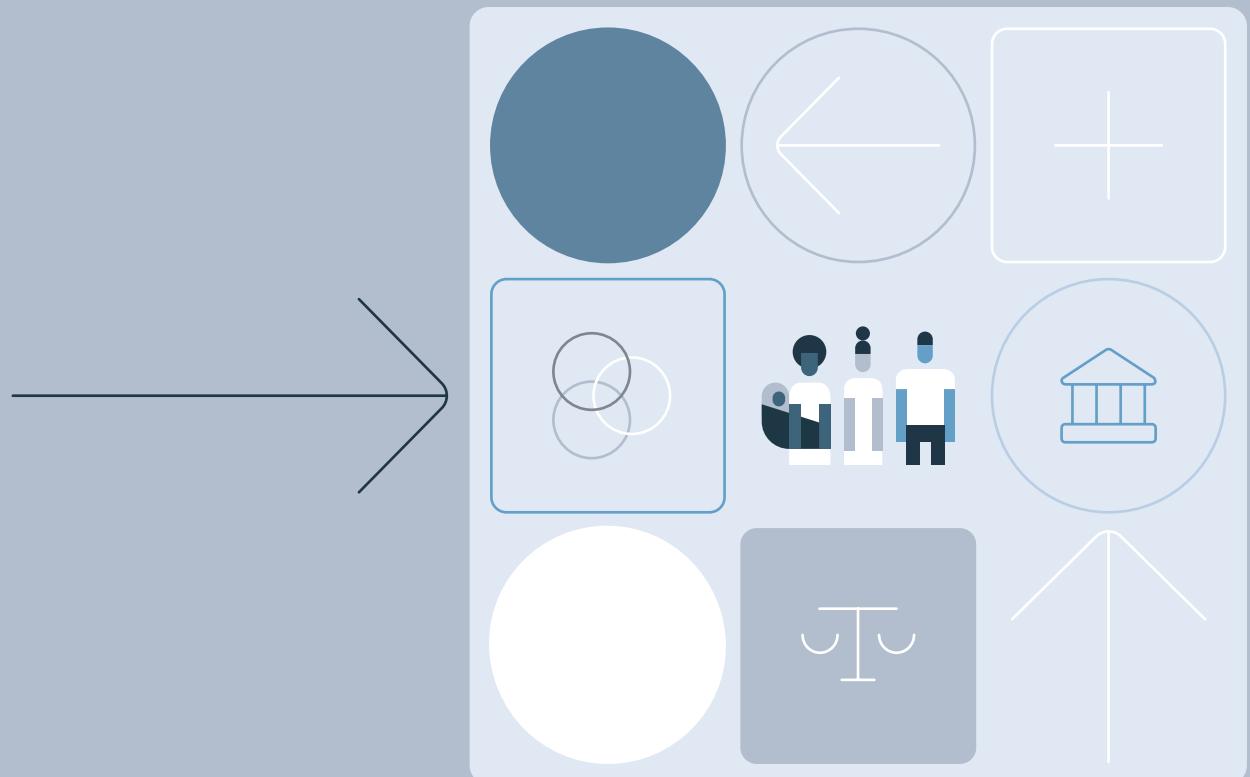


# The UNDP people-centred approach to justice and security

A policy framework for justice  
and security programming



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One United Nations Plaza, New York, NY 10017, USA

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# Acknowledgements

This paper was prepared by Leanne McKay, Senior Rule of Law Consultant, under the guidance and support of Revai Makanje Aalbaek, Senior Advisor–Justice and Security, and with support from the members of the Rule of Law, Security and Human Rights team within the UNDP Crisis Bureau. We especially thank Katy Thompson, Sofiène Bacha, Lara Deramaix, Rita Izsák-Ndiaye, Antje Kraft, Lorena Mellado and Sarah Rattray for their valuable inputs throughout the drafting process.

We are grateful for the contributions, insights and reflections of the many UNDP Country Office and Regional Hub colleagues that informed this strategic framework, including those provided during the virtual consultations held in September and December 2023. Our deep appreciation to Anna Guerraggio and Moncef Kartas for their strategic reflections and technical advice; to Nora Luzi, Romana Schweiger, Lucy Mathieson and Moema Freire for sharing lessons from applying a people-centred approach in their work; and to Ezgi Ozturk for her convening support.

We also thank our donor partners and other development, justice and security experts who generously gave their time to participate in interviews and who provided feedback during a virtual roundtable meeting in December 2023.

Finally, we wish to thank the peer reviewers from across the UNDP Global Policy Network, UNDP Regional Hubs and Country Offices, notably: Naysan Adlpaver, Zhenishbek Arzymatov, Aparna Basnyat, Xoan Garcia, Won-Hyuk Im, Andie Lambe, Gloria Manzotti, Siniša Milatović, Alexandra Wilde and Dieter Wolkewitz.

# Summary

**On 25 September 2015, the 193 Member States of the United Nations committed to a bold and transformative agenda to end poverty, fight against inequality, protect the planet, build peaceful societies that safeguard the rights and dignity of all people, and enable sustainable, inclusive development. Significantly, the adopted 2030 Agenda for Sustainable Development (Agenda 2030) explicitly acknowledges the elements of peace, justice and strong institutions as being essential for the achievement of all its development goals, for enabling people to live with dignity, and for creating incentives for people to trust and invest in the economy and in their society.**

Today, these essential elements are under attack. Injustice, inequality and insecurity are destabilizing communities, countries and the global world order and placing the social contract under strain. Far from embracing the rule of law, justice and human rights as a strategic response to the multitude of internal and external crises they face, many governments are instead undermining the rule of law and human rights and weakening institutions and governance systems. Violence is increasing, justice is elusive for the most marginalized, and persistent inequality and impunity are undermining trust and eroding social cohesion. Yet at the same time, around the world, people are demanding change and for governments to prioritize their rights, their needs and their aspirations in the decision making that affects their lives.

The United Nations Development Programme (UNDP) recognizes the need for urgent action to achieve the Agenda 2030 targets for peace, justice and inclusion.<sup>1</sup> Together with actors across the international development community, UNDP is calling for renewed efforts to strengthen rights-based rule of law and promote justice and security by placing people at the centre. Unlike conventional State-centric approaches to rule of law, justice and security promotion that prioritize the needs of the State and its institutions, this approach ensures that people's rights, needs, perspectives, and experiences drive the

transformation of justice and security systems and their institutions to better serve people, especially the most vulnerable, marginalized, and those at risk of being left behind.

This people-centred approach aligns to the UNDP human development mandate and reflects the core principles that have long guided its work in rule of law, justice and security. It emphasises how justice and security systems can be more responsive to the needs of people and communities. These needs extend beyond legal and human rights, to ensuring access to fair, accountable services and just outcomes. The approach promotes a broad understanding of justice and security and seeks to address the wider contextual factors that influence people's ability to access and experience justice and security.<sup>2</sup>

The strategic framework presented in this paper outlines the core elements and principles of the UNDP people-centred approach to justice and security. It explains why this approach is needed, identifies the challenges that have hindered its mainstream adoption, and highlights the changes required to fully implement it in programming.

The approach embraces the complexity of justice and security systems, acknowledging that people's justice and security problems are interconnected with an array of development issues. Their underlying causes are often multifaceted and interdependent and can rarely be sustainably resolved through a single intervention, project or entity acting in isolation. To address these challenges, the approach promotes integrated portfolio programming that leverages the expertise, knowledge and capacities across UNDP programming areas such as stabilization, conflict prevention, social cohesion, preventing violent extremism, local governance, climate security, gender equality and more. It fosters strengthened synergies within the broader United Nations (UN) system, particularly through the Global Focal Point for the Rule of Law, the humanitarian-development-peacebuilding nexus, the One UN approach and other UN integration initiatives.

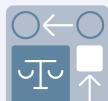
The people-centred approach to justice and security strategically combines institutional support (top-down) and community-based (bottom-up) interventions. It is attuned to the contextual and political complexities of justice and security systems and addresses people's justice and security problems and needs through integrated, adaptive programming. This approach supports UNDP to respond not only to people's immediate justice and security needs but also the underlying structural, social, economic and political factors that contribute to inequality, injustice and insecurity.

While particularly relevant in contexts affected by crisis, conflict and fragility – where the relationship between the State and its people is often strained or broken – the approach is applicable in any development setting characterized by potentially destabilizing factors such as inequality, discrimination and exclusion; crime, violence and insecurity; environmental degradation and climate change impacts; or impunity and weak State capacity and institutions.

The approach is built around five interlinked and mutually reinforcing elements, grounded in core principles of human rights, inclusion and participation, empowerment, local ownership, and accountability, namely:



#### **Supporting social transformation**



#### **Enabling systems change**



#### **Delivering through holistic and integrated programming**



#### **Empowering people and communities**



#### **Engaging the State and its institutions**

The approach acknowledges the evolving nature of justice and security challenges, providing a framework for the design of integrated, innovative and sustainable solutions that genuinely address the diverse needs and rights of people and communities. Ultimately, the approach advances the UNDP goal of enabling systems transformation—ensuring that justice and security systems are not only efficient and effective but also equitable, accessible and accountable. By fostering trust, these systems contribute to building a more peaceful, just and inclusive society.

# Introduction

The UNDP is committed to advancing a people-centred approach to justice and security programming that prioritizes human rights, empowerment and systemic change, and recognizes the fundamental role of justice and security for preventing, responding to and recovering from conflict, crisis and fragility, and enabling more just, inclusive and peaceful societies for sustainable development.

Today's global landscape presents a multitude of interconnected threats that undermine societal trust and stability, negatively impact progress towards development goals, and disproportionately impact the poorest and most vulnerable people and communities. At the heart of these threats are pervasive societal problems of injustice, inequality and discrimination. Growing dissatisfaction with governance structures and social inequality, and heightened awareness of global issues such as climate change, are prompting people around the world, especially youth, to demand change and for governments to prioritize people, their rights, their needs and their aspirations in the decision making that affects their daily lives.

The UNDP people-centred approach to justice and security is a response to this call for change. It emerges from the organization's expertise and decades-long experience promoting people-centric and rights-based approaches to justice, security and rule of law across development contexts, and particularly in contexts affected by conflict, crisis and fragility. It is additionally informed by the results from recent mappings of UNDP access to justice, civil justice and people-centred security programming, and a robust body of literature on international rule of law promotion. The insights gained from ongoing research, advocacy and practice across many other organizations, enriched by discussions and consultations held within UNDP and with external partners and experts in 2023, further shaped the approach.

**Section I** highlights the urgent need for, and the persistent challenges in, shifting from conventional State-centric justice and security programming to a people-centred approach. This approach focuses on placing people, their rights, needs and aspirations, at the centre of efforts to transform justice and security systems to better deliver justice and security for all people, and especially the most vulnerable, marginalized and at risk of being left behind.

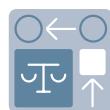
**Section II** underscores the UNDP commitment to a strategic, integrated and impactful approach to justice and security, and the need to innovate beyond conventional programming to better respond to today's complex and multidimensional justice and security challenges. As a framework for navigating this complexity, the people-centred approach to justice and security applies across the development spectrum. It is, however, especially relevant in contexts affected by conflict, crisis and fragility where grievances and drivers related to injustice, exclusion, rights violations and impunity have weakened the social contract and contributed to an enabling environment for conflict and violence.

**Section III** details the five interconnected and mutually reinforcing core elements and programmatic principles underpinning the approach, specifically:



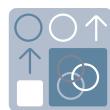
**Supporting social transformation:**

Enabling the emergence of trustworthy, accountable, accessible and responsive justice and security systems that protect people's rights, respond to their needs, and strengthen trust and the social contract for peace and sustainable development.



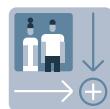
**Enabling systems change:**

Navigating the complexity of justice and security systems through problem-driven, context-specific and adaptive programming that responds to people's actual experiences and acknowledges the diversity of actors delivering justice and security, beyond only state institutions.



**Delivering through holistic and integrated programming:**

Addressing the symptoms and systemic and structural causes of injustice and insecurity through comprehensive, multi-sector, multi-disciplinary responses that strategically combine community-focused efforts and institution-strengthening support.



