

## USING THE CAPACITY AND INTEGRITY FRAMEWORK

The Capacity and Integrity Framework (CIF) is a simple tool to help identify these institutional factors (see figure 3 below). In analysing an institution, the CIF distinguishes between two organisational levels (internal and external) and two quality levels (capacity and integrity).

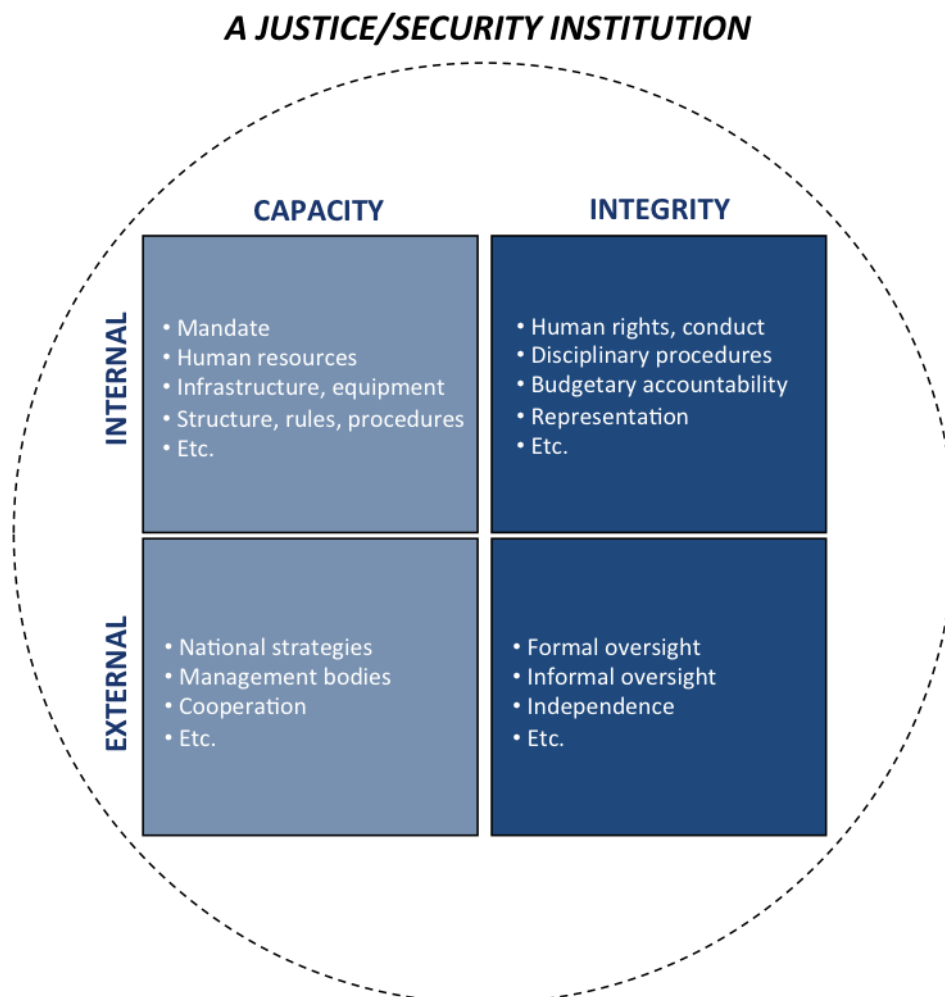
The two organisational levels of an institution:

1. *Internal*: its mandate, resources, organizational structures, policies and procedures
2. *External*: its relations with other institutions

The two quality levels of an institution:

1. *Capacity*: the existing resources, structures and procedures
2. *Integrity*: respect for basic norms and values when using its capacity

FIGURE 3: CAPACITY AND INTEGRITY FRAMEWORK (CIF)



As a result, four institutional categories can be analysed for the purpose of identifying the institutional factors that account for why one or several actors directly cause(s) the need in question or why they do not meet the need caused by others:

1. **INTERNAL CAPACITY** refers to the institutional qualities such as mandate, the number of staff, their training, professional experience and competence, other resources (budget, infrastructure, equipment), the organisational structure, infrastructure, procedures and information systems.
2. **INTERNAL INTEGRITY** relates to the respect for basic norms and values by staff (human rights, professional conduct, financial propriety...), as well as procedures and mechanisms in place to monitor and enforce respect for basic norms and values including disciplinary and complaint procedures, codes of conduct, budgetary accountability procedures, gender representation, representation of minorities, and others.
3. **EXTERNAL CAPACITY** refers to cooperation and interactions of the actor with other actors (e.g. within the criminal justice chain), and also to national strategies, guidance, management and other support provided to the actor by ministries and other institutions.
4. **EXTERNAL INTEGRITY** relates to various means of formal and informal external oversight (parliamentary, political, independent, media...) to monitor the institution's respect for basic norms and values, as well as to safeguards to prevent political interference and ensure independence.

For every responsible actor identified in stage 3 of the CBA, each of these four categories should be considered to determine all institutional factors that account for why one or several actors directly cause(s) the need in question or why they do not meet the need caused by others. The following questions correspond to the four categories of the CIF and help to identify these institutional factors.

1. Do **INTERNAL CAPACITY DEFICITS** account for why the actor directly causes the need in question or why the actor does not meet the need caused by others? Please specify the kinds of internal capacity deficits that apply:
  - 1.1. Shortcomings in the normative framework of the actor? Please specify:
    - Conflicting norms or omissions?
    - Conflict between formal rules and cultural norms?
    - Other?
  - 1.2. Shortcomings in the mandate of the actor? Please specify:
    - Is the provider responsible for delivering the service at issue?
    - What services could possibly satisfy the need?
    - To what extent, if at all is the actor actually delivering?
  - 1.3. Shortcomings in terms of human resources? Please specify:
    - Inadequate staffing levels? Examine for every relevant staff category.
    - Inadequate balance of substantive versus administrative support staff?
    - Inadequate staffing pyramid (junior-management-leadership)?
    - Inadequate recruitment procedures? Examine for every relevant staff category.
    - Shortcomings in terms of skills and/or a lack of training? Identify these shortcomings and the related training needs for every job category.
    - Is the problem caused by a lack of commitment or competence of the leadership?
    - Inadequate incentives in terms of salaries and career prospects? Compare to average living costs.
  - 1.4. Budgetary constraints or shortcomings? Please specify:
    - Annual budget inadequate to cover the operational costs of service delivery?
    - Inadequate budget development process?
    - Budget does not correspond to real expenses?
    - Running costs not covered in the budget or not provided in time?
  - 1.5. Shortcomings of equipment? List equipment available, provide numbers and indicate where repairs are needed. Please specify kind of shortcomings:
    - Insufficient equipment?
    - Inadequate equipment?
    - Equipment in need of repair?
    - Maintenance problems?

- 1.6. Shortcomings of infrastructure? Prepare inventory and indicate where repairs or improvements are needed.
  - 1.7. Lack of security? Please specify:
    - Lack of security for staff, victims, witnesses, or perpetrators?
    - Insufficient protection of forensic evidence?
    - Are procedures, equipment, infrastructure and human resources managed in ways that ensure security?
  - 1.8. Organisational shortcomings? Please specify:
    - Overly complicated rules and procedures that slow down the operations or limit access to services?
    - Ineffective or inefficient internal management systems (management structure, information systems, resource management, decision-making processes, performance management, etc.)?
    - Suboptimal distribution of resources and workloads (think of work units, geographic and functional distribution of human resources and equipment)?
2. Do **INTERNAL INTEGRITY DEFICITS** account for why the actor directly causes the need in question or why the actor does not meet the need caused by others? Please specify the kinds of internal integrity deficits that apply:
- 2.1. Lack of respect for basic norms and values by PJC personnel? Please specify:
    - Inadequate professional conduct?
    - Inadequate knowledge of relevant human rights standards?
    - Involvement in human rights violations in the past (identify allegations)?
  - 2.2. Inadequate rules and procedures to ensure that these norms and values are respected? Please specify:
    - Are recruitment and appointment procedures transparent and fair, and based on criteria such as competence, integrity and merit?
    - Do codes of conduct provide clear and specific norms and values?
    - Are the disciplinary and complaint procedures fair? Do they provide protection against arbitrary decisions and include appeal mechanisms?
    - Do vetting processes exist, are they effective and do they meet basic due process standards?
    - Do rules and procedures ensure sufficient transparency? Focus on: public access to trials, public reports on misconduct, public reports on budgets and expenditures, accessibility of procedures (fees, rights and obligations), etc.
  - 2.3. Lack of adequate representation of one or several communities or groups? Please specify:
    - Gender
    - Ethnicity
    - Religion
    - Regions, etc.
  - 2.4. Lack of appropriate structures and mechanisms to protect the rights of minorities and vulnerable groups (e.g. child-friendly policies)?
  - 2.5. Political or other interference in the criminal justice chain? Please categorize the type and source of interference, and for every category, try to assess the frequency and the consequences of these interferences:
    - Hierarchy
    - Peers
    - Other actors of the criminal justice chain
3. Do **EXTERNAL CAPACITY DEFICITS** account for why the actor directly causes the need in question or why the actor does not meet the need caused by others?

