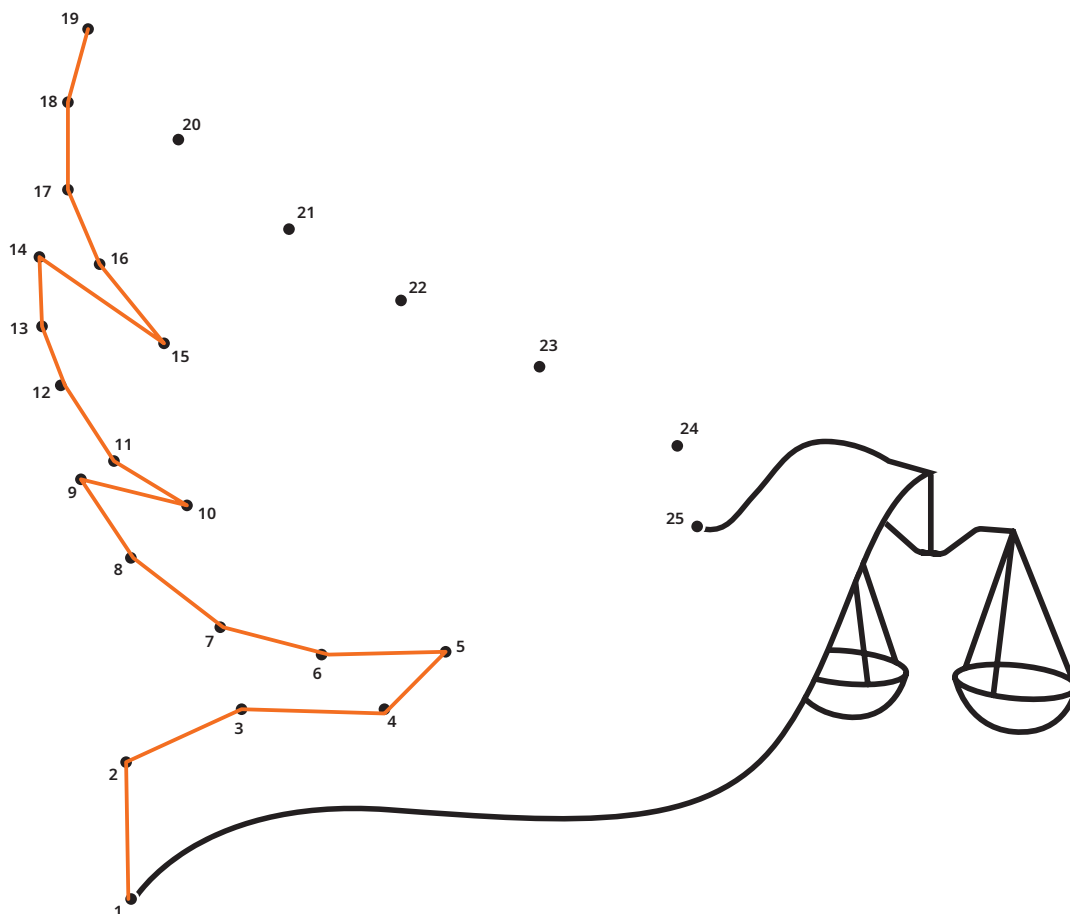


DELIVERING JUSTICE, RIGOROUSLY

A summary guide to people-centred justice programming



*This is the Executive Summary of a Hiil report that will be published in June 2022.
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Executive summary

This report presents an evidence-based, people-centred approach to the delivery of justice. We argue that rigorous R&D and innovation are needed to improve the resolution of conflicts that affect the environment in which people live, that interfere with their economic activities or that disrupt their personal lives. A mission-oriented approach, led by an interdisciplinary taskforce, can lead to long-awaited progress in how societies organise their justice system, which has a crucial role in preventing and resolving conflicts.

In this report, we explore the why, what and how to develop a justice system centred on people. The economic case for “what works” for people in justice is strong and can be quantified. Social cohesion will improve. People’s willingness to conform with laws and to trust in authorities is likely to grow. Therefore, people-centred justice innovation presents a major opportunity for national planners, governing coalitions and civil society organisations.

