

Systems-level Rule of Law interventions

Effective rule of law (ROL) ensures that laws--and **the justice institutions, actors, and processes** that support them – **protect individual rights** and are responsive to and inclusive of the needs of all people in society. ROL is often framed as a **means of ensuring or pursuing justice**. The conflation of ROL with justice institutions often leads to substantial overlap between interventions that aim to strengthen ROL and those aiming to strengthen justice systems.

This brief highlights research findings and observations from fifteen studies from the 'Systems' domain of the **Rule of Law Evidence Gap Map**. The topic was selected based on the availability of evidence and the priorities of USAID Democracy, Rights and Governance (DRG) technical experts. The intended audience is DRG practitioners, with a focus on practical information and considerations to inform planning and implementation of DRG programming and research. The brief thus does not synthesize or quantify intervention effect sizes (as in a systematic review), nor does it replace the need for rigorous evaluation of DRG programming.

Did you know ?

- An estimated **5.1 billion people** have no access to effective justice.
- Nearly **60 per cent** of justice problems remain unresolved.
- Over **253 million people** live in situations of extreme injustice, including conditions of slavery, statelessness, and high levels of insecurity.¹

Key messages



For practitioners



- Capacity-building programs for justice actors can support some of the most vulnerable people who come into contact with the justice system.
- Interventions that engage informal justice actors who deliver alternative dispute resolutions should incorporate a people-centered approach.
- Building in accountability mechanisms or stakeholder buy-in for ROL capacity-building programs could strengthen behavior change.
- Systems-level interventions that reduce individual opportunities or attitudes for illegal activity can deter crime.
- Legal-normative conditions can influence the adoption of open data policies in police departments.

For learning specialists and researchers



- The evidence on what works for improving the rule of law is limited. Additional research on interventions that focus on ROL systems is needed to strengthen the evidence base.
- Use rigorous methods with diverse populations to understand what works, for whom, and under what conditions.
- Make sure the sample size is large enough to capture the anticipated effects, and complement this with a rigorous evaluation design.

