

# **Poverty** and Access to Justice **2021**



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# Executive Summary

There is limited research on the relationship between poverty and access to justice. This study explores this association using survey data from 13 mostly low or middle-income countries. To explore the effect of poverty on access to justice we use a dichotomous variable which splits the respondents into poor and non-poor.

Poor people do not encounter significantly more legal problems compared with the non-poor. Poor individuals, however, experience somewhat different legal issues. They face more problems around land and slightly more issues related family, debt, and problems with obtaining social welfare. Non-poor individuals are significantly more likely to deal with crime, accidents, employment, and disputes with neighbors.

Poverty and access to justice, however, are not in a simple linear relationship. A much more nuanced and layered picture emerges from the research. Poor people perceive the legal problems that they encounter as more impactful. At the same time the formal and informal justice systems struggle to resolve impactful problems. When trying to resolve a

problem, the non-poor have greater access to institutional sources of legal information and advice. On the opposite, the poor mostly rely for information on the people from their social environment. Poor people are less able to access formal legal institutions for dispute resolution. Through the combined effect of these and other latent mechanisms, the poor receive significantly worse outcomes on their justice journeys. Poverty itself is not generating more legal problems but it creates mechanisms through which the poor systematically receive worse justice outcomes.

Poverty does not play an independent role when people evaluate the quality of the processes, the quality of the outcomes, and the costs of justice. The impact of the problem and the justice resolution mechanisms play larger role. But it is not hard to see the importance of poverty – poor people are less likely to use the dispute resolution processes which are most effective in resolving problems. At the same time they encounter problems with greater impact. Poverty does not independently lead to lower quality and higher costs but apparently interacts with other factors that lead to the same effect.

From a policy perspective, the key findings of the research are that poverty and access to justice are not in a linear relationship. There is an emerging need to measure equality and add it to the relationship. For policy and service delivery the findings mean that access to justice should not only be framed as a matter of means. Needs and vulnerability can be predicted, understood and responded to only when a host of factors are analyzed together. Such factors include income level but also other characteristics of the individuals involved, the type and gravity of the problem, and the properties of the dispute resolution mechanisms.

From a planning perspective, the study indicates that the problems of access to justice do not end with lifting people out of poverty. Individuals, communities, and societies face different legal problems and challenges when they escape poverty. In fact, advancing from poverty to middle-income might increase the justice gap. The side effects of such transition need to be studied, forecasted, and preempted.

## Keywords:

Access to Justice  
Legal problems  
Poverty  
Justice Needs  
Information and advice  
Quality of Justice  
Quality of process  
Quality of outcome

# Introduction



The UN's Sustainable Development Agenda 2030 affirms the belief that rule of law and access to justice are intrinsic to the global effort to eliminate poverty and promote sustainable development. In adopting *Sustainable Development Goal (SDG) 16.3* in 2015, the United Nations (UN) Member States committed to "promot[ing] the rule of law at the national and international levels and ensur[ing] equal access to justice for all" (UN Resolution 70/1).<sup>1</sup>

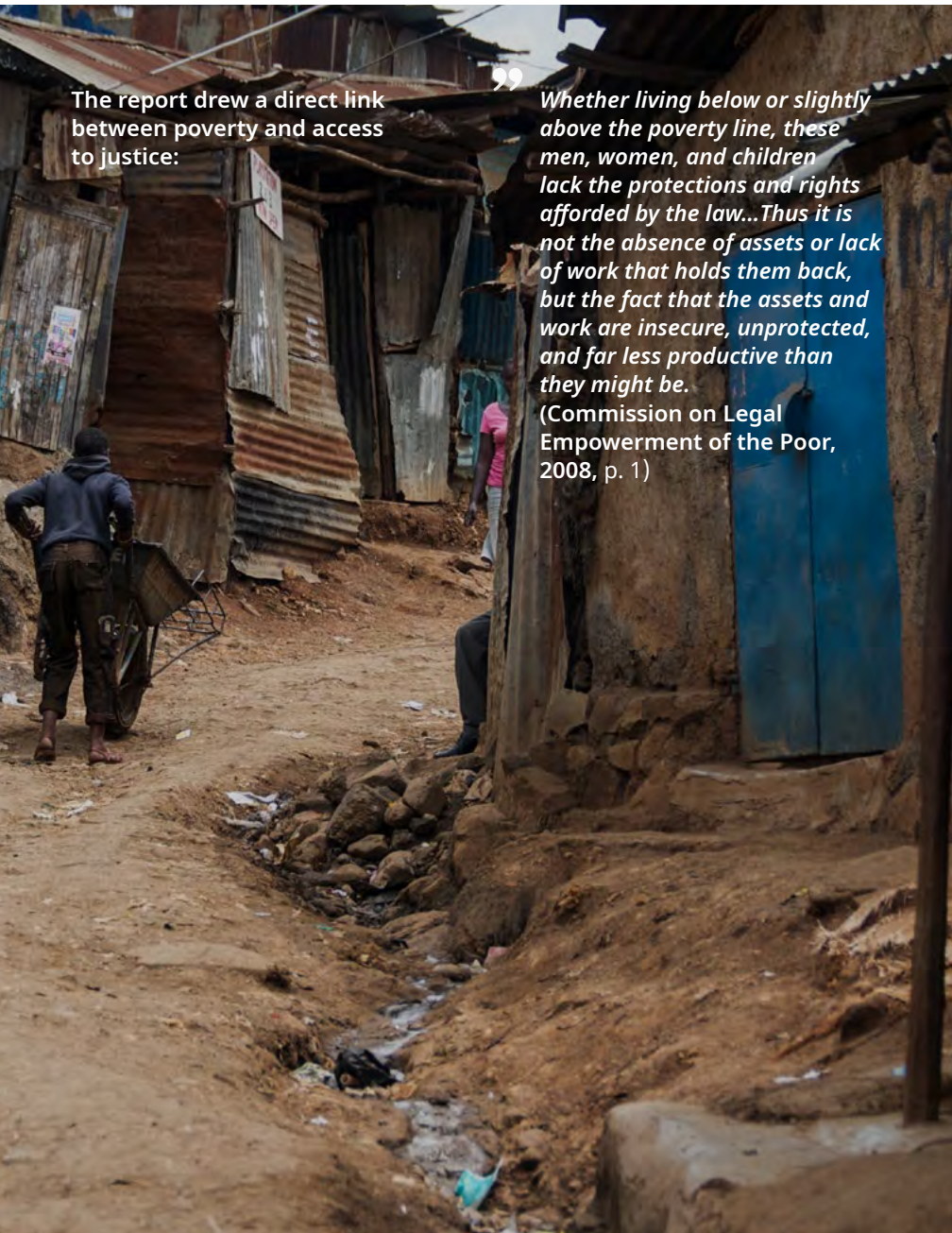
The UN's commitment reflects an evolving understanding of the rule of law and its relationship to poverty and development. Whereas the rule of law was once understood as centred on the establishment of strong institutions, it is increasingly seen from a people-centred perspective that focuses on understanding the needs of end users.

A significant milestone towards a people-centred understanding of the rule of law came in 2008, when the UN convened a high-level group called the Commission on Legal Empowerment of the Poor. This group issued a report

which significantly impacted the field. Its key finding was that

***"Four billion people around the world are robbed of the chance to better their lives and climb out of poverty, because they are excluded from the rule of law."***

(Commission on Legal Empowerment of the Poor).<sup>2</sup>



The report drew a direct link between poverty and access to justice:

*Whether living below or slightly above the poverty line, these men, women, and children lack the protections and rights afforded by the law... Thus it is not the absence of assets or lack of work that holds them back, but the fact that the assets and work are insecure, unprotected, and far less productive than they might be.*

(Commission on Legal Empowerment of the Poor, 2008, p. 1)

Because poverty results from disempowerment, exclusion and discrimination, a fair, stable and predictable legal framework is necessary for creating an inclusive and equitable society (Deseau, Levai, & Schmiegelow, 2019).<sup>3 4</sup> As the paradigm shift towards a people-centred understanding of rule of law has taken place, access to justice has increasingly been seen as a tool for lifting people out of poverty. The rule of law empowers the poor by strengthening their voices, providing them with access to justice, preventing violations of their rights, and ensuring due process.<sup>5</sup>

Despite this shift towards people-centred rule of law, fair resolutions remain inaccessible to billions of people around the world, and the ways in which poverty and access to justice interact and relate to one another is not yet fully understood.

With this study, HiiL aims to address a gap in existing research on

## *the relationship between poverty and access to justice.*

More concretely, it will explore: how does poverty affect access to justice? Answering this question will help to shed light on the poverty dimension of the justice gap. At a policy and service delivery level, these findings will deepen our knowledge of the justice gap and what is needed to bridge it.

The section that follows provides an overview of what we already know about poverty and access to justice and the ways they interact. The subsequent sections describe the research model and the methodology proposed for this study.

# Poverty and Access to Justice



As described above, the rule of law is a multi-dimensional concept that is understood from both an institutional and a people-centred perspective. Both of these perspectives acknowledge that insufficient access to justice can be both a consequence and a cause of poverty. Here we discuss both the effects of poverty on access to justice, and effects of access to justice on poverty.

A number of legal needs surveys provide strong evidence that certain<sup>6789</sup>

***disadvantaged groups such as low-income people are particularly vulnerable to legal problems.***

The literature suggests that this is because the poor more often experience the circumstances which cause legal problems and lack the resources to avoid or resolve them.<sup>10</sup> Low-income groups also frequently indicate that they experience more severe consequences as a result of facing a legal problem.<sup>11</sup>

**Income also seems to be a statistically important factor in the occurrence of legal problems.** While justice problems are widespread, poor people experience more frequent, complex and interrelated legal problems.<sup>12</sup> At the same time, high-income individuals may be exposed to a greater risk of encountering legal problems overall due to their greater social, economic, and political involvement in society. This is particularly true of consumer problems, which are among the most prevalent legal issues in many middle- and high-income countries. The more disposable income a person has, the more they purchase and consume, and the more likely they are to encounter a consumer problem. Similar examples of this trend can be found in other areas, such as housing.<sup>13</sup> HiiL studies consistently find that higher-income people who have many relationships across society report the highest prevalence of legal problems.<sup>14</sup>

Taken together, these findings suggest that while low-income groups are more vulnerable to the consequences of the (often interrelated and co-occurring) legal problems they experience, wealthy people may encounter – or at the very least, recognize and report – more legal problems in total.



**As previously suggested, income may also be associated with the type of legal problems people experience.**

Whereas higher-income individuals tend to experience more consumer and housing problems, lower-income individuals are more prone to problems related to livelihood such as public services, social welfare, land and family.<sup>15</sup>



**Legal knowledge and awareness is another dimension of access to justice that is affected by income.**

More educated individuals are better equipped to recognize the legal aspects of a problem. Knowledge also makes them more capable of formulating and executing legal strategies related to rights, entitlements, processes, and redress.<sup>16</sup> Given the positive correlation between education and income, this suggests that people with more resources are more capable of mobilizing legal support and advice.<sup>17</sup>

In contrast, low-income groups often lack knowledge about where to seek the legal information and advice.<sup>18</sup> In Nigeria, a HiiL survey found that respondents who reported not seeking legal information and advice for their problem had, on average, a lower income.<sup>19</sup> Poor access to the internet among people with lower levels of

formal education and income also limits the legal information available to them.<sup>20</sup>

**HiiL surveys indicate that income informs the type of resolution mechanism people typically use.**



Poor people tend to rely less on institutions and other formal justice providers than the affluent.<sup>21</sup> In Nigeria for example, low-income people are two times less likely to engage courts, and more than three times less likely to engage lawyers than high-earners.<sup>22</sup> In Kenya, being in the highest income group increases a person's chance of involving a lawyer by over ten times compared to someone in the lowest-income group.<sup>23</sup>

This seems to be a common trend: a number of studies have shown a positive association between income and the use of lawyers for resolving legal problems.<sup>24</sup> This link between wealth and the ability to consult a lawyer is corroborated through other socioeconomic features such as work status and home ownership.<sup>25</sup>



**Research suggests that low-income groups are more often deterred from solving their legal problems by costs and other barriers to justice.**

Resolving legal problems of any kind typically involves a high monetary

cost, and legal needs research finds that money is among the top three reasons for not taking action.<sup>26</sup> Costs accrued during the justice process can be monetary - such as service fines and fees and transportation costs - as well as non-monetary, such as time spent. These costs affect people from all income groups, but present more serious difficulties for people who are poor or are living in poor countries.<sup>27</sup>



**Lack of trust in the legal system to deliver a fair outcome is an additional barrier to justice for the poor.**

Lack of trust is the most common reason for not taking action to resolve a legal problem.<sup>28</sup> Lower-income groups are more likely than high-income groups to perceive that formal legal procedures are costly and time-consuming, and that money is required to obtain or influence desirable outcomes in the justice system.<sup>29</sup> In Nigeria, for example, people in the lowest income group less often find that the courts make fair and impartial decisions than people in the highest income group.<sup>30</sup> Corruption acts as an additional cognitive and monetary barrier to justice in that it contributes to distrust of the system while also increasing the costs of access to justice.

Other cognitive barriers include fears around abuse of power, humiliation,

and discrimination. These may act as further disincentives for low-income groups to seek resolution through formal courts and lawyers, or cause them to conclude they will not be able to resolve their problem.



**Perhaps as a consequence of the barriers they face, poor people are at a significant disadvantage when it comes to resolving their legal problems.**

Differences in income affect the likelihood that a person will take action to resolve their problem.<sup>31</sup> Low-income groups often choose to remain silent and accept legal problems that arise as their fate - citing "not having enough money" or "not knowing what to do" as the primary reasons for their inaction.<sup>32</sup>

In contrast, research indicates that high-income groups are more likely to overcome monetary, time-related, and cognitive barriers to justice and get their legal problems resolved.<sup>33</sup> In Nigeria, the chances of obtaining an outcome increase - on average - with income levels. This may be related to greater access to effective resolution mechanisms among the wealthy.<sup>34</sup>

Among those who do take action to resolve their legal problem, high-income people are significantly more satisfied with the **quality of the resolution process** than the poor.<sup>35</sup> In Morocco, for example, high-income people report feeling more respected, having a greater opportunity to be heard, and being more informed on the specifics of the procedure during the resolution process.



While poverty may be a major cause of insufficient access to justice, **the inability to resolve justice problems may also decrease access to economic opportunities.**

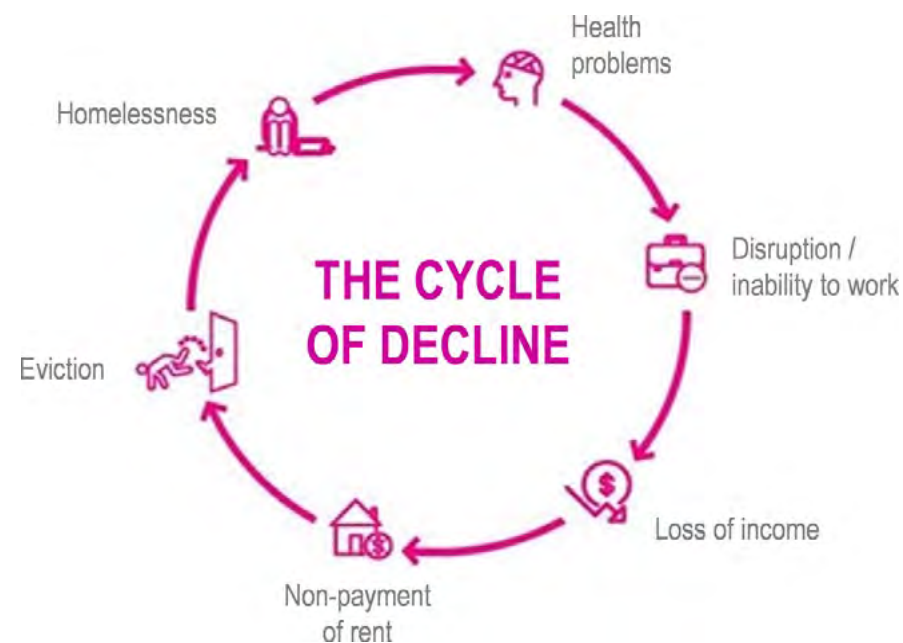
The majority of people who experience a legal problem report that it has adversely affected their lives. Often, these adverse effects take the form of additional legal problems that entrap people in poverty over time. Unresolved family problems, for example, can result in other social and health-related problems and costs. Problems related to housing, debt, and social services may lead to social exclusion and poverty.<sup>36</sup> The most commonly reported consequences of legal problems are physical or stress-related illness and loss of employment.

