

Delivering People-Centred Justice, Rigorously

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There is growing recognition of a new paradigm that can help us deal with the challenge of achieving SDG16.3 - access to justice for all: people-centred justice. A way of strengthening justice systems by putting people and the outcomes they need at the centre, not institutions and existing procedures. The social and economic benefits of applying that new paradigm are becoming clear. It's time for the next steps. Doing it. In this policy brief we share what is emerging about developing and implementing national people-centred justice programmes. We show that actionable components of such programmes are emerging, which can be funded, integrated and managed coherently. This approach should be further developed.

1. More security, justice at risk

This year, 2021, the UN Secretary General presented his agenda for the tremendous challenges the world is facing as the UN celebrates its 75 anniversary. In his report [Our Common Agenda](#), he makes two important observations to the UN member states – a general one and one relating to justice. First, he notes that *“failing to deliver what people need most, including basic services, drives mistrust, regardless of how open institutions are to public participation.”* This, he concludes, is seriously eroding the social contract. Secondly, he notes that while the 2030 Agenda promises to provide access to justice for all, *“many justice systems deliver only for the few.”* In other words, they are part of the delivery problem.

Data shows that justice systems are of little help when people experience injustice. The most pressing justice problems occur when jobs, housing, land, family relationships or public services essential for survival are at stake. Only 32% of people experiencing a justice problem report that it is resolved in

a satisfactory way. More serious and more impactful problems have lower resolution rates.¹ An additional 10% is satisfied with the process so far. People are hardly using the justice services that governments provide. Only 7% use a court or some other form of tribunal. 8% get advice from a lawyer or another professional.²

The good news is that countries are becoming more successful in providing security and preventing crime. Less people die because of violence, natural disasters or accidents. Governments are increasingly adept in enforcing rules.³

But the highly regarded Rule of Law Index shows that more safety does not equal more justice. Indicators suggest that the protection of human rights is deteriorating over the past 5 years.⁴ The worldwide trend is that people feel less protected in their relationship with powerful government agencies. Corruption is a growing concern. Increasingly, criminal law and civil law procedures are seen as disappointing ways to resolve issues between people in a sustainable way. Of the 25 most populous countries, only two improved their overall score on the rule of law between 2020 and 2021: the DRC, coming from an extremely low level, and Germany.⁵

Imagine that the health care system would only cure 32% of diseases; that only a tiny minority of youngsters would attend school; that the use of renewable energy would decrease. Yet equal access to justice for all is a sustainable development goal on an equal footing with health, education and making progress on climate change.⁶

2. On a mission

People-centred justice resolves legal problems people have, prevents them from occurring, is tailored to what people need in order to move on and, therefore, creates opportunities for people to fully participate in their societies and economy. It puts people and the outcomes they need at the centre, not institutions.⁷

Given the dire assessment of the Secretary-General, it now urgently needs practical implementation in as many countries as possible. Partnerships need to be formed for this, bringing together investors, researchers, designers of new justice delivery processes and organisational units that will implement it. Existing legal institutions such as courts, prosecution and law firms, will need to co-exist and co-operate with organisations bringing in expertise from a range of disciplines and using a range of methods to reach out to people experiencing justice problems.

What can a Minister of Justice, Chief Justice or Chief Prosecutor, or Member of Parliament who has just joined the Judicial Committee propose? What strategic and programming options are available to a director-general with a large ODA budget, the head of a philanthropic organisation or the CEO of a social impact investment organisation who are looking to make a difference in the field of justice?

There is good news for them. A concrete approach is emerging. It comes from the pioneering work of many, from all the

1 See *Poverty and Access to Justice (2021)*, a study by HiIL, for the World Bank. Dysfunctional justice systems enhance inequality. The study shows that poor people receive worse outcomes for their legal problems. The formal and informal justice systems deliver fewer resolutions. The legal problems that poor people encounter have a greater impact on their lives.

2 World Justice Project, *Global Insights on Access to Justice 2019, Summary Statistics Database*. Averages for 101 countries calculated by authors.

