

Understanding Corruption in Criminal Justice as a Robust and Resilient System

An analysis process using
systems thinking tools

VERSION 1.0

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With assistance from Kiely Barnard-Webster

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ACRONYMS

CAASDI	Central Africa Accountable Service Delivery Initiative (based at CDA)
CAR	Central African Republic
CDA	CDA Collaborative Learning Projects
CJL	Corruption, Justice and Legitimacy Project (based at Tufts University)
CJS	Criminal Justice System
DRC	Democratic Republic of the Congo
INL	US State Department, Bureau of International Narcotics and Law Enforcement

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Executive Summary

WHAT?

A systems-based analysis process to understand corruption in the criminal justice system (CJS) in fragile states.

WHAT FOR?

To inform strategic, corruption-sensitive design of criminal justice reform and development programming.

WHY NECESSARY?

CJS reform outcomes are, at best, undermined in environments of systematic corruption. At worst, the well-intentioned reforms exacerbate corruption, creating more insecurity and further eroding justice.

WHO FOR?

Developed for actors working to reform or develop Criminal Justice Systems in fragile states.

FROM WHERE?

Initiated in response to ways of understanding corruption in the CJS that were too narrow or unhelpful for generating strategic programming and the ineffective nature of typical anti-corruption programming.

BASED ON WHAT?

Informed by **systems-thinking** to reflect the complexity of the problem; **political economy analysis** to incorporate the role of power; **social norms** theory to identify factors that sustain negative patterns of behavior; **collective action** literature to look beyond the individual; **conflict analysis** to understand the interplay between conflict and corruption and **gender** analysis to understand different experiences within the system and much more...

TESTED WHERE?

Piloted in the Democratic Republic of the Congo in 2014, then Northern Uganda in 2016 and Central African Republic in 2017.

WHY HELPFUL?

A systems-based corruption analysis offers a more robust understanding of the problem; enables identification of atypical intervention points; allows for testing the plausibility of theories of change and facilitates strategic program co-ordination.



Introduction

The abuse of entrusted power for personal gain, otherwise known as **corruption**, is a pernicious force at all levels of government in fragile states, and nowhere is its impact more pronounced than within the criminal justice system (CJS). Corruption in its many forms undermines the very purpose of citizen security and justice institutions, as the protectors and arbiters of fairness have become predators; for sale to the highest bidder. The actors within the CJS no longer remain above the fray ensuring the rules of the game (i.e. legal obedience), but are now players in the mix. In these contexts, the ‘rule of law’ is replaced by that of wealth, power, and influence.

Traditional forms of responding to corruption, on their own, are not effective in combatting corruption in the CJS in fragile states. Part of the problem is that CJS anti-corruption programming is developed from ill-suited analytic approaches, that narrow and limit responses.

It was in response to these challenges that the Central Africa Accountable Service Delivery Initiative (CAASDI) and its sister project, the Corruption, Justice and Legitimacy (CJL) Project set out to develop a new way of analyzing corruption in the CJS. Informed by systems-thinking, the analytic process explores the factors that generate the patterns of behavior known as corruption. As importantly, the process seeks to understand how those factors relate to each other so that strategic leverage points can be identified that could diminish corruption in the CJS.

WHAT IS CORRUPTION?

This process uses Transparency International’s ‘abuse of entrusted power for personal gain’ as a working definition of corruption. As a deceptively simple phrase, it warrants some further explanation.

Entrusted power refers to those who have a legal association with or are legally recognized by the formal CJS.

Abuse involves a combination of breaches of formal rules along with violations of understood custom or practices. This means not everything that is corrupt is illegal.

Personal gain is not limited to the individual; but could involve family, political party, clan etc.

Gain, though commonly monetary, can also be in terms of influence, status, future favor or other “services.”

The Purpose

This paper seeks to contribute to the field of criminal justice reform by sharing a systems-based analytic process to understand corruption in the CJS in fragile states.

It explains what was done; why; the benefits and, of course, drawbacks of this process; as well as the lessons learnt.

The Audience

This paper is written for criminal justice reform actors who want to understand how corruption is affecting the police, courts, and corrections, in order to identify more effective reform programming.

As a new approach, it is hoped that this audience will rigorously test the ideas; making improvements and refinements to continue to improve its utility.

1. Why do police, justice and corrections reform actors need to think about corruption?

Typical aid structures separate CJS reform from anti-corruption, in terms of expertise, units/teams, funding and therefore programming. This has grave, albeit unintended, consequences. Without understanding how corruption distorts criminal justice processes – from police to corrections – **reform programs are unlikely to succeed**. When systemic corruption is present, it is extremely difficult for criminal

justice reform programs to deliver results that matter to citizen security or criminal justice.

WHAT IS THE CRIMINAL JUSTICE SYSTEM?

The CJS encompasses the institutions, actors, processes and services responsible for the prevention, investigation, adjudication, and treatment of, as well as response to, illegal conduct. In fragile states, “traditional” and “informal” processes are also typically prevalent in mediating lower-level criminal behavior. Sometimes these traditional means are codified in the law, while in other contexts they operate in parallel to the official state institutions.

For example, a classic CJS reform program might aim to improve the professional conduct of police officers through the adoption of a code of conduct, provision of in-service training for existing officers, and adjusting the initial training program for new recruits. Yet, in the context of systemic corruption, promotion is based on loyalty to higher-up individuals and not professional performance. Moreover, acts that are deemed to be disloyal (e.g., not passing along adequate money to one’s boss) result in sanctions in the form of disapproval, demotion or being transferred to an undesirable location. Even if the implementation of the programs is exceptional and new knowledge and skills are obtained, the internal incentive structure will maintain the negative (i.e. unprofessional) behaviors, such as extorting ‘fees’ from citizens for what should be free services.

Failing to deliver the needed reforms dashes hope amongst citizens involved, and is a waste of aid, but this is not the worst possible outcome in this scenario. When corruption within the CJS is ignored by implementers, their well-intentioned **programming can make the corruption worse**. Giving boots, uniforms and vehicles to rank and file officers, for instance, without addressing corrupt practices, simply better equips them to continue abusing their power for personal gain. (For a recent example, see this project’s CAR analysis, *Pity the man who is alone*.) Increased corruption leads to worse conditions for citizenry, in the form of more extortion of fees, greater physical abuse in response to resistance to pay, more demands for sexual favors and so on. This vicious cycle further undermines the rule of law.

There are many similarities between how corruption operates in the CJS and how it functions in other government sectors, such as health or education. But there are two critical differences that make dealing with corruption in this sector so critical: first, the loss of liberty. To incentivize compliance with extortive demands or punish refusal, actors in the CJS can **take away a citizen’s freedom**. While there are dire consequences in other sectors, this is one that is unique to the CJS, with implications for human rights, inequality, and vulnerable populations. Second, rampant corruption in the CJS undermines trust in government and removes any chance of fair resolution of disputes or treatment of abuses in other areas of life, so the consequences are more widespread.

2. What types of corruption occur in criminal justice systems?

Four patterns of corrupt behavior are typical to the CJS. While recognizing the commonalities, the ways in which each type is enacted, the actors involved and the consequences do tend to vary between contexts.



Bribery/Extortion: The giving or soliciting of an inducement (e.g. money, gift, donation, favor etc.) to take action which is illegal, unethical or a breach of trust. When coercive threats join the solicitation, it becomes extortion. For example, a police officer threatening arrest unless money is offered.



Political interference: The use of an official position to interfere with the lawful application of the criminal justice process, for example, request for unlawful detainment, or release of prisoners.



Sexual favors: When an individual with authority demands sex or sexual acts to provide a service that is part of their regular functions. This occurs between actors within the CJS and between criminal justice sector actors and citizens (e.g., a wife required to have sex with a prison official to ensure her husband is protected in prison or to get him released).



Favoritism: Hiring, promotion or special consideration given based on connections and loyalty rather than on merit or due process. ‘Favoritism’ is the term most commonly used by laypeople, and it encompasses nepotism (family-based favoritism), cronyism (friends-based favoritism) or corporatism (colleague-affiliated favoritism).

These are not the only types of corruption that occur in the CJS. In Uganda for instance, when judicial actors are consistently absent from work, citizens view this absenteeism as a form of corruption. Absenteeism further compounds other types of corrupt behavior because it leads to a delay in cases which typically wins judicial actors additional benefits in the forms of bribes.

HOW IS CORRUPTION A “COMPLEX” PROBLEM?

“Simple” problems have an agreed conceptualization and a clear (even if complicated) “technical” solution(s). A few of the defining features of complex problems are that there are different perspectives as to what the problem actually is, disagreement on solutions, and the problem demonstrates significant resilience. Often characterized by dynamic interrelationships, these problems can be multi-causal, and may also be a part or a symptom of a larger problem. Essentially, the whole becomes greater than the sum of the parts; therefore, a ‘simple’ understanding of the parts (or causes) of the problem is insufficient.

3. The origins of this work

Increasingly over the past decade, the corruption/anti-corruption field has started to challenge its own received wisdom. This has been prompted in part by research that showed that traditional anti-corruption efforts were not delivering sufficient results, and in part by challenges to the underlying premise that much anti-corruption programming was based upon: the principal-agent theory. The challenges to existing practices were only amplified when it came to fragile state contexts.

It was in this context that CDA signed a cooperative agreement with the US State Department to start CAASDI. Two years later, with a grant from the Carnegie Corporation, the CJL Project started at The Fletcher School.

The projects were based on the premise, that **to rethink anti-corruption efforts one must reconsider how one understands corruption:**

- **TRANSFORMING** the conceptualization from individual transactions (i.e., a few bad apples) to patterns of behavior;
- **REFRAMING** our perception from moral ills to functional strategies;
- **FOCUSING** on what drives the pattern of behaviors (e.g., greed, fear) in addition to those factors that enable (e.g., poor oversight) it to occur;
- **SIGNIFICANTLY WIDENING** the scope of inquiry when seeking to understand how corruption functions in a sector or community;
- **VIEWING** corruption as complex rather than simple.

WHAT IS THE PRINCIPAL-AGENT THEORY?

In this theory, corruption is seen as a breakdown of the principal-agent relationship. The “principal” (higher official) delegates “agents” (his/her staff) with tasks and empowers them to make decisions on the principal’s behalf.

Agents have more information than the principal about their transactions. They can choose not to disclose key information to the principal and pursue their private interests, such as charging fees for services that should be free. Without this information, the principal has limited ability to control what the agents do, like stopping them from hiring an unqualified family member.

The theory is based on the premise that the principal wants to act in the public good: a “principled” principal. If the principal had better information, the model holds that they would stop the agent from undertaking illicit activities once the Principal learned of these transgressions.

However, in most fragile state contexts, the principal’s interest is to serve their personal benefit. This not only means not stopping the agent, but can extend to colluding with them too - at which point the model falls apart.

When CAASDI began in 2012, there were two very different ways that the CJS field typically assessed corruption before developing programming, if it was analyzed at all. One method was to attempt to measure the amount of corruption (i.e., frequency of transactions, amount of money involved) and the other was to look at corruption risk, by identifying where corruption would be likely to happen.

These approaches do not enable strategic thinking about anti-corruption efforts, and are particularly not conducive to generating new ideas about how to respond. The first was too quantitative in nature; measuring the phenomena is not the same as understanding it. For instance, knowing that eight out of ten citizens paid a bribe to police officers, or the average cost of buying your way out of pre-trial detention, does not help one design a contextually-grounded theory of change. The second method — corruption risk — was based on principal-agent theory, which, while relevant to fragile contexts, certainly does not capture the complete picture. And when implemented alone, it has been largely disproven as an effective approach.

In response to this gap, the projects set out to develop a **systems-based analytic approach** that would enable deeper analysis of the dynamics of corruption in criminal justice systems, as a basis for innovative program development. The team believed that a **systems-thinking approach** could offer new insights into how corruption integrated itself into the CJS. Between them, the two projects conducted analyses of corruption in the CJS in Uganda, the Central African Republic (CAR) and Democratic Republic of the Congo (DRC).

4. What is a systems-based corruption analysis?

The easiest way to explain a systems-based corruption analysis is to break the process into its component parts. A **corruption analysis** is the identification of the factors that generate the patterns of behavior known as corruption. Each of these factors — **drivers, enablers, effects, and mental models** — are important in sustaining the pattern.

