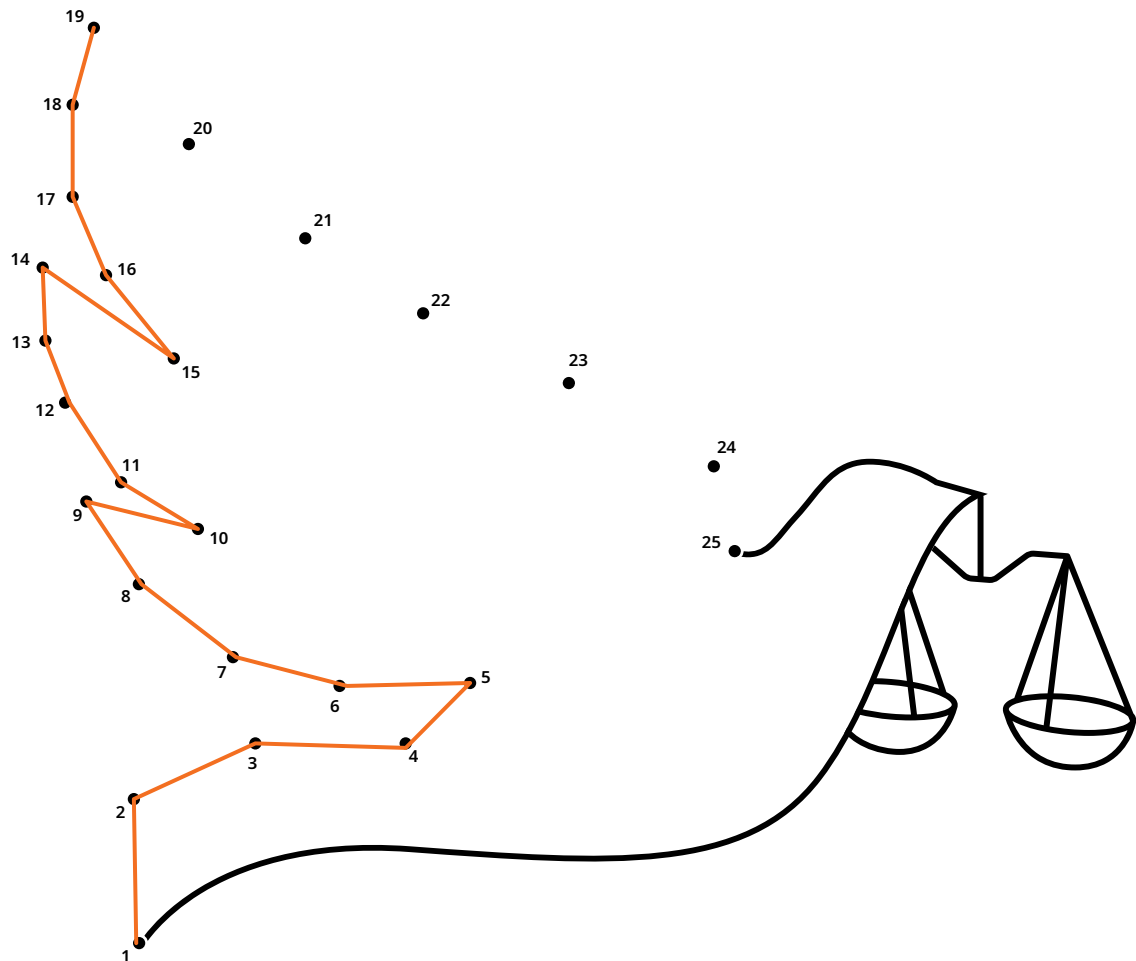


DELIVERING JUSTICE, RIGOROUSLY

A summary guide to people-centred justice programming





This report presents an evidence-based, people-centred approach to the delivery of justice. It aims to inform the work of a growing group of leaders who are responding systematically to the demand for fair, effective procedures that address populations' dispute resolution needs. It builds on the work of many scholars, practitioners and committees who laid out the case for a pivot towards people-centred justice, both at the national and international level.

