

Policy brief

‘Small is beautiful, but scale is necessary’: front-line justice services in lower-income countries with the potential to scale-up

Marcus Manuel and Clare Manuel

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Taking people-centred justice to scale: investing in what works to deliver SDG 16.3 in lower-income countries

Key messages

ODI’s pioneering analysis shows that front-line justice services in lower-income countries are delivering results and giving people access to justice, and can do so cost-effectively, with affordable unit costs. This includes in fragile, conflict-affected and oppressive political contexts.

The analysis is based on data collection from 25 front-line justice services in 12 lower-income countries: Bangladesh, Democratic Republic of Congo, Haiti, Kenya, Malawi, Rwanda, Sierra Leone, Solomon Islands, Somalia, South Sudan, Tajikistan and Uganda. The

focus is on (1) criminal justice defenders for unsentenced detainees and (2) community-based legal advice, assistance, and dispute resolution services. The services address a range of justice problems and legal needs, including gender-based violence; land disputes; community disputes; and human rights abuses.

The cost per case achieved by government and civil society front-line justice service providers validates benchmarks suggested by ODI: \$20 per case in low-income countries and \$50 per case in lower middle-income countries. With these benchmark unit costs, services have the potential to be scaled up, so that they provide nationwide front-line services to address justice needs.

When front-line services scale-up to meet more legal needs, unit costs go down, creating a 'virtuous circle'. 'Frugal innovations' such as reducing the role of lawyers for basic and community-level services, using appropriate technology and low-cost transport, as well as early intervention to prevent justice problems escalating, all contribute to affordable unit costs.

The total cost of universal access to (1) criminal justice defenders and (2) community-based legal advice, assistance, and dispute resolution services across all low-income countries is estimated at \$249 million a year. This is 8% of current total aid to justice.

Further research is needed on unit costs for front-line justice services, on the level of need and current coverage, and on the benefits/impacts of investing in these kinds of services.



CHARLES STEWART

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About this publication

This is the fifth in a series of papers on ‘Taking people-centred justice to scale: investing in what works to deliver SDG 16.3 in lower-income countries’ (<https://odi.org/en/about/our-work/taking-people-centred-justice-to-scale-investing-in-what-works-to-deliver-sdg-163-in-lower-income-countries/>). The research project focuses on practical, cost-effective and realistic ways to deliver sustainable justice services at scale and offers lessons both for lower-income countries and donor programming. The project runs until September 2023.

About the authors

Marcus and Clare Manuel are both ODI Senior Research Associates. Marcus Manuel is an economist and was previously a regional director for the United Kingdom's Department for International Development (DfID) and a deputy director at the UK's Treasury. Clare Manuel is a lawyer and was previously a founding director of The Law & Development Partnership and member of the UK Government's Legal Service. She is now founding director of a digital dispute resolution start-up in the UK and runs a free legal advice clinic in north London.

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Acronyms

ADR	alternative dispute resolution
BRAC	Bangladesh Rural Advancement Committee
CAM	court-annexed mediation (Kenya)
CO	community officer (Solomon Islands)
CSO	civil society organisation
DFID	Department for International Development (UK)
DRC	Democratic Republic of Congo
EU	European Union
FIDA	International Federation of Women Lawyers
GIZ	Deutsche Gesellschaft für Internationale Zusammenarbeit (German Technical Cooperation Agency)
HiIL	Hague Institute for Innovation of Law
IDLO	International Development Law Organisation
JJP	Joint Justice Programme
LAB	Legal Aid Board (Sierra Leone)
LAF	Legal Aid Forum (Rwanda)
LASNET	Legal Aid Service Providers' Network (Uganda)
LIC	low-income country
LMIC	lower middle-income country
LDC	Law Development Centre (Uganda)
MCJL	Muslim Centre for Justice and Law
MLAC	mobile legal aid clinics (Rwanda)
NGO	non-governmental organisation
OECD	Organisation for Economic Co-operation and Development
PAS	Paralegal Advisory Service (Uganda)
PASI	Paralegal Advisory Service Institute (Malawi)
SALAC	State Agency for Legal Aid Centres (Tajikistan)
SDG	Sustainable Development Goal
UNDP	UN Development Programme
USAID	US Agency for International Development
WHO	World Health Organization
WJP	World Justice Project

1 Introduction

1.1 Overview

1.1.1 Justice services considered in this policy brief

This policy brief presents examples of effective and affordable front-line people-centred justice services from 12 lower-income¹ countries – Bangladesh, Democratic Republic of Congo (DRC), Haiti, Kenya, Malawi, Rwanda, Sierra Leone, Solomon Islands, Somalia, South Sudan, Tajikistan and Uganda. These legal advice, assistance and dispute resolution services are provided directly to communities and to individuals, including people caught up in the criminal justice system. The services address people’s everyday disputes, conflicts and grievances and support Sustainable Development Goal (SDG) 16.3’s aspiration of ‘equal access to justice for all’. Some of the services are provided in highly fragile, including conflict-affected, contexts. All have the potential to be scaled up so that they provide a nationwide service to address people’s justice needs. ODI’s analysis focuses on two types of front-line justice services: (1) criminal justice defenders for unsentenced detainees; and (2) legal advice, assistance and dispute resolution services for communities and individuals. The first of these is a specific service targeted at a closely defined and marginalised group; the second focuses much more broadly on the general population and the everyday justice problems they experience.

‘Front-line justice service’ is not a term of art, and in this policy brief means services that immediately and directly help people with the justice issues described above. The services address justice problems that are serious enough to require some kind of legal advice, assistance or dispute resolution from an external agency (rather than from family or friends, for example). It embraces both customary and informal justice systems and the formal system (including the formal court system and lawyers). The paper highlights the importance of calibrating the justice service provided to the scope of the problem: many justice problems are not best or cost-effectively addressed by the relatively expensive formal system.

¹ In this brief, ‘lower income’ refers to countries that are classified by the World Bank, as at May 2023, as being either low income or lower-middle income. Low-income economies are defined as those with a gross national income per person of \$1,085 or less in 2021; lower middle-income economies are those with a gross national income per person between \$1,086 and \$4,255. For more details, see: <https://datahelpdesk.worldbank.org/knowledgebase/articles/906519-world-bank-country-and-lending-groups>

1.1.2 Cost analysis

The focus of ODI's analysis is on estimating the cost of addressing individual justice problems, based on evidence from legal needs surveys.² For these kinds of justice problems, and also for the more specific justice problems of unsentenced detainees, ODI has estimated the unit cost achieved by service providers dealing with individual legal cases.

Cost analysis has been key for other sectors, in particular the health sector, to make strategic decisions about where to target funds to achieve maximum impact. Because resources are limited, looking simply at impacts without analysing costs, has been compared to 'one hand clapping' (Gaarder and Linn, 2023). In contrast to other service sectors, it is striking that in the justice sector there has been limited focus on cost-effectiveness: few donor evaluations reviewed for this policy brief considered the unit costs of the services they were funding, focusing on effectiveness, with limited focus on efficiency. Similarly, few of the service providers considered knew what their unit costs were.

The policy brief considers how low unit costs are achieved. It shows how costs vary with scale – larger operations are likely to be able to reap economies of scale and bring their unit costs down. The 'frugal innovation' approach (Radjou et al., 2012; Prabhu, 2022) adopted by low-cost service providers is also examined. As with people-centred justice (Task Force on Justice, 2019) this approach stresses local solutions, putting people at the centre of solutions to address their justice problems.

1.1.3 Needs and coverage analysis

The policy brief also considers coverage: the extent to which front-line justice services have in fact been scaled up and are addressing front-line justice needs in lower-income countries. ODI's analysis reveals just how poor coverage is. For example, in Uganda, all legal aid service providers together are meeting only 7% of the country's legal needs. In many lower-income countries, the coverage is much lower.

1.1.4 Funding issues

The binding constraint on the expansion of these front-line justice services is limited and fragile funding.³ In some cases, current operations are threatened by funding challenges and the service is retracting. Funding sources include central and local government; donors; cross-subsidisation from the service provider's income-generating activities; in civil cases (where the 'loser pays' principle applies), cost recovery; public donations, including through crowd-

² See: <https://worldjusticeproject.org/our-work/research-and-data/atlas-legal-needs-surveys>

³ Evidence from roundtable discussion with front-line justice service providers, April 2023.

funding; and in-kind contributions from volunteer lawyers and paralegals.

The evidence presented in this paper is intended to assist donors with their funding decisions. The evidence is that front-line justice services in lower-income countries are delivering results and giving people access to justice. They can do so cost-effectively, with affordable unit costs.

1.2 Front-line people-centred justice services analysed for cost-effectiveness

Table 1 provides an overview of the 25 front-line people-centred justice services across 12 lower-income countries⁴ that ODI has analysed for cost-effectiveness.

Table 1 Front-line people-centred justice services in lower-income countries considered

Country	Justice service	Service provider
Bangladesh	Legal aid clinics: court case support	BRAC (local civil society organisation (CSO)) (Social Empowerment and Legal Protection Programme)
	Alternative dispute resolution (ADR)	
	Community Legal Service-	18 local CSOs
	Prison paralegals	10 local CSOs
	Village courts	Central (national) government
Democratic Republic of Congo	Results-based finance for effective policing (including providing security and dealing with criminal justice cases)	Congolese National Police
Haiti	Public defenders	PROJUSTICE (USAID-funded programme)
Kenya	Court-annexed mediation	Judiciary
	Rural lawyer/paralegal for land disputes	Kituo Cha Sheria (local CSO)

⁴ That is, low-income and lower middle-income countries, as defined by the World Bank (see footnote 1).

Malawi	Prison paralegals	Paralegal Advisory Service Institute (PASI) (local CSO)
	Village mediation	
Rwanda	Community-based legal advice and assistance	Local CSOs
	Mobile legal aid clinics	Local CSOs
	Call centre legal advice and assistance	Legal Aid Forum (local CSO)
	Abunzi mediation committees	Government of Rwanda (statutory body)
Sierra Leone	Legal advice and assistance	Legal Aid Board (statutory body)
Solomon Islands	Community officers – advice and dispute resolution	Solomon Islands Ministry of Provincial Government and Institutional Strengthening, with World Bank support
Somalia	ADR centres	Ministry of Justice and Judicial Affairs, with support from International Development Law Organisation (IDLO)
South Sudan	Justice and Confidence Centres	Five CSOs, contracted by the UN Development Programme (UNDP)
Tajikistan	Legal aid centres	Ministry of Justice
Uganda	Paralegal Advisory Service (targeted service for unsentenced detainees)	Foundation for Human Rights Initiative (FHRI, local CSO)
	Legal advice and assistance provided to the general population by a range of CSO providers:	
	Legal advice clinics	Uganda Law Development Centre (statutory body)
	Legal advice and mediation clinics	Human Rights Awareness and Protection Forum (HRAPF, local CSO)

Legal aid clinics	International Federation of Women Lawyers (FIDA, local CSO)
Legal aid clinics	Muslim Centre for Justice and Law (MCJL, local CSO)

Source: ODI analysis, 2023

1.3 Cost analysis methodology

The aim was to estimate the average cost per case handled by front-line justice service providers in a range of lower-income countries. The purpose was to estimate the cost of addressing a justice need, i.e., addressing issues identified in legal needs surveys (for a list of surveys available, see the World Justice Project's atlas of legal needs surveys (World Justice Project, n.d.)).

This kind of cost analysis has long been standard in other sectors, as the basis for enabling strategic decisions about where to prioritise resources and what kind of services to fund. In the health sector, cost analysis has built up over 30 years (see World Bank, 1993; WHO Commission on Macroeconomics and Health and World Health Organization, 2001; Taskforce on Innovative International Financing for Health Systems, 2009; Jamison et al., 2013; Stenberg et al., 2017; Jamison et al., 2018). In the justice sector, cost analysis is in its infancy. The first attempt at a global cost analysis was Manuel et al. (2019), which identified benchmark unit costs for basic justice services across country income groups. It revealed that unit costs are six times lower in low-income countries than in high-income ones. This policy brief takes the analysis begun in Manuel et al. (ibid.) forward, drawing on broader and more robust datasets, and developing the methodology further.

The average cost of addressing a justice need was estimated on the basis that addressing a legal need can range from giving one-off advice to handling a case through a court. Many organisations combine such 'case work' with more general legal empowerment/education/outreach. While these activities could be seen as vital to 'bring in' case work and thus as integral to it, the decision was taken to exclude public awareness/information work of this type, and instead to cost units of individual cases. A similar approach is taken to calculating unit costs in the health sector, where costing public health messaging is treated separately from costing individual medical interventions/services (for an introduction to such costing exercises, see Jamison et al., 2013). Focusing on 'cases' that address individual legal needs also enabled ODI to estimate the proportion of countries' legal needs that are currently being addressed.

This pioneering research was undertaken on an exploratory basis. ODI consulted with the major justice donors, international justice organisations and civil society organisations (CSOs), as well as justice experts, for their recommendations on the best examples of organisations providing quality front-line justice services cost-effectively.⁵ In 7 of the 12 countries, ODI then worked closely with the providers of the justice service concerned, or with other local collaborators to obtain required data. In the remaining five countries, ODI undertook desk-based research drawing on publicly available data, usually supplemented by data provided directly to ODI by the justice service provider or its funder. In all cases, the data and ODI's analysis and conclusions have been confirmed with the service provider and/or funder. In addition, a draft was discussed on 20 April 2023 at a virtual roundtable meeting hosted by ODI, Pathfinders for Peaceful, Just and Inclusive Societies,⁶ and the African Centre of Excellence for Access to Justice,⁷ attended by eight of the service providers across eight lower-income countries.

In each case, ODI has calculated the cost per case of the justice service provided, essentially dividing the cost of the service by the number of cases handled. The unit costs presented in this paper should be treated as indicative estimates, with the underlying data subject to limitations that impact on the depth and robustness of ODI's analysis, as follows:

- **Data availability and quality:** Data availability depended on organisations' or funders' records, and was frequently difficult to obtain. For example, in Uganda, only 6 of nearly 60 legal aid service providers were entering data on the number of cases they handled into their combined management information system (LASPNET, n.d.).
- **Data was generally not formally audited:** Only three of the providers included in the research had externally and independently evaluated data.⁸
- **Cross-country comparisons:** The data obtained lacked consistency. For example, some service providers and funders were able to provide data sets for several years (which enabled it to be 'smoothed' and averaged over several years). In other instances, only one year's data was available.
- **Uncertainty over definitions and costs:** ODI needed to make decisions about what constitutes 'case work'. With many organisations undertaking other activities as well as case work

⁵ Including IDLO; the World Justice Project (WJP); Pathfinders for Peaceful, Just and Inclusive Societies; the International Dispute Resolution Centre (IDRC); Hague Institute for Innovation of Law (HiIL); Namati; UNDP; the Charles Stewart Mott Foundation; the Global Fund to Fight AIDS, Tuberculosis and Malaria; and bilateral donors to justice. Consideration was also given to the Legal Empowerment Fund's list of grantees.

⁶ See: www.justice.sdg16.plus/

⁷ See: <https://accesstojustice.africa/>

⁸ Results-based financing in DRC (Mazio and Lokombe, 2022), PASI in Malawi (for example, Matinde and Chingaipe, 2022) and legal aid centres in Tajikistan (for example, DeFaria, 2022).

(typically including legal awareness and education), estimates were made, with varying degrees of robustness and evidence base,⁹ about what work should be included as case work and the costs associated with that activity. In addition, it is possible that cases handled could be over-stated in some instances, with multiple engagements or visits relating to a single case being counted as multiple cases.

As well as obtaining data directly from service providers and funders, some was obtained from grey literature, including donor and consultants' reports. There was limited data or information on front-line justice service unit costs available in academic literature: ODI found just three instances of high-quality academic research with robust data on costs and case numbers. In Kenya, this was a randomised control trial to test the impact of providing the services of a lawyer and paralegal to rural communities (Aberra and Chemin, 2021). In Haiti, ODI drew on a quantitative political science approach that assessed the impact of providing legal advice and assistance to pre-trial detainees (Slough and Farris, 2017), and in Bangladesh on a cost-benefit analysis of village courts undertaken by BRAC University and the Copenhagen Consensus Center (Hossian and Zaman, 2016).

Annex A provides an overview of the data sources and methodology.

1.4 Policy brief overview

Section 2 of this policy brief presents unit cost data for the front-line people-centred justice services in lower-income countries listed in Table 1 and considers their cost-effectiveness. Section 3 looks at justice needs in these countries and considers the extent to which front-line justice services have been scaled-up to meet that need. Section 4 then looks at how service providers considered in this policy brief have achieved affordable unit costs, and thus the potential to scale-up their services. Finally, Section 5 summarises conclusions and makes recommendations for justice service providers in lower-income countries, for donors and for policy-makers.

⁹ The best estimates were either derived from survey interviews with paralegals or taken from highly disaggregated budgets.

2 Examples of cost-effective front-line people-centred justice services and their impact

2.1 Introduction

This section presents 25 examples of front-line justice services from lower-income countries that are potentially cost-effective and capable of being scaled-up, so that they provide a national service across the lower-income country concerned. The section first considers criminal justice services targeted on unsentenced detainees, before moving on to look at more general legal advice, assistance and dispute resolution services for communities and individuals.

2.2 Benchmark scalable unit costs for front-line justice services in lower-income countries

To provide context for the unit costs presented, the average cost per case achieved by the various front-line justice service providers is compared with a 'benchmark' affordable unit cost, drawn from previous ODI research (Manuel et al., 2019;¹⁰ Manuel and Manuel, 2021: Section 4.3). The benchmark is ODI's assessment of what is achievable, and varies in line with the income level of the country: \$20 per case for low-income countries (LICs); \$35 for those that are borderline LICs and lower middle-income countries (LMICs); and \$50 per case for LMICs.¹¹ The different benchmarks are largely explained by staff costs, which are service providers' major outlay, as these tend to rise with the income level of the country. Table 2 sets out the benchmarks for the countries considered in this policy brief.

¹⁰ Annex B in Manuel et al. (2019) provides estimates of the costs per person per year of countries providing a basic justice system for their populations. For low-income countries, the cost per person per year was \$20, of which community-based justice advice and assistance accounted for just 2% of the total. Confusingly, the benchmark estimate of cost per case (rather than cost per person per year) for low-income countries is also \$20. The \$20 per case benchmark was drawn from primary research in the Law and Development Partnership (LDP, 2015); was used to calculate the cost per person per year in Manuel et al. (2019); and was then further discussed and developed in Manuel and Manuel (2021) (Section 4.3: 35).

¹¹ See footnote 1 for the basis on which the World Bank classifies country income levels.