- **Drivers** are those factors that cause people to participate in corruption.
- **Enablers** are factors that facilitate or make corruption possible, but are not the reason why it happens.
- **Effects** represent the outcomes of the corrupt practices. How citizens and members of the CJS themselves—as well as broader societal dynamics—are affected by a range of questionable or outright abusive actions.
- **Mental models** are ways of framing or thinking about issues, generally implicit, that often influence behaviors.

Once the relevant factors have been identified, the next step is to organize them in a series of “causal loops” that show how they interact with each other as a system. Adding this **systems-based** component advances the analysis beyond a simple list of factors. Instead it creates a “map” of how the factors relate to each other to produce consistent patterns of corrupt behavior. The resulting causal loop diagram or “systems map” provides a **visual tool** that can be used to identify “leverage

points”—aspects of the corrupt system that are susceptible to change. The systems map can also exhibit how aspects of corruption in the CJS are embedded in larger social, political and economic processes—affected by them and contributing to them as well.

At its essence, each systems-based corruption analysis has two objectives:

- **Analysis Objective 1:** To understand the system of corruption in the CJS. This includes the meaning of corruption, types of corruption, functions of corruption, drivers and enablers, gender-implications, consequences, and the roles different actors in the CJS play.
- **Analysis Objective 2:** To identify current anti-corruption efforts within the CJS and plot them onto the map of the corruption system. CJS anti-corruption programs can be initiated by government or civil society (national or local) and may be explicitly anti-corruption, or they might incorporate anti-corruption ideas but be labelled something else, such as judicial reform, SSR, or good governance.



Developing a systems-based corruption analysis process

This effort unfolded over the course of five years. Led by a core team, the process was significantly influenced by research teams in three countries. Initially meant to be the Republic of South Sudan (RSS), Democratic Republic of the Congo (DRC) and Central African Republic (CAR), in the end the ongoing instability in RSS meant that conducting an analysis was simply not feasible. With the support of the Carnegie Corporation, an analysis was conducted in Uganda instead. Though the steps taken (summarized in Table 1) were quite typical in nature, they were infused with an adaptive mentality that saw significant reflection and adaptation within the steps as the process progressed.

TABLE 1: CHRONOLOGY OF THE PROJECT

Year	Step	Country
2012/13	Comprehensive literature review of a wide range of fields with expert contributions.	
2013/14	Initial approach to analytic process developed and piloted in-country through extensive interviews and the development of a broad systems map.	DRC
2015	Pilot anti-corruption project, <i>Kuleta Haki</i> (“provide justice”), starts in Lubumbashi, Katanga Province; conducted systems analysis and planning with local network members.	DRC
2016	Reflected on the accomplishments and shortcomings of the pilot, added in the concept of legitimacy, reworked the approach and implemented in Northern Uganda.	Uganda
2016/17	Updated the systems analysis and conducted an internal, formative evaluation of <i>Kuleta Haki</i> .	DRC
2017	Initiated a specific inquiry into the gender dynamics of corruption, incorporating the results into the systems map.	DRC
2017	Developed a stronger grasp of the social norms theory and practice literature, to incorporate it effectively into the analytic process.	
2017	Reflected on the Uganda effort, incorporated learnings from the gender and social norms research, altered the process and implemented the third analytical effort.	CAR
2017	Commissioned an external review of <i>Kuleta Haki</i> .	DRC
2017	Focused on social norm change theory and practice to facilitate integration into anti-corruption programming.	Uganda
2017	Reflected on the analytic process, identified lessons learned in the process and for systems thinking and wrote final deliverables to share the experience with the wider field.	

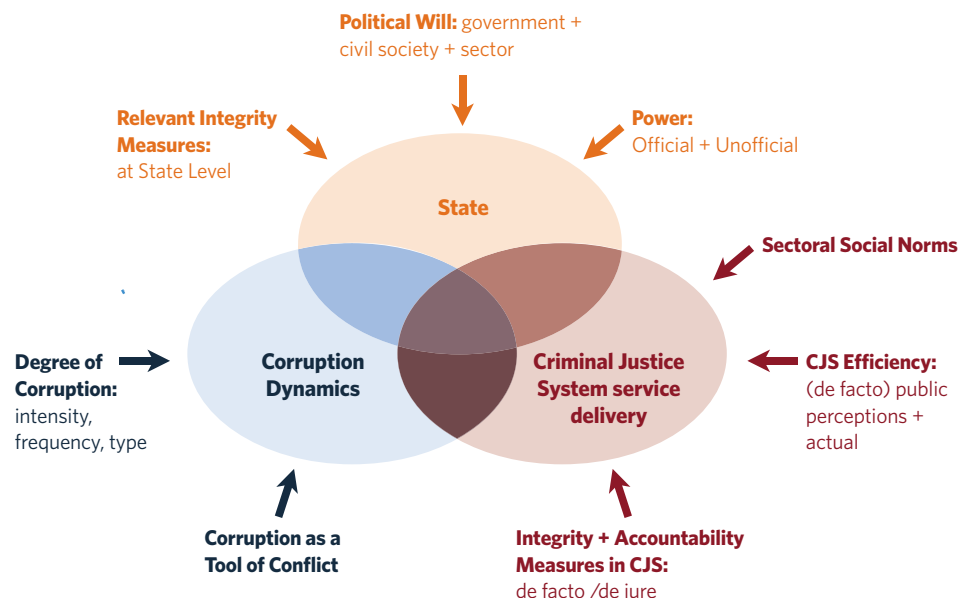
Building on existing foundations: The initiative started with a systematic review of anti-corruption and corruption analysis literature, with a particular emphasis on the way corruption in the CJS was analyzed to inform anti-corruption program design. From there, the scope was significantly widened as material was sought to fill the gaps identified in the initial review. The purpose was to build on what works, while also developing new ways of engaging in areas needing improvement if corruption is to be diminished effectively. The literature reviewed came from:

- Behavioral economics,
- Collective action theory and practice,
- Gender and corruption,
- Integrity and accountability in the CJS,
- Negotiation,
- Political economy analysis
- Peacebuilding and conflict analysis,
- Systems thinking,
- Social norms theory and
- Service delivery literature.

To help synthesize these fields into a cohesive analytic approach, CDA convened a two-day expert consultation, bringing together individuals with deep expertise from a range of key fields. At that time, the thinking was that the process needed to identify those elements that sat in the ‘nexus’ (as depicted in the overlapping center in Image 1) of three areas; corruption, the state and the CJS service delivery. It was assumed that these would be critical features to identify to understand where corruption most impeded service delivery in the CJS.

With the guidance from this meeting in hand and after much internal discussion, an initial methodology was developed. Over the next years, the methodology was implemented, assessed, refined and applied again in the three contexts (DRC, Uganda and CAR), in an ongoing learning process. For instance, after the initial pilot, it was determined that this was not the most effective way to conceptualize the various components needed in the process.

Image 1: Initial conceptualization of converging concepts



First Learning Effort: Analysis and Project Design in the Democratic Republic of the Congo

In 2014, the initial approach to analyzing corruption was piloted in the DRC. After two field missions and talking to 260 people in interviews and focus groups in Kinshasa and Lubumbashi (Katanga Province), a causal loop map was developed to depict the system of corruption in the CJS. Based on the map, an initial leverage point was identified: the mobilization of ‘islands of integrity.’ Islands were those people within the CJS who were already known to resist participation in corrupt acts. The idea was to develop a local network that connected these islands with each other—and with other people, both inside and outside of the CJS, who were interested in combatting corruption in the CJS. The underlying “social mobilization” theory of change for this approach was that, with support and a certain amount of “safety in numbers,” more people would be encouraged to take actions to resist corruption within the CJS.

To operationalize this idea, CDA partnered with RCN Justice & Démocratie in 2015 to implement a one-year pilot project in Lubumbashi; called *Kuleta Haki* (“provide justice” in the local Swahili dialect). Every effort was made to inject learning and adaption to complexity into this program. To this end, repeated systems analysis exercises involving the local network members along with monitoring and evaluation processes played a large role, as did a discrete inquiry into the impact of gender on corruption and the ability to resist corruption. Funded by the US Department of State, the project concluded in fall 2017 after receiving a one-year extension of funding. (See pages 37-38 for a more complete description of *Kuleta Haki*.)

Second Learning Effort: Data Gathering and Systems Analysis in Northern Uganda

In 2015, the project received funding from the Carnegie Corporation through the Institute of Human Security’s (Fletcher School of Law and Diplomacy) state legitimacy research program. With this support, the analytic approach was significantly refined by reflecting on the DRC process strengths and shortcomings, adding the concept of state internal legitimacy, and significantly reducing the level of effort required to conduct the analysis. The second iteration was implemented in Uganda in 2016. With a focus on Kampala and Gulu and Lira in the North, 111 interviews were conducted. The findings were validated during a second trip to Kampala in 2016.

Third Learning Effort: Data Gathering and Systems Analysis in Central African Republic

In late 2016, the situation in CAR was deemed stable enough to allow for a third test of the analytical approach. Once again, serious reflection on the pros and cons of the prior process (Uganda) took place as a starting point for the CAR effort. One of the key learnings was that the team had insufficient understanding of social norms as a contributing factor to corrupt patterns of behavior. Since the existing research process did not sufficiently address this aspect, the team took a deep

dive into the theory and practice of social norms measurement—and the data gathering process was changed accordingly. As a result, the CAR analysis included a test process to identify social norms (see Appendix 2 for a detailed description). Conducted in the summer of 2017, this analytical exercise included 120 interviews all conducted in the capital, Bangui.

Publications



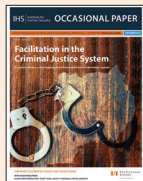
The Corruption in Fragile States Blog

The Corruption in Fragile States blog series challenges readers to critically think about corruption inquiry and anti-corruption response. Written by the project team as well as guest authors, posts analyze the complex dynamics of corruption in fragile states, the phenomenon of social norms and corruption, challenges to the ‘status quo’ of current [quant-heavy] research practice, and systems mapping of corruption in DRC, Uganda and CAR. A key theme of this process has been understanding how different gender groups experience corruption. At present, the work on this theme is shared uniquely on the blog. cdacollaborative.org/blog



Taking the Blinders Off: Questioning How Development Assistance is Used to Combat Corruption.

This paper lays out the conceptual underpinnings to the project. It explains why corruption should be viewed as complex and the applicability of a systems approach to analysis. Written by: Cheyanne Scharbatke-Church and Diana Chigas.



Facilitation in the Criminal Justice System: An Analysis of Corruption in the Police and courts in Northern Uganda.

Corruption in the police and criminal courts in Northern Uganda is the system—not the exception. Citizens perceive that all justice must be paid for, which diminishes their trust in the police and courts as state institutions. Corruption serves a number of functions in this context, such as access to the criminal justice institutions, survival, and maintenance of power for the elite. By: Cheyanne Scharbatke-Church, Diana Chigas with Saskia Brechenmacher, Teddy Atim, Juliet H. Hatanga, Sophia Dawkins



“Justice without Corruption, it’s possible – I’m Committed” Formative Evaluation Report.

Finalized in early 2017, this formative evaluation examined what elements of the *Kuleta Haki* pilot project have catalyzed change within the project’s participants and beyond, based on the project’s theory of change. The evaluation found the project had catalyzed several important results such as;

corruption being more regularly resisted by members of the Network, due to a “prise de conscience” – or an “awakening” – to the collective harm caused by corruption, amongst other things. Written by: Cheyanne Scharbatke-Church, Kiely Barnard-Webster, Sandra Sjogren, and Noel Twagiramungu.



Pity the man who is alone: Corruption in the criminal justice system in Bangui, Central African Republic.

Written in 2017, this analysis shows that extortion/bribery, sexual favors, favoritism, and political interference distort every aspect of the criminal justice system in CAR; making justice unobtainable for average citizens. The Séléka/anti-Balaka conflict has amplified the system of corruption, as criminal justice actors seek revenge and the recovery of lost assets in a context of eroding values. The vast majority of CJS programming does not address the actual barriers to justice and/or causes of citizen insecurity; with some contributing to the worsening of corrupt practices. Written by: Ladislav de Coster, Cheyanne Scharbatke-Church, and Kiely Barnard-Webster, with Kessy Martine Ekomo-Soignet, Peter Woodrow, and Arsène Sendé.

All publications are available online.



Benefits of a systems-based corruption analysis

The expanded frame of inquiry and the resulting systems map offer a number of clear advantages for criminal justice reform actors seeking to tackle corruption within their programming.