Conceptualizations

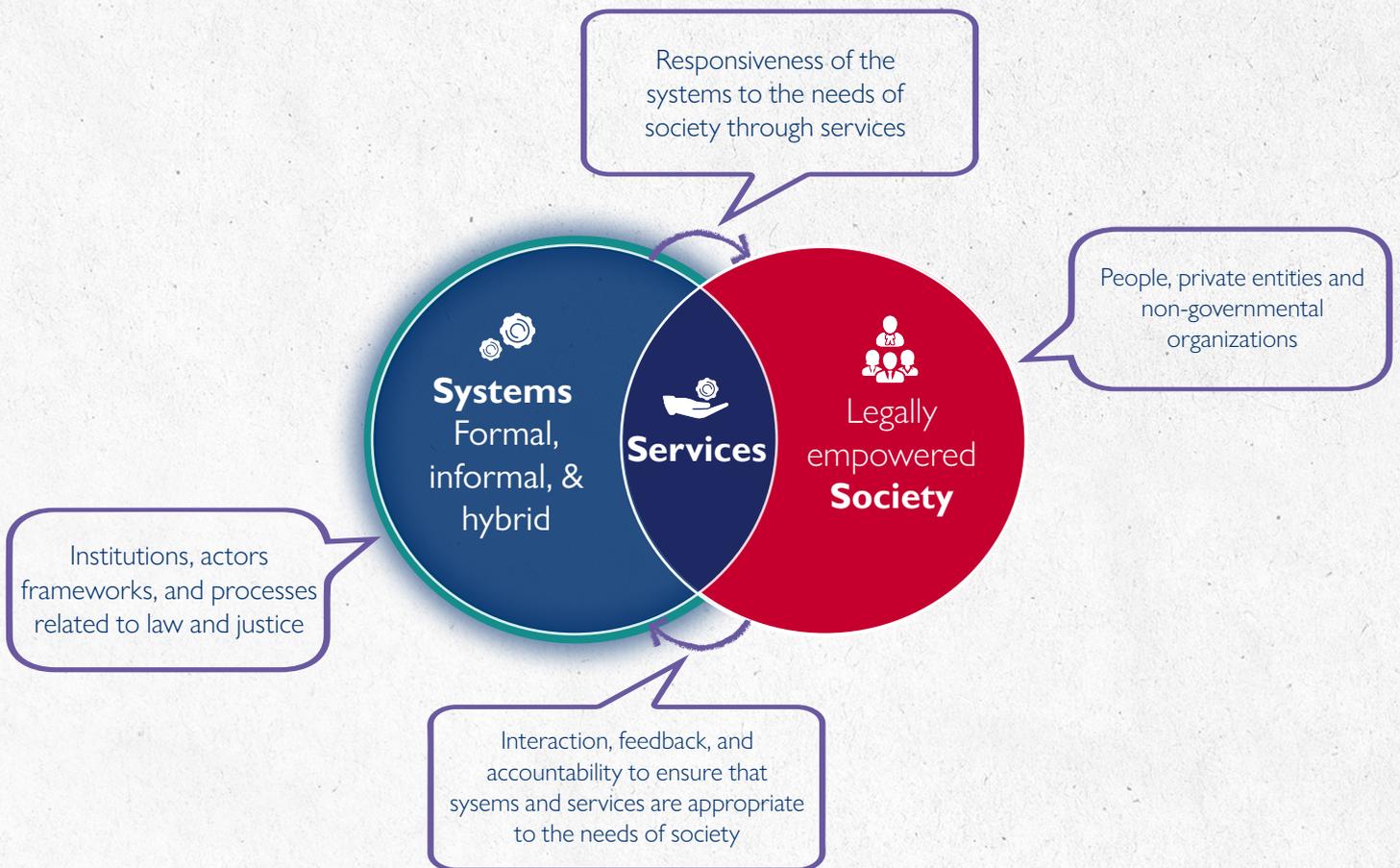
How we conceptualize rule of law



Our understanding of ROL and how to strengthen it is constantly evolving. For this brief, **effective ROL** is conceptualized as relying on the function **of three different domains –systems, services, and society** – and the existence of supportive interactions and well-functioning feedback loops between them (Figure 1).

Systems in this conceptualization are the basis for providing effective ROL in a given context, and are the foundation for providing legal and justice services to society. **Services** are points of interaction wherein formal and informal legal and justice institutions and actors come into contact with members of **society** to deliver legal support or protection, or to uphold the law. Society is a diverse sphere encompassing all the people, private entities, and non-governmental organizations within a particular context.

Figure 1: Conceptualization of effective ROL



Source: Modified version of the diagram included in the report *Rule of Law and Justice: an Evidence Gap Map*, 3ie

Our conceptualization of ROL is also underpinned by a "**people-centered justice**" approach to ROL assistance. In contrast to approaches that emphasize justice system institutions and actors (formal and informal) and how successfully they enforce the law, a people-centered justice approach puts people at its core. It transforms justice institutions and services into more data-driven, user-friendly, solution-focused, and prevention-oriented entities, while also empowering people to know, use, and shape the law, and to seek multiple pathways to justice.

Availability of evidence about the effects of these interventions



There is a **large gap in understanding about interventions that** improve ROL.

To fill this gap, USAID commissioned 3ie to develop an **Evidence Gap Map** of ROL interventions and outcomes.

An EGM is a **visual representation** of completed and ongoing studies that quantify **changes attributable to a**

program – that is, after accounting for other factors--structured around a **framework of interventions and outcomes**. The EGM thus represents an important slice of the available body of evidence that can inform USAID decision-making about where and how to invest resources for development.

Figure 2: Key aims and illustrative examples of systems-level ROL interventions

Aim		Example of intervention
Make laws fairer, more equitable and non-discriminatory, and consistent with international human rights standards		Participatory law reform Review and reform of laws to meet international human rights standards such as the International Covenant on Civil and Political Rights
Reform processes and systems to make them more efficient, responsive, and inclusive		Vetting and formal criteria for the selection of judges, police and other justice actors Creating improved infrastructure for case management
Build capacity and shape incentives of institutional and individual justice actors		Pre-service training, education and curricula improvement for formal institutional actors Providing training and education for informal justice system actors
Enhance transparency and accountability of institutions, actors, and processes		Strengthening procedural justice approaches Publishing resource, process, and outcome information for the public
Strengthen linkages, coordination, and integration within and between systems and actors		Strengthening of relationships and referral mechanisms between actors across the formal and non-formal systems, including through MOUs

What do we know? Where are the gaps?