Several studies from the Paths to Justice tradition find that legal

problems indeed tend to occur in clusters. Often one legal problem leads to another, creating a cascading effect.<sup>37</sup> The most commonly observed clusters are related to family problems, including domestic violence, divorce, separation and problems related to children.<sup>38</sup> These compounding consequences make it increasingly difficult for the poor and disadvantaged to climb the socio-economic ladder and acts as a barrier to inclusive growth. Unequal access to justice exacerbates these consequences and perpetuates an unrelenting **“cycle of decline”** visualised on the right.<sup>39</sup>

Although the rule of law and access to justice are not often seen as a means of reducing poverty, there is some evidence to suggest that they can be used this way. Research in Latin America, for example, indicates that property rights protection and corruption have a direct effect on income inequality and the ability to escape poverty.<sup>40</sup>

The above discussion shows that access to justice is important and there is a relationship between poverty and access to justice. This study assumes that poor have lesser access to justice and aims to explore the effect of poverty on different dimensions of access to justice.



# Research Questions and Hypotheses

As demonstrated above, more empirical evidence is needed to understand the poverty dimension of access to justice and address the billions of unmet justice needs in the world.<sup>41</sup> The present study aims to fill this gap in research by focusing on the relationship between poverty and access to justice at the individual level and across 13 countries (using cross-sectional analysis). This choice of focus was informed by the nature of the data collected in HiIL's surveys, which study the justice needs and satisfaction of people. Based on the literature review and the data available, we identify two research questions to assess this relationship.

## How does poverty affect access to justice?

Specifically:

- 1 *How does poverty affects the number and type of legal problems that people experience?*
- 2 *How does poverty affect what kind of processes people use to resolve their legal problems, the quality of those processes, and the outcomes they produce?*

The research questions identified above will be addressed through two sets of corresponding hypotheses. The first set of hypotheses are **input hypotheses** relating to whether and how poverty affects the justice needs people experience. Are lower income groups able to recognise legal problems as such? Are they more likely to encounter legal problems around livelihood? The input hypotheses are as follows:

**H1: Lower income groups encounter fewer justice problems than higher income groups.**

**H2: Lower income groups encounter more legal problems around livelihood than high income groups.**

The second set of hypotheses – **process and output hypotheses** – will investigate how poverty is related to peoples' perceptions and experiences of paths to justice. How often and where do lower income groups seek information, advice and resolution for their legal problems? Are they able to resolve their problem? How do they evaluate the process? The process and output hypotheses are as follows:

**H3: Lower income groups are less likely to seek advice and resolution compared with higher income groups.**

**H4: Lower income groups are less likely to seek advice and resolution from professional sources than higher income groups.**

**H5: Lower income groups are more likely to attempt to solve legal problems with their own actions than higher income groups.**

**H6: Lower income groups are less satisfied with the quality of processes and the quality of outcomes than higher income groups.**

**H7: Lower income groups are less likely to resolve their problems than higher income groups.**

## Control Variables

Research suggests that a number of additional factors may help to explain the relationship between poverty and access to justice. These are known as “mediating variables” and include

– most prominently – gender, age, education, work status, and whether one lives in urban or rural setting. For the input hypotheses we also include marital status in the models.



# Conceptualizations and operationalisations

In this section, we describe how the concepts of poverty and access to justice are traditionally understood, and how we operationalise them for the purposes of this study.

## Poverty

Poverty is a situation of deprivation caused by uneven distribution of income and wealth in society that excludes some people from the social mainstream and pushes them below basic standards.<sup>42</sup> Haughton and Khandker defined poverty as

*“pronounced deprivation in well-being”.*

Traditionally, well-being is linked with the command over commodities. This means that people in poverty are those whose income or consumption falls below some adequate minimum threshold.<sup>43</sup>

Definitions of poverty may be narrow or broad, depending on the nature of the material elements they include (income or consumption, for example), and whether they include or exclude non-material or symbolic elements

of poverty (such as lack of voice or humiliation).<sup>44</sup>

Most often, poverty is operationalized and measured by income. Income is an indicator of welfare that can be derived from survey data. The most generally accepted measure of income is income = consumption + change in net worth.<sup>45</sup> Among the challenges associated with measuring income are determining the relevant time period and obtaining an accurate measure. In developing countries - particularly those with large agricultural or self-employed populations - there is a risk that income levels are significantly understated.<sup>46</sup>

A second approach is to conceptualise poverty in terms of living standards - in other words - the ability to obtain a specific type of consumption good, such as food, health care, or education.<sup>47</sup> This approach extends beyond traditional monetary measures of poverty and includes concepts like nutritional and educational poverty.<sup>48</sup>

Economist and philosopher Amartya Sen takes an even broader perspective on poverty and well-being, conceptualising it in terms of capability to function in the society. According to Sen, poverty exists when people lack key capabilities and are thus unable to generate income, access education, feel secure and confident, and exercise

their rights. In this multidimensional conception of poverty, income is a means to an end rather than an end in itself.<sup>49</sup> This means that merely increasing the average income may not be a sufficient poverty reduction strategy - other measures to empower the poor and address specific weaknesses might also be needed.<sup>50</sup>

Regardless of the welfare indicator that is used, measuring poverty typically involves determining the adequate minimum threshold below which people can be considered poor. Determining this so-called “poverty line” is the most difficult step in measuring poverty. It can be understood as “the minimum expenditure required to fulfill basic needs” or alternatively, “the level of income (or consumption) needed for a household to escape poverty”.<sup>51</sup>

To some extent this minimum threshold is arbitrary, and as a result it depends primarily on the intended use of the poverty rates.<sup>52</sup> A poverty line can be absolute - meaning it is fixed in order to represent the same purchasing power across countries and over time - or relative - meaning it aims to represent the poorest segment of a particular country, and therefore increases with the country’s wealth.<sup>53</sup>

In JNS data, income is captured as

monthly household income that is a categorical variable in the local currency. Further each country has different income categories which makes the comparison across countries difficult. Therefore in each country dataset, a new income variable was generated based on quartiles and later on all country files were merged to form a global dataset for this study. The income variable based on the quartiles broadly reflects the actual distribution of income in JNS countries.

Looking at the limitations of income quartile variable, we have generated a binary income variable by using World Bank international poverty lines. This variable divides the population into two groups, poor and non-poor. First, we converted income categories from local currency to USD for each country. Second, income categories were divided with the average household size of the country to generate per capita monthly income. Third, each income category is converted into income per day by dividing them by 30. Finally, we grouped these income categories into two broad income categories (poor and non-poor) based on World Bank international poverty lines (\$1.90 per day for low income countries, \$3.20 for lower-middle income countries, \$5.50 upper-middle income countries and \$ 21.70 for high-income countries). In the analysis

below, we use the income binary variable (poor/non-poor) as poverty measure.

## Access to justice

For the purposes of this study, Hiil adopts the OECD’s broad, bottom-up definition of access to justice. According to this conceptualisation:

*Access to justice is broadly concerned with the ability of people to obtain just resolution of justiciable problems and enforce their rights, in compliance with human rights standards (United Nations Development Programme, 2005, p. 5); if necessary, through impartial formal or informal institutions of justice and with appropriate legal support (p. 24).*

↳ The **bottom-up** part of this definition implies that access to justice is evaluated from the perspective of justice users. It is important that the users themselves assess whether justice was accessible and whether their problem was resolved. Justice needs research pursues this bottom-up perspective by gathering the perceptions of individuals and evaluating the quality and accessibility of justice on the basis of those perceptions.

↳ These **subjective perceptions** determine whether the problem was resolved and how fair the resolution was. HiiL's approach trusts that justice users are able to accurately estimate the extent of resolution.

↳ In this conception of access to justice, a **just resolution** is more complex than dyads such as winning-losing or favorable-unfavorable. HiiL recognises three dimensions of just resolution: fair process, fair outcome and affordable costs (see below for a more detailed account of these three dimensions).

↳ The broad aspect of this definition signifies that there are **many forums** in which legal problems can be resolved. Formal, hybrid and informal processes are all part of access to justice. Resolutions

can be achieved in many settings and through various interventions. Formal adjudication is just one of many options available.

Other key elements of our conceptualisation and operationalisation of access to justice are discussed in the 2010 Handbook for Measuring the Costs and Quality of Access to Justice.<sup>54</sup> More recently in 2019, the OECD released a report exploring how indicators derived from legal needs surveys can fit into broader measures of access to justice and inclusive development.<sup>55</sup> Acknowledging the multidimensionality of access to justice, the report introduces a conceptual framework for access to justice made up of fourteen dimensions. In this study, we will use the dimensions that are closely related to the perspective of individuals. These access to justice dimensions include:

↳ **Incidence of legal problems:** This refers to the number of legal problems an individual encountered within a specific period of time. A legal problem refers to a problem that takes place in daily life – a dispute, disagreement or grievance for which there is a resolution in the (formal or informal) law. In the legal needs research, the term “justiciable events” is also used.

↳ **Availability of legal assistance:** This corresponds to whether or not an individual with a legal problem sought legal assistance in the form of information, advice or resolution. This assistance can be formal or informal.

- Before, during or after travelling a justice journey the users of justice might **seek legal information or advice** related to their legal problem. Such information or advice can come from various professional or non-professional sources. The former consists of people or organisations who provide legal information and advice in the course of delivering public or private services. The latter group does so in a non-professional capacity.

- A **dispute resolution process** is defined as commonly applied process that people use to address their legal problems. A court procedure is an obvious example of a dispute resolution process. However, the definition also includes informal procedures, such as mediation or a procedure before an informal commission.<sup>56</sup>

↳ **Quality of the process:** The quality of a dispute resolution process according to individuals who

have tried to resolve their legal problem with a specific mechanism. The quality of the process is conceptualized as the amount of procedural, interpersonal, and informational justice that a user of justice received.<sup>57</sup>

↳ **Cost of the process:** The private costs of justice are those costs borne by the user in her pursuit to solve the legal problem.<sup>58</sup> These include the following costs incurred on the path to justice (not only on the specific dispute resolution process): out-of-pocket monetary expenses, personal time, stress and negative emotions (such as frustration, anger and humiliation).

↳ **Quality of the outcome:** The outcome is the result of the final part of an individual's the justice journey. It can be an award for damages, an agreement about future conduct, an apology, or a combination of these. The quality of the outcome has four dimensions: distributive justice, restorative justice, motivation of the outcome and the enforcement of the result.<sup>59</sup>

The table that follows provides a detailed list of the access to justice dimensions HiiL will apply and explains how they will be measured using legal needs and satisfaction survey data.

KEY CONCEPTS	OPERATIONALISATIONS	MEASURE/S
Legal problem	Disputes, disagreements, grievances, or similar problems which are serious and difficult to resolve. These problems have a legal resolution but it does not matter if the respondent recognizes this aspect. It also does not matter whether the respondents took any action to resolve the issue.	<p>Have you experienced problems such as disputes, disagreements, grievances, or similar problems as shown in show-card 1 in the past 4 years?</p> <p>This means since [specific reference to an easy to comprehend period]. The problems should be serious. This means that the problem affected you considerably and it was difficult to resolve it. It does not matter whether you did something or what you did about the situation or who was the other side - we want to hear about your experiences.</p>
Most serious legal problem	(When more than one problem has been reported) subjective evaluation and ranking of the problems by seriousness. Seriousness is the perceived extent to which the problem affects life and causes difficulties.	Which problem was or is the most serious one?
Resolution	State of the problem at the moment of interview	<p>Has your problem been resolved?</p> <p>Levels: Yes, completely; Yes, partially; No, the problem is on-going and is still in the process of being resolved; No, and I am no longer taking any action to resolve it</p>
Path to justice	Commonly applied process that people address in order to cope with their legal problems	Did you talk to the other party or involve somebody else to resolve the problem?
Legal information and legal advice		<ul style="list-style-type: none"> <li>• Did you seek information and advice</li> <li>• Did you seek resolution?</li> <li>• Who did you go to for resolution?<sup>1</sup></li> <li>• Did you try to resolve the problem yourself?</li> <li>• Which dispute resolution mechanism was most helpful?</li> </ul>

<sup>1</sup> Respondents can select the following legal assistance/dispute resolution mechanisms: Courts and lawyers; police; other organised procedures, social network; and self-action.

KEY CONCEPTS	OPERATIONALISATIONS	MEASURE/S
Quality of process	Procedural justice	<ul style="list-style-type: none"> <li>• To what extent were you able to express your views and feelings?</li> <li>• Were they appropriately considered during the process?</li> <li>• Were you able to influence the result? • Were the same rules equally applied?</li> <li>• Was the process fair?</li> </ul>
	Interpersonal justice	<ul style="list-style-type: none"> <li>• Were you treated with respect?</li> <li>• Were you treated in a polite manner?</li> <li>• Were improper remarks and comments made?</li> </ul>
	Informational justice (in the process)	<ul style="list-style-type: none"> <li>• Was the communication honest?</li> <li>• Were the procedures, your rights and options explained?</li> <li>• Was this done in a timely manner?</li> </ul>
Costs of justice	Out-of pocket	<ul style="list-style-type: none"> <li>• How much money did you lose because of the problem?</li> <li>• How much time did you lose because of the problem?</li> <li>• How much stress did you encounter?</li> <li>• How much negative emotions did you experience?</li> </ul>
	Opportunity costs (time)	
	Intangible: Stress and emotions	
Quality of outcome	Distributive justice	<ul style="list-style-type: none"> <li>• Was the matter at stake divided fairly and equally?</li> <li>• Was the division according to what you deserved and needed?</li> </ul>
	Restorative justice	<ul style="list-style-type: none"> <li>• Did the result restore your relationships, the money you lost?</li> <li>• Did you feel better after the result?</li> </ul>
	Informational justice (of the process)	<ul style="list-style-type: none"> <li>• Was the result explained to you?</li> <li>• Are you satisfied with the explanation?</li> <li>• Was the result favourable to you?</li> <li>• Was the result similar to other cases?</li> </ul>
	Functionality - effect on the outcome	<ul style="list-style-type: none"> <li>• Did the results solve the problem?</li> <li>• Has the result been implemented?</li> <li>• Was the result timely?</li> <li>• Will the result guarantee that the problem will not be repeated?</li> </ul>

We operationalize the independent variables as follows:

KEY CONCEPTS	OPERATIONALISATIONS	MEASURES
Favourability of environment	Remoteness	<ul style="list-style-type: none"> <li>• Urban/rural: Where does the respondent live?</li> </ul>
Inclusivity (mediating variables)	Socio-economic disaggregation of vulnerable groups	<ul style="list-style-type: none"> <li>• Gender: Is respondent male or female?</li> <li>• Age: What is your age? (minimum age: 18)</li> <li>• Marital status: What is your marital status?</li> <li>• Education: What is your highest education</li> <li>• Work: What is your employment status?</li> </ul>
Poverty	Poor/non-poor	<ul style="list-style-type: none"> <li>• Income: What is your combined household income?</li> </ul>

# Methodology



HiiL approaches justice delivery with a people-centred perspective that centers on understanding the needs of end users.<sup>60</sup> In a people-centred perspective, users of justice are active recipients of services who voice their demands, contribute to reforming policies and evaluate service delivery. As previously described, this involves a shift from access to formal justice institutions to a broader, more bottom-up concept of access to justice that includes access to informal legal support and justice mechanisms. Examples of such mechanisms include mediation, online services for dispute resolution, and support before and after resolution.