Strategies to implement such a system are emerging. Pressing justice problems are being categorised and data on resolution collected. 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. This will improve the service delivery models of courts, law firms, and government agencies to resolve conflicts in gamechanging ways. Such an enabling environment, similar to the one for the healthcare sector, would provide needed regulations, financing, and public-private partnerships.

HiiL’s investigations have revealed, however, that leaders in the justice system are unlikely to bring about the necessary change by themselves. A broad movement is required, one that is supported by national planning agencies, the high prioritisation of justice by national and local governments, and international cooperation towards making legal systems more responsive.

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

Every day, professionals in conflict resolution are helping people who are mired in disputes about land, family conflicts, or work or environmental issues. The majority of judges, prosecutors, lawyers, police, and social workers agree that current formal procedures are inadequate and costly. Indeed, these professionals are often obliged to resort to informal processes that are neither clear nor well organised. Yet if their work is to be effective, it is essential they be offered greater support and access to more sophisticated tools to resolve conflicts. This is particularly true for those who work for individuals and SMEs who lack reliable revenue streams. When adequate justice services are unavailable, people turn away from the justice system and look for solutions elsewhere. Usually to the detriment of society in general.

Government officials struggle with decisions on how best to use land or to allocate access to public services. Within communities, they must reconcile the needs of the people, the planet and the pursuit of profit by enterprises on the basis of a nation's laws. Too often, however, they face cumbersome procedures which allow those with power, money or extreme determination to prevail, thereby opening the doors to inequality and corruption.

Society, the environment, and the economy will benefit

The way forward is clear: if formal and informal dispute resolution procedures in the justice system are more responsive to people's needs, there is greater opportunity to ensure effective conflict resolution; outcomes will be fairer; and decisions taken by judges will more likely be accepted. There will be greater respect for the law, leading to improved responses to criminal activities. Lawyers will be more effective in helping entrepreneurs establish businesses, or when they engage with customers, suppliers and government agencies.

The economic case to invest in better and more sustainable conflict resolution processes is strong. Data confirm that the benefits of a coordinated approach far outweigh the costs. At present, "fair resolution rates" for the most impactful justice problems hover at 30%. Doubling or tripling this rate would allow for millions of improved relationships, greater social cohesion, higher levels of trust between people, and healthier lives. Violence, debts, loss of work, money and freedom, and enduring stress would all diminish.

Access to justice is more than helping individual people and their communities to live in peace. If the complexity of an increasingly rule-thick legal environment is managed more effectively, administrative burdens would be lessened and complex legal procedures would be less of a barrier to

progress. Renewable energy and building projects that would improve sustainable development could flourish. When justice is oriented towards fair, well-balanced outcomes acceptable to all, high-ranking officials are more willing to accept responsibility as they are less exposed to procedures that often serve as arbitrary attacks on their integrity.

Research indicates that increases in resolution rates would lead to impressive macro-economic gains through higher productivity, lower transaction costs, improved wellbeing, and significantly lower healthcare costs.

Doing nothing is a high-risk gamble and our way of living could even be at stake. In 2021, only two of the world's 25 most populous countries saw improvements in the World Justice Project Rule of Law Index. According to V-Dem, only 4% of countries are on track to improving democracy, demonstrating the need for credible pathways towards people-centred, inclusive, and well-functioning justice systems.

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 perspective that a task force can lead the efforts of a particular country or type of justice problem. It explains how such a task force could make the case, be constituted, and set an agenda (Chapters 1-3). 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 our contributions to this body of knowledge - and on experiences acquired during our work with justice leaders, courts of law, and legal help organisations. A literature review was undertaken for each chapter. Our experience is based on work in Africa and the MENA region, but also in Bangladesh, Indonesia, Ukraine, the United States, Canada, and western Europe, including the Netherlands. The organisations HiiL works with are close to those which help people who lack access to justice. Our experience has shown how legal help organisations interact with law firms, courts, the police, and government bodies to deliver a more effective justice.