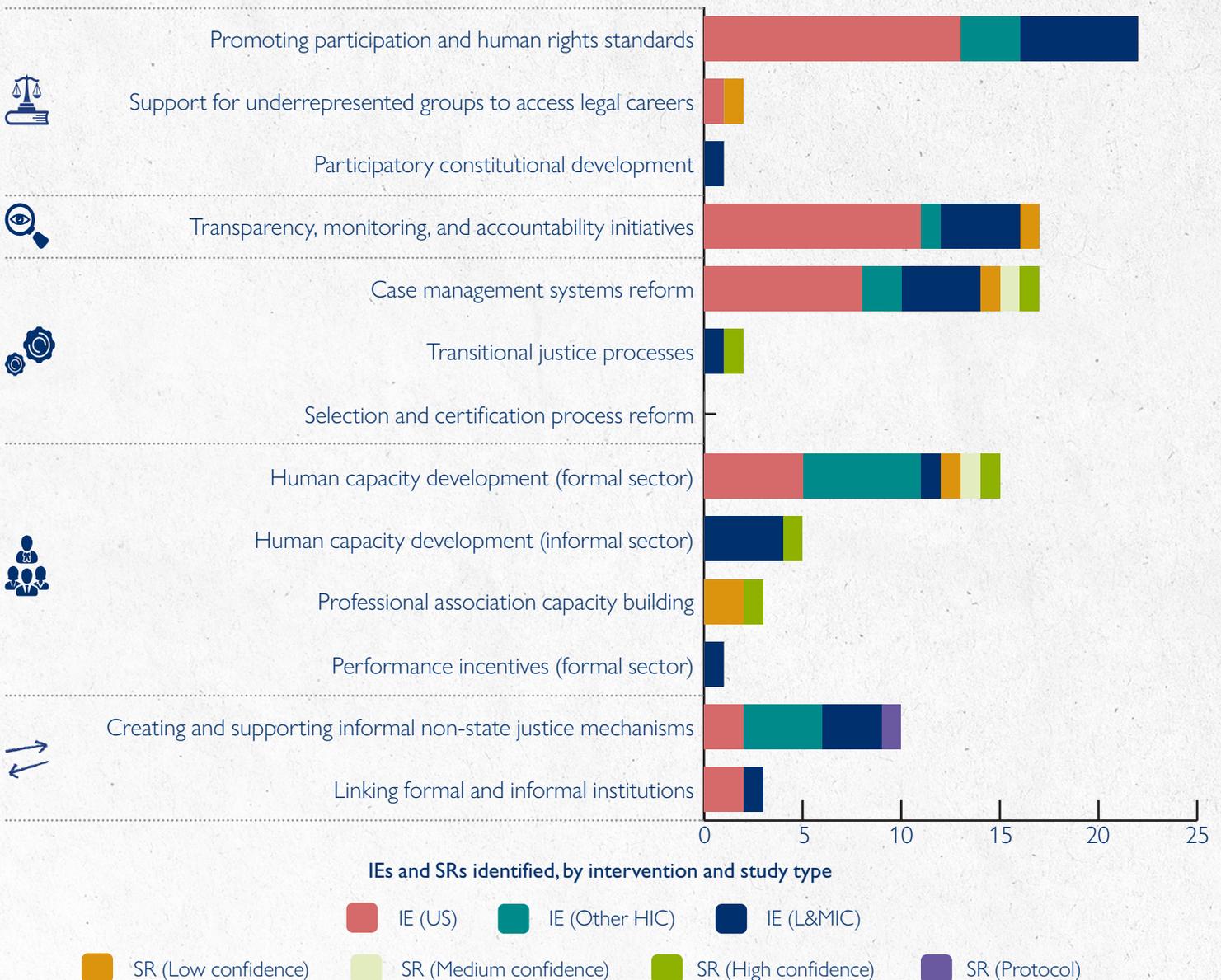
The ROL EGM included 643 completed impact evaluations (IEs), 13 ongoing IEs, 107 completed systematic reviews (SRs) and 11 ongoing SRs (Table A1 in Online appendix). The search identified studies dating back to 1990, but most were published after 2000, with an **increase in the publication of studies evaluating interventions in low- and middle-income countries starting in 2009**.