In recent years, there has been a considerable research attempting to measure the extent to which people have access to justice for resolving their problems. Many empirical studies incorporating large scale surveys on legal needs have been conducted. Such surveys focus on the types of legal problems people experience, how they resolve these problems and what outcomes they achieve as a result. Although empirical research on legal needs started in the 1930s in the United States, the pioneering legal needs surveys were conducted in the 1990s by American Bar Association in the United States and in the United Kingdom by Genn. These studies

inspired a large number of surveys measuring the legal needs of people around the world.<sup>61</sup> The World Justice Project made the first-ever attempt to capture comparable data on the legal needs of people across both developed and developing countries. Previous legal needs surveys focused primarily on developed countries.<sup>62</sup>

Based on the legal needs and justiciable events research tradition, HiiL developed the Justice Needs and Satisfaction Survey (JNS). This tool developed aims to collect comparable, cross-country data on the legal problems people experience in their daily lives and the mechanisms they rely on to resolve them. The JNS survey is customized according to the local country context through the inclusion of country-specific legal problems and local resolution mechanisms. In this way, it provides in-depth knowledge about the prevalence of different types of legal problems, the degree to which formal and informal resolution mechanisms are used, and the quality of justice delivery and outcomes in a particular country. HiiL's JNS surveys have become an important source of information for evidence-based policy interventions in the countries where they are conducted. In collaboration with local and international partners such as the Ministry of Foreign Affairs of the Netherlands, the United

Nations Development Programme (UNDP), and the Swedish International Development Cooperation Agency (SIDA), HiiL has conducted these surveys in 18 countries across Africa, Asia, the Middle-East and Asia Pacific. The existing data contains variables which can be used to construct proxies for poverty and access to justice.

To test the proposed hypotheses, we employed multivariate analysis such as logistic regression, multinomial regression and ordinary least square regression.

In order to explore the relationship between income level of countries and various access to justice indicators we have categorized the JNS countries into four income groups using World Bank classification:

- Low income countries:  
Yemen, Mali, Uganda
- • Lower-middle income countries:  
Kenya, Tunisia, Indonesia,  
Bangladesh, Nigeria, Morocco
- • • Upper-middle income countries:  
Jordan, Lebanon, Fiji
- • • • High income countries:  
United Arab Emirates (UAE)

To test the hypothesis 2, we grouped the specific problem categories into five broad problem categories listed on the right:

- Livelihood & income: Land, Housing, employment, consumer problem, money, business
- Basic services: Social welfare, public services, obtaining ID documents
- Essential relationships: Neighbours, family, children, domestic violence
- Security & integrity: Crime, accident/personal injury, police, corruption
- Other problems



## Dataset

The legal needs survey data used in this study is drawn from JNS surveys that HiiL conducted between 2013-2019. Random samples of adults in each of the 13 countries were asked about their recent encounters with problems that might have a legal resolution. The 13 countries in the dataset include: Jordan, Kenya, Yemen, Mali, Uganda, the United Arab Emirates, Tunisia, Indonesia, Lebanon, Bangladesh, Nigeria, Morocco, and Fiji. It should be noted that Mali was surveyed twice - once in 2015 and 2019 - and that both surveys are included in the consolidated dataset.

Two countries, The Netherlands and Ukraine have been excluded from the analysis as information on income was not collected for these countries. For each country, the JNS survey data is collected with the help of a local data collection company and local statistical departments. The survey is adapted to the local context of the country. The enumerators are trained by HiiL staff and data collection is closely monitored. After the data collection, triangulation workshops are conducted with local experts and stakeholders in order to validate the quality of the data.

## Analysis

First, we look at the bivariate relationship between poverty and various access to justice indicators. Next, we run a series of multivariate models to explore deeper the association between poverty and access to justice. As a general rule logistic regression is used when the dependent variable is dichotomous (i.e. encountered problem or sought

advice). Multinomial logistic regression is used when the dependent variable is categorical with more than 2 levels. Ordinary least square regression is used when the dependent variable is continuous.



# Poverty and Justiciable problems



More than half of the people (56%) in the countries where we conducted Justice Needs and Satisfaction studies have experienced legal problems in the last 4 years (Figure 1).

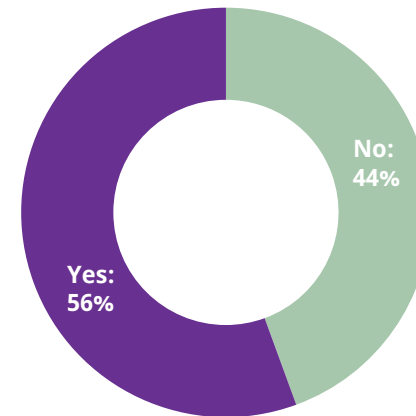


Figure 1: Have you experienced legal problems in the last 4 years?

There is no clear relationship between income level and the risk of experiencing a legal problem. Households in the higher-middle income group experienced legal problems more often (61%) compared with other income groups. Households from the groups “low income,” “lower-middle income,” and “high income” encounter similar prevalence of the legal problems (Figure 2). Furthermore, using the dichotomous split of the respondents into poor and non-poor, we see that 57% of the poor households have experienced legal problems compared to 55% of the non-poor households (Figure 3). The difference is statistically significant<sup>2</sup> but is not particularly large substantively. Looking at Figure 3 we cannot say that poor people experience and report substantively more legal problems compared with those with incomes above the poverty line.

<sup>2</sup>  $\chi^2$  (N = 67,393) = 28.379, p = 0.000

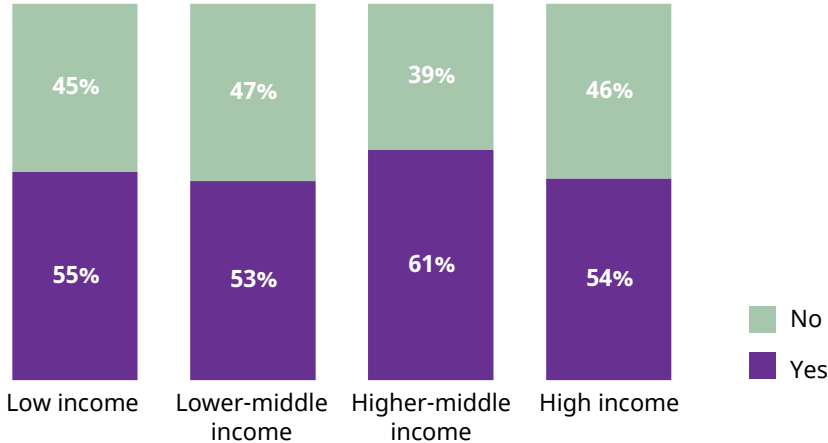


Figure 2: Legal problems by income group

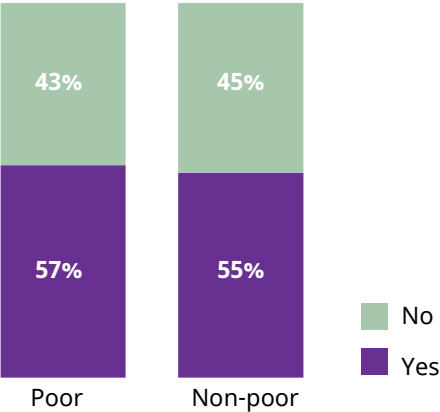


Figure 3: Legal problems of poor and non-poor

The prevalence of legal problems, however, varies along other socio-demographic characteristics. Rural residents experienced more legal problems (59%) compared with individuals living in urban areas (54%). Slightly higher percentage of men (57%) have reported legal problems than women (54%) (Figure 4).

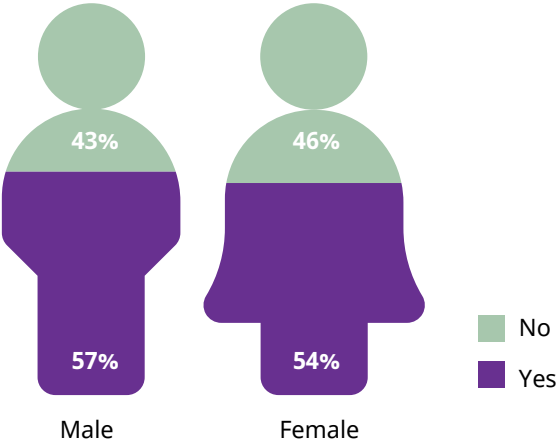


Figure 4: Legal problems by gender



Education has a marginal impact on the risk of experiencing a legal problem. Relatively fewer people (54%) with no education reported one or more legal problems whereas a higher percentage (57%) of people with lower and higher level of education reported legal problems compared to those who have medium (55%) level of education (Figure 5).

More than half of the people covered in the study do not have a full-time paid work. A higher percentage (63%) of people with full-time paid work have experienced legal problem in the last four years compared to 58% people who do not have a full time paid work.

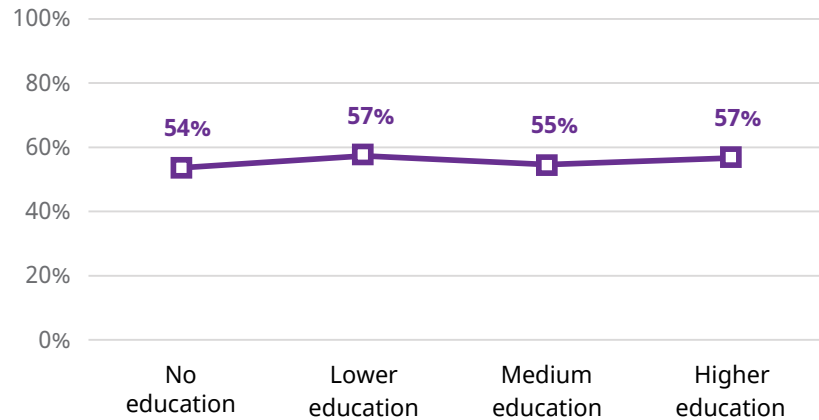


Figure 5: Legal problems by education

Age has a significant impact on the prevalence of legal problems. More (60%) young (25-39 years) people have experienced legal problems followed by those in the middle adulthood category (56%). Seniors citizens (43%) and very young individuals (18-24 years) reported lower problem

prevalence (49%) of legal problems (Figure 6). In middle age with the intensification of family, social and economic relationships, people are more likely to encounter legal problems.

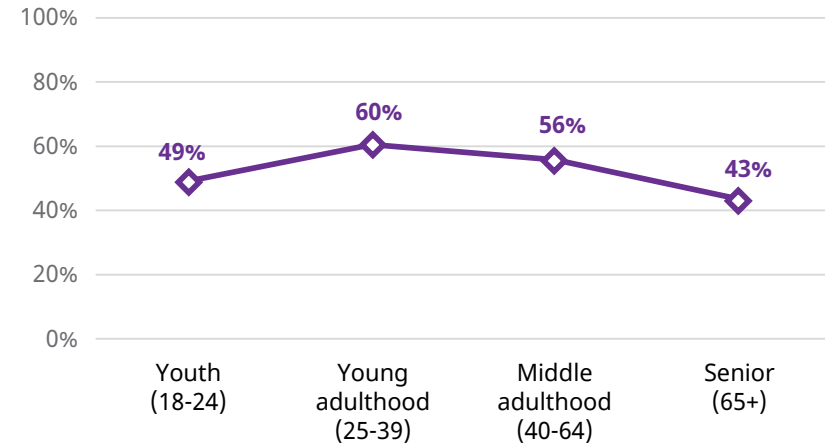


Figure 6: Legal problems by age

Marital status is another personal characteristic which is associated with the risk of encountering a legal problem (Figure 7) we see that higher percentage of people who are married but separated (82%) and divorced (77%) had to deal recently with legal problems followed by married (57%) and single people (52%). Further, comparison between men and women shows that more women who are married but separated (84%) and divorced (81%) reported more often legal problems compared to their male counterparts.

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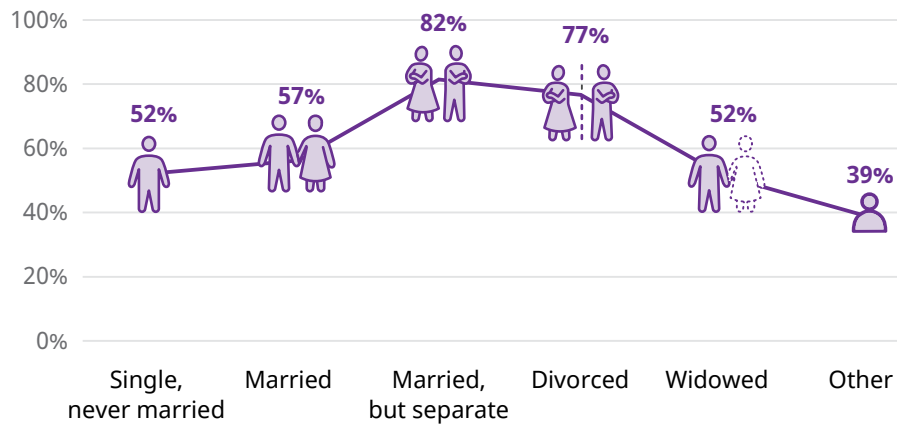


Figure 7: Legal problems by marital status

We have classified the countries covered in this study into four groups based on the World Bank classification of countries by their level of income (Figure 8). Here we see that the prevalence of legal problems is highest in low income countries (62%) followed by lower middle income countries (57%) and upper middle income countries (50%) while it is lowest in (45%) in high income countries.

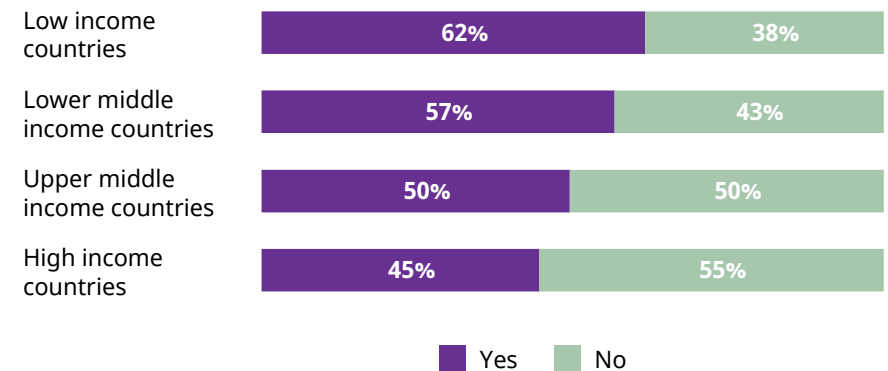


Figure 8: Legal problems by country income group

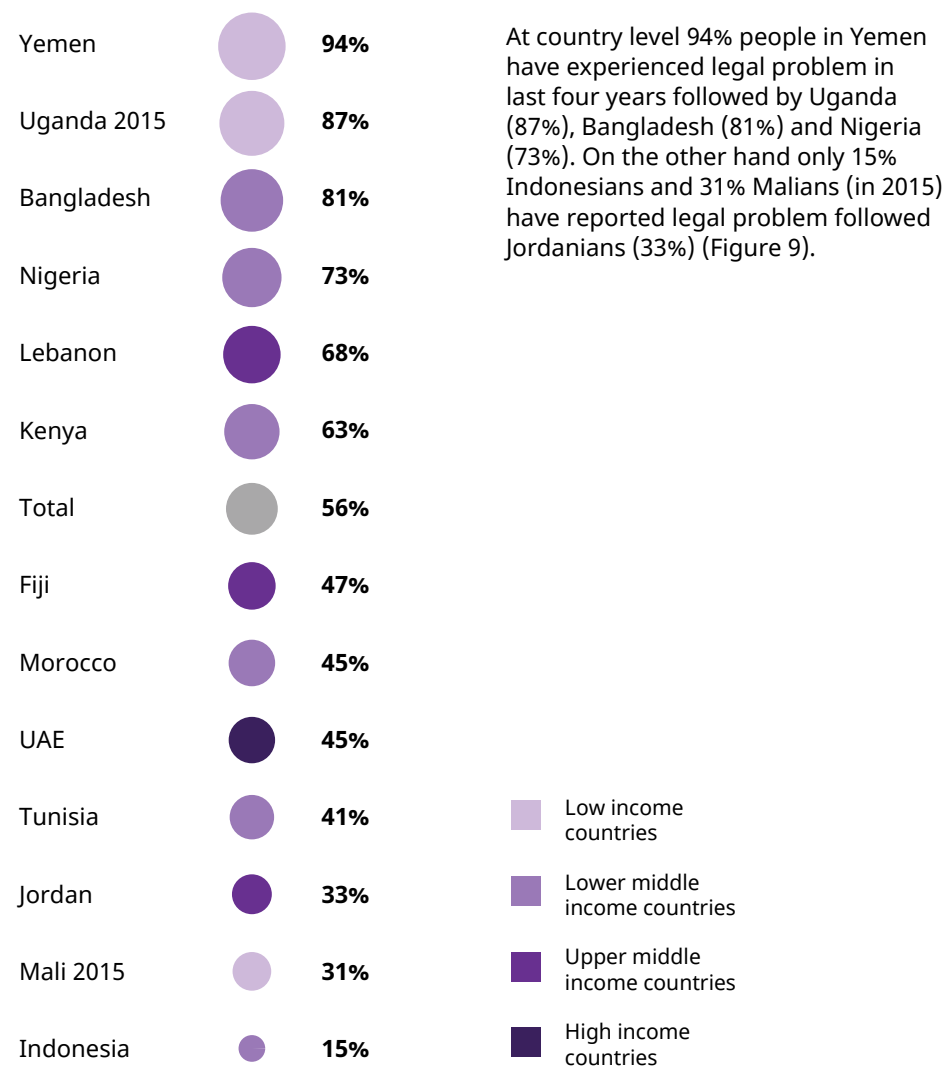


Figure 9: Legal problems by country (4 years period)

In summary, the data shows that the relationship between poverty and the experience of legal problems is not simple. We cannot say that poor people unconditionally encounter more legal problems. In fact, there is a non-linear relationship – people in the middle upper income category report more problems compared with the others. The difference, however, are not dramatic. Clearly, the socio-demographic characteristics play a large role in explaining the “epidemiology” of the justice problems. Country specifics also contribute to the variation in the prevalence of legal problems. Our dataset is small and cannot reliably detect the impact of country

economic development on legal problems. Nevertheless, there are indications that the prevalence of legal problems is affected by economic development although the direction and the underlying factors need further research with a larger dataset.