Table 2 Benchmark scalable unit costs for lower-income countries considered

Country	World Bank income group	Benchmark scalable unit cost
Democratic Republic of Congo (DRC)	LIC	\$20 per case
Haiti		
Malawi		
Rwanda		
Sierra Leone		
Somalia		
South Sudan		
Uganda		
Tajikistan ¹²	Borderline LIC/LMIC	\$35 per case
Bangladesh	LMIC	\$50 per case
Kenya		
Solomon Islands		

Source: ODI analysis, 2023

The front-line justice services analysed from each of these countries fall into two types: (1) criminal justice defenders providing advice to a targeted population – unsentenced detainees; and (2) more general legal advice, assistance and dispute resolution for communities and individuals. The distinction between these two typologies is not clear cut and there is some over-lap. However, the typologies provide a useful framework for comparing initiatives across countries.

¹² The borderline is gross income per person of \$1,085. See earlier footnote for more details.

2.3 The quality of services

The focus of this study is on quantitative, rather than qualitative analysis. However, some evidence is presented on the quality of the services provided.

For the targeted services of criminal justice defenders, the quality of their work is primarily assessed in terms of their impact on unsentenced detention rates (SDG 16.3.2). Evidence is also cited from independent evaluations about quality and user experience (Section 2.4).

As far as providers of more general legal advice, assistance and dispute resolution services are concerned, ODI's analysis focuses on case work, which could range from a single piece of advice to legal representation for a formal court case. There is evidence from the limited number of independent evaluations on the quality of services considered in this policy brief, in terms not only of numbers of people being reached, but also user satisfaction (Section 2.5).

For both types of service, quality is also discussed in terms of benefit–cost ratios (Sections 2.4, 2.5 and 2.6). Finally, consideration is given to how the justice sector could learn from the health sector, by using data on level of need and comparing it with data on usage, and then using this as an indicator of the quality of service provision (Section 3.3).

2.4 Criminal justice defenders

2.4.1 Role of criminal justice defender services

Criminal justice defenders are lawyers or paralegals¹³ supporting people accused of crimes within the criminal justice system. Their focus is on unsentenced detainees: people accused of crimes, but who have not been tried; or if they have been tried and found guilty, those who have not been sentenced.¹⁴ Many may be innocent, and some may have been incarcerated awaiting trial for longer than the maximum sentence for the crime of which they are accused. Detention beyond a 'reasonable time' is a human rights abuse, including under the International Covenant on Civil and Political Rights, 1966 (UN General Assembly).

Lower-income countries have much higher rates of unsentenced detainees than Organisation for Economic Co-operation and Development (OECD) countries. In low-income countries, unsentenced detainees comprise an average of 46% of the total prison population. This is twice the OECD rate of 24% (Manuel et al., 2022). As well as a direct human rights abuse, high levels of unsentenced detainees contribute to prison overcrowding. The impact of overcrowding on prisoners' health and well-being is

¹³ Paralegals have some legal training but are not qualified lawyers.

¹⁴ Support may also be provided to sentenced detainees appealing their conviction or sentence.

particularly severe in low-income countries, where prisoner numbers are 80% more than prison capacity (ibid.).

Criminal justice defenders assist unsentenced detainees both to obtain bail (in appropriate cases) and with their defence when their case come to trial. They thus contribute directly to one of SDG16.3's three indicators: *unsentenced detainees as a proportion of overall prison population* (indicator 16.3.2), which in turn reflects the functioning of the criminal justice system as a whole.

The precise criminal justice defender model differs between the service providers. All the services considered in ODI's research, apart from those in Haiti, involve paralegals (usually supported by lawyers). Typically, paralegals assist detainees in police stations, courts and prisons, providing legal advice and assistance that might include tracing lost files, contacting relatives to assist with bail bonds, as well as providing support through the court process. In some cases (e.g., in Haiti and Sierra Leone), legal representation is provided, in others (e.g., in Malawi and Uganda) the focus is on paralegals coaching detainees to represent themselves.

2.4.2 Unit costs of criminal justice defender services

Previous ODI research based on data from Malawi's Paralegal Advisory Service Institute (PASI) and Uganda's Paralegal Advisory Service (PAS) showed how paralegal criminal justice defenders provide a cost-effective mechanism that has the potential affordably to halve the numbers of unsentenced detainees in all LICs, reducing the proportion of such prisoners to OECD levels (ibid.).

ODI's more in-depth research for this policy brief supports this conclusion, but suggests that the costs may be even lower. Improved and more robust data supplied by both PASI in Malawi and PAS in Uganda has enabled more accurate estimates, revealing that ODI's estimate in 2022 of \$20 per case being achieved by paralegal criminal justice defenders over-estimated the costs. ODI's new estimates, based on improved datasets, are \$13 per case for PASI in Malawi and \$16 per case for PAS in Uganda (see Table 3).

In addition, ODI has extended the analysis to include similar services in Bangladesh, Haiti and Sierra Leone. The unit costs are set out in the far-right hand column of Table 3 and can be compared with the benchmark unit costs in the column to the left.

The unit cost in Haiti is considerably higher than that achieved in the other LICs. This is due to the use of lawyers acting as public defenders, rather than a paralegal model, as well as the short-term and small-scale nature of the intervention. Annex A provides further details. Bangladesh has higher unit costs than Malawi, Sierra Leone and Uganda, but is still below the \$50 benchmark for a lower middle-income country.

Table 3 Scalable investments in criminal justice defender services: unit costs

Country	Justice service	Service provider	Benchmark unit cost	Unit cost
Bangladesh	Prison paralegals	10 local non-governmental organisations (NGOs) funded by the Department for International Development (DFID) under its Access to Justice Programme (2013–2021) – GIZ-implemented project	\$50 – LMIC	\$41
Haiti	Public defenders	PROJUSTICE (USAID programme, 2009–2016)	\$20 – LIC	\$102*
Malawi	Prison paralegals	Paralegal Advisory Service Institute (PASI) (local CSO) – European Union (EU) funded	\$20 – LIC	\$13
Sierra Leone	Legal advice and assistance	Legal Aid Board – government funded	\$20 – LIC	\$19**
Uganda	Paralegal Advisory Service (PAS) (criminal justice)	Foundation for Human Rights Initiative (local CSO) – donor basket funded	\$20 – LIC	\$16

Source: ODI analysis, 2023

Notes:

*Assuming local salary rates paid.

**Average of criminal and civil work; average latest three years; unit costs in latest year (2021) were \$13.

2.4.3 Impact of criminal justice defender services

Quality of criminal justice defender services

To be cost-effective, justice services need to produce good results without costing a lot of money. Table 3 shows that criminal justice defender services can be provided at a cost well below ODI's benchmark scalable unit cost. In addition, there is robust evidence of strong results delivered by criminal justice defender services. PASI's work in Malawi is associated with remarkable and sustained reductions in the levels of unsentenced detainees – from 50% in 2000 to 18% in 2008, and then maintained at below 20%, which is below the OECD average of 24% (Manuel et al., 2022). Latest evaluations highly commend PASI for the quality and impact of its

work, including improving human rights (Aiken and Dzimadzi, 2020; Matinde and Chingaipe, 2022).

Early intervention, such as that undertaken by PASI's criminal justice defenders, has the potential to achieve savings to the criminal justice system as a whole, potentially reducing the number of people entering the criminal justice system, as well as enhancing human rights. Ukraine's legal aid scheme, set up in 2013, is a good example of early intervention. It requires the police to inform a legal aid centre about all arrests and provides free legal advice from Ministry of Justice-registered lawyers at the point when detainees enter the criminal justice system (Namoradze and Romanov, 2013).

Cost–benefit analysis: quantifying the impact of criminal justice defender services

In some instances, it has been possible to quantify the benefits of criminal justice defenders and demonstrate that the benefits of these front-line justice services are greater than the costs (see Table 4).

Benefit–cost ratios are usefully considered in the light of the Copenhagen Consensus Center's¹⁵ categorisation (Lomborg, 2014):

- 'phenomenal', where benefits generated are worth at least 15 times the cost
- 'good', where the benefits are worth 5 to 15 times more than the costs
- 'fair', where benefits are up to 5 times the amount invested.

Table 4 Criminal justice defender services: benefit–cost ratios

Country	Justice service	Service provider	Benchmark unit cost
Bangladesh	Prison paralegals	10 local NGOs funded by DFID under its Access to Justice Programme (2013–2021) – GIZ implemented project	13:1 (benefits are 13 times the cost)
Haiti	Public defenders	PROJUSTICE (USAID programme 2009–2016)	3.5:1 (benefits are 3.5 times the cost)

Source: authors' calculations based on data from DFID, 2021 (Bangladesh) and Slough and Farris, 2017 (Haiti).

¹⁵ See: www.copenhagenconsensus.com/

In Bangladesh, prison paralegals advanced the release of unsentenced detainees by an average of 6.5 months, with a benefit–cost ratio of 13:1 (DFID, 2021). This benefit–cost ratio is based simply on savings on the cost of keeping a detainee in prison. It does not consider the wider socioeconomic consequences of pre-trial detention (OSJI, 2011; Manuel et al., 2022).

The criminal justice defender services provided in Haiti were the subject of academic quantitative political science research on benefits to costs. The researchers were able to show a statistically significant impact of legal assistance in reducing pre-trial detention by 3.7 months (Slough and Fariss, 2017). Based on their data,¹⁶ ODI estimates a benefit–cost ratio of 3.5:1. This does not reach the Copenhagen Consensus Center’s ‘good’ rating, but ODI considers that there is potential to lower costs and improve the benefit–cost ratio through a larger and longer-term intervention (see Annex A for more details).

An innovative approach to criminal justice services: results-based financing to improve police accountability

As well as criminal justice defenders, ODI also considered an innovative approach to improve criminal justice services. This was in eastern Democratic Republic of Congo (DRC) and aimed to improve the service provided by the Congolese National Police. Improved police services can give communities and individuals better safety, security and justice. They can also address police detention, including in appropriate cases preventing detainees from entering the criminal justice system, thus contributing to reducing backlogs of unsentenced detainees, measured by SDG indicator 16.3.2.

The eastern DRC initiative involved an international non-governmental organisation (NGO) Cordaid giving four police stations financial incentives to improve their performance, thus mitigating the risks of capture and vested interests. Improvements were measured against a set of qualitative and quantitative indicators, as well as the results of community satisfaction polls. The financial incentive paid when performance targets were met doubled police officers’ government salary, and funded police operations and capital investment. Externally validated results were impressive, with performance indicators achieved, including a major reduction in police harassment and improved community trust in the police. This was in the context of an extremely challenging security situation, with active armed groups operating in the area (Mazio and Lokombe, 2022¹⁷).

Limited data availability meant that ODI was unable to calculate unit costs. But based on the low cost of this intervention (\$72,000 a year paid in total to four police stations) and results achieved, the

¹⁶ But using local pay rates – see Annex A for details.

¹⁷ and personal email from Olivier Chibashimba Rukomeza, Cordaid, February 2023;

approach, albeit small scale and short term (15 months), appears to be highly cost-effective. Further details are provided in Annex A.

2.5 Legal advice, assistance and dispute resolution services for communities and individuals

2.5.1 Types of legal advice, assistance and dispute resolution services

This section considers a broad range of front-line justice services that address people's everyday justice problems, disputes, conflicts and grievances. The focus is on civil justice, but in some cases the legal need has a criminal justice aspect. These kinds of front-line justice services contribute directly to the third of SDG16.3's three indicators: *proportion of the population who have experienced a dispute in the past two years and who accessed a formal or informal dispute resolution mechanism, by type of mechanism* (indicator 16.3.3).

In some instances, the focus is on providing an effective and accessible dispute resolution mechanism. Other services provide people with legal advice and assistance, ranging from simply giving advice about a case at one end of the spectrum, to providing legal representation through a formal court case at the other end. Often the approach is based in customary and informal justice (CIJ), using local dispute resolution mechanisms, and paralegal or other non-lawyer support, in preference to the formal court system and qualified lawyers. But frequently a 'blended' approach is adopted, recognising that not all legal needs can be addressed by CIJ.

2.5.2 Unit costs of legal advice, assistance and dispute resolution services

Data for front-line justice services from Malawi, Rwanda, Sierra Leone, Somalia, South Sudan and Uganda (LICs) and from Bangladesh, Kenya, Solomon Islands and Tajikistan (LMICs) was analysed and unit costs calculated. See Table 5.

Table 5 Scalable investments in legal advice, assistance and dispute resolution for communities and individuals: unit costs

Country	Justice service	Service provider	Benchmark unit cost	Unit cost
Bangladesh	Legal aid clinics: court case support	BRAC (local CSO)	\$50 – LMIC	\$92
	Legal aid clinics: alternative dispute resolution (ADR)			\$21

	Community Legal Service	18 local CSOs		\$103
	Village courts	Central government		\$78
Kenya	Rural lawyer/ paralegal for land disputes	Kituo Cha Sheria (local CSO)	\$50 – LMIC	\$348
Malawi	Village mediation	PASI (local CSO)	\$20 – LIC	\$18
Rwanda	Community-based legal advice and assistance	4 local CSOs	\$20 – LIC	\$2*
	Mobile legal aid clinics	4 local CSOs		\$5*
	Call centre legal advice and assistance	Legal Aid Forum (local CSO)		\$67
	Village mediation	Abunzi mediation committees (statutory bodies)		\$52
Sierra Leone	Community paralegal advice and assistance	Legal Aid Board (statutory body)	\$20 – LIC	\$19**
Solomon Islands	Community officers – advice and dispute resolution	Ministry of Provincial Government and Institutional Strengthening	\$50 – LMIC	\$50***
Somalia (Puntland)	ADR centres	Ministry of Justice /IDLO	\$20 – LIC	\$29
South Sudan	Justice and Confidence Centres	5 local CSOs /UNDP	\$20 – LIC	\$36
Tajikistan	Legal aid centres	Ministry of Justice /UNDP	\$35 – LIC/LMIC border	\$22
Uganda	Legal advice clinics	Uganda Law Development Centre	\$20 – LIC	\$28

	(statutory body)	
Legal aid	International Federation of Women Lawyers (FIDA, local CSO)	\$29
Legal aid and mediation	Muslim Centre for Justice and Law (MCJL, local CSO)	\$53 ¹⁸

Source: ODI analysis, 2023

Notes:

*Median for all CSOs over latest three years.

**Average of criminal and civil work; average latest three years; unit costs in latest year (2021) were \$13.

***Total long-run ongoing costs for two provinces, latest year, including remuneration for community officers and oversight by provincial government. Including donor set-up and project costs would increase unit costs to \$507.

As can be seen from Table 5, ODI considered a wide range of different kinds of services. Estimates of cost-effectiveness were mixed. Seven (7) of the 18 front-line justice services analysed were estimated to have unit costs at or below ODI's scalable benchmark. These are: BRAC's alternative dispute resolution (ADR) in Bangladesh; PASI's village mediation in Malawi; community-based legal advice and assistance, and mobile legal aid clinics in Rwanda (which were the lowest cost); the Sierra Leone Legal Aid Board's community paralegal service;¹⁹ community officers in the Solomon Islands; and Tajikistan's legal aid centres.

Data limitations and methodological issues explain the higher unit costs in other instances. For example, in Bangladesh, data provided by BRAC on cases it handled included only cases that went to trial or were successfully resolved through the ADR process; it excluded cases that were addressed by providing legal advice, or which went to ADR but were not resolved. Including both advice and unresolved cases would bring down the unit cost not only of BRAC's legal representation work, but also of cases referred to ADR – which are already below the affordable unit cost benchmark.

In other instances, ODI's conservative estimates of costs attributable to non-case work activities (usually general legal advice and education) may have resulted in inflated estimated unit costs. This occurred where an organisation's available cost data consolidated

¹⁸ Unit costs reported in latest annual report (2021) were \$13 (MJCL, n.d. (b)). An evaluation covering the period 2018–2022 shows unit costs of \$53 (MJCL, n.d. (a)).

¹⁹ Latest ODI analysis reveals unit costs of \$19 are lower than our earlier estimate of an average of \$22 per case handled in 2016–2018 (Manuel and Manuel, 2021).

the costs of general legal empowerment work (legal advice and education) with work on a given number of individual cases. In such instances, ODI assumed that 20% of the costs were for non-case work. This approach was used for Community Legal Service in Bangladesh, where DFID funded 18 NGOs to target vulnerable and marginalised groups such as slum dwellers, rural women and landless people, providing legal advice and assistance through paralegals and lawyers, including public interest litigation in the Supreme Court. The project completion review suggests (without giving figures) that the proportion of costs attributable to legal education and awareness may have been higher than 20%; hence, unit costs for case work may have been lower (DFID, 2017). There may be similar issues for some of the Ugandan CSOs. Similarly, in Rwanda, data provided for the Abunzi committees was a headline figure on costs, together with the number of cases handled. Yet, it may be on further interrogation that not all the costs should be appropriated to case work, which would bring the unit cost down.

The relatively high unit costs of some of the services is likely to be due to their small scale and/or their short life (as set-up costs are front-loaded). If these initiatives were to be scaled up over longer time periods, it is likely that their unit costs would fall substantially. This is likely to be the case for Kituo Cha Sheria's work on land disputes in Kenya. This local CSO provided farmers with the free services of a lawyer and a paralegal to assist with their land disputes (Aberra and Chemin, 2021). In addition, as discussed in the next section, this service provided exceptional, quantifiable benefits relative to the cost.

Rwanda's innovative call centre providing legal advice and assistance has unit costs of over three times the LIC \$20 benchmark. This may be because this is a new service with relatively low case numbers to date.

ADR centres providing informal dispute resolution services in Somalia provide another example of a small-scale and relatively short-term initiative that has the potential to deliver lower unit costs than the current estimate (\$29 per case). The main costs are for a coordinator, clerk and paralegal for each centre, which use volunteer adjudicators. Over a three-year period, unit costs reduced as the case load increased. The service was also refined to include community paralegals working with the ADR centres, with potential scope for more cases and associated further reductions in unit costs.

In similar vein, the costs of paralegal services in South Sudan (\$36 per case) are likely to have been pushed up not only by including non-legal costs, but also by their small-scale operations (delivered by five individual CSOs, each with their own transaction costs). Additional factors here include the short-term nature of the funding, as well as the insecure environment. It is also likely that costs were

slightly overstated, as they include costs for non-legal services such as psychosocial support.²⁰

See Annex A for further discussion on data and methodological challenges.

2.5.3 Impact of the legal advice, assistance and dispute resolution service

Quality of legal advice, assistance and dispute resolution services

There is good, independent evidence that front-line justice services listed in Table 5 are cost-effective: they are delivering good results, as well as being affordable or have the potential to be affordable. In most instances, the evidence is qualitative. Examples include Community Legal Service in Bangladesh with robust independent evidence of the large numbers of people who benefitted from the service (Valters and Jahan, 2017). Recent evaluations of PASI's community paralegal services in Malawi note that the CSO's paralegals and volunteer village mediators are the preferred, or the equally preferred, providers of justice in Malawi. Feedback from beneficiaries reveals the impact not only in terms of access to justice, especially for vulnerable groups, but wider impacts such as disease reduction, enhanced community cohesion, improved human rights and decreased corruption (Aiken and Dzimadzi, 2020; Matinde and Chingaibe, 2022). Sierra Leone's Legal Aid Board is rated as the country's best performing justice institution (Hiil, 2022). It is also strongly focused on female users – who account for 67% of all cases of legal advice and assistance. Only South Sudan reports a higher degree of focus on women (74%).²¹

The experience of both Sierra Leone and Malawi is that where community-based paralegals have provided communities with an alternative to traditional chiefs for resolving disputes, they have proved popular and the role of chiefs in dispute resolution has evolved in response (see Aiken and Dzimadzi, 2020; Matinde and Chingaibe, 2022, for Malawi; Conteh et al., 2022, for Sierra Leone).