**Empowering people and communities:**

Engaging and empowering people, communities and civil society to know and claim their rights and participate in defining and shaping responses to their diverse justice and security needs through participatory and inclusive processes.



**Engaging the State and its institutions:**

Transforming institutions to ensure the delivery of accountable, effective and quality justice and security services for all people, and especially those most at risk of being left behind.



Combined, these elements provide a strategic framework to guide UNDP justice and security policy and programming support at the global, national and local levels. This framework will inform the development of UNDP programming guidance materials and tools to better support UNDP country offices in delivering effective assistance to countries and communities for strengthened people-centred justice and security, human rights and the rule of law.

# Putting people at the centre of rule of law, justice and security

1

## The bigger picture

At the halfway mark to Agenda 2030, the world is dramatically off track to meet its sustainable development goals and the commitment to leave no one behind is in peril.

Agenda 2030 and its Goal 16 recognize the centrality of rule of law, justice, security and human rights for fostering trust in governments, for social cohesion, the social contract and sustainable development. Yet today, as States navigate an onslaught of internal and external challenges, these fundamental elements of a just, safe and prosperous society are under attack.<sup>3</sup>



Injustice and insecurity are destabilizing communities, countries and the global world order. These challenges are both symptoms and causes of widening social and economic inequalities and rising poverty rates that, when combined with the climate emergency, global health crises, a proliferation of conflict and violence, unprecedented levels of migration, media manipulation, gender inequality and the digital revolution, threaten human development. The social contract (where people accept limitations on their freedoms in return for the State's protection of their rights and the provision of public goods) is under strain.<sup>4</sup> People are increasingly doubtful that political systems and those in power are really working for them. Their sense of safety and security is at a low in almost every country,<sup>5</sup> with poverty and social inequality, corruption and climate change at the forefront of people's daily concerns.<sup>6</sup> Distrust, disillusionment and division within societies is fuelling social unrest and undermining confidence in societal institutions.<sup>7</sup> Frustrated with the inaction or inadequacy of government responses and solutions to domestic and global challenges, everyday people, and especially youth, are loudly protesting economic, racial, political, religious, intergenerational, gender and environmental injustices and calling for the accountability of governments, powerful businesses and elites.<sup>8</sup>



Today one quarter  
of the world's  
population live in  
places affected by  
conflict

The world faces the highest number of violent conflicts since the Second World War – today one quarter of the world's population live in places affected by conflict.<sup>9</sup> Conflict is growing fastest in middle-income, democratizing countries. In contexts affected by crisis, conflict and fragility, grievances related to systemic injustices and failures in security sector governance are common factors. Persistent insecurity, weak governance and rule of law, inequality and exclusion are contributing to a sharp increase in military coups (a form of unconstitutional change in government) in Africa in the past decade.<sup>10</sup> By 2030, an estimated 59 per cent of the extremely poor will live in fragile and conflict-affected situations.<sup>11</sup> In these contexts, the State's failure to provide basic justice and security services for all people erodes State legitimacy, weakens social cohesion and enables and exacerbates rights violations with little recourse to redress or remedy, especially for the most affected and vulnerable.

Billions of people lack meaningful access to justice.<sup>12</sup> Everyday justice problem – such as those related to land use and ownership, debt, family relationships, employment or access to basic services – fall disproportionately on marginalized, vulnerable and minority people and communities, further compounding other challenges related to health, education and livelihoods.<sup>13</sup> Civic space, civil society and human rights defenders, all of which are essential for the advancement of human rights, rule of

law and access to justice, are under attack.<sup>14</sup> Far from embracing rule of law and human rights as a strategic response to the weakening social contract and internal and external crises, governments are eroding rule of law, curtailing human rights, weakening justice systems and misusing their powers.<sup>15</sup> Six billion people live in countries where rule of law declined in the past year.<sup>16</sup> Despite global commitments to strengthen justice and security for sustainable peace and development, allocations of official development assistance for core justice and security functions is decreasing and support to security sector governance and reform is insufficient.<sup>17</sup>

Globally, the structures and systems perpetuating economic and power inequalities between countries are being challenged.<sup>18</sup> In a sign of disillusionment with the multilateral system, new alliances are forming – from the expansion of BRICS to an expanded G20.<sup>19</sup> Many voices, mainly from the Global South, are demanding greater participation and influence within the global order, a fairer, more just relationship between developed and developing nations (particularly in relation to exploitation of natural resources, global trade, financing and climate change), and meaningful action by developed nations to address legacies of colonialism, racism and historical injustices.<sup>20</sup>

It is evident that government and institutional responses and solutions are failing to adequately address the complex and interconnected threats directly affecting people's well-being, rights and dignity. In response, people around the world are demanding change. They are calling for a fundamental transformation of the legal, political, economic and social structures and institutions that have long perpetuated inequalities, injustices and insecurities. They are demanding decision-makers prioritize people, their rights, needs and aspirations in the policies and decisions affecting their lives.<sup>21</sup>

## Responding to people's needs in rule of law, justice and security programming

Calls from the international community to put people at the centre of efforts to promote rights-based rule of law, justice and security have been increasing in recent years. The Task Force on Justice, the Justice Action Coalition and the G7+ are just some of the entities advocating for governments and organizations to prioritize 'people-centred justice' as a core component of realizing Agenda 2030 and its goals. Initiatives such as the SDG16+ Forum and framework and the addition of a people-centred indicator (SDG 16.3.3) that measures people's ability to access justice for a wide range of civil and criminal disputes through both formal and informal mechanisms, have sought to operationalize Member State commitments to meaningfully deliver justice for all.<sup>22</sup>



The United Nations Secretary-General's Our Common Agenda (2021) reaffirms the fundamental role of human rights and justice for renewing the social contract and the need for a "new vision for the rule of law". The subsequent vision document explicitly commits to a people-centred approach to the rule of law.<sup>23</sup>

This people-centric paradigm in development is not fundamentally new. The landmark 1990 UNDP Human Development Report presented a holistic approach to development that centred on the well-being of people, their rights and their quality of life as an alternative approach to the traditional State-centric and Western cultural universalist approach to development that prioritized economic growth and the role of formal State institutions.<sup>24</sup> As rule of law, security and justice became recognized as mainstream development issues and integral components of peacebuilding and State-building strategies, important progress has been made to advance people-centric approaches in these areas. UNDP has been a consistent and long-time contributor to these efforts through its thought leadership, practice and advocacy, including in the areas of human security, access to justice, legal empowerment, customary and informal justice, community and citizen security, and the human rights-based approach.<sup>25</sup>

These efforts, and today's momentum for people-centred justice and security, share a common driver: they are all responses to the limitations of conventional, predominantly State-led approaches to rule of law, justice and security promotion that have fallen drastically short of their promises to deliver justice and security for all people and to advance development goals.<sup>26</sup>

These conventional or "orthodoxy" approaches to international rule of law promotion have long been critiqued for their focus on top-down donor-driven strategies that prioritized national political and economic interests over adequately responding to specific contexts and people's needs; their emphasis on building and strengthening formal State institutions over engaging local, community-based systems or solutions; the limited involvement of and consultation with communities, civil society and other affected stakeholders resulting in interventions that were disconnected from people's most pressing needs, concerns and priorities; and an over emphasis on delivering "quick win" technical solutions over comprehensive long-term strategies for addressing the symptoms and underlying causes of weak rule of law, injustice and insecurity.<sup>27</sup>

In response to the limitations of conventional rule of law reform approaches, a movement of scholars, practitioners and organizations emerged that redefined rule of law promotion as fundamentally about the relationship between the State and society. This movement argued that building respect for and accountability to the rule of law and human rights should be locally-led (not externally imposed), and should leverage existing strengths and solutions, rather than trying applying external models.<sup>28</sup> The movement advocated for context-specific, inclusive, participatory and problem-driven approaches that emphasize local ownership and community empowerment.<sup>29</sup> As a result, it is now widely-accepted across the development and rule of law fields that: promoting rule of law, justice and security is a political (not purely technical) endeavour that requires understanding and responding to specific context and power dynamics;<sup>30</sup> engaging with legal pluralism and engaging actors beyond formal State institutions such as courts or police is essential for making a tangible impact on people's lives; involving those most affected by injustice and insecurity in identifying problems and designing responses is critical for creating sustainable, context-specific solutions; and addressing the complexity of rule of law challenges requires an experimental, iterative and adaptive programming approach (see Table 1).

Table 1:  
**Shifting from  
State-centric to  
people-centric  
programming**

## **State-Centric Programming**

- Focuses on strengthening State institutions, legal frameworks and enforcement mechanisms, predominantly at the national level, as the primary means to ensure justice and security.
- Emphasizes top-down governance, where decisions and policies are formulated by the State and its institutions with minimal input from the public or affected communities.
- Assumes that reforming State institutions based on the laws and what institutions say they need will automatically translate into broader societal benefits, including increased security and justice for the population.
- Views institutional reform as a technical endeavour, prioritizing issues of efficiency, transparency and accessibility of the institution.
- Often prioritizes national security and the security of institutions, public order and the interests of the State over individual rights and community needs.
- Addresses accountability primarily through enhancing formal state mechanisms, such as oversight bodies and internal monitoring units, and compliance with legal frameworks, with limited engagement with communities and non-state actors.

## **People-Centric Programming**

- Focuses on the broad scope of State, non-State and hybrid institutions, actors and mechanisms engaged in justice and security provision at the national, sub-national and community levels, and works with legal pluralism.
- Emphasizes participatory decision-making, where people and communities play a key role in identifying their priority needs, shaping policies, and co-creating solutions to their justice and security problems.
- Recognizes that increasing justice and security for all requires transforming institutions based on people's rights, their needs, experiences and challenges of accessing justice and security.
- Views institutional transformation as a complex, political endeavour, prioritizing the quality of justice and security services and outcomes for people through accountable and responsive institutions.
- Recognizes the importance of a holistic approach that supports governments and communities to collectively address people's immediate justice and security needs and the underlying causes of conflict and inequality within societies.
- Fosters a relationship of mutual accountability between the State and communities, driven by transparent decision-making, public participation and responsive institutions, for the delivery of quality, rights-respecting justice and security services and outcomes.

# Challenges to realizing people-centric approaches

Despite the significant shifts in thinking and commitments to more people-centric approaches, many organizations, including UNDP, have found it difficult to implement these approaches fully and effectively at scale and with impact. Programming repeatedly falls into the orthodoxy trap. A 2021 study of the UN's support to rule of law globally noted that, “[w]hile much work has been done to promote “people-centred” approaches across the UN system, the bulk of the UN's rule of law work remains largely focused on State institutions, without the key shift of thinking of institutions as working for the people.”<sup>31</sup> Recognition of the role of rule of law for strengthening the social contract, its political nature, and the complexity of justice and security challenges is not always supported by changes in practice. Understanding and overcoming these obstacles is critical for realizing a people-centric approach.



## Avoiding the rule of law “orthodoxy” trap

Historically, international rule of law promotion efforts undertaken by the UN, international organizations and (predominantly Western) donor governments were primarily characterized by top-down, State-driven, technical interventions. Western models and best practices informed a ‘train and equip’ strategy of delivering technical and financial support to law reform and strengthening formal institutions, such as the judiciary, police, prosecutors, public defenders and prisons. Echoing the cut-and-paste practices applied during colonialism, the early assumption was that if legal systems and structures looked like those in the West (form), they will deliver the same outcomes, namely effective and quality justice and security (function). Emphasis on physical and infrastructure aspects of institutions overshadowed considerations of strengthening human and organizational capacities for accountable service delivery. Little regard was given to the historical, social and political dynamics that shaped these institutions (often as mechanisms for control and exploitation), or their complex relationship with the State and with society.<sup>32</sup> Conceptions of security, law and justice, and reform priorities were elucidated by the State – primarily the donor State. Despite concerted efforts by organizations such as UNDP to adopt a people-centred approach, elements of this orthodoxy approach persist in many justice and security policy and programming approaches today, even as evidence shows they rarely enable lasting positive change.<sup>33</sup> Systemic issues within international development, including donor preferences, siloed expertise, short-term and limited funding, risk aversion, and rigid programme management frameworks that focus on numbers over the quality of impact on people's lives, all perpetuate this approach even as the requirement for more people-centred programming grows.



