A practical approach to people-centred justice: Using data and evidence to deliver justice services

Outcome Report of the virtual TED RoL Clinic, 24 October 2024

Overview

The TED Working Group 1.1 "Rule of Law and Access to Justice" has identified as one of its goals for the period 2024-2025, "enhancing understanding on people-centred justice (PCJ) and its application in programming." In taking forward this goal, the TED network organised a clinic on PCJ in RoL programming that was co-convened by The Hague Institute for Innovation of Law (HiiL) and World Justice Project (WJP). With the OECD Recommendation on Access to Justice and PCJ as a starting point, the co-convenors shared insights on how data and evidence can drive the diagnosis, design, delivery and iteration of RoL programmes in national contexts. The participants discussed how a data driven diagnosis of justice needs may be conducted and how evidence based PCJ solutions can be designed and scaled.

Key Takeaways

- One important element of a PCJ culture is looking at **justice as a public service** – one that needs to deliver results that can be measured.
- Legal needs surveys play an important role as they broaden the view beyond the formal justice systems. Often, a **translation is needed between the legal needs surveys to policy development**, and designing and implementing effective justice services.
- Data-driven and evidence-based decision-making is important in ensuring a clear and actionable approach to the diagnosis of the problem, design of the programmes, and their delivery. Data in this sense should not only focus on the institutions involved or on case progression, but should take into account people's needs along with their perception of and experience with the justice system. Often, **justice innovations are based on perceptions with no grounding on reality.**
- Two key challenges in this sense are **scaling and sustainability**. Most justice innovations only last one year, and if they last beyond that initial year, they cannot be broadened beyond the initial context. Addressing these challenges will require donors to provide **more flexible funding** (for example, for innovation labs/programmes without clear outcome at the start), an approach already being applied in other areas, such as the private sector.
- **National buy-in** is important for the sustainability of projects. This will involve national justice sector actors being engaged right from the diagnosis stage. Experience has shown that doing so creates the impetus for them to take on follow-up programming, or indeed to take on other problems identified at their own initiative. Nevertheless, at the moment, there are very few examples of such analyses being done by national representatives on a regular basis.
- **Data alone doesn't drive change**, and PCJ isn't only about collecting data on people's needs: Data needs to be activated by leaders in/and institutions to make an impact. Effective PCJ requires examining and engaging with institutions and actors within the national justice systems.
- The Team Europe approach will be critical in translating the evidence gathered into actionable policy recommendations.

The full summary of the clinic and further links can be found in the annex below. This session was attended by approximately 70 participants.

Annex: Full minutes

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1. **Opening remarks** by Valentijn Wortelboer Senior Policy Officer in the Rule of Law and Peacebuilding, Netherlands MFA (co-chair WG1):

- The TED RoL Clinics series represent a key milestone for the working group, as we are moving from conceptual discussions to identifying concrete, operational strategies on how to implement PCJ in our programming efforts.
- Our collective ambition is to design, implement, and see more coherent and impactful Rule of Law programs in the countries where we work. Today's clinic is an important step in that journey, bringing PCJ principles into the heart of European Rule of Law programmes.

Opening remarks by Sam Muller, CEO, HiiL

- We need to consider three important aspects: First, the cry for Justice is louder than ever; second, leaders and justice professionals are now more open to change than ever before; and third, we know better than ever what to do - applying the PCJ approach.
- The development of PCJ has been part of a long process dating back to 2015/16. Several organisations have started to include it in their outcome documents (Commonwealth, UN, USAID). The OECD has captured it in a recommendation that was adopted by the EU. Now is the time to make PCJ a reality.
- We have a gap in data - we need to transform to an evidence-based way of working.
- A key challenge to this data-driven PCJ approach is how to scale it and sustainability in keeping it going. This is coming at a time when ODA is being cut. Thankfully, justice is relatively cheap when compared with other routes of assistance, such as health. When done right, PCJ can ensure you can get a lot for a little bit of investment.
- Why should we apply data-driven PCJ? There is clear evidence that it is good for stability, the economy, and well-being of the community at large.