Our Justice Needs and Satisfaction survey has been undertaken in 19 countries. Compared to other legal needs survey methods, our method emphasises the outcomes people achieve for their problems. Based on

the survey data, literature research, and trends, we have investigated which types of processes, agreements and decisions are most likely to prevent or resolve justice problems (see [Understanding Justice Needs](#)). We have developed a series of tools to support evidence-based resolutions and the prevention of justice problems (15 [building blocks](#) for prevention/resolution; a method for [guideline development](#) adapted from the health care sector; [45 recommendations](#) following this method for the top five justice problems). At present, we are working 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. Why did they succeed? Or fail? What do they and their funders need? In the [Charging for justice](#) trend report, HiiL summarised the main barriers and enablers to delivering effective resolution for justice problems. Our coaching with startups identified [seven service delivery models for justice services](#) with potential for scaling (gamechangers). At present, we are investigating the [critical success factors](#) for these gamechangers and models to finance these sustainably through contributions from parties to conflicts, the community, and taxpayers.

Through our programmes, HiiL has found that the regulatory environment of courts and legal services makes evidence-based work and scalable/sustainable services difficult to achieve. In its report, [Charging for justice](#), HiiL 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.

This strategy benefits from intensive dialogue and project cooperation with colleagues and experts working on UN SDG 16. The [OECD](#), [Pathfinders for Justice](#), USAID, and the Ministry of Foreign Affairs of the Netherlands are leading the efforts to develop people-centred justice approaches. In countries where HiiL has organised stakeholder dialogues and innovation labs, chief justices, court leaders, NGO directors, and ministers shared their visions. Experts from the [World Justice Project](#), [IAALS](#), the [American Bar Foundation](#), UNHCR, [OGP](#), UNDP, and the World Bank interact with a growing group of university researchers focusing on responsive, human-centred design and evaluating innovative programmes.

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 urging R&D and innovation to effectively service the population.

To support this growing movement, HiIL developed early prototypes to quantify the contribution of programmes to SDG 16.3, national GDP, and 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 compared notes on people-centred justice programming. The benefits of and the impediments to evidence-based work were discussed. The annex to this report summarises this dialogue.

Systematic R&D and innovation should complement incremental change

How can this be achieved? In a world of discord and polarisation, justice leaders and experts increasingly doubt whether peaceful and sustainable development with equal access to justice for all (SDG 16) will evolve from the legal systems as they currently exist. At present, politicians propose laws and procedures. Judges decide cases by applying and interpreting the law. Lawyers assist their clients through settlement and litigation. People often help themselves and their fellow citizens in a variety of informal justice processes, that are sometimes half-formalised as mediation or ombuds procedures. Local leaders experiment with participatory democracy or new forms of decision making on major building projects in their community. Small NGOs distribute information on people's rights and offer to help victims.

Progress in governance and effective conflict resolution systems is thus dependent on individuals trying to introduce changes. Although they do this in a setting of broad constitutional checks and balances, there is not a mechanism to ensure systematic progress towards better outcomes via more effective processes. Initiatives may benefit small groups, but equal access to justice for all remains a distant goal. **Overall demand for effective conflict resolution and just outcomes is much bigger than what current systems can incrementally deliver.**

Rigorous R&D – from testing promising “justice treatments” to large-scale implementation – is thus very much needed and beginning to happen.

Justice systems are slowly opening up to innovation, following in 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 100% coverage of basic services. The justice sector needs to systematically enhance self-help, use the mediation skills of citizens and upgrade neutral decision-making processes by courts and governments. Conflict resolution can be supported by web-based applications and delivered by networks of community justice workers. Frontline judges and legal professionals are starting to design simplified procedures, such as tech-enabled one-stop shop dispute resolution procedures.