3 World Justice Project, *Highlights and data trends from the WJP Rule of Law Index 2021*, October 2021, see slide 21.

4 WJP, *Highlights*, Slide 21.

5 WJP, *Highlights*, Slide 18, 22 and 23

6 Sustainable development goal 16, 3, 4 and 13.

7 *The Task Force on Justice, report (2019)*. It was captured in the Hague Declaration on Access to Justice and referred to in numerous inter-ministerial and other high level gatherings in the past 18 months. A growing group of partners, coordinated by the Pathfinders for Justice, is working to operationalize people centered justice. A *Justice Action Coalition* has been set up, consisting of countries that want to lead on realizing it.

partners that worked on the analysis and the conclusions of the report of the Task Force on Justice.⁸ We see it in ministerial summits organised by the Pathfinders for Justice and the Justice Leaders⁹; the OECD, who has led on further refining the concept of people-centred justice and developing key elements of its implementation, with more research to come¹⁰; the Portuguese EU Presidency, which organised a large conference on the topic; the World Justice Project, as global leader on measuring justice and international convenor¹¹, but also the Elders, Namati, the Open Society Justice Initiative, the Open Government Partnership, and many more. Furthermore, it derives from our own work, innovating justice services and monitoring justice systems in many countries. Most importantly, it also comes from the people-centred justice that is already created by researchers, practitioners and innovators in every country in the world and their clients. They find out when people experience procedural or substantive justice, experiment with new ways to stop crime, try to bring in mediation elements in their work, discover new ways to inform people about their rights, pilot online dispute resolution, solve problems in a practical way and help people to negotiate fair solutions. As judges, as managers of pilots, as ceo-s of justice startups, as police officers, as social workers, as lawyers and in myriads of different combinations. And most reassuringly, as people having serious conflicts and being able to resolve them in a fair manner with their neighbour, their former-spouse or the perpetrator that made them into a victim

It also comes from learning from how governments are tackling Covid-19 and climate change: following the trajectory of applied scientific research, believing in public-private cooperation to supply solutions at scale, and empowering and enabling leadership in the sector that is willing to accept accountability for both security and achieving fair, effective outcomes for citizens experiencing injustices.

They don't all say exactly the same thing and this Policy Brief does not represent a fully shared consensus nor the final wording on the matter. The elements of the emerging approach can be described in many ways. However, overall, the components set out below emerge steadily and we bring them together in an integrated approach.

3. Five main investments

When we describe this approach in the following paragraphs, we assume this would actually be turned into a programme, that would be run by a partnership of organisations, perhaps by a task force¹². We distinguish five elements, each having a different target group and constituencies. Each element requires investments. For each element, experts have been developing methods, some already very sophisticated, some piloted at scale, some still in early design stage. Together, these methods can become the building blocks of a people-centred justice programme.

8 See all the NGO and thinktank members of the Justice Alliance, [here](#). For the list of actively participating States, see [here](#).

9 See Global Week for Justice 2020, [here](#).

10 See Equal Access to Justice for Inclusive Growth, [here](#).

11 See World Justice Project, [here](#).

12 See [here](#) for more in the approach, our 2021 trend report Delivering Justice, Rigorously.

1. Data

First, we need reliable data. Increasingly, survey data have become available, showing the epidemiology of justice problems and the impact of each problem.¹³ From these data, the countrywide burden of injustices can be calculated. The data also show what interventions people use and give some insight in the effectiveness of interventions. Together with the World Justice Project and UN organisations, HiiL is collecting these data and standardising the methods for this. This requires templates for questionnaires, data collection protocols, methods for analysing data, privacy protocols, storage conventions, ways to exchange data, standards for data collection during service delivery and ways to allow for comparison between countries.

Ideally, the partnership we are proposing ensures such data are available for each country and that data collection protocols exist for organisations that handle justice problems at scale. Courts, prosecution, legal aid organisations and websites offering legal information would all benefit from a standard taxonomy of justice problems, for which the OECD has done some groundwork already.¹⁴

Anchoring data collection and sharing of results should take place as well: in a Ministry of Justice, or preferably in an independent academic institution, thinktank or national bureau of statistics. The data should be available on a yearly basis, so progress can be monitored, interventions can be compared and action can be taken. This all should be focused on increasing the resolution rate through fair agreements and acceptable decisions by courts or other third parties.

Ideas have emerged for setting up an international body that could set up a platform that develops shared standards and protocols, makes data collection tools available and serves as a shared repository of data.