Cost–benefit analysis: quantifying the impact of legal advice, assistance and dispute resolution services

Quantifying the benefits of providing legal advice, assistance and dispute resolution services to the general population presents significant data and methodological challenges, which are explored in

²⁰ For the purposes of this analysis, justice advice and assistance services include only 'legal' advice and assistance and therefore do not include psychosocial services. This is to ensure comparability across the different organisations considered (otherwise organisations providing additional services such as psychosocial support would have higher unit costs than those providing 'legal' support only). However, it is recognised that a 'people-centred' approach to justice may involve a broader, multi-disciplinary approach and that justice problems are inter-related with psychosocial problems and may require a broader set of responses and services.

²¹ In Somalia, the proportion was 48% and in Tajikistan, 44%. The proportion is much lower for work with prisoners, as women comprise a small proportion of inmates.

Section 2.6. Table 6 provides examples from ODI’s research where benefit–cost ratios are available.

Table 6 Legal advice, assistance and dispute resolution for communities and individuals: benefit–cost ratios

Country	Justice service	Service provider	Benchmark unit cost
Bangladesh	Village courts	Central (national) government	16–18:1 (benefits are between 16 and 18 times the cost)
Kenya	Rural lawyer/ paralegal for land disputes	Kituo Cha Sheria (local CSO)	18:1 (benefits are 18 times the cost)

Source: ODI analysis, 2023

Table 6 includes one clear example (as opposed to a tentative example from Kenya) of a *phenomenal* benefit–cost ratio.²² This is village courts in Bangladesh. Village courts, although informal, are provided for in statute and are part of Bangladesh’s justice system. Donor (EU) funding to operationalise them proved highly cost-effective. While the estimated unit costs of \$78 is considerably above the LMIC affordability benchmark of \$50, their benefit–cost ratio has been estimated by academic researchers at between about 16 and 18 to 1, making them highly investable (Hossain and Zaman, 2016: 14).

As well as village courts in Bangladesh, there is some evidence to support a second example of front-line justice services delivering a *phenomenal* return on investment. This is Kenyan CSO Kituo Cha Sheria’s free legal advice and assistance provided by a lawyer and a paralegal to farmers with land disputes between 2013 and 2018. This experiment took the form of a randomised control trial. It produced the statistically significant result that due to the service, farmers obtained stronger security of tenure, expected their land use to increase the following year and were able to access credit more easily. There is also evidence, although not as robust, that farmers spent more time working their land and doubled their agricultural outputs and profits. The alternative of using a privately engaged lawyer to resolve a land dispute would have cost 134% of a farmer’s annual household income. The benefit–cost ratio achieved was a *phenomenal* 18:1. However, the result is tentative (and points to the need for further research), as the sample size is small and the result depends on the precise form of econometric analysis used (Aberra

²² That is, using the Copenhagen Consensus Center’s categorisation, a benefit–cost ratio of more than 15:1.

and Chemin, 2021). Details of the methodology are provided in Annex A.

Most of the front-line justice services in Table 5 involve customary and informal justice. But ODI's analysis suggests that front-line justice services providing advice and assistance to clients in the formal justice system can also deliver cost-effective results. As well as Kituo Cha Sheria's assistance to farmers in Kenya, where land disputes were adjudicated in formal courts, other examples are Tajikistan's legal aid centres, which employ lawyers to provide free legal advice and assistance (with unit costs below ODI's scalable benchmark); and the Uganda Law Development Centre's legal advice clinics, where students and qualified lawyers support clients – mainly in the formal justice system (with unit costs just above the benchmark).

ODI also analysed a formal justice dispute resolution mechanism for cost-effectiveness. This is the Kenyan judiciary's court-annexed mediation (CAM) service, which from its initiation in 2016 has expanded from two court stations in Nairobi to nearly 90 courts across Kenya. It has also dealt with more than 10,000 cases worth \$120 million (The Judiciary of Kenya, 2022). The unit cost is high: over \$9,000 per case. However, this may still be seen as a cost-effective service in comparison to the alternative of resolving a commercial dispute through the formal courts. Resolving such a case through CAM costs less than half the cost of resolving it through the court process and is 18 times faster (The Judiciary of Kenya, 2022).

2.6 Quantifying the impact of front-line justice services: cost–benefit analysis

2.6.1 The value of cost–benefit analysis

The focus of this report is on a relatively simple measure, cost-effectiveness, which compares costs with outputs (number of cases handled). To build the case for more resources to be targeted on front-line justice services, it would be helpful to have deeper and more robust evidence of the impact of these services – for example, on improved human rights, health and income (which would need to take account of changed impacts over time).²³ This would enable the costs of investing in front-line services to be compared with the benefits generated. The Copenhagen Consensus Center uses benefit–cost ratios to compare the benefits of investments across interventions in many sectors (Lomborg, 2014).²⁴

As with global analysis of the cost of services, the justice sector is decades behind other sectors, particularly health, in gathering and analysing this kind of data. Two literature reviews of cost–benefit analyses in the justice sector have been undertaken (Harley et al.,

²³ See, for example, Conteh et al. (2022) highlighting how in Sierra Leone, initial resolution of a dispute may be followed by a failure to enforce.

²⁴ See Section 2.4 for details of Copenhagen Consensus Center's categorisation of benefit–cost ratios.

2019; Moore and Farrow, 2019). Both highlight the data gap in lower-income countries: it is striking that neither review found any examples from low- or lower middle-income countries. ODI has now uncovered two examples of robust academic research from lower-income countries. Both highlight *phenomenal* benefit-to-cost ratios²⁵ of investments in front-line justice services in lower-income countries: village courts in Bangladesh (Hossain and Zaman, 2016); and Kituo Cha Sheria’s legal support for land disputes (Aberra and Chemin, 2021).

Benefit–cost ratios are potentially a much more useful measure than cost-effectiveness. Bangladesh’s village courts and Kituo Cha Sheria’s land dispute initiative both have unit costs that are higher than ODI’s benchmark. But they are potentially worthwhile investments, offering high value for money in terms of the benefits they generate in comparison to their cost.

2.6.2 Methodological and data challenges of cost–benefit analysis in lower-income countries

Benefit–cost ratios require considerable amounts of data and hence much greater investment in research than analysing cost-effectiveness. Data and methodological challenges are particularly acute in lower-income contexts. It is striking that one of the only two examples of a justice intervention in a lower-income country with a benefit–cost ratio rated as *phenomenal*²⁶ (village courts in Bangladesh) emerged from a collaboration between BRAC University, which has been working on this kind of analysis for years in many sectors in Bangladesh, and the Copenhagen Consensus Center’s project, which is a global leader in applying this analysis to all sectors particularly in lower-income countries (Hossain and Zaman, 2016).

There is a series of other studies from lower-income countries that have found much lower²⁷ returns on investment for low-cost justice services. These include community paralegals in Sierra Leone (Conteh et al., 2022); a range of justice interventions in Kenya (Katiba Institute, 2021); and the Legal Aid Service Providers’ Network in Uganda (LASPNET, 2016). Similarly, a study on the well-established low-cost network of Community Advice Offices in South Africa (Mukorera and Martins, 2022b) also found only low returns on investment.²⁸

²⁵ See Section 2.4.1 for details of Copenhagen Consensus Center’s categorisation of benefit–cost ratios.

²⁶ That is, with a benefit–cost ratio of 15:1 or above.

²⁷ In South Africa, under 3:1; in Sierra Leone, under 1.5:1; in Uganda, under 2:1. A study in Kenya (Katiba Institute, 2021) suggest a range of justice interventions with benefit-to-cost ratios ranging from less than 1:1 to as much as 25:1. Another study on Kenya (ICJ, 2022.) [projected the benefit–cost ratio of implementing a legal aid policy of 15:1. In neither case was ODI able to establish for the present research whether the full costs of providing these services had been factored in.

²⁸ An overview of the findings from Kenya, South Africa, Sierra Leone and Canada can be found in Farrow and Currie (2023).

It is important not to let the quest for perfect data be ‘the enemy of the good’ (as argued by Farrow and Currie, 2023: 9), but there are particular challenges of capturing the benefits of investing in justice in lower-income countries. These include the absence of social security payments. In higher-income countries, a key benefit of front-line justice services can be to enable individuals to access social security payments, with the monetary ‘benefit’ easy to observe. In addition, in higher-income countries, wider social research enables the psychosocial benefits of resolving a justice issue to be estimated. The 2020 OECD White Paper on making a business case for access to justice considers these issues (OECD, 2020). Based on World Justice Project survey data, the average annual cost of legal problems was estimated across a range of countries, including lower-income ones. Estimates were based not only on the costs of employment and income loss, but also health impacts, resulting in an average annual cost of 0.5– 3% of gross domestic product (GDP). The quality of survey evidence from lower-income countries on health impacts meant that costs had to be based on broad assumptions, rather than robust data.

There is an additional and more profound methodological challenge with the benefit–cost ratio approach, particularly in lower-income contexts. This is that it takes no account of issues of equity and inequality. As the benefits must be monetised, the approach inherently ascribes much greater value on a case that secures a \$100,000 settlement than one that secures \$1,000 or even \$100. This raises questions about measuring ‘equal access to justice for all’ and raises particular challenges for assessing the value of front-line work with poor and marginalised communities. A simplistic application of the benefit–cost ratio approach to the justice sector would imply scaling up work on high-value cases (including commercial cases) and scaling back low-value cases. It is in theory possible to introduce equity adjustments into the benefit–cost ratio approach, to allow for the fact that \$100 may represent 100% of a poor person’s monthly income. But this is even more data demanding and requires additional information about all clients’ circumstances.

Cost–benefit analysis is an area where new approaches are being developed, particularly in relation to capturing benefits. Examples include a new approach to monetising the value of well-being, as used by the UK Government²⁹ and a CSO in the UK, Tearfund,³⁰ to assess the impact of their support for local community groups. In addition, a recent cost–benefit analysis of justice interventions in the Netherlands (Ecorys, 2022) developed a methodology to quantify the impact of disputes on mental and physical health.

²⁹ See: www.gov.uk/government/publications/green-book-supplementary-guidance-wellbeing

³⁰ See: <https://learn.tearfund.org/en/resources/series/cct-impact-study-series>

2.6.3 A mixed approach: cost–benefit and cost-effectiveness analysis

ODI's conclusion is that where funding is available, there is great value in undertaking further benefit–cost ratio studies. It is recommended that in view of the emerging nature of this kind of analysis in the justice sector and the particular methodological challenges involved, leading global researchers, such as the Copenhagen Consensus Center, should be involved to draw on thinking developed by undertaking similar analysis in other sectors.

ODI considers that there is scope to deepen existing analysis of the benefits of assisting pre-sentence detainees, and make the estimates more robust, moving beyond modelled and expected financial benefits to actually achieved financial savings and impact.³¹ The data and research challenges for estimating the benefits of more general legal advice, assistance and dispute resolution services appear more daunting.

Given the data and equity challenges of cost–benefit analysis, it is worth pursuing cost-effectiveness analysis in parallel, especially where cost–benefit analysis is likely to undervalue front-line community justice investments. A mixed approach to assessing value for money – both cost–benefit and cost-effectiveness – mirrors that of the health sector.³² It also reflects broad trends in assessing value for money (for example, see the UK Government's approach set out in HM Treasury's Green Book³³). Cost-effectiveness analysis alone cannot make the case for investing in front-line justice services, but it can identify which organisations and which approaches are having the greatest impact per dollar spent. Given how limited resources are for justice in general, and for front-line justice in lower-income countries in particular, this analysis seems particularly valuable. As with the health sector, cost-effectiveness analysis has the potential to support a reimagining of the justice system, which currently tends not to be set up to respond to justice problems at any meaningful scale, towards an approach with a much stronger focus on cost-effective, community-based services.

2.7 Conclusion

Despite evidence and data challenges, ODI's pioneering analysis shows that it is possible to deliver front-line justice services cost-effectively in lower-income countries, with realistic and sustainable unit costs. ODI's research uses evidence from a range of service providers across 12 lower-income countries, many of them fragile and some conflict affected, to highlight justice services that directly

³¹ As clearly demonstrated in Griggs (2016) – an unpublished evaluation of PASI in Malawi.

³² For example, headline statistics cited by the Global Fund to Fight AIDS, Tuberculosis and Malaria note the 31:1 benefit-to-cost ratios for immunisation (www.theglobalfund.org/en/fight-for-what-counts/); while Jamison et al. (2013) explore work on cost-effectiveness in the health sector.

³³ See: www.gov.uk/government/publications/the-green-book-appraisal-and-evaluation-in-central-government/the-green-book-2020. See Box 18 on when to use cost-effectiveness or cost–benefit approaches.

address people's justice needs and are being delivered cost-effectively. The services include criminal justice defenders, as well as broader legal advice, assistance and dispute resolution addressing a range of justice needs including gender-based violence (ADR centres in Somalia); land disputes (Kituo Cha Sheria in Kenya); payment of child maintenance (Sierra Leone's Legal Aid Board); and community disputes (community officers in the Solomon Islands).

Four (4) of the 5 criminal justice defender services, and 7 of the 18 more general legal advice, assistance and dispute resolution services, are achieving unit costs at or below the ODI affordable benchmark. Eleven (11) other services either have the potential to lower their unit costs, mainly by scaling up/operating for longer, or with further research into the data, may be found to be already achieving lower unit costs per case than currently estimated using ODI's conservative methodology. There are 2 examples where unit costs are much higher than ODI's benchmark, but with potentially *phenomenal* returns on investment.

Cost-effectiveness analysis is key to developing strategies to deliver scaled-up front-line justice services, enabling funders to identify which services are having the greatest impact per dollar spent. Ideally investment decisions should also be backed up by cost-benefit analysis. However, significant research is needed to address data and methodological issues including relating to equity and inequality in lower-income country contexts.

3 Coverage: the extent to which front-line justice services have scaled up to address justice needs in lower-income countries

3.1 Introduction

Section 2 of this policy brief has highlighted the limited data available in the justice sector relating to basic metrics: global costs, cost-effectiveness and benefit–cost ratios, especially in lower-income countries. This section considers another key metric: the level of coverage - the extent to which the cost-effective front-line justice services discussed in Section 2 have been taken to scale and are addressing people’s justice problems. The particular justice needs of unsentenced detainees are first considered, then the more complex issue of the everyday justice needs of the broader population.

The analysis is an attempt to address the current paucity of data on coverage of justice needs, especially in lower-income countries. As with data on unit costs, this contrasts with the health sector, which has granular information on needs and coverage– including from surveys undertaken by national authorities supported by the World Bank, the UN and World Health Organization (WHO), disaggregated by disease; by outcome; and by subnational units.

3.2 Coverage of criminal justice defender services

To calculate the extent to which the criminal justice defenders considered in this policy brief (in Bangladesh, Malawi and Uganda³⁴) are meeting the needs of unsentenced detainees, ODI used the number of pre-trial detainees in each county as the baseline for assessing coverage. ODI then compared this with the number of cases being handled by criminal justice defender services. The full analysis is provided in Annex B.

ODI’s analysis revealed PASI in Malawi, with its scaled-up prison paralegal service to be the stand-out performer, estimated to be

³⁴ There was insufficient data from Haiti.

assisting 96% of unsentenced detainees each month. The next highest coverage was by PAS in Uganda, which ODI estimated to be assisting only 12% of unsentenced detainees, with Bangladesh covering only 4% of unsentenced detainees. The scale of difference in these rates of coverage may explain why Malawi has been so much more successful in bringing down, and keeping down, the rate of unsentenced detention to below 20% of the total prison population. By contrast, the unsentenced detention rate in Uganda has been stuck at 50% and in Bangladesh at the even higher rate of over 70%.

3.3 Coverage of legal advice, assistance and dispute resolution services for communities and individuals

3.3.1 Assessing the need for legal advice, assistance and dispute resolution services for communities and individuals

As far as more general justice needs are concerned, ODI has undertaken analysis on the extent of need for legal advice, assistance and dispute resolution services each year in the lower-income countries considered in this policy brief. It has then estimated the percentage of those needs that are being met. The primary data source is legal needs surveys, which provide data on countries' legal needs based on the experience of households. Current thinking on justice services tends to be framed in terms of 'justice problems' (Glenn, 1999; Sandefur, 2019) and 'people-centred justice' (Task Force on Justice, 2019; Achinonu et al., 2023), rather than 'legal needs'. However, by starting with households and asking them what their 'justiciable' or 'justice' needs are, legal needs surveys appear to be taking a people-centred approach.

In consultation with the World Justice Project (WJP), ODI's methodology excludes from the survey datasets justice problems that are not severe enough to require legal advice, assistance or dispute resolution mechanisms.³⁵ This is in line with OECD and the Hague Institute for Innovation of Law's (HiiL) legal needs survey methodology in relation to 'non-trivial' needs (OECD/Open Society Foundations, 2019; HiiL, n.d.). As set out in Table 7, (and in more detail in Annex B) ODI's estimates of the percentage of households with cases that need assistance range from 6% to 13% per year. The WJP's global figure is 9% of households with a legal need requiring assistance each year (derived from their estimate of 36% of

³⁵ Personal communication, 3 February 2021 with Alejandro Ponce, Chief Research, suggested removing consumer cases (28% of the total), as this is the category of needs that is least likely to require legal advice and assistance. The communication also suggested removing another 30% of cases, as this is the global average proportion that are assessed as being not 'severe' (that is, they are scored by survey respondents as less than 4 on a severity scale of 1-10): such cases are unlikely to need legal advice and assistance.

households with any type of legal need over two years (WJP, 2019)).³⁶

Table 7 Estimates of households' needs for legal advice, assistance and dispute resolution services

Country	Headline figure – all legal needs (over 2 years)* % of households	All legal needs (each year) % of households	Severe legal needs, requiring legal assistance and advice (each year)** % of households
Bangladesh	23%	12%	6%
Kenya	53%	27%	13%
Malawi***			13%
Rwanda***			13%
Sierra Leone	53%	27%	13%
Solomon Islands****			9%
Somalia***			13%
Tajikistan*****			10%
Uganda	54%	27%	13%

Source: ODI analysis using WJP data and based on consultations with WJP, 2023

Notes:

* World Justice Project legal needs data

** Excluding non-severe legal needs. Percentage of population based on UN average of 5 persons per household in lower income countries

*** No legal needs survey reported; assumed same as Uganda (the only other low-income country in the group where a legal need survey has been undertaken)

**** Legal needs survey undertaken by UNDP with different methodology (UNDP, 2019); survey asked for number of disputes, which ODI assumed represent severe legal needs

***** No legal needs survey reported; assumed average of Bangladesh and African countries

³⁶ WJP (2019) states that 36% of respondents' households have a legal need over two years, and this is the basis of their estimate that 1.5 billion people cannot obtain justice for civil, administrative, or criminal justice problems. This converts to 18% of households per year. Once non-severe cases are taken out, this reduces the need to 9% of households requiring legal advice, assistance or dispute resolution services.

