

TECHNICAL BRIEF

# Preventing Violence through Community Justice: A Study on the Relationship between Community Justice Models and Violence Prevention

September 2020

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## About this Brief

This brief study aims to explore correlations between community-centered justice strengthening models and reductions in crime and violence. The study, a collaborative effort between Chemonics International and Transnational Development Associates, examined six active USAID-funded rule of law programs that implement community-centered justice models in Latin America, Eastern Europe, and East Africa.

## Background

Community justice projects primarily seek to improve and provide catered access to justice services to local communities to best serve their specific needs. This includes legal assistance, developing community-level institutions, and outreach efforts to improve community-justice sector relations. Common desired outcomes of community justice programs include faster case adjudication, improved accountability, and improved perceptions and trust between the justice sector and the community. As currently designed, community justice projects rarely have mandates or goals of preventing or reducing violence – rather, they focus on improving access to justice; however, this paper seeks to explore the theory that community justice programming can have an appreciable impact on preventing violence. Identifying these connections could be valuable for exploring how USAID justice strengthening projects can be leveraged to achieve greater impact in communities in which they operate – supporting both access to justice and violence prevention.

### Research Parameters:

- **Methodology:** Data collection included reviewing monitoring, evaluation, and learning (MEL) data from each project and holding informational interviews with project staff. The research was conducted throughout 2019.
- **Featured Projects:** The projects informing this study were active USAID-funded projects in Mexico, Guatemala, Colombia, the Dominican Republic, and Rwanda that focus on justice strengthening and violence prevention.

In any study seeking to determine effects of a given project on crime incidence, particularly violent crime, there are several confounding variables that can influence the perceived change in rates and incidences across different populations and localities. These include population density, historical trends in violent crime, poverty levels, and income inequality, among others.<sup>1</sup> These possible confounding variables have not been included in the analysis of the possible relationship between community-based justice development and violence and crime prevention. This study was intended to be a narrow focus on the data coming from the six Chemonics ROL projects in Latin America, Eastern Europe, and East Africa. A follow-up study on some of the specific relationships mentioned in this paper could result in more statistically substantiated results. This study did not cover this scope due to resource limitations, and instead aims to catalyze and call for additional research. All limitations considered; the data collected in this rule of law research study demonstrates a decrease in crime incidence when a community is participating in a community-centered justice program. The study reviewed existing project data collected that measured the change in the incidence of crime throughout the duration of each project. Other indicators included the comparative change in crime incidence following different community justice activities, as well as a limited discussion of year-to-year change in crime rates in communities targeted by these projects.

“This potential link could result in new ways of addressing root causes of violence by instituting community-centric justice models, thus simultaneously increasing faith in justice and the rule of law while supporting crime prevention efforts.”

Despite the multidimensionality of violence prevention in donor-driven development programming, several of our case studies on rule of law programming in differing country contexts have shown possible linkages between improved community justice and conflict resolution services with decreases in certain crime incidences, including gender-based violence, gang violence, and intra-community conflict. This potential link could result in new ways of addressing root

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<sup>1</sup> Hipp, John R. & Yates, Daniel K., Ghettos, Thresholds, and Crime: Does Concentrated Poverty Really Have an Accelerating Increasing Effect on Crime? *Criminology*, v. 49, i. 4 (November 2011): pp. 955-990

causes of violence by instituting community-centric justice models, thus simultaneously increasing faith in justice and the rule of law while supporting crime prevention efforts.

In two sections below, this study will illustrate links between community-centered justice models and prevention of violence and crime. The first section focuses on the traditional justice sector – defined as the courts, judges, and lawyers that constitute the official justice provision mechanism of the state. The second section discusses the impact that community justice activities outside of this traditional justice sector can have on violence prevention – this is referred to as non-traditional justice. We are using the term “non-traditional justice” to describe what is often referred to as “informal justice.” The World Justice Project defines informal justice as “the role played in many countries by customary and ‘informal’ systems of justice – including traditional, tribal, and religious courts, and community-based systems – in resolving disputes.”<sup>2</sup> While these two types of justice often connect and interact, separating them is a worthwhile exercise for the purposes of this analysis. The benefits to violence prevention are characterized differently in each of these justice paradigms, and thus it is important that they are considered as individual systems first before being integrated to develop a more comprehensive understanding on the impacts of community justice on violence prevention.