The report shows how a mission-oriented approach, led by an interdisciplinary task force, can spark overdue progress in how societies organise their justice systems to prevent and resolve conflicts. It explores how people-centred justice can be programmed, based on rigorous R&D and innovation. For each type of dispute, evidence-based prevention and resolution processes can be developed, tested and implemented, building on best practices and a growing body of interdisciplinary research.

Strategies to implement such systems are emerging. Pressing justice problems are being categorised and data on their resolution collected. Innovative justice interventions are being trialled and rolled out. This will improve the service delivery models of courts, law firms and government agencies and help them, as well as new players, to resolve conflicts in game-changing ways. It will also help us tackle the increasingly urgent tasks of strengthening social cohesion, reducing inequality and rebuilding trust in institutions.

People need fair, effective and responsive procedures for resolving and preventing conflicts

The world's justice systems too often fall short in their duty to resolve conflicts. For individuals, families, businesses and communities, timely, affordable and responsive justice services are difficult to access. When adequate justice provision is unavailable, people turn away from the justice system and seek solutions elsewhere, often with negative impacts on peace and social cohesion.

Those responsible for justice systems also suffer from this ineffectiveness. Government officials face cumbersome procedures which allow those with power or money to prevail, opening the door to inequality and corruption and aggravating popular

discontent. An increasing number of judges, prosecutors, lawyers, police officers and social workers feel that formal procedures are inadequate, ineffective and costly. These professionals often resort to informal processes that are neither clearly defined nor effectively monitored.

Families, communities and the economy will benefit

The whole of society will benefit if formal and informal conflict resolution procedures in the justice system become more responsive to people's needs. Outcomes will be fairer and decisions taken by judges will more likely be accepted. Greater respect for the law will improve responses to criminal activities. Lawyers will be more effective in helping entrepreneurs to establish and manage businesses.

The economic case to invest in better and more sustainable conflict resolution processes is robust. Increases in conflict resolution rates lead to impressive macro-economic gains. They result in higher productivity, lower transaction costs, improved wellbeing and lower healthcare costs. At present, fewer than one-third of the most impactful justice problems are resolved fairly. Doubling or tripling this rate would allow for millions of improved relationships, higher levels of trust between people, and healthier lives.

Doing nothing, on the other hand, is a high-risk gamble that could jeopardise our way of life. In 2021, only two of the world's 25 most populous countries saw improvements in the World Justice Project's Rule of Law Index. In an increasingly polarised world where trust in institutions is weakening across the board, justice systems that allow conflicts to fester and intensify are a liability. If our societies are to reduce violence, tackle corruption, protect the environment, address inequality and repair broken social contracts, they will need revamped justice systems that respond effectively - and cost-effectively - to people's needs.

Current justice providers face major barriers when trying to meet demand

At present, politicians propose laws and procedures; judges decide cases by applying and interpreting the law; and lawyers assist their clients through settlement and litigation. Outside this formal system, people often help themselves and their fellow citizens via a variety of informal justice processes including mediation, advice services and complaints mechanisms. Local leaders experiment with participatory democracy. Municipalities try out new forms of decision making with regard to projects in their community. NGOs distribute information on people's rights and offer help to victims.

Building more effective conflict resolution systems is thus dependent on individuals attempting to introduce changes in a setting of broad constitutional checks and balances. There is no mechanism, however, to promote system-wide progress towards better outcomes. Stalemates between progressive groups and more cautious factions are common. Justice institutions, including ministries, judiciaries and associations of conflict resolution professionals, need better incentives, more trust in each other's motives and ways to share accountability for the performance of the overall conflict resolution system. Changemakers do not have the business models and structures that generate the necessary resources for the needed innovation. Initiatives may benefit small groups, but equal access to justice for all - the objective of Sustainable Development Goal 16 - remains a distant goal. Demand for effective conflict resolution and just outcomes is much greater than what current systems can incrementally deliver.

Larger-scale transformation will require a sound evidence base and a willingness to embrace innovation. Justice systems are slowly opening up to R&D, following the tracks of the healthcare sector where investment in research, evidence-based practice and sustainable financing has led to rapid gains in quality and almost universal coverage of basic services.