## Understanding rule of law as a relationship

The shift in understanding the rule of law as being primarily about the ‘law’ (the conventional approach) to being about the relationship between the State and society (‘rule’) has been underscored by Agenda 2030 and SDG 16. Rule of law, justice and security are recognized as essential for establishing and maintaining trust and cooperation between the State and its people, protecting human rights and the well-being and dignity of people, and ensuring social stability. When justice is accessible and security is guaranteed, people are more inclined to trust, participate and invest in both the economy and society, which in turn promotes development. The rule of law serves as a mechanism through which the State, civil society, the private sector and everyday people, hold one another accountable for the exercise of their respective rights and their responsibilities.<sup>34</sup> However, when the State or other power holders violate the law with impunity, the rule of law is undermined and people's trust in rule of law institutions is diminished. This relational (rather than purely legal) perspective on the rule of law shifts programming from a technical efficiency-driven focus on strengthening legal frameworks and institutions, toward an approach that focuses on *how* laws are implemented and *how* institutions respond to, protect and serve the rights and needs of people. The trustworthiness, legitimacy and accountability of justice and security actors, institutions and systems are key determinants of the quality of the State-society trust relationship and by extension the quality of the social contract. This more nuanced conception of the

rule of law emphasizes participation, accountability and the quality of justice and security services and outcomes for people. It recognizes that promoting the rule of law is a process of actively nurturing a culture within society in which all people (rights holders), government officials (duty bearers) and other power holders (such as corporations or social elites) are committed to consistently respecting and applying the rule of law in a manner that upholds justice, human rights and accountability.<sup>35</sup> This process-oriented perspective challenges conventional programming siloes where rule of law is viewed as the sole domain of legal and law enforcement professionals, advocating instead for more cross-disciplinary and integrated programming.



### **Recognizing justice and security are shaped by politics and power**

Justice and security are essential public services and fundamental responsibilities of the State. They enable the delivery of all other public goods and services, and, unlike other goods and services, their absence can result in severe societal disruption. However, in many contexts, particularly those affected by crisis, conflict and fragility, States lack the capacity or willingness to deliver these services to all people.<sup>36</sup> In such situations, formal State institutions may be absent from many people's daily lives, inaccessible, distrusted or viewed as illegitimate by parts of the population. As a result, people and communities may seek justice and security from a multiplicity of other actors. Questions about how, to whom and by whom justice and security are provided are inherently tied to issues of politics and power. A people-centric approach calls for shifting elite attitudes towards greater accountability under the law, and challenging power structures that sustain impunity. It reframes the role of the State from being the sole legitimate provider of justice and security goods and services (and where hybrid arrangements or customary mechanisms were to be tolerated until the State could take up its rightful monopoly over these goods), to being a regulator of justice and security provision in contexts where hybrid and non-state systems and actors are in reality proving more durable, more legitimate and less easily replaced.<sup>37</sup> For the international community, effective responses to these complex realities can be hindered by human rights concerns, issues of political and organizational risk, and operational or bureaucratic challenges that require innovative approaches to be overcome.<sup>38</sup>



### **Engaging the complexity of justice and security**

Conventional approaches to rule of law promotion focus primarily on strengthening formal justice and security institutions, such as courts, police and legal frameworks, in isolation. However, these institutions do not operate in a vacuum; they are embedded within a broader complex system of relationships between people, groups, organizations and social institutions (including norms, values, and laws). These systems interact in dynamic and unpredictable ways, influencing the delivery or denial of justice and security. Complex systems resist the linear, technical, cause-and-effect approaches that characterizes traditional approaches to rule of law promotion. By overlooking the complex interdependencies and interactions between institutions and societal factors, conventional programming often fails to leverage synergies across the system and underestimates resistance to change. As a result, many efforts to reform formal institutions fall short of achieving lasting change and sometimes interventions have done more harm than good. Traditional programming approaches and programme management tools tend to be inadequate for navigating the inherent complexity of justice and security systems and problems (see the text box below). Instead, complexity requires programming that is participatory and inclusive, iterative and adaptive, context-specific and problem-led focusing on real challenges rather than pre-defined solutions.

## The role of complexity and systems thinking for justice and security

A conventional approach considers rule of law promotion as a 'complicated' endeavour requiring a linear mechanical process of reform, as opposed to understanding it as a complex change process.<sup>39</sup> A systems lens is a tool for better understanding and navigating the inherently complex (as opposed to complicated) nature of justice and security systems, and identifying new opportunities for addressing persistent, complex problems. Applying a systems lens reveals the limitations of a conventional approach and has important practical ramifications for programming. For example:

- ④ Complex justice and security systems are inherently unpredictable and are constantly adapting and evolving. The dynamic and interconnected nature of these systems means that what works in one part of the system (within one community or one institution, for example) may not work elsewhere. A 'one-size-fits-all' approach will rarely be sustainable. Interventions need to respond to the specific context.
- ④ Understanding and responding to problems within a complex system requires combining insights from different people and areas of expertise. While external experts bring valuable knowledge, it is important to involve the people who are directly impacted by the problem in the process of understanding the situation and shaping solutions. Co-created, locally led responses tend to work better and last longer than solutions designed and imposed from the outside.
- ④ In a complex system, sustained change is achieved through the actions and interactions of the people and organizations within it. The role of external actors, such as international non-governmental organizations, donors and development organizations, is to facilitate, guide and, ideally, positively influence those actions and interactions. Enabling change requires supporting mindset and behaviour shifts by people and organizations, investing in navigating resistance to change, and nurturing networks of change champions across the system.
- ④ Problems within a complex system have multiple causes. A linear 'cause-and-effect' response will rarely enable sustained change in a complex system. No single part of the system (an institution or actor) operates in isolation, nor can they be 'fixed' in isolation from the broader system. Changes in one part of the system can have unforeseen consequences elsewhere. Viewing the system as a whole and applying tools such as political economy and power analysis, are important for mitigating risks of unintended harm.<sup>40</sup>

## The emergence of the people-centred approach

Today, advocates of people-centred approaches are united in a shared aim of enabling justice and security systems that are equitable, accessible, responsive and accountable to the rights and needs of all people, particularly the most vulnerable, marginalized and at risk of being left behind. They emphasize core principles of human rights, inclusion and participation, empowerment, local ownership and accountability, and programming that is data and evidence-based, adaptive and multidisciplinary.

For UNDP, the importance of a people-centric paradigm in rule of law, justice and security programming, and especially in contexts affected by conflict, crisis and fragility, is irrefutable and has long under-pinned its policy and programming efforts.<sup>41</sup> Through support to States at the national and sub-national levels, as well as to civil society, the private sector and communities, UNDP seeks to facilitate a more collaborative and inclusive development process. This process envisions the State and society as equal partners in the shared pursuit of justice, security and development, where people have agency and are empowered to participate in shaping interventions that affect their lives, and governments are better able to fulfil their responsibilities and commitments to delivering justice and security for their populations. This approach aligns with the strategic guidance of the General Assembly on UN operational activities, which emphasizes the need to place people at the centre of development efforts.<sup>42</sup> The following section explores the UNDP understanding of and commitment to the people-centred approach to justice and security as a core element of its development mandate.

**The people-centred approach to justice and security emphasizes the needs, rights and well-being of people, rather than viewing justice and security solely through the lens of the State and its formal mechanisms, policies or institutional frameworks. It seeks to reimagine justice and security systems by asking fundamental questions:**

**What are people's justice and security needs, and how best can these needs be addressed?**



## to advancing people-centred justice and security

For UNDP, people-centred justice and security programming is not a recent development but a long-standing principle that has been reflected in its policies and practice across the development spectrum, and especially in contexts affected by conflict, crisis and fragility. The 1994 Human Development Report, for example, marked a pivotal moment in redefining the concept of security within development. Its articulation of the concept of human security was profound for shifting the focus from the security of States to the security of people and communities and highlighting the interconnectedness of various threats to human well-being, such as poverty, disease, environmental degradation and social injustice.

The UNDP Community Safety and Social Cohesion Framework further advanced the UNDP security paradigm emphasizing the importance of local contexts and community-based interventions in promoting safety and security. It recognizes that sustainable peace and security cannot be solely achieved through top-down approaches but require the active participation and empowerment of local communities.<sup>43</sup> It emphasizes the need to address the underlying social, economic and political factors that contribute to insecurity and conflict. UNDP work on people-centred security has emphasized the need for a balance between the interests of people and the State and promotes programming that blends top-down State-based approaches and bottom-up people-driven solutions.<sup>44</sup>

UNDP has also pioneered developments in relation to people-centred justice. The 2004 UNDP Access to Justice Practice Note was a landmark document that outlined its approach to enhancing access to justice for the most vulnerable and marginalized. This approach conceptualizes justice beyond traditional legal frameworks and the resolution of disputes, to include preventing disputes and grievances from arising in the first place. It recognizes the importance of supporting both formal and informal justice systems to be more responsive and effective in meeting people's justice needs. In addition to realization of their legal and human rights, justice 'needs' include the availability and accessibility of fair, effective and accountable dispute resolution mechanisms, just and equitable justice outcomes, and addressing social, economic, political and developmental factors that impact individuals' ability to access and experience justice. The note reflects the leadership and commitment of UNDP to the legal empowerment approach that focuses on the importance of people, and especially the most marginalized and vulnerable, to know their rights, effectively assert their rights and actively shape legal and policy frameworks for achieving justice, human rights and sustainable development.<sup>45</sup> UNDP has also spearheaded a development approach to transitional justice that situates transitional justice measures within broader efforts to foster political, social and economic transformation and advance gender equality.<sup>46</sup>

In practice, UNDP supports justice and security-related interventions across development contexts, and as core components of preventing, responding and recovering from conflict, crisis and fragility.<sup>47</sup> The nature of UNDP support to governments, civil society, the private sector and communities to enhance access to justice, safety and security, especially for the most vulnerable, marginalized and at risk of being left behind is wide-ranging and delivered at national, sub-national and local levels. It includes support to transitional justice mechanisms, gender justice, community policing, local dispute resolution and non-State grievance mechanisms (including for business and human rights cases), legal empowerment and legal aid for criminal and civil matters, institutional strengthening of formal institutions such as the judiciary and law enforcement, e-justice, support to bar associations, civil society, and human rights defenders, law and constitutional reform, environmental justice, and more. Interventions are not confined to justice and security-specific projects or programming but are delivered through a range of work areas such as stabilization, conflict prevention, social cohesion, early recovery, preventing violent extremism, local governance, human mobility, climate security, gender, youth, and rule of law and human rights.

Through these efforts, UNDP has been testing, learning, innovating and building a case for a people-centred approach to justice and security. The approach articulated in this paper is informed by UNDP organisational learning, developments in the fields of rule of law and development more broadly, and the dynamic and complex nature of today's justice and security challenges. It is a response to the call for the "collective action, political commitment and courageous choices" needed to prevent wholesale reversals in progress across SDG 16, without which Agenda 2030 cannot be realized.<sup>48</sup> It is integrally linked to UNDP support to the realization the UN Secretary-General's Call to Action for Human Rights, the Common Agenda with its call for a renewed social contract to deepen trust and accountability, and the New Vision for Rule of Law.<sup>49</sup>

For UNDP, the people-centred approach means strategically combining top-down and bottom-up interventions, being attuned to the social and political complexities of justice and security, responding to people's justice and security problems across programming areas, and mobilizing the full array of UN and other agencies and actors to strengthen commitments to and effectiveness of international justice and security support.<sup>50</sup> The approach supports an integrated and collective approach to justice and security globally, nationally and locally, helps UNDP to better navigate the complexities of justice and security challenges, and encourages continuous learning and adaptation to ensure the delivery of more impactful, strategic and comprehensive support to countries and communities.

→ **Promoting an integrated and collective approach:** UNDP understands that people's justice and security problems and their underlying causes are multifaceted and interdependent and can rarely be addressed sustainably through isolated interventions, or the efforts of a single project or entity.<sup>51</sup> Through integrated programming, UNDP can help build the resilience of societies by tackling the root causes of injustice and insecurity, not merely addressing their symptoms. This is especially important in conflict- and crisis-affected contexts where vulnerabilities are often exacerbated by multiple factors.