The distribution of the evidence base is very uneven across geographies. Most included studies evaluated programs implemented in high-income countries, particularly the United States, where seven out of ten included IEs were

undertaken. By contrast, **less than one fifth of the 656 included quantitative and qualitative IEs took place in L&MICs**. These findings raise questions regarding the generalizability of included studies.

Overall, fewer than ten studies were identified for the majority of intervention categories (8 of 13); for two intervention categories, no includable studies were found. This, combined with the modest total number of studies identified, highlights **a major evidence gap regarding the effectiveness of systems-level interventions for ROL**.

Figure 3: Studies from ROL "systems" domain, by intervention type



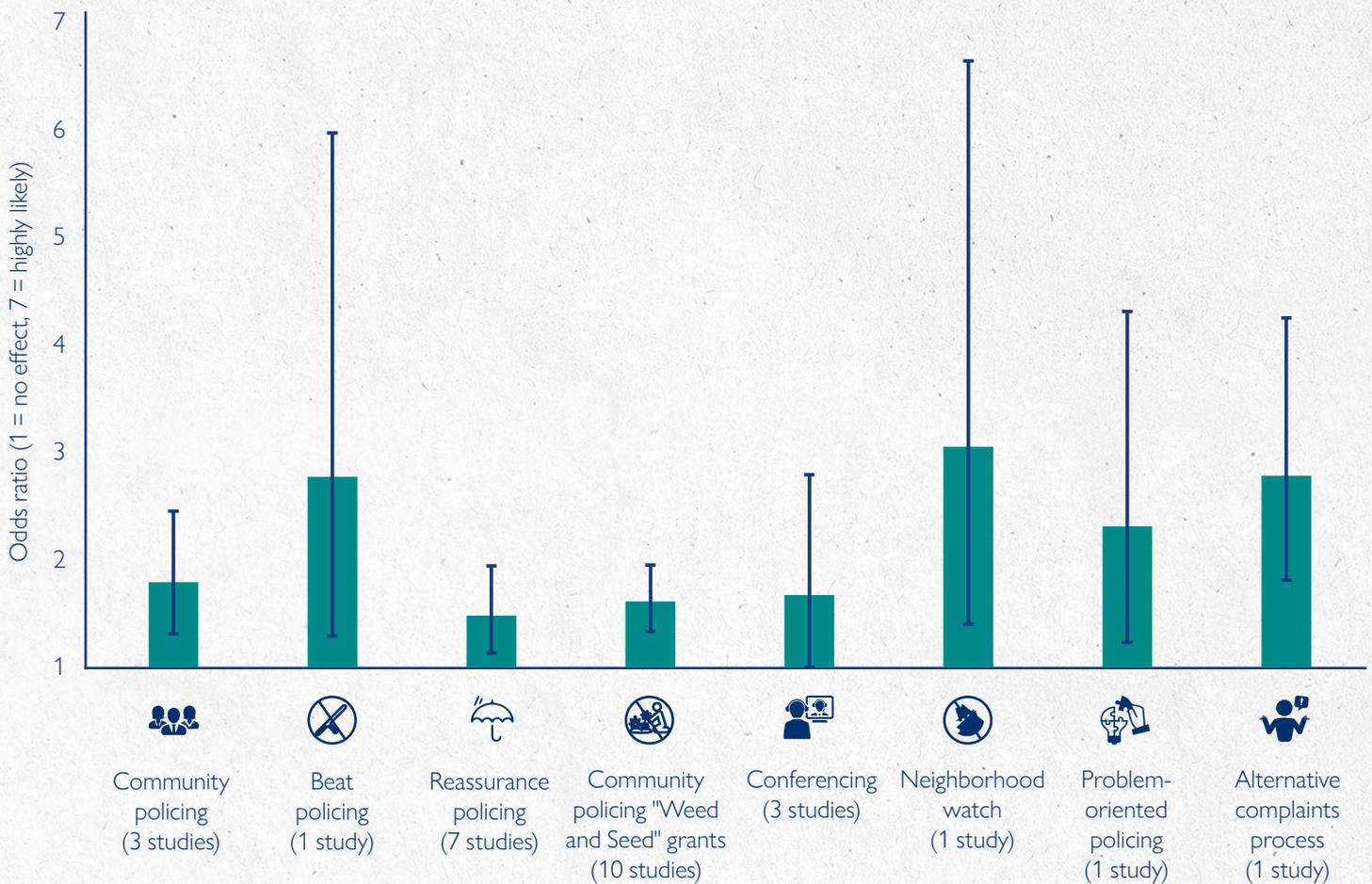
Note: HIC = high-income countries; L&MIC = low- and middle-income countries.