A dedicated task force is needed

A dedicated task force of justice leaders and experts can ensure better outcomes via better procedures. This report details how task forces can make a case for reform (Chapter 1) and how to mobilise resources (Chapter 2). The capacity to work in a multidisciplinary way needs to be developed and diverse capabilities from outside needs to be encouraged and reconciled with the operational culture within the broader justice ecosystem. This will lead to legitimacy.

Successful task forces can benefit from mission-oriented approaches, such as those developed by the economist Mariana Mazzucato. The challenge to systematically enable people-centred and evidence-based access to justice needs a government-led approach similar to the ones that led to the development of major “technologies” such as the GPS or the internet. Task forces scope their work and set an agenda early. They formulate indicators regarding outcomes for people they want to achieve. They are fully aware of how implementation happens. They focus on the most pressing justice problems and services that can be truly gamechanging by enabling a level playing field for innovative justice services (Chapter 3).

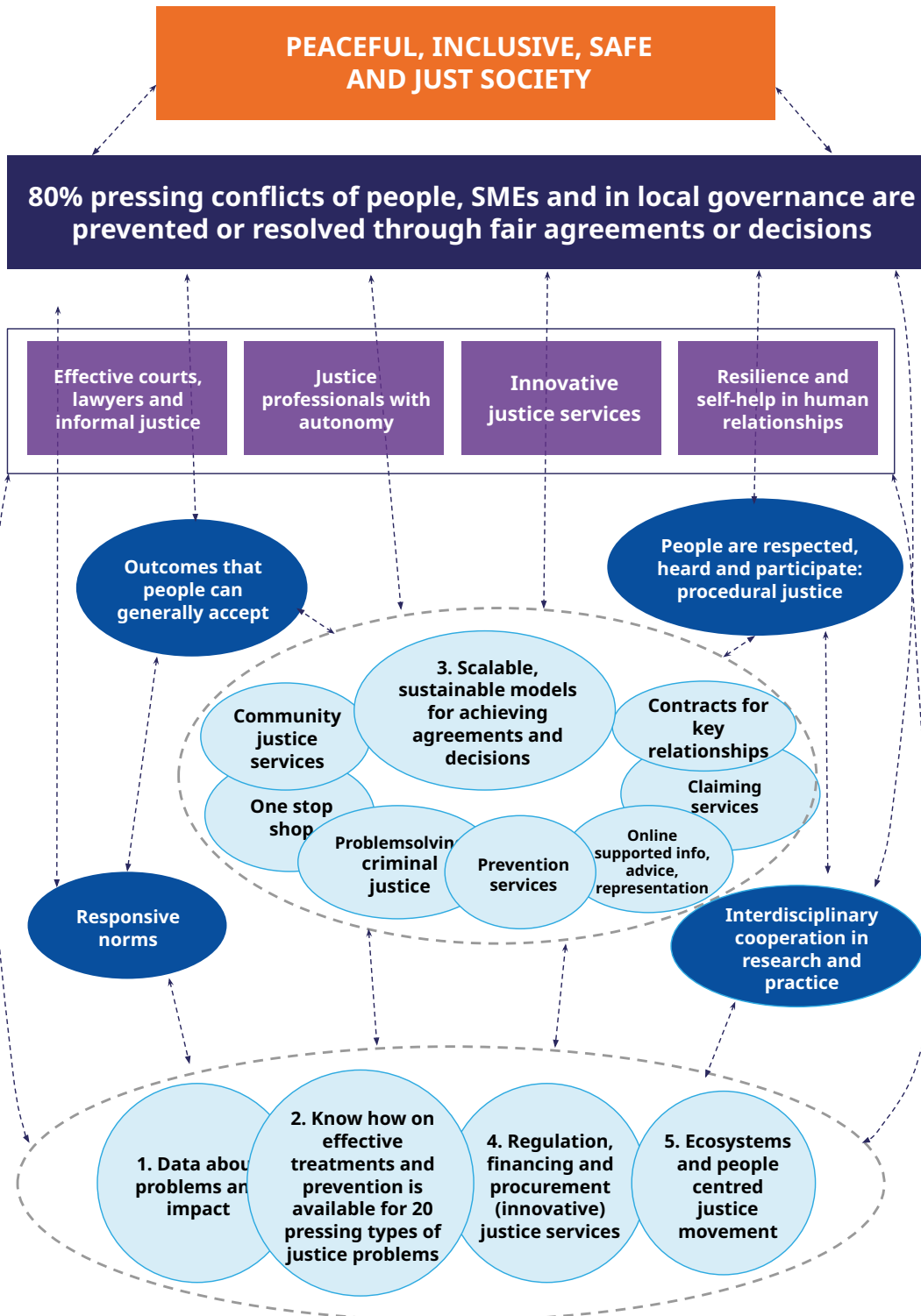
Five strategic interventions for people-centred justice