- 1. Improves understanding of the problem:** the explanation of drivers, enablers, effects and mental models provides a comprehensive sense of how and why the system functions. Feedback from local actors suggests that the broader systems focused approach delivers a more authentic representation of their experience compared to analytic approaches.
- 2. Identification of atypical points of intervention:** the visual depiction, as represented by the causal loop diagram, allows practitioners to see how the different factors that drive and enable corrupt patterns of behavior are related to each other. This can aid in the identification of points of intervention that are outside typical program thinking.
- 3. Enables testing the plausibility of theories of change:** practitioners can use the systems map to hypothesize how their program would impact the system if successful. In a similar vein, one can use the map to look for ways the system will likely “push back” against change efforts.
- 4. Enables strategic program co-ordination and flags redundancy:** by plotting existing anti-corruption (explicit or implicit) theories of change onto the systems map, gaps in programming, redundancies and strategic alliance opportunities become apparent.

IV

The Content: What do we need to learn about CJS corruption in context?

In order to understand the full system of corruption in the CJS, it is necessary to broaden the areas of inquiry beyond a narrowly focused inquiry into quantity, frequency or actor. At the same time, it is important to simultaneously keep the inquiry focused enough to be feasible. The four areas that it is essential to give attention to are: corruption, social norms and mental models, gender, and anti-corruption programming.

How much attention each area receives is somewhat dependent on how the analysis is bounded, which is described in “Scoping Decisions” below. Nonetheless, it is important to identify the information needed before tailoring the inquiry through the scoping process so that the impact of the scoping decisions on the learning needs is clear. For more information on each of these topics, recommended resources have been identified in Appendix 1.

The four areas that inform a systems-based corruption map are described below, complete with the questions the research needs to answer. (Note: the questions as written below are intended to assist in designing the analytic process, and should not be confused with the questions that are included in the data collection itself.)

1. Understanding Corruption in the CJS Dynamics

Understanding corruption dynamics is the central thrust to the data collection and analysis. Understanding the dimensions of “what, who, how and why” behind corruption in the CJS is a significant part of identifying drivers and enablers in the system. The primary areas of inquiry include:

- What do people in the context consider as corruption in the CJS?
- What purposes does it serve? What are its functions? Why does it happen?
- Who participates and who does not? Who benefits?
- What has changed in any of this over years? (Positively/negatively?)
- How does the capital/center of power influence other locations?
- Who resists (i.e., type of person, level of person, place of origin of people) and how?
- What are the consequences of corruption (for individuals, society, the state)?
- What works in the CJS? Where are the bright spots?

WHAT IS A BRIGHT SPOT?

The rare and perhaps weak positive elements in the situation.

Worthy of note is that determining ‘how much’ corruption exists does not factor into what a team needs to learn in this model. Instead what is being studied here is what the system looks like and how the system functions. For instance, by looking

WHAT ARE SOCIAL NORMS?

A social norm is an unwritten rule, derived through social interaction, that guides behavior within a group. A behavior is motivated by a social norm when the behavior is typical and approved within a group. Compliance with the rule is maintained through negative social sanctions e.g. the cold shoulder, gossip etc., or positive reinforcement.

Social norms are not the same as individual attitudes or morals. Further the concept should not be confused with the idea that corruption is normal.

WHAT IS A MENTAL MODEL?

A mental model is the psychological state or 'frame' in relation to an action—which is normally unconscious, automatic, or unquestioned. In this sense, a mental model is largely responsible for how people understand their environment. For example, in desperately seeking release of a relative from detention, a citizen might be operating under the notion, "My cousin could die in there, if I don't get him out!" This perspective influences the citizen's interpretation of the situation, and places the option of bribing the officer for release in a fundamentally different light than what might result from a different mental model.

at the role of the political center and how it uses power, the analysis can determine how political channels of influence transmit in a context. In DRC, for instance, this project's analysis found that trafficking in political influence is a behavior that is tightly controlled by President Kabila and his elite in Kinshasa. Thus, political channels of power flow vertically from Kinshasa to the margins (other provinces), making the system of corruption vertically integrated. In Uganda, on the other hand, the project's analysis showed that these channels are de-centralized. This has allowed for patterns of collusion to exist between groups of actors who are connected by their roles in the system. For instance, links between state attorneys, magistrates, and clerks were most commonly identified in the interviews as nodes for collusion; and locally referred to as syndicates. This is a more horizontal form of integration within the system. How power flows through the system is critical for understanding how the system functions and far cry from measuring the amount of corruption.

2. Probing for Social Norms & Mental Models

Two key influences on patterns of behavior are social norms and mental models. The existence of social norms that underpin specific corrupt practices (e.g., favoritism, extortion) helps explain why, in fragile states, there is rarely shame associated with committing corrupt acts. In fact, the opposite can be true, as one is often ridiculed if they have not taken advantage of their position—or even punished if family members are not given preferential treatment.

The project maintains that social norms that sustain corrupt behaviors are one of the reasons why corruption has proven so resistant to change efforts to date. Research in other fields, such as gender-based violence, show that social norms can act as a brake on sustainable behavior change; stopping progress achieved in other areas e.g. structural, legal etc. Equally it should be acknowledged that programming that solely focused on changing social norms would rarely be sufficient to catalyze sustainable changes in patterns of corrupt behavior in a group.

The analysis process seeks to learn not only what social norms exist, but also some key points that can inform how to change social norms. The areas of inquiry are the following:

- What are the social norms, if any, that sustain different types of corruption?
- Which groups follow these social norms? E.g., are they national or only police do X?
- How do individuals feel about specific acts of corruption? What are attitudes do individuals have about different forms of corruption?

Mental models are understood in the systems thinking world to be a potentially high impact leverage point. If one can alter a mental model, there can be significant impact on the wider system. By identifying what mental models exist and how they sustain corrupt practices, anti-corruption programming can consider whether it is possible to transform mental models to catalyze change. In the DRC project, this point was demonstrated as the *Kuleta Haki* network worked to change

the prevailing mental model of “corruption is normal” to “corruption is harmful to individuals and to development of our society.”

Here the areas of inquiry include:

- What are the mental models present in this system?
- What feelings/emotions accompany key factors contributing to corruption?
- Has any of this changed over the past few years?

GENDER MEANS...

Gender is a socially constructed definition of what it means to be a woman or man. It is not the same as sex (biological characteristics of women and men) and it is not synonymous with women. Gender is determined by the expectations of what constitutes tasks, functions and roles of women and men in society and in public and private life.

3. Gender

Corruption involves power. Gender roles typically involve differing ways of accessing, maintaining and exerting power; therefore, to fully understand the system of corruption one must understand the role of gender. Not just how different genders experience and participate in corruption, but also their ability or inability to resist or abstain from corruption. Though initially starting with a quite limited perspective - male/female - the approach ultimately expanded the notion of ‘gender’ to encompass any group that may have differing experiences due to inequities in power within the system of corruption. What the analysis needs to learn in this regard is:

- In what ways do different groups (e.g., married women, single male youth, IDPs) experience corruption differently—both positively and negatively?
- How do gender roles influence attitudes and behaviors towards corruption?
- In what ways do different groups have more or less ability to avoid or resist corruption?
- Are the expectations for men and women who are criminal justice professionals different than for average citizens?
- Has any of this changed over the past few years?

4. Programming to diminish corruption in the CJS

The process explores current anti-corruption programs in the CJS to determine which elements or factors are being focused upon, where there are gaps and whether there is strategic redundancy (or duplication) in strategies. Direct/explicit anti-corruption efforts qualify for inclusion, as could processes integrated into broader police or judicial reform efforts. It is not the labelling that matters, but whether there is an explicit intent (even if not publicly stated) to tackle a driver or enabler of a type of corruption. The information needed in this area includes:

- What programs are operating?
- Who is running them?
- What is the theory of change? What are the goals/objectives—and are they related to any key drivers/enablers of corruption? If so, how?
- Where are they located?
- If programs of reform or institutional strengthening (etc.) are operating without any analysis of corruption, are they inadvertently reinforcing corruption? In what ways?

5. Lessons Learned

The areas of inquiry and the specific information sought evolved after each process of data collection and analysis in the three locations. Some of the more significant lessons are captured here.

LESSONS LEARNED: Outrage and service delivery lens did not deliver options for change.

In the DRC pilot the process oriented around what were felt to be two critical questions:

1. Where does corruption impede service delivery?
2. Where does outrage exist?

Focus on these questions was influenced by the service delivery and collective action literature and a belief that any anti-corruption programming would need to be locally owned. The notion of ‘outrage’ (that is, sufficient anger) was deemed central, as it was assumed that only if citizens were sufficiently galvanized by the issue of corruption in the CJS would they mobilize and act against corruption. The centrality of these two issues was significantly diminished in the second case (Uganda) because thinking of corruption as only appearing in portions of the delivery of criminal justice proved erroneous. In the DRC pilot, corruption was integrated throughout the process, and at all levels. Second, no ‘outrage’ was found in DRC. Some citizens did not like corruption, but it was not viewed as an outrageous phenomenon—in fact, corruption was so pervasive that it was seen as completely normalized (*banalisé* in French).

LESSONS LEARNED: Remove concept of “legitimacy,” but keep the essence in the questions.

In the Uganda process the concept of the legitimacy of state institutions, namely police, courts and corrections, was introduced as an area of inquiry. The answers that resulted generated very helpful insights into the system of corruption. However, ‘legitimacy’ is a nebulous and difficult concept to define in a way that gains widespread agreement, and in an accessible manner to a non-academic audience. The team realized that this line of inquiry was needlessly complicated, taking up time to explain to new research members who struggled to engage with the topic during data collection. Instead, asking about the consequences of corruption on the relationships to or belief in police, courts or corrections as institutions garnered what was needed and took substantially less time.

LESSON LEARNED: Be very focused in the anti-corruption exploration.

This project found the mapping of all anti-corruption programs, regardless of sector, scale or implementer extremely onerous and likely beyond what the average analysis process could afford. Further the benefits obtained

from the comprehensive review in terms of enabling strategic anti-corruption programming, were outweighed by the level of effort (i.e. the costs). This was because much generic anti-corruption effort such as nation-wide 'say no to corruption' campaigns had little resonance with the pattern of corrupt behaviors that were occurring in the CJS. In the end focusing explicitly on the anti-corruption (direct or indirect) efforts in CJS reform and development work is far more feasible and useful.

The Process

This corruption analysis process starts with scoping the assessment through several key decisions. From there, the data collection is designed, analytic method planned, and finally the bridge to programming developed. In this project, all of these steps were approached through a lens of key guiding principles, which shaped and informed decision making at all levels.

1. Guiding Principles

The data collection and analysis processes were informed by three guiding principles:

- **Conclusions are data-driven:** Working in teams of national researchers, experienced anti-corruption activists, and criminal justice experts means that each individual brings their own perspective and bias to the table. Consistently ensuring that decisions and conclusions are representative of the data creates a common standard for discussion.
- **Gender sensitivity:** Recognizing that different groups have unique experiences of corruption, and in particular of its costs and consequences, it is important that the process, and conclusions show respect for diverse voices and perspectives.
- **Light-touch:** Respect for participant's time is paramount. Data should only be gathered if there is a clear need related to the purpose of the study. Information that would be "nice to have" but not crucial to responding to the research inquiry should not be collected.

2. Key Scoping Decisions

There are six decisions to be made to determine the boundaries of this process. The first two decisions – what to focus on and where – are inter-related, as a reduction in geographic scope allows for greater breadth of inquiry into the CJS and vice versa. Additionally, a team must grapple with how corruption is to be defined, whether empirical or perception-based data will suffice, whether and how to assess gender dynamics, and how to explore specific behavior related to social norms.

DECISION 1: HOW MUCH OF THE CJS SHOULD BE INCLUDED?