## How Community-Centered Models in Traditional Justice Systems Affect Violent Crime Incidence

The traditional justice sector – court system, judges, lawyers, legal professionals, and laws – can only serve as a violence-preventative mechanism if the threat of retributive measures is immediate and real. To make redress for criminal behavior

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<sup>2</sup> <https://worldjusticeproject.org/our-work/wjp-rule-law-index/wjp-rule-law-index-2017%E2%80%932018/factors-rule-law/informal-justice-factor-9>

more normalized in the eyes of the community, community justice projects often work to improve the case adjudication rate, making court a much more legitimate form of grievance redress. However, access to traditional courts is often limited to certain groups and communities on a basis of cost, geographic access, and legal knowledge and advice. Expanding access to the traditional justice sector can assist in making legal repercussions a legitimate prevention tool in vulnerable areas, a process which often involves creating local-level justice institutions in areas where they previously were lacking.

**Community Justice Centers.** One way to increase access to the traditional justice sector is through the creation of community justice centers – local institutions designed to provide relevant services directly to a vulnerable area. This structure is especially designed to address relevant problems in a community, such as limited legal advice, low trust in courts, or a lack of financial assistance for legal proceedings. By bringing justice services directly to communities, community justice centers encourage victims to bring their cases into the traditional justice system with trust that it will be resolved quickly and effectively – ultimately strengthening the communities’ belief and adherence to rule of law as a way for addressing and reducing criminality.

“It is possible, therefore, that access to community justice centers can be correlated with a decrease in the use of violence to resolve disputes in these communities”

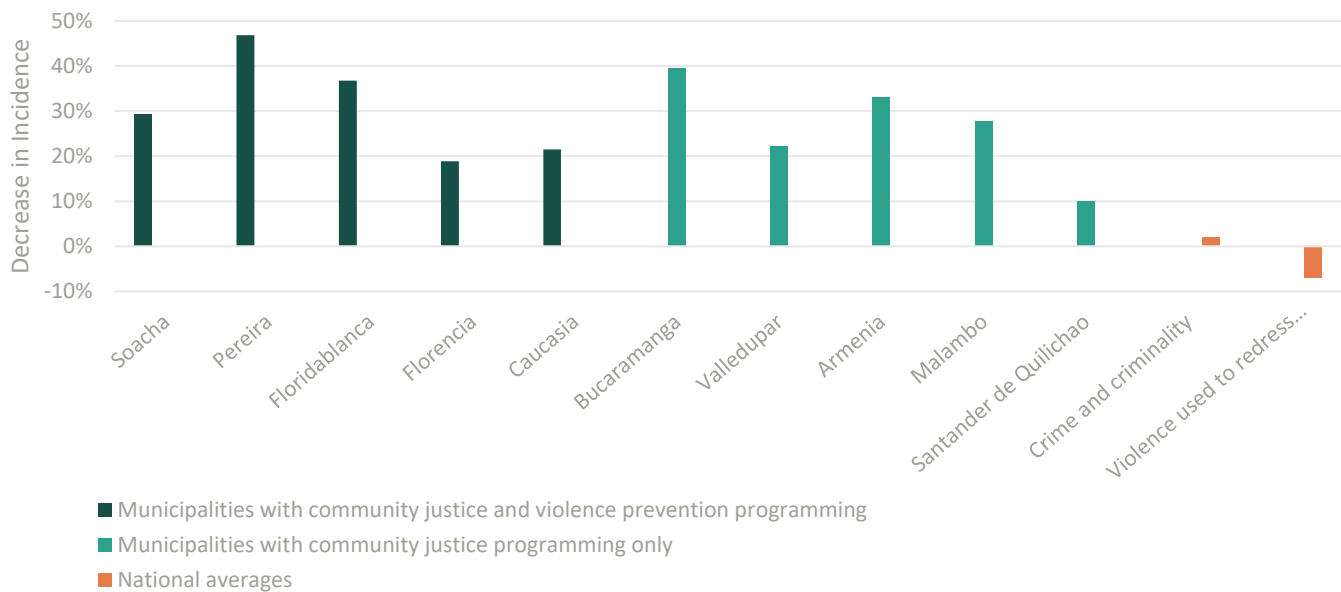
The presence of community justice centers in Colombia has had a demonstrably beneficial impact on the incidence of violence in the communities they serve. From 2018-2019, Colombia, on a national level, saw a small decrease of around 2 percent in criminality, though the use of violence to redress grievances increased by around 7 percent in the same time frame, according to the World Justice Project Rule of Law Index.<sup>3</sup> However, ten communities with community justice centers surveyed saw a decrease in the incidence of violence in the areas of sexual violence, assault, domestic violence, and