Sadly, the cost of legal needs surveys means that only a few have been undertaken in lower-income countries (see the World Justice Project's Legal Needs Atlas (World Justice Project, n.d.)).³⁷ In contrast, needs-based data assessment is standard in the health sector, which uses disease incidence data to determine and cost appropriate health services to address populations' needs (Jamison et al., 2013). Following the adoption of the Millennium Development Goals, the WHO developed the Multi-Country Survey Study,³⁸ to operationalise the measurement of health and other health-related parameters in a systematic, standardised and cross-nationally comparable manner. The UN Children's Fund (UNICEF), WHO, World Bank and UN Department of Economic and Social Affairs (UNDESA) continue to work with national authorities to combine national census data with internationally funded globally standardised and targeted surveys, such as country Demographic and Health Surveys.

3.3.2 The extent to which current services are meeting needs for legal advice, assistance and dispute resolution services for communities and individuals

If estimates for the total need for legal assistance are compared with the number of cases being handled, this provides an estimate of the extent to which legal needs are being met.

To estimate the total need in each country, data from Table 7 on the percentage of households requiring assistance is combined with UN data on the number of households in each country. This provides an estimate of the country-wide need for legal advice, assistance and dispute resolution services. ODI then compares this with data on case numbers provided by the various justice service providers. This comparison is only of interest when ODI has been able to collaborate on its research with a major service provider (or group of providers).³⁹ These are front-line justice providers who are seeking to scale up their justice services to address unmet legal needs. Table 8 sets out this data, showing in the right-hand column ODI's estimates of the extent to which the general population's legal needs are currently being met in nine of the lower-income countries considered in this policy brief. Further details of ODI's methodology appear in Annex B.

³⁷ It is possible to include questions on legal needs within broader population surveys. Dedicated surveys are more costly but yield more detailed information.

³⁸ See: <https://apps.who.int/healthinfo/systems/surveydata/index.php/catalog/mcss/about>

³⁹ As a result, this table does not include the three other countries researched: DRC, Haiti and Kenya.

Table 8 Estimates of extent to which the general population's need for legal advice, assistance and dispute resolution services is being met by the major community justice providers

Country	Organisation	Estimated country-wide need for legal advice and assistance, each year	Number of cases handled (annual average or latest year)	% needs for legal advice and assistance being provided
Bangladesh	BRAC	2,032,000	12,310	0.6%
	Local NGOs (Community Legal Service)		27,333	1.3%
Malawi	PASI – village mediation	537,000	16,673	3.1%
Rwanda	Five CSOs	363,500	37,649	10.4%
	Abunzi (village mediators)		25,844	7.1%
Sierra Leone	Legal Aid Board	227,400	117,400	51.6% ⁴⁰
Solomon Islands	Community officers	12,750	135	1.1%
Somalia	ADR centres	460,800	1,744	0.4%
South Sudan	Group of CSOs	290,200	5,713	2.0%
Tajikistan	Legal aid centres	195,000	9,100	4.7%
Uganda	Legal aid clinic run by LDC	1,240,000	10,915	0.9%

⁴⁰ The increase in the number of cases in 2022 means the coverage rate has risen from ODI's previous estimate of one third (based on cases handled in 2016–2018).

 LASPNET
members

80,000

6.5%

 Source: ODI analysis, 2023

As can be seen from Table 8, only two of the countries reviewed have succeeded in taking community-based front-line justice services to significant scale. These are Rwanda, where it is estimated that 17.5% of legal needs are being met,⁴¹ and Sierra Leone, where an impressive nearly 52% of legal needs are being met by the Legal Aid Board. The mainly Government of Sierra Leone-funded Legal Aid Board (LAB) was formally launched in October 2015 just after the Ebola crisis. It initially had one office – in the capital, Freetown. Within a year, its operations had expanded to six additional districts. LAB now employs 16 lawyers and 59 paralegals in offices in 23 centres across all Sierra Leone’s 16 districts (LAB, 2021). The figures imply that LAB’s 75 legal staff are on average handling about seven cases a day. This figure seems high, but not impossible, and may relate to LAB’s focus on child maintenance cases.

The achievement of the Sierra Leone Legal Aid Board is remarkable. It is by a long way the biggest and most significant provider of legal advice and assistance in Sierra Leone. Even so, it is failing to address nearly half of Sierra Leone’s legal needs. Yet the situation is considerably worse in other lower-income countries considered in ODI’s research. In Tajikistan, legal aid centres were set up with donor funding and are now being transferred to the State Agency for Legal Aid Centres (SALAC), a semi-autonomous agency within Tajikistan’s Ministry of Justice, with the government taking over responsibility for running and funding them. SALAC aspires to achieve universal coverage by expanding from the current 37 centres to 68. The centres presently provide free legal advice and assistance to over 9,000 people a year, but this only corresponds to 5% of need. If expansion plans are met, ODI estimates that services would increase to meeting nearly 10% of Tajikistan’s justice needs.

As in Tajikistan, Sierra Leone’s experience is that geographical coverage does not necessarily translate into addressing a significant proportion of a country’s justice needs. Between 2010 and 2013, donors supported a consortium of five CSOs⁴² to scale- up their legal aid services in Sierra Leone. By 2013, the consortium was deploying 70 paralegals with a presence in two-thirds of all districts. Despite this scale-up in staff numbers and geographical coverage, the consortium was handling only 2.3% of justice needs.⁴³ In contrast,

⁴¹ This is a conservative estimate, as it does not consider all Rwanda’s providers of legal advice and assistance – only the CSOs that provided data for this research.

⁴² That is, Access to Justice Law Centre, Advocaid, BRAC, Justice and Peace Commission, Caritas, the Methodist Church, and Timap for Justice

⁴³ That is, 4,300 cases in 2013 (Maru et al., 2018). Assuming the current level of need for legal assistance of 2.7% of the population is a good guide to the needs in 2013, when the population was 6.9 million, there would have been 186,300 cases needing legal advice and assistance. So, the CSO coverage in 2013 would have met just 2.3% of needs.

during 2016–2019, LAB deployed the same number of paralegals but handled nearly 14 times as many cases (60,000). At this point, ODI estimates that LAB was meeting 33% of legal needs in the country. It has since increased this to 52% by 2022.⁴⁴ The conclusion is that what matters is not the geographical coverage, but the efficiency of operations: in the case of Sierra Leone, one larger organisation was able to operate more cost-effectively than a group of small ones. The factors that can contribute to cost-effective operations are discussed in Section 4. With LAB rated as the country's best performing justice institution (HiiL, 2022), it appears that it also provides well-regarded and quality service.

The Tajikistan example shows that even with expansion plans, a government-funded service provider can struggle to address the countries' legal needs. And the same was true for civil society organisation providers in Sierra Leone. The pattern is repeated elsewhere. In Rwanda, the combination of the government's village-level Abunzi mediation committees and the group of CSO community-based paralegal services is only reaching 17% of the needs. In Uganda, the nearly 60 members of the Legal Aid Service Providers' Network (LASPNET) dealt with 67,681 legal problems in 2019, covering only 5.5% of needs (DGF, n.d: 11). In Malawi, PASI is the largest single provider of community-based legal advice and assistance and is the only source of support in the country for village mediation (although there are other agencies that respond to legal needs, including the Government Legal Aid Bureau and several small CSOs). But PASI's programme is only able to cover 3% of Malawi's community-based justice needs, even though it covers 11 out of 28 districts. Current funding constraints mean that PASI's services, rather than scaling up, are more likely to have to be scaled down in the immediate future.

In Bangladesh, BRAC has similarly scaled back its front-line justice services, for internal reasons and due to funding constraints. Overall, BRAC's philosophy is to take its community-based services to scale – hence its tagline 'small is beautiful, but scale is necessary'.⁴⁵ Its legal advice clinic programme⁴⁶ began in 1986 and by 2019, operated 423 clinics in 61 out of 64 districts, handling between 10,000 and 15,000 cases a year (Power and Participation Research Centre, 2019). BRAC was the largest CSO provider of legal advice and assistance in the country. However, despite this, ODI estimates that it was addressing no more than 1% of Bangladesh's legal needs. Since 2019 the programme⁴⁷ has been cut back and in 2022 ran 233 legal aid clinics in 30 districts, with an estimated coverage of 0.6%. Meanwhile, a group of six other CSOs is only covering 1.3% of needs

⁴⁴ LAB handled 117,400 cases in 2022.

⁴⁵ Sir Fazle Hasan Abed, founder of BRAC. See BRAC website www.brac.net/ and www.impactnetwork.org/latest-news/small-is-beautiful-but-scale-is-necessary

⁴⁶ Known as, Human Rights and Legal Aid Services.

⁴⁷ Now called the Social Empowerment and Legal Protection Programme.

for community-based legal advice, assistance and dispute resolution services.

Despite their effectiveness and efficiency, none of the community-based front-line justice services (apart from Sierra Leone's Legal Aid Board and, to a lesser extent, civil society providers in Rwanda) have been able to take their services to scale. Most are meeting only a tiny proportion of their countries' needs for community-based legal advice, assistance and dispute resolution services. With some exceptions, government-funded services and civil society providers are typically leaving 90% of community-based justice needs unmet. By way of contrast, in the health sector high rates of coverage are achieved in lower-income countries – for example, typically 90% for immunisation and 50% for other interventions. The World Justice Project has estimated based on survey evidence that there are 1.5 billion people globally who cannot obtain justice for civil, administrative or criminal justice problems (WJP, 2019).⁴⁸

3.3.3 Using data on needs and usage as an indicator of quality

There is potential to use data on needs alongside data on level of usage, as an indicator of the quality of services. In the health sector, the number of people attending health centres is monitored as a percentage of the total population. Low attendance rates are indicative of poor availability and quality of services: several countries have demonstrated that usage goes up when constraints to using health services are removed, such as bringing services closer to the people or reducing user fees.⁴⁹

3.4 Conclusion

Despite their effectiveness and efficiency, only a very few front-line justice services have been able to take their services to national scale. For services targeted on unsentenced detainees, PASI Malawi is the exceptional performer, assisting 96% of unsentenced detainees each month. Other criminal justice defender services considered in this policy brief reach nowhere near this level. As far as more general legal advice, assistance and dispute resolution services are concerned, the only providers offering scaled-up services to address people's everyday justice problems are Sierra Leone's Legal Aid Board, as well as (to a lesser extent) a group of civil society providers in Rwanda. But these are the exceptions: most providers are meeting only a tiny proportion of needs, typically leaving 90% unmet.

⁴⁸ More research is needed to compare and contrast WJP's estimates of unmet needs based on global survey evidence including from higher-income countries, and ODI's estimates based on 'bottom up' data on numbers of cases being handled in a selection of lower-income countries.

⁴⁹ See: www.humanitarianresponse.info/applications/ir/indicator/h-c1

4 How to achieve affordable unit costs and scale up services

4.1 Introduction

The section reviews how front-line justice services have managed to achieve affordable unit costs and thus the potential to scale-up their services. It looks at the association between operating at scale and low unit costs, as well as the *frugal* (i.e., sparing or economical) approach adopted by service providers. It is noted that front-line cost-effective services are being provided even in fragile, conflict-affected and politically oppressive contexts.

The role of the state is also considered. In all the examples of cost-effective front-line justice services highlighted in this policy brief, the state has had a role to play, even when the services are provided by CSOs and involve no state funding. A conducive policy, legal and regulatory framework can facilitate scaled-up front-line justice services.

Finally, the section looks at the funding sources available for front-line justice services. It concludes that the binding constraint to scaling up access to front-line people-centred justice services in lower-income countries is limited financial resources, and the resulting justice funding gap.

4.2 The virtuous circle of scaling up

Several of the front-line justice services considered in this policy brief have provided ODI with data over several years of their operations. Where services have scaled-up over time, ODI has been able to track how this has enabled economies of scale. These have in turn resulted in lower unit costs, which can then enable further scaling up: a virtuous circle.

Examples include BRAC's ADR work in Bangladesh. An average ADR case cost BRAC \$21 per case to handle in 2022 (against an ODI scalable benchmark of \$50 for an LMIC (see Table 5)). BRAC officials noted⁵⁰ that it expected this exceptionally low cost to reduce further in 2023, because in 2022 many officers were new, still being

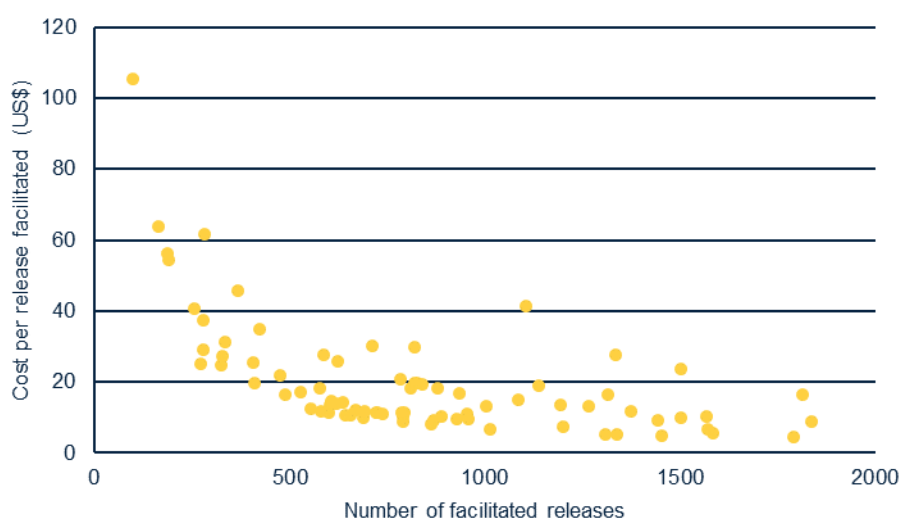
⁵⁰ BRAC (2023) Interview with authors, January.

trained and required high levels of supervision. By 2023, they expected personnel costs to reduce by 15%, with support from deputy managers and zonal managers no longer required (supervision was to be provided by district managers with a legal background and by a legal protection manager).

Malawi provides the clearest evidence of how scale affects unit costs. PASI has collected data over the five years 2017 to 2022, for all its offices. In districts with the highest number of cases, PASI's costs are markedly lower than in districts with fewer cases. This holds for both PASI's paralegal support to unsentenced detainees and for its village mediation work.

For prison paralegals, while the average unit cost is \$10 per case across all PASI's prison paralegal operations, the underlying figures are \$40 per case in offices where PASI is handling fewer than 500 cases a year, with unit costs dropping to \$8 per case in offices where it is handling more than 2,000 cases a year (see Figure 1).⁵¹ The full details of this analysis are set out in Manuel et al. (forthcoming).

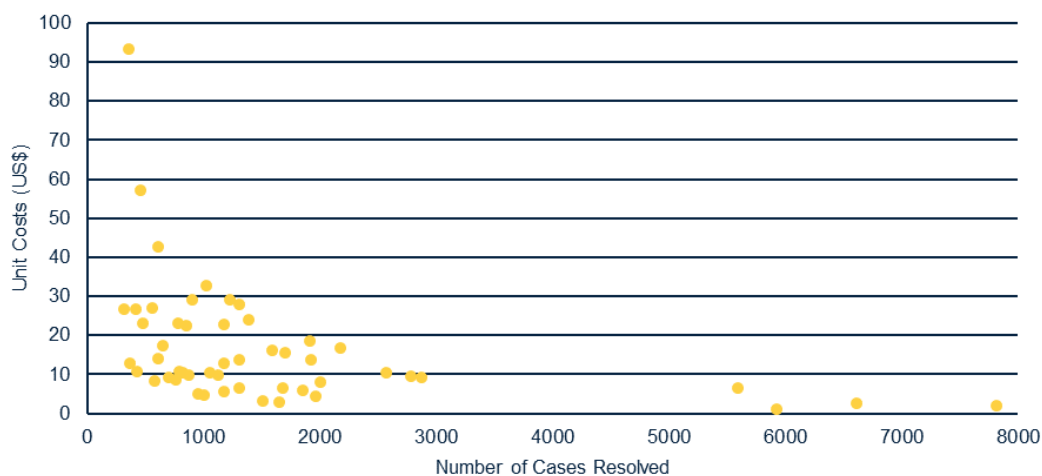
Figure 1 Prisoner paralegal services in Malawi – unit costs by district (2017–2022)



Source: PASI data for all districts and years for annual caseloads fewer than 2,000, 2017–2022

As far as PASI's village mediation service is concerned, as Figure 2 shows, mediation costs per case can be as high as \$100 where the mediators are handling fewer than 500 cases a year. But once the number of cases rises to 1,000 a year, the maximum unit cost falls to \$30 (bar one example); at over 1,500 cases, the maximum falls to \$20; and at more than 5,000 cases, the unit costs average just \$3.

⁵¹ Average unit cost for 21 districts for 5-year average, 2017–2022.

Figure 2 Village mediation in Malawi – unit costs by district

Source: PASI data for all districts and years for annual caseloads fewer than 2,000, 2017–2022

The association between larger-scale operations and lower unit costs can even be seen in much smaller-scale operations operating over shorter time periods. So, for example, the data shows how donor-funded ADR centres in Somalia have reduced unit costs over their five years of operations. The average cost per case more than halved as the case load more than doubled.⁵² This reduction in unit costs was also associated with the move in 2020 to a more efficient operating model with community paralegals working in conjunction with the ADR centres, demonstrating how incorporating learning gained over time can also reduce the cost of operations.

The same phenomenon can be seen in short-term and small-scale operations in South Sudan. A consortium of five CSOs given donor funding for six months to provide front-line legal advice and assistance was able to reduce costs over time as operations scaled-up. The unit costs for the first round of funding in 2021 were twice as high as the \$36 unit cost (shown in Table 5) achieved in the second round of funding in 2022, by which time the number of beneficiaries had doubled.

4.3 ‘Frugal innovation’ for scaling up

As well as the extent to which front-line justice services are scaled-up, their basic approach and the efficiency of their operations has a very significant impact on the extent to which the service they provide is cost-effective, with affordable unit costs. As described in Section 3.3 above, economies of scale and lower overheads meant that Sierra Leone’s largely government-funded Legal Aid Board’s 70 paralegals were able to handle 117,400 cases a year, in comparison

⁵² From \$101 in 2019 to \$46 in last quarter of 2021. The headline figure of \$29 per case in Table 3 only applies to relatively secure Puntland.

to a donor-funded consortium of CSOs that, with the same number of paralegals, was handling only 4,300 cases a year. But in other countries, government services do not have this level of reach.⁵³

The concept of *frugal* (or sparing, economical) *innovation* has been pioneered by BRAC in Bangladesh. It is not ‘innovation on the cheap’ but is about a mindset and approaches that are appropriate, inclusive, flexible, affordable and can be scaled-up. This means putting people at the centre of solutions to address their problems and empowering them to be part of the solution (Radjou et al., 2012; Prabhu, 2022). This is in line with a people-centred justice approach (Task Force on Justice, 2019). The rest of this section considers aspects of frugal innovation seen in the approaches of the front-line justice service providers considered in this policy brief.