The people-centred approach to justice and security supports this integrated programming by enhancing synergies across areas such as justice, security, peacebuilding, public service delivery, social protection and livelihoods, health, environment, forced migration and climate change. This approach enables UNDP to deliver comprehensive support that addresses the root causes of poverty, inequality, and exclusion, and advances human rights. It aligns with UNDP's portfolio approach and holistic area-based programming aimed at addressing people's justice and security problems holistically, with a specific focus on the needs of the most marginalized, vulnerable and at risk of being left behind. The portfolio approach also helps overcome the fragmentation of projects and funding that can limit learning, innovation, and sustainable impact.<sup>52</sup>

Today's protracted and complex conflicts and crises also require UNDP to deliver programming approaches that span the humanitarian-development-peacebuilding nexus, acknowledging the complex interdependences between immediate humanitarian needs, long-term development goals, and the conditions necessary for peace.<sup>53</sup> The people-centred approach promotes effective system-wide integration, cross-pillar collaboration and reforms to ensure development approaches address the consequences of crisis and the underlying causes of humanitarian and peacebuilding needs.<sup>54</sup> This requires engaged and sustained political dialogue, national-consensus building for people-centred change (for example, in peace agreements, roadmaps, national development plans), and the mobilization of international and regional actors for sustained pressure and support for positive change. In humanitarian, conflict and fragile settings, adopting the approach means prioritizing the immediate protection of people's rights and the provision of security in a manner that respects the rights, dignity and agency of affected populations. Simultaneously, it supports efforts to build inclusive, equitable, just and accountable (community and State) institutions that can respond to and prevent conflict and address its underlying causes. The people-centred approach is critical for fostering social cohesion, reconciliation and establishing a social contract grounded in trust, respect and accountability between the State and its people. It aims to bridge the gaps between emergency response, sustainable development and peacebuilding, ensuring that UNDP support within the humanitarian-development-peacebuilding nexus is coherent and catalytic in building resilience and advancing long-term justice and security.

→ **Embracing and navigating complexity:** The UNDP Strategic Plan (2022-2025) envisages a more agile and anticipatory UNDP that embraces complexity, actively manages risk, continually adapts and seeks to learn alongside delivering results. It recognizes the value of systems thinking for better understanding and addressing the complex relationships and dynamics that contribute to today's development challenges and identifying opportunities for innovations that tackle persistent problems. The people-centred approach to justice and security engages the complex and evolving nature of justice and security systems and problems, and promotes data-driven, adaptive, responsive and sustainable solutions that genuinely reflect and meet the rights and diverse needs of the people they are designed to serve. It is a systemic approach that responds to the reality of how people understand and experience justice and security, and when, where and how they seek to resolve their justice and security problems. It encourages a multi-disciplinary, multi-pronged approach focused on coordinated changes across multiple dimensions and actors of the system, where technical interventions contribute to transformative goals within integrated programmes.

The approach requires a holistic understanding of justice and security systems and their problems to develop innovative and sustainable solutions that improve justice and security outcomes by addressing the symptoms and underlying structural and systemic drivers of injustice and insecurity. Systems thinking, sense making, and thinking and working politically are just some of the tools that UNDP is leveraging to better understand complex systems and address complex problems. Behavioural insights, positive masculinities, trauma-informed programming and change management are other innovative approaches that UNDP is harnessing to navigate complexity, overcome individual and institutional resistance, and shift mindsets and behaviour to influence positive change.



**Integrated responses to the complexity of justice and security challenges:** The complexity and interconnectedness of the symptoms and causes of injustice and insecurity require multi-disciplinary and integrated responses. For example, the combined existence of structural racism, marginalization and exclusion, unaccountable digital technology and self-regulating private sector actors can impact the ability of communities and countries to mitigate and address the effects of climate change. This in turn can contribute to more insecurity and injustice in the forms of conflict, worsening health, food insecurity and forced displacement, and other challenges.

→ **Prioritizing learning and adaptation:** The nature of complex systems, their inherent unpredictability and state of constant evolution requires programming approaches that prioritize learning and adaptation. The UNDP Strategic Plan articulates an organizational commitment to building a culture of continuous learning to inform decision making and policy and programming design and adaptation. Learning and adaptation in support of the people-centred approach to justice and security requires an intentional and strategic use of data to inform project design, implementation and reporting. The approach also requires monitoring, evaluation and learning tools that enable learning and adaptation based on realistic goals that acknowledge the challenges that the nature of complex systems pose for attribution, scale and sustainability.<sup>55</sup> It encourages methods of monitoring, evaluation and results measurement that focus on measuring the things that are necessary for enabling systemic change, such as changes in behaviour, capacities, relationships and processes; and on the quality of justice and security delivery and its impact on people's lives as measures of progress towards State-society trust-building and the renewed social contract.<sup>56</sup> The people-centred approach to justice and security supports harnessing a wide array of qualitative and quantitative data collection tools, and ensuring quality data and evidence directly informs programming and policy decision-making by UNDP and its partners.

The human development mandate held by UNDP, its position as the largest UN provider of technical assistance and support on democratic governance, and as the custodian of several SDG 16 indicators, require it to be a global leader and champion for people-centred justice and security. As such, it is committed to accelerating the evolution and application of the approach across UNDP programmes and within UN rule of law, justice and security programming more broadly, including through its support to the Global Focal Point for the Rule of Law, the humanitarian-development-peacebuilding nexus, One UN and other UN integration efforts. The following section presents the people-centred justice and security framework intended to guide this important task.

# The strategic framework for the UNDP people-centred approach to justice and security

## Introduction

The people-centred approach to justice and security ensures that the rights, needs and aspirations of people serve as the reference point for policy and programming efforts aimed at transforming social systems to promote, protect and uphold the rule of law and human rights, and deliver justice and security for all, especially for the most vulnerable, marginalized and at risk of being left behind. It supports States, civil society, the private sector and communities to collectively realize the transformative ambitions of the Agenda 2030 for sustainable development through peaceful, just and inclusive societies.

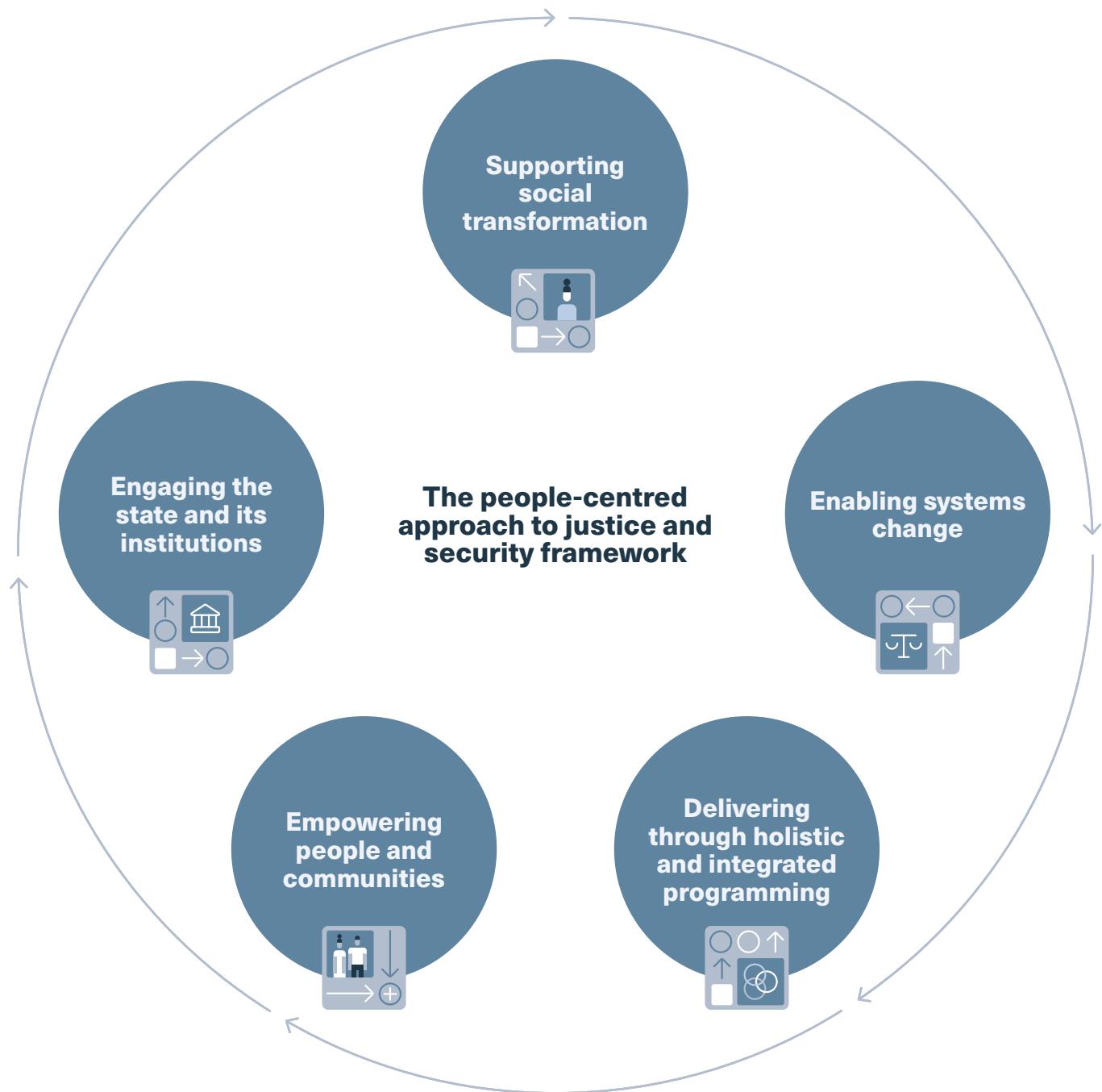
The approach strategically combines institution-focused support (top-down) and community-focused (bottom-up) interventions to address both the immediate and the systemic and structural causes and effects of injustice and insecurity in a society. It supports States to be more inclusive and responsive to people's justice and security needs, while empowering people and communities to be partners in justice and security policy development and decision-making that affects their lives. It recognizes that positive change emerges from a holistic process that involves both sustained social demand and the willingness of the State for change.

The framework presented in this section combines and reinforces important principles and approaches that underpin UNDP policy and programming support to States and people to prevent, respond and overcome problems of injustice and insecurity. The approach responds to organizational learning and the complex realities of today's world. It is a call to rethink the way justice and security support to States and societies is conceived, designed and delivered to better respond to the rights, needs and aspirations of all people, and especially those who are at most risk of being left behind.

Ultimately, the people-centred approach to justice and security supports the UNDP goal of enabling systems transformation – ensuring that justice and security systems are not only efficient and effective but also equitable, accessible and accountable to all, thereby fostering trust between the State and its people and contributing to a more peaceful and just society. It recognizes the evolving nature of justice and security challenges and provides a framework for more integrated, adaptive, responsive and sustainable solutions that genuinely reflect and meet the diverse needs of the people they are designed to serve.

The framework is comprised of five interconnected and mutually reinforcing elements (see Diagram 1) underpinned by the core principles of human rights, inclusion and participation, empowerment, local ownership and accountability. It is intended to guide UNDP decision making and support for people-centred justice and security globally, nationally and locally, through data and evidence-based, adaptive and multi-disciplinary policy and programming.

Diagram 1:  
The five interconnected  
elements of the UNDP  
people-centred justice and  
security framework



# Element 1: Supporting social transformation

## Key messages



- The people-centred approach to justice and security supports a renewed social contract by fostering a mutually accountable relationship between people and the State through effective, responsive and accessible justice and security systems that protect people's rights and address their justice and security needs.
- The people-centred approach to justice and security addresses the symptoms and the underlying systemic drivers of injustice and insecurity to better enable societies to prevent, respond and recover from conflict, crisis and fragility.
- The people-centred approach to justice and security is rights-based, prioritizing inclusive participation and empowerment to enable governments to address people's justice and security needs.

→ **The people-centred approach to justice and security is an outcomes-oriented approach to policymaking and programming for sustainable peace and development.** It focuses on building trustworthy, accountable, accessible and responsive institutions, actors and systems that can meet the justice and security needs, rights and aspirations of all people, and especially the most marginalized, vulnerable and at risk of being left behind. Through this support, the approach aims to deliver tangible, positive and sustainable improvements to the well-being, safety and security of people and communities. It seeks to strengthen trust and confidence in core State functions and institutions, fostering a society grounded in human rights and the rule of law, which are essential for sustainable peace and development.

