

Civil Society and Institutional Reform

Author:

Laura Davis

Consultant

laura@lauradavis.eu

This paper was prepared in the framework of the Civil Society Dialogue Network (CSDN) <http://www.eplo.org/civil-society-dialogue-network.html>

The paper was produced as background for the Civil Society Dialogue Network (CSDN) meeting *Middle East and North Africa: The Role of Civil Society in Institutional Reform* to be held on 1 December 2011 in Brussels.

The views expressed in the paper do not necessarily reflect the positions of the CSDN as a whole, or of EPLO, the European External Action Service or the European Commission.

Civil Society Dialogue Network

The Civil Society Dialogue Network (CSDN) is a three-year project funded by the European Commission aimed at facilitating dialogue on peacebuilding issues between civil society and the EU institutions.

For more information about the Civil Society Dialogue Network, please visit the [EPLO website](#).

Contents:

1. Introduction.....	3
2. Civil Society involvement in Reform of the Security Sector and Law Enforcement Agencies	4
a. Informing reform processes of public perceptions	4
b. Influencing and shaping the direction of reform	5
c. Advocacy campaigns	5
d. Informing the public about reform.....	6
e. Building trust between the public and security forces	6
f. Support to state justice provision.....	7
g. Provision of legal services	7
h. Monitoring and Evaluation of reform and governance of the security sector and law enforcement agencies.....	8
3. Civil Society involvement in the governance of the security sector and law enforcement agencies.....	9
a. Community-based policing	9
b. Non-state justice and security provision: civil society as service provider	10
c. Statutory, state-convened monitoring bodies.....	10
d. Monitoring initiatives by civil society.....	11
4. Further Reading and Resources.....	12

1. Introduction

There are two Concepts for EU support to SSR, for [Community](#) and [CSDP](#) measures respectively. Both draw heavily on the [OECD/DAC guidelines for security system reform](#) (2005). While there are few explicit references to civil society engagement in either EU document, nonetheless civil society can be understood to play a key part in the reform and governance of the security sector.

The OECD/DAC defines the security system as:

- **Core security actors:** armed forces; police service; gendarmeries; paramilitary forces; presidential guards; intelligence and security services (both military and civilian); coast guards; border guards; customs authorities; and reserve or local security units.
- **Management and oversight bodies:** the executive, national security advisory bodies, legislative and legislative select committees; ministries of defence, internal affairs, foreign affairs; customary and traditional authorities; financial management bodies; and civil society organisations (civilian review boards and public complaints commissions).
- **Justice and the rule of law:** judiciary and justice ministries; prisons; criminal investigation and prosecution services; human rights commissions and ombudsmen; and customary and traditional justice systems.
- **Non-statutory security forces:** liberation armies, guerrilla armies, private security companies, political party militias.

Source: [OECD/DAC guidelines](#)

The principle of local ownership underpins the OECD/DAC and EU approaches to SSR, even if this commitment is not uniformly realized. As SSR is a democratic (or democratizing) process, local ownership must be understood more broadly than ownership by the government and security sector; it should be understood as ownership by the population more generally, including civil society, and the intended beneficiaries of reform. Particular attention should be paid to marginalized communities whose security needs are often neglected and who are often excluded from reform processes.

Civil society organisations (CSOs) play variety of roles in contributing to local ownership:

- informing (inter)national actors on security and justice issues, including the varying needs of different parts of the population;
- representing views of particular communities;
- monitoring the implementation of reform or of the security agencies more generally; and
- raising public awareness of security and justice-related issues, including reform proposals, amongst the population and catalyzing or contributing to public discussion on the role, missions and needs of the population and the security services and law enforcement agencies.

CSOs may face significant challenges in engaging in both spheres, including:

- resistance from political and/or security actors to CSO engagement;
- the search for 'quick-fixes' by international donors that may exclude CSOs;
- a lack of capacity (e.g. expertise, structural, financial) within CSOs;
- a lack of public interest in justice and security-related issues; or

- there may be CSO engagement in formal structures, while decisions are in reality taken elsewhere and informal networks continue to control the security system and law enforcement agencies.

CSOs may, therefore, be engaged in a range of activities which contribute directly to SSR processes and to security governance, and may also implement aspects of reform. In some cases, CSOs may be providers of justice or security. The roles that civil society may play in reform processes and in security governance more broadly are overlapping; reform and ongoing governance are not exclusive categories. The following sections provide positive examples of civil society engagement in reforming the security sector and law enforcement agencies and security governance, which may have relevance for other situations.