4.3.1 Staff costs

Staff are the major cost for all the front-line justice service providers considered in ODI’s research. A key aspect of keeping unit costs low is to deploy staff with the minimum appropriate level of qualification and training required for the legal needs. A key shift to people-centred justice requires the sector to organise so that people with the right level and type of skills treat the right type of cases.

This requires ending lawyers’ monopoly on the supply of legal services, recognising that basic justice needs do not require this level of qualification and training. Thus, Uganda’s Law Development Centre’s (LDC) model for its legal advice clinics is to deploy bar students (rather than qualified lawyers) to assist defendants in minor criminal cases, as well as providing legal advice and assistance to clients with land, labour, family and succession issues, including in hard-to-reach areas of Uganda. Although not qualified, students are able to represent clients in the magistrates courts, as well as draft pleadings, and provide advice and ADR services as part of their clinical legal education. The Kenyan judiciary’s court-annexed mediation initiative similarly recognises the cost-effectiveness of bringing others (in this case, mediators) into the dispute resolution system.

An alternative strategy is to deploy staff with a broader remit than justice and dispute resolution. This is the case in Solomon Islands, where community officers are seen as part of the country’s approach to rural development⁵⁴ and spend only an estimated 30% of their time on dispute resolution.

For many of the front-line justice service providers considered in this policy brief, deploying paralegals to assist with everyday justice problems has been key to their low-cost models. Most service providers have a blended approach with more qualified staff, including lawyers, providing oversight and training, and dealing with

⁵³ Observations by CSO representatives in at least two of the countries researched.

⁵⁴ Authors (2023) Interview with programme co-ordinator, April.

more serious cases. This approach requires triage and a good system of referrals, involving collaboration between different types of actors. For example, Kituo Cha Sheria kept the costs of its land dispute initiative in rural Kenya down by deploying a paralegal as well as a lawyer; and in Bangladesh, BRAC's model is for paralegals to triage cases, with referrals to qualified lawyers only where necessary. Sierra Leone's Legal Aid Board services are mainly provided by paralegals who are overseen by lawyers, with community volunteers also deployed.

Unusually, Tajikistan's state-operated legal aid centres mainly use lawyers as primary sources of front-line legal advice and assistance. This model works in Tajikistan because pay rates for lawyers in this former Soviet Union country are low (about \$150 a month). Harder-to-reach areas tend to be staffed by retired lawyers and newly qualified law graduates supported with training, mentoring and quality assurance. Similarly in DRC, low pay rates enabled cost-effective justice services to be achieved, in that instance through Cordaid's innovative results-based payments. Government-funded pay rates for the police were low: \$60 a month, less social fund contributions. Cordaid's results-based incentive payments more than doubled police salaries, paying out a maximum additional amount of \$80 per month. This was sufficient to incentivise the police, but was still low cost (Mazio and Lokombe, 2022).

In contrast to Tajikistan, the model of using qualified lawyers as criminal justice defenders in USAID's PROJUSTICE programme in Haiti pushed unit costs up. The model was constructed to resemble a public defenders' office with detainees assigned to a lawyer (Slough and Fariss, 2017.) Researchers confirmed⁵⁵ that it would have been possible to substitute paralegals for lawyers, and therefore the unit cost calculated by ODI of \$102 per case (see Table 3) is based on local paralegal pay rates. The donor project pay rates actually used resulted in unit costs of \$114 per case.

As highlighted above, in many countries it is the deployment of paralegals that has enabled cost-effective front-line justice services. There is a wide range of paralegal models, ranging from employed and salaried staff to community-based volunteers. The level of initial and ongoing training, as well as oversight, also varies and impacts on unit costs. So, for example, Sierra Leone's Legal Aid Board paralegals are licensed and regulated, receive substantial training, and are paid a salary. In Malawi, PASI also pays its paralegals, who have been commended for being exceptionally hard-working.⁵⁶ BRAC in Bangladesh similarly trains and pays a salary to its front-line 'officers' (who have a similar role to paralegals in other countries). In contrast, Rwanda's community-based paralegals are unpaid. The involvement of community-based volunteers is not solely about

⁵⁵ Authors (2022) Interview with researchers, August.

⁵⁶ Authors (2022) Interview with evaluator, August.

keeping costs down: justice service providers emphasised their role in community engagement and ensuring legitimacy.

The appropriate mix of staff is important for efficient operations. Uganda's LDC deploys advocates, social workers and reconcilers/mediators, as well as bar students (LDC, n.d.). And South Sudan's Justice and Confidence Centres⁵⁷ have non-legal staff to provide psychosocial support to vulnerable groups, including sexual and gender-based violence survivors. Another example of the importance of getting the right mix of staff is ADR centres in Somalia, which provide informal dispute resolution processes and blends elements of arbitration and mediation aligned with customary norms and Sharia law. Volunteer adjudicators are paid a transport allowance of \$80 per month for their travel to the ADR centres, and to other venues such as internally displaced people camps. Funding is provided for a paid coordinator, clerk and initially, one paralegal. Learning lessons from initial operations, the model was altered in 2021. Community paralegals were recruited and paid \$250 a month to enhance the capacity of the ADR centres to provide legal advice and assistance, including to women and vulnerable communities.

Providing support to customary/informal justice dispute resolution processes, such as the ADR centres in Somalia, has proved highly cost-effective. The stand-out example is village courts in Bangladesh. Although unit costs are above the ODI affordability benchmark (at \$78 rather than the \$50 LMIC benchmark), they have been evaluated by the Copenhagen Consensus Center as providing a *phenomenal* benefit relative to their cost (Hossain and Zaman, 2016). In contrast, PASI's village mediation model in Malawi is very low cost: unpaid volunteers are given two weeks' training. While no formal benefit-cost analysis was available, evaluations have commended PASI for the quality and impact of its work (see Section 2.5).

4.3.2 Operational model

As well as staffing, other aspects of front-line service providers' operational models impact on their unit costs. In Malawi, PASI's unit costs are lower in districts where it has provided more push bicycles for its paralegals. The bicycles enabled services to be scaled-up and thus reduced unit costs. Technology can also be effective in reducing costs: learning from Rwanda, PASI intends to provide paralegals with tablets. It believes these have the potential to increase their efficiency, push the unit costs down further and enable more scaling up. Experience in Mali demonstrates how carefully logging data enables learning from cases, informing strategies to improve access to justice (de Langen, 2018).

Other aspects that seem to impact on unit cost include the types of clients and the front-line service provider's degree of specialisation.

⁵⁷ Which are in: Central Equatoria State, Western Equatoria State, Eastern Equatoria State, Northern Bahr El-Ghazal State, Western Bahr El-Ghazal State, and two in Jonglei State.

Some providers have a strong focus on particular legal needs, enhancing their ability to operate efficiently by repeating well-known procedures and reaping economies of scale. Examples include Sierra Leone's Legal Aid Board, which targets child maintenance, and BRAC in Bangladesh, which focuses on dowry issues and land. Similarly, Microjustice Bolivia, part of the Dutch Microjustice Foundation, has developed a model of specialising in specific common services and making them affordable.⁵⁸

On the other hand, serving vulnerable and hard-to-reach groups (consistent with the UN's Leave No One Behind agenda⁵⁹) can push up unit costs. DFID-funded Community Legal Service in Bangladesh involved 18 CSOs targeting vulnerable groups such as slum dwellers, rural women, fisher folk living in endangered coastal areas, and indigenous and landless people, with unit costs significantly above the LMIC benchmark of \$50 (see Table 5) (DFID, 2017).

4.4 Building in sustainability and intention to scale up from the start

A lesson from BRAC in Bangladesh, Sierra Leone's Legal Aid Board, and Solomon Islands' community officers, is the importance of building in sustainability and scale-up into the model of front-line justice services from the start.

This was the case with Sierra Leone's Legal Aid Board, which, as discussed in Section 3.3, is a stand-out example of how low unit costs can lead to scale-up. But in contrast, a donor-funded scale-up experiment in Sierra Leone with a consortium of small CSOs was not sustainable: the model of a group of small-scale providers resulted in unsustainable unit costs.

Sustainable funding is also important. For example, in Solomon Islands,⁶⁰ the initially donor-funded community officer initiative was integrated within the government's rural development work from the start. In contrast, in Burundi, an ambitious EU-supported large-scale Intercommunal Legal Aid Service (SAJI) programme from 2012 to 2015, provided legal advice and assistance mainly for land disputes across 20 municipalities. But it survived in only one municipality when donor funding ended. Academic researchers used data from household surveys and interviews to conclude that the programme had beneficial impacts, reaching the poorest fringes of society and increasing the use of local courts. Yet they also concluded that this large-scale legal aid programme was not sustainable and questioned its cost-effectiveness (Chara et al., 2022). However, the research paper provides no data on costs, or unit costs, which do not appear to have featured in the authors reaching these conclusions.

⁵⁸ See: <https://microjusticiabolivia.org/mjb/>

⁵⁹ See: <https://unsdg.un.org/2030-agenda/universal-values/leave-no-one-behind>

⁶⁰ ODI (2023) Exchange with programme co-ordinator, April.

4.5 Working in fragile contexts

ODI's research shows that front-line justice service providers can improve access to justice, as well as human rights outcomes, even in fragile, conflict-affected and oppressive political contexts. There is a range of striking examples. Cordaid's results-based financing for the police in eastern DRC saw improvements in police performance, including a reduction in harassment by police officers, improved response to calls to help, more police patrols in risk areas and more court files submitted in timely fashion (Mazio and Lokombe, 2022). In Haiti, USAID's PROJUSTICE programme's pre-trial detention programme was designed to tackle staggering levels of pre-trial detention, which had been sustained for over a decade. The vast majority of pre-trial detainees were illegally detained, while prisons were overcrowded by factor of five or six. The Haitian Government was not employing any public defenders. Lawyers funded through PROJUSTICE succeeded in getting prisoners released and improving human rights compliance, despite a highly corrupt environment and a broader oppressive political context (Slough and Fariss, 2017).

These results, together with the experience of front-line justice service providers in contexts such as Somalia and South Sudan, support one of the conclusions of UNDP's recent evaluation of its rule of law programming: that in hostile, oppressive contexts, where achieving improvements at the centre is extremely challenging, it is still possible to achieve gains in justice service delivery at the front-line community level (Day and Caus, 2021: 221–222). A more recent evaluation of UNDP's access to justice work highlights UNDP's front-line work on inclusive justice, using multiple entry points to engage directly with enhancing justice for marginalised communities. This work was assessed as having delivered important results over time, despite meeting political resistance (UNDP Independent Evaluation Office, 2023).

4.6 Role of the state, national policies and regulation

4.6.1 Government policy towards front-line justice services

This policy brief provides examples of cost-effective front-line justice services being provided, despite challenging political contexts. Progress is of course easier where the policy and regulatory environment is more conducive to providing scaled-up front-line justice services. This is strikingly demonstrated in Sierra Leone, where the 2012 Legal Aid Act set up the Legal Aid Board and established a mixed system of criminal and civil legal aid to be provided by a variety of actors, including paralegals, private and public lawyers, CSOs and law clinics. Importantly, legislative reform was accompanied by the government allocating and sustaining significant resources to LAB, which enabled a massive expansion in paralegal services throughout the country. University curriculums are

now being developed for paralegal training and further professionalisation.

In Somalia, the Federal Government of Somalia's 2016 national ADR Policy enabled ADR centres to have jurisdiction over civil law disputes, as well as petty crime and domestic and gender-based violence not involving serious bodily harm. IDLO supported the Ministry of Justice and Judicial Affairs' Traditional Dispute Resolution Unit (now the Alternative Dispute Resolution Department) to operationalise the policy, including developing standard operating procedures for the centres.

In Kenya, the scaling up of court-annexed mediation is due to sustained efforts from the judiciary leadership. This was operationalised within the context of the Kenyan judiciary's reform agendas: *Sustaining Judiciary Transformation Agility in Judicial Service Delivery (2017–2021)* (The Judiciary of Kenya, 2017) and *Social Transformation through Access to Justice (2022–2032)* (The Judiciary of Kenya, 2021).

Where front-line justice services are provided by civil society, a close working relationship with government is helpful. For example, in Malawi, while the government has never funded PASI and paralegals are not formally recognised by the courts, PASI has formal partnership agreements with key government justice institutions to enable criminal justice defender paralegals access to police stations, prisons and courts.

The broader legal and regulatory environment also has an important part to play in access to justice, in that it gives people legal rights to enforce. An example is provided by Kenya, where Aberra and Chemin (2021) make the point that CSO Kituo Cha Sheria's support to farmers with land disputes was in the context of Kenya's land-titling history which meant that widespread land titles existed in the first place (Aberra and Chemin, 2021: 37).

4.6.2 Liberalising the legal profession

A key aspect of a regulatory environment that enables the expansion and scaling up of front-line justice services in a cost-effective manner, is often ending the monopoly by the legal profession over the supply of justice services. This involves decentralising legal services, with lawyers dealing with complex cases and paralegals and other community-based services providers addressing more basic needs at the community level. Lawyers tend to form a powerful lobby group and frequently have strong representation in governments and legislatures. Where there has been liberalisation, protections for lawyers' commercial interests tends to be built in. For example, in Sierra Leone, the 2012 Legal Aid Act gives formal recognition to paralegals and provides for a regulatory and quality control regime. But paralegals are not allowed to charge fees, presumably to avoid competition with lawyers. In Kenya, the

recognition of paralegals in the 2016 Legal Aid Act appears to have shrunk the space for paralegal activity and curtailed their activities due to regulatory requirements, including for educational attainment and training (Mbogoh, 2021)

In Uganda, the Advocates (Legal Aid to Indigent Persons) Regulations 2007 provides a framework for legal aid provision by non-lawyers, including the registration of providers and quality control under the auspices of the Uganda Law Council. Uganda has gone further, with its 2004 Advocates (Student Practice) Regulations giving postgraduate bar course students rights of audience in magistrates courts, under the supervision of a senior practicing lawyer. This is a key enabler of the Law Development Centre's cost-effective legal aid clinics.

And in Kenya, after decades of opposition from the legal profession, the judiciary ended its monopoly on formal dispute resolution and enabled mediation within the court process, developing rules⁶¹ and practice directions to effect this change.

4.7 Funding sources

The front-line justice services discussed in this paper are scalable: they are cost-effective and most have (or are within reach of having) realistic unit costs that would enable the service to be taken to scale. But despite this, nearly all of them remain small scale, able to address only a tiny proportion of national legal needs. The binding constraint is funding.⁶²

4.7.1 Government funding

Prioritisation of front-line services within justice sector domestic resource allocation

Previous ODI research has highlighted that, despite the justice funding gap in lower-income countries, these countries are making generous funding allocations to the justice sector from their domestic resources (72% more as a proportion of revenue than OECD countries) (Manuel et al., 2019; Manuel et al., 2023). What is less clear is the extent to which this funding is targeted at front-line justice services.

How much the justice sector elite chose to prioritise front-line service provision when they allocate resources across the sector, could be a key issue for strategic partnership discussions between lower-income governments and donors. It was partnership discussions such as these that were associated with shifts in domestic resources towards front-line services in other sectors, such as health and education (World Bank, 1993; Jamison et al., 2013). The 2023 Justice Appeal of the Ministerial Meeting of the Justice Action Coalition suggests that this international network of countries and partners championing

⁶¹ Civil Procedure (Court Annexed Mediation) Rules 2022.

⁶² Evidence from roundtable discussion with front-line justice service providers, April 2023.

people-centred justice for all, provides a platform to address this issue (Justice Action Coalition, 2022).

Strategic discussions of this nature, about the allocation of domestic resources across the justice sector, would seem to be particularly appropriate in countries such as Rwanda and Uganda, where there is a sectoral approach to policy, planning and resource allocation across the justice sector. In Rwanda, this takes place through the National Justice, Reconciliation, Law and Order Sector with its national plan and cross-sectoral institutional structures linked to Rwanda's medium-term expenditure framework. Uganda has a similar arrangement with its Justice, Law and Order Sector (JLOS) (now the Access to Justice sub-programme). The aim of a sectoral approach is to allocate resources across the sector in line with prioritised cross-sectoral outcomes agreed by the various organisations and stakeholders that together comprise the justice system.

Lower-income country government funding for front-line justice services

In some cases, governments are allocating significant funds to front-line services. Sierra Leone's Legal Aid Board is the stand-out example of a front-line justice service being funded by a low-income country government. The process that led to the creation of LAB was supported with donor funding, but ever since it was formally launched, the majority of its funding has come from the Government of Sierra Leone. This has also increased over time: building from 78% in 2019 to 88% in 2021.⁶³ ODI has already questioned how sustainable this level of government funding is: LAB's share of total government funding in 2019 was nearly twice the share that EU countries provide from their budgets for legal aid (Manuel and Manuel, 2021).

Similarly in Tajikistan, initially Swiss Development Cooperation-funded legal aid centres are being transitioned to government. Operations, together with responsibility for funding, are being transferred to the State Agency for Legal Aid Centres (SALAC). Government funding for SALAC has gradually increased from 20% in 2020 to 80% in 2023, with plans to reach 100% in 2025/26. SALAC's funding is to some extent protected, as it is now ring-fenced within the Ministry of Justice's overall budget. But the Ukraine crisis is putting pressure on resources, and there is uncertainty about the extent to which the government will be able to take on the full long-term running costs, including for training and allowances.

While government funding can ensure sustainability, as with other types of funding, it is susceptible to cuts and to competing priorities – both from within the justice sector and from other sectors. The

⁶³ The other key funders between 2019 and 2021, when the government funding share averaged 82%, were UN agencies (including UNDP, UNICEF and UN Women) (8%); the Global Fund to Fight AIDs, Tuberculosis and Malaria (7%); and the Charles Stewart Mott Foundation (2%); all other sources contributed 1%.

Uganda Law Development Centre's Legal Aid Clinic is 100% funded by government. Two thirds of LDC's funding for its clinic comes from its own line budget, with a third provided via the JLOS basket fund (project /development funds given to the Ministry of Justice to administer across the justice sector via a cross-institutional prioritisation exercise). Funding pressures meant that in 2021/22, the Ministry of Finance failed to release funds for planned outreach/legal empowerment and education activities (LDC, n.d.).

In some countries (for example, Kenya and Malawi) it is civil society organisations, rather than government/statutory bodies, that have been successful in providing cost-effective front-line justice services. South Africa's well-established network of Community Advice Offices run by civil society seeks and receives government funding, but they have a strong desire for funding to be administered outside government to maintain their independence (Mukorera and Martins, 2022a).