The justice sector urgently needs to test promising "justice treatments" and scale up the implementation of those that work. As we show in this report, conflict prevention and resolution can be supported by web-based applications, for example, and delivered by networks of community justice workers. Frontline judges and legal professionals have begun to design

simplified procedures such as tech-enabled one-stop shop dispute resolution procedures. Enlisting the mediation and conflict prevention skills of citizens is helping communities to resolve their own problems.

A dedicated task force should embrace this mission

A dedicated task force of justice leaders and experts is needed to ensure better outcomes. This report details how task forces can make a case to policy-makers for reform of justice systems (Chapter 1) and how they can mobilise resources to implement it (Chapter 2).

Successful task forces can benefit from mission-oriented approaches. The challenge of systematically promoting people-centred and evidence-based justice requires a government-led approach, similar to those that led to the development of technologies such as GPS and the internet. Task forces can scope out their work and set an agenda early. They can formulate indicators regarding the outcomes they want to achieve. They should develop the capacity to work in a multidisciplinary way and to engage diverse capabilities from outside the formal justice system. They need to be aware of how implementation happens and how to scale up effective interventions. And they must focus on the most pressing justice problems and on services that can be truly game-changing (Chapter 3).

Five strategic interventions for people-centred justice are needed

Chapters 4-8 of this report detail five strategic interventions that can guide such task forces. Each builds on international best practices. We discuss methods for justice data collection and for promoting evidence-based practice. And we make recommendations for scaling justice provision, improving the regulatory environment for legal services and expanding the movement for people-centred justice.

GRAND CHALLENGE

Peaceful, inclusive, safe and just society

MISSION

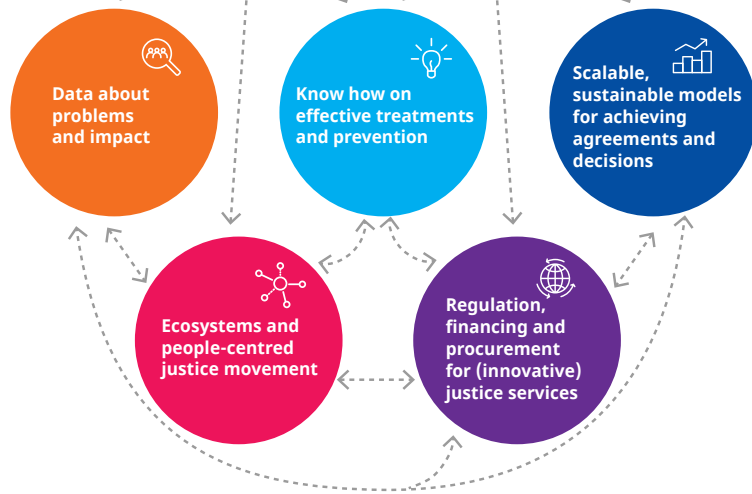
80% pressing conflicts of people, SMEs and in local governance are prevented or resolved through fair agreements or decisions

Outcomes that people can generally accept People are respected, heard and participate: procedural justice Timely, affordable services for all involved

AREAS OF INTEREST & CROSS-SECTOR

Effective courts, lawyers and informal justice Innovative justice services Justice professionals with autonomy Resilience and self-help in human relationships

RIGOROUS PEOPLE-CENTRED JUSTICE PROGRAMMING



Inspired by the mission-oriented innovation approach by Mariana Mazzucato

1. Data is a crucial starting point (Chapter 4). By regularly **monitoring the prevalence of justice problems and their impact on people and societies, the rate at which problems are resolved and the outcomes achieved**, governments can more effectively prioritise their efforts. Regular quantitative and qualitative surveys can help ensure continuous improvements in people's "justice journeys." Standardising approaches to monitoring the quality and reach of processes and outcomes is critical for systematic evaluation and comparison of interventions.

2. To increase the effectiveness of justice systems in preventing and resolving problems, task forces will need to **make a strong case for evidence-based practice** (Chapter 5). Resolution rates and prevention will improve if the treatments found to be most effective become known and are promoted. Linking evidence to practice will demand systematically defining outcomes for pressing justice problems and monitoring progress towards them.

Embracing evidence-based practice can ensure that the justice journey is optimised for different types of conflict. Task forces can develop guidelines for specific problems, and ensure their implementation through strategies including financial incentives and other rewards that are of proven effectiveness in promoting evidence-based working. Overcoming resistance from legal professionals will require careful persuasion efforts. Learning from other sectors, for example by testing interventions in randomised controlled trials, can help enhance the robustness of results and fortify the case for change.

