



Research Brief: Envisioning A People-Centered Access To Justice Research Agenda¹

This Research Brief describes the goals of the Justice Data Observatory and reports on work in progress to uncover an emerging global research agenda exploring relationships between people-centered justice and democracy, inclusive growth, and poverty alleviation.

Around the world, civil justice problems are ubiquitous. In every studied society, these problems affect every group, and they fall most heavily on marginalized groups, such as low-income communities, or groups that are minoritized around their religion, ethnicity, race, sexuality, gender, or disability.² Research shows that responding effectively to these needs is critical for human flourishing—ensuring safe and healthy places for people to live, opportunities to make a living in dignified work, and the capacity to care for those who depend on us.³ Many also believe that responding to these needs with just solutions is critical for democracy and the rule of law.

To respond to these challenges effectively, we need a rigorous, evidence-based understanding of people's and communities' justice needs and of effective, scalable, and sustainable solutions to meet those needs.⁴ Burgeoning research around the world presents the opportunity both to generate new insights through integration of existing research and to identify knowledge gaps and critical opportunities to better understand the role of justice in democratic empowerment, inclusive growth, and antipoverty efforts. Research also offers opportunities to uncover the ingredients of just solutions, or "what works."⁵

The *Justice Data Observatory (JDO)* is a partnership of the American Bar Foundation, International Development Research Centre, OECD, and World Bank. The project supports researchers, policy makers

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 - 2 World Justice Project. "Global Insights on Access to Justice." 2019. <http://data.worldjusticeproject.org/accesstojustice>. OECD and Open Society Foundations. *Legal Needs Surveys and Access to Justice*. OECD Publishing, 2019. <https://doi.org/10.1787/g2g9a36c-en>.
 - 3 Pleasence, Pascoe, Christine Coumarelos, Suzie Forell, and Hugh M. McDonald. *Reshaping legal assistance services: building on the evidence base—a discussion paper*. Law and Justice Foundation of New South Wales, 2014.
 - 4 Burnett, Matthew, and Rebecca L. Sandefur. "Designing Just Solutions at Scale: Lawyerless Legal Services and Evidence-Based Regulation." *Direito Público* 19, no. 102, 2022. <https://doi.org/10.1117/rdp.v19i102.6604>.
 - 5 Sandefur, Rebecca, and Matthew Burnett. "All Together Now: Building a Shared Access to Justice Research Framework for Theoretical Insight and Actionable Intelligence." *Oñati Socio-Legal Series*, 2023. <https://doi.org/10.35295/osls.iisl/0000-0000-0000-1357>.



and civil society actors around the world in developing a shared research agenda about people's experience of the law and what works to achieve critical outcomes such as inclusive development, poverty reduction, and democratic empowerment. Participants in the JDO work together to identify research discoveries that can inform justice practice, and to identify critical knowledge gaps and the data necessary to fill those gaps. This lays the groundwork for a better understanding of where and how to invest in researchers and centers of research, and develop a more robust global research community.

THE RESEARCH

The last twenty years have produced a growing evidence base about people-centered justice⁶ and its contributions to democracy, inclusive growth, and the reduction of poverty. Though incomplete, this evidence offers the potential for greater understanding when existing work can be integrated within a shared research agenda. This integration offers questions to guide the interpretation of existing work as well as suggesting where to target investments in new research. The JDO's initial work charts the landscape of research exploring relationships between people-centered access to justice and three outcomes critical to development practice: democratic empowerment, inclusive growth, and poverty alleviation.⁷

The first phase of the project draws on three kinds of data to explore what is known and what remains to be understood about relationships between people-centered access to justice and these key outcomes. Thinking globally, each geographic space is in some ways unique. At the same time, countries also share key characteristics that can shape the context in which people seek and experience justice. The project classifies countries on three dimensions that may shape people's ability to access to justice: how well civil justice functions⁸; the degree to which a range of groups are included in or excluded from common life⁹; and, income level.¹⁰ Classifying countries across these three dimensions results in 27 possible country types. For example, a group of countries falls into the category of low civil justice function, low income, and low inclusiveness, while another group of countries falls into the category of high income, medium inclusiveness, and high civil justice function. All three dimensions of data are not available for all countries: we were able to classify about half (49%) of the 218 units for which the World Bank publishes income data on all three dimensions and four-fifths (80%) on income and at least one of the other two dimensions. Based on these data, 20 of the 27 possible country types are observed to exist in the world; this is the conceptual space of country types.