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<sup>3</sup> World Justice Project, Rule of Law Index 2019, The World Justice Project, <https://worldjusticeproject.org/sites/default/files/documents/ROLI-2019-Reduced.pdf>; World Justice Project, Rule of Law Index 2017-2018, The World Justice Project, <https://worldjust>

violence towards children. Each area exhibited incidence decreases ranging from 10 percent up to 45 percent from 2018 to 2019, based on project data in those communities. It is possible, therefore, that access to community justice centers can be correlated with a decrease of the use of violence to resolve disputes in these communities, leading to their incidence of violent crimes falling faster than the national

Decrease in Incidence of Violent Crimes in Colombia, 2018-2019



average. This correlation between improved access to traditional justice mechanisms and violence prevention can be improved by including specific violence prevention goals and outcomes. As the relationship between the two variables is explored further, the violence prevention benefits inherent in community justice programming can be expanded with additional activities and programming focused on violence prevention goals such as decreasing crime incidence. Investing project resources into this hypothesized symbiotic relationship can lead to stronger outcomes in both objectives.

**Special prosecution offices.** A Special Prosecution Office is a traditional justice system institution created for dealing with specific crimes. For example, the Special Prosecution Offices in Guatemala dealing with Gender-Based Violence (GBV) work with victims of rape, sexual assault, and domestic



violence. The existence of a dedicated office for a particular type of violent crime allows for special attention to be drawn to the complexities and nuances of that particular offense. In the case of GBV, underreporting of cases is a large issue in Guatemala. Many women, especially those subject to domestic violence, are unlikely to report for fear of retaliation by their spouses or partners. Special Prosecution Offices can better respond to this unique dynamic by issuing restraining orders against the defendant during the adjudication period, supporting the victim with building a case in situations where domestic violence is normalized. Specialized knowledge and practice in this field assists prosecutors in creating more positive outcomes, more resolved cases, and fighting against the pressure to underreport based on fear. Increased reporting can be seen in Guatemala, where departments with Special Prosecution Offices showed an increase in reporting over time, as communities became more acclimated to adding local justice into their lives. Guatemala City reported an increase of 42 percent of cases brought to the Special Prosecution Offices from 2017 to 2019. Smaller communities may be somewhat slower to change, as shown by the department of Chimaltenango seeing an eight percent increase in reporting over the same period (see box). By identifying and prosecuting in specific types of criminality and referring victims to appropriate social services as needed, Special Prosecution Offices are able to stop violence more effectively than other traditional-sector institutions as well as improving the services to victims who might fear escalation or retaliatory violence.

## **SPECIAL PROSECUTION OFFICES INCREASE REPORTING IN GUATEMALA**

Even smaller departments with Special Prosecution Offices see more cases than departments without. Chimaltenango received 1,233 reports between 2017 and 2019, while Totonicapán experienced only 452. This is a 93% difference in reporting levels, even with Chimaltenango being only 38% larger than Totonicapán – the difference is not proportional to the size difference of the two departments both of which are in the Western Highlands. As such, it can be extrapolated that departments with Special Prosecuting Offices saw more than double the reporting than departments without, when controlled for population.