The nature of the cooperation arrangements between the different actors of the criminal justice chain impact significantly on the performance of its actors. Weaknesses, gaps or bottlenecks in the chain can undermine the ability of the entire system to deliver criminal justice services and can become a source of

inefficiency or abuse. The UNODC chart of decision points can be used to identify the formal relationships between actors in the criminal justice chain, as well as with actors outside the chain (see Annex XX).

Please specify the kinds of external capacity deficits that apply:

- 3.1. Inadequate cooperation procedures between the actor and other actors of the criminal chain? Please specify:
    - Lack of clarity in their respective responsibilities?
    - Overlap of responsibilities or gaps that create legal uncertainty (e.g. conflicting decisions, or an absence of hierarchy of norms)?
    - Overly complicated cooperation procedures and undue legal delays?
    - Cumbersome case tracking systems and record-keeping systems?
  - 3.2. Lack of actual collaboration between the actor and other actors of the criminal justice chain? Please specify and pay particular attention to:
    - Collaboration between police and prosecution service in the course of criminal investigations: Who is leading? Have priorities clearly been defined and agreed to and are investigators and other police actors aware of these?
    - Collaboration between police, prosecution service, corrections system and courts to avoid prolonged pre-trial detention: Is there a shared system to track individual suspects as they move through the criminal justice chain? If so it adequate? Is it respected?
    - Collaboration between police, prosecution service, courts and the corrections system to enforce court decision, e.g. to ensure detention, to avoid escapes and to enforce indemnity rulings?
    - Collaboration on cases concerning human rights violations involving criminal justice or other government officials?
  - 3.3. Ineffective or inefficient external guidance, management or other support provided by relevant government actors? Please pay particular attention to:
    - Information systems
    - Decision processes
    - External resources management such as budgetary or recruitment processes
4. Do **EXTERNAL INTEGRITY DEFICITS** account for why the actor directly causes the need in question or why the actor does not meet the need caused by others? Please specify the kinds of external integrity deficits that apply:
- 4.1. Ineffective or inefficient external accountability and oversight procedures (parliamentary, political, independent, informal)? Please specify and pay particular attention to:
    - Budgetary accountability
    - Formal procedures to independently investigate instances of alleged misconduct
    - Procedures to hold actors politically accountable
    - Possibilities for citizens to initiate an investigation into alleged misconduct or an alleged miscarriage of justice
    - Independent oversight mechanisms such independent oversight boards, judicial commissions, independent human rights commissions, ombudsperson offices, etc.
    - External vetting processes
    - Oversight by media and civil society organisations
  - 4.2. Lack of capacity and/or integrity on the part of external oversight bodies? Please use the NBA process described above (particularly the CIF) to identify the roots of these deficits of the oversight bodies.
  - 4.3. External interference in the functioning of actors or directly in proceedings in the criminal justice chain? Please identify and categorize the source of interference, and describe the type (bribery, threats, political benefits, etc.), frequency and consequences of interference:
    - Political actors
    - Security forces
    - Social/religious/ethnic groups