2. Evidence-based practice

Evidence-based practice, sometimes briefly referred to as ‘what works’, is a second focus area that is emerging. It is an important driver of effectiveness in the health sector and is already being used in the field of crime prevention. This will not happen spontaneously, but requires a systematic effort.

Domestic violence is one of the most pressing justice problems. Thousands of research papers evaluate attempts to apply what works to stop it and to restore relationships soured by violence where possible. The effects of promulgating domestic violence laws and of sanctioning aggressive behaviour are well known.

One gap in these efforts that needs to be filled is to standardise the desirable outcomes that are being evaluated. Currently, each project tends to monitor different outcomes. It could be a decrease in violence, improved psychological well being, satisfaction with the procedure or the conviction rate for perpetrators. Standardising the outcomes that need to be monitored, based on what is most important for the people having to deal with domestic violence issues in their lives, can be an important step forward towards more effective solutions.

Once outcomes have been defined, knowledge can be translated into guidelines for coping with domestic violence in a way that is agreed (or accepted) between the people involved. Recommendations on ‘what works’ in which situation can subsequently be applied by the many practitioners who help women and men with such issues. In this way, they and their clients can benefit from interdisciplinary know-how.

Police, lawyers, judges, informal justice providers in villages, clerics, social workers, mediators, doctors and therapists now all apply their own ‘treatments’, informed

¹³ HiiL [Justice Dashboard](#), World Justice Project, [Atlas of Legal Needs Surveys](#), 2021. See also, [working group paper](#) for the Task Force on Justice, [Measuring the Justice Gap](#).

¹⁴ OECD, [Legal Needs Surveys and Access to Justice](#), 2019.

by their own disciplinary knowledge, and guided by their own experience. At the receiving end, women who are victims have little idea what they can expect. They would benefit enormously if they could rely on their helpers applying proven interventions.

In our proposed partnership, the programming would ensure that guidelines are made available for the five most pressing justice problems first: land/housing problems, neighbour conflicts, family disputes, employment conflicts and violent crime.¹⁵ And then, for the next priorities, probably including personal injury, debt problems, health care issues and social security.

Evidence-based practice requires integration in the setting where local service delivery has to take place. Know-how from international research needs to be combined with the experience of practitioners and the needs of users in a particular location. This will lead to a local version of the guideline.

A crucial next step is to draft and execute implementation plans with organisations of justice practitioners. Police, prosecutors, social workers or informal justice providers in villages want to be effective. Each operates in a different incentive structure which may or may not be conducive to applying what the evidence suggests. Implementation science has developed valuable insights on the factors that need to be taken into account. Demand for 'what works' from users of services and stakeholders is one important factor. Legal mandates, the support from role models in the profession and of the line management are relevant as well. Implementation may be costly or lead to immediate savings in time or effort. Evidence-based practice is more likely to be accepted if the practitioners share a culture of wanting to be effective and successful in achieving results for clients. Learning

collaboratives need to be established.¹⁶ On the basis of these insights implementation can be stimulated. Bottlenecks can be identified and remedied, if necessary by changes of the guideline in the direction of interventions that are more practical in the particular setting.

3. Gamechanging justice services

Evidence-based practice can only benefit people suffering from justice problems if the more effective treatments reach them. The justice sector needs the equivalent of specialist doctors, accessible hospitals, drug stores, self-help, e-medicine, general practitioners and community health care workers. Each of these services needs a viable business model and an efficient organisation, so as to ensure that treatments reach the target groups.

Justice systems struggle with service delivery models. Courts tend to be slow. Lawyers need to be subsidised. Prosecutors are overburdened. Police are expected to prevent crime and arrest criminals, but not to resolve conflicts. Village elders are not always trusted. Mediators find it difficult to bring both parties to the table.

Research has shown us seven delivery models that can scale. Each of them can provide the interventions that are needed for an agreed solution. Usually, this is a combination of an initial diagnosis, tailored information, involving the other party, support with negotiating the most relevant issues, the option of mediation, a possible decision by 'a judge' and a way to organise compliance.

For each of the following gamechangers, one or more promising examples exist. In some places, these services succeeded in

¹⁵ See also, [Task Force on Justice report](#) (2019), p 66.