2. Civil Society involvement in Reform of the Security Sector and Law Enforcement Agencies

a. Informing reform processes of public perceptions

CSOs can play a key role in informing reform processes by identifying areas for reform and feeding public perceptions into reform processes. Research can reveal how different parts of the population – such as women/men, different ethnic, religious or socio-economic groups, urban/rural populations, people living in different regions - perceive safety/security and the security forces and law enforcement agencies, and have different security needs.

Example 1

Public perceptions of security in Bangladesh – Mitra and Associates & Saferworld

Mitra and Associates and Saferworld conducted a household survey of public perceptions of security provisions in Bangladesh which revealed how the public viewed formal and informal security and justice provisions, including how women and men had different experiences of security and needs of security providers. On the basis of the survey the organizations presented recommendations for reform, particularly in the justice and police sectors.

Source: Saferworld & Mitra and Associates (2010) [Security Provisions in Bangladesh: A public perceptions survey](#)

Poverty reduction strategy plans and national development plans may provide an important entry point for CSOs to have a direct input on security and justice issues into policymaking, as governments and international actors (including the EU) are obliged to consult civil society in developing these plans. National budget discussions in parliament may also give CSOs the opportunity to inform parliamentarians through research and analysis and comment directly on proposals.

Example 2

Coalition All for Fair Trials, FYR Macedonia

The reports of the Coalition All for Fair Trials in Macedonia on judicial sector reform and anti-corruption measures have fed directly into formal assessments of progress in institutional reform, including Macedonia's progress reports under the Instrument for Pre-Accession Assistance.

Source: Romanian Center for European Policies (CRPE) (2011) *EU Approach to Justice Reform in Southeastern and Eastern Europe*

b. Influencing and shaping the direction of reform

'Local ownership' entails building local consensus on the direction of reform and developing a vision of the role of the security forces and law enforcement agencies that includes the views of those beyond the government and security elites. CSOs can play an important role in developing the underlying strategy and values of security reform endeavours through expert input on particular issues, representation of particular constituencies and on specific public needs and perceptions. Engaging CSOs in these debates is also therefore an end in itself as contributing to democratizing the governance of the security sector and law enforcement agencies.

Example 3

Military Reform in Guatemala

Following the 1996 Peace Accords, Interpeace and its Guatemalan civil society partners have worked to strengthen and facilitate the implementation of the component of the Accords dealing with redefining the role of state security institutions and strengthening the role of civil society in security sector issues. The POLSEDE project drafted an initial proposal for a National Security System. The follow-up project, FOSS, has been a key catalyst and player in facilitating the rapprochement between civil society, the state, and government ministries involved on security related issues. It facilitated discussions on the National Security System with the participation of political parties, the Ministry of Defence, the President's Peace Secretariat, the President's Advisory Security Council and civil society organizations. This process culminated in the presentation of a blueprint for the National Security System to the then President, Oscar Berger, which he endorsed. The Law was approved in 2007.

Source: [Interpeace](#)

Example 4

Development of Civil-Military Relations in Slovakia from 1999

Cooperation between NGOs and the governmental 'security sphere' was challenged in the early days of Slovakia's transition by secretiveness on the part of the security forces, citing national security interests. This was compounded by a lack of capacity within civil society to provide expert input on key issues. Over time, there has been an increase in democratization of the security sector, increased transparency in the preparation of strategic documents, a greater interest in, and influence on these issues from NGOs, and increased public interest in security and defence. Key issues in the development of a Slovak security community were:

- The establishment of reputable NGOs expert in security and defence issues, which often developed from NGOs engaged in foreign policy more broadly;
- Assistance from external donors and cooperation with NGOs in established democracies;
- Interest from the state in cooperating with NGOs

Source: Vladimír Tarasovič (2008)

c. Advocacy campaigns

CSOs may engage in advocacy campaigns primarily targeted at national authorities as an attempt to improve the effectiveness and behaviour of the security forces and law enforcement agencies.

Example 5

Juvenile Justice Programme (Penal Reform International – PRI)

In Morocco, Lebanon, Jordan, Egypt, Yemen and Algeria, PRI has focused on generating dialogue and information exchange on alternatives to imprisonment. PRI in the region works on ensuring that the rights of children in conflict with the law are protected and that the detention of children is a measure of last resort and for the shortest time possible. They work with both governments and NGOs to promote international standards and guidelines related to juvenile justice, notably the UN Convention on the Rights of the Child. Penal Reform International has set up an Arabic website to promote child's rights and juvenile justice: www.nour-atfal.org

Source: [Penal Reform International](http://www.pri.org)

d. Informing the public about reform

In addition to (and often connected to) advocacy campaigns, CSOs may also engage in awareness-raising targeting the public which aims to inform and to educate the public on their rights, to increase understanding of crucial issues related to the reform of the security and law enforcement agencies, and to facilitate public engagement in reform.