This report details five strategic interventions that can guide task forces. Each builds on international best practices. This report integrates methods for justice data collection and dispute system design. Innovation of delivery models for justice services, the regulation of legal services, and the reform of legal procedures are also given attention.

Each of these topics is an emerging academic discipline, loosely embedded in the social sciences and law faculties; they are led by small groups of experts in academia and justice institutions. However, rigorous people-centred justice programming requires these disciplines to be connected. The report

demonstrates the state of the art of this people-centred justice “technology” and identifies several missing links.

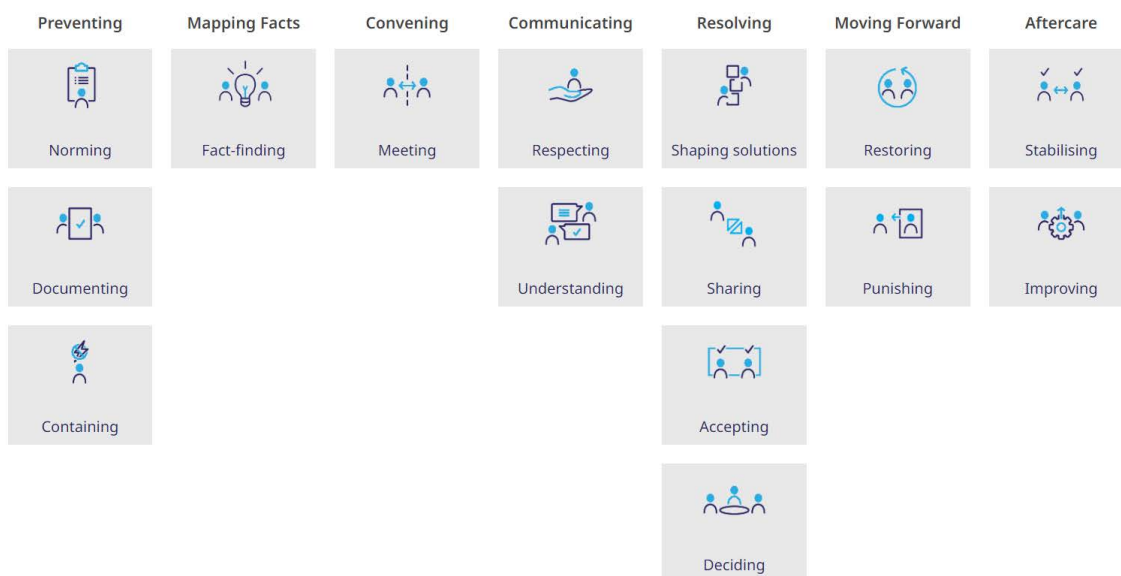
Each strategy outlined in this report is needed. Although collecting data is not enough, it is necessary for introducing evidence-based practices that will allow justice services to be effective on a wide-scale. Creating an enabling (regulatory) environment needs incentives and a movement calling for change.



1. Data is a crucial starting point (Chapter 4). By regularly **monitoring justice problems and their impact, resolution rate, and outcomes achieved**, governments can prioritise their efforts. Surveys can ensure continuous improvements at the country-level. Monitoring outcomes by the suppliers of justice services and users of the justice systems should allow to follow progress towards these outcomes, rather than towards a particular judgement in a particular procedure.