¹⁶ See, for instance, Stirman et al, Bridging the Gap Between Research and Practice in Mental Health Service Settings: An Overview of Developments in Implementation Theory and Research, Behavior Therapy 2016, p. 920-936.

overcoming at least some of the challenges of scaling, affordability, consistent quality and a sustainable financial model.

- Community justice services that help people with a simpler way to resolve problems, close to where they live, combining informal and formal justice.
- User-friendly contracts that make work relationships more fair and secure for people and SMEs.
- One-stop shop tribunals for neighbour disputes, family justice and more.
- Problem-solving courts as a promising way to deal with the most common types of crime.
- Claiming platforms that help people access vital government services such as welfare or utilities.
- Prevention programmes that protect people from theft, fraud and violence and make them feel safe, mainly through information sharing platforms, and secure technologies.
- Online information and advice that empowers people with self-help and representation.

An important element of the mission is to ensure that the delivery models for these gamechangers are further developed. Each of them needs to implement evidence-based practice. This requires a support structure consisting of IT (case management system) and standard models for human resources, financial management and monitoring outcomes. Next, these models have to be implemented, building on the capabilities that already exist in the local setting and ensuring sustainable funding.

Innovation labs are a proven method to ensure that this is happening and to avoid the mistakes of copying foreign laws without ensuring that the local political economy will support it.¹⁷ Creating spaces to incubate and accelerate justice startups also works. Most of the time, the gamechangers can be seen as upgrades or extensions of innovations that are already happening in the judiciary, in legal services or in the local community.¹⁸

4. Enabling environment

Bottlenecks in the justice marketplace include: laws and regulations and the often complex adversarial procedures they codify. Regulation that makes it hard to implement innovations with attractive revenue and operational models. The financial arrangements in the justice sector, from budgeting processes to fees and subsidies, and the lack of investment room. Procurement rules which make it difficult for courts and governments to implement innovations that are developed by innovators. The challenge of making this part of national strategies and budget cycles.

National ministries of Justice need to become less the top-down organiser, and more the unleasher of innovation potential, the quality assurer, the facilitator and connector, and, where needed, the bearer of financial risks that the private sector cannot yet carry alone. All with that one goal: more prevention, more resolution, for more people.

The good news: examples of changing this are gradually emerging. Regulatory sandboxes, room for new kinds of partnerships, and new ways to come together as justice leaders to work on this.

17 The World Bank, 2017 World Development Report, [Governance and the Law](#)

18 For an overview of innovation space, see the [report of the Innovation Working Group](#) of the Task Force on Justice. See also a recent [Hiil Study](#), done for GIZ, that looks at the use of digital technologies in judicial reform and access to justice cooperation.

An important element of the programme is to facilitate justice leaders to come together to open this market and create a more enabling environment.

This can be a considerable task. Economists identified many “market failures”, coordination failures and transformation failures.

From a political economy perspective, a broad commitment to innovation is needed, so stakeholders will start to invest in the belief that others will invest as well. When ministries of Justice are unlikely to change their approach to enabling legislation, it is unlikely that courts or legal services organisations will invest in piloting innovations. As The World Bank explained in its World Development Report 2017, Governance and The Law, the policy arena - the space where groups and actors interact to change formal rules - may have to be expanded with challengers from outside the current justice institutions.¹⁹ Justice policy making may have elements of capture by vested interests and clientelism. In some countries, politicians have members of the police and prison sector as their constituency providing votes in return for voice.

5. Engagement and accountability

The last component of a people-centred justice programme that needs to be in place is accountability. If you set ambitious goals in an ambitious people-centred justice programme, you need to account for whether the goals are being met. Especially in the conservative justice sector. It needs to be kept sharp, awake and focused on people, not institutions and rules. In the world of climate change, the periodic reports of the IPCC, the networks it built

and the media attention it generated, fulfilled such a role. Concretely, it means setting up an ecosystem that will keep the leaders of the justice system sharp on commitments they made, results promised, and whether learnings are being implemented.

There are some interesting examples of doing this in the justice field. In Niger, the États Généraux sur la Justice was set up: a multi-stakeholder body that gives the justice system a periodic ‘score card’ and that, based on that, suggests what the Ministry of Justice should focus on.²⁰ In the Netherlands the *Geschillenbeslechtingdelta* by the internal thinktank of the Ministry of Justice fulfills a similar role.²¹

4. Return on investment

A people-centred justice programme will have to show its value. It must produce benefits and change that is financially sustainable.