→ **The people-centred approach to justice and security supports processes of reimagining and rebuilding the social contract.** The emphasis on 'people' in the approach is not intended to place people above the State or to create conflict between people and institutions. The quality and strength of the social contract in any society depends on the quality and nature of the relationship between people, duty bearers and powerholders. The approach supports building a constructive and accountable relationship between society (including people, communities, civil society and the private sector) and the State to better work together towards a common goal of ensuring that all rights are protected, respected and fulfilled, and all people have access to justice and can live in dignity, safety and security. Understanding how to build and strengthen this relationship is at the heart of applying the people-centred approach.

→ **The people-centred approach to justice and security is a preventive approach.** It responds to people's immediate justice and security needs and the underlying structural, social, economic and political factors that contribute to inequality, injustice and insecurity. This prevention role is well recognized in programming in fragile, conflict-affected and transitioning contexts.<sup>57</sup> In these contexts, the approach moves beyond a narrow focus on strengthening formal criminal justice institutions (such as law enforcement and judicial procedures) to consider other important areas for conflict prevention, including civil justice issues such as land rights, or strengthening community-level dispute resolution mechanisms.<sup>58</sup> It is also relevant in any development context characterized by potentially destabilizing factors such as inequality, discrimination and exclusion; crime, violence and insecurity; environmental degradation and climate change impacts; or impunity and weak State capacity and institutions. In such contexts, the approach focuses on addressing underlying drivers and vulnerabilities, empowering people and communities, fostering civil society engagement, and strengthening responsive and

accountable government to prevent and respond to injustice, to reduce the likelihood of insecurities and conflict from emerging or escalating and ultimately contributing to greater stability, prosperity and the well-being of people and communities.



**Justice for prevention.** Disputes over land rights and access to natural resources can fuel violence and are often a source of instability in contexts affected by conflict, crisis and fragility. However, this important conflict prevention area is often overlooked and underrepresented in top-down support to the criminal justice system. Local dispute resolution mechanisms and legal empowerment activities, including capacity building and legal assistance, combined with law and policy reform are examples of people-centred interventions that can be impactful in preventing, responding to and resolving these and other immediate justice needs that can contribute to conflict.<sup>59</sup>



**The people-centred approach to justice and security builds upon and reinforces a human rights-based approach.** In line with the Call to Action for Human Rights and Our Common Agenda, it places human rights at the centre of engagement and is guided by international human rights standards and principles. The approach recognizes that effective, responsive and accountable people-centred justice and security systems are those that protect, promote and fulfil human rights and advance the dignity and well-being of all people. The human rights-based approach provides the foundation for upholding human rights within justice and security interventions. It emphasizes the roles of duty-bearers in fulfilling their obligations to respect, protect and fulfil human rights, and of rights-holders in upholding their rights. Expanding on this framework, the people-centred approach goes beyond the accountability relationship between the rights holder and the duty bearer. It also considers people's experiences with justice and security systems at the national, sub-national and community levels, the role of justice and security actors beyond only State or formal actors, and the quality of the services and outcomes people receive. The two approaches are therefore complementary and mutually reinforcing, and share many similarities, including an emphasis on participation, empowerment, accountability and strengthening the capacities of duty bearers and rights holders. The human rights-based approach is applicable to all development programming, including in areas of rule of law, justice and security.<sup>60</sup>



**The people-centred approach to justice and security is anchored in and contributes to the commitment to leave no one behind and to advancing gender equality and women's empowerment.**<sup>61</sup> The approach prioritizes the needs, rights and voices of all individuals and communities, particularly those who are most marginalized and at risk of being left behind. It seeks to ensure that those directly impacted by injustice and insecurity have a voice in identifying their problems, co-designing solutions and monitoring progress of justice and security interventions. By focusing on inclusivity, empowerment and participation, the approach seeks to address immediate justice and security problems and the underlying causes of exclusion and inequality, thereby advancing the goal of leaving no one behind. By mainstreaming gender equality considerations and addressing the specific needs and experiences of women and girls, the people-centred approach to justice and security contributes to more equitable and inclusive justice and security outcomes. Together, the people-centred approach, the human rights-based approach and the commitment to leave no one behind enable a holistic approach that supports adherence to human rights norms and standards, aims to respond to people's diverse justice and security needs, and helps to address broader systemic disparities and exclusions within the justice and security system, especially in relation to gender and other intersecting forms of inequality.

## Element 2: Enabling systems change

### Key messages



- The people-centred approach to justice and security recognizes that context is key: sociocultural, historical, political and conflict factors profoundly impact how justice and security systems are understood, function and are experienced by people.
- The people-centred approach to justice and security looks at the justice and security system as a whole, rather than viewing actors and institutions in isolation.
- The people-centred approach to justice and security requires robust stakeholder and power analysis to identify risks and opportunities for systemic change.

→ **The people-centred approach to justice and security considers justice and security within the broader societal context.** Implementing the approach requires understanding and responding to a range of context dynamics and questions of agency and accountability for people's justice and security outcomes.<sup>62</sup> The emergence of a healthy people-centred justice and security system cannot be seen in isolation from the wider politics of the rule of law, State administrative and regulatory capabilities, legal pluralism, sociocultural factors such as exclusion and discrimination, gender roles and community relationships, and historical injustices and colonial legacies. These factors are interconnected and interdependent and directly impact how justice and security are conceived, perceived, delivered or denied in a specific context. Complex justice and security problems usually involve multiple interrelated factors, including historical, social, cultural, political and socioeconomic factors that influence State and societal perceptions and experiences of security, justice and human rights. Understanding these problems requires looking beyond the observable immediate symptoms, to a deeper analysis of the reasons *why* the problem exists and persists. This analysis might consider questions such as, how has a history of colonialism shaped justice and security systems and institutions and the relationships between them and groups within society? Why are justice and security systems and institutions degraded in the first place? Whose vested interests are at stake? Who has agency? Whose perspective, voice and knowledge are being prioritized in decision-making, who is excluded, and why? Why are women or Indigenous groups underrepresented within formal justice institutions (such as the judiciary) and what impact does that have on the perceptions of justice and the quality of justice experiences and outcomes for members of those groups?



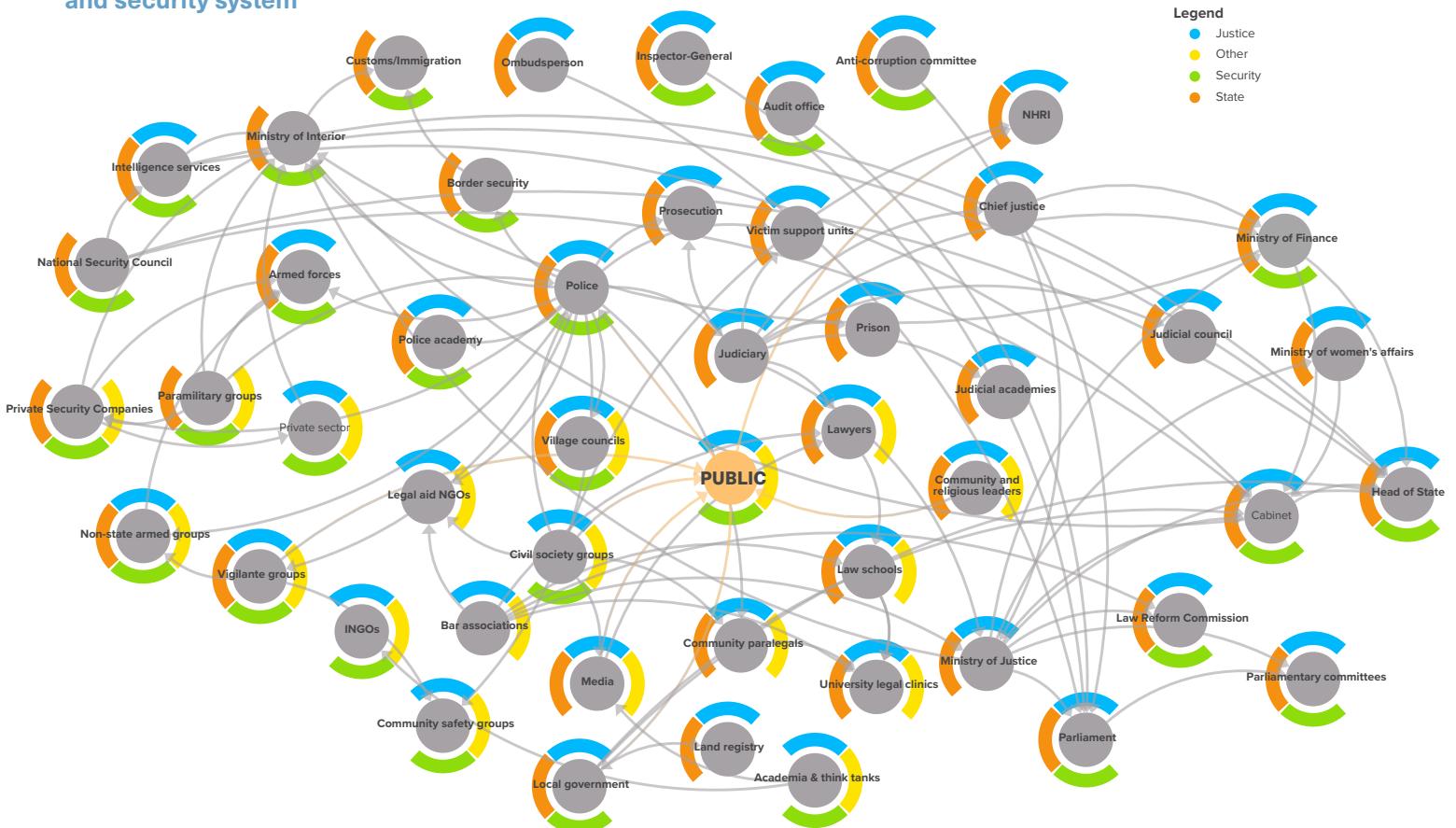
**Unpacking the layers of justice problems.** High levels of pre-trial detention are not necessarily caused, and therefore cannot be sustainably fixed, by solely focusing on one factor, such as technical skills building for authorizing judges or short-term interventions such as special mobile court sessions within an overcrowded detention facility. A disproportionately high percentage of youth in pre-trial detention may be a result of multiple factors such as discriminatory biases and practices within the police against youth, gaps in or poorly implemented and enforced legal frameworks, socioeconomic issues, or political dynamics such as repression of protest and political movements. Understanding the multiple factors contributing to a justice problem reveals the need for strategic, multi-pronged responses.



**The people-centred approach to justice and security requires engaging with the complexity of justice and security systems.** In any society the systems meant to deliver justice and security are complex, involving a multitude of actors, institutions (i.e. entities, legal frameworks, norms and values, informal power structures and traditions), and processes that interact with each other in intricate ways. The systems are affected by a range of stakeholders, including government, civil society, the private sector and international actors. They also generally comprise multiple interconnected and interdependent sub-systems that together create a complex justice and security web or “ecosystem” (see Diagram 2).<sup>63</sup> For example, formal or State justice systems may operate alongside and in relationship with customary or traditional practices, with systems that emerged from conflict (militia justice or transitional justice, for example), religious systems, corporate governance systems and others. These sub-systems are constantly adapting and evolving and how they operate and interact can differ from community to community. The context-specific and politically informed decision-making that is fundamental for the people-centred approach, requires viewing the ecosystem as a whole, not looking at its parts in isolation. This systems perspective recognizes the interconnectedness of various components within the system and the potential for unintended, sometimes negative, consequences when changes are made in isolation. It enables a more comprehensive understanding of the complexities and interactions within a system and supports programming decisions that can better anticipate, manage and mitigate risks and do no harm. It enables deeper understanding of the multiple and interacting causes of complex justice and security problems, it helps to check assumptions regarding the roles, relationships and behaviours of actors (including non-State actors) within the system, and can reveal new insights, entry points (so-called “leverage points”<sup>64</sup>) and innovations for affecting positive change.<sup>65</sup> Through a systems lens, the approach encourages and enables creativity and innovation through experimentation and continuous learning.<sup>66</sup>

Diagram 2

### The complex web of State and other actors within a justice and security system





### **Positive interventions in one place can have unintended negative consequences elsewhere.**

Reforms to streamline court procedures can enhance the efficiency of the judicial system and help reduce the backlog of cases but may place burdens on the capacities of legal aid providers to keep pace resulting in delayed or denied access to legal representation for indigent persons.