3. The third challenge is **to make effective treatment of the most pressing justice problems available to all potential users** (Chapter 6). To reach the majority of the population, task forces can consider a number of service delivery models that have the potential to scale in an affordable and financially sustainable way. Standardised interventions with proven outcomes are more likely to appeal to users and governments and therefore to be financially sustainable. This in turn will provide a better business case for investment. But while standardisation can increase efficiency and reach, a balance must be found between delivering a one-size-fits-all service and respecting the differing needs of individual users who may be under great stress.

If they are to prove financially sustainable by reaching large numbers of users, justice services will need to be accompanied by concerted awareness-raising efforts. There is evidence that once people become aware of effective justice services, even those from low-income

communities are more willing to pay for them than policy-makers generally expect. Transitioning from reaching hundreds of users to many thousands will require a scaling plan and a leadership team with specialist scaling skills. Learning from other sectors can guide justice leaders in their efforts to reach the most marginalised.

4. **Innovation requires new types of regulation, budgeting and public-private partnerships** (Chapter 7). The licensing barriers for new justice interventions, processes and services are high and unsophisticated compared to regulation in other sectors. Incumbent providers of legal services can often block innovations that threaten their position. A task force should ensure independent regulation of legal services, dispute resolution procedures and legal education programmes, with the aim of allowing game-changing models and interventions to compete on a level playing field with existing offerings.

Procurement of useful innovations from the private sector also needs attention. Developing fruitful public-private partnerships will require task forces to be aware of and respond to often-polarised political sensitivities. Building coalitions for change in the service of more effective justice services will be important - and examples of successful cross-party coalitions are already emerging. Making the case for innovation quotas in budgets can help ensure consistent improvements in service provision over time.

5. The fifth strategic intervention is to **create and sustain a broad movement for people-centred justice** (Chapter 8). Task force leaders will benefit from collaborating with stakeholders from national planning agencies, national and local governments and civil society. Stakeholder dialogues will allow for exploring strategies and identifying opportunities at the same time as increasing trust between institutions.

Sustaining momentum will require continued proof of effectiveness. This will rely on regular data collection and transparent reporting of results. Task force members will need to hold justice services accountable for these results, with resolution rates and effective prevention of justice problems among the core measures of success. Engaging not only with policy-makers but also with the media and the public will be key to maintaining popular support for reforms and to keeping the pressure on practitioners to change.

Owning people-centred, inclusive and peaceful societies

The bottom line of this report is that societies need to find a way to take ownership of their systems for conflict resolution and prevention. The economic value of preventing and resolving conflicts is immense. Individual wellbeing and social cohesion are at stake.

We cannot sit back and expect that the current procedures and rule systems will respond to this demand. For reasons set out in this report, we see that the key players in the system itself - politicians, policy-makers, civil servants, judges, attorneys, journalists or village elders - are unable to do what is necessary, at least not at the scale and depth that is needed.

A dedicated, targeted, programming effort is needed to complement the good work of justice practitioners. In order to achieve the goal of peaceful inclusive societies, with equal access to justice for all (SDG 16), we should measure outcomes. Evidence about what works will help to prevent and solve many more conflicts in time. Promising justice services can reach far more people, anchoring public support and accountability. Incentive structures can be improved and better aligned with shared values. If conflict resolution thus becomes more effective, we are more likely to achieve almost everything that really matters.

METHODOLOGY AND PARTNERSHIPS

Hiil's mission is to ensure that the most pressing justice problems can be prevented or resolved at scale. This report is based on the belief that a task force can lead the efforts of a particular country or tackle a particular type of justice problem. In Chapters 1-3 it explains how such a task force could make the case for people-centred justice, be constituted, and set an agenda. Chapters 4-7 summarise Hiil's investigation into the R&D and innovation needed to achieve this mission. Chapter 8 explains why a broad movement is needed to make this happen.