Results from systematic reviews

Systems-level interventions that reduce individual opportunities or change attitudes toward illegal activity can deter crime. This concept was observed in one SR focusing on interventions to deter corporate crime, and includes new or revised laws, inspections, sanctions, or other interventions to reduce illegal activities before they reach the formal criminal justice system.² Policies that reduce the perceived benefits of crime, opportunities for crime, or other elements outlined in the “fraud triangle”³ could also deter individuals from illegal activity (Figure 4).

Public police-led interventions to enhance citizens’ perceptions of police legitimacy can improve public confidence in police. One SR found that dialogue components of front-line, police-led interventions were especially important for promoting citizen satisfaction and cooperation with the police, and were connected to enhancing citizens’ perceptions of procedural justice.⁴

Figure 4: Policing Interventions that improved community satisfaction with policing



Source: Mazerolle et al. 2013.

Notes: Error bars represent 95 percent confidence intervals.

For practitioners

Considerations for programming and implementation



This section uses thirteen qualitative and quantitative studies to identify illustrative drivers and barriers to intervention effectiveness, as well as implications for further research. These studies evaluated interventions aiming to build

capacity and shape incentives of institutional and individual justice actors, and/or enhance transparency and accountability; they were implemented in Asia, Sub-Saharan Africa, and Latin America and the Caribbean.

Key messages



When the intervention engages...

And you want to accomplish...

Consider doing this...

Institutions^{5,6}



Promotion of transparency and accountability



Assess legal-normative conditions

Community leaders^{7,8}



Mitigating local conflict



Train key stakeholders alongside leaders

Consider local context, such as education and literacy

Police officers⁹



Improvement in performance and collaboration



Include performance incentives

Community members^{10,11,12}



Helping resolve local disputes



Gain the approval of other key stakeholders such as community leaders, authorities, and judges

Institutions



Legal-normative conditions can influence the adoption of open data policies in police departments.

¹³ Authors found the most important conditions to be city mandates and local stakeholder pressure.^{14,15} In cities with strong central monitoring and oversight, transparency mandates were associated with high adoption of open data policies. In cities with weaker authority, the adoption of a city mandate relied on demand from stakeholders, such as civil society. Participating in network learning also increased the uptake of open data practices, primarily for police departments in cities that lacked strong central authority and freedom of information protections.

Social accountability is dependent upon – not an alternative to – horizontal accountability mechanisms aimed at enforcing legal rights protections for marginalized groups.

The study investigated the causal mechanisms linking the adoption of protections for indigenous peoples to their enforcement, as they sought to minimize negative impacts from extractive industries in Columbia and Ecuador.^{16,17} The authors highlighted three main types of political accountability mechanisms: vertical-electoral (e.g., voting), horizontal (e.g., between executive, legislative, and judicial branches; between state agencies), and non-electoral democratic control (e.g., social accountability efforts by non-state actors). They also underscored that the influence of non-state actors is dependent upon effective and institutionalized horizontal accountability mechanisms with explicit policies to sustain participation and social accountability.