Local government funding

In some cases, local government contributes to funding front-line justice services. For example, in Uganda's Lwengo District in 2018, the local government partnered with a CSO that provided crowd-funding software, and with two CSO legal aid providers. Lwengo District Council provides space for a legal advice clinic, funds a legal officer and contributes towards lawyers' services, with top-up funding from the community sourced through the crowd-funding app. The initiative was subsequently replicated in two other districts, Kayunga and Omoro (LASPNET, 2021). Also in Uganda, three of LDC's legal aid offices are housed free of charge in local government offices.

Solomon Island's community officer initiative was from the start designed as a local government initiative. It is housed within the Ministry of Provincial Government and Intuitional Strengthening and receives funding from both local and central government, with set-up costs funded by donors.

4.7.2 Self-funding

BRAC in Bangladesh funds its front-line legal advice and assistance mainly from its commercial and microfinance activities.

Another example of a self-funding approach is for lawyers to provide their services *pro bono* (for free). For example, the Government of Uganda has attempted to address the gap in legal aid provision by requiring all advocates to give at least 40 hours of *pro bono* service a year (2009 regulations under the Advocates Act). The efficacy and impact of this requirement requires research.

4.7.3 User/loser funding

In some circumstances, some people will be able to pay to resolve their justice problems (Hiil, 2020). While the vast majority of services reviewed were provided free, in some limited instances in lower-income countries, there may be scope for the users of front-line justice services to make at least some contribution towards paying for the cost of the service. Examples include BRAC in Bangladesh, where users pay a fee of \$13 for paralegal support with land titling issues.⁶⁴ Similarly, a small civil society provider in Uganda, the Human Rights Awareness and Protection Forum (HRAPF), has opened its services up to paying clients who favour HRAPF because of the organisation's particular expertise in handling matters such as land cases.

There may be broader scope for 'user pays' models in civil cases, where the successful party receives damages/compensation. For example, in Uganda, the Advocates (Legal Aid to Indigent Persons) Regulations 2007 enable legal aid service providers to require their clients to contribute to their costs by deducting up to 10% of any damages awarded.

In Kenya, court-annexed mediation is funded from the judiciary's budget, including for mediators' fees, premises, and the mediation secretariat's management and administrative support. Limited funding is the key constraint to scaling up court-annexed mediation, which, despite roll-out to 90 courts, currently deals with only 1.5% of civil cases in the country. In response, the judiciary's new Mediation Rules, introduced in 2022, enable the payment of mediators' fees by the parties to the dispute.

Another potential funding source is where the losing party in a civil dispute is ordered to pay the costs of the successful party. However, the potential for adverse costs orders increases the risks of litigation, especially where there is a power imbalance. For example, there is evidence from Uganda that powerful and educated elite are using the formal justice system to intimidate less powerful opponents in relation to land disputes (LEMU, 2017). Nonetheless, where these kind of costs orders are made, there is scope for providers of free legal advice and assistance to recoup at least some of their costs. Uganda's 2007 Regulations made provision for this, and enabled courts to award costs against a 'loser' in favour of the claimant's legal aid provider.

4.7.4 Donor funding

There are good examples of the catalytic role that donor seed funding can play in front-line justice services. Examples of donor seed funding, with government subsequently wholly or in the main taking over funding responsibility, include Kenya's court-annexed

⁶⁴ Interview with Shashwatee Biplob and Mohamed Quamruzzaman (BRAC), February 2023

mediation;⁶⁵ the Sierra Leone LAB;⁶⁶ Solomon Islands community officers;⁶⁷ and Tajikistan's legal aid centres.⁶⁸

The precarious funding situation of front-line justice providers has been highlighted by the Legal Empowerment Network (2021) and Manuel and Manuel (2021; Section 4.4: 35). Many providers are reliant on donors, but long-term reliance on donor funding can be risky, particularly if it is from a single source. Donor funding is frequently short-term only, as in the case of the six months of funding for South Sudan's Justice and Confidence Centres. Similarly, the programme completion report for DFID's Bangladesh Safety and Justice Programme commended its Community Legal Service (CLS) component, which gave small-scale grants to 18 civil society front-line justice service providers, noting that they 'have shown they can learn, adapt and work with a new sector, but they are dependent on donor funding...The CLS project did not have a sufficient time frame to ensure sustainable improvements...' (DFID, 2017).

Reliance on donor funding can lead to funding gaps, resulting in front-line services having to be scaled down. PASI in Malawi is 100% dependant on funding from donors, originally mainly the UK, now the EU. In 2022, PASI received 10% of all donor justice aid in Malawi. Despite being a major civil society organisation and the largest single provider of front-line legal advice and assistance in the country, PASI's funding and therefore existence is fragile. The operational costs of village mediation were unfunded for seven years. Funding for all PASI's work ended in the second half of 2022 and, at the time of writing (May 2023), it was unclear when it would recommence.

Somalia's ADR centres in Puntland have also been reliant on sometimes intermittent and uneven donor funds. Six Puntland ADR centres were funded from their establishment in 2018 by a group of donors through the Joint Justice Programme (JJP). Only one donor – the Dutch – now supports the work of the ADR centres.

Even in South Africa, where civil society organisations run a well-established network of Community Advice Offices (CAOs), the funding is frequently short term and precarious. External donors are the most common source of funding, supplemented by local donors, micro-credit and commercial activities, tax breaks, crowdfunding, and payments from users. A key problem is the underfunding of the CSO service providers' core business, with activities instead driven by the specific focused interests of funders (Mukorera and Martins, 2022a).

It is striking that often, donor funding for front-line justice services comprises a small proportion of a much larger justice/rule of law programme. Examples include USAID's PROJUSTICE programme in

⁶⁵ Financial and technical support was provided by the World Bank, DFID and IDLO for the pilot phase in 2016/2017 (\$116,000 for staff costs, clerks and programme officers).

⁶⁶ Initiated with DFID funding.

⁶⁷ Initiated with World Bank funding; funding now provided by the Australian Department of Foreign Affairs and Trade.

⁶⁸ Initiated with Swiss Development Cooperation funding.

Haiti, with its Pretrial Detention component; and UNDP's Access to Justice Security and Human Rights Strengthening in South Sudan (2020–2023), with its (Dutch-funded) Justice and Confidence Centres component. In each case, the thrust of the donor programme has been on institutional reform at the centre, rather than on funding front-line services, reflecting donor approaches and priorities. DFID's Safety and Justice Programme (2009–2017) in Bangladesh targeted 50% of funds on its Community Legal Service component. It was then this component that achieved a top-scoring A+ in the programme's final evaluation and was credited with the programme achieving an A score overall (DFID, 2017). The UK's Independent Commission on Aid Impact (ICAI) concluded that the UK's ambitious institutional reform and capacity building justice programming had performed relatively poorly overall against ICAI's criteria for effectiveness and value for money, and recommended that significant improvements should be made. Yet, at the same time, the report noted that the UK's justice work that focused on front-line justice at the community level, including for women and girls, was delivering more promising results (ICAI, 2015).

Donor performance-based funding

Three of the front-line justice services reviewed by ODI received donor funds paid on a results-based, incentivisation basis. They appear to have been successful. In Bangladesh, DFID provided funding for paralegal community justice defenders via a GIZ-implemented project as part of its Access to Justice Programme (2013–2021). Paralegal advisory services to prisoners were provided through performance-based contracts with 10 local civil society organisations. Interventions resulted in advance release by 6.5 months, and a benefit–cost ratio of at least 13:1⁶⁹ (DFID, 2021). In South Sudan, UNDP is providing funding to CSOs to run paralegal advice and assistance services via a competitive challenge fund to drive a focus on results.

As discussed in Section 2.4 above, Cordaid also adopted an innovative, result-based approach to improving police performance in eastern DRC.

Potential for donor funding to meet the justice finance gap in low-income countries

As previous ODI research has highlighted, there is a justice funding gap in lower-income countries. Unlike upper-middle and high-income countries, lower-income countries are unable to fund even a basic justice system from their own resources, even if they were to maximise their tax-take (Manuel et al., 2019; Manuel et al., 2023). There may be some limited scope for lower middle-income countries to reallocate justice funding from existing domestic resources to front-line services. But low-income countries are able to fund less than half

⁶⁹ This figure is based simply on savings on the cost of keeping detainees in prison. If wider economic benefits are considered, this should result in an even better benefit–cost ratio.

the costs of a basic justice system (Manuel et al., 2019; Manuel et al., 2023). However, funding the two front-line justice services considered in this report – (1) criminal justice defenders for unsentenced detainees; and (2) universal access to community-based legal advice, assistance and dispute resolution services across all low-income countries is affordable with external assistance. ODI estimates the costs at \$249 million a year.⁷⁰ This is 8% of current total aid to justice (including aid for human rights) (Manea et al., forthcoming). Scaling up front-line services to provide universal access to justice in low-income countries (and some lower middle-income countries) could be within reach if donors were to be guided by evidence and choose to target some justice aid in this way.

4.8 Conclusion

This section has highlighted the clear relationship between cost-effectiveness and scale: the greater the number of justice needs addressed by an organisation, the more its operations will be cost-effective. A mindset focused on frugal innovation – using local, people-centred approaches – is also key to cost-effectiveness and the potential to go to scale.

Providers say that the binding constraint on taking services to scale is funding. There are opportunities to increase funding to front-line justice services from CSOs' commercial activities; to compel or encourage lawyers to give some of their time to working for free; and for regulatory frameworks to enable compensation awarded to claimants and for costs awards against losers in civil litigation to contribute. But the experience in upper middle-income countries such as South Africa (Mukorera and Martins, 2022a) and OECD countries, such as the UK (Baksi, 2023; Fouzder, 2023), suggests that these kinds of mechanisms are never going to fill the justice financing gap. What is required, as with other public services, is public funding targeted on front-line services. In the case of lower-income countries, meeting the justice financing gap will require external funding from the international community.

⁷⁰ That is, \$19 million for prison paralegals (see Annex B) and \$230 million for community-based legal aid and assistance (Manuel and Manuel, 2021). The inclusion of prison paralegal costs extends the authors' first attempt on costing basic justice (Manuel et al., 2019).

5 Conclusions and recommendations

5.1 Conclusions

5.1.1 Cost-effective and affordable front-line justice services are being delivered sustainably in lower-income countries

ODI's pioneering research has shown that cost-effective front-line justice services are being provided in lower-income countries and are delivering results. This is the case even in fragile, conflict-affected contexts, and with repressive regimes. This policy brief provides examples of front-line justice services that have proved to be effective in addressing people's justice needs, and which are being provided, or have the potential to be provided, cost-effectively, i.e., at or below ODI's benchmark scalable unit cost or in a few cases, where benefits so exceed costs that they are judged to be cost-effective.

The experience of PASI's community-based work in Malawi clearly demonstrates how costs vary with scale: where services were scaled-up, unit costs went down. Providers including PASI in Malawi, various civil society providers in Rwanda, Sierra Leone's Legal Aid Board, community constables in Solomon Islands, and legal aid centres in Tajikistan demonstrate that despite funding challenges, sustained service provision is possible.

5.1.2 Taking these services to scale would directly impact the justice sector delivering SDG 16.3

If the international community were to provide funding for front-line justice services specifically targeted at criminal justice defenders and community-based legal advice and assistance across all lower-income countries so that these services were taken to scale, there would be significant impact on SDG 16.3's target of *equal access to justice for all*, reflected in indicators 16.3.2 *unsentenced detainees as a proportion of overall prison population*; and 16.3.3 *proportion of the population who have experienced a dispute in the past two years and who accessed a formal or informal dispute resolution mechanism, by type of mechanism*.

The experience of other sectors, such as health and education, is that the ability to demonstrate results has had the effect of crowding-in more funding to those sectors (Manuel and Manuel, 2018).

Arguably, the limited ability of the justice sector to demonstrate significant, sustained results (Manuel and Manuel, 2022) has contributed to continuing declining aid to the sector.

5.1.3 More research is needed to address current data gaps on cost-effective front-line services

Overall, there is a major knowledge gap in the justice sector in relation to what other service sectors (such as health and education) regard as basic metrics that guide a donor's funding decisions. That is, in the metrics of:

- Needs and coverage analysis: while legal needs surveys are beginning to provide some data on needs, there is very limited data on the extent to which service providers are meeting needs.
- Cost analysis: benchmark unit costs for meeting justice needs.
- Cost-effectiveness and cost–benefit analysis: considering the investment case for funding front-line justice services, including improved data on the benefits of addressing justice problems.

ODI has now provided for a range of lower-income countries first estimates on coverage, unit costs and cost-effectiveness and has considered issues around cost–benefit analysis of justice interventions in lower-income countries. However, the figures provided in this policy brief should be regarded as initial indicative estimates. More research is needed in each of these areas, including further methodological development and expansion of the range of countries and front-line services considered. A starting point for expanding cost analysis could be for donors routinely to require data on unit costs from the front-line justice service providers they fund and to make this public. For example, there may be potential to explore this in relation to beneficiaries of initiatives such as Hiil's Justice Accelerator Programme⁷¹ and the Legal Empowerment Fund.⁷²

5.1.4 The Justice Action Coalition provides a platform to take recommendations forward

The Justice Action Coalition's 2023 Justice Appeal sets out commitments to move forward with practical measures to close the global justice gap (Justice Action Coalition, 2022). The findings and recommendations of this policy brief are relevant to the Justice Action Coalition's agenda, in relation to gathering and sharing improved data on justice problems and developing strategies to address them.

⁷¹ See: www.hiil.org/news/startups-showcase-technologies-that-realise-people-centred-justice-at-the-hiil-justice-accelerator-demo-day-2023/. Bataka Courts and Barefoot Lawyer in Uganda are examples where preliminary exchanges with ODI during the research suggest that these could be long-term cost-effective approaches. However, there was no data available at the time of writing this paper.

⁷² See: <https://globalhumanrights.org/what-we-do/legal-empowerment/>

5.2 Recommendations for front-line justice service providers who aspire to take their services to scale

Immediately

- Ensure management information systems systematically collect data on unit costs and keep unit costs under management review.
- Consider, including through peer-to-peer learning, the scope to reduce current unit costs, including by using appropriate staffing and skillsets for different types of justice problems, combining justice service provision with other social services, increasing use of technology, and by providing low-cost appropriate transport.
- Provide and highlight data on unit costs to funders.

In the longer term

- Use analysis of the country's justice needs (understanding the most common justice problems people face, from legal needs surveys where available) and estimates of coverage by service providers to develop and cost a strategy to provide scaled-up access to front-line services through people-centred approaches (ideally in partnership with other front-line justice service providers in the country).
- Make the case for funding front-line justice services as a key part of countries' broader economic and social goals.

5.3 Recommendations for justice donors interested in funding scaled-up front-line justice services

Immediately

- Require donor-funded front-line justice services providers to submit information on unit costs and make this publicly available.
- Review justice aid portfolios and consider increasing funding targeted at front-line justice services by service providers with scalable unit costs.

In the longer term

- Commission and institutionalise publicly available research on scalable unit costs for front-line justice services, and on the benefits/impacts of investing in such services.
- Support providers of front-line justice services in lower-income countries to undertake their analysis of the country's justice needs, the current level of coverage, and to develop and cost a strategy to provide scaled-up front line services through people-centred approaches (ideally in partnership with other front-line justice service providers in the country).

- Learning from other sectors, consider appropriate financing mechanisms (including results-based mechanisms) to fund scaled-up front-line justice services.

5.4 Recommendations for governments aspiring to create a conducive policy environment for front-line justice services to be scaled-up

Immediately

- Include questions on justice needs in existing national household/population surveys that address social issues, as a first step to increase data availability (recognising the limitations of such general surveys).
- Review the structure of and allocation of funds within the domestic budget for the justice sector and the potential to target resources on front-line services.

In the longer term

- Undertake a policy review on access to people-centred justice and scaling-up front-line justice services, drawing lessons from approaches adopted in other service sectors in the country, especially the health sector.
- Consider the regulation of the legal sector and the potential to decrease barriers to entry for non-lawyers.

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Annex A Data sources, methodology and results

This annex provides additional background detail on the data sources, methodology and results for our research in 12 countries and on 25 service providers. In 7 of the 12 countries, ODI worked closely with the providers of the justice service concerned or with other local collaborators to obtain the required data. In the remaining five countries, ODI undertook desk-based research drawing on publicly available data, usually supplemented by data provided directly to ODI by the justice service provider or its funder. In all cases, the data and ODI's analysis and conclusions have been shared in draft with the service provider and/or funder and/or academic researcher and all were invited to comment. All the major organisations that ODI analysed were also invited to attend a closed virtual roundtable to discuss the draft paper. Eight organisations from eight countries participated.

In this annex, there are some countries where there is little additional information. This reflects the fact that some organisations have been covered in detail in the main text while for others, there was little additional information beyond what was available in the cited publications.

Bangladesh

BRAC – legal aid clinics: court case support and alternative dispute resolution

ODI engaged with BRAC staff over a period of some weeks. BRAC invested significant time to gather and interrogate its data and provided detailed cost data for one year: 2022. BRAC provided a clear and detailed methodology to exclude the costs of its legal education and awareness work from its data, and to include only costs attributed to case work, based on detailed analysis of time spent by staff at different levels of seniority on tasks. BRAC also apportioned its operational costs (logistics and maintenance, communications etc.) to include only costs on case work.

BRAC's data probably understates the amount of case work undertaken, as it defines cases tightly: as cases filed and disposed of in court and in the case of ADR, cases resolved. This excludes providing legal advice and referrals, and ADR cases undertaken but not resolved.

To estimate the cost of cases resolved through the courts, BRAC analysed data on civil and criminal cases handled (1,040 civil cases and 33 criminal cases) in 2022. In addition to an appropriate proportion of its own staff costs, BRAC also included the costs of its panel of lawyers who conduct cases. Costs were both lawyers' fees and expenses connected with the case (experts' fees, transport etc).

To estimate the costs of ADR, the time spent on receiving cases/disputes for resolved cases was included in staff costs, as BRAC staff spent significant time receiving and documenting the complaints. BRAC considered the total number of cases/disputes resolved through ADR in 2022 (11,235). BRAC reported total ADR complaints received in 2022 as 16,164. If this figure was used to calculate unit costs (rather than cases resolved), then the ADR unit costs would be \$14.30.

BRAC staff prepared a detailed write up of their analysis for ODI.

Community Legal Service component of DFID-funded Bangladesh Safety and Justice Programme (2009–2017)

ODI extracted data from DFID's project completion review (DFID, 2017). Funding was provided for 18 CSOs via two rounds of multi-year small-scale grants, and an additional process for single-year 'proactive' projects proposed by existing partners. The project reached 13.9 million in its catchment areas, with at least 7 million being women and girls, compared to its target of 10 million.