The report is based on the insights, methods and tools that have been developed in the sector - including Hiil's contributions to this body of knowledge - and on experiences acquired during our work with justice leaders, courts of law and legal assistance organisations. A literature review was undertaken for each chapter. Our experience is based on work in Africa and the MENA region, and in Bangladesh, Indonesia, Ukraine, the United States of America, Canada and western Europe. The organisations Hiil works with help people who lack access to justice. Our experience has shown how legal assistance organisations have to cooperate in a structured way with law firms, courts, the police and government bodies to deliver more effective justice.

Our [Justice Needs and Satisfaction survey](#) has been undertaken in 19 countries. Unlike other legal needs survey methods, our method emphasises the

outcomes people achieve for their problems ([Hiil no date.-a](#)). Based on the survey data, literature and trends, we have investigated which types of processes, agreements and decisions are most likely to prevent or resolve justice problems ([Hiil 2018](#)). We have developed a series of tools to support evidence-based resolutions and the prevention of justice problems — including 15 [building blocks](#) for prevention/ resolution and a method for [guideline development](#) adapted from the health care sector based in which we developed [45 recommendations](#) for the top five justice problems ([Hiil n.d.-b](#); [Hiil n.d.-c](#); [Hiil n.d.-d](#)). At present, we are working with justice practitioners on templates to implement evidence-based practices and standards to monitor outcomes.

The [Accelerator unit for justice innovators](#) has allowed Hiil to stay close to the realities and experiences of more than one hundred justice startups over the past six years ([Hiil n.d.-e](#)). Why did they succeed or fail? What do they and their funders need? In the [Charging for justice](#) trend report, Hiil (2020) summarised the main barriers and enablers to delivering effective resolution for justice problems. Our coaching with startups identified [seven service delivery models or 'gamechangers' for justice services](#) with potential for scaling ([Hiil n.d.-f](#)). At present, we are investigating the [critical success factors](#) for these gamechangers and models to finance them sustainably through contributions from parties to conflicts, the community and taxpayers ([Hiil 2022d](#)).

Through our programmes, HiiL has found that the regulatory environment of courts and legal services makes evidence-based work and scalable and sustainable services difficult to operationalise. In its report, *Charging for Justice*, HiiL (2020) investigated how the financial and regulatory environment can be improved. In parallel, we also started to design step-by-step strategies to overcome such barriers.

These strategies benefit from intensive dialogue and project cooperation with colleagues and experts working on UN SDG 16.3, which promises “equal access to justice for all.” The OECD, Pathfinders for Justice, USAID and the Ministry of Foreign Affairs of the Netherlands are leading efforts to develop people-centred justice approaches (OECD 2021; Pathfinders 2019; USAID 2022; Government of Netherlands 2022). In countries where HiiL has organised stakeholder dialogues and innovation labs, chief justices, court leaders, NGO directors and ministers have shared their visions. Experts from the World Justice Project, IAALS, the American Bar Foundation, UNHCR, OGP, UNDP and the World Bank are interacting with a growing group of university researchers focusing on responsive, human-centred design and evaluating

innovative programmes (World Justice Project n.d.-a; Montague 2022; American Bar Association 2022; UNHCR 2018; UNDP and Australian Development Cooperation 2016; Open Government Partnership 2018).

