

Women's Safety: International Technical Assistance and the Use of Best Practices

Yvon Dandurand

A paper prepared for
ICPC's 8th Annual Colloquium on Crime Prevention
Querétaro, Mexico
November 2008

**International Centre for Criminal Law Reform
and Criminal Justice Policy**
**Le Centre international pour la réforme du droit criminel
et la politique en matière de justice pénale**

1822 East Mall, Vancouver, B.C./C.-B
V6T 1Z1 CANADA
Tel/Tél: + 1 604 822 9875
Fax/Télé: + 1 604 822 9317

Email/ Courriel: icclr@law.ubc.ca <http://www.icclr.law.ubc.ca>



We are pleased to share this information with you and encourage you to use this document for research purposes. Please ensure that all credits are acknowledged when using all of any of the information in this document. Commercial reproduction is strictly prohibited.

Women's Safety:
International Technical Assistance and the Use of Best Practices

Yvon Dandurand

Senior Associate,
International Centre for Criminal Law Reform
and Criminal Justice Policy, and
University of the Fraser Valley (B.C., Canada)

First, I must thank the State of Querétaro and the International Centre for Crime Prevention for inviting me to participate in this very timely event and also, of course, for the great hospitality.

Some of what I am about to say will rejoin many of the points that have already been made during this conference. I will simply attempt to relate some of these questions to the challenges states encounter as they try to cooperate with each other and help one another to control and prevent various forms of violence against women.

I should perhaps start by explaining that, as a Senior Associate of the International Centre for Criminal Law Reform (a United Nations affiliated institute situated in Vancouver) and the Global Development Institute (Rule of Law Program) at my university, the University of the Fraser Valley, I have had numerous opportunities to engage in various technical assistance, capacity building and research and evaluation activities in support of local and national governments working to bring their criminal justice system in line with relevant international standards and with human rights principles. Over the years, of course, my colleagues and I have had opportunities to work with governments in this hemisphere and in many other parts of the world in the area of violence against women.

1. International Assistance

I was asked to focus my remarks today on international technical assistance and cooperation with respect to the prevention and control of violence against women. My comments will be based mostly on my own experience of this kind of technical assistance and my own research.

You will already know obviously that most of the conventions or treaties that are relevant to this field already contain some provisions enjoining States parties to these conventions to cooperate with and assist each other in pursuing the convention's main objectives. This is true, for example, of the *Belém do Pará Convention*, the *Convention on the Elimination of All Forms of Discrimination against Women*, or the Palermo Protocol regarding human trafficking (and the *UN Convention against Transnational Organized Crime*), all of which have already been mentioned during this conference.

There is no single source of information on the technical and financial assistance or the cooperation that States extend to each other, directly or through multilateral organizations, in the area of crime prevention and criminal justice. Most attempts to review these activities tend to have been very critical of them, noting how poorly conducted they typically are and how little they truly achieve.¹ Most of these criticisms are probably justified because these efforts are still hard pressed to demonstrate that they can achieve a sustained impact on criminal justice systems and practices.

Before I tell you why I think that technical assistance in this whole area has been mostly ineffective, please allow me to make two quick points:

- (1) First, financial and technical assistance are absolutely critical to the success of many developing countries which cannot hope to succeed in combating violence against women without some kind of assistance. These states simply cannot marshal the resources and the expertise to bring in the reforms and build the capacity that they need to combat violence against women more effectively.
- (2) Secondly, I would argue that this first point is precisely why it is so important to examine carefully how assistance is defined, conceived and extended to countries which need it.

2. Impact

Let's talk about the apparent impact of technical assistance and international cooperation on the problem of violence against women.

What we all want to know of course is whether international technical assistance is making any difference at all. Is it helping countries become more effective at preventing and controlling gender-based violence?

Before I proceed, however, let me ask simply: "How many countries have actually made progress in reducing violence against women?" A difficult question, is it not?

