

The effect of Human Security Law & International Criminal Court (ICC) or Regional Equivalents on Access to Justice, Rights and Public Services

Effect: Moderate (The ICC in Kenya fostered legal reforms but struggled with victim justice and lower-level prosecutions, contributing to reduced political violence with limited direct impact on broader rights. Conversely, Indonesia's human rights treaty implementation and courts failed to deliver justice due to political interference, showing moderate rights progress hindered by weak enforcement against state abuses)

Confidence in study findings: Low (two studies, low confidence)

Short Summary

The International Criminal Court's (ICC) intervention in Kenya yielded mixed results for access to justice, fostering legal reforms but failing to provide victims with reparations and lower-level prosecutions. It's linked to reduced large-scale violence and constitutional rights improvements, but also restricted the accused individuals' speech. In Indonesia, despite legal frameworks for human rights, access to justice for state violence victims was largely denied due to political and military influence. While rights awareness and some legal reforms progressed with treaty implementation, their practical application, especially against state-sanctioned abuses, faced substantial obstacles dependent on domestic activism and state will

Long summary

The intervention

Block (2014) analyzes the ICC intervention in Kenya following post-election violence, employing direct actions like prosecutions and outreach, alongside the indirect influence of potential prosecution on legal reforms. The ICC's goals were justice, ending impunity, and deterring future violence. While Prasetyo (2009) examines the impact of international human rights treaties (CAT, CEDAW, CRC) in Indonesia, where ratification led to domestic laws and institutions, with implementation shaped by state, activist, and international interactions. Neither study addresses "Human Security Law" as a distinct framework. The intervention refers to the perception of police intervention compared to community mediation in addressing violence among Indonesian men. It explored how mediators, including local leaders and religious figures, play a role in mitigating violence and fostering peaceful dispute resolution. The intervention encompasses pre-mediation, mediation, and post-mediation efforts, involving negotiation, reconciliation, and the reintegration of conflicting parties into the community.

How is the intervention expected to work

The interventions are expected to function through distinct pathways. The ICC's intervention in Kenya aims to achieve justice and deter violence via direct mechanisms like prosecutions and outreach to educate the public and garner support. Indirectly, its 'shadow' or threat of prosecution is anticipated to influence domestic legal and political reforms, fostering accountability and preventing future abuses, operating under the principle of complementarity and aligning with the Justice Cascade Theory (Block, 2014)

In contrast, the intervention of international human rights treaties in Indonesia relies on ratification by the state to provide a legal basis for activists. This is expected to trigger the creation of domestic laws, institutions, and policies, leading to practical changes in human

rights practices. The effectiveness of this process hinges on pressure from activists and the state's interests and capacity to implement the treaty provisions into tangible action. The specific interventions employed depend on the context of the conflict, the nature of the parties involved, and the skills and resources of the mediators (Prasetyo, 2009).

The evidence base

There are two qualitative studies assessing the effect of **Human Security Law & International Criminal Court (ICC) or Regional Equivalents on Access to Justice, Rights and Public Services**. The included studies are by H Prasetyo (2009). The power (less) of ratification: Holding the state responsible for human rights respect in Indonesia; and NM Block (2014). *The ICC and the Situation in Kenya: Impact and Analysis of the Kenyatta and Ruto/Sang Trials* (Doctoral dissertation). All references are from these studies.

The evidence

- 1) Both the ICC in Kenya and human rights treaties in Indonesia aimed to improve access to justice, the former through direct prosecution and judicial reform, the latter through legal frameworks and institutions. However, both faced significant obstacles: the ICC struggled with government non-cooperation and victim attrition, while Indonesia's reforms were undermined by political and military influence, leading to limited accountability in both contexts.
- 2) The ICC in Kenya is linked to a reduction in large-scale violence and some legal rights advancements, though with limitations and potential negative precedents. In Indonesia, while treaties led to rights awareness and some legal reforms, their practical implementation against state abuses remained weak.
- 3) The ICC in Kenya engaged in public outreach and victim assistance programs with limited success. In Indonesia, treaty implementation led to some institutional development, with a potential indirect link to public service resources through international aid conditioned on human rights. There is also a focus on a community-based mediation approach that addresses the fundamental drivers of conflict and cultivates trust in respected local figures like religious leaders and family heads through training. However, the effectiveness of this approach hinges on the mediators' perceived legitimacy and authority.

Confidence assessment

Overall confidence: Low Confidence Qualitative Study (It is unclear whether the study uses an established small n approach; procedural steps for data analysis are not clearly defined; the sample/case selection strategy is neither explained nor justified; no triangulation done; sources of potential data bias are not discussed)