2. **Upgrading resolution processes and prevention measures for the most pressing justice problems**, including land grabs, domestic violence, or conflicts that involve economic activities (Chapter 5). Resolution rates and prevention can be improved by standardising the most effective treatments. Generally people can cope with conflicts in a constructive way via a step-by-step process of informing the parties, letting them meet and interact, mediating a fair, effective and sustainable agreement and providing decisions about particular remedies, as well as ensuring compliance. They improve relationships by norming, documenting rights and containing violence or conflict.

HiiL has developed 15 building blocks for prevention and dispute resolution systems. These groups of interventions can help to unpack legal advice, mediation, informal justice and court adjudication in concrete treatment tasks performed by disputants and those that guide them.



For each type of justice problem, a step-by-step justice journey can be designed. Embracing evidence-based practice can ensure that the justice journey is optimised for neighbour conflicts and for separation issues, and even for mass atrocities. Specialisation is crucial here because each type of justice problem comes with different issues that need to be resolved and specific interventions, as well as general procedural justice needs. Crucially,

people seeking justice do not work from the substantive norms that need to be applied, but from the problem they experience and the particular criteria that are helpful in reaching a solution that works for them. “Sharing” the burdens of injustice takes place using formulas and other objective criteria for allocating compensation, contributions, debts or assets.

Task forces will increasingly be the guardians of a significant transition in how conflicts are resolved and justice delivered. During the 20th century, the main path to justice was adversarial. The media exposed breaches of laws, prosecutors indicted, and lawyers made claims. Two parties presented facts, argued their case, and turned to courts to decide on sanctions.

However, the processes that work for individuals and SMEs proved to be different. Data has shown that most people solve conflicts via interaction, negotiation, and finding a way forward. At present, prosecutors involved in criminal cases routinely seek alternatives to punitive sanctions. Courts of law and government policies guide people away from litigation towards informal or judicial mediation. Specialised interventions are being developed for many types of injustices, from therapy for aggression, to measuring the pollution levels emitted by economic activities, or fit for purpose land registration in rural areas.

3. The next R&D challenge is to **make effective treatment of the most pressing justice problems available to the masses** (Chapter 6). Wealthy couples may hire a lawyer to negotiate their divorce contract, assisted by a mediator. They can engage a financial expert, undertake therapy sessions, hire a coach for their children and resolve their remaining conflicts in court, all evidence-based and effective. This is obviously out of reach for 99% of the population.

To reach the majority of the population, task forces can consider several service delivery models that have the potential of scaling in an affordable and financially sustainable way. Seven models for justice services are presently available and should be considered as gamechanging. Many initiatives seek to improve informal justice in communities, using interdisciplinary expertise to turn these into high-quality services for basic justice needs. Case studies on houses of justice in Colombia and local council courts in Uganda demonstrate that this model still needs more work. User-friendly contracts and documents can strengthen the ties and exchanges that are key to a sustainable livelihood, relationships at home, at work, and ownership of land or housing.

There is much to learn from the case study on Legal Zoom, arguably the world’s most successful justice startup. Adjudication and mediation can merge into one-stop shop procedures that are supported online; this would enable courts to focus on settling and deciding conflicts that are more complex. Problem-solving courts that specialise in the most common crimes are a success story in the United States, and can be replicated elsewhere. Claiming

services already help people to access vital government services and increase accountability. Prevention of violence, theft and fraud can be programmed. Advice and legal assistance by lawyers can be facilitated online, offering a step-by-step resolution process.

Chapter 6 outlines these delivery models and how the scaling process can be organised. If justice services can be standardised and improved, they will generate more sustainable revenue streams for suppliers. Courts and other providers of justice will be able to scale instead of being overburdened, offering greater rewards and interest from investors. Improved organisational models, leadership, and teams can ensure that justice services are scalable and move towards equal access for all.