Example 6

Civil Society facilitating public engagement in SSR in Indonesia

Within Indonesia, there were calls for democratization long before 1998, and public support for reform grew over time. A wide cross-section of CSOs and groups from civil society—including university students, academics, professional associations, religious and public figures, workers, fisher-folk, and victims of human rights violations—applied massive external and internal pressure for the abolition of the military's political role, and the separation of the police and the army. During this time, there was a heightened awareness and shared understanding of the importance of reform among civilians, government, and even some military officials. Civil society support for reform has been sustained over the years by CSO advocacy that has facilitated greater public understanding of, and engagement in, SSR issues. CSO advocacy has also provided a means through which the public can hold security actors to account, and monitor government efforts toward democratic reform.

Source: Rights and Democracy/IDSPS (2008) [Civil Society and Security Sector Reform in Indonesia 1998-2006](http://www.riddemocracy.org/publications/civil-society-and-security-sector-reform-in-indonesia-1998-2006)

e. Building trust between the public and security forces

In countries emerging from conflict and/or in transition to democracy, the security services and law enforcement agencies may be associated with repression rather than of increasing public safety and protecting the rights of the citizen. In these cases, it may be particularly important to build trust, especially in the police service, which should protect the citizen (rather than the government) in the new order.

Example 7

Palestinian territories: developing trust between police and civil society - Geneva Centre for the Democratic Control of Armed Forces (DCAF)

The Palestinian security sector is undergoing far-reaching reforms as part of the development of a democratic Palestinian state. One of the objectives of these reforms is to break down the

barrier of mistrust which has become established between the police and civil society and to develop new channels of communication. To this end, local crime-prevention bodies have been set up in four districts of the West Bank, which bring together representatives of the police, the Palestinian Authority and civil society to address the population's current security interests.

Source: [Federal Foreign Office \(Germany\)](#)

In other cases, there may be poor relationships between the military and civilian populations, especially where the armed forces commit human rights violations. CSOs may help to change the behaviour of the security forces and improve civilian-military relationships, often in connection with advocacy and awareness-raising projects.

Example 8

'Tomorrow is a New Day' project in DR Congo

Search for Common Ground and its partners in DR Congo support Civilian Protection Committees, which carry out sensitization activities for soldiers to reinforce their respect for human rights. They also organise joint civil-military activities (e.g. cleaning up markets, common agricultural projects) and radio programmes ("Kesho ni Siku Mpya / Lobi Mokolo Ya Sika" and Njiya za Sheriyya") broadcast in Swahili and Lingala, with messages around civilian protection, combating impunity, accessing justice and improving military-civilian relationships. SFCG also distributes comic books themed around military justice.

Source: [Search for Common Ground](#)

f. Support to state justice provision

Where the justice system is extremely weak, CSOs may also support state justice systems. This may include strengthening the institutions by providing training to court and judicial personnel.

Example 9

Access to justice in DR Congo: Avocats Sans Frontières

ASF aims to re-establish the link between the population and the justice system, in order to promote formal justice as a non-violent means of resolving disputes by supporting legal aid clinics, bar associations in Kinshasa and the provinces, providing legal assistance for persons in preventive detention, logistical support to prosecutors and detention review hearings and organising mobile court hearings in rural areas, in Kinshasa and the provinces of Equateur, Maniema and Nord-Kivu.

Source: [ASF](#)

g. Provision of legal services

CSOs may also be involved in providing legal services, and in improving the access of the poor and marginalised to the formal justice system.

Example 10

Women's Access to justice in Nepal

Women's access to justice is complicated. If a victim of abuse seeks justice independently, the police often do not give her case serious attention. However, if the victim approaches the police through a social organisation, her case is more likely to be considered.

Source: DCAF (2011) [Gender and Security Reform: Examples from the Ground](#)

h. Monitoring and Evaluation of reform and governance of the security sector and law enforcement agencies

Civil society may play an important role in monitoring how reforms are carried out, as well as contributing to the design of reform processes. Monitoring may be confined to discrete processes or events:

Example 11

Vetting in Kenya

CSOs in Kenya issued a public statement criticising the vetting process for the positions of Chief Justice, Deputy Chief Justice and Director of Public Prosecutions in that country. In a statement, the organisations criticised the process of vetting as well as the outcome in the case of one appointment.