The CJS is an interconnected system; to achieve a full picture complete with nuance regarding sub-sectors, the analysis must encompass police, courts and corrections. At the same time, different locations in a country may have unique stakeholders, power structures, and corruption dynamics. With limited resources, this project elected to collect data in more than one location in a country and exclude corrections in two of the three cases. In the end the team found a robust

discussion around three potential options produced the level of nuance and insight needed for a decision:

- **Focus by sector:** Choosing to focus on police (investigative), courts (prosecutors, magistrates, lawyers, clerks), or corrections is likely the simplest way to approach this aspect of the scoping. Variables to consider are size of the sector (both in terms of number of actors as well as geographic spread), ability to access key officials, and analysis team competency in dealing with vulnerable people as found in prisons.
- **Focus on a step in the criminal justice process:** One way to narrow the inquiry is by selecting a process in the penal chain to focus on, such as pretrial detention or release from prison. Depending on the chosen step, this may have the effect of situating the effort only within one sector—or it could transcend the individual sectors, as in the case of pretrial detention, where police and court representatives can be involved depending on the context. This way of narrowing the focus has the benefit of setting up a deep dive into one aspect in the chain, offering granular information about the system of corruption relevant to that particular step. Such findings could not be generalized beyond that step, however, and so a team hoping to combat corruption within the police more generally, may find this too limiting.
- **Focus on an aspect of corruption in the CJS:** In the course of this project, teams looked at this question in two ways; focusing on a type of corruption, e.g. sexual favors, across the CJS or within a sector. Alternatively, one could focus on the type of corruption that has the most likelihood for change, again across or within one segment of the CJS. Both of these require a reasonably deep and current level of understanding of how corruption functions across the CJS to navigate this decision with confidence in a pre-data collection stage. If this is not the case and resources are available, the data collection could start with a quick initial scan, pause to review, and then determine the focus.

DECISION 2: WHAT IS THE GEOGRAPHIC SCOPE OF THE ANALYSIS?

A systems map represents an interpretation of what is happening that does not require the level of precision provided by statistical data. Rather, to achieve validity, it depends on eliciting the views of a wide spectrum of people representing many different perspectives. Where significant numbers of people disagree as to causes or effects, those contrasting views can be incorporated in the systems map. Therefore, representative sampling across the country is not necessary. That said, having more than one location offers a chance to compare and contrast, and to gain insights into the role of the political center in the rest of the corruption system.

Given the resources available in this project, the approach taken was to include the capital plus one other location, except in CAR, where security did not allow travel outside of Bangui. In DRC, one additional location was selected, to understand the system from the ‘periphery’ as distinct from the capital; in Uganda, two such locations were included. As the center of power, the capital was deemed critical

in order to understand political influence, CJS governance and the flow of money. This approach has obvious limitations, as more locations would make conclusions more robust. The criteria that the team found helpful in thinking through these issues included:

- **State presence and authority:** Are the CJS institutions present in the given area, or do people primarily rely on justice through traditional/customary authorities?
- **Access (security and infrastructure):** Which regions are difficult to reach physically and/or pose security risks?
- **Agency or donor mandate/strategy:** Do implementing agencies or donor strategies focus on a particular region?
- **Existing contacts:** Does the team have pre-existing contacts that could facilitate research in particular areas?
- **Political significance:** Does a particular region have a special political significance or is a 'forgotten' zone with limited connection to the center? What is the history of the area in relation to the capital?
- **Existing programming:** What anti-corruption (explicit or implicit) efforts within the CJS are underway? What CJS-reform or good governance actors are present, and do they have current programming?
- **Likelihood of change:** Is there something to suggest that a particular city, province, region is more or less open to change regarding corruption? What is the position of the political leadership? What is the position of the CJS leadership? What and who are the power basis for this area?

DECISION 3: WHAT COUNTS AS CORRUPTION?

This decision is relatively clear cut: predetermine what types of behavior are seen as corruption or work with what is understood as corruption in the local context. This project used the latter; a locally-grounded approach to determine what patterns of behavior were deemed to be corrupt. The focus here is on determining what types of behavior are viewed as corrupt as distinct from attempting to define corruption itself. As corruption is more of a category of behaviors than a specific phenomenon, working with a general definition makes it quite difficult to design a response. For instance, what drives or enables extortion may not be the same for political interference or sexual favors and an anti-corruption program would need to be tailored accordingly.

Though this approach created some variation across the three exercises, there were surprising similarities between them as well. In all three contexts bribery dominated the responses to "what is corruption?". To make sure the pervasiveness of this type of corruption did not drown out other types that existed (albeit to a lesser degree), the teams probed whether other types of behavior were also seen as corrupt. The two that were consistently raised in interviews by the researchers included political interference and sexual favors/'sextortion'. These were selected

to make sure the discussion did not inadvertently focus only on fiscal forms of corruption, and to make sure gender-specific forms were not omitted due to the 'taboo' nature of the topic.

DECISION 4: ARE PERCEPTIONS SUFFICIENT OR IS EMPIRICAL EVIDENCE THE STANDARD?

This decision really has two variables: participant safety and research necessity. What will enable people to feel safe communicating about corruption, and what information is needed to develop a systems-based understanding of corruption in the CJS? From the perspective of necessity, the analysis does not need quantitative measures of amount paid or frequency of transactions. In fact, this is of little use to understand how and why corruption happens, which is at the heart of a systems-based corruption analysis. From the perspective of safety, consideration was given to physical safety, as well as each individual's sensitivity to discussing these issues.

Due to safety concerns, the approach started with only asking for perceptions, but it quickly evolved into a blend of perceptions and direct experience of corruption, as participants showed willingness to tell their own stories. The key seems to be to engage in direct experience inquiry but not in an "investigative" manner. This requires carefully explaining that the research is not trying to follow one case or track the money. This approach worked well across all actors and levels. With the exception of mid-ranking police officers, who claimed to have no direct experience of corruption, despite consistent and significant evidence to the contrary.

DECISION 5: WHERE WILL THE FOCUS ON SOCIAL NORMS BE PLACED?

Social norms sustain corrupt patterns of behavior, such as bribery or nepotism; they do not maintain the generic notion of corruption as such. Therefore, one decision that needs to be made is which corrupt behaviors will be used to explore social norms. This decision is clearly related to Decision 3, regarding what counts as corruption. To identify and then measure the prevalence of specific social norms is a sizable undertaking. Therefore, some limiting of which corrupt practices are probed is likely necessary for the average analysis.

As with other decisions, the approach taken by the project evolved. As this project generated the meaning of corruption from the context, the team made a decision on which practices to probe after some initial data collection.

DECISION 6: WHAT IS MEANT BY GENDER?

Men and women experience corruption differently and are not all able to engage in corruption or anti-corruption efforts in the same ways. Therefore, to understand the system and to design an appropriate program intervention, it is important to obtain disaggregated data regarding the experiences of men and women. The decision is whether (and how) to explore these issues in a more nuanced manner along the full gender spectrum (i.e. involving gender minorities).

In the countries involved in this process, our national research team members were used as the source of expertise in this decision and advised the project to

work with two categories: men and women. While respecting this advice, questions in the gender study in DRC and where applicable in the CAR test case were tailored to be as gender-neutral as possible. For instance, asking about families and partners rather than husbands/wives.

3. Research Design

The research design phase, grounded in qualitative methodology, starts with a literature review which informs the research tools and sampling strategy. This section presents the choices and rationale used by this team in the development process based on the conditions in the three settings where this project worked. Throughout the research design and data collection processes, the rights and welfare of all those participating in the study, as well as the safety of the research team, were kept in mind as decisions were made.

WHERE TO START?

The following organizations are useful places to start when embarking on a literature review looking at corruption.

- Afrobarometer
- GAN Business Anti-Corruption Portal
- Global Integrity
- Transparency International
- U4: Anti-corruption Resource Centre
- United Nations Office on Drugs and Crime

SEMI-STRUCTURED INTERVIEWS

This approach combines pre-determined sets of open-ended questions that prompt discussion, with an opportunity for the interviews to explore particular themes or responses. Exploration can be based on interviewee interests or by further probing by the interviewer.

LITERATURE REVIEW

The purpose of the literature review is to make the field research as effective and efficient as possible. The review has two objectives:

- a. To provide the necessary background information for understanding the context and situating the data collected in that context; and
- b. To enable the data collection in the field to focus on the critical information that is not available elsewhere.

The literature review is split into six sections, each looking for targeted material pertinent to the analysis. The complete outline is available in Appendix 4 and the six sections include:

1. Political Structures
2. Criminal Justice System
3. Corruption
4. Culture and social norms
5. Recent conflict causes and dynamics
6. Current Anti-corruption programming

RESEARCH APPROACH

The data collection process uses qualitative methods, namely interviews (individual and small group) and focus groups. These methods allow exploration of the why and how of corruption dynamics in the in-depth and nuanced manner necessary for a systems analysis. Offering people in the context the opportunity to explain their actions and thought-processes enables the research team to generate an authentic and accurate picture of the system of corruption in the CJS.

Interviews are conducted using semi-structured protocols that ensure comparability of information collected while also enabling the team to inquire and clarify through follow-up questions. Protocols are tailored to the different groupings (police officers, citizens, etc.) necessary to the data collection. The protocols for CJS Providers and Consumers are available in Appendix 5 & 6.

The team developed separate focus group protocols for the social norm identification process. This requires unique methodology and more time than can be reasonably integrated into the existing interview protocol, so a separate data collection stream was developed. Building from work done on social norm change in gender-based violence and female genital mutilation, a vignette approach was used, in which the interviewer related a short scenario and asked the interviewee to indicate how they would respond to the situation. The specific protocol can be found in Appendix 2.

PURPOSEFUL SAMPLING

This is a systematic way of selecting information rich cases related to an issue like corruption. Among the various approaches possible, the most common is the selection of a set of characteristics in a population relevant to the objective of the study. The purpose is to ensure credibility of the findings, not to foster representativeness.

SOURCES OF DATA AND SAMPLING

A purposeful sampling strategy is used, because it responds to the research objectives, aligns with the qualitative approach, and is feasible with modest project resources. Feasibility needs to be kept in mind if this approach is to be a viable means for analysis and program design.

Sampling is applied within three categories of actors that are key to this methodology:

- Providers of criminal justice
- Consumers of criminal justice services
- Agencies who support reform

Engaging with both the providers and consumers of the CJS is important to this methodology, as the system of corruption can only be understood when the perspective of those with and without power are elicited. Further, in order to gain insights into the differing experiences of men and women in the three categories, the process of recruiting interviewees needs to ensure adequate representation of men and women. Where women are under-represented professionally, as is the case in many parts of the CJS, the effort should attempt to achieve proportional representation.

Providers of CJS: Individuals are selected in the 'providers of criminal justice category' based on their position in the hierarchy, either because the position provides a unique insight into how justice functions, or because they represent different ranks and roles. The latter is important for understanding the influence of official position (and therefore power), as well as how the corruption system is or is not integrated within the CJS. The providers category includes:

- Elected Government Officials and Civil Servants:
 - Ministry of Justice (oversees courts & corrections)
 - Ministry of Interior (oversees police)
 - Anti-corruption authority
- Justice actors:
 - Individuals working in the CJS and employed by the government, such as judges, magistrates, court clerks etc.
 - Individuals working in the CJS but not employed by the government, such as the Head of the Bar Association, defense lawyers, university professors (criminology, human rights)

- Police officers
- Correction officials

Consumers of CJS: For the purposes of data collection, consumers are citizens who have been touched by the CJS in the past two years. Those touched by the CJS includes anyone who has personally been accused, arrested, found guilty or acquitted of a crime or has been a victim of a crime—or has had a member of their family involved in such an experience. The two-year timeframe is useful to ensure that the experiences will be representative of the current state of the CJS. Purposeful sampling is also used to select citizens; looking for individuals who represent average or typical experiences. For those who had been found guilty of a crime and served time (prisoners or former prisoners), a separate recruitment process and interview protocol is developed.

Reformers: The third category includes those who support reform and/or development of the criminal justice process. They are included because they have been working directly in this area and have gained key insights into how corruption happens. Moreover, they are essential to understanding existing efforts to diminish corruption within these sectors, including either explicit anti-corruption in the CJS programs or indirect anti-corruption elements integrated within broader reform processes. Two groupings are included in this category:

- **Reform Implementers:** This includes international and national NGOs, and UN agencies implementing programs related to criminal justice, police or justice reform or corrections support. In addition, activists and journalists working to promote improved security and justice are also useful sources.
- **Donors:** Bilateral donors and multi-lateral institutions that support programming on or related to criminal justice, criminal reform, penal code, human rights programs etc. also provide useful information.

Matching data collection methods to actors: In order to have authentic conversations about corruption, it is critical to match the right data collection method with each set of actors.

- **Individual interviews are required for CJS providers:** All government officials (elected and civil servant), justice actors, police officers and corrections officials should be interviewed individually. These actors are not able to speak openly with a superior present, and will be afraid to speak candidly if other government or CJS people are present.
- **Groups are appropriate for citizens:** Small group interviews and focus groups are effective when working with citizens with one exception. The topic of sexual favors cannot be discussed in a group setting, however, as it is too taboo for a group discussion.