Community leaders



Building in accountability mechanisms or stakeholder buy-in for ROL capacity-building programs could strengthen behavior change

to better support people's justice needs. A study of community leader training to mitigate local conflict suggested that the presence of other community members had the effect of holding leaders accountable to act on what they had learned.¹⁸

Interventions that engage informal justice actors who deliver informal dispute resolutions should consider a people-centered approach that includes the context, educational background, and literacy level of these actors.¹⁹ Improving leaders'

knowledge was considered a key factor in improving community perceptions of procedural fairness, but some leaders were not able to fully participate in the training due to their educational attainment and legal literacy. This barrier highlights the importance of designing people-centered interventions that consider practical matters in their delivery. Another study that investigated arbitration (an alternative mechanism for resolving contractual disputes) in Kenya found that disputants who were expected to win, but in fact lost their cases, cared more about fair outcomes than the efficiency of the arbitration process. The authors also underscored the need for more guidance to help disputants have more realistic expectations about award outcomes and the time and cost of the proceedings.²⁰

For practitioners

Police Officers



While a state-level, use-of-force training intervention for police seemed to have little impact on its own, one study found that **when steps were taken to link police officer performance to desired postings, or to assess police performance through “decoy” observers, officers appeared to demonstrate greater behavior change.** For example, participants were more likely to register citizen cases and improve conduct with crime victims.²¹ These findings are also supported by a non-causal qualitative study of an ICC training intervention, which suggested that police organizational behavior changes are gradual and require “pervasive adjustment of policies and practices.”²²

Inadequate consideration of stakeholder incentives can impede implementation of police reforms. In one

study, researchers collaborated with senior police leadership to design and test police reforms. It found that interventions that reduced the autonomy of middle managers (in this case, police station chiefs) were less effective than interventions incentivizing behavior change. For example, “decoy” police station visits that increased “top-down” monitoring significantly increased the number of cases registered, while interventions that restricted police chiefs’ ability to transfer officers and rotate duty stations did not increase case registration (Figure 5). The authors conclude that broad management principles used by private companies or hospitals, such as promoting operational efficiency, performance monitoring, appropriate targets, and worker incentives used by private companies or hospitals may also work well in police contexts.²³

Figure 5: In one impact evaluation of five policing interventions, only decoy visits and staff training had significant positive effects



Source: Banerjee et al. 2012.

Notes: Includes controls for police suspicions. Error bars represent 95 per cent confidence intervals. * Denotes significance at 90 per cent confidence, ** Denotes significance at 95 per cent confidence.

Community members



One study of an intervention that trained community volunteers to help resolve local disputes suggested that perceptions of the program’s benefits among non-participants such as judges, local authorities, community leaders, and police officers were key to successful implementation.²⁴

Building trust between community members and justice actors may strengthen the sustainability of ROL outcomes. Building trust depends to some extent on whether justice actors can deliver results for end users. One study suggested that community uptake of a justice-

facilitators program depended in part on the ability of trained facilitators to gain the trust of community members and intervene on behalf of their justice needs.²⁵ Another study found that community access to credible information increased constituent use of state courts and reduced distrust in state institutions in Pakistan.²⁶ However, one-off interventions may not be enough to sustain trust between the state and society beyond the study period, as noted in a study that measured the impact of fair police encounters on citizens’ perceptions of police over time.²⁷

Considerations for learning and research



Key messages



- Consider a time horizon long enough to capture intervention effects.
- Use rigorous methods with diverse populations to understand what works, for whom, and under what conditions.
- Try to avoid self-reported data (e.g., regarding compliance); when this is not possible, look for methods to mitigate its risks (e.g., blinding mechanisms).
- Keep in mind that ROL program outcomes do not always fit within a traditional cost-benefit analysis (i.e., conversion of measured outcomes to monetary terms).