4. Innovation requires new types of regulation, budgeting, and public-private partnerships. Capital for investments must be mobilised and lead to acceptable returns with social impact that can be measured. The licensing barriers for new justice interventions, processes and services are high and unsophisticated when compared to how other sectors ensure that innovations are safe and achieve better outcomes. The case study on Crimesync from Sierra Leone shows how innovators struggle to integrate their services with police, courts and prisons. A task force should ensure independent regulation of legal services, dispute resolution procedures, and legal education. Procurement of useful innovations from the private sector also needs attention (Chapter 7).

The third branch of government needs support

5. Chapter 8 discusses the fifth strategic intervention: creating a broad movement for people-centred justice. It explores how demand for justice from people needs to be channelled and supply coordinated in order to stimulate continuous learning and improvement. A task force will need to understand the five impediments that exist towards rigorous R&D and innovation and how to work around these. These impediments explain HiiL's conviction that relying on piecemeal reform is unrealistic and that a mission-oriented approach will overcome these barriers.

(1) **Preferring the status quo.** The justice sector is dominated by well-organised professionals. Bar associations, court leadership structures and ministries can easily be paralysed by stalemates between progressive groups and more cautious factions. The latter often represent lawyers who fear losing control and their well-defined positions within the system after having paid high educational fees and invested many years in climbing the ladder in law firm partnerships or court hierarchies. In the worst cases, positions in the legal system are abused as a source of power; legal bureaucracy equals opportunities for corruption.

(2) **Ownership on the macro level.** At present, legislatures, police, prosecution, providers of legal services, and courts act independently, without any organisation taking ownership for effective resolution of conflicts or safeguarding fair relationships. Justice politicians and policy makers may be, in turn, hesitant to push courts, legal aid boards, and other independent justice organisations to increase their overall performance.

(3) **Time and resources for transition.** Organisations in the legal sector lack the resources to implement evidence-based and people-centred strategies. They tend to be overburdened, focused on daily operations, and managing heated controversies on justice matters that the media report on daily. They have few strategists, small R&D units, and practically no budget for innovation. Strategic plans are generally focused on strengthening what they do, instead of reinventing how things can be done.

(4) **Incentives for organisations to change.** Economists have often pointed out that organisations in the justice sector have insufficient incentives to adapt and to deliver the outcomes societies need. Being independent for good reasons, and often having a monopoly position, their accountability needs to be organised in a sophisticated way.

(5) **Trust among justice institutions.** Coordination and cooperation require trust. Courts and legal aid organisations can sometimes be wary of a ministry of justice that controls their funding. Established justice institutions may distrust actors from the private sector, fearing their positions are threatened. Task forces would need to find ways to establish partnerships, and which may include private service providers. New forms of governance are needed.

Overcoming the barriers to change

A task force will have to build trust and commitment towards a major transition. Its members will have to cope with resistance and lack of resources, whilst improving incentives. Stakeholder dialogues and strategic communication will be needed to explore the mission, the strategies, the impediments for innovation in the sector, and the opportunities connected to systemic change. When stakeholders meet, trust between institutions can grow. Partnerships can be formed. Stakeholders, and the sector more broadly, have to experience the stages of rigorous R&D and innovation.

Learning about familiar and new tasks to be performed in dispute resolution processes will demystify the consequences of the transition to “what works.” Justice practitioners are more likely to buy into innovation when they see examples of costs, fees and financial contributions so they can understand how their organisations can become more sustainable and grow. Resources need to be mobilised. Strategic and R&D capacities will have to be increased drastically,

much more in line with the 3% of value added that is spent on R&D in the national economy, and perhaps upwards to the 10% that is allocated to the fastest growing sectors.

A task force should have the means to challenge justice institutions. Institutions with better plans, better results for people, and more dedication to evidence-based working should receive more support. It needs to bring home the message that R&D and innovation towards people-centred justice cannot be left to justice institutions in their current environment. Justice institutions need help, be challenged and stimulated to innovate.

Societies need better conflict resolution and solutions for justice problems. The burden and the gains from a more peaceful, inclusive and just society need to be shared. There is simply too much at stake for the economy, for the environment, and for the rule-based model of inclusive societies with equal access to justice for all.