DEMOGRAPHIC INFORMATION

There are numerous factors that are “differences likely to make a difference” in terms of an individual’s experience of corruption or an individual’s ability to resist corruption. These include:

- education
- support for/against the government
- rural-urban
- women/men/gender minorities
- age
- religion
- tribe/clan

In selecting which categories to include, the guiding principle of maintaining a “light-touch” is important. In other words, the team needs to be confident that the demographic variable will be used in the analysis, if the information is to be collected. Aside from women/men, which should always be included, the context will dictate what matters. For instance, Uganda has one of the youngest populations in the world, so the impact of age was deemed important to understand, while in CAR religion was included, due to the recent crisis.

RESEARCH DESIGN LIMITATIONS

Like most research processes, this one has its limitations; none of which diminish the confidence in the results of the process to date. The limitations include:

- **Sufficiently representative:** With the resources of a typical analysis process, the sample size within some of the categories, such as police, will not be representative and, therefore, the process will not be able to conclude definitively that the findings portray the average experience. Over the course of the project, the research teams felt that the natural saturation point was achieved in each of the contexts, whereby the responses were consistent, and themes naturally emerged.
- **Adequate voice of women:** Given the under-representation of women as providers of CJS, one cannot seek equal representation of women in the data. For instance, in the Ministries, all key roles were often occupied by men.
- **Lost in translation:** In most fragile states, the research will be conducted in two, or even three languages, in order to work in the language in which interviewees feel most confident expressing themselves. This means that every process has to factor in translation. This can be mitigated by back translating (i.e. having another person translate the translation back into the original language to check for consistency of meaning) to ensure consistency, and by engaging the full research team in the analysis process rather than only relying on translated notes.

3.1 Lessons Learned in Research Design

LESSONS LEARNED: Take care when recruiting interviews within the police.

Like any research effort, this process wanted the most truthful information obtained through means that were respectful and sensitive to the individuals being interviewed. This proved particularly difficult in relation to the police. One of the main dilemmas was balancing the need for police officers, particularly on the lower rungs of the hierarchy, to have official permission to participate in the research, with the project's desire that individuals not feel coerced into participation. Each context requires its own response to this dilemma. In CAR this project managed this by asking for names and phone numbers from the police Director General. The research team then reached out to these individuals by phone and requested a conversation, with significant stress on the optional nature of the request. If the officer indicated a need to have official permission to meet, the team then explained how the officer's name had been obtained, again stressing that this was an optional request.

LESSONS LEARNED: The CJS hierarchy stymies participatory approaches.

Considerable thought was given to how to incorporate more participatory data collection processes in this work. The team believed that the interactive discussions would generate important insights in a way that would not be possible in interviews. Some success was had using participatory approaches with citizens. For instance, a group of seven Ugandan citizens enthusiastically engaged in completing a matrix that ranked power (high to low) and the ability to generate change (a range from "committed to change" to "would block change"). However, when it came to those within the CJS, the impact of the hierarchy and the tensions between sectors within the CJS were too significant to allow for an open discussion of corruption. Junior members would not be able to contradict more senior individuals and sensitivities regarding blame could generate difficult or tense discussions.

LESSONS LEARNED: Sexual favors is more of a taboo topic.

In two of the three countries where this approach was piloted, the topic of sexual favors (i.e., sextortion) was not easily discussed. In Uganda, interviewees were notably uncomfortable when asked the question, "Are sexual favors considered corruption?" In CAR, interviewees did not wish to discuss this topic with the more junior female researcher from CAR. The more senior, male, international team member generated more data in this regard, but still had the sense that there was far more hesitation to discuss sexual favors compared with other types of corruption. In the DRC, on the other hand, there was some hesitation especially in group conversation among network members, but generally it is discussed fairly openly in individual interviews.

LESSONS LEARNED: A key intermediary generates trust, which creates openness.

In all contexts the team made great efforts to identify key local intermediaries who were known and trusted to connect the team to those that the field team did not know directly. Though corruption is not a taboo topic in general, when inquiring with the authorities about it, there are additional concerns, particularly in places where there has been substantial engagement by the international community about corruption. The use of intermediaries was critical to gaining authentic answers.

LESSONS LEARNED: MUCH TO LEARN IN VERY LITTLE TIME.

The breadth of topics, coupled with the open-ended questions, resulted in a real dilemma for the field team: whether to seek depth or breadth in interviews. The experience showed that at best eight to ten questions could be covered in an hour. Therefore, teams need to be very careful to only ask follow-up questions aimed at acquiring priority research data.

4. Participant Safety

Professional research ethics requires teams to give due attention to participant wellbeing. This is particularly true for those who research corruption – a topic where the content discussed often involves illicit activities — in areas of fragility.

RIGHTS AND WELFARE OF PARTICIPANTS

In the development of data collection tools and processes, participant risk is important to consider. The following four questions were helpful in the test cases; though should not be considered comprehensive as each context will generate its own risk factors to take into account.

- **What will constitute informed consent?** Consideration of what information needs be communicated and how so that individuals can make an informed choice about their participation is the central crux of this question. In the contexts of the three test sites, the nature of the topic and the tendency to give significant importance to official documentation meant that a formal consent letter requiring signatures was not appropriate. The teams felt that a written letter would be viewed as intimidating, particularly for audiences who have had little direct exposure to official CJS structures and those with limited literacy. Instead a verbal introduction that clearly explained the research purpose, the organization involved, how their data would be used and any possible risks proved to be an effective approach. It provided the needed information for consent in a manner that was clear and accessible. An example of the introduction may be found in Appendix 7.
- **Are the participants guaranteed anonymity or confidentiality?** This will depend on the sensitivity of the issue in each context and to a lesser extent the needs of the research. In the development of this process, the pilot case offered

confidentiality to all participants out of concern for the sensitivity of the topic, suggesting that no public report would be made available. However, during that experience, it became clear that this was not necessary; from then on anonymity was provided, in which no interviewees are named in public reports.

- **Could these conversations upset interviewees?** In these contexts, interactions with the CJS and, in particular the police and corrections, often involve contentious and even threatening experiences. For instance, when individuals are held (i.e. pretrial detention) it is typically in environments of extreme depredation and once held, physical abuse, including the demand for sexual favors, may be used as an incentive method for extracting illicit payments. Given those realities regarding the CJS, there is justifiable concern that recounting actual experiences may be distressing for interviewees. In response, a team should have available resources, such as a sexual violence health clinic telephone number and address, to offer individuals if they appear distressed. Though this was not required at any point in the data collection in the development of the methodology, it is still an important consideration.
- **Where should interviews take place to make participants feel most secure?** Particularly with regards to providers of criminal justice services, attention needs to be given to the location of the interview, so that they may speak honestly and without fear of reprisal from within the hierarchy.

DATA SECURITY

Very much related to the rights and welfare of participants in the research is the issue of data security. People have been happy to talk about corruption, but this should not be confused with a willingness for their stories to be widely shared and attributed to them. Further, though teams may not have any investigatory aspect to their effort, it is also true that if the government demanded the interview notes a research team would not have any recourse to protect individuals. Therefore, data security deserves attention. In the development of this process, this was accomplished in a number of ways:

- Codes were used to identify interview notes rather than names or official positions
- All transcribed notes were password protected
- Transcribed notes were saved to a secure remote serve for sharing among team members (and not emailed)
- At the end of each study, all transcribed notes were deleted from team members' hard drives.

5. Operationalizing the data collection

Creating an analytic process that was replicable and feasible was essential to ensuring that the resulting methodology would be useful to the wider field. This section provides some insight into the scale of the effort.

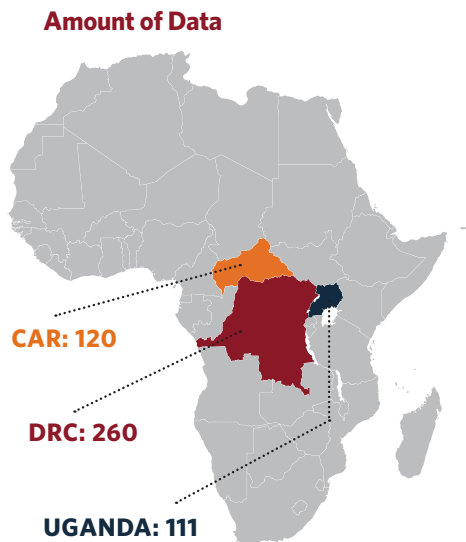
Research Teams: Research teams consisted of a combination of international and national members and, in two cases, the teams were supported by a senior advisor

from within the CJS. National members provided essential contextual knowledge, advice in terms of navigating the sensitivities, if any, of discussing corruption and allowed for discussions to take place in local languages (e.g., Sango in CAR), which extended the reach of the research. The advisors from within the CJS were critical for accessing key people in the CJS hierarchy, explaining peculiarities of local CJS processes, and interpreting findings.

Teams averaged five people in size, and represented a combination of expertise, including:

- Data collection experience,
- Country knowledge and language skills,
- Exposure to the CJS,
- Corruption expertise, and
- Systems analysis experience.

Each of these competencies are not necessarily required at each phase of the analysis, so team members were used at different points in the process.

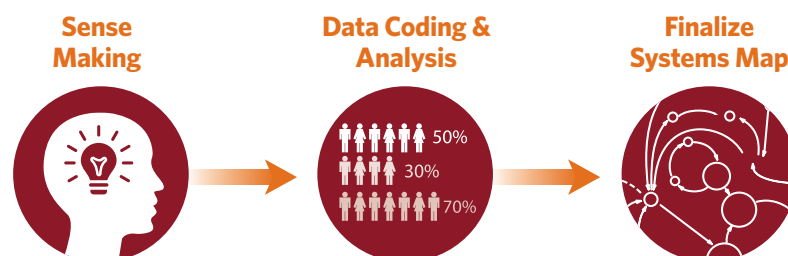


Duration: The process from start to finish can be compacted or extended pending the situation of the research team and importantly if they are working full time on this effort or not. In the three test cases, data collection time on the ground ranged from two weeks to seven weeks, with the latter broken up into two trips.

Amount of data: The size and significance of the gaps in data as identified in the literature review, and the team size and duration on the ground, will determine the amount of data that will be collected. In the creation of this methodology, the pilot effort included 260 people in interviews and focus groups. This was purposefully reduced in the next two cases in order to make a process that is replicable by others. In Uganda and CAR the number of individuals involved in interviews and focus groups was 111 and 120 respectively.

6. Analysis Process

The analysis process is comprised of three steps which results in nuanced and evidence-based conclusions that acts as the basis for the causal loop diagram (i.e. systems map) depicting the system of corruption in the CJS. During Step One, the team makes sense of the data, develops initial findings and drafts a preliminary systems map; in Step Two they code the data and analyze it; and in Step Three they finalize the systems map. Each of these steps is described further below.



DATA REVIEW INSTRUCTIONS:

- Look for unexpected or counter-intuitive information
- Identify common themes across the data, as well as any contradictions to those themes (data that does not support that theme)
- Generate initial responses to the primary research questions and, indicate where there are gaps in the data that make it difficult to draw conclusions.

MEETING GUIDING PRINCIPLES

- Ground discussion in data & distinguish opinion from data
- Always look for the contradicting data
- The meeting is not seeking consensus
- Acknowledge that total knowledge is not possible, so there is no need for clarifying every detail

FORCE FIELD ANALYSIS

A simple analytical tool that shows two columns: the first column lists factors supporting a desired change, and the second column lists the factors pushing back or resisting that change.

Depending on the expectations of rigor and time available, it seems plausible that the analysis process could be limited to the sense-making workshop. Though there would be gaps from not coding the data, it is possible that the outcomes of just this workshop would be sufficient for internal or programmatic use.

STEP ONE: SENSE MAKING

The first step brings the complete team together to engage with the data in a participatory manner. The purpose is threefold:

1. Generate an initial understanding of the patterns and contradictions in the data.
2. Determine the codes for the coding process.
3. Develop an initial systems map.

Having the complete field team present is important for a number of reasons. It allows for insights gleaned through the process that may not have been captured in the interview transcripts to be shared and interpretations tested by individuals with different backgrounds.

Ideally scheduled for three days, the effectiveness of this meeting is dependent on the preparatory work. First, data needs to be shared systematically, so that all team members come with a strong grounding in the evidence, no data has been left out of the review, and no data is unintentionally privileged. Second, consideration as to how the team should review the materials (what they should look for) and the expected outcomes of that review need to be clearly communicated.