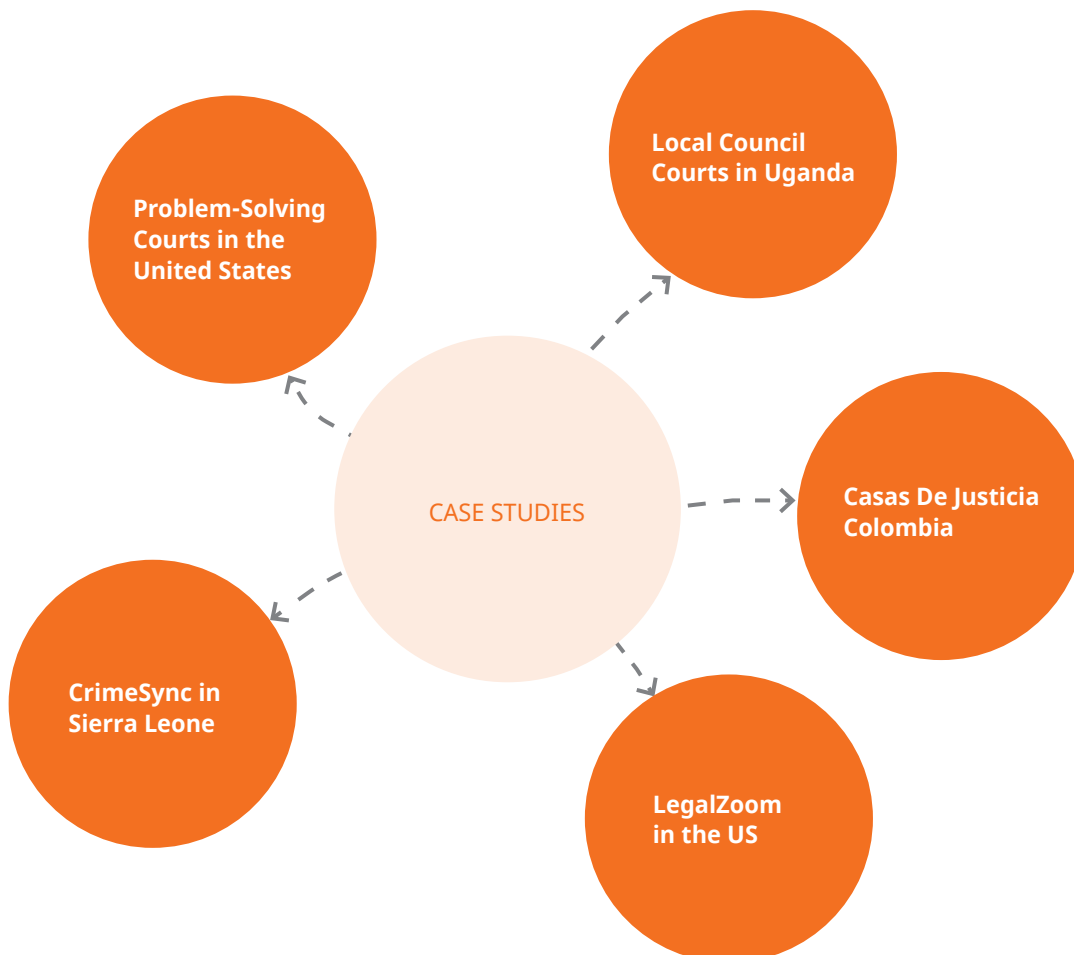
HiiL is based in The Hague, the international city of peace and justice, where many of these interactions take place and where the city government is supporting R&D and innovation to service the population more effectively.

To support this growing movement, HiiL has developed early prototypes to quantify the contribution of programmes to SDG 16.3, national GDP and people’s wellbeing. In several countries, we are interacting with national planning agencies and with the leaders of the justice sector to develop a national people-centred justice programme.

On 20 April 2022, a dialogue between justice leaders from Kenya, Netherlands, Nigeria, Tunisia, Uganda and the United States of America compared notes on people-centred justice programming. The benefits of and impediments to evidence-based work were discussed. The annex to the full report summarises this dialogue.



THE SUPPORTING CASE STUDIES CAN BE FOUND IN THE ANNEX OF THE FULL REPORT:



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Authors

Prof. Dr. Maurits Barendrecht
Programme Director the Netherlands

Isabella Banks
Justice Sector Advisor

Juan Carlos Botero
Justice Sector Advisor

Kanan Dhru
Justice Innovation Advisor

Manasi Nikam
Knowledge Management Officer

The report was designed by Paulina Kozłowska,
Visual Communications Designer at HiiL.

About HiiL

HiiL (The Hague Institute for Innovation of Law) is a social enterprise devoted to user-friendly justice. That means justice that is easy to access, easy to understand, and effective. We will ensure that by 2030, 150 million people will be able to prevent or resolve their most pressing justice problems. We do this by stimulating innovation and scaling what works best. We are friendly rebels focused on concrete improvements in the lives of people. Data and evidence are central in all that we do. HiiL is an equal opportunity, international employer. We are based in The Netherlands, in the City of Peace and Justice, The Hague.

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The Hague Institute for Innovation of Law
+31 70 762 0700
info@hiil.org
www.hiil.org