To understand the distribution and content of existing research across that conceptual space, we draw on two other kinds of data. The first is a review of recent empirical research literature. The scope of inquiry is studies published since 2001 that reported on the analysis of some kind of empirical data and explored relations between people-centered justice and one or more of three outcomes: reducing poverty, inclusive growth and

6 OECD. *OECD Framework and Good Practice Principles for People-Centred Justice*. OECD Publishing, 2021. <https://doi.org/10.1787/cdc3bde7-en>.

7 Sandefur, Rebecca L., Matthew Burnett, and Julia Dos Santos Drummond, "People-Centered Access to Justice Research: A Global Perspective," paper presented at the 2023 meetings of the International Legal Aid Group, Harvard University, Cambridge, MA, June 20, 2023.

8 "WJP Rule of Law Index." Accessed October 22, 2023. <https://worldjusticeproject.org/rule-of-law-index>.

9 Menendian, Stephen, Elsadig Elsheikh, and Samir Gambhir, 2021 *Inclusiveness Index* (Berkeley, CA: Othering & Belonging Institute, 2022). <https://belonging.berkeley.edu/inclusiveness-index>.

10 "New World Bank Country Classifications by Income Level: 2022-2023," July 1, 2022. <https://blogs.worldbank.org/opendata/new-world-bank-country-classifications-income-level-2022-2023>.



development, and democratic empowerment. The aim of this exercise is to produce an illustrative rather than exhaustive bibliography of the types of research extant and its distribution across different kinds of countries.

The second type of data drawn upon to explore existing research and research needs involved interviews with key informants knowledgeable about the global access to justice research space. Informants were people who had deep expertise in people-centered civil justice research and data and had experience working either globally or across multiple geographic contexts. Key informants included civil society actors, research and justice reform funders, and staff at intergovernmental organizations, as well as researchers. As we describe in the next section, we explore what kinds of knowledge have been produced for what kinds of contexts, as well as identifying questions and contexts that remain unexplored.

THE FINDINGS

The emerging research agenda is grounded in key discoveries established in extant work; those foundational discoveries set the stage for identifying critical unanswered questions. These include insights from legal needs surveys, which have now been conducted in over 100 countries and jurisdictions.¹¹ In the words of one key informant, these studies are a “staggering testament” to the disconnect between institutional responses from legal systems and people’s actual legal needs and capabilities. These studies have revealed that justice systems are peripheral to the resolution of most justice issues, and that services and solutions that respond to people’s actual needs and capabilities—that are people-centered—require more holistic, inter-sectoral approaches.¹² Many of the civil justice issues people face could be resolved before or without formal justice institutions. People involved in these issues care much more about the impact of these problems on their lives, or life outcomes, than about the resolution of legal matters, or case outcomes. This shift to a people-centered perspective on justice reshapes the kinds of questions necessary to understand justice and development and the needed elements of an evidence base to answer those questions.

What We Need To Know: An Emerging Research Agenda

This Research Brief reports on work in progress. The emerging research agenda calls for three kinds of knowledge and the data necessary to produce them. One type of knowledge lays the groundwork for high-level change, demonstrating that people-centered justice is critical to development outcomes. Another type of needed knowledge offers understanding of how people-centered justice does so. A third type of knowledge would guide policy and practice, informing the implementation of programs, policies, and justice reforms.

11 World Justice Project. “Atlas of Legal Needs Surveys.” Accessed October 9, 2023. <https://worldjusticeproject.org/our-work/research-and-data/atlas-legal-needs-surveys>.

12 OECD and Open Society Foundations. *Legal Needs Surveys and Access to Justice*. OECD Publishing, 2019. <https://doi.org/10.1787/g2g9a36c-en>; Pleasence, Pascoe, Christine Coumarelos, Suzie Forell, and Hugh M. McDonald. *Reshaping legal assistance services: building on the evidence base—a discussion paper*. Law and Justice Foundation of New South Wales, 2014.



I. Knowledge to Inspire a Change in Approach

Demonstrating to different types of audiences the critical role of people-centered justice in development, democracy, and anti-poverty efforts.