Police are better trained and equipped to make arrests therefore increasing their ability and efforts to apprehend suspects, resulting in more people entering the criminal justice system. However, weak capacities across the courts to absorb more cases lead to delays, increased pretrial detention and case backlogs.



**The people-centred approach to justice and security considers the many functions required for an effective and accountable justice and security system.** Many different institutions, organizations and individuals carry out the core functions necessary for a healthy people-centred justice and security system, including service delivery, policymaking, management, financing and oversight.<sup>67</sup> Service delivery actors can include the police, formal courts, vigilante groups, community peace committees or the private sector. Other actors can have broader governance and oversight functions, such as parliament, ministries of justice and interior, the media, civil society organizations or national human rights institutions. Influencing the system to deliver people-centred justice and security involves understanding how these different actors and functions interact, and strategically engaging actors at multiple levels across society in a collective effort towards more effective, accountable, responsive and accessible people-centred justice and security.



**The role of the private sector in delivering people-centred justice.** Businesses can play an important role in the delivery of justice through non-State based grievance mechanisms such as company-based grievance mechanisms (i.e. mechanisms established and administered by companies); worker-driven or community-driven mechanisms (proposed, developed and implemented by rights-holders themselves); industry, multi-stakeholder or other collaborative mechanisms (initiatives external to companies that administer a set of commitments that the companies have agreed to adhere to); and mechanisms associated with development finance institutions (where those adversely impacted by institution-financed projects can seek remedy).<sup>68</sup>



**The people-centred approach to justice and security recognizes the diversity of actors that people turn to for their everyday justice and security.** The majority of people, and especially those most at risk of being left behind, turn to actors other than formal institutions for their justice and security needs. In many contexts, and especially those affected by conflict, crisis and fragility, these actors, including businesses, community-based organizations, international bodies, informal justice systems, religious groups, militant groups, private security firms, and others, are interacting and operating within a complex web of relationships that is "intimate and messy".<sup>69</sup> They have varying degrees of legitimacy, influence and accountability that shift over time. Their roles often intersect, overlap and evolve. They might collaborate, compete, or even conflict in delivering justice and security services. These roles can sometimes simultaneously support and conflict with the role of the State. The Understanding how different actors, institutions and mechanisms interact, influence and rely on each other, and how they contribute to or undermine the overall functioning of the justice and security system is key for analysing and identifying the risks and opportunities for influencing the system towards the delivery of more people-centred justice and security. Simplistic binaries such as 'State / non-State' or 'formal / informal' oversimplify the role of different actors and can lead to simplistic solutions that fail to recognize the nuanced reality, opportunities and risks in a specific context. This in turn can limit or lead to overlooked opportunities for engagement that could strengthen justice and security for people in the short and long term.<sup>70</sup>



**Shifting legitimacy, accountability and influence of justice and security actors.** The role of and relationships between justice and security actors are in constant motion, requiring a context-informed and adaptive programming approach. For example, a self-organized vigilante group established to protect their community from a violent extremist group may enjoy legitimacy and have a degree of accountability to their community. Over time the group may be publicly acknowledged and receive basic equipment from the government, and eventually even be recognized (formally or informally) as a partner to the military in gathering intelligence or as combat support. The legitimacy conferred by the State can result in a shift of allegiance (from community to State), and a sense of empowerment, entitlement or even impunity that can lead to rights violations or other behaviour by members of the group that undermines trust from the community they originally set out to protect.



**The people-centred approach to justice and security considers that context is everything.** There is no one-size-fits-all solution to addressing people's justice and security problems. Interventions must be tailored to the specific context, taking into account local realities, needs and priorities. Human rights concerns, organizational and political risks, and operational and bureaucratic challenges are some of the most cited obstacles to engaging the array of justice and security actors beyond the State that people actually turn to for assistance.<sup>71</sup> Some actors do perpetuate discrimination, violate human rights, especially the rights of women, undermine social cohesion and act in ways that weaken the social contract. Yet there are also many examples of civil society groups, community paralegals, community leaders, women's groups and others being empowered to actively contribute to transforming local and national systems to better deliver justice and security for people.<sup>72</sup> Determining which actors can or should be engaged in programming interventions is not simple but should be based on an understanding of the actual role these actors play, not preconceived assumptions or (State-centric) biases. Decisions should be guided by considerations of which mechanisms can help build trust within communities (social cohesion) and between the communities and the State (the social contract). Adopting the people-centred approach requires undertaking meaningful context and political analysis, and engaging with multiple stakeholders, including communities and diverse groups to understand their motivations, preferences and experiences of seeking resolution to their justice and security problems. Involving a multiplicity of perspectives and sources of knowledge in a collaborative inquiry process enables a better understanding of the complexity of a problem and its causes, and the identification of opportunities and innovations for change (see also Element 4: Empowering People and Communities).



**Acknowledging and overcoming State-centric biases.** The people-centred approach to justice and security can be an important enabler for decolonizing conventional rule of law approaches that favoured strengthening formal or State laws and institutions; viewed Indigenous justice mechanisms as things to be denied, eradicated, marginalized or subjected to State law; and systematically excluded Indigenous populations and other minority groups from decision-making processes about their justice and security needs.<sup>73</sup> The persistence within the rule of law, justice and security fields of largely inaccurate (Western) value-laden labels such as 'State' (implicitly good) vs 'non-State' (implicitly bad) actors, 'vigilante' vs 'community' groups, or 'formal' vs 'informal' justice or security systems fail to adequately or accurately describe the reality of justice and security provision for people. These unhelpful dichotomies can impede the identification of opportunities for supporting more responsive, people-centred justice and security systems (see Element 5: Engaging the State and its institutions).

## Element 3: Delivering through holistic and integrated programming

### Key messages



- The people-centred approach to justice and security strategically combines community-focused efforts and institution-strengthening support to address people's diverse justice and security needs and foster systemic and structural change.
- The people-centred approach to justice and security defines justice and security needs broadly, engaging a wide array of cross-disciplinary perspectives, experiences and expertise to understand and respond to these needs.
- The people-centred approach to justice and security promotes innovative, integrated and multidisciplinary programming that is problem-driven and responds to the symptoms and drivers of injustice and insecurity.

→ **The people-centred approach to justice and security is a holistic approach.** The approach strategically and simultaneously combines so-called bottom-up (focused on agency and empowerment of people and communities) and top-down (focused on responsive and accountable justice and security actors) interventions to more effectively and sustainably address the justice and security needs, priorities and aspirations of people, especially the vulnerable, marginalized and those most at risk of being left behind. There is no single intervention or 'silver bullet' for achieving justice and security for all. Successful change comes from a process that involves both sustained community demand and the willingness of the State for change. Combining top-down and bottom-up approaches supports more evidence-informed national and sub-national policies and practices that both reflect and respond to local realities and people's actual justice and security priorities and needs. This holistic approach is key for addressing the symptoms of inequalities and injustice and advancing efforts towards long-term systemic and structural change.



**Why a holistic approach matters.** Community stabilization committees are supported to identify and address disputes and rights violations, including cases of sexual and gender-based violence. Yet when cases are referred to the police, they are rarely prosecuted. Community trust in the State is undermined by the inability of the police and courts to respond to this justice need. By strategically combining community empowerment support with efforts to strengthen the capacities of the police, prosecution and judiciary to respond to people's priority justice needs, the people-centred approach aims to enable more responsive, trustworthy and effective institutions that can better deliver justice for people and in doing so strengthen trust between communities and the State.

**A holistic approach in practice.** A community paralegal project supports a local Indigenous group to negotiate with a large corporation that seeks access to natural resources on their land. The experience and lessons of this community intervention are used to directly inform strategic litigation efforts aimed at empowering marginalized communities to claim their environmental rights through collective action, and policy reform processes at the national level for greater protection of Indigenous and environmental rights.



**The people-centred approach to justice and security supports the mainstreaming of justice and security across development.** The presence of a basic level of justice and security that allows people to feel safe and secure fosters the stable environment necessary for the provision of all other public goods.<sup>74</sup> Justice and security enable the delivery of effective, non-discriminatory and inclusive public policies across sectors such as health, housing, employment and education. Such policies are necessary to mitigate or overcome injustice and exclusion that can undermine stability and security.<sup>75</sup> As such, justice and security are not only about responding to and remedying violations of people's rights. They are also about preventing injustices and insecurities in the first place. Perceptions and experiences of injustice and insecurity cut across society and sectors and have multiple, often interacting, causes. Understanding these causes and the systemic and structural changes needed to address and prevent them requires engaging a wide array of cross-disciplinary perspectives, experiences and expertise.<sup>76</sup>

**“... law and institutional reform cannot solve injustice alone. Injustice cuts across society; therefore, the pursuit of justice must be a whole-of-society endeavour.”<sup>77</sup>**



**The people-centred approach to justice and security adopts a broad conception of justice and security that encourages integrated responses.** The approach challenges the assumption that the responsibility for justice lies only with legal professionals, or that security is the monopoly of the State and its security forces.<sup>78</sup> This broad conceptualization looks beyond individual legal needs or acts of violence to include the needs of groups or communities. Injustices that enable fragility and insecurity manifest around issues such as land use, access to water, natural resource extraction and access to public services. These structural issues affect entire communities, as well as differentially impacting people and groups within those communities, including women and marginalized groups. Broad conceptions of justice and security encourage interdisciplinary thinking and integrated responses. It recognizes that not every justice or security problem requires a legal or law enforcement solution. This expands justice and security beyond the traditional focus on formal justice and security institutions and actors and allows room for creativity and innovation, especially where the space for engaging with formal institutions and actors may be limited, such as in contexts experiencing military coups.



**Social workers as justice providers.** A social protection project works with social workers to ensure more poor people are accessing social protection services. Training those social workers to be able to identify justice problems, such as a lack of legal identity documents needed to register for social services, domestic violence or housing disputes, and empowering them to provide basic legal information and support and/or referrals to a legal aid provider supports greater access to justice for the most vulnerable.

**Community leaders as security providers.** A return and reintegration programme identifies family issues and land matters as sources of potential dispute within a community. Supporting communities and local peace and security committees to navigate these issues (e.g. through legal awareness raising, training community paralegals, providing access to legal aid lawyers or supporting community leaders and groups to mediate disputes) can promote community safety and security by preventing local justice problems evolving into larger scale disputes that can disrupt and destabilize already fragile communities.



## **The people-centred approach to justice and security encourages justice and security practitioners and policymakers to join forces more intentionally with other development sectors.**

The approach supports increased engagement with practitioners and policymakers working on issues such as governance; health; education; water, sanitation and hygiene; employment; climate; agriculture and housing to better understand and address the underlying problems that challenge development assistance and that contribute to and perpetuate injustices and insecurity in communities. It encourages interdisciplinary design and implementation of integrated interventions. This could include developing new and/or adapting existing interventions that combine disciplines towards a common objective of addressing injustices and overcoming underlying systemic or structural barriers to justice and security. The approach requires facilitating synergies and working across disciplines and sectors that often tend to deliver development assistance through funding and programming siloes. It challenges the idea that justice and security interventions rest solely within the realm of justice sector or security sector projects and programming. This significantly opens the programming space for development practitioners to advance these goods and the rule of law. This does not reduce the importance of the role of justice and security professionals and practitioners. On the contrary, it suggests a need for even greater investment in justice and security professionals in supporting a process of mainstreaming justice and security across development, in advising and supporting across sectors or programmes for more integrated and responsive programming and contributing to the development of more robust theories of change, testing innovations and promoting continuous exchange, collaboration and learning.



### **Interdisciplinary programming for addressing symptoms and structural causes.**

A food distribution programme can be an avenue for identifying and better understanding the underlying causes of food insecurity, including for example, challenges related to women's land ownership rights and legal identity. This information can be used to develop or strengthen community-focused legal empowerment efforts especially in support of women, and to inform engagement with local government partners to advocate for policies that better enable the promotion, realization and protection of women's rights within the context of government-led measures for ending food insecurity.