Public investors may be worried that the benefits of a people-centred justice programme are sprinkled over many different constituencies and government agencies with none of them being prepared to pick up the bill. For private investors, it may not be clear how social and economic benefits can be turned into financial returns.

Given the size of the problem, it is however reasonable to assume that effective and innovative justice services will attract revenues and providers of services will be paid for their efforts. Here too, we are seeing that things are getting clearer and that data and methods are emerging that support the business case for people-centred justice programmes. They show that it may be possible to bring together

¹⁹ See note 15.

²⁰ See www.justice.gouv.ne/index.php/etats-generaux

²¹ Literally translated: the dispute resolution delta. See www.eerstekamer.nl/overig/20201214/geschillenbeslechtingdelta_2019/meta

different beneficiaries of people-centred justice into a consortium that is willing to invest.

4.1 Social and economic benefits

A literature review on quantifying these benefits revealed a variety of ways programmes have defined outcomes and quantified the size of social and economic benefits.²²

We asked Ecorys, a Dutch economic advice agency to calculate the economic and social benefits of achieving a mission target of 80% resolution/prevention rates in the Netherlands. What they came back with was based on an extrapolation from three justice problems: separation, work conflict and access to social security/ services. Besides the very positive results, it is interesting to see where the benefits fall and how they are structured, because this indicates who might be willing to invest.

They estimated a 0.15% contribution to GDP. This excludes export opportunities for justice services and improvements in national investment climate through better access to justice.

In monetary terms, every \$1 invested is:

- ↳ \$4 saved on transaction costs
- ↳ \$14 gain in productivity
- ↳ \$51 gain in quality of life
- ↳ \$10 saved in costs of public services.

The benefits are obvious. The methods for working it out can be further developed.

4.2 Number of people affected

When making the case for investment in people-centred justice, the next step is to quantify the number of people who can benefit from evidence-based, gamechanging justice services.

Data on the number of justice problems per category and their impact on people is available.²³ The World Justice Project data shows that, in cities, 48% of people had a justice problem in the past two years, 41% experienced hardship and 43% achieved a resolution, are on track to, or are satisfied. If these percentages are doubled to 80%, this would positively affect the lives of 36.000 people per million adults each year. This does not include people in custody, without a home or younger than 18 years old. It is clear: in their lifetime, each adult can expect to have several justice problems and would benefit from doubling the resolution rates.

4.3 Potential revenue streams

Public goods like education, health and justice can only be provided at scale with a sound business model. Game changing justice services can only scale and be sustainable if revenues exceed costs of delivery, so investments in future improvements can be funded.

Data strongly suggest that people are willing to pay for effective outcomes: a better quality of life in their homes when nuisance from neighbours stops, friendly relationships in their community, or ensuring that a noisy neighbour with alcohol problems gets the help that is needed.

22 Moore and Farrow, Investing in Justice: A Literature Review in Support of the Case for Improved Access, Report prepared for the Task Force on Justice, Canadian Forum on Civil Justice, August 2019. See [here](#).

23 See the [Hiil Justice Dashboard](#) and the [dashboard of the World Justice Project](#).

Revenue models for justice services are not simple. Smart fee systems can be designed where the person needing the intervention, the other party, the local community and the taxpayer all contribute. Each of these contributors is more likely to spend money on justice services if outcomes will be more predictable, are more likely to be achieved, and can be monitored and improved. Evidence-based practice is the insurance for this.

The good news is that people-centred justice services do not require heavy equipment and have limited environmental impact. The activities consist of exchanging information between participants. This can be done through multiple channels: online, by telephone or in person. For each of these channels, the costs tend to be dropping, with the exception of receiving people in courtrooms, in prime real estate, in the centre of towns and cities. Courtrooms are not likely to be the main channel for game changing justice services. The costs of fact finding can be high in case of crimes; in most countries these are already covered by security budgets.

5. Financials

This way of programming is being worked on in the Netherlands, as one of the first movers to invest in the knowledge infrastructure that will benefit any country implementing people-centred justice. As part of this effort, we had to work out the financial parameters for such a programme.