There is a clear call for more research that demonstrates the impact of people-centered justice in achieving development goals. Different kinds of actors, both inside and outside the justice sector, are responsive to different kinds of information. Some actors wish for systematically collected facts that lend themselves to quantification. They are interested in, for example, studies that show the scope and scale of justice problems. Or they wish for demonstrations of cross-sectoral savings achieved by investments in people-centered justice, such as might be revealed in return-on-investment analyses. Compared to other sectors, such as education or healthcare, for example, little of the data necessary to conduct these large-scale quantitative analyses exist for people-centered civil justice. By contrast, other actors find stories and anecdotes more persuasive for recognizing connections between people-centered justice and outcomes like poverty alleviation, inclusive growth, and democratic empowerment. Creating knowledge that can be used effectively for this purpose requires an additional evidence base that provides insight into what kinds of arguments will resonate in what kinds of contexts and with what kinds of actors.

II. Knowledge for Understanding How People-Centered Justice Matters

Understanding how people-centered justice affects inclusive growth, democratic empowerment, and poverty alleviation.

Though surveys of people's civil justice experiences have become widespread at this point, the research that explores relationships between those experiences and critical outcomes is still developing. In general, studies linking people-centered access to justice to material outcomes like poverty reduction and inclusive growth are less common than studies linking justice to democracy through efforts to promote legal empowerment.

The emerging research agenda includes calls for research that

- focuses on **life outcomes**, or the impact of people-centered justice solutions on the outcomes people and communities care about, such as secure housing, a living wage, or clean air and water. Answering this body of research questions will require data sources that collect information about outcomes that matter to people, and that follow people and communities over a long enough period of time to observe impacts broader than the resolution of a specific problem or case.
- explores the impact of people-centered efforts not just on remedies or solutions for specific problems but also on **improvements in public institutions, redesign of policies, and redistribution of resources** and, conversely, the **role of system level changes** in shaping people's and communities' experiences with justice issues. Answering this body of research questions will require greater access to institutional data and the ability to combine data sources to assess how the function of public institutions has or has not changed.
- explores the impact of people-centered efforts not just on remedies or solutions for specific problems but also on **collective empowerment**. Answering this body of research questions will require the development of both methods and metrics of measurement to assess these impacts.



III. Knowledge for Implementation

Understanding what solutions are effective, and how to sustain and scale them.

The emerging research agenda in this area includes calls for research that

- explores what one key informant called “the never-ending **what works**” questions. What interventions work for whom, where, and when? Answering these questions will require a systematic approach and systematically collected data to understand why and how types of interventions, policies, programs work in certain contexts and for certain populations or problems.
- provides basic facts about the **costs** of justice services and the **benefits** of providing them, to guide the efficient and equitable allocation of justice services and choices between investing in justice and other sectors, such as health, transportation, or education. Answering these questions will require systematically collected data about services, costs, and outcomes from court systems, administrative agencies, and service providers both inside and outside the justice sector.
- illuminates the pathways to **scaling up** people-centered solutions.

Where We Need To Know More

Overall, research into these questions is sparse. Around the world, we were able to identify no country group in which more than 13 empirical studies into these questions has been conducted in the last two decades. Geographically, research to-date covers limited parts of the world, with over half of country types evidencing no research that empirically explores relationships between people centered-access to justice and any of the three key outcomes of poverty alleviation, democratic empowerment, or inclusive growth. Middle-income countries have received more research attention on these topics than have either low- or high-income countries. In part, the sparseness of this literature reflects the dearth of centrally collected data on these topics, so that individual research teams must collect or compile their own data in order to be able to conduct any empirical research at all. It also reflects the interests of funders in investing in particular regions of the world. Around the world, more development donor funds go to middle-income countries than to low-income countries.¹³ As one key informant put it, empirical legal research to understand these questions is being “created at two very different speeds” in different parts of the world.

NEXT STEPS

Working with an international research team of PhD students, the next phase of the project will explore specific country and regional contexts in greater depth, with a particular focus on the production and use of empirical civil justice research and data in the Global South. This phase of the work will offer further refinements to the emerging research agenda and attendant data needs, as well as inform a mapping of the principal centers of activity around the world where relevant research is being done.

¹³ ONE Data & Analysis. “Official Development Assistance.” Accessed October 22, 2023. <https://data.one.org/topics/officialdevelopment-assistance/>.