Source: [Civil society statement on the process of vetting for the Chief Justice, Deputy Chief Justice and Director of Public Prosecutions](#)

Or it may take the form of longer-term, more comprehensive research:

Example 12

Public Perceptions of Safety and Security in Kosovo

Saferworld and the Forum for Civic Initiatives have conducted six tracker surveys of public perceptions of safety and security in Kosovo to date. These surveys take into account different characteristics of respondents (such as ethnicity, geographic location, gender, age) and monitor changing perceptions of safety, security and the security services. The most recent survey ('Time to Act') highlighted how the reputation of the Kosovo Police had fallen, and public frustration with insufficiently accountable and ineffective national and international (EU Rule of Law Mission in Kosovo) institutions. The report made recommendations based on the findings of the survey, on a range of issues related to security sector reform and governance, as well as on key related processes, such as talks between Kosovo and Serbia.

Source: Christine Bennett & Saferworld (2011) [Public Perceptions of Safety and Security in Kosovo: Time To Act](#)

Given the importance of civil society engagement for local ownership, there is also a key role for CSOs to play in the formal monitoring and evaluation (M&E) of reform programmes of the security sector and law enforcement agencies, at both the national and international levels.

Example 13

Evaluating for security and justice

All aspects of the M&E process should encourage the greatest possible degree of *participation* from different stakeholders. This means that not only should all relevant national state actors be involved in M&E (which will include several institutions beyond the security

system, such as other relevant ministries and agencies, and also members of the legislature – parliamentarians, committee representatives, opposition politicians, etc), but also that there is broader civil society participation and ownership of the M&E process. Particularly during reviews and evaluations, care should be taken to consult with a wide variety of nongovernmental voices representing different social categories and constituencies, since different groups are likely to have different perspectives on SSR. This helps both to provide a broader range of views on the SSR process and to understand how SSR has affected different categories of people. In most cases, local representatives should also be included in the evaluation team, since their insight into the local situation should help to ensure that the evaluation fully understands the local context.

Source: Saferworld (2009) [*Evaluating for security and justice: Challenges and opportunities for improved monitoring and evaluation of security system reform programmes*](#)

3. Civil Society involvement in the governance of the security sector and law enforcement agencies

As noted in the Introduction, civil society may play the same roles in on-going governance of the security sector and law enforcement agencies as in reform processes: many of the aspects of civil society engagement in reform mentioned above may develop and become part of the continued governance of the security sector and law enforcement agencies. These aspects are not repeated here.

a. Community-based policing

Where the police has a legacy of repression, a different philosophy of policing, removed from regime support and party politics and with a clear distinction of duties from that of the military, may be required. Community-based policing focuses on the public and people's needs, and it aims to provide policing as a service to them in an accountable manner and through respect for human rights. It requires continuous, sustained contact with all sections of the local community so that together, the police and the community they work in (and belong to) can identify local solutions to local problems.

Example 14

Community-based policing in Macedonia

In Macedonia, 'community policing' has been a leading strategy adopted by the Government to rebuild weak community faith in state institutions. Broadly speaking, the objective is to integrate (often for the first time) the police as an essential, valued and trusted part of the wider fabric of the community, through changing the police's perception of their role as a reactive, state-centred agency and, at the same time, embarking on a project to win the trust and support of the Albanian communities in the northern areas of the country that were the main site of operations during the 2001 civil war. Police patrols now better reflect (demographically) the community they serve, and a new 'community centred' approach has been incorporated throughout their training periods. New structures have also been created to engage the community. Citizen Advisory Groups (CAGs) have been established as fora to discuss matters of mutual interest and concern between designated community representatives and the police.

Lessons Learnt:

- Introducing the police back into society is the first step of a very long process of trust building and has been done incrementally, and with sensitivity, to ensure long-term success.
- The ethnic composition of the police patrols was changed to be more representative and this made the police much more acceptable to the local population.

Source: SEESAC (2006) [Philosophy and Principles of Community-Based Policing](#)

b. Non-state justice and security provision: civil society as service provider

In situations where the state is unable to provide adequate justice provisions, the population, particularly rural or poor people, may rely on non-state (or 'traditional' or 'customary') justice systems. These systems vary widely, and while many provide access to justice, security and important dispute resolution services, others may be discriminatory, unfair or corrupt. NGOs may work with non-state justice providers to support accessible justice for people, especially the poor, while working with the system to improve fairness, transparency and accountability.