We continue with diving deeper into the characteristics of the legal problems that poor and non-poor people deal with. After that, the analysis explores in more detail the relationship between income and access to justice while at the same time accounting for the impact of relevant variables.



# The legal problems of the poor



There are differences in the types of legal problems that poor and non-poor individuals encounter.<sup>3</sup> Disputes related to land rights and tenure are most often reported by the poor (Figure 10). For non-poor land is the third most prevalent problem. Crimes, disputes with neighbours, employment problems, housing, and accidents & personal injuries occur more often in their lives. At the level of the legal categories, poor report more family problems, legal issues around obtaining social welfare and slightly more money-related problems. Despite the differences, however, there is no radically different structure in the types of legal problem of poor and non-poor. In Figure 10 there are much more similarities than differences in the justice needs of poor and non-poor.

<sup>3</sup>  $\chi^2(N = 37,419) = 501.29, p < .000$

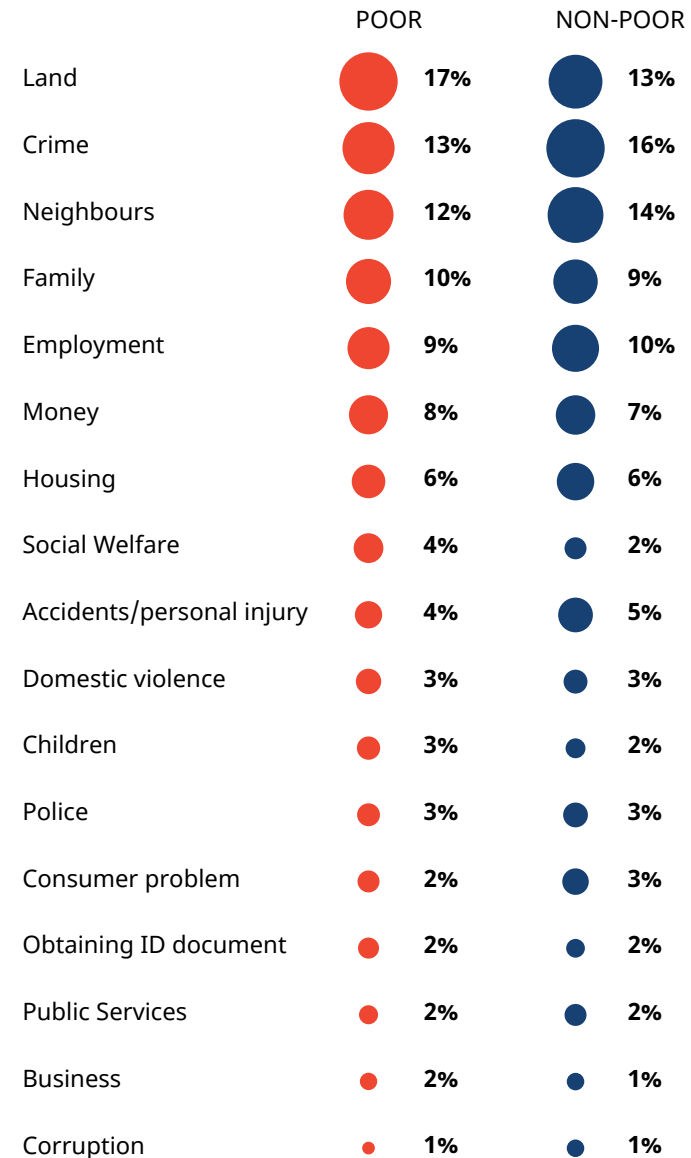


Figure 10: Income and categories of legal problems

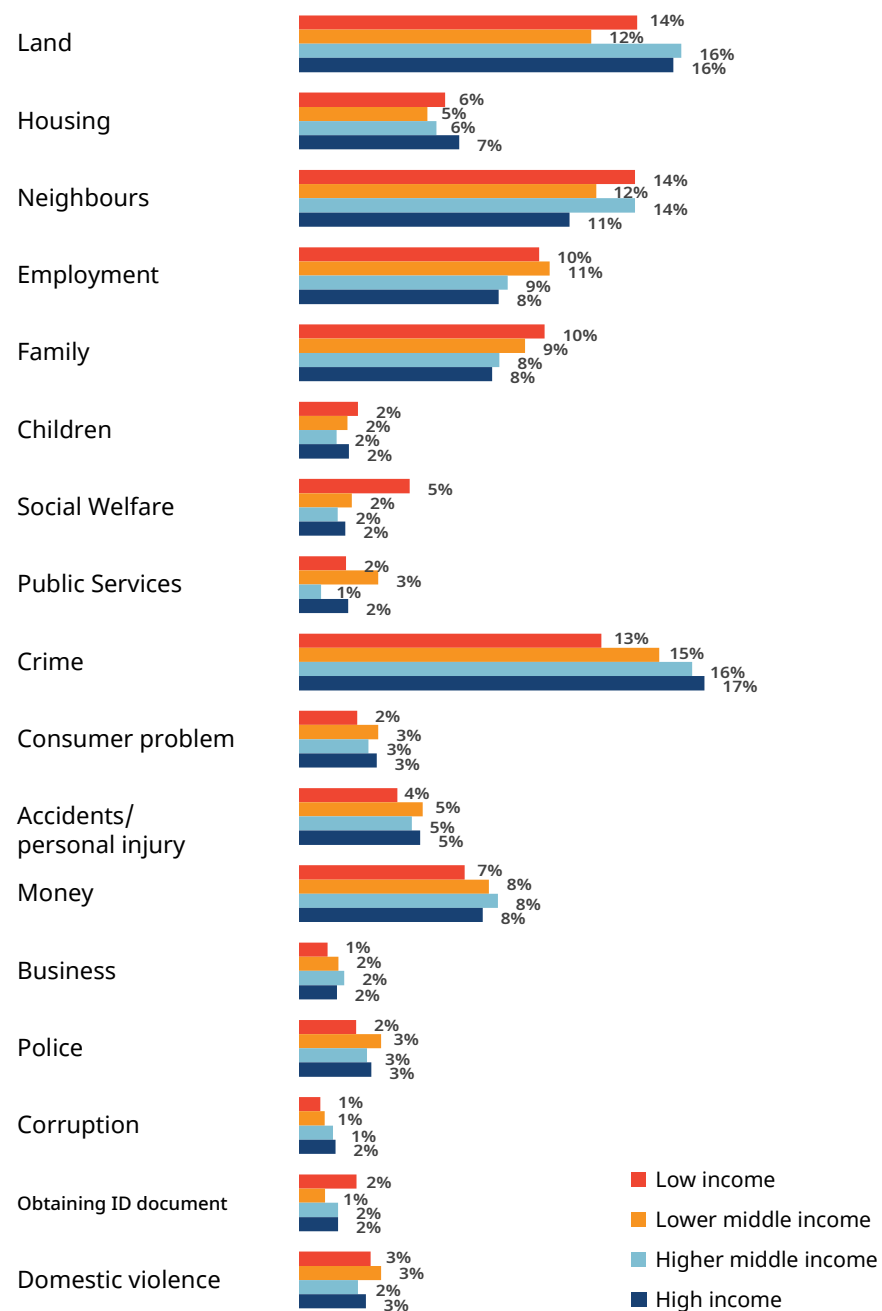


Figure 11: Income at 4 levels and categories of legal problems

The complex relationship between income and incidence of legal problems is more apparent when we look at income recorded into 4 levels (Figure 11). Incidence of crime increases slightly with income. Social welfare and employment problems affect lower income groups slightly more compared to higher income groups. Beyond these several trends, there is no well visible relationship between income and the incidence of specific categories of legal problems.

Again, other socio-demographic characteristics of the respondents have larger influence than income. If we look only at the poor people and split the dataset by gender, we see that disputes with neighbours (17%), crime (15%) and family problems (13%) are more common among women. Men from the poor category experience more problems around crime (16%), land (15%), disputes with neighbours (12%), and employment related problems (11%) compared with poor women.<sup>4</sup>

<sup>4</sup>  $\chi^2(N = 21,233) = 988.79, p < .000$



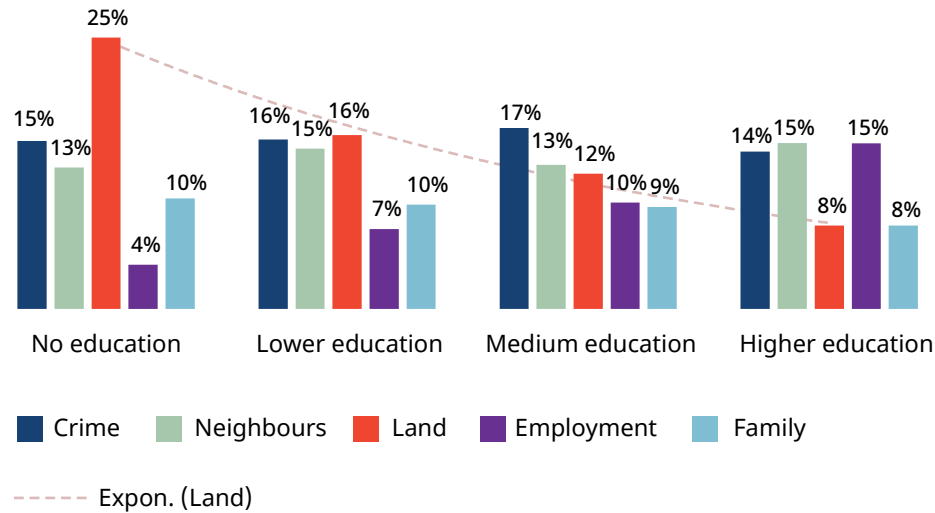


Figure 12: Most serious problem by education level

A different pattern emerges when we look at the most serious problems that poor encounter by level of education (Figure 12).<sup>5</sup> Land problems are the most interesting example. Land is the most frequently occurring problem for poor people but it is not equally distributed among different levels of education. Poor people with no education are significantly more likely to report a land problem. With the increase of education the risk of reporting a land problem decreases significantly. 25% of the poor with

no education report a land problem against only 8% of the poor with high level of education. A relationship with a similar direction, although less sizeable, can be seen in the category of family problems.

On the other hand, with increase of education linearly increases the risk of employment problems. Poor with high level of education are more than 3 times more likely to report a legal problem related to employment.

<sup>5</sup>  $\chi^2(N = 21,172) = 1100, p < .000$

## Impact of the legal problems

The perceived impact of the legal problems is measured with an ordinal Likert scale ranging from “hardly any impact” to “severe impact”. Most legal problems have impact which is above the middle of the scale. It should be noted that non-triviality is a major criterion for registering a problem. The unit of analysis here is the most serious problem. If a person reported more than one legal problem in the last

4 years we asked her to select the one which was most serious, meaning had most impact on the respondent’s life.

The legal problems of poor people have somewhat greater impact (Figure 13). For instance, 31% of the poor respondents said that the negative impact of the problem was severe versus 26% of the non-poor.

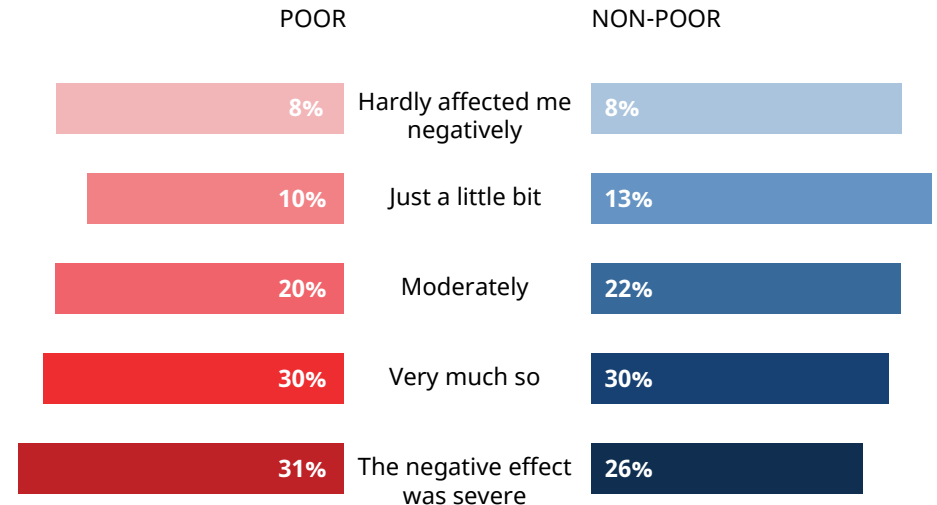


Figure 13: Poverty and problem impact

# Seeking information and advice

On their paths to justice, people seek information and advice from various sources. Some are more qualified to advise on legal matters than others. We provisionally classify the sources of legal advice and information into professional and non-professional. Professional sources of information include, police, lawyers, formal courts, local or national public authority, while non-professional sources of information include family and social network such as family, friends, religious authority, community leaders etc.

73% of the people who had to deal with a legal problem sought some sort of information and advice. Poor people seek legal information and advice slightly more often (Figure 14).<sup>7</sup>

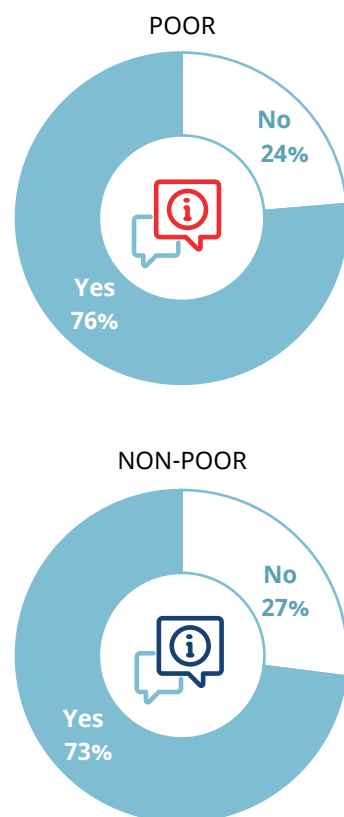


Figure 14: Did you seek legal information and advice?