The sense-making meeting should be a facilitated exchange on the key research questions and not an open-forum discussion. (See Appendix 3 for a sample meeting schedule.) Agreeing upon guiding principles for the meeting helps keep the group on topic and provides a framework for managing disagreements.

The first two days focus on identifying the patterns and initial responses to key research questions, and the final day shifts to an initial mapping of the system. The mapping is started by conducting a force-field analysis that builds on the initial conclusions generated in day one and two. Once a tentative set of relationships among factors is identified, a draft map can be generated. This version of the map should clearly indicate where there are gaps or uncertainties. The visualization should be taken as far as the team is confident, without spending so much time that it becomes hard to change after the data coding has been completed. For more information on how to conduct a force-field analysis or generate a systems map see Recommended Resources; Appendix 1.

With this in hand, Step Two, data coding and analysis, becomes quite straight forward.

STEP TWO: DATA CODING AND ANALYSIS

When sufficient preparatory work is done, the sense-making workshop can deliver a reasonably sound overview of the primary findings and system. What it lacks is nuance and, in particular, nuance derived from disaggregation of key demographic groups through a systematic analysis of all evidence gathered. For instance, if age

and gender were identified in the data collection, the team impressions used in the sense-making session would not be able to conclude if young men had a different experience than older men or young women. To respond to the need for disaggregated information, the project used NVivo, a qualitative analysis software, to code the data and analyze results. The team analyzed the findings against the key research questions and then compared them to the original sense-making discussions and discussed any variance.

It is useful at this stage to review the factors behind corrupt patterns of behavior to identify which are drivers, and which are enablers. As explained in the description of a systems-based corruption analysis (see page 6), *drivers* are those factors that cause people to participate in corruption. *Enablers* are factors that facilitate or make corruption possible, but are not the reason why it happens. Clearly making this distinction is helpful when it comes to assessing what existing anti-corruption programming in the CJS is addressing, as well as in determining where there are opportunities to effect change in the system.

SYSTEMS MAP

A systems map or causal loop diagram offers a visual depiction of how multiple factors in a context interact to generate patterns of corrupt behavior in the CJS.

STEP 3: FINALIZE SYSTEMS MAP

With a full set of findings in hand, the initial system map can be revisited. Particular attention is given to refining the relationships and adding in nuances that were previously not clear. The map on the following page shows the final product – the corruption system in the CJS in Northern Uganda— as an example of a causal loop diagram.

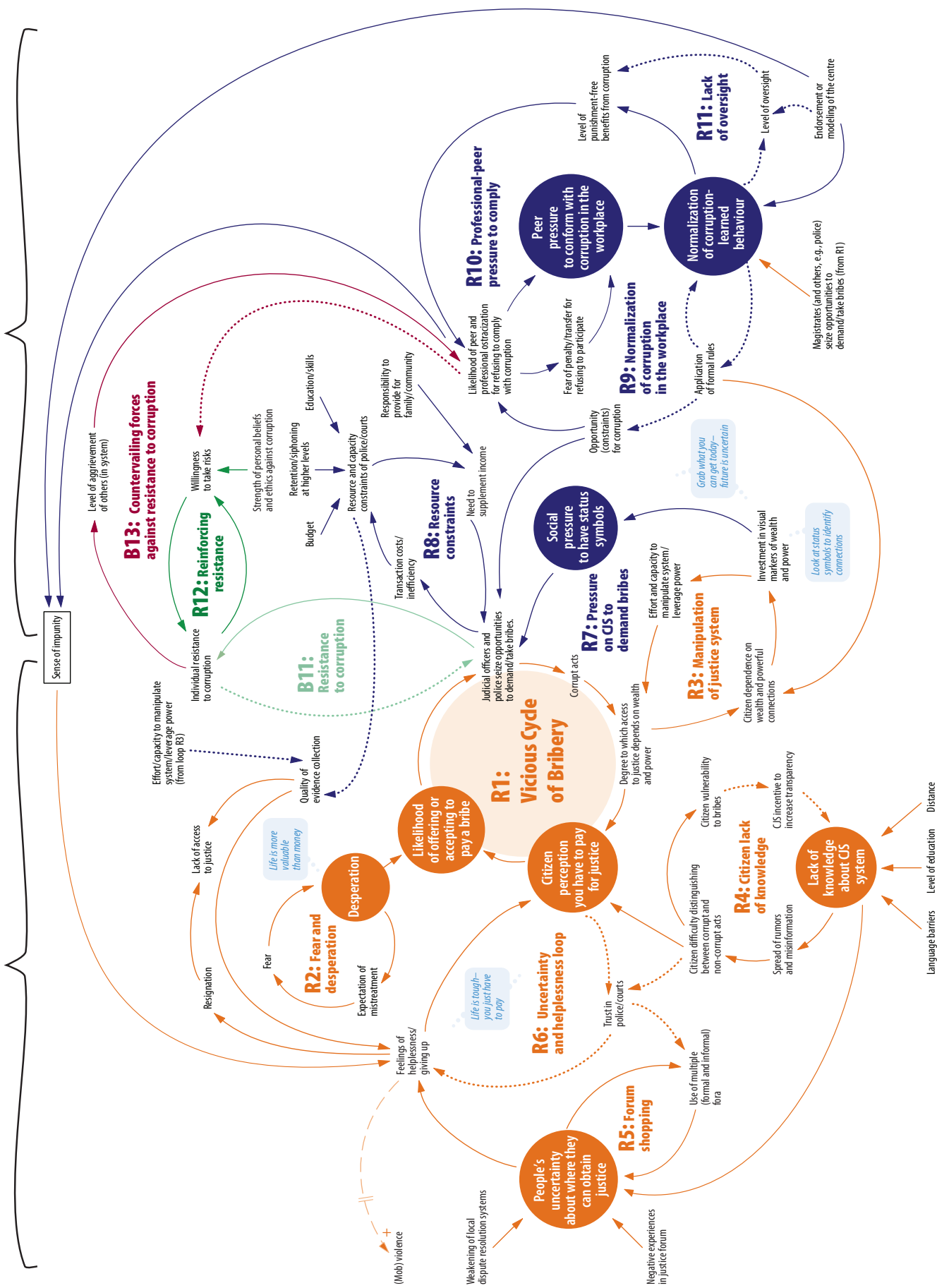
6.1 Corruption System in the CJS: Northern Uganda

Bribery is a self-perpetuating vicious cycle at the heart of the way the police and courts working on criminal matters function in Northern Uganda. Judicial officers and police are poised and pressured to seize opportunities for bribery, feeding the reality that justice is influenced heavily by money and power, and the perception among citizens that justice is for sale. CJS providers operate with limited resources and experience significant social pressure to obtain social status symbols that are beyond their legitimate earnings. Working in an environment of limited oversight, corrupt acts have become normalized. So much so that there is peer pressure within the professions to participate; and resistance is met with professional and/or personal sanction.

Citizens participate in these dynamics as they fear the consequences of being trapped inside the CJS as they believe individuals will suffer dire consequences. This is buttressed by uncertainty and helplessness and a lack of knowledge of the laws and procedures used by police and criminal courts. Citizens are not always the victims, as they manipulate the CJS to obtain favorable outcomes.

The People

Insiders to the CJS



6.2 Lessons Learned from the Three Analytical Processes

LESSON LEARNED: Team member personalities can impact sense-making discussions.

The personalities, experience and confidence of individual team members can have an impact on the perceived strength of conclusions drawn in the sense making workshop. The experience showed that the strength of an initial conclusion may be over- or underestimated through the workshop process; sometimes due to varying confidence levels of team members with different amounts of experience.

LESSON LEARNED: There are benefits to coding software, but NVivo is not user-friendly.

Using coding software was very helpful, because it allowed multiple people to code data and merge that into one master file. It also allows different cross-tabulations to be run quite easily which saves significant time. However, the software used, NVivo, proved to have a significant learning curve and, even after considerable experience, never became user-friendly. Exploring alternative software with similar functionality is an option. Alternatively, if rigor is not critical or nuance not necessary, the value of this software when used by an inexperienced team would be questionable.

LESSON LEARNED: The experience of the corruption system is different for duty bearers versus rights holders (CJS actors versus citizens)

The initial DRC map depicted a system and integrated different perspectives (duty bearer vs rights holder) into the overarching map. The Uganda map – as shown above — showed the system as experienced by each set of actors and the connecting points through the primary or dominant form of corruption. This was generally felt to be a more accurate way of showing the system, and proved to be more accessible for those who had not participated in generating the map.

7. From Analysis to Program Design

The impetus behind the development of a systems-based corruption analysis process was the desire to generate more strategic anti-corruption programming that could catalyze meaningful and sustainable change in corruption systems within the CJS, especially in fragile and conflict-affected states. The assumption was that a different approach to analysis could catalyze new insights into program interventions. The project was able to follow through from systems analysis to program design and program implementation in one setting: Lubumbashi, DRC. In addition,

following a complete analysis process, the team engaged in select aspects of program design in Uganda. In CAR, though the plan was to generate program options based on the analysis, timing at the end of the grant period did not allow for this.

Given these circumstances, the project has gained considerable comparative experience with the data collection and analysis processes, but has had only limited opportunity to test results through identification of programming options and implementation of anti-corruption activities. The single pilot program cannot be seen as sufficient evidence that this innovative approach is effective, even though initial results in the DRC have been encouraging. What follows describes the process to move from analysis to program design.

To start, it is useful to expand the participation beyond the analysis team. In particular, individuals with deep country-specific expertise related to the CJS, and ideally those who would be responsible for implementing the project, should be involved. Ideally, the group will also include people with diverse perspectives and backgrounds, so that the thinking is not unintentionally restricted by a certain approach or viewpoint. In addition to experts in CJS reform, practitioners from allied fields, such as peacebuilding, consensus building, social norm change or positive deviance, may be useful contributors to the discussion.

After expanding the group to those who were not part of developing the systems map but have contextual expertise, the first step needs to be **validating the analysis**. This not only offers a cross-check to the conclusions, but provides a chance to make sure that all participants understand the systems map—which is not always clear to those not involved in its generation.

If there are significant anti-corruption activities in the context, the next step is to **map the anti-corruption programming** into the systems map, that is, to show where existing programming is engaging the system (which factors and actors). For instance, taking the Uganda example (complete systems map above), a large proportion of the anti-corruption efforts were targeted at citizens and their lack of knowledge of due process in criminal justice (see R4: Citizen lack of knowledge in the bottom center of the map). Though a recognized issue, the disproportionate attention on this area, left many other critical drivers and enablers in the system untouched. This analysis of “who is doing what in relation to which factors” is useful, as it enables new programming to focus on the important areas that are currently neglected.

With this in mind, the factors in the map should be reviewed for **points of leverage** that are not yet being adequately tackled by existing programming. A useful tactic to understand the potential of addressing specific points is to plot the effects of a change in that factor into the system. In other words, if a program successfully altered this factor (a driver or an enabler), how might that change ripple through the system. This discussion can highlight assumptions, weaknesses or spoilers related to the program idea. Once a point of leverage has been selected, the team can transition to developing the theory of change, that is, a set of assumptions about how the chosen approach to change will work in the particular context. For a complete description of the DRC pilot program and its theory of change, see the description of *Kuleta Haki* below.

WHAT IS A POINT OF LEVERAGE?

In considering how best to produce change in a corruption system, one can look for “points of leverage”—in other words, specific factors or dynamics that appear susceptible to change, where a project can make a difference, and that may stimulate additional changes. Some ways to think about points of leverage include:

- Are there factors or dynamics that are connected to many loops and dynamics—like centers of gravity?
- Where is the system changing already? Where can existing momentum for change, positive shifts or bright spots be built on and amplified?
- How do we think that change can happen—and why; what might work *in the context*?

7.1 Lessons Learned on Bridging Analysis to Design

LESSON LEARNED: Systems maps of corruption in the CJS need to be appropriately bounded.

The initial DRC process was heavily influenced by political economy analysis resulting in a national macro-level perspective on the system of corruption in the CJS. This emphasis was very interesting in understanding power, particularly related to the role of the political center in Kinshasa). However, when the team shifted to program development, the level of analysis proved to be too macro/national. Though one could identify areas of interest, it was not certain if these dynamics were specific to Lubumbashi or more representative of the national-periphery dynamic. There needed to be another more detailed map that explored the local manifestations of the factors found in the macro systems map, as well as any dynamics unique to that specific location. This was done through the workshops held with the local network members in Lubumbashi shortly after the program launched.

