



Executive summary

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

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



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## About this publication

This is the executive summary of 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.

# Executive summary

**Front-line justice services in lower-income countries are delivering results and giving people access to justice. They are doing so cost-effectively, with affordable unit costs.**

ODI's pioneering analysis is based largely on original data collection from 25 front-line justice service providers 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 services address a range of justice problems including gender-based violence; land disputes; community disputes; and human rights abuses. Some of the services are provided in highly fragile, including conflict-affected contexts.

**Achievable benchmarks are \$20 per case in low-income countries and \$50 per case in lower middle-income countries.**

These benchmark unit costs are being or have the potential to be achieved by a range of government and civil society front-line justice service providers across the 12 countries. When these benchmark unit costs are achieved, services have the potential to be scaled-up, so that they provide nationwide front-line services to address justice needs.

**Scalable justice services are being provided by customary and informal, as well as formal justice mechanisms.**

ODI's analysis covers service providers using customary and informal, as well as formal, justice systems (including formal courts and lawyers). Cost-effective services are calibrated to the scope of the problem: many justice problems are not best or cost-effectively addressed by the relatively expensive formal system, but equally, not all justice problems can be solved through customary and informal systems.

**Front-line justice services are improving human rights and giving communities and individuals direct access to justice.**

ODI's analysis cover two types of front-line justice services: (1) criminal justice defenders for unsentenced detainees (see table 1 below); and (2) legal advice, assistance and dispute resolution services for communities and individuals (see table 2 below). The services relate directly to SDG 16.3 indicators on unsentenced detainees (SDG 16.3.2) and access to dispute resolution services (SDG 16.3.3). The first type of service is targeted on a particular closely defined and marginalised group; the second focuses much

more broadly on the general population and the everyday justice problems they experience. While not all service providers are achieving the benchmark unit costs, ODI considers that most have the potential to do so, and that reported higher unit costs can be attributed to data limitations and methodological issues as well as the small scale and/or short life of some services.

**Coverage rates are low: scaling-up is required to achieve nationwide justice services.**

ODI's analysis reveals for the first time how much scaling-up of front-line justice services is required in lower-income countries to meet demand. Low-cost criminal justice defenders (mainly paralegals) are typically reaching 12% or less of unsentenced detainees. The exception is Malawi where the Paralegal Advisory Service Institute is estimated to be reaching 96% of unsentenced detainees. As far as broader, community-based legal advice, assistance and dispute resolution services are concerned, coverage is low. For example, in Uganda, all providers of legal advice or assistance are together meeting only 7% of need. In many lower-income countries the coverage is much lower. The greatest coverage is being achieved by the largely government-funded Legal Aid Board in Sierra Leone, which is meeting over 50% of demand. The next highest is a group of civil society providers in Rwanda with 17% coverage. As Sir Fazle Hasan Abed, founder of BRAC has said "small is beautiful, but scale is necessary".

**Scaling-up and *frugal innovation* deliver low unit costs.**

The policy brief considers how service providers have delivered low unit costs. Unit costs vary with scale: larger operations can reap economies of scale and bring their unit costs down. The *frugal innovation* approach adopted by low-cost service providers is also examined, including reducing the role of lawyers for basic and community-level services, using appropriate technology, and providing community-based paralegals with low-cost transport. As with *people-centred justice*, *frugal innovation* stresses putting people at the centre of solutions to address their justice problems.

**The binding constraint to scaling-up to nationwide justice services in lower-income countries is funding.**

Service providers in lower-income countries with low unit costs aspire to scale-up their services and meet more justice needs. They say that the binding constraint preventing them doing so is limited and fragile funding. In some cases, current operations are threatened by funding challenges, and the service is retracting. ODI estimates the total cost of universal access to (1) criminal justice defenders for unsentenced detainees; and (2) community-based legal advice and assistance – to be under \$249 million a year across all low-income countries. This is 8% of current total aid to justice, including aid for human rights.

## There is a major knowledge gap in the justice sector in relation to basic metrics to guide donors' funding decisions.

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. It is striking that in the justice sector there has been very limited focus on cost analysis: few donor evaluations reviewed for this policy brief considered the unit costs of the services they were funding. Similarly, many of the service providers considered did not know what their unit costs were. ODI's research is initial and exploratory only, and faced significant data challenges. Further publicly available research is needed on unit costs of front-line justice services, on the level of coverage provided by such services, and on the benefits/ impacts of investing in these services.

**Table 1 Scalable investments in criminal justice defender services: unit costs**

Country	Justice service	Service provider	Benchmark unit cost	Unit cost
<b>Bangladesh</b>	Prison paralegals	10 local NGOs funded by DFID under its Access to Justice Programme (2013-2021) GIZ implemented project	\$50 - LMIC	\$41
<b>Haiti</b>	Public defenders	PROJUSTICE (USAID programme 2009-2016)	\$20 - LIC	\$102 <sup>1</sup>
<b>Malawi</b>	Prison paralegals	Paralegal Advisory Service Institute (PASI) (local CSO) EU funded	\$20 - LIC	\$13
<b>Sierra Leone</b>	Legal advice and assistance	Legal Aid Board – Government funded	\$20 - LIC	\$19 <sup>2</sup>
<b>Uganda</b>	Paralegal Advisory Service (PAS) (criminal justice)	Foundation for Human Rights Initiative (local CSO). Donor basket funded	\$20 - LIC	\$16

<sup>1</sup> Assuming local salary rates would be paid.

<sup>2</sup> Average of criminal and civil work. Average latest 3 years. Unit costs in latest year (2021) were \$13.

**Table 2 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
<b>Bangladesh</b>	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
<b>Kenya</b>	Rural lawyer/ paralegal for land disputes	Kituo Cha Sheria (local CSO)	\$50 - LMIC	\$348
<b>Malawi</b>	Village mediation	PASI (local CSO)	\$20 - LIC	\$18
<b>Rwanda</b>	Community-based legal advice and assistance	4 local CSOs	\$20 - LIC	\$2 <sup>3</sup>
	Mobile legal aid clinics	4 local CSOs		\$5 <sup>4</sup>
	Call centre legal advice and assistance	Legal Aid Forum (local CSO)		\$67
	Village mediation	Abunzi mediation committees (statutory bodies)		\$52
<b>Sierra Leone</b>	Community paralegal advice and assistance	Legal Aid Board (statutory body)	\$20 - LIC	\$19 <sup>5</sup>

<sup>3</sup> Median for all CSOs over latest 3 years

<sup>4</sup> Median for all CSOs over latest 3 years

<sup>5</sup> Average of criminal and civil work. Average latest 3 years. Unit costs in latest year (2021) were \$13.



<b>Solomon Islands</b>	Community officers – advice and dispute resolution	Ministry of Provincial Government and Institutional Strengthening	\$50 LMIC	\$50 <sup>6</sup>
<b>Somalia (Puntland)</b>	ADR Centres	Ministry of Justice /IDLO	\$20 - LIC	\$29
<b>South Sudan</b>	Justice and Confidence Centres	Five local CSOs /UNDP	\$20 - LIC	\$36
<b>Tajikistan</b>	Legal Aid Centres	Ministry of Justice /UNDP	\$35 – LIC/LMIC border	\$22
<b>Uganda</b>	Legal Advice Clinic	Uganda Law Development Centre (statutory body)	\$20 - LIC	\$28
	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 <sup>7</sup>

<sup>6</sup> 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

<sup>7</sup> Unit costs reported in latest annual report (2021) were \$13 (MJCL, nd (b)). An evaluation covering the period 2018-2022 shows unit costs of \$53 (MJCL, nd (a)).