2. The OECD Council Recommendation on Access to Justice and People-Centred Systems - Maaike De Langen, OECD Senior Advisor

The idea of PCJ for ensuring effective justice resolutions for all emerged out of the discussions around SDG 16. RoL can be viewed in a number of ways: first, RoL as a critical concept will hold it, not just a set of rules and institutions in a static sense, but rather a promise upon which the entire systems are built. It is thus important to deliver justice to deliver on this promise. **RoL can also be seen as a public service.**

In the recommendation, PCJ is centred around **5 pillars**.

- Pillar 1: "Establishing a people-centred purpose and culture in the justice system"

  Setting shared goals. E.g. in Canada, where the government set clear goals and roles for justice actors.

- Pillar 2: "Designing and delivering people-centred legal and justice services"

  Creating a continuum of services that are tailored to the people they are meant to reach. E.g.: Argentina developed a whole network of A2J centres that really focused on delivering services that matched people where they are and met their needs.

- Pillar 3: "Establishing a governance infrastructure that enables people-centred justice"

  Requires clear understanding of the role of the central government agency, often the Ministry of Justice, for instance by creating a dedicated A2J secretariat. E.g. in Sierra Leone, which set up such within the MoJ that then worked with other entities.

- Pillar 4: "Empowering people to make the people-centred transformation happen"

  Involves empowering people. For instance, The Netherlands has a legal services counter that provides legal services and advice to people.

- Pillar 5: "Committing to participatory and evidence-based planning, monitoring and evaluation"

  Data-driven and evidence-based actions. In the US, court services used data to analyse case load, ID bottlenecks and develop solutions.

The OECD has developed a number of tools to assist in the application of these pillars, including: legal/justice needs surveys; diagnosis of the justice sector, PCJ scan as well as country-specific implementation support. The OECD is also working on developing a toolkit to monitor the implementation of PCJ.

The OECD works with member countries, accession countries and partner countries.

3. A Practical Approach to PCJ Programming: Diagnosis, Design and Delivery - Zainab Malik, HiiL

There is a positive momentum among MoJs, the security sector and judiciaries to innovate. A lot of solutions have been identified, but **there is a problem of scaling**. We have to ask: Why do most justice innovations last only one year and, if longer, cannot be scaled?

The reasons why are twofold:

- Bad problem diagnosis - programmes are designed based on urban myths. E.g. the law is too complicated, the high cost of lawyers (justice can involve other actors).
- A hostile, non-enabling environment for scaling - legal, social and policy frameworks don't allow for PCJ.

HiiL proposes a clear and actionable approach for PCJ programming:

- **Diagnosis** of the problem, through justice needs and satisfaction surveys (JNSs) combined with qualitative surveys; vision workshops and outcome monitoring frameworks;
- **Design** of the programme, evidence-based guidelines for justice providers, or justice services developed in justice innovation labs, supported by an enabling environment to ensure sector-wide implementation; and
- Programme **delivery**, initially through pilot programmes that include capacity development on scaling.

This methodology was implemented in Ethiopia's PCJ journey, where Community Justice Centres were designed to scale up the customary court system already established in Oromia region.

Going forward, it will be important to invest in rapid and flexible financing for diagnosis, as well as sustainable financing for scaling. Investment should also include efforts to create an enabling environment. Finally, investment in diagnosis should not focus on the institutions per se, but rather on the needs, experiences and empowerment of individuals and communities.

4. A Strong and Responsive Data Ecosystem to Support People-Centred Justice Policies and Programs - *Alejandro Ponce, World Justice Project*

What do we mean when we look at data and evidence? Strengths and weaknesses of the different data sources? And how can we better use them?

PCJ requires three types of data:

- **Legal need/no action** - A legal need could lead to no action or action. The outcome of the action will have an impact on the individual. The OECD developed a model for legal needs surveys that WJP applies. These can be adapted to particular contexts.
- **Action** (services) - captures the 'flow of cases' and actions to strengthen justice data ecosystems. These focus on appropriate indicators, use existing data collection mechanisms, including leveraging technology, e.g. AI, and encourage collaboration.
- **Action / outcomes** - captures the perceptions and experiences with the system.