**Integrating justice support to environmental projects.** An environmental project supports the relocation of a community displaced due to forest degradation. However, in the new location the community finds there is inadequate access to drinking water. Another project supports the creation of wetlands to advance a government environmental goal, but the change in land use status results in the displacement of several small businesses. By integrating a legal empowerment component to these projects, affected communities and businesses can be empowered to know their rights, seek remedy for the consequences of government actions (or inaction) and actively participate in environmental policy decision-making that affects them.

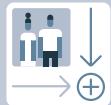


## **The people-centred approach to justice and security enables and supports a holistic development-led approach to transitional justice.**

Justice, security and rule of law programming are commonplace in fragile, conflict-affected and transitioning contexts, including as components of peace operations, the triple nexus (humanitarian-development-peace) approach and One UN integration initiatives.<sup>79</sup> However, interventions still predominantly focus on top-down efforts aimed at strengthening formal criminal justice institutions.<sup>80</sup> Too little attention is given to understanding and strategically engaging justice and security systems and actors beyond the State, addressing the injustices that go beyond the realms of criminal and physical harm, or supporting local level systems and mechanisms for addressing people's everyday disputes.<sup>81</sup> The approach emphasizes a holistic and multi-sectoral approach to addressing justice and security challenges, recognizing the importance of integrating transitional justice efforts within broader long-term development initiatives.

## Element 4: Empowering people and communities

### Key messages



- The people-centred approach to justice and security prioritizes data, information and knowledge as the foundation for understanding and responding to the diverse justice and security needs of people and communities.
- The people-centred approach to justice and security emphasizes the agency and empowerment of people and communities to shape responses to justice and security challenges through participatory, inclusive and accountable decision-making processes.
- The people-centred approach to justice and security integrates an understanding of the effects of power dynamics, intersectional identities and trauma into responses to people's immediate justice and security needs and the structural and systemic barriers that perpetuate exclusion and inequality.

→ **The people-centred approach to justice and security prioritizes data, information and knowledge for understanding and responding to people's justice and security needs, experiences and expectations, especially of the most marginalized, vulnerable and at risk of being left behind.**

The approach is evidence-based and data-driven. It seeks to ensure that interventions for addressing injustice and insecurity are informed by an understanding of how people understand concepts of justice and security, their diverse needs, and their perspectives, experiences and expectations of justice and security systems, actors and institutions. Quantitative and qualitative data, information and knowledge serve as a foundation for tailored responses that are evidence-based, responsive and informed by an understanding of people's needs and the social dynamics and systemic issues affecting justice and security. Individual perceptions and experience of (in)justice and (in)security are influenced by a complex interplay of context factors – historical legacies, cultural value systems, political calculations and intricate balances of power – and people's individual backgrounds, experiences and identities such as race, ethnicity, socioeconomic status, disability, sexual orientation and gender. Understanding people's justice and security problems, their specific vulnerabilities and needs, and who is most vulnerable or at risk of being left behind, requires understanding the context, power relations, structures of exclusion and discrimination and intersectionality.<sup>82</sup> Understanding intersecting identities helps to identify both the challenges and opportunities for change and to ensure that programming is not reinforcing or contributing to further discrimination and inequality. Prioritizing the perspective of the State or powerful elites in a community will provide an incomplete understanding of complex justice and security problems and systems. This can result in oversimplified or inaccurate conclusions about the causes of injustice and insecurity, how the wider justice and security system operates, and what actions can be taken to influence the system to better deliver justice and security for all people.



**SDG 16.3.3.: Advancing access to civil justice for all people.** The addition of the global indicator 16.3.3 to the official SDG monitoring framework in 2020 expanded measurement of SDG 16 progress from a narrow focus on the criminal justice system, to recognize that many of the most common justice problems that people face relate to civil and administrative justice. The indicator supports an evidence-based understanding of the scope of justice problems people face and the mechanisms – both formal and informal – they turn to for help to solve them. This data is essential for ensuring access to justice policy making is evidence-based and responsive to the needs of people.<sup>83</sup>

## **The people-centred approach to justice and security requires a creative and critical approach**

**to data.** The approach supports leveraging a multiplicity of data collection methodologies and data sources that can provide insights into people's understanding and perceptions of justice and security in their daily lives, their expectations of justice and security systems and actors, and their experiences and needs when accessing justice and security.<sup>84</sup> Persistently weak data disaggregation nationally and within justice and security programmes means that many people remain excluded from or totally invisible in data.<sup>85</sup> Creativity is needed to address justice and security data weaknesses and gaps.<sup>86</sup> Understanding what data is needed and why - for who, and what purpose (for example to inform programming decisions, learning or reporting, for government allocation of resources, or locally-led organizational change efforts), is important to ensure the right information is being collected for the right purpose and effect.<sup>87</sup> At the same time, data can be an instrument that reinforces or rebalances unequal power relationships in a society. How questions are structured, who asks the questions, and how the data is collected, analysed, interpreted and presented can influence and impact understandings and conclusions about justice and security and affect which experiences are prioritized or ignored. Ensuring people's active participation in addressing injustice and insecurity, especially by those who have been historically excluded or marginalized, includes enabling their active participation in decision-making about data collection, design, analysis and use, and empowering them to drive and own data for their own development, not just extracting information from them. External actors need to take care not to impose external standards and values, or overlook or undervalue Indigenous knowledge systems, cultural contexts and the qualitative aspects of justice and security that are significant to different groups and communities.



**Leveraging a diversity of data collection tools.** Beyond common justice and security data collection tools such as legal needs and perception surveys, legal aid satisfaction surveys, or court user and community safety perception surveys, a wide array of other public data sources can be leveraged to understand justice and security needs. For example, socioeconomic data such as the multidimensional poverty index or human development index, or surveys of living standards can all provide insights regarding people's justice and security experiences and needs and the intersection between insecurity and injustice with poverty and inequality. Information from public data systems such as birth, marriage, divorce, identity and death registration systems that enable people to access public services and exercise their civic duties could be leveraged to help guide programmatic and government decision-making for allocating resources to address people's everyday justice problems.

**Addressing justice and security data gaps:** Rolling out new data collection tools can be time and resource intensive. Existing data and data collection tools (both programme-specific and national data sources) can be modified to enable increased justice and security data. For example, a community safety survey regularly implemented by a conflict prevention project could be amended to include questions that inform understandings of experiences of justice. Justice and security-related questions could be integrated into common nationwide surveys, such as household income and expenditure surveys, national poverty surveys, census or health surveys.

→ **The people-centred approach to justice and security supports the empowerment of people, communities and civil society.** The approach seeks to elevate and empower the people most affected by injustice and insecurity to be actively engaged in identifying and articulating their justice and security needs, participating in decision-making processes around how those needs can best be addressed, and holding justice and security providers at all levels accountable for ensuring people's rights and the delivery of quality, accessible justice and security services. Civil society can play a critical role in identifying what people and communities view as their needs and aspirations, engaging broad segments of the community, aggregating views and articulating the needs of the most excluded, and working with State actors and institutions to develop approaches to effectively address the needs of people and communities. Civil society also has a key role in holding State institutions and security forces accountable for their actions, advocating for legal and policy reforms and facilitating community participation in formal justice and security processes. Shrinking civic space impedes the ability of civil society to fulfil these roles. At the same time, the persistent prioritization and legitimization by international actors of Western-style non-governmental organizations or civil society organizations over other civil society groups such as professional associations, trade unions, religious-based organizations, social movements, sports clubs and an array of informal community groups, risks excluding a multitude of diverse, culturally specific actors that may have greater legitimacy and links to local communities. These groups can provide important insights and perspectives and play key roles in advancing justice and security for the most vulnerable, and in the maintenance of a 'civil' society.<sup>88</sup>

→ **The people-centred approach to justice and security and legal empowerment are complementary strategies for human rights, justice and security for all.** Legal empowerment interventions focus on empowering individuals and communities to understand, exercise and assert their legal rights, and to address the systemic barriers that prevent marginalized and vulnerable people from accessing justice and security. Context-specific and evidence-based legal empowerment interventions at the community-level can valuably inform and support the implementation of a broader, multi-level (national, regional and local) people-centred approach to justice and security for systemic change. Insights and lessons from legal empowerment, for example related to community engagement, trust-building and participatory decision-making, are important for informing the design, development and implementation of the people-centred approach to justice and security.

→ **The people-centred approach to justice and security requires an inclusive and participatory process.** The approach prioritizes inclusion, participation and local knowledge, and interventions that give voice to people and communities to bring forward new ideas and perspectives that can enable decision-making and policies that better address their needs. It recognizes that the people affected by a problem possess critical knowledge, insights and experiences about what is needed and can be done to improve their situation. The approach means providing genuine opportunities for individuals, groups and communities to contribute to defining their security and justice problems and leading change processes that deliver locally tailored and contextualized responses that address their interests and needs. Meaningful engagement goes beyond a one-off consultation or tokenistic involvement and seeks to empower stakeholders to contribute to decision-making, shape outcomes and hold decision-makers accountable. People will have different perspectives, experiences and understanding of the system and its problems depending on where they are positioned in that system. Consultative processes to understand the complexity and causes of justice and security problems need to be inclusive of the many diverse stakeholders that are impacted by them, including representatives of the State, communities, civil society and the private sector.



## **Meaningful stakeholder engagement for private sector accountability.**

In the context of assessing, addressing and mitigating the negative justice and security impacts of businesses in a specific community, meaningful stakeholder engagement is crucial. This involves engaging a broad range of stakeholders impacted by the business's operations, including management, workers, local community members and consumers. Businesses can engage in practices that discriminate against certain groups or create unsafe working conditions that jeopardize worker safety.

By adopting stakeholder engagement as an ongoing process, rather than a one-off event such as an audit or a single consultation, businesses can better identify, assess and address these impacts. The consultation process also helps in promoting business accountability and transparency, particularly concerning justice issues such as labour practices, environmental compliance and corporate governance. By incorporating the voices of all impacted groups, businesses can develop strategies that mitigate their negative impacts, ensuring that the measures taken are not only effective but also inclusive, leading to improved justice and security outcomes for those most affected by the business operations.

→ **The people-centred approach to justice and security requires intentional efforts to address power imbalances and other barriers that exclude certain voices.** The approach aims to enable the meaningful participation of marginalised groups, including women, youth, Indigenous Peoples and other marginalized groups, to ensure their voices are heard and can meaningfully influence decision-making processes and outcomes.<sup>89</sup> The principle of Free, Prior and Informed Consent, enshrined in the United Nations Declaration on the Rights of Indigenous Peoples, is recognized as a fundamental right of Indigenous Peoples and should guide efforts to engage vulnerable groups in decision-making processes that affect them. Patriarchal and gerontocratic political decision-making arrangements, both local and national, exclude significant, even majority, demographic groups, such as women and youth, even as these same people are playing key roles as justice and security actors within their own communities.<sup>90</sup> The approach supports the increased engagement and inclusion of women and youth, as well as other vulnerable and marginalized groups, in decision-making and reform processes across the justice and security sectors.<sup>91</sup>

**“It is about sharing power with people, not about exercising power over them. It is about genuine curiosity and revelation through dialogue, interaction and discovery.”<sup>92</sup>**



**The people-centred approach to justice and security recognizes that efforts to empower people and increase their participation need to be politically informed, trauma informed, intersectional, and conflict and gender sensitive.** The trauma effects of historical power imbalances, violence, insecurity (including food and economic insecurity) and systemic discrimination, exclusion and disrespect not only impact people's health and well-being, but disproportionately impact certain groups, undermines social cohesion and sustains across generations.<sup>93</sup> Understanding the impact of trauma on individuals and communities and taking a trauma-informed approach in programming is critical for addressing and transforming conflict, building trust across society, and for transforming justice and security systems.<sup>94</sup> Individual, intergenerational, collective and historical trauma profoundly impact the functioning of justice and security systems, where systemic inequalities and discriminatory practices perpetuate cycles of trauma.<sup>95</sup> Trauma (past and present) can impact the ability of people to seek and access justice, to peacefully resolve disputes, or impact the ability of institutions to deliver fair and responsive justice and security services. At an individual and community level, stress and trauma can profoundly hinder the capacities of people to engage in processes of identifying and advocating for their justice and security needs. Relationships and trust within communities themselves can be weak and therefore trust building efforts need to focus not only on the relationships between communities and the State, but within communities to enable a collective voice to begin to form. Social cohesion, reconciliation and healing-related interventions all have an important role to play in the people-centred approach to justice and security.