**Reduction in case backlog.** A critical reason why vulnerable communities lack trust in the traditional justice sector is due to a lack of financial resources and perceived ineffectiveness of the sector, corruption, and lack of transparency. This sentiment can be attributed to often long wait times, delayed trials, and red tape-filled hearings. Reducing case backlog to free adjudicators' time to hear more cases and make timely decisions is an important way to rebuild trust in the justice sector – decreasing impunity of crime in many communities. By promoting justice systems that are rapid and responsive, rule of law programs can promote real and meaningful state-led redress as a peaceful way to seek justice, thus reducing citizens' desire to take justice into their own hands with violent retaliation. In the Dominican Republic, the development of community justice houses (CJHs) has helped decentralize the caseload and lessen the number of cases coming before the central judicial authorities. By addressing cases first at the community level, the CJHs promote faster case resolution and more satisfactory conclusions. This helps the nation's overall justice system work more smoothly and efficiently, thus decreasing impunity and promoting traditional justice systems as a viable means by which community members can seek justice for criminality in their neighborhoods.

## How Community-Centered Models in Non-Traditional Justice Structures Affect Violent Crime Incidence

Whereas the traditional justice system focuses on state-led adjudication and prosecution based on a country's laws and practices, non-traditional justice structures are more flexible. Community-centered non-traditional justice structures involve the resolution of disputes not just outside the courtroom, but often outside of the traditional legal domain altogether. Instead, these structures address dispute resolution through other means, ranging from mental health advocacy to citizen coexistence promotion. By reconciling



disputing parties and caring for the mental and physical well-being of victims, community-centered non-traditional justice structures seek to address violence at its base – resolving social conflicts before they can escalate to criminality. The addition of non-traditional justice structures can also strengthen traditional structures as resolving some disputes at the non-traditional level can result in a decrease in caseload for traditional courts. These factors can allow cases to be decided more quickly and in a more informed manner.

**Mediation.** Mediation services seek to prevent disputes from going to court by reconciling the conflicting parties using an external, third party advisor. Mediation is characterized by a flexible and dynamic strategy, seeking to promote understanding and dialogue to prevent escalation to violence. It is praised as an equitable solution – requiring little from the disputing parties in the way of legal knowledge, resources for legal advice, or time for an extended court session. A highly successful example of mediation can be seen in Rwanda, where *abunzi*<sup>4</sup> mediation committees provide de-escalation services related to civil matters and land ownership. Abunzi mediation has been so successful at resolving issues out of court that it has been made mandatory in many cases—such as nonsexual civil matters



*Abunzi mediators completing their training*

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<sup>4</sup> *Abunzi* (lit. 'those who reconcile') refers to local mediation process in Rwanda that helps resolve local disputes before they go through traditional justice systems. Inspired by historic Rwandan justice systems, Abunzi mediators are selected based on their integrity and respect in the communities they serve; those who would seek justice for the betterment of their communities over personal gains.

“Abunzi mediation has been so successful at resolving issues out of court that it has been made mandatory in all relevant cases before attempting to bring a case to court.”

and land disputes—before attempting to bring a case to court.<sup>5</sup> This restorative justice model ensures that parties meet on even footing, preventing abuse of courtroom procedures by wealthy or powerful individuals. An additional challenge of endogenous methods of conflict resolution is the insufficient participation of women. However, the *abunzi* institution has presented opportunities where women can re-emphasize their relevance in community processes. In Rwanda, the *abunzi* system is constitutionally required to ensure that at least 30% of the mediators are women. The quest for consensus and restoration by the *abunzi* system has enabled women’s active participation and subsequent ability to challenge notions of vertical hierarchy that are found in some traditional institutions. This mandate can thus result in reduced feelings of marginalization, as vulnerable communities have a way for their voices to be clearly heard. In turn, decreased marginalization contributes to social cohesion and a decrease in violence and criminality.