Various reports of the UN special rapporteurs on violence against women and even the recent study conducted for the Secretary General of the United Nations do not sound too encouraging. Yesterday, I was listening to the excellent presentation by Flor de Maria Valdés on the findings of the multilateral, "peer-review", mechanism adopted by the Organization of American States (OAS) to measure the progress made in implementing the *Belém do Pará Convention* (that is the *Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women*). The report which was prepared after the first multilateral evaluation round and published earlier this year is clearly a very disappointing report when it comes to its findings.² The report is even more disappointing if you consider that its findings are essentially the same as those of an earlier review which my Institute and ILANUD conducted in 2000 for the OAS, five years after the

¹¹ See: Shaw, M. and Y. Dandurand (2006). "Maximizing the Effectiveness of Technical Assistance Provided by member States in Crime Prevention and Criminal Justice", in Shaw, M. and Y. Dandurand (Eds.), *Maximizing the Effectiveness of the Technical Assistance Provided in the Fields of Crime Prevention and Criminal Justice*, Helsinki: HEUNI, pp. 19-34. Also: Carothers, T. (Ed.) (2006). *Promoting the Rule of Law Abroad*. Washington D.C.: Carnegie Endowment for International Peace.

² OAS – Inter-American Commission of Women (2008). *First Multilateral Report – Second Conference of States Parties*. Caracas, Venezuela, July 9-10, 2008

ratification of the convention³. The problems with the implementation of the Convention were known since 2000 and very little more was done to ensure its effective implementation. Essentially, progress, if any, is achieved at the quiet crawling pace of an old snail.

Would it surprise you to be told that many of the countries where progress was almost inexistent had indeed obtained all forms of financial and technical assistance to try to address the issues? Did all that assistance really make a lot of difference in the life of women? Probably not.

But wait a minute, how can we know for sure? Do we have the data to back this up?

3. Measuring Progress

Several presentations reminded us again yesterday that there is little systematic data on the phenomenon of violence against women, its impact on victims, and on the response that is given to it by the justice system. Crime statistics are often collected in a manner which does not allow gender disaggregation. Victimization surveys are expensive, rare, and now, we heard from Mr. Michel Marcus, methodologically threatened. Finally, rigorous evaluations of the outcome of our various initiatives are rarely available. So knowing whether we are making any progress at all is not that easy.

If I had more time, I would love to tell you more about the challenges of measuring progress in this area and about efforts that are being made at the United Nations and elsewhere to develop indicators of violence against women.

You have heard many speakers in the last two days talk about the difficulty of measuring progress and monitoring the incidence of violence against women in our societies. If you attended the right workshop, you probably heard about the difficulty that States have in collecting adequate data, in the right format, using the right definition, and in a consistent and comparable manner. I would like to suggest to you that the development of national indicators on the criminal justice system's response to violence against women is a uniquely important starting point.⁴

The need to develop violence against women indicators is recognized at all levels of intervention, but the task is a fairly difficult one. We are obviously all looking for relevant, valid and reliable indicators which are simple and unequivocal and can be produced in a timely and cost-effective manner, building as much as possible on existing data-generating systems. A considerable amount of work is ongoing within various UN agencies to develop suitable international indicators that can

³ See: *Violence in the Americas - A Regional Analysis, Including a Review of the Implementation of the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence Against Women* (Convention of Belém do Pará), the Inter-American Commission of Women (CIM) Organization of American States (OAS), the International Centre for Criminal Law Reform and Criminal Justice Policy (ICCLR), and the United Nations Latin American Institute for the Prevention of Crime and the Treatment of Offenders (ILANUD). Washington, Vancouver, San José (Costa Rica), July 2001.

<http://www.oas.org/cim/Documentos/Violencia-FINAL%20REPORT.Violence.EDITED.ing.doc>

⁴ Skinnider, E. and Y. Dandurand (2008). "Indicators on the Criminal Justice Response to Violence against Women", in Luda di Cortemiglia, V. (ed.), *Eliminating Violence Against Women – Forms, Strategies and Tools*. Vienna: UNICRI, pp. 40-55.

help us monitor the impact of our policies and interventions.⁵ The most important indicators of all are surely those that allow us to monitor the prevalence of various forms of violence against women. However, given the significant role that the criminal justice system is called upon to play in the prevention and control of these crimes, it is evident that we must also develop a set of process indicators focused on the nature and efficiency of the criminal justice response to violence against women. There are, no doubt, several valid approaches to the definition of such indicators and one should first and foremost take the time to carefully the experience to date of various states and organizations who have attempted to define and implement this kind of indicators.

Going back to the question of international technical assistance, I have had, on several occasions, the opportunity to systematically review several technical assistance projects designed to assist countries in improving their response to violence against women. For me, these reviews raised more questions than they answered.

I will now share some of my conclusions with you, but I realize of course that, for the sake of brevity, I am going to indulge here in some generalizations that will not always completely fair to the great variety of technical assistance initiatives that have undertaken over the years. My purpose, of course, is to draw a big picture and let you ask yourself how we can improve on it in the future.