## Element 5: Engaging the State and its institutions

### Key messages



- The people-centred approach to justice and security supports formal justice and security institutions to be more responsive, trustworthy, legitimate and accountable for the delivery of quality services for all people, and especially those most at risk of being left behind.
- The people-centred approach to justice and security situates technical support to institutions within a broader complex change process aimed at individual and organizational mindset and behaviour change.
- The people-centred approach to justice and security supports enhancing State capacities and capabilities to engage the complex realities of today's justice and security ecosystems and better meet people's justice and security needs.

**The people-centred approach to justice and security requires intentional and strategic engagement with formal justice and security institutions.** The approach focuses on how to enable institutions to be more accessible, responsive, trustworthy, legitimate and accountable for the delivery of quality justice and security services that protect the rights of all people, especially the vulnerable, marginalized and those most at risk of being left behind. It views institutions from the perspective of people and their experience of engaging these institutions and is guided by critical questions related to when, how and why people seek access to these institutions, their experience of access, the quality of the service and the outcome. The perceived fairness of the actions and procedures of formal justice and security institutions and actors, such as the police and judges, are directly linked to their perceived legitimacy, which in turn shapes public acceptance of their decisions, the willingness of people to cooperate with the State's institutions, and ultimately the extent to which people are willing to engage in their communities in ways that promote economic, social and political development and the rule of law.<sup>96</sup> The approach is therefore informed by fundamental questions of how the actions of institutions can support or undermine the relationship of trust between the State and society, and how that trust can be strengthened through a change in the behaviour of institutions and the individuals within them.



**How the actions of institutions can undermine public trust.** The groundbreaking 2017 UNDP report, Journey to Extremism in Africa: Drivers, Incentives and the Tipping Point for Recruitment, and the subsequent 2023 follow-up study, Journey to Extremism in Africa: Pathways to Recruitment and Disengagement, highlight that a significant factor influencing individuals to join extremist groups in Africa is "government action," including the killing or arrest of a family member or friend. This is identified by 71 per cent of respondents as the incident that prompted them to join, indicating that the conduct of State security actors can significantly accelerate recruitment into extremist groups, rather than prevent it.<sup>97</sup>



**The people-centred approach to justice and security prioritizes function over form.** The approach places efforts to strengthen organizational efficiency (the conventional or orthodoxy paradigm) within a broader strategic effort to build trustworthy and accountable institutions that are embedded with a people-centred/service-delivery ethos, and that can better deliver quality, accessible justice and security services that are responsive to the needs of all people. In many cases, this requires more than just tweaks to existing formal institutions and their ways of working (i.e. reform), but a fundamental *transformation* or reimaging of the institution, its structure and functions. It requires a philosophical and cultural shift within institutions from serving entrenched elite interests (a common legacy of colonialism, for example) to delivering the public goods of justice and security for all people. This transformation is a long-term and complex endeavour of changing mindsets, attitudes, behaviours and relationships across the broader justice and security system and within the institution itself. It requires an understanding of the history and nature of institutions, the relationships between institutions, people and diverse communities, and the interests of power holders within the institution and the wider system.<sup>98</sup>



**Moving from reform to transformation.** Under a conventional or orthodoxy approach to capacity-building, formal institutional support is reform-focused, driven by what judges, lawyers, prosecutors or police officers say they want and need to do their jobs more efficiently – a new case management system, or training in the latest forensic techniques, and/or is largely solution-driven based on what the donor or implementing partner wants to deliver. There is little if any engagement with civil society, people or communities that interact with these institutions regarding their needs or priorities. Technical interventions such as capacity building, training and material resources are often welcomed or requested because they strengthen existing abilities (form) without necessarily altering their use or increasing their accountability for the quality of justice and security services they provide (function). The people-centred approach to justice and security is transformation-focused, informed by how people actually navigate the system, their needs and challenges. It promotes collaboration with end-users to ensure institutional change aligns to their diverse needs and prioritizes accessibility, accountability and the quality of services and justice and security outcomes.<sup>99</sup>



**The people-centred approach to justice and security aims to increase the effectiveness and accountability of formal institutions through the participation of the people they serve.** The approach aims to ensure that justice and security policies and practices are responsive, inclusive and tailored to the diverse needs of people and communities, and especially the marginalized, vulnerable and most at risk of being left behind. The approach encourages a broad range of people, communities, civil society and other stakeholders, to be engaged in the process of reimaging institutions and designing and implementing strategies and interventions for change to ensure that institutions are responsive to their needs. Multiple perspectives from within and outside the institution need to be engaged to understand the complex interplay of barriers (including organizational, cultural, social, physical and normative) that prevent institutions from truly working for people and for identifying opportunities to overcome them.



## **Understanding complex systemic and structural barriers to the delivery of people-centred justice**

**justice:** Barriers to achieving inclusive access to justice often include a complex interplay of systemic and structural challenges. Systemic issues of normative bias within the judiciary, where entrenched stereotypes and prejudices influence judicial decisions and treatment, or widespread institutional scepticism or dismissal of Indigenous justice mechanisms and community-based dispute resolution systems, disproportionately affect minorities and Indigenous populations. At the structural level, laws and regulations may fail to recognize or protect the rights of marginalized groups, leading to systemic exclusion or discrimination within the justice system; and underrepresentation of minorities in judicial appointments can erode trust and reduce the perceived legitimacy of the judiciary among these communities.

**Ensuring institutional change is informed by people's actual experiences and needs.** To understand the current experiences and needs of people seeking justice through the courts and the obstacles to the delivery of quality justice services, multiple real-time tools, aimed at gathering multiple perspectives can be used. For example, by employing court observations conducted by volunteer lawyers and law students over several months, alongside conducting interviews with judges, court staff, defence lawyers, prosecutors, and by surveying court users, a more comprehensive understanding of the priority issues of the justice providers and the justice seekers can be established. This multi-faceted approach allows for the identification of key barriers and facilitates the development of more accessible, efficient and effective court procedures, based on the actual experiences of all those involved in the system.

## **The people-centred approach to justice and security humanizes the formal justice and security sector**

**sector.** Individuals are the fundamental building blocks of any complex social system. While responding to the justice and security needs, rights, experiences and expectations of the 'end-user' (people) is at the core of the people-centred approach, it also emphasizes engaging individuals within formal institutions in a change process aimed at shifting their mindsets and behaviours towards the delivery of people-centred justice and security. Understanding these individuals, their motivations, attitudes, beliefs and opinions, their relationships, networks and power relations and their specific capacity, skills and other needs is critical for understanding why individuals and institutions may resist change and identifying interventions that can meaningfully motivate and enable positive change. The approach goes beyond technical skills building (i.e. policing skills or legal knowledge), to consider what capacities, motivations and capabilities individuals across all levels of an institution need to actively promote, support and sustain both individual and organizational change.



## **Motivating court staff to participate in change processes.**

Many interventions to increase case management efficiency, ostensibly to reduce case backlogs, focus on providing courts with technological equipment, such as computers and case management software, even in places where electricity is unreliable, and IT skills are low or non-existent. Often overlooked are the range of other barriers to workplace productivity. For example, in a courthouse where staff only work half days because they have to rotate the use of limited numbers of desks and chairs amongst themselves, and where women have to return home to use the bathroom due to a lack of appropriate facilities, the provision of basic office equipment and refurbishing courtroom bathrooms may do much more to enable short term efficiency and boost morale as employees feel their needs are understood and they are respected.

**From mindset to behaviour change.** In policing, community policing models often produce isolated results that are not scalable or sustainable.<sup>100</sup> These efforts tend to be seen as activities rather than a transformative process requiring a mindset shift and an organizational change. However, when police station commanders, for example, are nurtured to adopt and internalize a community policing philosophy, they are likely to propagate this ethos as they transition to different stations, even without external support. Supporting and mobilizing change champions across all levels of an organization such as the police is a critical component of enabling and sustaining change.

→ **The people-centred approach to justice and security defines support to institutions as a complex change process.** While technological advancements, policy changes and increased institutional capacity within formal rule of law institutions can be important building blocks for organizational change, they often have limited impact when implemented in isolation. Effective and sustained change requires a holistic approach at the political, strategic and technical levels. Weak State institutions (i.e. those that fail to deliver quality justice and security services) are generally the result of political dynamics and decisions by people with power. Sustained high-level political leadership, pressure (accountability for change) and support (such as budgetary and legislative backing), along with effective institutional leadership, robust internal and independent oversight and accountability mechanisms, and active public participation are all key enablers of sustained change. Public engagement allows people to articulate and demand their rights and needs and hold institutions accountable, further enabling sustained transformation of justice and security institutions and systems to better deliver for people.

→ **The people-centred approach to justice and security supports a collective rethinking and renegotiating of the State's role to better meet people's justice and security needs.** Governments the world over are struggling to meet the justice and security needs of their populations, particularly in contexts affected by crisis, conflict and fragility where State institutions are oftentimes undermined, weakened or entirely absent. In these contexts, a multitude of actors, mechanisms and institutions (State, non-State and hybrid) may be filling the justice and security gap. The approach shifts from an orthodox view of the State as the sole legitimate provider of justice and security goods and services, to recognizing the durability and effectiveness of many non-State (including private sector, civil society and community-based) and hybrid justice and security actors (a blend of State and non-State), especially in contexts where legal pluralism is a reality. The approach involves examining how the State can work with these different actors to better ensure the delivery of quality and accountable justice and security services, for example through accountable partnerships and collaborations, monitoring, licensing and/or regulation within a common framework of rules ultimately aimed at enhancing public goods delivery, protecting human rights and advancing the rule of law for sustained peace and stability.<sup>101</sup>



#### **Examples of ways State institutions engage non-State justice and security actors:**

- ④ Integrating vigilante groups: Incorporating vigilante groups into the law enforcement framework with structured oversight to ensure they are accountable to both communities and the State.
- ④ Legal recognition of community paralegals: Formally recognizing in law community paralegals as legitimate providers of justice can ease tensions with professional legal bodies, such as bar associations or lawyers' associations, resistant to non-traditional legal roles.
- ④ Community policing committees: Establishing local security committees that include community elders, leaders and police to foster collaborative community safety and security efforts.
- ④ Restorative justice programmes: Establishing community-based mediation and conflict resolution processes to supplement formal legal proceedings, enhancing community engagement and ownership of justice processes.

**Engaging private sector actors in justice delivery.** E-justice has value not only for infrastructure updates and institutional efficiency. It can also be leveraged as a strategic tool for transforming justice systems to be more effective, accessible and responsive to the rights and justice needs of the most vulnerable and marginalized. Today governments and judiciaries are partnering with private sector entrepreneurs to develop digital tools that can connect people to legal services, or small businesses to mediators or arbitrators, making it easier for people to access, understand and navigate legal processes.<sup>102</sup>

## Endnotes

- 1 UNODC, UNDP and OHCHR, *Global progress report on Sustainable Development Goal 16 indicators: A wake-up call for action on peace, justice and inclusion*, (2023), 7.
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- 4 The social contract is the process by which people "consent to State authority, thereby limiting some of her or his freedoms, in exchange for the State's protection of their universal human rights and security and for the adequate provision of public goods and services." Norwegian Peacebuilding Resource Centre (NOREF) and UNDP, *Engaged Societies, Responsive States: The Social Contract in Situations of Conflict and Fragility*, (2016), p.9. Available at [https://www.undp.org/sites/g/files/zskgke326/files/publications/Social\\_Contract\\_in\\_Situations\\_of\\_Conflict\\_and\\_Fragility.pdf](https://www.undp.org/sites/g/files/zskgke326/files/publications/Social_Contract_in_Situations_of_Conflict_and_Fragility.pdf).
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**United Nations  
Development Programme**

One United Nations Plaza  
New York, NY 10017 USA

[www.undp.org](http://www.undp.org)