

YOUTH AND DEMOCRACY, HUMAN RIGHTS, AND GOVERNANCE TOOLKIT

Module 3: Rule of Law and Justice Sector Programming



USAID

The rule of law (ROL) is a key element of democracy and good governance. It requires the promulgation, dissemination, and implementation of laws and systems to guarantee human rights, regulate accountability of individuals and institutions, and create and reinforce new norms.

USAID identifies five key elements of the rule of law: order and security, legitimacy, checks and balances, fairness, and effective application. The justice sector operationalizes the rule of law through both the legal framework and justice system institutions and actors, such as the police, prosecutors, judiciary, and lawyers and legal service providers. Even when the law is neutral in theory, laws sometimes reflect and reinforce inequality in practice.

Citizens' experience with the justice system and access to justice is often deeply shaped by their identities. The most vulnerable members

of society, including youth, are more likely to be marginalized within the justice system and have the least access to justice. Justice systems – and society as a whole – may be completely transformed when rule of law and justice sector programs integrate youth and other marginalized groups and take into account the barriers that they face, including discrimination, inequality, poverty, and lack of education or rights awareness. ROL and justice sector programming that is responsive to youth and other marginalized groups, both within formal and informal or customary justice systems, fosters greater equality and empowerment, access to justice, and promotion of human rights, which in turn helps further inclusive democracy in support of the objectives under USAID's DRG Strategy. It is important to note that in many countries, including Afghanistan, Bangladesh, and Burundi, the majority of local disputes are addressed through traditional, informal justice systems. In these settings, programs must address both informal and formal justice systems in order to have a transformative impact.



INTERMEDIATE RESULTS AND ILLUSTRATIVE ACTIVITIES

INTERMEDIATE RESULT	PYD FEATURES AND ILLUSTRATIVE ACTIVITIES	
Laws, legal mechanisms, and justice processes that are sensitive to youth and other marginalized communities are created and implemented	Skill-Building	Support youth-led civil society organizations (CSOs), think tanks, and legislative staff to analyze legislation for sensitivity to youth and other marginalized groups. Work with lawmakers to incorporate findings and recommendations into legislation.
	Positive Norms, Expectations, and Perceptions	Support youth-led public awareness-raising and advocacy activities, as well as media campaigns, to promote human rights, such as the nine core human rights instruments, and to allocate resources to fully implement them.
Youth equality and respect for youth, including those with other marginalized groups, are increased within informal justice systems	Youth Engagement and Contribution	Support efforts to increase youth engagement and participation in decision-making processes within both local governance units and informal justice systems. This may include technical support for young people in effectively engaging informal justice sector processes, as well as training and support for informal justice sector leaders on meaningfully engaging young people in justice processes.
	Safe Public Spaces	Provide training for traditional leaders and informal justice system adjudicators on youth and other marginalized groups, (in)equality, discrimination, and human rights, including within the context of procedural due process. Create safe opportunities for community dialogue, including youth, with traditional leaders on these issues.
	Positive Norms, Expectations, and Perceptions	Engage with local actors to support community-based public education campaigns addressing youth, diversity and marginalization, equality, justice, and rights that aim to promote equality and non-discrimination in society. This may take the form of radio or television programs, performing arts, public fora, media coverage, and/or billboards and signs.
Formal justice and security sector institutions are more sensitive to and inclusive of youth, including those with other marginalized identities	Healthy Relationships	Facilitate coalition-building between CSOs working on justice or security sector reform and CSOs working to advance equality and human rights for youth and other marginalized groups. These coalitions can serve as key resources and partners for youth to learn about justice system processes and join efforts to make justice system institutions more inclusive of and responsive to diverse populations.
	Access to Age-Appropriate and Youth-Friendly Programming; Integration among Youth, Family and Service Providers	Train justice and security sector professionals on why and how to implement youth-responsive budgeting within their agencies or departments to better target justice sector spending to provide age-appropriate services, advance equality, and meet citizen needs.
Diverse youth have increased access to justice	Skill-Building	Create pro bono legal clinics in law schools that teach future lawyers how to represent children, youth, and other marginalized groups while simultaneously increasing their access to services and participation in the justice system.
	Healthy Relationships	Support legal education and rights awareness campaigns focusing on the needs of youth that target families, community leaders, and justice system officials. Facilitate mentoring and development of supportive relationships between these actors and youth to encourage diverse young people to engage with the justice sector.