4. Limits of Technical Assistance

The limits and drawbacks that one can observe in relation to the international assistance and cooperation activities in the area of violence against women are certainly not all specific to this particular field. Many of these difficulties are encountered in all areas of crime prevention and criminal justice. There are however some difficulties which seem to be rather unique to the international assistance provided to address violence against women.

The international assistance provided in the area of violence against women, as least as it relates to crime prevention and the criminal justice system, tends to be designed as part of broader gender mainstreaming, gender equity and women's rights agendas. Although these broader agendas are absolutely essential, conflating of all these reform objectives into a single initiative often dilutes the effectiveness of the technical assistance nominally provided to counter violence against women. Professor Caroline Moser very aptly raised some of these questions during her excellent presentation earlier this morning.

I would suggest to you that that is how we end up in situations of technical assistance projects to counter violence against women, where the proponents, the funding and the executing agencies were not quite clear whether they wanted to protect women or protect their rights, whether they wanted to reduce violence against women or improve women's participation in public policy, whether they wanted to empower women or meet the very real needs of victims of violence,

⁵ See UN Report of the Expert Group Meeting "*Indicators to Measure Violence against Women*" (8 to 10 October 2007: Geneva), found at:

http://www.un.org/womenwatch/daw/egm/IndicatorsVAW/IndicatorsVAW_EGM_report.pdf.

See also the Advanced Edited Version of the Report of the Special Rapporteur on violence against women, its causes and consequences, Yakin Erturk "*Indicators on violence against women and State response*" (A/HRC/7/6: 29 January 2008) found at <http://www2.ohchr.org/english/bodies/hrcouncil/docs/7session/A-HRC-7-6.doc>.

whether they wanted to improve the criminal justice system's response to gender-based violence or simply wanted to increase women's professional presence in that system.

I am not suggesting for one moment that these are not all very valid policy objectives to pursue. I am merely pointing at the fact that poorly defining the purpose and objectives of our actions tends to lead to poor results.

When it came to changing the criminal justice system's response to the problem of gender-based violence, gender-based programming – because of its narrower and more specialized focus - sometimes missed some very real opportunities for more effective action and greater impact on the criminal justice system. I can think of examples where solid criminal law reform work of a more general nature has produced more benefits for women victims of violence than any number of more specific measures designed primarily to address a specific issue encountered by victims of gender based violence. This has been the case in many countries in terms of law reforms looking to improve the law of evidence, to protect witnesses and victims of crime, to ensure more effective criminal procedure, to ensure expeditious trials and dispositions of cases, to enhance court administration, and many more initiatives.

The technical assistance that is most often provided in this whole area is often confused in terms of the objectives it pursues. It is too often limited to a form of advocacy and is rarely inspired by a real understanding of the basic principles of organizational change. You cannot change a criminal justice system or a law enforcement agency by simply preaching to them. You have to understand why these systems are functioning the way they are and then find concrete ways to change the organizational behaviour.

To be sure, many technical assistance projects have attempted to manage change within the complex systems and organizations they were trying to influence. Too many of them, however, relied on "training" alone or on legislative change, without understanding that this kind of programming will not succeed if it is not part of a broader system-wide or organization-wide initiative.

Every time I look at the situation that prevails in Latin America, I am always surprised to see how little the typical Latin American country is apparently prepared to do to actually implement fully the legislation that it adopts. Latin American countries in that respect are certainly not alone in making that mistake, but they keep making it over and over again. In many Latin American countries, adopting a new law or signing an international convention is treated as a destination, rather than a starting point. The implementation of the legislation is treated with a level of casualness that is, to say the least, disconcerting. No wonder that so many new laws adopted to protect women against gender-based violence have seemingly had so little impact on the phenomenon.

International technical assistance programs in this area are too often poorly designed and conceived, often by people who know little about the functioning of the justice system, and far too often guided by ideology rather than solid experience.

For example, most of us know that the choice of an entry strategy, the choice of an entry point, the choice of a local counterpart are quite important in ensuring the success of a reform initiative. In the case of the international assistance provided to combat violence against women, many of the assistance providers have chosen to engage with women organizations, victims groups and non-governmental organizations instead of a government counterpart. This has worked fine in terms of

sensitizing public opinion to the problem of violence against women and putting some political pressure on the criminal justice systems. It has also produced some modest success in terms of community based prevention of violence against women. However, in my view, it has proven to be quite ineffective in terms of implementing real changes in the criminal law, in the criminal justice system and in law enforcement and criminal justice practices.