<sup>7</sup>  $\chi^2(N = 39,967) = 166.90, p < .000$

The direction of the slight difference shifts at the level of seeking professional legal information and advice (Figure 15). Poor people are significantly less likely to seek information and advice for resolving their problem from a professional source. 35% of the poor referred to a professional source compared with 42% of the non-poor.<sup>8</sup> The difference in seeking information and advice from non-professional sources is small and we cannot rule out that it is not due to sampling error.<sup>9</sup> Poor people have less access to qualified advisers and do not compensate for that with a larger support from the non-professional advisers such as family members, friends, neighbours, and informal community authorities.

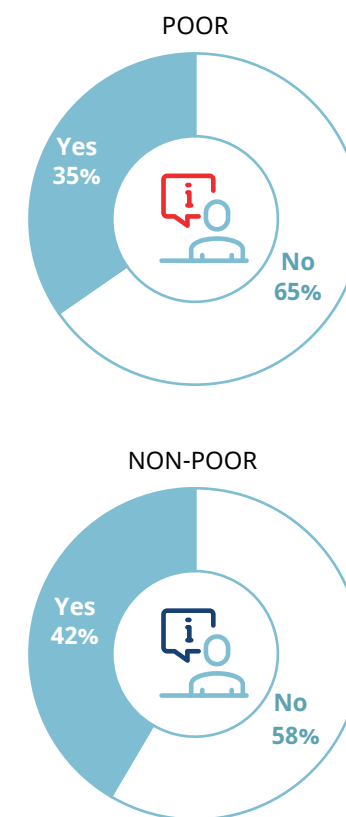


Figure 15: Did you seek legal information and advice from professional sources?

<sup>8</sup>  $\chi^2(N = 37,432) = 185.02, p < .000$

<sup>9</sup>  $\chi^2(N = 37,448) = 2.15, p = .143$

# Taking action to resolve the legal problem

Most of the people who encountered a legal problem – 75% – took some sort of action to resolve it. Action is defined in a very broad way. Engagement of formal and informal, structured, semi-structured and non-structured dispute resolution mechanisms counts as an action. Action is also when the respondent does something aimed towards problem resolution, regardless of the potential of the action to sort out the issue. The proportion of people who took action seems high but it also means that around one quarter of the people face a legal problem and do not take any active steps to resolve it.

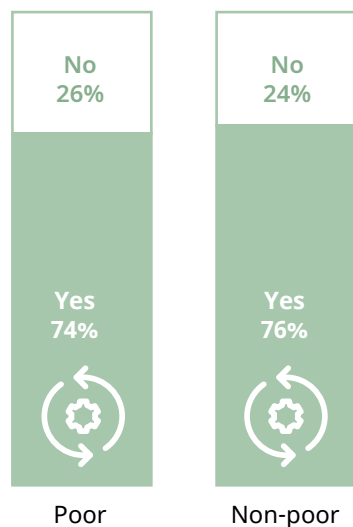


Figure 16: Taking action by income group

Slightly higher percentage of non-poor people (76%) take action to resolve their problem compared to poor (74%).<sup>10</sup>

<sup>10</sup>  $\chi^2(N = 37,429) = 14, p < .000$

# Problem resolution

Resolving a legal problem requires self-confidence, knowledge, efforts, support, and oftentimes resources such as power, money, and time. The problem of access to justice can also be framed as access to institutions that provide advice and/or dispute resolution. From people's perspective a more intuitive view of access to justice is to look at it as the pursuit of resolutions. When a problem emerges, the people concerned need to resolve the issue. The process is important but what matters ultimately is whether the legal problem has been sorted out.

Our measure of resolution has four levels:

1. the problem is completely resolved,
2. the problem is partially resolved,
3. the problem is still in a process of resolution, and
4. the problem has not been resolved and there is no expectation that it will be resolved.



Poor receive worse outcomes of their legal problems as compared with non-poor.<sup>11</sup> The percentage of poor people (23%) who could not resolve their problem and are not trying to resolve it is higher than non-poor (19%). Compared to poor (42%), more non-poor (47%) are capable to completely

or partially resolve the problem (Figure 17). Thirty-six percent of the poor people reported that their problem is ongoing and they are still trying to resolve the problem as compared to 35% non-poor people.

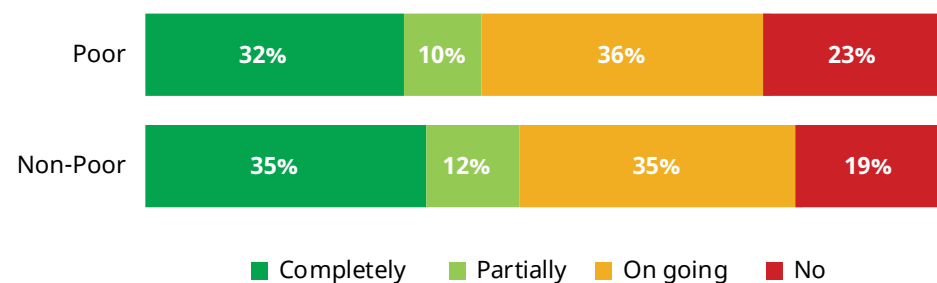


Figure 17: Problem resolution by income

<sup>11</sup>  $\chi^2(N = 27,418) = 89.55, p < .000$

## Quality of justice

In this study we measure the overall quality of justice by combining measures of perceived quality of process, cost of justice as well as quality of outcome. The three dimensions are aggregated using a simple calculation of the means. Quality of justice is measured on a 1-5 scale where 1 represents lowest quality and 5 represent highest quality.

The below graph (Figure 18) shows that compared to poor people, non-poor perceive better quality of justice (3.18 versus 3.26).<sup>12</sup> Non-poor individuals experience overall slightly better justice journeys in terms of process, outcome and cost as compared to poor. The difference is statistically significant but is not huge. Later in the report we explore which other factors affect this relationship.

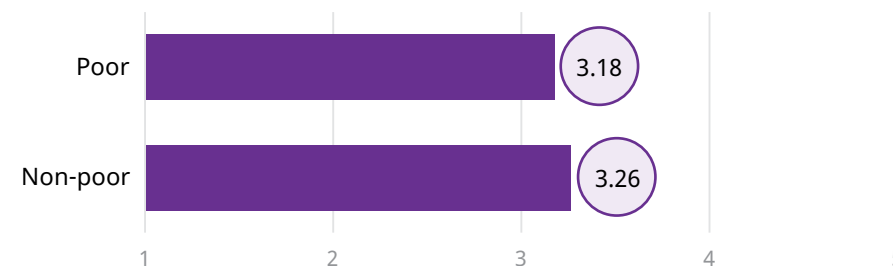


Figure 18: Overall quality of justice

<sup>12</sup>  $F(N = 27,104) = 94.95, p < .000$

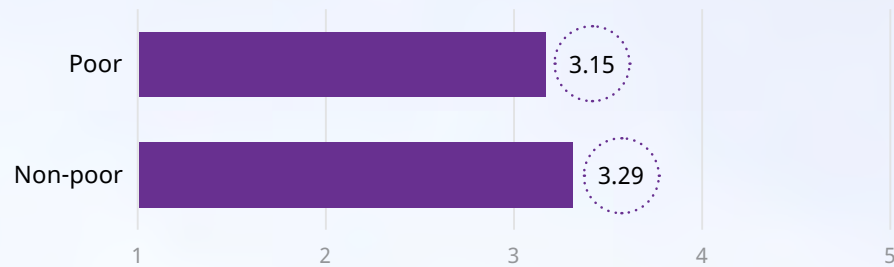


Figure 19: Quality of the process

Next, we look at the individual components of the quality of justice measure – quality of the process, quality of the outcome, and the costs of justice. **The quality of the process is conceptualized as the amount of procedural, interpersonal, and informational justice that people receive during their justice journeys.** Figure 19 shows that poor and non-

poor perceive the quality of the justice processes somewhat differently. On average, the non-poor individuals perceive better quality of process (3.29) compared to poor (3.15).<sup>13</sup>

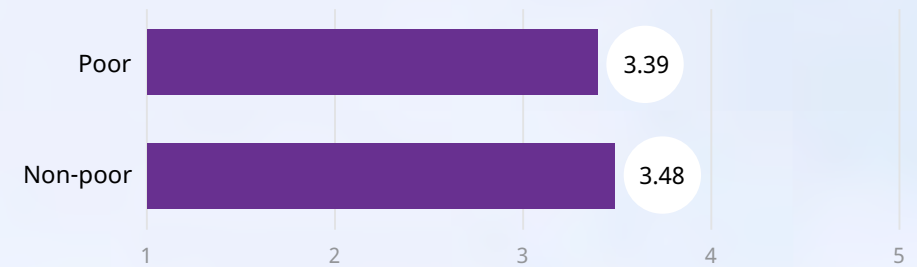


Figure 20: Quality of the outcome

After the perceived quality of process we measure the perceived quality of the outcome of the justice journeys. In our conceptualization, the outcome has four dimensions:

- Fair distribution (distributive justice)
- Damage restoration (restorative justice)
- Explanation of the outcome (motivation of outcomes)
- Problem resolution (enforcement of the result)

The pattern of quality of outcome across income groups is similar to the quality of process (Figure 20). Non-poor perceive better outcome of justice (3.48) whereas perceived quality of outcome reported by poor is lower (3.39).<sup>14</sup> This is understandable from a perspective that a good process leads to a better outcome. In addition, non-poor have more resources in terms of money and socio-economic network which helps them to achieve better outcomes.

<sup>13</sup>  $F(N = 24,398) = 120.08, p < .000$

<sup>14</sup>  $F(N = 10,564) = 23.68, p < .000$



The graph (Figure 21) below compares the mean perceived costs that people encounter while resolving their legal problems. Three categories of costs are included in the cost indicator: out-of-pocket (monetary) expenses, personal time, stress and negative emotions incurred on the path to justice. The perceived costs of justice are slightly higher for the poor (3.20)

as compared to non-poor (3.24).<sup>15</sup> The difference in the time and stress and emotions categories is not statistically significant between poor and non-poor individuals. However, the out-of-pocket expenses reported by the poor are higher<sup>16</sup> (3.71) compared with the non-poor (3.78). This difference is statistically significant.<sup>17</sup>

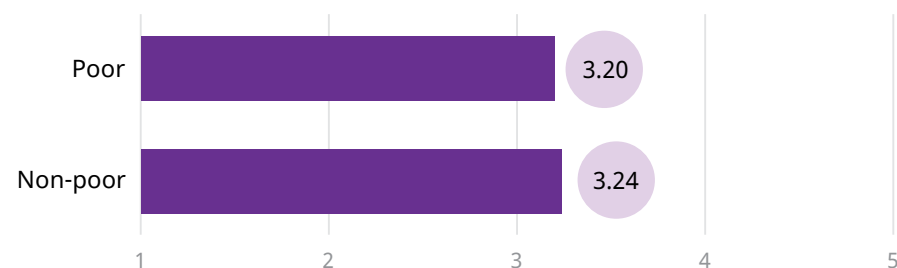


Figure 21: Costs of justice (higher score = lower costs)

<sup>15</sup>  $F(N = 27,082) = 14.97, p = .0001$ . For compatibility with the quality of process and quality of outcome the scales of the costs of justice have been reversed. A higher index score means lower costs and lower index score means higher costs.

<sup>16</sup> Note that a lower score indicate higher costs and vice versa.

<sup>17</sup>  $F(N = 10,564) = 23.68, p < .000$



# Hypotheses

## Hypothesis 1: Income has an effect on the prevalence of legal problems

A complex, often non-linear pattern emerges from the descriptive bivariate analysis of poverty and various aspects of access to justice. There is limited data and literature on the topic, particularly in developing countries' context. To explore further this association we use three forms of multivariate analysis -- logistic regression, multinomial regression, and ordinary least square regression -- to test access to justice hypotheses specified above. The main objective is to assess the effect that income (measured as a binary (poor/non-poor) variable) has on access to justice.

Figure 22 below presents the output of a binary logistic regression where the dependent variable is whether the respondent has encountered one or more legal problems in the last 4 years. The X axis of displays the risk of encountering a legal problem. Income is shown on the Y axis. In Table 1 are listed the other independent variables. The vertical red line crosses the value for the reference category which is the "poor group". The position of the blue dots in the graph show the

probability of experiencing a legal problem. A dot placed to the left of the vertical line means lower chance of experiencing a problem (odds ratio <1) whereas a dot placed to the right of the vertical line means higher risk for experiencing a problem (odds ratio >1). If the horizontal spike touches the vertical red line then the effect is not statistically significant while horizontal line away from the vertical line means effect is statistically significant.

The multivariate analysis (see Figure 22, Table 1.1, Table 1.2) using a binary income tells us that there is a statistically significant relationship between income level and a person's risk of experiencing a legal problem given that the effects of gender, education, marital status, country income level, and urbanicity are held constant. Compared to poor, non-poor are 0.96 times less likely to experience legal problems. This finding confirms our assumption that poor individuals are more vulnerable to legal problems. On the other hand, we see that income increases only marginally the risk of experiencing a legal problem.

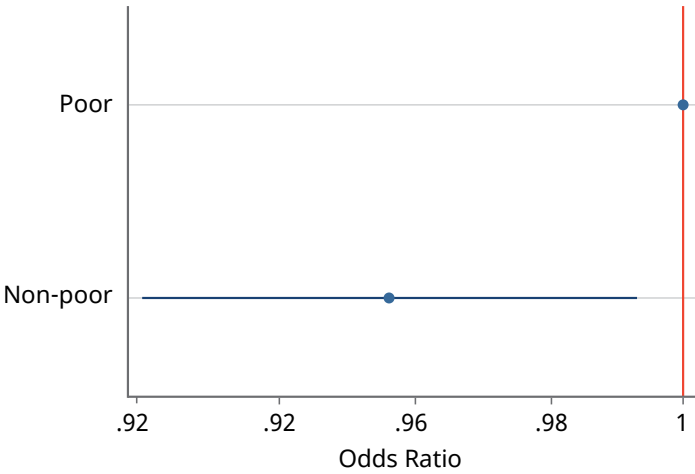


Figure 22: Experiencing a legal problem

Table 1 on the next page shows the impact of the dependent variables in the model. The odds ratio indicates how likely an individual from the respective group is to encounter a legal problem compared to an individual from the reference group – the group which is highlighted. A positive odds ratio implies that an individual from this group is more likely to encounter a legal problem. Odds ratio of 2 means that the individual is twice more likely to face a legal problem. A negative odds ratio means that the individual is less likely to experience a legal problem. In Table 1 we see that women have an odds ratio of .88. This means that given all other factors held constant for every 88 women with a legal problem there will be 100 men who will also encounter a legal problem. Hence, women are slightly less likely to face a legal problem while controlling for the effect of all

other independent variables in the model. For the sake of more intuitive visualization, the third column shows with signs whether the particular level of the variable increases or decreases the risk of experiencing a legal problem.

Explanation of the tables	
	Reference category
+	Increases the risk of the event occurring
-	Decreases the risk of the event occurring
°	The predictor does not have a statistically significant relationship with the outcome variable given the effect of the other predictors in the model

Table 1: Logistic regression with experience of a legal problem (yes or no) as dependent variable

Independent variables	Dependent variable: Experience of legal problems (yes/no)	Odds ratio <sup>18</sup> of experiencing a legal problem (compared to the highlighted category)	Impact on incidence of legal problems	Confidence intervals and statistical significance
Income	Non-poor			
	Poor	1.14	+	(1.10-1.18), p<.000)
Urbanicity	Urban			
	Rural	1.22	+	(1.18-1.27, p<.000)
Gender	Male			
	Female	.86	-	(.84-.89, p<.000)
Marital status	Single			
	Married	1.25	+	(1.20-1.29, p<.000)
	Married, separated	4.21	+	(3.67-4.82, p<.000)
	Divorced	3.31	+	(2.90-3.77, p<.000)
	Widowed	1.09	+	(1.0-1.19, p=.033)
	Other	.59	-	(.43-.80, p<.000)
Education	No education			
	Low	1.33	+	(1.26-1.40, p<.000)
	Medium	1.18	+	(1.12-1.24, p<.000)
	High	1.51	+	(1.42-1.60, p<.000)

18 For logistic regression we report odds ratio, whereas in multinomial regression we report relative risk. The odds ratio is the ratio of the odds of an event in one group to the odds of an event in another group. The relative risk is the ratio of two probabilities - the probability of an event happening in one group versus the probability of an event happening in another group.