The headline unit cost calculated by ODI from figures in the project completion review was \$129 per case, with costs including consultancy oversight and management, and the costs of 83 public interest litigation cases. Assuming, as in other countries, 20% of costs were for legal education and awareness, ODI estimates unit costs at \$103 for legal aid and assistance. However, the write-up of the project in the project completion review suggests the proportion of costs attributable to legal education and awareness may have been higher than 20%, and hence unit costs for legal aid and assistance may have been lower.

Prison paralegals – DFID-funded GIZ project

ODI extracted data on cost per beneficiary and saving compared with the cost of keeping someone in prison from DFID's *Annual review of the Access to Justice through Paralegal and Restorative Justice Services in Bangladesh project* (DFID, 2021).

DRC

Cordaid – results-based financing to improve police accountability

Cordaid provided ODI with its final project evaluation report for its *Ensemble pour la Securite et la Paix a Djugu* project (Mazio and

Lokombe, 2022). ODI extracted and summarised the key points on costing and shared this with Cordaid. The annex set out results against project performance indicators. This was supplemented with information in email communications with Cordaid in February 2023. The unit costs were not available.

Project costs were \$72,000 a year paid to four police stations. The amount paid depended on their performance against a set of quantitative indicators (65%) and qualitative indicators (15%) and the result of a satisfaction poll of community members (20%). After the first six months (March–August 2021), the indicators were revised to better adapt them to the context of the area. Indicators included making complaints and medical investigation of rape free of charge. In the final nine months of the project, police stations on average received between 72–79% of the maximum grant. Key improvements were as follows:

- Implementation of planned police patrols to areas where sexual violence had occurred in the past (99% achievement).
- Responding in real time to calls for help from victims of sexual violence (90% achievement).
- Complaints against police officers (corruption, harassment) processed, sanctioned and/or transferred to judiciary (92% achievement). This contributed significantly to reducing police harassment and restoring trust with the population.
- Court files on sexual violence submitted within 48 hours (98% achievement). Transmission of files discouraged others who might be tempted to commit acts of sexual violence.
- Preparing and evaluating quarterly activity plans (92% achievement).

Haiti

USAID's PROJUSTICE programme – Pretrial Detention Component

ODI extracted data from USAID's impact evaluation, undertaken by US academic political scientists (Slough and Fariss, 2017). It discussed the results with one of the authors in August 2022 on zoom and by email.

The research paper showed a statistically significant impact of legal assistance in reducing pre-trial detention. On average, detention was reduced by 3.7 months. Imprisonment costs were high – \$40 per month (equivalent to 58% of GDP per capita). The treatment was constructed to resemble a public defenders' office with detainees assigned to a lawyer (not a paralegal approach). The lawyers were not aware this was an experiment.

The unit cost achieved was \$114 per case. But ODI considers that unit costs are likely to be significantly overstated due to the small-scale nature of the intervention; the use of lawyers (rather than paralegals); and the relatively high training costs (for a deployment of only three months). The authors agreed that much of the work could have been done by paralegals.

ODI estimates that with locally recruited paralegals, unit cost per released prisoner would be \$102 (compared with the monthly cost of keeping a person in prison of \$40). This estimate is based on ODI's calculation of revised wage costs, developed from ODI's methodology used when costing SDG 16.3 (Manuel et al., 2019). The assumed annual wage rate for a paralegal is assumed to be the same as a primary teacher, which the UN Educational, Scientific and Cultural Organisation (UNESCO) estimates should be four times GDP per capita (UNESCO, 2015). As GDP per capita is \$1,830 in Haiti,⁷³ this implies a salary of \$7,320 per year or \$610 per month, 11% below the \$683 average paid by USAID. Using the \$610 salary figure brings the costs down from \$36,900 to \$32,960; increases the benefit–cost ratio from 1.3:1 to 1.5:1; and implies the unit cost per released prisoner is $(\$32,960/324) = \102 .

Kenya

Kituo Cha Sheria – land disputes

ODI extracted data from a recent academic paper on a pioneering randomised control trial in Kenya, undertaken with Kenyan CSO Kituo Cha Sheria (Aberra and Chemin, 2021). The findings and ODI's analysis were discussed with one of the authors by phone and email in February 2023.

The experiment took place over four years (2013–2018) in a rural central province of Kenya; it supported 191 clients over this period. All figures in the academic research paper were in US\$ purchasing power parity (PPP) based on an exchange rate of 44 Kenyan shillings (KShs)/PPP\$ (Appendix H of Aberra and Chemin, 2021). To make this study comparable with others in this paper, we converted the figures using the market exchange rate of 96KShs/\$ (average 2013–2018).⁷⁴

The costs cited in the paper of legal provision per client were PPP\$189.96 per year equal to PPP\$15.8 a month (Appendix H provides total and breakdown between salary of lawyer, paralegal salary, office rent etc). Costs were kept low by Kituo Cha Sheria employing both a local paralegal and a local lawyer and connecting them with farmers that were experiencing legal problems. The equivalent cost of using a lawyer through a private firm was estimated to be PPP\$129 a month, eight times higher and

⁷³ See: <https://data.worldbank.org/indicator/NY.GDP.PCAP.CD>

⁷⁴ See: <https://data.worldbank.org/indicator/PA.NUS.FCRF>

corresponding to 134% of household income (Aberra and Chemin, 2021: 35–36)

In PPP\$ terms, the unit costs per client over the four-year period were calculated by ODI to be \$15.8 per month (multiplied by 12 months and 4 years = \$760). Using the market exchange rate, the unit costs fall to \$348.

The statistically significant result was that farmers obtained stronger security of tenure, expected their land use to increase the following year, and were able to access credit more easily (Aberra and Chemin, 202: 26–28, 32). There is also evidence, although not as robust, that they spent more time working their land (*ibid.*: 29) and doubled their agricultural outputs and profits (*ibid.*: 30). The experiment found no evidence of increased stress or experience of physical violence. The increase in agricultural profits was PPP\$296 a month (Aberra and Chemin, 2021, Appendix 0 column 3; Table 17 provides details of non-labour input costs – e.g., fertiliser, manure, seeds and mechanical inputs).

A potentially ‘phenomenal’ benefit–cost ratio was achieved according to Copenhagen Consensus typology, i.e., more than 15:1 (the ratio achieved was PPP\$296/PPP\$15.8 = 18:1). But one key caveat is that the increase in agricultural output depends on the precise form of econometric analysis used. The above figures are based on first-difference analysis, which yields the statistically significant impact of support from lawyers. As the authors note in the paper (footnote 35, Appendix N), using ANCOVA (analysis of covariance) (which is arguably the more appropriate approach for randomised control trials) does not yield statistically significant results for agricultural output (although it does still yield significant results in terms of increased used of land, but this is hard to translate into a cost–benefit estimate). This may be the result of the sample size and points to need for further research.

Court-annexed mediation (CAM)

ODI obtained data on CAM from the judiciary’s annual reports, especially the *2020–2021 Annual Report* (The Judiciary of Kenya, 2022), together with local consultant in-person interviews with members of the judiciary. The data from the judiciary’s annual reports appeared mostly consistent from year to year. Some instances of double counting and a change in tabulation methodology were noted, which may have led to some errors in estimates. Survey data (The Judiciary of Kenya, 2022: Annex 4) includes law firms’ estimates of how long test cases would take were they to go through the ordinary court process.

Local consultant interviews with advocates and mediators provided estimates of mediators’ and lawyers’ fees.

Initial donor catalytic funding from the World Bank, DFID and IDLO, which ceased in 2017 was modest.

Table A1 Donor catalytic funding from DFID, the World Bank and IDLO

DFID	Dollar (\$)
Initial planning retreat	10,300
Interim programme manager	9,680
Total DFID support	19,980
World Bank	
Salaries of six mediation clerks and two programme officers for the Mediation Technical Working Group for the pilot phase	82,120
Total World Bank support	82,120
IDLO	
Salaries of 2 Mediation Clerks for the pilot phase	13,690
Total IDLO support	13,690

Source: ODI analysis, 2023

The Kenyan judiciary has gone from implementing CAM in only two court stations (the Family and Commercial Divisions of the Milimani High Court) in the county of Nairobi, to applying mediation in a total of 89 courts stations spread across 23 of Kenya's 47 counties. One thousand (1,000) mediators have been accredited and 10,024 cases, worth \$120 million, have been referred to mediation. These cases have been resolved within an average of two months – as opposed to taking more than three years in the ordinary court process (The Judiciary of Kenya, 2022).

ODI calculated unit costs for mediating a commercial case. Costs included lawyers' fees, mediators' fees and mediation secretariat staff costs. Excluded were the costs for filing a suit (considered not to be directly related to the mediation process), other administrative costs (considered to be negligible), and mediation venue costs (usually no cost is incurred).

ODI's analysis of the data provides updated estimates of the savings of CAM for commercial cases to date – unit costs are less than half (43%). The analysis also shows that:

- even if mediators are paid commercial rates, unit costs would still be halved (51%)
- CAM takes a few months compared to several years through the courts
- the judiciary can only handle a maximum of 2,500 mediation cases per year, given the current budgetary allocation: the judiciary faced a \$4 million budget shortfall for ADR activities and small claims courts (2.5% of the total judiciary budget)
- only 1.5% of total civil cases filed have gone to mediation.

Malawi

Paralegal Advisory Service Institute – prison paralegals and village mediation

ODI partnered with PASI to analyse its data and co-author a paper (Manuel et al., forthcoming).

PASI shared a succession of UNDP evaluations (Griggs, 2016; Aiken and Dzimadzi, 2020; Matinde and Chingaibe, 2022). The unit costs cited in the present research were taken from the latest report (Matinde and Chingaibe, 2022), which noted the average costs were \$17.8 to resolve a case by community mediation (66,693 cases resolved over 4 years) and \$12.6 to secure the release of a prisoner (120,084 released over 4 years). These figures included the costs of legal empowerment and awareness raising (so will overstate the costs of providing legal advice and assistance).

PASI also shared more detailed figures, extending the coverage to all the districts it worked in and including 2022 data. For prison paralegal work, PASI provided ODI with the latest data on costs and number of cases for 21 districts across a 5-year average (2017–2022). The average unit cost for prison paralegal work is \$10 for all districts; this figure is \$40 in districts with less than 500 cases, and \$8 in districts with over 2,000 cases.

For its village mediation initiative, PASI provided ODI with data on costs and number of cases for all 11 districts where PASI was working across a 5-year average (2017–2022). The estimated average unit cost is \$12 for all districts; this figure is \$300 in districts with less than 500 cases, and \$7 in districts with over 2,000 cases.

Rwanda

The Rwanda Legal Aid Forum⁷⁵ (LAF) (a provider and membership organisation for other legal aid providers) collaborated with ODI and gathered data on case numbers and costs.

Community-based paralegals

⁷⁵ See: www.legalaidrwanda.org/

LAF's assessment involved a sample of 30 volunteer paralegals from four organisations (Association Rwandaise de Défense des Droits de l'Homme (ARDHO); Association des Veuves du Génocide (AVEGA); Action pour le Développement du Peuple (ADEPE); and Haguruka), each from a different district. The paralegals are managed and supported by legal officers employed by the CSOs. LAF undertook telephone surveys of staff to determine what proportion of their time was spent on case work, as opposed to outreach/legal education and awareness raising. It was found that, on average, the paralegals worked 12.5 hours per week, with 63% of their time spent on case handling, while the remaining 37% was allocated to legal awareness activities. On average, they were together handling 26,686 per year.

The case handling unit cost was calculated based on the budget that each of the four CSOs spent on paralegal work (incentives, trainings, materials etc., as well as legal officers' level of effort to support paralegals) divided by case numbers handled. The time paralegals spent on legal awareness was excluded.

The ODI unit cost estimate was based on the median figure for the four CSOs over three years (2019–2021).

Mobile legal aid clinics (MLACs)

MLACs involve paralegals and legal officers going into the community and meeting beneficiaries in their neighbourhoods to discuss and resolve legal issues. This is on-the-spot/on-the-ground services provided by legal officers. Legal officers are trained lawyers. Unlike paralegals, who are based in the community, they are based in legal offices where the CSO has a presence. In addition to the cost of the legal officers, the key expenses are transport and meals.

LAF gathered information from four CSOs that use the MLAC model: ARDHO; the University of Rwanda's Centre for Legal Aid and Mediation (CLAM); Haguruka; and Human Rights First Rwanda (HRFR). Following telephone surveys, it was estimated that on average, 83% of the MLACs' time is dedicated to handling cases, while the remaining 17% is used to raise legal awareness among local community members. An average of 4,271 cases are handled per year.

The ODI unit cost estimate was based on the median figure for the four CSOs over three years (2019–2021).

Call in platform

LAF's free legal advice and assistance call in platform is staffed by LAF's in-house salaried lawyers. Legal advice and representation services are also bought in where necessary. Budget data shows a rapid increase in the platform's budget from 2020, when the service began, to 2022. The average number of cases over this period was 1,962 per year, with an average unit cost of \$67 per case. But the cost per case has increased from \$25.47 in 2020 to \$59.57 in 2021,

and then to \$107.02 in 2022. This can be attributed to the fact that initially, LAF received many cases that required legal advice. However, as the call centre has become more popular, it is now handling cases that require legal representation. This is a costlier and more time-consuming process.

Abunzi

LAF obtained data from the Ministry of Justice (MINIJUST) for 2020 and 2021 from annual performance reports and planned budgets (rather than actual budget releases). Although the 17,948 Abunzi mediators are volunteers, funding covers trainings, health insurance, transport and stationery.

Sierra Leone

Legal Aid Board

The Legal Aid Board (LAB) provided ODI with full details of legal representation and legal advice and assistance cases from 2017 to 2022. It also provided audited financial statements and the salary costs of legal officers that were paid directly by the government for 2017–2021. The latter category had been missed out in ODI's earlier estimates (Manuel and Manuel, 2021) and in the case study undertaken in 2021 due to be published in 2023 (Manuel et al., forthcoming). The costs cover both cases that go to court and cases (the majority) that require legal advice and assistance.

The latest figures confirmed LAB to be a highly efficient, low-cost provider. LAB handled an unusually low number of cases in 2020 (50,000 compared with an average of 67,000 in 2018 and 2019). Since 2020, LAB has continued to expand, handling 88,451 cases in 2021 and 117,403 cases in 2022. The unit cost figure of \$19 cited in the main text is the average for 2019–2021, as this is drawn from the audited statements. Based on budget expenditure figures for 2022 and actual cases handled, the unit cost in 2022 is expected to be less than \$6 (see Table A2).

Table A2 ODI analysis of Sierra Leone Legal Aid Board unit costs

ODI analysis of Sierra Leone Legal Aid Board unit costs							
SL 000s			Audited	Audited	Audited		Budget
Expenditure	2017	2018	2019	2020	2021	total 2019-2021	2022
Legal representation and legal advice & assistance			13,019,651	13,976,803	11,545,864	38,542,318	12,702,800
excl non wage education and awareness costs							
-in USD			1,444,987	1,421,862	1,105,987	3,972,836	673,353
Cases							
Legal representation	14,715	17,250	18,555	12,539	13,180		18,752
Legal advice and assistance	41,592	48,452	49,282	37,286	75,271		98,651
Total	56,307	65,702	67,837	49,825	88,451	206,113	117,403
Unit costs per case USD			21.3	28.5	12.5	19.3	5.7

Solomon Islands

ODI consultants gathered information on the costs of community officers (COs) established by the Community Governance and Grievance Management Programme (CGGMP) and the number of cases they handled. This involved interviewing and gathering data from central and provincial governments. The programme was implemented by the World Bank. The project's mid-term review of May 2017 reported that over 75% citizens in communities where COs had been appointed reported positive changes in the community, and improvements in community grievance management mechanisms. The cost data focused on two provinces – Central and Makira – and on 2019, when the programme was at its peak. The programme started to wind down in 2020 in its original design, as the ministry finalised a broader integrated project that absorbed the COs and was implemented in all nine provinces of the country.

Key points to note about the CO programme:

- Overall, the major disputes in rural communities relate to alcohol/drug abuse, land disputes, damage to property, domestic violence, and assault. Across the four provinces, however, there are variations in terms of the level of occurrence for each of the major issues listed.
- The informal justice system is mostly used by rural communities to deal with disputes. This is not a reflection of poor access to the state justice system, but rather the system of choice for rural communities – except in serious matters or for repeat offenders.
- In terms of resolution processes, most rural communities use COs (56% of reported disputes). This is because of two factors: 1) weak community leadership; and 2) the issue of alcohol abuse has no traditional basis on which to address cases, so communities are happy to have the CO deal with these.
- In terms of resolution outcomes, the most successful agents are community leaders and COs, while the police (part of the state system) is the weakest agent. This is because the cost to the state of reaching rural communities that are spread over large areas is very high, making it not that effective.

In terms of forms of dispute resolution settlements, the predominant one is compensation. This is the general traditional form of dispute settlement.

Table A3 ODI analysis of costs of COs in Solomon Islands and cases handled

Cases	2019
Disputes - total all four provinces	
of which resolved through informal justice (ie excluding police)	
Total Cases handled (incl referral to police)	
Makira	78
Central	57
Total both provinces	135
% of CGGM disputes resolved through informal justice system (ie excluding police)	
Makira	
Central	
Costs SBD	
Makira-Ulawa (19 COs)	
a) Province- Remuneration	64,800
b) Province- Logistic and operational support	0
c) Donor (Project) Cost	840,447
d) Ministry of Provincial Government support	230,000
Total costs	1,135,247
Central (5 COs)	
a) Province- Remuneration	27,000
b) Province- Logistic and operational support	0
c) Donor (Project) Cost	840,447
d) Ministry of Provincial Government support	230,000
Total costs	1,097,447
Allocation of costs	
Proportion of donor costs on Community officers	100%
Proportion of time MPG support staff provide to Community officers	20%
Proportion of time CO spend on dispute resolution	30%
Costs of dispute resolution	
Makira-Ulawa (19 COs)	
a) Province- Remuneration	19,440
b) Province- Logistic and operational support	0
c) Donor (Project) Cost	252,134
d) Ministry of Provincial Government support	13,800
Total costs	285,374
Central (5 COs)	
a) Province- Remuneration	8,100
b) Province- Logistic and operational support	0
c) Donor (Project) Cost	252,134
d) Ministry of Provincial Government support	13,800
Total costs	274,034
Total costs of dispute resolution	
Makira-Ulawa (19 COs)	34,915
Central (5 COs)	33,528
Total 2 provinces	68,443
Long run costs of dispute resolution - excluding donors	
Makira-Ulawa (19 COs)	4,067
Central (5 COs)	2,679
Total 2 provinces	6,746
Unit costs USD - total costs/total cases handled	2019
Makira-Ulawa (19 COs)	448
Central (5 COs)	588
Total 2 provinces	507
Unit costs USD - long run costs/total cases handled	
Makira-Ulawa (19 COs)	52
Central (5 COs)	47
Total 2 provinces	50

Somalia

ADR centres

IDLO provided detailed data on the operations of the ADR centres for the period 2019–2021, to supplement published analysis (IDLO, 2020). IDLO then collaborated with ODI on the analysis of the unit costs.

