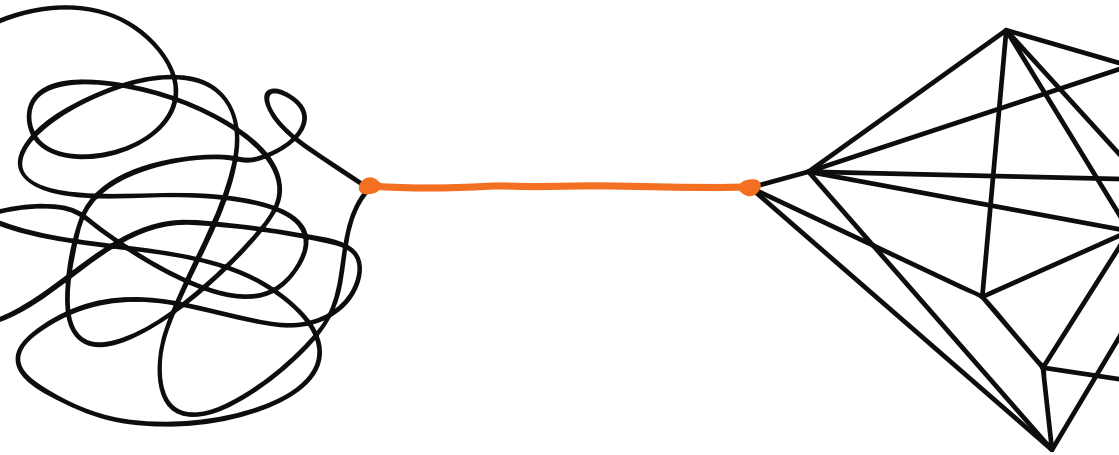


UNDERSTANDING JUSTICE NEEDS

The Elephant in the Courtroom

SUMMARY



SUMMARY: BRINGING JUSTICE HOME AT SCALE

We take stock of how people get access to justice

“Ensure equal access to justice for all.” That simple phrase became a global ambition when it was set out in the United Nations’ Sustainable Development Goals. In this report, we describe progress on that global challenge, building on data collected by the World Justice Project and from a range of other sources. HiIL interviewed 70,000 people in 12 countries. In their homes and at their kitchen tables, they told our interviewers how they cope with their legal problems.

Assisting those who take the lead in delivering justice

We also share experiences from our work with those who take the lead: innovators, judges, lawyers and managers in charge of courts and ministries. Our mission is to assist them to deliver “user-friendly justice”.

Each year, one billion people need basic justice care

In Chapter 1, we estimate the immediate need for justice from the data we collected. Every year, 100s of millions struggle to find fair solutions for their land problems or for issues at work. Families need help when disrupted by separation, violence or an accident. Neighbour conflicts, consumer problems and conflicts with authorities are frequent as well, an estimated one billion in total. One half of legal problems have a strong negative impact on people's lives.

Justice workers struggle to deliver fair solutions

Chapter 2 describes how solutions are delivered. An army of legal helpers in communities brings relief. Judges at court speak of fairness. Still, the big picture is that only one third of people in distress succeed in obtaining a complete or partial solution. If they get relief, it takes a long time. The process of getting a fair solution is experienced as mediocre. Judges, lawyers and prosecutors are overburdened. The way they work is seen as outdated.

Courts under strain and citizens losing faith in justice

Courts and legal systems are clearly under strain. We list 9 signals of the stress they are under. Increasing capacity does not seem to work. This situation is risky. Citizens, justice workers and society at large need to be able to rely on the rule of law, including the effective delivery of justice.

People need protection, understanding and agreement

We then focus on what works. If people get a solution, what does it look like? Where do they go and what are they asking for? What is most effective? Chapter 3 reveals that most justice is rendered by understandings, reaching agreement, guided by trusted third parties and courts. People living in fear or distress are protected by their friends, family, neighbours and police who stop the escalation.

Assembly lines aimed at verdicts

Most effort and money in legal systems is spent on evaluating people's behaviour against norms and establishing sanctions. This leads to processes based on accusations and defences, claims and counterclaims. The assembly lines of legal systems aim at verdicts. Settlement and fair solutions for the problems are a by-product of litigation. Few solutions are produced by the litigation process. Only 5-6% of problems that people experience is solved by judgments of courts.

Three innovation trends support journeys to just, cooperative solutions

In chapter 4, we describe the many innovations that are taking off. As can be expected, the trends are in the direction of what works. Instead of being informed about laws and rights, people in a conflict now increasingly get information about fair solutions and how to achieve them. Secondly, the role of a lawyer is transformed by a range of helpers, who reach out to the other party, often using mediation skills. Thirdly, judges reinvent themselves as problem-solvers, mobilizing the parties and the community to find fair solutions. Guardians of fair solutions, rather than issuers of verdicts.

Three more trends provide scale and quality

Most of these services now reach 100s or 1000s of people. The challenge is scaling up to assisting millions, and improving quality. Chapter 5 shows how evidence-based working can gradually replace the guild-like organization of legal services. Online supported platforms can deliver a smooth path from self-help, to mediated bridge-building and to interventions by judges. Websites now also deliver certified documents and agreements, a next and much better generation of wills, marriage contracts and smart employment agreements. Making relationships work, rather than waiting for them to fail. Apps expose and protect against violence or corruption.

A major transformation will bring relief

In order to let citizens benefit from these innovation trends, and to relieve justice workers from the strain of their daily work, a major transformation is needed. Courts and ministries of justice should reconsider their projects for digitizing litigation. A fundamental redesign of their work processes can enable justice workers to supply the high-quality understanding and agreement that clients are looking for. The classical roles of judges, prosecutors and lawyers, now defined by their place in litigation, will change. As will legal education. A welcoming climate for innovation is needed. Chapter 6 sketches how this transformation may look like.

Delivering justice at scale

In Chapter 7, we look at the numbers. There is a willingness to pay for solutions. The costs of delivering fair solutions have been estimated. Investors are looking for opportunities to deliver social impact. Start-ups are already delivering user-friendly documents by the millions. Cities can take up the challenge of guaranteeing basic justice care. One-stop-shop employment justice is being created. If donors would work with family justice courts worldwide, one major justice need can be met for millions of people.

Bold conversations bring justice home

The challenge is to make large-scale innovation happen, in legal systems designed for control and stability, under the strain of daily work. Bold conversations are needed. Disruption is inevitable. A growing number of governments and international organizations is now working on investments and partnerships to make this happen. A billion people a year with urgent legal needs could experience a just, peaceful, inclusive society.



MATERIALS:

- [The HiIL Justice Dashboard](#) allows you to browse key data: numbers per country, impact per problem, solution rates for women and for men, and much more.
- [Detailed reports on justice needs and solutions in 12 countries: Bangladesh, Kenya, Indonesia, Jordan, Lebanon, Mali, Netherlands, Nigeria, Tunisia, Uganda, Ukraine, Yemen and more following.](#)
- [Trend reports](#) by HiIL on trends in delivery of basic justice care, in rulemaking, at courts and in online dispute resolution.
- [10 investment proposals](#) to scale the delivery of justice.
- [Data collection methodology](#): explains the methodology for data collection and provides more background about the calculations in this report.
- [User stories](#) of people HiIL interviewed.

SEE FOLLOWING RESOURCES FOR INITIATIVES AND PARTNERSHIPS:

- [Pathfinders for Peaceful, Just and Inclusive Societies](#)
- [Task Force on Justice](#)
- [OECD efforts on Access to Justice](#)
- [ODI work on Access to Justice Global Fund](#)
- [World Justice Project Insights on Access to Justice](#)



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