As you can all imagine, having a representative from a community group lecture police officers and police trainers on the fact that violence against women is a serious negation of women's rights is not nearly as effective as providing these police officers with better evidence-based intervention and investigation strategies and techniques, or giving them the competencies and the physical and legal means to protect victims more effectively.

5. Identifying and reproducing Good Practices

Let me now talk about the identification of best-practices when it comes to supporting and providing international technical assistance. The question is always complicated by the fact that there is no "good practice" or "solution" that is applicable to all contexts. There are always issues of transferability of a method developed within one context to another context.

However, leaving these problems aside for the moment, I would like to draw your attention to the United Nations *Model Strategies and Practical Measures on the Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice* adopted by the General Assembly in 1998. The Model Strategies were meant, among other things, to help governments define local action plans to strengthen the crime prevention and criminal justice response to violence against women. They were also meant to support international cooperation activities by helping governments identify their need for technical assistance. A manual and a compendium of best practices were also developed in conjunction with the *Model Strategies*.

More recently, the ICPC released an excellent compendium of good practices and policies.⁶

In practice, unfortunately, the *Model Strategies* and the accompanying tools were not used very often. They were used as an evaluation grid when we proceeded for the first review of the *Belém do Pará Convention* for the Commission of Women. They were used by Thailand and a handful of other countries, but there was no widespread use of these tools. One should perhaps ask why. I might as well ask: "Why are new initiatives to counter violence against women so rarely evidence-based?"

Last year the United Nations Commission on Crime Prevention and Criminal Justice decided to revise the strategy and a project is currently underway to produce a new draft. In the meantime, I recommend to all of you to revisit these strategies and consider whether they would not be appropriate in your own context.

6. Concerns

There are several other concerns with the way technical assistance is provided. There is too little of it. It is not sustained. Successful initiatives are abandoned before they have a chance to become entrenched in general practices. Another concern is that the technical assistance provided has also

⁶ Centre international pour la prévention du crime (2008). *La sécurité des femmes: une préoccupation universelle – Recueil de pratiques et de politiques*. Montréal: CIPC.

failed to recognize that different groups of victims require different kinds of responses: several groups of victims are often systematically neglected, such as women victims of violence who have been recruited in illegal activities (drug mules, prostitutes, etc.), victims in small rural areas, victims who are foreigners, members of ethnic minorities, or recent immigrants, etc.). In that respect, there are some practical difficulties in delivering assistance programs designed to address both gender-based violence and violence against children as if they were one single problem.

Finally, another common weakness of international assistance programs is that they fail to recognize that what is required is a system-wide, or sector-wide approach. You cannot succeed in improving the system's response to violence against women if you only deal with one of the components of the system. You can be sure that such efforts will almost always be defeated.

Let me just quickly make two more points of a general nature about how to design technical assistance initiatives.

First, I must say that I find it interesting to see how the law enforcement world and many justice systems have found it easier in the last several years to focus on the fight against trafficking in women than on other forms of violence against women, particularly domestic violence. In recent years international technical assistance has tended to focus much more on transnational aspects of violence against women (e.g. human trafficking) than on other forms of gender-based violence occurring at home, in our private and public spaces. International technical assistance in the area of human trafficking, for example, takes an entirely different form, deals directly with the States, and is usually well received within the system. It is as if it was somehow easier to deal with organized crime, the "real bad guys", than you neighbour who is brutalizing his wife.

In fact, it is probably fair to say that while a lot of international cooperation has been taking place in recent years to support measures to abolish human trafficking, much less assistance is now being provided to countries wishing to strengthen their criminal justice system's response to violence against in women in general.

Secondly, I must say that I understand the frustration of people, particularly women, who have tried to change criminal justice practices without any great success. Nevertheless, eradicating violence against women, as we all know, requires deep social and cultural changes, and it is very unrealistic to expect the criminal law or the criminal justice system to spearhead these deep social changes. After all, these are essentially conservative institutions and not agents of social change.

7. Conclusion

As you can tell, there is still much room left for all of us to learn together and this conference and the many other initiatives that we are hearing about here are proof enough. The sharing of best practices, whether through the *UN Model Strategies* or through other means such as the excellent compendium of practices and policies just released by the CIPC, will continue to be essential to our collective success. Finally, in spite of my critical comments, I hope that you remain convinced there is still an important role to be played by international assistance and cooperation and, therefore, that it is essential that we all learn how to maximize its effectiveness.

Thank you for your attention.