Example 15

NGO engagement with non-state justice in Bangladesh

Shalish is a means of dealing with disputes within the community. It generally takes the form of a public event in which civil disputes are resolved through arbitration and/or mediation, by people with some standing in the community. There are three types: (1) traditionally administered by village or religious leaders; (2) administered by a local government body; (3) a modified form introduced and overseen by NGOs to make the traditional form fairer, such as by reducing gender discrimination.

The women's organisation "Banchte Shekha" integrates its support for *shalish* with programmes such as literacy training, livelihood development and group formation. These aim to alter the bias of *shalish* against women and disadvantaged groups by addressing underlying power imbalances. Evidence shows a positive impact on dowry, women's status and other issues. (Golub)

Source: DFID Briefing (2004): [Non-State Security and Justice Systems](#)

c. Statutory, state-convened monitoring bodies

CSOs may be involved in establishing independent monitoring mechanisms to oversee the security sector and law enforcement agencies. These mechanisms may provide a useful platform through which CSOs, the government, the security services (and donors) may engage in ongoing reform of the security sector and law enforcement agencies. However, they may also lack transparency or be composed of members of the ruling elite (See: CRPE, 2011).

Example 16

Indonesian National Commission on Violence Against Women (*Komnas Perempuan*)

Komnas Perempuan was established in response to demands from civil society for state accountability for the mass rapes that occurred during the 1998 riots. There were lengthy negotiations between women leaders and the President's office, particularly with regard to its independent status, the procedure for selecting commissioners, and the naming of this commission. While violence against women was the entry point, the mandate of this commission was then defined more broadly in terms of protecting and promoting women's human rights. It is tasked to provide information and make legal and policy recommendations to the government, legislative and judicial bodies, as well as CSOs, raise public awareness of all forms of violence against women, and monitoring (including fact finding and documentation). Its role is mainly concerned with standard setting and policy change. In doing so, it raises the gendered dimension of critical issues, and functions as a common ground for

civil society, government, and law enforcement agencies to formulate together a new vision for the nation's future.

Source: DCAF (2011) [Gender and Security Reform: Examples from the Ground](#)

d. Monitoring initiatives by civil society

CSOs are increasingly engaged in monitoring security forces and law enforcement agencies, highlighting cases when these agencies have contravened national or international legal obligations, for example. Methodologically sound monitoring reports can be used internally by oversight bodies (parliamentary committees, ombudsmen), for advocacy and for raising public awareness of rights and accountability.

Example 17

Human Rights Watch: Repression of Former Political Prisoners in Tunisia

"A Larger Prison" March 24, 2010. This 42-page report documents the range of repressive measures, many of them arbitrary, that Tunisian authorities impose on former prisoners. These include close monitoring and surveillance, denial of passports, threats to re-arrest some who speak out on human rights or politics, and restrictions on movement that are not delivered in writing to the affected person and the violation of which can lead to re-imprisonment.

Source: [Human Rights Watch](#)

4. Further Reading and Resources

DCAF (2011) [Gender and Security Reform: Examples from the Ground](#)

DCAF (2008) [Public Oversight of the Security Sector](#)

DFID (2004) Briefing: [Non-State Security and Justice Systems \(May 2004\)](#)

[Governance and Social Development Resource Centre](#)

L. Nathan (2007) [No Ownership, No Commitment: A Guide to Local Ownership of Security Sector Reform](#) University of Birmingham

[OECD DAC Handbook on Security System Reform](#) (2007)

Saferworld (2009) [Evaluating for security and justice: Challenges and opportunities for improved monitoring and evaluation of security system reform programmes](#)

[The Global Facilitation Network for Security Sector Reform](#) (GFN-SSR)

Romanian Center for European Policies (CRPE) (2011) [EU Approach to Justice Reform in Southeastern and Eastern Europe](#)

South Eastern and Eastern Europe Clearinghouse for the Control of Small Arms and Light Weapons (SEESAC) (2006) [Philosophy and Principles of Community-Based Policing](#)

V. Tarasovič (2008) 'Slovakia's Experience with Building of Civil-Military Relations' in R. Ondrejcsák, V. Tarasovič & E. Nečej (Eds.) *Experiences from Transatlantic Integration and Security Sector Reform and implications for partner countries*. Centre for European and North Atlantic Affairs, Bratislava