## Hypothesis 2: Income has an effect on the prevalence of legal problems directly related to livelihood and income

We assume a relationship between income level and problems directly related to livelihood and income. We tested this assumption by testing the relationship between level of income and four aggregated categories of legal problems. These are: Livelihood and income (land, housing, employment, consumer problems, money, business problems), basic services (social welfare, public services, and obtaining ID documents), essential relationships (disputes with neighbours, family, children, domestic

violence), security and integrity (crime, accidents/personal injuries, police, corruption), and other problems. In the multivariate analysis, *security and integrity* problems are used as a reference category therefore the probability of experiencing other types of problems are interpreted in relation to *security and integrity* problems. The results of the multivariate analysis (Table 2) are explained below.



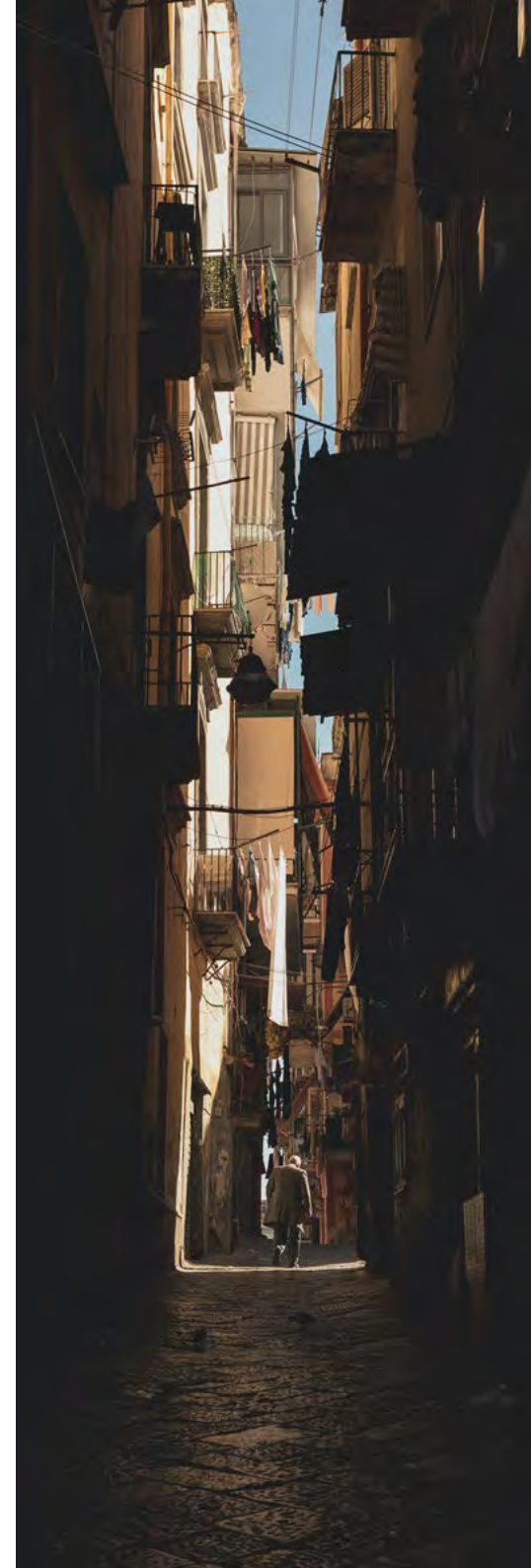
Table 2

Dependent variable: Legal problems (4 categories; Problems with security and integrity are the reference category)	Independent variables	Relative risk of experiencing such problem relative to problems with security and integrity	Impact on incidence of legal problems relative to problems with security and integrity	Confidence intervals and statistical significance
Livelihood and income problems	Non-poor			
	Poor	1.34	+	(1.26-1.44, p=.000)
	Youth (18-24)			
	25-39	1.19	+	(1.08-1.30, p=.000)
	40-64	1.41	+	(1.27-1.57, p=.000)
	65+	1.71	+	(1.43-2.04, p=.000)
Basic services	Non-poor			
	Poor	1.68	+	(1.51-1.87, p=.000)
	Male			
	Female	1.22	+	(1.11-1.36, p=.000)

Dependent variable: Legal problems (4 categories; Problems with security and integrity are the reference category)	Independent variables	Relative risk of experiencing such problem relative to problems with security and integrity	Impact on incidence of legal problems relative to problems with security and integrity	Confidence intervals and statistical significance
Essential relationships	Non-poor			
	Poor	1.20	+	(1.12-1.29, p=.000)
	Male			
	Female	2.02	+	(1.88-2.16, p=.000)
	Single			
	Married	1.83	+	(1.66-2.01, p=.000)
	Married, but separated	6.34	+	(5.21-7.71, p=.000)
	Divorced	10.29	+	(8..09-13.09, p=.000)
	Widowed	1.57	+	(1.30-1.90, p=.000)
	No paid work			
	Respondent has paid work	.83	-	(.78-.89, p=.000)

Poor people experience a higher relative probability to encounter legal problems with income, basic services and essential relationships compared to the probability of experiencing Security and integrity problems. The relative probability of poor people to encounter a Livelihood and income problem is 34% higher than for Security and integrity problems. Poor are also more likely to experience legal problems with basic services (68% higher) and essential relationship (20% higher) than Security and integrity problems.

Other factors play a role here too. Age increases the risk of Livelihood and income problems (compared to Security and integrity problems). Divorce and separation dramatically increase the risk of encountering problems with essential relationships. People who have paid work are less likely to have problems with essential relationships.



## Hypothesis 3: Income has an effect on information and advice seeking

In situations of legal problems, people often seek information and advice from professional and non-professional advisers. Here we test the relationship between income level and seeking information and advice. The results from the multivariate analysis are presented below in Table 3.

After controlling for urbanicity, gender, marital status, age, education, and paid work there is no statistically significant relationship between income as binary variable and searching for legal information and advice. In other words: poor and non-poor are equally likely to seek legal information and advice. Individuals who have paid work, however, are more likely to seek for legal information and advice compared to those who do not have paid work.

Urban people are slightly more likely

to seek legal information and advice to resolve their legal problem. Compared to singles, individuals who are married, separated, divorced, or widowed are significantly more likely to actively pursue legal information and advice. Respondents who have paid work have higher odds ratio more often say that they did seek information and advice. Age and education have not very strong effect on information search patterns. Gender also does not play a role in this relationship.

Table 3

Independent variables	Dependent variable: Searching for legal information and advice (yes/no)	Odds ratio of searching for legal information and advice (compared to the highlighted category)	Impact on searching of legal information and advice	Confidence intervals and statistical significance
Income	Non-poor			
	Poor	1.06	°	(.99-1.13, p=.094)
Urbanicity	Urban			
	Rural	1.1	+	(1.03-1.17, p=.003)
Gender	Male			
	Female	1.05	°	(.99-1.12, p=.098)
Marital status	Single			
	Married	1.21	+	(1.11-1.32, p<.000)
	Married, separated	2.66	+	(2.12-3.33, p<.000)
	Divorced	2.01	+	(1.66-2.63, p<.000)
	Widowed	1.51	+	(1.26-1.80, p<.000)
Age	18-24			
	25-39	.86	-	(.78-.94, p=.001)
	40-64	.83	-	(.75-.93, p=.001)
	65+	.95	°	(.80-1.11, p=.524)
Education	No education			
	Low	.83	-	(.77-.92, p>.000)
	Medium	1.02	°	(.93-1.13, p=.633)
	High	1	°	(.90-1.13, p=.885)
Work	No paid work			
	Respondent has paid work	1.72	+	(.80-1.11, p=.000)

# Hypothesis 4: Poverty does not have an effect on the quality of information and advice

Next, we investigate the effect of poverty on the type of advice and information that people seek. We classify several formal sources into the category of institutional advice: police, lawyers, courts, local or national public authorities. Common for these providers of information and advice is that they are part of the formal justice delivery institutions. The remaining sources of information and advice are classified as non-institutional – family members, friends, community leaders etc. Apparently this view on advice is broader than the definition of legal advice or legal aid according to many national legal frameworks. In our dataset, from all individuals who reported a legal problem only 13% took the problem to a lawyer or a court. Altogether, 38% used institutional sources of advice.

The findings of the analysis are in Table 4. Poverty decreases the odds ratio of receiving legal information and advice from an institutional source. For every 84 poor individuals, 100 non-poor received advice and information from

institutional advisers while all other factors are held constant in the model. This means that poor people more often seek information and advice from non-institutional sources.

Other factors also play a role. The youngest people are less likely to use information and advice from institutional sources. With increase of age the use of institutional sources rises. Individuals with no education are less likely than individuals with education to use institutional sources. Work has a significant effect on this association – people who have paid work are significantly more likely to obtain institutional information and advice. Each unit of impact of the legal problem significantly increases the likelihood of involving institutional sources. In other words – institutional sources are more often involved in impactful problems. Gender does not have a statistically significant effect in this model.

Table 4

Independent variables	Dependent variable: Searching for legal information and advice from an institutional source (yes/no)	Odds ratio of searching for legal information and advice from an institutional source (compared to the highlighted category)	Impact on searching of legal information and advice from an institutional source	Confidence intervals and statistical significance
Income	Non-poor			
	Poor	.82	-	(.78-.86, p<.000)
Urbanicity	Urban			
	Rural	1.05	+	(1.35-1.41, p=.039)
Gender	Male			
	Female	.96	°	(.92-1.01, p=.186)
Age	18-24			
	25-39	1.27	+	(1.18-1.37, p<.000)
	40-64	1.69	+	(1.56-1.82, p<.000)
	65+	1.93	+	(1.71-2.10, p<.000)
Education	No education			
	Low	1.14	+	(1.06-1.23, p>.000)
	Medium	1.21	+	(1.12-1.31, p>.000)
	High	1.18	+	(1.07-1.30, p=.001)
Work	No paid work			
	Respondent has paid work	1.32	+	(1.26-1.39, p>.000)
Impact		1.38	+	(1.35-1.41 p>.000)

# Hypothesis 5: Poor individuals are less likely to take action to resolve the problem

An important step in resolving a legal problem is taking action towards dispute resolution. Under action we understand the active steps to involve a formal or informal third party in the resolution of the problem. Note that in this definition of action we do not include self-actions – activities through which the respondent herself finds a resolution.

Some problems are resolved even if the person does nothing. However, 51% of the people who did not take action said that the problem is not resolved. Only 18% of those who took some sort of action say that the problem is not resolved. Most legal problems are resolved through active strategies. Conversely, the passive strategies rarely lead to problem resolution.

To explore further the relationship between poverty and taking own action analyse action as dependent variable and income binary (poor-non/poor) is the independent variable. On the next page are the findings (see Table 5) of the analyses.

After controlling for other variables (see Table 5) poor people are slightly less likely to take action but this difference is not statistically significant. The biggest impact on the probability that a person will take action has the work status. For every 100 individuals who do not work and take action to resolve their legal problems, there will be 159 individuals who work and take action. Age and education have an impact on the probability of a person taking an action to resolve a legal problem. With the increase of age and education (although not linear for age) increases the likelihood for action. People in rural areas are slightly more likely to proceed actively towards resolving the legal problem.

The characteristics of the problem also affect the probability of action. People are significantly more likely to take active steps when the problem is more impactful. For instance, if the problem is about land people more often take active steps towards resolution compared with other, less impactful problems.

Table 5

Independent variables	Dependent variable: Did you take action (yes/no)	Odds ratio of action (compared to the highlighted category)	Impact on action	Confidence intervals and statistical significance
Income	Non-poor			
	Poor	.94	°	(.88-.1, p=.057)
Urbanicity	Urban			
	Rural	1.09	+	(1.02-1.16, p=.011)
Gender	Male			
	Female	1.01	°	(.95-1.08, p=.691)
Age	18-24			
	25-39	1.1	+	(1-1.20, p=.044)
	40-64	1.27	+	(1.14-1.41, p<.000)
	65+	1.56	+	(1.32-1.84, p<.000)
Education	No education			
	Low	1.39	+	(1.27-1.51, p>.000)
	Medium	1.64	+	(1.49-1.80, p>.000)
	High	1.48	+	(1.33-1.66, p>.000)
Work	No paid work			
	Respondent has paid work	1.59	+	(1.50-1.69, p>.000)
Impact		1.37	+	(1.33-1.40 p>.000)

# Hypothesis 6: Income does have an effect on the perceived quality of the paths to justice

Key in this assumption is that income affects how people perceive the quality of justice that they receive. In an ideal world socio-economic status should not interfere with justice. Also, the disputes, disagreements and crimes are resolved according to facts and based on clear rules which are equally applied to everyone.

To test the above hypothesis we created an aggregate score of the overall perceived quality of justice combining quality of the process, quality of the outcome and costs of justice. For simplicity we call this measure *quality of justice*. The measure ranges from 1 (indicating very low perceived quality and high costs) to 5 (indicating very high perceived

quality and low costs). Only people who encountered a justice problem and took active steps to resolve it were asked to assess the three dimensions of their justice journeys. This aggregate measure is the dependent variable in the analysis in Table 6. Three clusters of independent variables are included in the analysis which tests the relationship between income level and Quality of justice - characteristics of the problem, aspects of the strategies to resolve the problem and socio-economic properties of the respondents.

The findings of multivariate analyses (see Table 6.1 and Table 6.2) are presented below.

Table 6

Independent variables	Dependent variable: Quality of paths to justice (interval)	Regression coefficients (compared to the highlighted category)	Impact on quality of paths to justice	Confidence intervals and statistical significance
Income	Non-poor			
	Poor	-0.01	°	(-0.3-.007, p=.253)
Urbanicity	Urban			
	Rural	.09	+	(0.8-0.11, p<.000)
Gender	Male			
	Female	0.4	+	(.03-.06, p<.000)
Age	18-24			
	25-39	-0.06	-	(-0.09/-0.04, p<.000)
	40-64	-0.09	-	(-0.11/-0.06, p<.000)
	65+	-0.08	-	(-0.13/-0.4, p<.000)
Education	No education			
	Low	0.15	+	(0.12-0.18, p<.000)
	Medium	0.14	+	(0.11-0.16, p<.000)
	High	0.14	+	(0.10-0.17, p<.000)
Resolution mechanism	Self-action			
	Courts and lawyers	-0.26	-	(-0.29/-0.23, p<.000)
	Police	0.03	+	(0.00-0.06, p<.000)
	Other organised procedure	0.04	+	(0.02-0.06, p<.000)
	Personal network	0.09	+	(0.06-0.11, p<.000)
Impact		-0.09	-	(-0.09/-0.08 p>.000)

# Hypothesis 6.1: Income level does have an effect on the perceived quality of the process

Poor and non-poor experience the quality of the justice processes in the same way while we control for socio-demographic factors, who resolved the problem and the impact of the problem. From the socio-demographic factors age generally decreases the satisfaction with justice and education increases it. Living in a rural area and being a woman is associated with a slight increase in the perceived quality of justice.

Very interesting results emerge when we look at the third parties who resolved the problem. When people used more than one dispute resolution mechanism on a path to justice (i.e. a friend, a village elder and a public official) we asked – “Who was the most useful resource to resolve the problem?” When people selected Courts and lawyers as the most useful third party the quality of justice drops by .26 points compared to Self-action when all other factors are held constant. All other dispute resolution mechanisms increase the quality of justice compared to self-action.

More impactful legal problems have lower score on quality of justice given that the other predictors in the model are controlled for.

This hypothesis zooms in on part of the previous hypothesis. We look at the relationship between income and the perceived quality of the dispute resolution process (see Table 6.1.1 and Table 6.1.2). The quality of the process is a measure which accounts for the perceived procedural justice, interpersonal justice and informational justice.