It takes time to build capacity and see the resulting impact. Impact evaluations of different ROL capacity-building interventions suggest that accurate impact measurement may require evaluation follow-ups over multiple years.^{28,29,30}

More rigorous methods and diverse populations are needed to measure or generalize effectiveness findings. Within the SR focusing on corporate crime deterrence, the least-rigorous study designs generally showed the largest treatment effects.³¹ Authors indicated that less rigorous studies were non-experimental or did not have statistical control variables, which made it difficult to draw conclusive findings. The other included SRs found that in a small number of relevant studies, a lack of diversity in participant characteristics (e.g., age, ethnicity, or geographic location) and the inclusion of program design staff in research teams introduced challenges to generalizability.^{32,33}

Some studies identified small population size as a challenge to evaluation design and interpretation of results. For example,

in one study only a small population was exposed to the intervention, which precluded more rigorous study designs;³⁴ in another studies, comparatively small populations made use of the intervention.³⁵

Self-reported data may be biased. Challenges collecting quality self-reported data were also identified. For example, one study found that “survey fatigue” among respondents likely reduced the accuracy of their responses.³⁶ Another study found that self-reporting of program compliance – compared to random verification by research staff – revealed weakness in its use as a primary implementation monitoring tool.³⁷

Cost-benefit analyses may not capture the full value of a program. One study suggested that traditional cost-benefit analysis does not clearly accommodate ROL program outcomes, such as improvements in community relationships or overall satisfaction with the justice system, making it difficult to determine whether the program should be scaled up.³⁸



About the evidence

Figure 6: What types of evidence are included in this brief?

Evidence type	M&E indicators and project reports	Performance and process evaluations	Impact Evaluations (IEs)	Systematic Review (SRs)
Key question	WHAT was done?	HOW was it done?	Did it have an EFFECT?	Were the effects CONTEXT dependent?
Use(s) of findings	Assist in guiding program implementation and course-correction, and demonstrate accountability	Multiple purposes (e.g., program adherence to the plan, implementer performance, achievement of planned outputs and immediate outcomes, stakeholder/partner/client feedback)	Measure intervention effectiveness, after accounting for other factors. Published IEs provide examples of interventions that have or have not had an impact on a targeted outcome.	Synthesize findings from multiple IEs (often through quantitative meta-analysis) on a particular issue, increasing confidence and generalizability
Included in EGM	No	No	Yes	Yes

In effectiveness evidence from IEs and SRs, **negative findings are just as important** as positive findings, because they help to refine our understanding about what works (or not, and why or why not). Negative findings also contribute to feedback loops to improve program design and implementation. The **absence of effectiveness evidence does not mean an intervention should be avoided**, but rather highlights the potential benefit of an impact evaluation, particularly if the intervention:

- is innovative,
- may be scaled up,
- is being considered as a potential model for replication elsewhere.



Why evidence matters

Why is this important? !

This brief (along with the associated EGM matrix and report) is designed to inform USAID practitioners' investments in ROL systems-level interventions at multiple phases of the program cycle, including: strategic planning; project design and implementation; activity design and implementation; monitoring; and evaluation.