LESSON LEARNED: Anti-corruption programming is not either/or; it is both/and.

Early on in the DRC project, the core team had an inkling that some of the ineffectiveness being identified in traditional anti-corruption programming was not so much because these programs were totally wrong, but more that they were insufficient. After analyzing the drivers and enablers of corruption in three contexts, it seems clear that traditional approaches are necessary but not sufficient. Anti-corruption efforts seem to need more multi-faceted tackling drivers as well as enablers and integrated into CJS responses.

LESSON LEARNED: Initial systems map is insufficient for a detailed program design.

The systems map, done at the right level, are very useful in terms of selecting leverage points. This enables the setting of a clear goal statement, understanding possible spoilers and unintended harms that may result. It does not provide sufficient information to go further into the development of the design, such as detailing objectives. It also does not replace stakeholder analysis, which is important in understanding who has power and influence in the context.

7.2 Kuleta Haki: a network to fight corruption in the CJS

Kuleta Haki (“Provide Justice” in the local Swahili dialect) seeks to leverage the collective power of a network of approximately forty judicial actors, joined by approximately sixty more civil society allies, who all have a reputation for operating with integrity. The project started in August 2015 and the network decided early on to focus the effort specifically on corruption found in preventive detention and police custody. Over two years, the team continuously responded to changes in knowledge and context to refine the design, and directly address emerging challenges. The project funding expired in August 2017—although, as of this writing, options for continuing the effort are being explored.

The Strategy. It was a discussion around the research findings on “bright spots” – the presence of individuals working in the CJS in Lubumbashi whom others repeatedly identified as people with “integrity” — that sparked the idea for this project. Although isolated and by no means able to operate with zero tolerance for corruption, these people were notably different in how they did their jobs.

From this, the *Kuleta Haki* strategy was developed as a classic strength-in-numbers idea based on support to the bright spots—that is, those islands of integrity which are the rare and perhaps weak positive elements in the situation. The overarching theory of change was: *If people from within the CJS who act with integrity can establish strong relationships with each other, then they will feel more protected and empowered to act against corruption more openly and often because they will have support (e.g. emotional, hierarchical, tactical) from those inside the system. And: If those with integrity show that resisting corruption is possible, this will encourage resistance by others who have been participating in corruption but feel it is not right because they will know it is possible and they will not be isolated for doing so. And: If those inside the CJS are connected with islands of integrity working in criminal justice but not employed by the government then these relationships will provide additional motivation, information and protection because they are not under the same hierarchy as those working within.*

Who to include in the network? When building the initial core group of Network members, the project team decided the key criteria was the personal commitment to combatting corruption in the CJS. Other factors like maintaining equal representation of people from different religions or political affiliations or ethnic groups etc. was not deemed to be important criteria for building a strong network.

How to structure the network? Initial network activities included building the group’s internal management systems and overall ownership of the project, including internal ‘codes,’ like the group’s Terms of Reference and Code of Conduct. During this period, they discussed already-emerging internal challenges, such as lateness to meetings, and defensiveness when discussing

personal experiences with corruption. The group also called on one another to contribute solutions to these problems, further strengthening feelings of ownership and responsibility for the network's collective attitudes and cohesion.

Growing the Network. The network (over 100 members as of August 2017) has relied on “subgroups” as a way to organize and manage its growth. Early on, the Network created judicial subgroups to organize groups of actors working in different jurisdictions around Lubumbashi, and to link them to the network. In January 2017, the network also added a police subgroup which included both traffic police and members of the investigative police force that works to gather evidence and build cases for magistrates. These sub-groups have been critical for engaging new members, raising new challenges, and providing fresh ideas for resisting corruption. With the support of the core network members, all groups have discussed what corruption means, how best to resist it, and have started developing their ‘activist agenda’ to resist corruption within their particular sphere of activities.

Adapting the collective action strategy over time. During this short two-year pilot project, the team worked hard to integrated adaptive management practices. To inform these choices, monitoring efforts used the Most Significant Change methodology along with more standard processes like feedback forms.

In addition, it sought to respond to issues that were missed in the initial analysis. One small but important adaptation made at the end of the pilot was to explicitly include sexual favors as part of the system of corruption in the CJS, as members felt strongly that this type of corruption enabled the greater system to flourish. A Gender and Corruption research project in the spring of 2017 contributed to network member's discussion about sexual favors and how to resist sexual favors within judicial institutions.

What difference did it make? The final review (conducted externally) and mid-term evaluation (conducted internally), supported by monitoring data, showed that members across the network had been taking more concrete actions to resist corruption (talking to people, colleagues, corrupt individuals, saying no to offers of money, waiting rather than giving in to corruption, saying no when a boss asks for a case to be passed through) with more frequency. In the first 18 months of the project, resistance was almost entirely limited to monetary payments, i.e. bribes/extortion, however the final review showed promising results in terms of members also resisting political interference in judicial processes.

Throughout the pilot, a key part of the strategy has been for network members to influence colleagues who are not participating in *Kuleta Haki*. It is only with expansion that the system of corruption will be impacted. One potential change of note among bosses, is what seems a newfound pride in supporting staff who are part of the ‘*Kuleta Haki*’ identity. Bosses will assertively say ‘I am *Kuleta Haki* because I manage someone who is *Kuleta Haki*.’

Outstanding Questions

WHAT IS CONFLICT SENSITIVITY?

Conflict sensitivity refers to the practice of understanding how aid interacts with conflict in a particular context, to mitigate unintended negative effects, and to influence conflict positively wherever possible, through humanitarian, development and/or peacebuilding interventions.

Significant adaptation in the methodology occurred throughout the five years, yet questions still remain, including:

- **How to integrate conflict sensitivity?** Each of the countries involved in this process have conflict dynamics that exert important influences on the people living and working there. From CAR's recent crisis in 2012-13 to the long-fought conflict in the North of Uganda, and the ongoing political struggles in the DRC, these contexts are marked by violent events. The core team believes any subsequent CJS anti-corruption programming needs to take account of conflict factors and effects.

Despite many attempts to apply frameworks such as the Do No Harm framework, the specific connections between anti-corruption interventions and the conflict were difficult to identify. It is the sense of the team that the project has not yet figured out how best to incorporate conflict sensitivity into the process, rather than any notion that conflict sensitivity does not apply.

- **Feasibility versus comprehensiveness.** Determining the appropriate balance between 'good-enough' amounts of data and a comprehensive understanding of the dynamics proved challenging in each context. This tension was felt particularly with regards to conducting an adequate gender inquiry that went beyond simple male-female distinctions and attempted to understand differing experiences and power. It was also felt when thinking through how much data collection focused explicitly on social norms needed to occur.
- **Transferability of social norms concepts.** While social norms are viewed as key factors in maintaining corrupt patterns of behavior, the literature on social norm change does not come from fragile states nor work on corruption. There is still, therefore, an outstanding question regarding the ability to change social norms that support corrupt behavior in these contexts. This is particularly important because corrupt behavior is in the interest of powerful elites, yet the social norm change literature does not take the role of power or the possibility of spoilers into account.
- **Corruption-sensitivity.** Given the prevalence of corruption in CJS in fragile states, one of the main take-aways for the core team is that any engagement with the CJS must be "corruption-sensitive." In other words, criminal justice reform or development programming must ensure that it avoids making the corruption worse, and, if possible contributes to reduction in the prevalence of corrupt acts. A question for further consideration is how to develop a feasible analytical tool that enables CJS programs to track their specific effects on corruption dynamics.

When bribery, sexual favors, favoritism and political interference are involved in every decision and transaction in this sector, it fundamentally distorts the functioning of the CJS. A criminal justice reform or development program can not operate in this context without the program and intended results being negatively impacted by these distortions. Integrating corruption-sensitivity is critical so that these programs are multi-faceted, strategic engagements that at minimum try to not contribute to the corruption that exists. Better yet, these projects should add to their objectives a conscious engagement with the drivers and enablers of corrupt patterns of behavior.

The process that has been developed is meant as a contribution towards the generation of these multi-faceted, strategic CJS programs. As Version 1.0 it is hoped that with use the process will be adapted and improved by those working with police, courts and corrections in fragile states.

A systems-based corruption analysis does not provide a magic bullet answering all questions, or a sure-fire solution to corrupt acts. But it can provide a nuanced understanding of the problem, in such a way that actors can see atypical ways of engaging, develop strategic partnerships and test the plausibility of theories of change; all in the service of creating more effective CJS programs.

Appendices

Appendix 1: Recommended Resources

ANTI-CORRUPTION EFFECTIVENESS

- DFID, “[Why Corruption Matters](#): Understanding causes, effects and how to address them”
- U4 Anti-Corruption Resource Centre, “[The Effectiveness of Anti-Corruption Policy](#): What has worked, what hasn’t and what we don’t know – a systemic review”

CORRUPTION

- Institute for Human Security, The Fletcher School of Law and Diplomacy, “[Taking the Blinders Off](#): Questioning How Development Assistance Is Used to Combat Corruption”
- Transparency International, [Glossary](#)

GENDER AND CORRUPTION

- U4 Anti-Corruption Resource Centre, “[The Gendered Impact of Corruption: Who Suffers More, Men or Women?](#)”
- UNDP, “[Corruption, Accountability and Gender](#): Understanding the Connections”
- World Bank Research Group, “[Are Women Really the Fairer Sex?: Corruption and Women in Government](#)”

SOCIAL NORMS

- STRIVE, “[Norms Measurement Meeting Learning Report](#)”
- Unicef/University of California, Centre for Global Justice, “[What are Social Norms? How are they Measured?](#)”

SYSTEMS MAPPING

- CDA Collaborative Learning Projects, “[Designing Strategic Initiatives to Impact Conflict Systems: Systems Approaches to Peacebuilding. - A Resource Manual](#)”

SYSTEMS THINKING

- BEE Environmental Communication, “[A Systems Story](#)” (Video.)
- Peter Senge, “[Introduction to Systems Thinking](#)” (Video.)

Appendix 2: Social Norm Vignette Test

The team piloted the vignette approach to identifying the existence of social norms in CAR related to different corrupt behaviors that occur within the criminal justice system. As described in CARE's Journey Piloting Social Norms Measures for Gender report, "vignettes tell short stories about imaginary characters in specific contexts, with guiding questions that invite people to respond to the story in a structured way." Two social norms concepts are represented in the vignette:

- Empirical expectations: what people expect others to do.
- Normative expectations: what people think others expect of them.

The vignette developed below sought to explore the use of connections to change justice outcomes. To identify vignettes the research team reviewed the first week of interview notes with citizens, police officers and justice officials to identify examples of typical behavior.

We would like to tell you a short story. Imagine Joachim is a man from Bangui. He is not a real person, just an example. Imagine the police arrested Joachim's son for stealing bananas from the market and he is at the Police HQ. Joachim calls his cousin, Jean Paul who has an important job in the Ministry of Interior to ask him to make this go away for his son.

The questions seek to identify whether the different components within a social norm exist.

1. *What would most men in Joachim's situation do in this situation?* Here we were trying to learn what was typical behavior or the empirical expectations.
2. *What would Joachim friends and family expect him to do in this situation?* This question explores the notion of approved behavior or what you think others expect you to do – the normative expectations.
3. *Who would be the most influential on Joachim's decision – friends, family, community?* This inquiry seeks to understand who has power and influence or in social norms language the reference group.

The interviewer then added a new fact to the vignette to explore possibilities to resist corruption and the consequences of noncompliance with expectations. *But what if the cousin – Jean Paul – does not want to make a call to the police.*

4. *How would Jean Paul's family and friends react to Jean Paul deciding not to call the police for Joachim?* This question tries to understand the social sanction involved in non-compliance with the social norm.

If the response showed that there is a sanction on Jean Paul for noncompliance the researcher then asked:

5. *Are there any times where it would be okay for Jean Paul to not act?* Here the team was interested to see if there were exceptions to the rule.

6. *Would their opinions and reactions make Jean Paul change his mind about making the call?* This question seeks to understand the degree of influence the social sanction might have which helps us understand the strength of the social norm.
7. *What are the disadvantages for Jean Paul calling the police? What are the advantages of Jean Paul calling the police?* These questions explore if there were indirect norms that also might be supporting this behavior.