*Abunzi* mediation has also been shown to reduce the stress on courts by reducing their case-flow, allowing traditional-sector judges to dedicate more effort to the review of the minority of cases that cannot be resolved at the *abunzi* level. In 2018, of the 13,919 cases reviewed by *abunzi*, only 15 percent continued to a traditional trial. This massive reduction in case backlog promotes further efficiency of courts, resulting in quicker decisions and greater public satisfaction with the justice sector at large. The community-based nature of *abunzi* also underscores their strength in avoiding backlog, and *abunzi* require less training in law, instead focusing on their inherent strengths as embedded community leaders. As such, *abunzi* can be trained in sensitivity to issues like gender, poverty, and other nuances, but can avoid the high cost and time requirements of traditional legal training. This makes the *abunzi* mediation frontline sustainable, efficient, and reliable. By providing mediation services to all citizens before

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<sup>5</sup> While we have classified the *abunzi* approach as non-traditional, its formal uptake makes it more of a hybrid model than a strictly non-traditional model as described in this brief.

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entering the traditional justice sector, *abunzi* mediators can decrease frustration with the efficiency of justice systems, thus improving the speed of dispute resolution. With people’s concerns being addressed more rapidly and at a personal level, there are fewer individuals who feel the need to seek violent redress. Mediation can thus improve violence prevention by providing faster, more personal, and rehabilitative justice to those who could otherwise be left out of the traditional sector.

### **Crime prevention activities and citizen coexistence.**

Designing a community justice program with crime prevention as a specific goal may create a symbiotic effect with justice sector strengthening efforts to both increase judicial representation and decrease violence at a greater level than either program could achieve individually. While these activities may not be part of the traditional justice sector, holding community events with traditional or non-traditional justice system institutions can improve visibility of each other’s work. In this way, combining community justice programs with violence prevention activities can simultaneously work to sensitize communities to signs of escalating conflict while also habituating them to work with community justice institutions. In Colombia, community justice centers (traditional system institutions) have increased their number of crime-prevention activities from an average 3.2 activities per institution in 2015 to an average 47.7 activities per institution in 2018, and project a further increase to over 55 activities in 2019 year-end statistics. Some examples of activities include a design of gender-based violence and sexual violence response pathways, alternative dispute resolution trainings, and citizen coexistence promotion.<sup>6,7</sup>

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<sup>6</sup> USAID Justice for a Sustainable Peace Activity, Quarterly report January – March 2020, Prepared by Chemonics International for USAID. (April 2020), 16.; USAID Justice for a Sustainable Peace Activity, Quarterly report April – June 2019, Prepared by Chemonics International for USAID. (July 2019), 19.

<sup>7</sup> Citizen coexistence is articulated in the 2018-2022 Colombian National Development Plan chapter on “Coexistence, Justice and Security.” The chapter establishes Justice Houses and Citizen Coexistence Centers. As with Justice Houses, the JSP project conducted an evaluation of the coexistence centers, offered reform recommendations, and ultimately supported the development and capacity building

Statistics from 2018-2019 show that crime incidence in communities that did carry out specific prevention activities hosted by community justice centers decreased more than in communities that did not carry out such activities. One example is Pereira with an overall combined decrease of 27 percent as compared to Valledupar with a 10 percent decrease. Both cities have just under 1 million residents. In 2018, Pereira recorded 2,785 incidents while Valledupar recorded 2,162. These numbers decreased to 1,481 and 1,684 respectively. Furthermore, with populations becoming more sensitized to the presence of justice centers in the community, it stands to reason that violence prevention activities could contribute to improving rule of law indicators too – acclimating the community to including justice as a part of their normal routine in resolving disputes before resorting to violence. This could result in higher acceptance and use of traditional justice mechanisms as well as non-traditional ones.

**Holistic service models.** Holistic service models seek to resolve legal disputes outside of court like mediation, but also go a step further in ensuring that all parties leave the dispute with a healthier understanding of how the dispute arose and how to prevent it in the future. These models combine mediation with psychotherapeutic work to help communities recover from violence and conflict and build peaceful resilience to the same. In Mexico, key municipalities affected by drug cartel violence became the site of a pilot program using cognitive behavioral therapy, a psychotherapeutic strategy, to help individuals recover from violence and trauma in healthier, nonviolent manners. Not only has this been accompanied by a decrease in recidivism and a decrease in the incidence of minor and major crimes (see box), but exit surveys show cognitive change in the way that participants process negative feelings into positive outcomes.