There is no difference in how poor and non-poor individuals perceive the quality of the processes of the justice journeys. Gender also does not have an impact on this relationship. Rural residents are more satisfied than urban residents with the quality of the processes. With the increase of age decreases how people perceive the quality of the process. Higher education increases the satisfaction although the relationship is not linear. For instance, the difference between individuals with low and individuals with medium education is not statistically significant.

Compared with resolving the problem with self-action the procedural quality of all other dispute resolution strategies are assessed as better. Holding all other factors in the model constant, using courts or lawyers increases the quality of the process with .35 units of the quality of the procedure. Other organized procedures among which community justice processes are most prevalent increase the score (compared with self-action) by .40 units.

The impact of the problem has negative effect on the quality of the process. More impactful problems yield less positive satisfaction with the process.



Table 7

Independent variables	Dependent variable: Quality of the process (interval)	Regression coefficients (compared to the highlighted category)	Impact on quality of the process	Confidence intervals and statistical significance
Income	Non-poor			
	Poor	-0.03	°	(-0.06/.01, p=.102)
Urbanicity	Urban			
	Rural	.13	+	(-0.1-0.16, p<.000)
Gender	Male			
	Female	0.2	°	(0-.01-.05, p=.249)
Age	18-24			
	25-39	-0.05	-	(-0.09/-0.00, p=.015)
	40-64	-0.08	-	(-0.12/-0.03, p=.001)
	65+	-0.09	-	(-0.16/-0.01 p=.033)
Education	No education			
	Low	0.15	+	(0.11-0.19, p<.000)
	Medium	0.13	+	(0.08-0.18, p<.000)
	High	0.19	+	(0.14-0.24, p<.000)
Resolution mechanism	Self-action			
	Courts and lawyers	0.35	+	(-0.30/-0.40, p<.000)
	Police	0.21	+	(0.16-0.26, p<.000)
	Other organised procedure	0.40	+	(0.36-0.44, p<.000)
	Personal network	0.40	+	(0.36-0.44, p<.000)
Impact		-0.07	-	(-0.08/-0.05 p>.000)

## Hypothesis 6.2: Income has an effect on perceived outcome quality of paths to justice

This hypothesis tests how income affects people's experience of the quality of the outcome. Quality of the outcome is a composite index that measures several dimensions of the final result of justice processes - distributive justice, restorative justice, the extent to which the outcome resolves the underlying problem and the information about the outcome. These four dimensions are aggregated through a simple mean function and the final score is used as the dependent variable in the multivariate analysis.

The results of multivariate analysis (see Table 6.2.1 and Table 6.2.2) are explained below.

The difference in how poor and non-poor individuals perceive the quality of the outcomes of the justice journeys is

not statistically significant. Gender and age also do not affect the quality of the outcome in this model. Rural residents are more satisfied with the outcomes compared with urban residents. People with no education are less satisfied with the quality of the outcome. Education, however, is not linearly related to the outcome - we cannot say that with the increase of education the quality of the outcome increases.

The type of provider does not make a lot of difference when it comes to the quality of the procedure. Other organized procedures have higher outcome score compared with self-action.

More impactful problems are linked to lower quality of the outcome of the justice journeys.

Table 8

Independent variables	Dependent variable: Quality of the outcome (interval)	Regression coefficients (compared to the highlighted category)	Impact on quality of the outcome	Confidence intervals and statistical significance
Income	Non-poor			
	Poor	-0.02	°	(-0.06/.03, p=.442)
Urbanicity	Urban			
	Rural	.14	+	(-0.1-0.18, p<.000)
Gender	Male			
	Female	0.01	°	(-.04-.05, p=.794)
Age	18-24			
	25-39	0.00	°	(-0.06/0.05, p=.935)
	40-64	-0.01	°	(-0.07/0.06, p=.849)
	65+	0.10	°	(-0.11/0.22 p=.08)
Education	No education			
	Low	0.14	+	(0.08-0.21, p<.000)
	Medium	0.11	+	(0.04-0.18, p=.002)
	High	0.12	+	(0.05-0.19, p<.002)
Resolution mechanism	Self-action			
	Courts and lawyers	-0.6	°	(-0.30/-0.40, p=.115)
	Police	0.01	°	(-0.06/0.08, p=.731)
	Other organised procedure	0.09	+	(0.04-0.15, p=.001)
	Personal network	0.40	°	(-0.01-0.02, p=.155)
Impact		-0.02	-	(-0.04/-0.01 p=.007)

## Hypothesis 6.3: Income has an effect on the perceived costs of paths to justice

This hypothesis tests the assumption that income affects the monetary, non-monetary and emotional costs that people make while travelling the paths to justice. The indicator aggregates three types of costs - out-of-pocket costs spent during the resolution, time spent to resolve the problem and the perceived amount of negative emotions and stress caused during the resolution process. It is important to note that these costs refer to the process of resolution. In other words, these are not the costs of the legal problem per se. For instance, if a person is arguing with landlord,

over returning a rental deposit, the costs of justice will be the costs made to resolve the problem - i.e. fees of professionals providing advice, court or administration fees, travel costs and lost working hours. The cost of justice score ranges from 1 to 5 wherein low score means higher cost and high score represents lower cost.

The findings of multivariate analysis (see Table Table 9) which tests the effect of income on cost of justice are as follows:

Table 9

Independent variables	Dependent variable: Costs (reversed) of paths to justice (low value is high costs) (interval)	Regression coefficients (compared to the highlighted category)	Impact on Costs (reversed) of paths to justice	Confidence intervals and statistical significance
Income	Non-poor			
	Poor	0.01	°	(-0.02/.03, p=.587)
Urbanicity	Urban			
	Rural	.04	+	(0.3-0.06, p<.000)
Gender	Male			
	Female	0.09	+	(.07-.11, p<.000)
Age	18-24			
	25-39	-0.11	-	(-0.14/-0.08, p<.000)
	40-64	-0.13	-	(-0.17/-0.1, p<.000)
	65+	-0.07	-	(-0.13/-0.02 p=.008)
Education	No education			
	Low	0.15	+	(-0.8/-0.72, p<.000)
	Medium	0.12	+	(-0.20/-0.12, p<.000)
	High	0.07	+	(0.03-0.11, p<.000)
Resolution mechanism	Self-action			
	Courts and lawyers	-0.76	°	(-0.79/-0.72, p<.000)
	Police	-0.16	°	(-0.20/-0.12, p<.000)
	Other organised procedure	-0.32	-	(-0.35/-0.29, p<.000)
	Personal network	-0.19	°	(-0.22/-0.16, p<.000)
Impact		-0.11	-	(-0.12/-0.1, p<.000)

There is no significant relationship between the income level and the cost of justice. When controlling for the effect of the other factors in the model the level of poverty does not increase or decrease the costs that people encounter on their paths to justice.

The other factors, however, have a significant impact. Women report slightly lower costs compared with men. Rural residents encounter lower costs compared with the urban residents.

Age and education have complex relationship with the costs of justice. The youngest respondents (18-24) report the lowest costs of justice. With increase of age people report higher costs.

The effect of education is interesting. People with no education report the highest costs. With the increase of education the costs of the paths to justice decrease. The model in Table 9 indicates that this association remain stable even when controlling for the other factors in the mode.

Compared with the other variables the type of dispute mechanism has the largest effect on the costs of the paths to justice. Courts and lawyers entail the highest costs. Self-action is “cheaper” than all other procedures. The differences are statistically significant after controlling for socio-economic factors and the impact of the problem.

Lastly, more impactful problems carry higher costs than problems with lower impact.



# Hypothesis 7: Poverty does not have an effect on the resolution of legal problems



This hypothesis tests whether the level of income affects the resolution of legal problems. Herein resolution has been operationalised into four categories. Complete resolution means that all aspects of the problem are resolved, partially resolved is partial resolution of problem, on-going means the person is still trying to resolve the problem, and no resolution means that the problem is not resolved and the person is no longer trying to resolve it.

The findings of multivariate analysis (Table 7.1 and Table 7.2) are as follows.

Table 10

LEGAL PROBLEM IS COMPLETELY RESOLVED				
Independent variables	Dependent variable: Problem resolution	Relative risk of being in the category versus being in the category of Problem is not resolved (compared to the highlighted category)	Impact on problem resolution	Confidence intervals and statistical significance
Income	Non-poor			
	Poor	0.83	-	(0.76/.91, p<.000)
Urbanicity	Urban			
	Rural	.93	-	(0.86-1.02, p=.145)
Gender	Male			
	Female	0.99	-	(.92-.1.1, p=.962)
Age	18-24			
	25-39	0.94	°	(0.84/1.06, p=.336)
	40-64	0.86	°	(0.76/.98, p=.023)
	65+	0.82	°	(0.66/1.02, p=.074)
Education	No education			
	Low	0.89	°	(0.78/1.02, p=.084)
	Medium	0.95	°	(0.84/1.11, p=.497)
	High	1.04	°	(0.89/1.23 p=.591)
Resolution mechanism	Self-action			
	Courts and lawyers	3.17	+	(2.65/3.79, p<.000)
	Police	0.77	-	(0.68/0.88, p<.000)
	Other organised procedure	1.56	+	(1.39/1.76, p<.000)
	Personal network	1.24	+	(1.11/1.39, p<.000)
Impact		0.80	-	(0.77/0.83, p<.000)

LEGAL PROBLEM IS PARTIALLY RESOLVED				
Independent variables	Dependent variable: Problem resolution	Relative risk of being in the category versus being in the category of Problem is not resolved (compared to the highlighted category)	Impact on problem resolution	Confidence intervals and statistical significance
Income	Non-poor			
	Poor	0.86	-	(0.76/.97, p=.011)
Urbanicity	Urban			
	Rural	.68	°	(0.6-0.77, p<.000)
Gender	Male			
	Female	1.37	+	(1.22-.1.53, p<.000)
Age	18-24			
	25-39	1.08	°	(0.92/1.27, p=.363)
	40-64	0.99	°	(0.83/1.18, p=.880)
	65+	0.86	°	(0.96/1.17, p=.327)
Education	No education			
	Low	0.84	°	(0./1.00, p=.053)
	Medium	1.08	°	(0.9/1.29, p=.430)
	High	1.18	°	(0.96/1.46 p=.122)
Resolution mechanism	Self-action			
	Courts and lawyers	2.77	+	(2.21/3.46, p<.000)
	Police	0.65	-	(0.54/0.78, p<.000)
	Other organised procedure	1.55	+	(1.32/1.50, p<.000)
	Personal network	1.29	+	(1.11/1.50, p=.001)
Impact		0.86	-	(0.82/0.90, p<.000)

PROBLEM IS ONGOING				
Independent variables	Dependent variable: Problem resolution	Relative risk of being in the category versus being in the category of Problem is not resolved (compared to the highlighted category)	Impact on problem resolution	Confidence intervals and statistical significance
Income	Non-poor			
	Poor	0.86	-	(0.78/.94, p=.011)
Urbanicity	Urban			
	Rural	.76	-	(0.7-0.83, p<.000)
Gender	Male			
	Female	1	°	(0.92-1.1, p=.995)
Age	18-24			
	25-39	1.16	+	(1.02/1.32, p=.021)
	40-64	1.34	+	(1.17/1.53, p<.000)
	65+	1.63	+	(1.32/2.02, p= p<.000)
Education	No education			
	Low	0.8	-	(0.7/0.9, p<.000)
	Medium	0.72	-	(0.63/0.82, p<.000)
	High	0.69	-	(0.59/0.81, p<.000)
Resolution mechanism	Self-action			
	Courts and lawyers	3.87	+	(3.25/4.6, p<.000)
	Police	0.52	-	(0.45/0.59, p<.000)
	Other organised procedure	1.34	+	(1.19/1.50, p<.000)
	Personal network	0.88	-	(0.78/0.98, p=.022)
Impact		1.04	+	(1/1.08, p=.033)

A complex picture emerges from Table 10. In general, we cannot rule out the research hypotheses that there is a relationship between income and the resolution of the legal problem. Considering all other factors in the model are constant, poor people are less likely to say that their problems are completely or partially resolved. The poor face a higher risk that their problem is not resolved. A complication in the picture is the finding that poor are also less likely than non-poor to say that their problem is ongoing.

Another factor that behaves as expected is the impact of the problem. The most impactful problems are either on going or are unsolved. Legal problems which have lower impact are more likely to be fully or partially resolved.

From the individual predictors in the model the type of dispute resolution has the most palpable effect. Compared to self-help, courts and lawyers are significantly more

likely to resolve a problem fully or partially. Other organized procedures (i.e. community justice mechanisms) or using one's personal network is also positively related to full or partial resolution of the problem. Police, on the other hand, resolves much less problems. When holding the effect of the other variables in the model constant we see that police when compared to self-help produces significantly less often resolution and significantly more often pending or unresolved problems.

Gender, urbanicity, age, and education do not play a significant role in the model in which problem resolution is the outcome variable.

## Limitations

The conceptualization and measurement of poverty was not the main focus of the underlying survey research and the dataset on which this paper is based. Our measure of poverty is formed on stated income and does not take into consideration important facets of poverty.<sup>63</sup> Poverty was measured at the household level and does not include an individual differentiator. Hence, the used conceptualization of poverty has limitations.

The evidence suggests that surveys are less often answered by high income earners therefore the income variable might not perfectly represent the actual income distribution of the JNS countries. The income variable in JNS survey data is a categorical variable with income categories in local currency. Furthermore the number of income categories vary across countries based on the local context. Therefore it was not possible to standardize this variable across countries by converting it into USD.

The variable called 'relative income' is based on the perception of people about their financial situation. A weak correlation between this variable and 'income quartile' which is based on income categories of respondents suggests that people tend to under report their financial situation.

The analysis is based on data from 13 countries. This does not allow for precise estimation of the effect of social and economic development at country level. Hence, the analysis does not factor in fixed country effects. Another limitation in the data is the lack of understanding of the deeper impact of legal problems. Still we know little about how big or small is the difference in the impact of legal problems on poor and non-poor. Another missing aspect is knowledge about the effect of legal problems beyond the individual level - families, communities, and societies. The data also does not contain information about the power imbalances in the specific disputes.

# Discussion and Conclusions

## Discussion



### Demand for justice and income are in a complex, but non-linear relationship

Many people from all walks of life encounter legal problems on a daily basis. Rich and poor, rural and urban, men and women need fair resolutions of justice problems in order to continue further with their lives. The results of the analysis above reveal a strong relationship between income and key access to justice indicators. Poor encounter slightly more and different types of problems. They are less likely to receive institutional advice and to resolve problems. But the relationships are not linear. The data does not support a proposition that the poor are always disadvantaged or that non-poor do not have access to justice problems. We also see that the more granular level of income does not linearly relate to access to justice aspects. Those who are in the middle of the income distribution often report worse justice processes and outcomes. Hence, a much more nuanced and layered picture emerges from the research. A picture in which poverty plays a role in access to justice but this role interacts with other key factors such as socio-demographic background, characteristics of the legal problem, and properties of the path to justice.



### Similar prevalence of legal problems

Poor people encounter slightly more often legal problems. The difference in the prevalence between poor and non-poor, however, is small and does not point to a big gap. Poverty plays a role but is not the only factor that determines whether a person will experience a legal problem or not. Other socio-demographic variables such as gender, age, education, marital and employment status have larger impact on the risk of facing a legal problem. For instance, the youngest and the oldest groups of respondents experience legal problems much less often compared with the middle age categories. Men report slightly more often experiences with legal problems. Married, divorced, and separated individuals report more problems compared to singles.

In this complex relationship, poverty is one of many predicting variables. Its association with the risk of experiencing a legal problem indicates that poor are disadvantaged but the association is weak and non-linear across different income levels. In a multivariate model (Table 1), we see that poor people are exposed

to a greater risk to experience a legal problem when we control for other variables. For every 114 poor individuals with a legal problem there are 100 non-poor individuals. In this model there are other factors that have stronger effect on the risk of experiencing a legal problem. Rural people, women, separated, divorced, and higher education encounter an increased risk for encountering a legal problem.