5. Discussion session

- In one country, justice delivery can vary according to the personalities of those in charge (being active and engaged or not*). What do you do in countries where you have such disparities in justice delivery?*
- It's quite common to have disparities based on personalities, similar situations exist across the world. A key thing to remember is that you are never going to remove such people, **but if you monitor outcomes, the country can act.** Particularly when the culture as outlined in the

OECD recommendations are implemented. For instance, court use surveys can become part of the regular assessment of judges.

- The justice workforce is also made up of people. This is why the PCJ approach is so important because it asks the leaders to consider **how they as the justice sector can provide services to the public.**

- Different kinds of data collection/survey were mentioned. They all require investment. Examples given on legal needs analysis show that they were either done by OECD or HiiL. *Do you have country examples where these analyses were done by the country representatives themselves on a regular basis, and then utilised?*

- There are some countries in which the information has been collected, in many cases in collaboration with the government. In some other cases the government is already collecting the information. However, there are not many examples of these.

- Some countries on Global SDG indicator 16.3.3: "Proportion of the population who have experienced a dispute in the past two years and who accessed a formal or informal dispute resolution mechanism, by type of mechanism."

- Some countries have conducted exercises, with variances in who is in the driving seat. E.g. MoJ either alone or together with statistical services, as was the case in Argentina and Colombia.

- One challenge is that, because they are not institutional, the projects / surveys are conducted on an ad hoc basis. So, a change of government can lead to a loss of data.

- Another challenge is that a lot of country's data focus is on cases (case numbers) regardless of outcomes / experiences of people

- Additionally, there is the issue of the **translation needed between the legal needs surveys to policy development.** Many lawyers working within the system see the justice system as functioning, since they only look at their own part of the picture. The legal needs survey plays an important role as it broadens the view beyond the formal justice systems.

Suggestions:

- That's why it is important to push for Justice and Needs surveys to be part of social surveys so this can be more regularly conducted on an institutional basis.

- Data collection should become part of national justice delivery assessments.

- OECD project is looking for complementary/ more tailored or strengthened surveys. We want to develop a combined analysis which can be helpful if the system is willing to make use of that data.

6. **Breakout group A: Leveraging Data to design people-centred services –** Martin Gramatikov, HiiL

The presentation focused on the Justice Needs and Satisfaction Survey in Kenya, undertaken by HiiL together with the Judiciary Kenya and the World Bank. The timeline was 10 months for a cost of €320K. Over 6000 Kenyan women and men were randomly selected, qualitative interviews were held with key stakeholders.

Problem analysis: If there are 7 Mio. serious problems every year, but only 400.000 court cases, there is a blind spot in the justice system. What is happening in the streets and what is happening in the institutions is different. There is a big justice gap: More than half of the problems don't receive fair solutions. Many people can't afford legal services. Most cases end with semi- or informal justice solutions, e.g. chiefs, family and friends.

Points of Discussion - What has worked?

- The data needs to start generating appetite for developing, designing and delivering solutions where people and business are at the centre. You need to make the data "continue living", e.g. integrate figures in policy/strategy papers of the judiciary and government (e.g. National Council on the Administration of Justice in Kenya, National Strategic Plan 2021-2026). Data shouldn't remain abstract, it should be brought into action.
- HQ perspective on making Justice more people-centered: Look at both angles prosecution and defense; and bring in different actors (e.g. delegation with civil society); sometimes people are resilient to reform, so you have to not only look at classical actors; other should have same access to training, knowledge and data

7. **Breakout group B: Leveraging Data to design people-centred services -** Zainab Malik and Ijeoma Nwafor, HiiL

The aim with this breakout session is to look at how you move from analysis to design to implementation. HiiL has been working with MoJs and AGs in Imo, Ogun and Kaduna states in Nigeria. This presentation focuses on the civil transformation lab in Ogun State. Data from the lab showed an interest in focusing on land and addressing domestic violence (DV) problems specifically. The needs of survivors of DV in this context (economic independence, healthy change of relationship with perpetrator, and acknowledgment by the community of the harm caused by DV) were not currently being met by the justice system. From the justice lab, the *Ibi Isadi* model was developed. It was made available at the primary healthcare centers, which was often the first port of call by DV sufferers.

What has worked?