ILLUSTRATIVE PYD OR YOUTH-FOCUSED INDICATORS

To effectively measure PYD or youth-focused outcomes, indicators should be selected that are practical to measure and pertain as directly as possible to the PYD feature the program addresses. It is important to disaggregate monitoring data by relevant social segments including sex, geographic location, marital status, marginalized or at risk populations, and age (e.g., early adolescence (10-14); adolescence (15-19); emerging adulthood (20-24); transition to adulthood (25-29)). As a complement to inclusive indicator development, a [complexity-aware approach to monitoring, evaluation, and learning \(MEL\)](#) is likely to be useful for many USAID programs focused on social change in complex environments.

PYD FEATURE	ILLUSTRATIVE INDICATOR
Healthy Relationships	Percentage of youth reporting that if they had a problem (e.g., safety), they would call the police for help (note: as for all indicators, this should be disaggregated by marginalized or at-risk populations).

PROGRAM EXAMPLE: YOUTH AND GENDER JUSTICE PROGRAM (GUATEMALA)

Guatemala's justice system is vital for the protection of its most vulnerable citizens, yet struggles to fulfill its obligations in the administration of justice, particularly in how it handles juvenile justice, gender-based violence, and human trafficking. USAID's Youth and Gender Justice Project, led by Chemonics, aims to improve the Guatemalan justice system's services for victims of violence and reduce the repetition of criminal behavior (recidivism) among juvenile offenders. The project works to rebuild public confidence in the system and empower the country's most vulnerable communities to transition from victims of violence to survivors. In turn, a key part of the project involves tailoring systems approaches to the distinct needs of vulnerable populations.¹



Chemonics - <https://bit.ly/2UOk2ia>

PYD FEATURE	PROGRAM COMPONENT
Skill Building	The program provides training and technical support to justice system personnel to improve hate crime data collection and better serve young people and other vulnerable populations.
Healthy Relationships	The program provides adult mentorship to adolescents in conflict with the law, as well as opportunities to build positive peer relationships. The program also supports the creation of municipal offices for the protection of youth and children, where adolescents can be recognized and interact with adults and peers. Program partners also search for, assess, and accredit foster families for youth.
Positive Norms, Expectations, and Perceptions	In cooperation with the Center for the Strengthening of Guatemalan Families (CAIFGUA) and the Guatemalan Social Welfare Department, the program helps adolescents strengthen their connections with the community, improve their education and skills, and become aware of their rights and obligations before society. This process involves judges, public defenders, prosecutors, teachers, psychologists, social workers, community leaders, and staff from youth shelters and detention centers.
Access to Age-Appropriate and Youth-Friendly Programming; Integration among Youth, Family, and Service Providers	The program works to develop and ensure the implementation of a national system to improve coordination among justice sector organizations to better serve vulnerable communities, including urban youth who are vulnerable to gang violence. The program worked to advance reforms in policy frameworks for alternatives to incarceration.

¹Description from - <https://www.chemonics.com/projects/improving-guatemalan-justice-system/>

ADDITIONAL PROGRAM SNAPSHOTS




- ABA/ROLI, [Support to the Kyrgyzstani Legal Defense Community Program](#): The program was designed to enhance the capacity, skills, and knowledge of practicing attorneys and the next generation of lawyers in order to improve access to an impartial justice system, build public confidence in the legal system, and promote stability in the Kyrgyz Republic.
- [Youth Empowerment Services](#) (YES) Program in the Eastern Caribbean: This USAID program seeks to increase protective factors that build resiliency and the capacity of regional bodies, national governments and community stakeholders to identify and analyze risk factors experienced by crime-affected communities, at-risk youth and youth in conflict with the law and protective factors that build resiliency.
- Juvenile Justice Reform Project (JJRP II) in the Eastern Caribbean seeks to strengthen juvenile justice systems to promote the rehabilitation and reintegration of youth in conflict with the law back into society.

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USAID YouthPower Learning generates and disseminates knowledge about the implementation and impact of positive youth development (PYD) and cross-sectoral approaches in international development. The project leads research, evaluations, and events designed to build the evidence base related to PYD. Concurrently, YouthPower Learning employs expertise in learning and knowledge sharing to promote engagement and inform the global community about how to successfully help transition young people into productive, healthy adults. YouthPower Learning supports the implementation of the 2012 USAID Youth in Development Policy to improve capacity and enable the aspirations of youth so that they can contribute to, and benefit from more stable, democratic, and prosperous communities.

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