In a country like The Netherlands we worked out that a 5 year people centered justice programme aimed at increasing prevention and resolution rates with 50% from where they are now would cost around 340 million euros.

- Data collection takes up around 3,5% of the overall budget.
- Collecting best practices around the 5 most prevalent justice problems: around 20%
- Each Innovation Lab would cost around 9%, so if you do 5: around 45%
- Bringing the leaders together for an enabling environment would be around 20%
- Around 5,5% would be required for programme management.

When we worked this out for a country comparable to Uganda in terms of population and economy, we came to around 100 million euros for 5 years, with roughly the same percentages.

A rough estimate would also be that less of these investments would be needed for a state that is set to become a next mover.

6. Teaming up

Who would be involved in execution? Is there a 'team' ready to take this on? One way to organise this would be to follow the mission approach for grand societal challenges. Mariana Mazzucato, who inspired this approach, suggests we need to think bigger and mobilise our resources in a way that is as bold and as inspirational as the moon landing - this time to the most 'wicked' social problems of our time.

Her research shows that governments played an indispensable role in major technological breakthroughs in the 20th century and they are best placed to facilitate such breakthroughs. In the 21st century, she suggests ensuring that corporations, society, and the government coalesce to share a common goal.

Following how this is done in other sectors, the five core elements of the national programme could be organised as follows:

- Programme management, through a combined taskforce of government (likely, ministries of Justice, judiciaries, bar association, and outsiders, representing the justice users), national/international knowledge partners, and an experienced programme manager. That group would have a reputable advisory board, representing all key interests.
- Data and statistics, through available national partners, like the national bureau of statistics, relevant academic institutions, and international partners with relevant expertise.
- Evidence-based practice partnerships per justice problem, through interdisciplinary research groups specialising in this. There is expertise on this that can also be brought in externally.
- Creating an enabling environment, through national and international experts coming together to design effective regulatory frameworks and laws, assisted by national justice innovation leaders.
- Engagement and accountability, through the setting up of a national or combined international neutral guardian. For example, UN Women for domestic violence, Terre des Hommes for separation, ILO for work justice, and national or international ombudspersons for access to essential government services.

- Justice services. Pilot innovators. Successful examples that share their knowledge. Innovative courts, legal services providers.
- Developing gamechangers, with the help of national and international innovation ecosystems and expertise, in the justice field and outside of it. There is a growing community of successful justice innovators that can be called upon.

7. Investment partnership

As becomes clear from the above, investments in people-centred justice programmes will have to come from a carefully balanced partnership, depending on the local situation.

Ministries of Justice may, on the one hand, be too close to the vested interests of courts, lawyers, prosecution and police, organisations that are overburdened and have powerful lobbies. Without giving the Ministry a stake, success is also unlikely, however.

There will also be a need for investment partners. These can be national investment funds and international partners, like international or regional development banks. So-called catalytic philanthropists, who bring in money but also entrepreneurial skills and the mission oriented approach required. For lower income countries, the bilateral donor community that focuses on justice would be a partner.

Private investment by companies that are committed to people-centred justice and have an interest in growth and higher quality markets should also be considered, for example, [Legal Zoom](#), [Clio](#), [Arag](#)).

A wealth of knowledge exists on how to put together arrangements that share risks and returns in an optimal way.²⁵

8. Conclusion

A new way of programming is emerging in response to an urgent need to increase the prevention and resolution of justice problems around the world. To make this concrete: if resolution and prevention rates can be doubled in the next five years in 20 countries with a population of 10 million each (in the scheme of things, small countries), 7.2 million people would have their lives significantly improved.

National people-centred justice programmes and the core components they contain - data about needs, capturing what works, scaling gamechangers, creating an enabling environment, and anchoring accountability - are, as far as we can assess, the most promising responses. The focus on improving justice delivery through the formal justice system of courts, lawyers and legal aid boards has not worked.

Each of the five elements has been tried and tested in different environments; a people-centred justice programme brings them together. The approach is modular and integrated. It can be accompanied with a solid business case in terms of social and economic benefits. It can provide the assurances investors need.

This is a unique moment for ministries of Justice, judiciaries, and large funders in the justice field. Now is the time to start to understand this way of programming and to help develop it further.



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