- Stakeholder buy-in and ownership. Their commitment during the delivery phase was evident;
- Everything is negotiable - so much was involved: culture, tradition, professional backgrounds. But still, people can come to agreement.
- People are as thirsty as the stakeholders are hungry for improved justice delivery systems.
- **Government is willing to fund justice if carried along from the beginning** (Imo and Ogun states with N400m and N60m, respectively, set aside from state budgets).

What needs to be worked on?

- Pilots need to be an integral part of the endgame.
- Linking tech with real needs of the people.
- **Scaling should be part of the design from the beginning** - this includes counterpart funding models from the country. **Get the commitment from the country as early as possibl**e.

- Media / public dissemination is a necessary part of the delivery plan as it increases people's awareness of the product being worked on for them
- **Sustainability should be part of the exit plan** - during the assessment stage, find out what is happening and how this fits in with your goals.

Way forward

- Don't hesitate to address funding partnerships from the beginning of the design process

Points of Discussion

How long does the process take and the resources needed? (average as it might vary per country)

- JNS - 200-350k budget in 1 year. Moving to innovation lab - same budget, about 4 months.

Donors need to have the appetite for a project with no clear outcome at the start. What percentage of the overall budget is needed for such an initiative?

- This is a constant struggle. But we have found that the cost of the pilot (to test the solution designed as part of the lab) should be built into the cost of the innovation lab. We see now that the budget should be evenly split between the two and not only on the innovation lab itself.
- We provide some level of structure at the outset to show that the conversation is built on data. We ensure participants know that the ideas are financially viable, scalable, and sustainable.

8. Final Plenary

Feedback from Group 1

- There are some parts of the legal system that are at the vanguard of change. You can bring a huge amount of data, but we need to win the hearts and minds of the leaders to incorporate these benchmarks into review processes, etc.
- People-centred justice shouldn't be just about people needs, but also about bringing institutions along.
- Another conversation is needed to hear from people in the field, so as to their insights on who might be facilitators of PCJ going forward. As an example, the Kenyan Chief Justice CJ is a career judge but was also part of civil society. This made her more amenable to PCJ. Of course, the progressive 2010 constitution was another important factor.

Feedback from Group 2:

- Donors need to have the appetite for a project with no clear outcome at the start.
- Problem-driven project design is also being discussed in other thematic areas: We are taking legal design models from the private sector and transferring them to the A2J base.
- Ownership and government buy-in may depend on the kind of problem identified, but the trick is keeping constituencies in the room from the beginning. Sometimes, they even leave the innovation labs with ideas on how to solve some of the issues raised on their own.

9. Closing remarks – by Jonathan Van Meerbeeck, Head of Sector Democratic Governance, DG INTPA

- Relevance of the topic, as the 2024 WJP Rule of Law Index was launched the day before.
- Much progress has been made in our thinking on PCJ in the past years. Our discussions have reaffirmed the importance of data and evidence in understanding justice needs and shaping programs that address real-world challenges effectively.
- We need to leverage the OECD framework as the foundation for our work and invest in the production and availability of data to develop and implement innovative, evidence-based models for justice delivery.
- The fact that the EU officially adopted the OECD recommendation on Access to Justice and PCJ marks a significant milestone in aligning our justice initiatives across member states with this approach.
- Thank you to HiiL and WJP, as well as OECD for such an enriching session.
- The next RoL clinic is taking place on 26 November 2024 and will focus on Customary, Informal and Community Justice.

10. Further Links

OECD Legal Instrument: Recommendation on Access to Justice and People-Centred Justice Systems (OECD/LEGAL/0498)

OECD Framework and Good Practice Principles for People-Centred Justice

HiiL Justice Needs and Satisfaction Surveys (JNS) Data by country: https://dashboard.hiil.org/data-by-country/

Examples

- Justice Needs and Satisfaction in Nigeria (2023 & 2024)
- Justice Needs and Satisfaction Survey in Ethiopia
- Justice Needs and Satisfaction Survey in Uganda
- Justice Needs and Satisfaction Survey in Tunisia (2017 & 2023)

Justice Innovation Labs (JIL)

Policy Brief: Delivering People-Centred Justice Rigorously

HiiL Trend Report: Delivering Justice Rigorously: A Guide to People-Centred Justice Programming

HiiL Trend Report: Charging For Justice

HiiL: Ethiopia's Journey to People-centred Justice

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