IDLO (ibid.) noted that in 2019, the average costs were \$40,000–\$50,000 per centre per year, implying a total budget for six centres of (6 x \$45,000) \$270,000. In 2019, the six centres handled 1,068 dispute resolution cases. A simple reading of these figures would imply unit costs of \$253 per case. However, the cost of the centres includes cases that involved giving legal advice only, without any dispute resolution process. In 2021, as many people were assisted by being given advice as were involved in ADR.⁷⁶ If a similar pattern occurred in 2019 and these numbers are included, then the unit costs would be halved to \$126 per case/person advised.

Additional information from IDLO revealed that in the more recent phase (November 2020–Dec 2021), when nine ADR centres were being supported, the centres had been restructured so that the costs per centre came down from \$3,500–\$3,600 per month to \$2,650 per month (\$31,800 a year), implying a total cost over the 14 months of \$343,440. One challenge in assessing the real long-term unit costs is that during this period, case load rose significantly and the centres were only operating at full capacity in the last six months. The number of cases were also affected in April/May due to Ramadan.

Table A4 sets out how the unit costs have more than halved as case load has more than doubled, rising from 1,068 to an annual equivalent of 2,340 (4 x 585). When the estimated costs of legal awareness are removed (20%⁷⁷), the unit costs per case/person advised have fallen from \$101 to \$46.

Table A4 Evolution of unit costs

ADR centres	2019	Nov 2020– Dec 2021	Oct–Dec 2021
Cost	\$270,000	\$343,440	\$71,550
Number of cases	1,068	1,688	585
Unit cost per case	\$253	\$203	\$122
In addition, number of people advised	1,068*	1,936	671
Total number of cases and of people advised	2,136	3,624	1,256

⁷⁶ To be precise, for every 100 people whose disputes were resolved, another 115 received legal advice and assistance.

⁷⁷ ODI analysis of disaggregated data from a UNDP project in South Sudan, where five CSOs were contracted to provide legal advice, assistance and outreach, was able to identify that legal awareness outreach activities accounted for at least 22% of total budget. In Somalia, IDLO note the salary of a community paralegal is 15% of the costs. Considering the fact that adjudicators and clerks also conduct legal awareness, IDLO estimates that legal awareness accounts for 20% of the total costs.

Unit cost per case/person advised	\$126	\$95	\$57
Unit cost per case/person advised, with estimated costs of legal awareness (20%) removed	\$101	\$76	\$46

*number of people advised in 2019 conservatively assumed to be 100% of cases handled (compared to 115% as was the case in Nov 2020–Dec 2021)

There is one final consideration. Insecurity in Somalia undoubtedly increases costs and reduces the number of people able to access the ADR centres. To better understand the underlying cost structure of the ADR model, it is therefore helpful to look at the unit costs in Somalia's least insecure area – Puntland. As Table 2 shows, the average cost for these two centres, when estimated costs of legal awareness have been removed, is just \$29 per case/person advised.

The overall satisfaction rate was 90%. Ninety-six (96)% of female justice seekers declared they had been received with courtesy and felt comfortable talking in front of adjudicators; 94% found the process impartial and transparent; while 93% of justice seekers reported that they had contributed to the outcome of the decision.

Support to the centres from various donors changed over time. Initially, support from the EU through the Joint Justice Programme (JJP) enabled IDLO to support the establishment of six ADR centres: in Puntland (3) and in Benadir (3). The centres were established in July 2018 and supported until July 2021 (the end of JJP). After that, the six ADR centres remained partially operational thanks to support from the community and from adjudicators and staff, working voluntarily while waiting for additional financial support. From January 2019 to December 2021, IDLO has supported the establishment and operationalisation of nine additional ADR centres with financial support from the Government of the Netherlands. At the end of the project, since no funding had been allocated for its continuation, IDLO provided support to the nine ADR centres through its funds. From July 2022, new funding was allocated by the Government of the Netherlands for support to 15 ADR centres until June 2023.

In addition to this, the ADR centre model has been replicated in Somaliland through the Netherlands' support from January 2021 to March 2025, with the establishment and operationalisation of six additional ADR centres.

Table A5 Donor support to ADR centres

Name of the programme	Implementation period	Donor
Reforming and Modernizing the ADR System to Enhance Rule of Law and Access to Justice	27 July 2017–26 January 2019	EU

Joint Justice Programme	August 2018–July 2021	EU, The Netherlands, Sweden and UK through UNDP
ADR Somalia	January 2019–December 2021	The Netherlands
ADR Somalia	January 2022–June 2022	IDLO (self-funded)
ADR Somalia – Phase 2	July 2022–June 2023	The Netherlands
Strengthening the Social Contract through Access to Justice in Somaliland	January 2021–March 2025	The Netherlands

South Sudan

Justice and Confidence Centres

UNDP provided ODI with programme documents (UNDP, 2020; UNDP, 2021b; UNDP, 2022) and detailed budget data for the seven CSOs supported, along with additional information supplied by UNDP South Sudan.

ODI analysis of the data revealed that the CSOs spent 22% of their funding on outreach and awareness (one of the three specific required outputs). UNDP clarified that the CSOs' costs for identifying members of vulnerable groups in police stations/prisons would have been marginal. It further clarified that the CSOs were not permitted to use external funds to finance project costs and that it was unlikely that the CSOs drew on internal funds and, if they did, this would have been marginal.

Table A6 ODI estimate of unit costs

Year	UNDP grants (US\$)	Estimated % on outreach & awareness	Implied balance spent on legal support	Beneficiaries	Unit cost of legal support (US\$ per case)
2021	215,250	22%	168,113	2,159	77.9
2022	265,000	22%	206,968	5,713	36.2

Source: Figures were provided by the UNDP Access to Justice, Security and Human Rights Strengthening Programme in UNDP South Sudan. A key published source was the call for proposals, dated 16 February 2022 (https://procurement-notices.undp.org/view_notice.cfm?notice_id=87778)

Tajikistan

Legal aid centres

Key sources were ODI interviews and four publications: DeFaria, 2022; Caraseni, 2020; Milatovic and Bakhrieva, 2021; and UNDP's 2021 legal needs survey (Milatovic and Kovac, n.d.).

The latest UNDP evaluation (DeFaria, 2022) showed that 37 legal aid centres had the following caseloads: 9,311 in 2018; 8,540 in 2019; 3,441 in 2020; and 9,110 in 2021. The budget was 188,000 euros (€) in 2020 and €154,000 in 2022. Budget data was not available for 2021, so ODI assumed the 2021 budget to be the average of 2020 and 2022 (€171,000). This implies a unit cost of €18.8 = @1.18 average x rate = \$22 case.

Uganda

Paralegal Advisory Service

ODI's analysis was based on data provided directly to ODI by the local host organisation in Uganda, the Foundation for Human Rights Initiative. It was considered that the costs were likely to be overstated because the budget and actual expenditure figures presented not only related to direct legal assistance offered by PAS: the budget included coordination costs, outreach, site programme costs, community sensitisation, capacity-building sessions for paralegals and lawyers, programme running costs, monitoring and evaluation, and management costs.

The data included by ODI on total cases relates only to direct legal assistance offered by PAS. This entails bail applications, mediation, court bail, police bonds, community service orders, releases on fine payments, dismissals, discontinued cases and acquittals. Other figures relating to radio talk shows, legal sensitisation, etc. have not been included.

Table A7 PAS information, 2013–2017

PAS INFORMATION 2013- 2017					
Year	Budget (Ugx)	Actual Expenditure Ugx	Total Cases (Legal Assistance)	Legal Assistance (Male)	Legal Assistance (Female)
2013	1,380,083,921	1,409,503,924	31,302		
2014	1,759,585,365	1,748,453,023	37,837	31,615	6,222
2015	2,046,852,484	1,924,104,285	40,544	32,796	7,748
2016	2,219,998,497	2,334,028,303	33,694	29,075	4,617
2017	1,807,304,044	1,820,373,735	44,511	38,189	6,322
**Please Note					
1. The budget and actual expenditure figures as presented do not only relate to direct legal assistance offered by PAS. The entire budget supports coordination costs, outreach, site program costs, community sensitisation capacity building sessions for paralegals, lawyers, programme running costs, monitoring and evaluation and management costs					
2. The total cases presented in the table relate only to direct legal assistance offered by PAS. This entails bail applications, mediation, court bail, police bond, community service orders, releases on fine payments, dismissals, discontinued cases, acquittals. Other figures relating to radio talk shows, legal sensitiation, etc have not been included.					
ODI analysis	Year	Actual expenditure USD	Total cases (Legal assistance)	Unit costs USD per case)	
	2013	544,864	31,302	17.4	
	2014	672,537	37,837	17.8	
	2015	593,741	40,544	14.6	
	2016	682,445	33,694	20.3	
	2017	504,088	44,511	11.3	
	Total	2,997,675	187,888	16.0	
	Average	599,535	37,578	16.3	
	of which women		13%		

Law Development Centre – Legal Aid Clinic

Data was provided to ODI in the Legal Aid Clinic's *Annual Report 2021–2022* (LDC, n.d.) and then discussed with the clinic coordinator. The expenditure figures comprise government funding from two sources: direct budget funding and support from the Access to Justice sub-programme (previously the Justice Law and Order Sector).

ODI considered that costs were overstated, as the Legal Aid Clinic's Annual Report also refers to work on outreach and awareness. While no funding was received for non-wage budget requests for this work (and so was excluded from calculation), some staff time/travel costs will have presumably been involved. ODI estimates assumed 20% of spending was on outreach and awareness.

International Federation of Women Lawyers (FIDA)

Data was extracted from FIDA's 2020 *Annual Report* (FIDA, n.d.).

Table A8

FIDA				
Ushs			2020	see page 67 of 2020 annual report
total expenditure			3,667,346,109	
of which assumed shared costs across all activities				
programme personnel			571,040,401	
documentation costs			235,394,956	
admin costs			696,932,000	
sub total assumed shared costs			1,503,367,357	
sub total all other costs			2,163,978,752	
of which legal aid			1,347,588,049	62%
of which all other costs excl legal aid			816,390,703	38%
assumed shared costs allocated to legal aid in proportion of share of other costs =				62%
shared costs allocated to legal aid			936,201,375	
plus legal aid			1,347,588,049	
total assumed costs of legal aid			2,283,789,424	
in USD			614,211	
cases			21222	
unit cost			28.94	

Muslim Centre for Justice and Law

Data was extracted from MCJL's *Annual Report 2021* (MCJL, n.d.(b)) and a 2018–2022 *Evaluation Report* (MCJL, n.d.(a)). ODI estimates assumed 20% of spending was on outreach and awareness.

Table A9

MCJL					2018-2022= evaluation report on access to justice targeting the poor and marginalised (DGF)
Expenditure		2018-2022	2021		2021 = page 30 of annual report 2021
Donor					
DGF		4,397,898,637	850,720,690		includes legal outreach and sensitisation - reached 53,906 individuals (see page 17)
JIRSRA			157,131,495		all of this is for peace building and religious pluralism (see page 21)
TROCAIRE			254,928,780		all of this is for gender, human rights and women empowerment (see page 20)
					NB also does research and advocacy - not clear which project funds this
Legal aid and assistance costs					
assume equals 80% of DGF funding		3,518,318,910	680,576,552		allows 20% for outreach and sensitisation
in USD		955,000	183,037		
cases		18,036	14,378		civil and criminal, court representation, legal advice and ADR. Most clients preferred ADR (page 14)
					ADR involves
unit cost		52.9	12.7		
annual cases		4,509			

Annex B Methodology for estimating legal needs and coverage rates of current providers

Estimating the number of cases requiring legal assistance and advice

Summary

To estimate the percentage of countries' households that require legal assistance and advice each year, ODI drew on and developed a methodology originally proposed by the Law & Development Partnership in 2015 (LDP, 2015). The methodology is based on legal needs surveys, where these have been undertaken (see the World Justice Project's *Legal Needs Atlas* (WJP, n.d.)) and which are based on the legal needs of households. ODI then used UN estimates of household size and population to convert these rates into the number of cases requiring legal advice and assistance.

Detail

ODI's methodology was first developed in 2015 to cost basic legal services (LDP, 2015). Drawing on the limited number of legal surveys available at the time, the authors⁷⁸ estimated that in a typical LIC/LMIC, the number of households that had a legal need that was so significant that it required legal advice and assistance was 10% of households each year. In view of the limited number of surveys, the authors were deliberately conservative in their estimate of the proportion of households needing support. ODI used the same approach in the 2019 paper that costed universal access to basic justice (Manuel et al., 2019).

In its 2021 paper on *People-Centred Justice for All* (Manuel and Manuel, 2021), ODI updated the methodology and estimates when considering legal needs for Sierra Leone. A 2017 legal needs survey undertaken by the Open Society Justice Initiative for West Africa (OSIWA, 2019) found that 68% of those surveyed had been faced with one or more legal issues or disputes at some point in the

⁷⁸ Marcus Manuel led on this aspect of the work.

previous two years. The two most common problems related to family law, housing and land, in that order. A more recent WJP survey shows 54% of households having some kind of legal need every two years, i.e., 27% every year (WJP, 2018c).

Pending further analysis by WJP and ODI, Marcus Manuel spoke with Alejandro Ponce, WJP's Chief Research Officer, to work out what proportion of these legal needs were so severe that they would require legal advice and assistance. It was suggested removing consumer cases (28% of the total), as this is the category of needs that is least likely to require legal advice and assistance. It was also suggested that a further 30% of the remaining cases should be removed, as this is the global average proportion of legal needs that are assessed as being not severe (i.e., are scored by survey respondents as less than 4 on a severity scale of 1 to 10). The net result of these changes ($72\% \times 70\% = 50.4\%$) is to reduce the proportion of households needing legal advice and assistance to 13.6%. This was slightly higher than the previous (2015/2019) LDP/ODI estimate of 10%.

ODI then applied this methodology to legal needs surveys in other countries where they were available.

The latest WJP surveys (in 2018) for Uganda and Kenya both report legal needs of 53% every two years = 27% a year (1,000 people) (WJP 2018d; 2018b). Using the same WJP/ODI methodology as for Sierra Leone, and drawing on the WJP legal needs figure, ODI therefore estimated the proportion of the households requiring legal aid and assistance as 13.5%.

The latest WJP survey for Bangladesh (in 2018) shows legal needs of 23% every two years = 12% every year. This was a small survey (1,000 people) (WJP, 2018a). Using the same WJP/ODI methodology as for Sierra Leone and drawing on the WJP legal needs figure, ODI therefore estimated the proportion of households requiring legal aid and assistance as 6%.

UNDP undertook a survey of Solomon Islands in 2019 (UNDP, 2019), based on a different methodology to WJP. The survey asked participants about the number of disputes in which they had been involved. Over the previous two years, 18.3% reported being involved in a dispute. Additional data on the type of disputes within the survey suggested they should all be considered severe legal needs according to the ODI/WJP categorisation described above.

Future research on legal needs

In future work, ODI will draw on other sources, in particular, HiiL's work. The institute's larger and more recent legal needs survey in Uganda (HiiL, 2020) had a much lower estimate of legal needs in Uganda of 17% a year (compared to the WJP's estimate of 27%).

HiiL's survey covered 6,000 people and its headline figure noted legal needs of 84% over five years.

Conversely, HiiL had much higher estimates of legal needs in Bangladesh (Hiil, 2018). HiiL's survey estimated legal needs of 20% each year, compared to the WJP's 12% estimate. HiiL's survey covered 6,000 people and the headline rate of legal needs was 80% over four years.

Hiil has also undertaken a legal needs survey for Kenya (Hiil, 2017).

Converting required legal assistance as a percentage of households into number of cases requiring legal assistance and advice

To convert the requirement for legal assistance as a percentage of households into numbers each year, ODI uses UN population data (listed as part of World Bank Development Indicators)⁷⁹ and UN data on average household size (five per household in lower-income countries) – see Table B1.

Where there were no WJP legal need surveys available, ODI used estimates for countries at comparable income level estimates of severe

Table B1 Converting percentage of required legal assistance by households into numbers (per year)

Country	Population	Households	Severe legal needs, i.e. requiring legal assistance and advice (each year)	
			households (%)	Number
Bangladesh	169,356,251	33,871,250	6%	2,032,275
Kenya	53,005,614	10,601,123	13%	1,378,146
Solomon Islands	707,851	141,570	9%	12,741
Uganda	45,853,778	9,170,756	13%	1,192,198

Source: ODI analysis, 2023 drawing on World Bank data (population) and WJP data and advice (legal needs).

Estimating the current coverage

The final step of ODI's analysis is to compare these estimated levels of needs for legal advice and assistance with the number of cases

⁷⁹ See: <https://data.worldbank.org/indicator/SP.POP.TOTL>

being handled. The estimates for community justice service providers can be found in Table 6.

For criminal justice defenders, ODI used the number of pre-trial detainees as the baseline for assessing coverage, on the basis that their need for legal support is much greater than that of sentenced prisoners. It is recognised that a more precise measure would be the number of people of detained each year, and that figure should include people held in detention in police cells. However, such data is not readily available. The absence of such data explains why Malawi's figures in Table B2 are so high. They would be much lower if the number of people held in police cells were included.

Table B2 Current percentage coverage of major providers of paralegal support relative to number of pre-trial detainees

Country	Service provider	No. of detainees in prisons and police cell released/ supported each month	Number of prisoners (on one day)*	% prisoners that are pre-trial detainees*	Number of pre-trial detainees (on one day)	Detainees released from prisons/police cells each month as % of pre-trial detainees in prisons
Bangladesh	Ten local NGOs	2,777 (128 paralegals in 26 districts)	83,107 (2021)	76% (2022) Above 70% (2015 and 2010)	63,161	4%
Malawi	PASI	2,502 (2018–2021) (21 out of 28 districts)	14,500 (2020)	18% (2020) 16% (2015)	2,610	96%
Uganda	PAS	3,132 (avg 2013–2017)	48,527 (2015)	55% (2015)	26,690	12%

Note: *Downloaded from: www.prisonstudies.org/

Estimating costs of reducing pre-trial detention rates

These revised unit costs and coverage figure enables an updating of ODI's earlier estimate of the cost of reducing the proportion of unsentenced detainees in all low-income countries to OECD levels (Manuel et al., 2022). While the unit costs are slightly lower, it is also clear that greater efforts are required. As a result, the annual cost increases from \$9 million to \$19 million. The revised cost calculation methodology and assumptions are set out below.

Table B3 Revised cost calculation methodology and assumptions

Cost calculation		Source/assumption
Number of prisoners in LICs	467,870	World prison data
Target number of pre-trial detainees in prison	112,289	24% – OECD average
Number of detainee releases/avoided each month from both prison and police cells	107,797	Malawi rate of 96% of prison pre-trial detainees
Cost per detainee released (\$)	14.5	Average unit costs for Malawi and Uganda
Cost per month (\$)	1,563,060	
Cost per year (\$ million)	18.8	