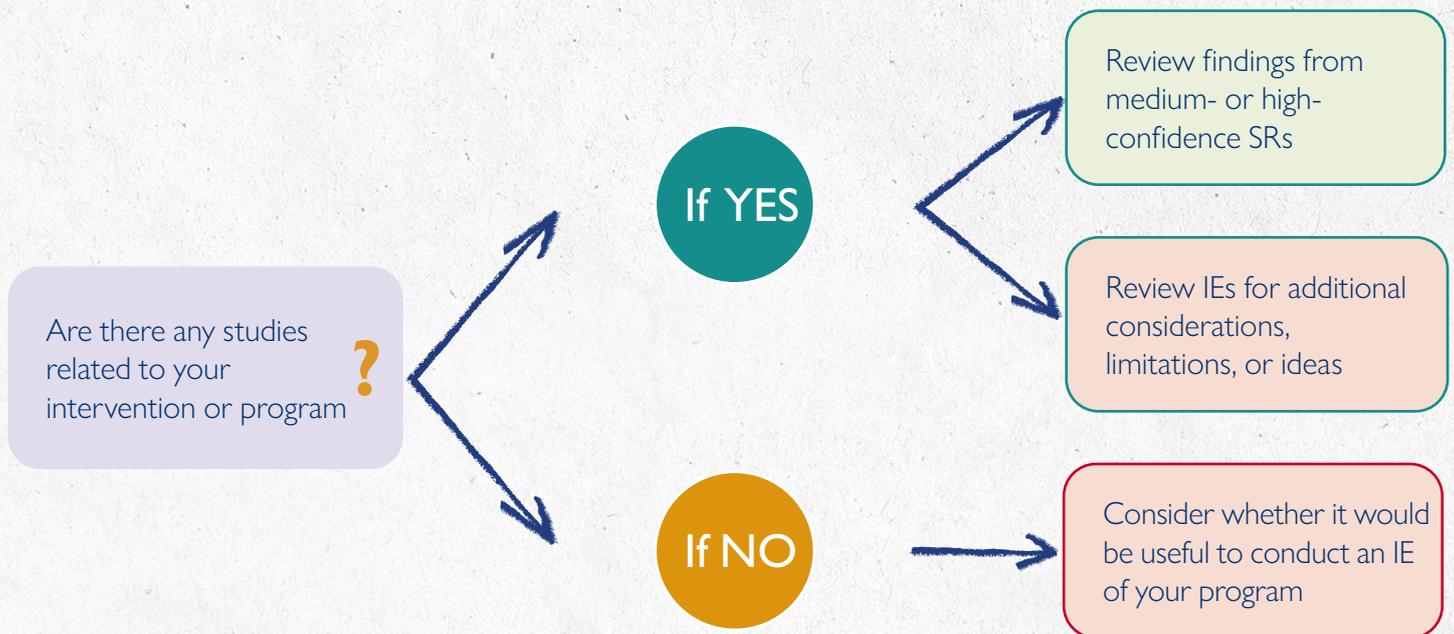
- Results will feed into the **technical evidence** base in the **learning** phase of USAID's Collaborating, Learning, and Adapting (CLA) Framework.
- IE findings provide USAID practitioners with ideas about which interventions they may want to consider when developing a **program design**.
- Like IEs, SRs may include an explanation of relevant theories of change, which can be useful during the **project and activity design** stage.

- In SRs, the more consistent the findings are across contexts, the higher the likelihood that the approach may work in a new context.

While the findings of this research suggest that there are gaps in evidence on ROL interventions in L&MIC settings, we have summarized recommendations from the included evidence for policy makers, funders, practitioners, and researchers.

We encourage practitioners to take a closer look at the online **Evidence Gap Map** to engage with the available evidence. When considering if and how the programs on which you work fit into the framework, we suggest asking the following questions:

Figure 7: Using evidence in activity design



You can always reach out to ROL experts in USAID/ Washington at ruleoflaw@usaid.gov if you have any questions, ideas, or suggestions related to evidence that may help inform the design of your project(s) and/or activity(ies).



About the brief

This brief draws on four high- and medium-confidence SRs, eleven IEs, and implementation considerations from two non-causal, contextually relevant qualitative studies. The evidence pertains to three ROL systems interventions identified in the EGM: (1) capacity development, including training to strengthen the skills of (a) formal justice system actors such as judges or police, or (b) informal justice actors such as traditional chiefs or paralegals; (2) transparency, monitoring, and accountability initiatives, including strengthening procedural justice mechanisms or other reporting and accountability systems; and (3) performance incentives, including strengthening monetary, career, or other incentives for justice actors to operate effectively and efficiently.

Key findings from the SRs were summarized, and implications for policy, practice, and research were identified from the reviews and IEs. They draw on evidence from Europe and Central Asia, Latin America and the Caribbean, North America, South Asia, and Sub-Saharan Africa.

The studies on which this brief is based were identified through the Rule of Law Evidence Gap Map, by Ada Sonnenfeld and colleagues (*forthcoming*). The authors systematically searched for published and unpublished IEs and SRs through the third quarter of 2020, and then identified, mapped, and described the evidence base of interventions that aim to strengthen ROL and access to justice. The map contains 118 SRs and 656 IEs. The characteristics of the evidence are described and mapped according to a framework of 29 interventions and 17 outcomes, with 5 cross-cutting themes. The EGM can be viewed at <https://developmentevidence.3ieimpact.org/egm/rule-of-law-evidence-gap-map>.

This brief was authored by Jane Hammaker, Daniela Anda, Lina Khan, Ada Sonnenfeld, and Douglas Glandon. They are solely responsible for all content, errors and omissions. It was designed and produced by Akarsh Gupta, Paul Thissen and Tanvi Lal.



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