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of citizen coexistence centers and their staff. JSP also supported the Coexistence and Conciliation Committees in target municipalities.

## HOLISTIC SERVICE MODEL RESULTS IN MEXICO

In Escobedo, Mexico, the holistic service model implemented by a USAID-funded violence prevention project focused on mental health, de-escalation of existing conflicts, and preventing cycles of violence. The city experienced a 22 percent decrease in minor criminal offenses, as well as a 38 percent decrease in recidivism over the same 2017-18 period.

Program participants reported being less likely to resort to violence in stressful scenarios and were less likely to report emotions like anger, hostility, and aggression, and evidenced a decrease of 25 percent in “verbal aggressiveness” of participants. Furthermore, participants were 28 percent less verbally aggressive than non-participants. Despite clear implications on violence prevention objectives, this also helps promote rule of law, as program participants are more likely to seek a peaceful path of dispute resolution through either traditional or non-traditional channels.

## Recommendations and Considerations

Recommendations from this report hinge on the importance of considering large-scale effects of projects, rather than solely measuring impact on a specific set of indicators. One of the greatest hinderances during the study was the lack of violence prevention data gathered by rule of law projects – understandably so as violence prevention indicators are not often incorporated into their design. Even community centered rule of law projects, which often work directly toward violence prevention, did not have a variety of strong data available to ensure a robust statistical testing of the hypothesis. General theories around community-based justice and violence prevention are an important step in developing new theories of change, but without further data collection and statistical testing, it is impossible to showcase a sound correlative relationship. As such, rule of law projects should consider external effects on adjacent sectors such as violence prevention and collect data accordingly. Showing a clear improvement on violence prevention can help justify cross-sector investment in simultaneous community justice

“Rule of law projects should consider external effects on adjacent sectors such as violence prevention and collect data accordingly.”

and violence prevention programming, thus improving both areas to a greater degree than could be established without this symbiotic relationship.

A change in project monitoring, evaluation, and learning (MEL) structures can boost the evidence of cross-sector effects of community justice programming, but donor support for pilot programs is a critical element to develop experimental evidence for this theory. By permitting projects to engage in multi-disciplinary research and programming in short-duration, small-scale pilot programming, the efficiency and efficacy of future projects can be increased with a small forward investment. Testing the cross-sectoral effects of community justice programs can thus result in better results per dollar spent. Donors of rule of law and community justice programming should encourage the monitoring of project impact on other sectors including violence prevention to better understand the wide-reaching effects of community justice programs, including on violence prevention.

“By permitting projects to engage in multi-disciplinary research and programming in short-duration, small-scale pilot programming, the efficiency and efficacy of future projects can be increased with a small forward investment.”

Many governments and police bodies in host countries do track the critical data needed to substantiate linkages between community justice and violence prevention but may be unwilling or unable to share this data with outside actors. Thus, to widen the reach of community justice programs, local and national governments must fully support, both ideologically and financially, the project from the beginning. Creating a sense of shared mission can improve governments' abilities to collect, share, and analyze data, leading the stronger conclusions and clearer paths forward. Furthermore, a partner government cannot be expected to take ownership of a project without being involved previously, so engaging local ministries and government bodies in data management and collection from the beginning is crucial to the successful scaling-up of community justice programs with violence prevention elements.

***The final finding of this study*** is the importance of local sensitivity in the design of pilot programming and scaled-up programming alike. In designing strategies by which community justice can improve violence prevention, it is



critical to understand the local context and political dynamics. Communities across the country may have different experiences with the traditional justice sector, and some may need more time to fully buy into state-sponsored justice playing an important role in their society. Solutions to improve community justice and violent prevention require a locally sensitive approach, not a one-size-fits-all solution. For this reason, pilot programming plays a critical role, allowing “mini-projects” (small bets) to gauge communities’ openness to certain types of community justice. Political awareness and context sensitivity will help ensure the best community justice fit.