### A different structure of demand for justice for poor and non-poor

Poor people encounter somewhat different legal problems compared with non-poor. They face much more problems around land and slightly higher prevalence of family, debt, and problems with obtaining social welfare. Non-poor are significantly more likely to need to cope with crime, accidents, employment, and disputes with neighbors. A multivariate model in Table 2 shows that even after taking into account gender, age, education and other socio-demographic factors, still the poor are more likely than non-poor to experience problems around Livelihood and income and Basic services. Poor people also encounter more problems around Essential relationships although the difference is smaller compared with Livelihood and

income and Basic services problems. Non-poor are significantly more likely to experience problems with Security and integrity.

### Two-way significance of the impact of the legal problems of the poor



Poor people report higher impact of the legal problems. This indicates that for them the consequences of the legal problems are harsher compared with the consequences on the non-poor. It should be noted that the difference is statistically significant but not very large substantively. The data does not allow to generalize that poor face grave consequences and non-poor are spared by the impact of the legal problems. Legal problems of poor and non-poor are impactful and affect life in a serious way.

The impact of the legal problems invariably affects the perceptions and outcomes of the justice journeys. Without exception, the different models in which the impact of the problem is analyzed show that the more impactful problems are resolved less often, with lower quality, and at a higher cost. Poor people are in a double disadvantage. First, the legal problems cause higher impact on their lives. Second, more impactful problems are less likely to be resolved.

The second implication is particularly important because the justice systems are more effective at resolving problems with low impact but struggle to achieve fair resolutions for the serious problems.



### Poor people have more restricted access to institutional advisers. Again, the relationship is complex

Poor and non-poor do not differ in the rate of acting to solve a problem or seeking information and advice. The large gap is in the pattern of advice received from institution sources of legal information and advice. Forty-two percent of the non-poor who sought legal information and advice received it from some sort of institutional provider. Significantly less from the poor individuals – 35%, received institutional advice about how and where to deal with the legal problem.

The relationship between income and institutional advisers, however, disappears when the effects of other relevant factors are considered. Whether the respondent has paid work increases the chance that a person will receive advice from a professional source. Marital status also affects this association – single people are least likely to receive advice from a professional source.

### On the paths to justice, poverty is not the key factor explaining how people perceive justice. Other factors intermediate the relationship

Poverty does not independently affect how people perceive their experiences with justice. In all models in which we analyse the paths to justice, the distinction between poor and non-poor is not statistically significant. Other factors such as urbanicity, age, education, and dispute resolution mechanism have much stronger (albeit rarely linear) effect. The impact of the problem for instance always plays a negative effect. People assess the justice journeys in which the more impactful problems are tackled as more expensive and with lower process and outcome quality.

The assessments of the justice journeys are much more nuanced than a flat prediction that poor do not receive good justice while non-poor as a rule obtain good outcomes of their justice journeys. At many levels, possible interaction effects need to be further explored to discern policy and service delivery insights. Above, we discussed how the problems of the poor are more impactful. Higher impact is associated with worse perceived quality of justice and higher costs. The process quality of courts and lawyers is high (see Table 7) but due to costs and cognitive barriers the poor are less likely to use



# Conclusions

formal dispute resolution providers. Self-action (see Table 6, Table 7) results in lower quality of the process and it is not difficult to see how the poor use this strategy more often. Education is another example. Better education is related to higher quality of the processes and outcomes but the poor tend to have lower education.



## The poor resolve less of their legal problems

At the bivariate level, there is a sizeable difference in the resolution rates of the legal problems of poor and non-poor (Figure 17). Compared to non-poor, more of the legal problems of poor individuals remain unresolved or are in a process of resolution. Non-poor report slightly more completely or partially resolved problems. The differences are not big but the association points to systemically worse outcomes for the poor.

The effect of poverty becomes non-significant when we control for other variables. In other words: whether the person is poor or non-poor does not directly determine problem resolution. Other factors play larger role. Two such factors are the type of dispute resolution mechanism and the problem impact. Using courts and lawyers to resolve a problem increases significantly the chance to have the problem fully or partially resolved. Poor people have less access to such institutions. Poor use more often their informal network, but the informal network is relatively less effective in resolving problem. Similarly, the poor encounter more impactful legal problems, which are more difficult to resolve by formal, informal and self-action mechanisms. Hence, poor are disadvantaged in terms of dispute resolution not just for being poor but through the more restricted access to justice institutions and the impact of their legal problems.

## The big picture: a complex, non-linear relationship between poverty and access to justice

Data from 71,892 randomly selected individuals from 13 countries were used in this research. The answers to the two research questions are neither simple, nor straightforward. To the first question: poverty does affect the prevalence and the type of the legal problems of poor people. The differences, however, are not very big. The most important dissimilarities are in the impact and the resolution of the legal problems. The second research question also does not yield a simple answer. Other factors beyond poverty explain how people perceive the quality and costs of justice. The research also strongly suggests that equality should be part of this equation. Below, we delve into the policy and service delivery implications of the research findings.

## Income alone is not good milestone for access to justice policies and development projects

The results contradict a key paradigm on which many legal aid policies and development projects are based. Their central premise is that poor have to deal with more legal problems and their problems are more impactful. What the data show is that this is true but should not be oversimplified. There are factors that need to be taken into account to understand and respond to the relationship between income and access to justice. Hence, the standard approach of mean testing on which many public and private legal aid schemes are based is not sufficient. When it comes to access to justice, poverty is a factor that defines and determines vulnerability. Policy makers, donors, service designers and providers must look deeper in the interactions between poverty and other factors.

It is clear that education, age, job status or living in urban or rural settings are important in explaining various facets of access to justice. This is in line with the notion that human agency is a significantly broader domain than income. People are empowered to resolve legal problems when they have knowledge, capabilities, power position and support from institutions and communities. Education, job status and age are particularly strong predictors of access to justice. Income is closely associated to these factors but they are not mutually exclusive. For instance people in the higher middle income category report the highest prevalence of legal problems. Next in terms of prevalence of legal problems are people from the low income and lower middle income brackets.

Women, young, old, rural residents are examples of groups that experience legal problems differently and usually in a more impactful manner. Additional factors add to the vulnerability risks. Divorced or separated individuals, particularly women, are at a greater risk of experiencing a legal problem and can rely on less support and fewer resources.

Age is another factor that affects access to justice. Most problems appear in middle age

in correspondence with the corresponding life events such as securing income, housing, family and property relationships. Very young as well as older people have specific access to justice needs. Their capabilities and support networks are less reliable. Younger people for instance less often receive information and advice for resolving legal problems.

Apparently, it is not only income but also education level, job, age, living in rural or urban areas that determine the risk of encountering and sorting out a legal problem. More income helps but the capability to resolve legal problems in a fair manner requires other assets. The analysis provides clear indications that access to justice is also about social capital - education, skills, power position, and network.



## The complex relationship between poverty and access to justice requires people-centered responses

Income inequality and poverty play a role in access to justice. There are other relevant factors that have a significant impact. As we discussed above, gender, education, age, and impact of the problem affect whether people are able to resolve their legal issues. Access to justice is a matter of complex agency patterns. This has numerous implications for policy making, design of interventions and service delivery.

## Unequal distribution of justice outcomes

Perhaps, the most significant outcome of this research is the finding that poverty is related to the distribution of the outcomes of the justice journeys. Poverty decreases the ability of the people to resolve their legal problems. This creates unequal justice outcome distribution in which the poor receive less and worse, non-poor receive more and better justice. This is a striking contradiction to the principles of rule of law, justice and equality. In a way, the data and the findings above indicate that lack of access to justice increases the consequences of poverty rather than decrease them.

## Vulnerabilities have to be considered in the design of justice services

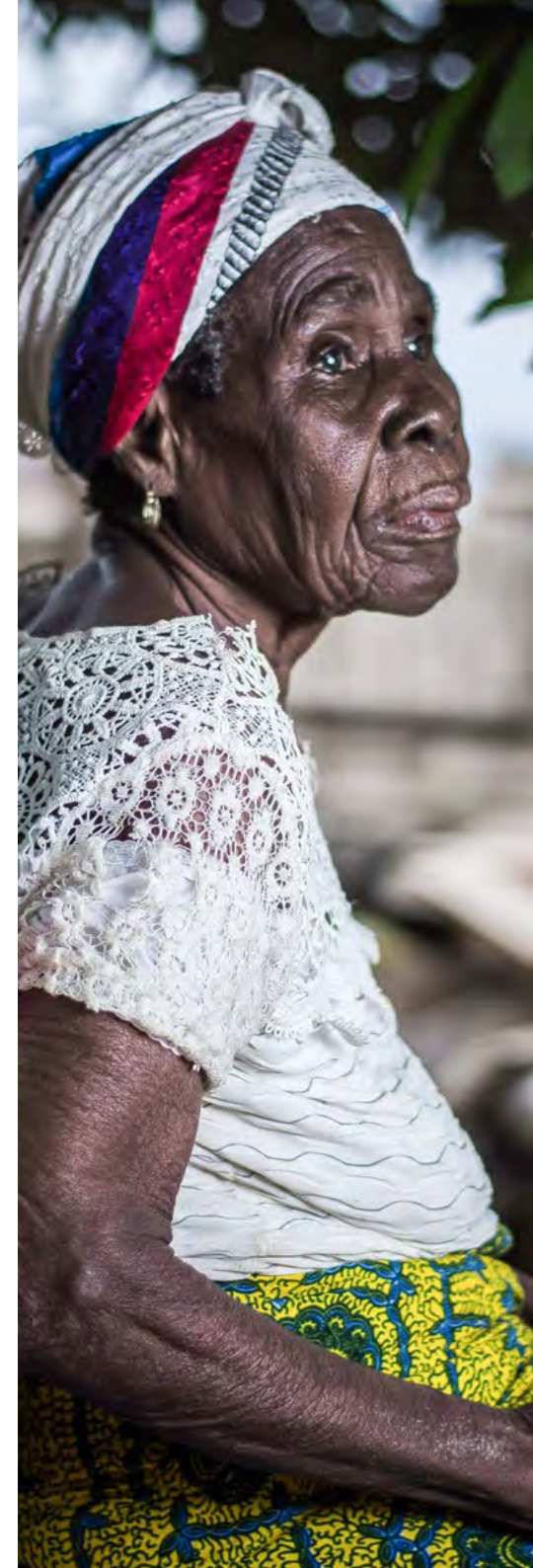
The flat notion that poor people experience more legal problems, encounter worse justice journeys, and ultimately receive inferior outcomes needs to be put into a perspective. Factors such as the impact of the problem, socio-demographic characteristics or urbanicity play a large role. A simple means test for deciding who is vulnerable and should receive access to publicly funded legal services will miss the nuances and the interactions. Policy makers and social planners need to pay attention and invest further to understand the “what”, “when”, and “how” of the risks of lack of access to justice. Above we saw patterns that can be used in interventions. Further insights will give a more precise and more dynamic understanding of the risks associated with access to justice.

## Formal justice institutions – largely ineffective mechanisms for reducing poverty through better access to justice

Formal justice institutions for advice and/or dispute resolution are less accessible for poor people. This relationship is not straightforward. Non-poor are not dramatically more likely to benefit from the services of formal justice institutions. It is the combined effect of related factors such as education, age, gender, urbanicity and above all – the impact of the problem, that renders poor individuals less likely to receive competent advice or effective dispute resolution from specialized providers. Per se, what really matters is whether people can resolve their legal problems. What we see in the real world, however, is that most of the focus, resources and energy at national and international level goes into building and strengthening formal institutions. The implication of the data is that institutions do not decrease or eliminate the differences between poor and non-poor. On the contrary – institutions increase it through systemically benefitting the non-poor and excluding the poor.

## People-centered solutions

The relationship between poverty and relevant factors requires the creative bundling of various services into people-centered services. Often the legal problems are embedded deep into other problems – gender discrimination, rural and age exclusions, urban poverty, lack of education, and deficient sources of income. Only focusing on the justice and dispute resolution aspect is unlikely to resolve the causes of the problems. Complex services that take the complexities into account will be more effective to solve problems and empower people.



## The role of access to justice in eradicating poverty? The role of poverty and inequality in improving access to justice?

Since the 1990s the poverty levels have decreased rapidly although not uniformly across the world. It is estimated that the proportion of the world population living below 1.9 USD a day has fallen from 35.6% in 1990 to 10.00% in 2015.<sup>64</sup> But this is not leading to better and more accessible justice. The global justice gap is estimated to be 5.1 billion people.<sup>65</sup> Another estimate received from a different angle is that each year 1 billion people encounter a serious and difficult to resolve legal problem.<sup>66</sup> Is it possible that the justice gap was larger and is now decreasing? We do not have relevant access to justice data that go back to the 1990s and before. This proposition that the gap is decreasing, however, seems unlikely. Even if this is the case and the gap is slowly decreasing, the pace would be so slow

that the achievement of the SDG 16.3 goal by 2030 will be impossible.

There is a growing body of research that explores the triangular relationship between poverty, equality and economic growth.<sup>23</sup> The results of the present study urge the investigation of a similar relationship – between poverty, equality and access to justice. Above, we saw that poverty and access to justice are interconnected. Not linearly and directly, but in general the poor people face more and bigger challenges with the legal problems in daily life. We discussed the role of problem impact, gender, urbanicity, age and education and other predictors. At many levels these factors play a significant role in the relationship between poverty and access to justice. With these nuances in mind, we see that poverty affects negatively access to justice.

What is ominously missing in the current research is the aspect of equality. In the specific context of justice equality is not only a parameter but a pre-condition. Justice is about equal treatment and resolution of disputes regardless of race and

ethnicity, income and wealth, social status, demographics, political or any other characteristics of the parties. The very fact that justice outcomes are unequally distributed between poor and non-poor is troublesome. Various types of inequality – gender inequality, pay inequality, educational inequality etc., endanger the expectation that people's problems will be solved in a fair and equal manner. Inequality will perhaps correlate greatly with poverty but it is plausible that it will alone explain significant portion of the variation in key access to justice parameters. Two hypothetical scenarios can illustrate that. In the first, two people from the same household with presumably same household income might have very different abilities to resolve a legal problem around domestic violence in which they are involved. In the other scenario, two middle-income neighbours will have different chances of fair resolution if one has significantly higher social status which guarantees deeper knowledge, larger network and broader access to tangible and intangible resources.

From a data perspective what is needed is to operationalize and measure equality as part of the concept of the justice journeys. In order to make it commensurate with the unit of analysis in this paper, inequality needs to be analyzed at the level of the dispute. This will help to better understand how equality affects the subjective and objective elements of dispute resolution and access to justice.

The policy and development implications of the relationship between poverty, equality, and access to justice are multifold. Reduction of poverty and inequality should improve access to justice. However, this is unlikely to happen in a linear and straightforward relationship. The fact that people escape extreme poverty will most likely increase their exposure to the risks of legal problems. With more disposable income people are entering into more interpersonal, social and economic relationships. Non-poor are more likely to see an increase in experiencing legal problems such as consumer problems, debt, and traffic. Higher income increases drastically the risk of crime victimisation. Hence,

escaping poverty is not a solution to the access to justice problem. It will cause other challenges that need to be anticipated in advance, prevented as much as possible and addressed.

It is realistic to think about the reverse direction between poverty, equality, and access to justice. In theory, improvements in access to justice have great potential to decrease poverty.<sup>67</sup> Legal problems inflict significant impact on people. Our data shows that the (subjectively assessed) impact is larger among the poor. Unresolved legal problems carry this cost further. Again, the data shows that poor people are less likely to resolve a problem and hence to absorb more of the costs of the problem. Hence, better access to justice and more resolved problems will decrease poverty.

Inequality is also related to access to justice but the connection is more difficult to conjecture. There are apparent mechanisms through which better access to justice will decrease inequality. First, equal access to justice should result in (more) equal distribution of the outcomes of justice. Second, justice itself is a level playing field which normatively disregards differences and delivers same results for same cases. This provides opportunities and increases the belief in fair and just society. Third, the principles of equity and need (as opposed to the principle of equality) in distributive justice have re-distributive effect which can lead to equality.

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## Implications for the near future

From a human rights and social planning perspectives, the study indicates that the problems of access to justice do not end with lifting people out of poverty. Individuals, communities, and societies face different legal problems and challenges when they escape poverty. In fact, advancing from poverty to middle-income might increase the justice gap. The side effects of such transition need to be studied, forecasted, and preempted.



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