Understanding the impact of gender in corruption systems has become an integrated element of the project's approach. Therefore, the team changed the vignette one final time; *Let's pretend, that when Joachim tried to call Jean Paul he discovered Jean Paul was in Paris. So instead he called his niece, Virginie who also worked at the Ministry of Interior. Would anything be different?*

LESSON LEARNED: Vignettes can be used in focus groups or interviews

The vignettes worked very well with focus groups of average citizens. The group quickly understood the process and responded easily and authentically to the questions. Conversely, the approach did not work very well with a small focus group of police officers even though the officers had established relationships with each other and the researcher was introduced by a credible intermediary. Nonetheless the participants did not speak honestly or freely, instead providing scripted answers. With this information, the process used the vignette in a one-on-one interview format with police officers and it delivered very useful information.

Appendix 3: Sense Making Workshop Facilitation Agenda

This is a sample agenda for use in the sense-making workshop in the first step of the analysis.

DAY 1: THE CORRUPTION SYSTEM

Facilitator (F), Notes (N) & Time	Purpose	Process/Questions
15 mins	Getting started	Workshop purpose Review agenda Intended products/deliverables Note taking Guiding Principles: <ul style="list-style-type: none"> ▪ Ground discussion in data & distinguish opinion from data ▪ Always look for the contradicting data ▪ The purpose is not consensus ▪ When differences appear, look at the data ▪ Acknowledge that total knowledge is not possible, so there is no need for clarifying every detail
10 mins F: N:	Brief overview of research	Our research questions Our methodology & data set Our limitations
30 mins F: N:	Big Picture Patterns	Open discussion: <ul style="list-style-type: none"> ▪ What were the dominant big-picture patterns in the data? Big picture; not the answers to specific questions. ▪ Are there any counterevidence to those patterns? ▪ Were there any positive patterns?
45 mins F: N:	What is corruption?	2 groups; each takes one sector: then compare lists. <ul style="list-style-type: none"> ▪ What is corruption in the police, justice, corrections? ▪ What is NOT corruption in the p/c/c? Full team discussion: <ul style="list-style-type: none"> ▪ Similarities/Differences? So what? What does this tell us and why is it important to know? ▪ Did the crisis impact what is corruption? ▪ Is there anything different in the corruption between the criminal and the civil space?
15 mins	Break	
1.5 hour F: N:	Why does corruption happen?	Full team discussion: What drives corruption? Why does corruption happen? Did you see any differences between sectors? Follow-up: <ul style="list-style-type: none"> ▪ What impact did the crisis have on corruption? ▪ What role do the authorities play? ▪ What role does religion play? ▪ Do the drivers differ for men/women? ▪ Did anyone notice other groups that mattered? ▪ Does corruption play positive roles? Reflect & Consolidate discussion: what are the answers to our questions?

1 hour	Lunch	
60 mins F: N:	What are the consequences of corruption?	<p>Two groups: What are the consequences of corruption in the police/courts/correction (allocate a sector to each group)?</p> <p>Share and compare similarities and differences</p> <p>Discuss: Which are most significant to peace/ to access to justice / to security?</p>
15 mins	Break	
75 mins F: N:	Who: actors and resisters	<p>Full team discussion:</p> <ul style="list-style-type: none"> Who participates in corruption? Who takes the lead? Who says 'no' or waits it out in each sector? What are the consequences of saying no? Are there differences between men/women/other groups? <p>Reflect: what are the answers to our questions?</p>
30 mins F: N:	Closing	<p>Reflect on day as a whole.</p> <ul style="list-style-type: none"> Do later conversations add nuance/change earlier conclusions? What are your outstanding questions?

DAY II: STICKY ISSUES

Roles & Timing	Purpose	Process
15 mins F: N:	Getting started	<p>Open session:</p> <p>Each person state: From yesterday's discussion:</p> <ol style="list-style-type: none"> The most 'surprising' point The most relevant point for programming 'important' point for the donor
75 mins F: N:	What are the direct social norms that sustain corrupt patterns of behavior?	<p>Working in 2 groups:</p> <ul style="list-style-type: none"> what behaviors were seen as typical and appropriate in p/c/c internally or when engaging with citizens? Did these behaviors have sanctions – positive or negative – associated with them? <p>Full team – compare and contrast answers</p>
15 mins	Break	
90 mins F: N:	What are the indirect norms that support corrupt patterns of behavior?	<p>Two groups:</p> <ul style="list-style-type: none"> What unwritten rules exist that sustain corrupt behaviors in X sector? What are the consequences for noncompliance? Are there positive indirect norms that may contradict these norms in X sector? <p>Full team discussion:</p> <ul style="list-style-type: none"> Share and compare results Do the indirect norms interact/support the direct norms? What is the dominant 'attitude' about different types of corruption?
1 hour	Lunch	
1 hour F: N:	What are the gender dimensions to the system?	<p>Full team: Work through each segment in the agenda so far and reflect on the tentative conclusions; ask are there differences for men and women? If so why? If not, is this reasonable or are there other explanations e.g. methodological?</p>

45 mins F: N:	Anti-corruption	Full team: <ul style="list-style-type: none"> What exists? What is the theory of change? What is working? What is not?
15 mins	Break	
30 mins F: N:	Other/Missed?	Findings, patterns, points not covered yet
45 mins	Data Coding & Analysis	Overview of coding process Input on coding book (dos & don'ts) Are there data cleaning tasks to be done? Next Steps
30 mins F:	Conclusions & Reflections	What do today's discussions mean for yesterdays' conclusions? Reflections on the process

DAY III: INITIAL SYSTEMS ANALYSIS

Facilitator & Time	Purpose	Process
45mins F:	Getting started	Review agenda and timing Systems Basics: <ul style="list-style-type: none"> Why systems? What is a factor? +/- connections What is a mental model?
60 mins F:	Driving Factors Brainstorm	Individually: Name the 2 things that are key driving factors of a type of corruption for a group (and name the group) Full team discussion
15 mins	Break	
90 mins F: N:	Force Field Analysis	Full team: Review the initial brainstorm Split into 2 groups: build from initial brainstorm specific to one sector Compare results.
90 mins	Lunch	During lunch initial set of relationships (causal loops) are generated
90 mins F: N:	Identify relationships	Initial draft of causal loops is presented and team provides insights and feedback
30 mins	What's missing	Reflect on discussions of day 1 & 2 to see if there is something missing from the map
15 mins	Break	
30 mins	Closing	Next Steps Reflections on initial map

Appendix 4: Literature Review Outline

This outline is a useful starting point for the literature review. While not every aspect is going to be useful in every context, discussing the utility of each before starting proved to be a helpful way to keep this effort realistic in size and scope. In each of the three cases in this project, the literature review was unable to turn up information on issues that the team felt were applicable and useful. This helped target the data collection.

1. Political Structures

- 1.1 Formal Governance Structure
- 1.2 Customary Hierarchies
- 1.3 Key actors (political and international)

2. Criminal Justice System (break out for police, judiciary/courts and corrections)

- 2.1 Type of system e.g. inquisitorial versus adversarial
- 2.2 Structure/reporting hierarchy
- 2.3 Primary Bodies and Authorities
- 2.4 Size (number of courts, officers)
- 2.5 Location (where are the courts, where are police stationed)
- 2.6 Unofficial actors: e.g. volunteer police officers

3. Corruption:

- 3.1 What is the scale, nationally?
- 3.2 What types are most prominent, nationally?
- 3.3 Notable corruption scandals/anecdotes
- 3.4 Corruption in the CJS – scale, types?

4. Culture and social norms

- 4.1 Ethnicities/Societal Structure e.g. Clans
- 4.2 Role of religion in society
- 4.3 Social norms that relate to corruption

5. Recent conflict

- 5.1 Timeline of direct violence
- 5.2 Main actors in the conflict
- 5.3 Drivers of conflict
- 5.4 Role of corruption in the conflict
- 5.5 Role of CJS in the conflict

6. Current Anti-corruption Programming:

- 6.1 What is being done about corruption nationally by the government?
- 6.2 What is being done about corruption in the CJS?
- 6.3 What actors are involved: civil society (international/national), donors?

Appendix 5: CJS Provider Interview Protocols

This interview protocol was used in the CAR data collection. CJS Providers include: police officers, corrections officials, judicial actors, lawyers and ministry of justice and interior officials, legal academics. Where it says 'police' in the text below, replace with courts or corrections depending on who you are speaking to in the interview.

1. Can you briefly describe your role/function in the police force?

1.1 How long you have been in the police?

2. In your opinion what do the police do particularly well?

3. How do citizens feel (perceive) about the police?

3.1 Why do people follow the instructions of the police?

4. What challenges affect the police ability to do their jobs on criminal matters?

4.1 How does corruption play a role in this?

5. In your experience in the police, what are the most common forms of corruption that happen when police are dealing with criminal issues? Why?

5.1 Are there other types of corruption that happen?

- Bribery/extortion,
- political interference,
- sexual favors,
- favoritism in promotions/recruitment,
- fee for service

5.2 Does the type of corruption depend on if the people involved are male or female?

6. Why does corruption happen in the police?

6.1 If respondents say money, ask if corruption would end if they were paid?

6.2 Do you think social or family expectations or uncertainty for the future play a role?

6.3 Is this different for men and women?

6.4 What role do people in positions of authority/authorities play in the current system of corruption?

7. Were the rules of corruption different before the Seleka/Anti-balaka conflict (crisis)?

8. What are the consequences of police [fill in most common type of corruption]?

8.1 Are the consequences different for other forms of corruption such as [name something else they have mentioned?]

9. [not to be asked of government officials] How do you feel personally about [fill in most common type of corruption here]?

10. Can you tell us about a time you or someone you know spoke out against an act of corruption in the police?

10.1 Would a man or woman been able to do that too? Why/why not?

Demographic Points to note:

- Male/Female
- Would you mind telling me if you are Muslim or Christian?

Appendix 6: Interview questions: CJS Consumers

This interview protocol was used in CAR with ordinary citizens (CJS consumers). Focus the interview on the aspect (police/courts) that the individual has most experience as per their response to question 1.

1. If you exclude interactions with traffic police, what is your experience dealing with the police or courts?

2. Do you think that the way police conduct themselves is appropriate? Why/why not? OR Do you think the courts operate in a way that is appropriate? Why/why not?

- For police listen for: is it criminal or non-criminal
- For courts listen for: what aspects of the court (e.g. time delays) are they referencing

3. Do you think the police/courts have the right to tell you what to do and not to do? Why/not?

- 3.1 Under what circumstances would it be appropriate/justified not to follow police orders?

4. Would you be able to tell us about an instance of corruption by the police and/or courts that you or your family has experienced?

- 4.1 How common are such experiences? Amongst whom?
- 4.2 Do you feel this is okay to happen? (personal attitude?)
- 4.3 Why was this (the corrupt act) able to happen?
- 4.3.1 Are there family or social status expectations that played a role?
- 4.3.2 What role do the authorities have in this type of corruption?
- 4.4 Would this have happened if you were a man/woman?

5. Are other people in your community ok with this kind of behavior:[fill in from experience given in answer to prior question]?

6. What are the consequences of [fill in from experience given]?

7. What would happen if people said no to [fill in from experience given]?

- 7.1 Have people tried to take action to stop this kind of thing from happening?
- 7.2 Did it work? How come?

8. Was corruption in the police and courts different before the crisis? How?

9. Have you had any interactions with police and the criminal courts that surprised you? Why?

9.1 Are there parts of the police and court system that rarely engage in corruption?

Demographic information:

- Gender
- Religion
- Level of education

Appendix 7: Interview Introduction Text

Thank you very much for agreeing to talk to me. My name is ... and I am the XXX at the YYY project.

Before we begin, let me give you some background information about our research project. This research is organized by an American-based NGO, called CDA. We are interested in learning more about patterns of corruption in the criminal justice system in CAR and its impact on the legitimacy of these institutions. We are not interested in investigating specific instances of corruption or people. We do not have to report any information that you choose to share with us.

Nonetheless we will not reveal your participation to anyone, and do our best to ensure that your participation remains anonymous. For instance, we will not put your name or identifying information directly on our interview notes and transcripts.

You do not have to answer any questions that you do not wish to answer, or discuss any topics that make you feel uncomfortable. With your permission I will be taking notes during the interview. If you decide at any time during our conversation that you no longer want to participate in the study, just let us know and you can withdraw without any negative consequences. *Do you have any questions at this point?*

Do you have any further questions about the project or the nature of your participation at this point?