegally armed groups.

As the first point of contact with the justice system, police capacity to respond to incidents of armed violence is of particular importance. A victim's initial experience with the police may define how far down the penal chain he or she is willing or able to pursue justice. Increases in satisfaction rates reflect strongly on the capacity of the police to respond. It is recommended that indicators of police performance rely substantially on data collected directly from the public.[24]

3.1.2   Indicator: Change in percentage of women and girls that feel satisfied with policing mechanisms

This indicator captures the unique perspective of police capacity to respond satisfactorily to violent crime for this at-risk group.

3.1.3   Indicator: Change in the number of police personnel relative to population

The number of police on a per capita basis, while certainly not dispositive, may indicate state commitment and capacity to law enforcement. Further, where this indicator is compared against 3.1.1, the impact of increasing numbers of police may be clearer.

3.1.4   Indicator: Change in the rate of convictions of violent crime by prosecutors in 12 month period

The quality and quantity of prosecutions are demonstrative the state's ability to establish the guilt of those who commit violent crimes. Thus, the change in capacity of prosecutors to secure convictions against perpetrators or violent crimes may inform progress towards armed violence reduction.

3.1.4   Indicator: Change in the number of violent criminal cases adjudicated by the courts in 12 month period

As a neutral arbiter of the law, court conviction rates are not a viable measure of how well courts are addressing armed violence.   Indeed, a low conviction rate may indicate capacity gaps in police investigation techniques or poor police/prosecutor coordination. Alternatively, a high conviction rate may only be indicative of poor quality legal defense. Instead, the change in numbers of violent criminal cases adjudicated measures overall activity that may over time reveal increased commitment to the justice sector. This indicator may also offer data with which to measure public perceptions of court performance against.

3.1.5   Indicator: Change in the time of filing and first hearing

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[24] *Measuring Progress toward Safety and Justice*, 32

Where one is the survivor of a violent crime, the amount of time it takes for the court to provide initial and immediate relief may be dispositive of one's decision to pursue justice through state provided mechanisms. Decreasing the time between filing and first hearing is thus, indicative of the capacity of courts to respond to armed violence.

3.1.6 Indicator: Change in percentage of respondents who believe the courts contribute to community safety

A grass roots perspective of the impact that court activities are having on community safety will inform official state figures.

3.2 Target: Increased capacity to address violence against women and girls

3.2.1 Indicator: Change in rates of investigation, prosecution, and conviction of all forms of violence against women and girls

An increase in the rates of activity leading to the conviction of perpetrators of violence against women may indicate increased commitment and capacity to address violence against women. It may also indicate increasing access to justice for women.

3.2.2 Indicator: Change in percentage of women who believe that justice system is able and willing to investigate, prosecute and convict all forms of violence against women and girls

Again, a grass roots perspective of the impact that the justice sector is having on reducing violence against women will inform official state figures and thus offer a clearer assessment of capacity.

2. Practical Steps Towards the Development of Cross-National Armed Violence Indicators

In the absence of an authoritative list of global ROLJS indicators and standardized methodologies for recording and classifying crimes, the effort to outline cross-national ROLJS proxy indicators for armed violence is made all the more challenging. The goals, targets and indicators offered above merely demonstrate a logical framework upon which further discussion towards global armed violence indicators might take place.

Efforts to produce common international indicators are currently underway in the GBV and VAW/G sectors. Unsurprisingly perhaps, experts in these fields face a similar set of obstacles in developing global indicators as outlined in sections 3.3 and 3.4 above. The UN Expert Group Meeting on Indicators to measure violence against women reflects on these challenges and provides the following recommendations:

> Given this [diverse] range of national conditions a step-by-step approach to the development and use of common indicators at the international level is considered to be the best way to proceed. At the present time, priority in proposing and selecting indicators should be guided by considerations of availability of data sources, as well as feasibility and sustainability in terms of data collection. Indicators should be accompanied by capacity building and institutional development, focused in particular on the national statistical offices and other data collection systems.[25]

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[25] *UN Indicators to measure VAW*, 7

Indeed, a principled first step towards a list of common AVR indicators at the international level is to define the values, principles, and criteria that will define the selection of indicators. This paper offers a first treatment of these. In particular, this paper recommends that significant national input reflecting, among other things, data harvesting challenges, inform the identification and development of indicators. It is further recommended that national capacities be strengthened to develop sound data management techniques. [26]

The second step required is to develop a framework where goals, targets and indicators can be stationed logically against each other. A sample framework has been provided (admittedly uninformed by national inputs) around 3 key goals, to facilitate development in this regard.

After an "indicators framework" is completed, the third step requires that gaps in the list of indicators be identified through the assistance of an expert level task force.

The final step requires that governments, UN agencies, and civil society work together to populate a finalized set of new indicators. It is recommended that UN member states include action plans to collect the data to populate the finalized list of indicators in their efforts to strengthen the rule of law and reduce the burden of armed violence. [27]

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[26] Mark Rosenberg, Alexander Butchart, James Mercy, et al., *Interpersonal Violence*, Disease Control Priorities in Developing Countries, 2nd ed. (New York: Oxford University Press, 2006).
[27] *A Public Health Approach to Developing Armed Violence Indicators*, 6.

ROLJS Goals, Targets, Indicators

Goal	Target	Indicators
Increase safety and security	Reduce incidents of armed violence	Change in reporting rate of violent crime in 12 month period
		Change in the percentage of people who feel unsafe
	Reduce burden of armed violence against women and girls	Change in reporting rates of violence against women and girls in 12 month period
		Change in the percentage of women and girls who feel unsafe
		All forms of violence against women and girls criminalized and treated as serious offences
Reduce risk factors for violence	Increased institutional integrity of the justice and security sector	Change in percentage of respondents who believe that justice and security institutions discriminate in the prosecution of their duties
		Change in percentage of respondents expressing willingness to approach law enforcement officials to report incidents of violent crime
		Change in percentage of respondents who believe that prosecutors, judge, police can be bribed
		Change in diversity of professional staff of justice and security sector
		Change in percentage of respondents expressing willingness to approach law enforcement officials to report incidents of violent crime
Increase capacity of ROLJS institutions to address armed violence	Increased capacity of justice and security institutions to address armed violence	Change in percentage of respondents that feel satisfied with policing mechanisms
		Change in percentage of women that feel satisfied with policing mechanisms
		Number of police personnel relative to population
		Change in the rate of convictions of violent crime by prosecutors in 12 month period
		Change in the number of violent criminal cases adjudicated by the courts in 12 month period
		Change in the time of filing and first hearing
		Change in percentage of respondents who believe the courts contribute to community safety
	Increased capacity to address VAW/G	Change in rates of investigation, prosecution and conviction of all forms of violence against women and girls in 12 month period
		Change in percentage of women who believe that justice system is able and willing to investigate, prosecute and convict all forms of violence against women and girls