



DRG Learning Digest

Equal Rights, Access to Justice, and Vulnerable Populations

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A significant number of people around the world continue to face persistent barriers to access to justice and other legal problems, hampering their ability to exercise their rights. For example, a [2019 World Justice Project study](#) found that 49 percent of the citizens surveyed experienced legal problems, and 17 percent reported that they had given up any hope of trying to resolve them.

This situation is even more urgent for vulnerable and marginalized populations, who [report a greater number of legal problems](#). For historical, cultural, political, and/or other contextual reasons, these populations are [denied access to legal protection or social and economic participation and programs](#). Without access to justice, individuals in poverty, youth, women, ethnic minorities, the elderly, and migrants are susceptible to exploitation by powerful groups and individuals, and have few tools to challenge violations of their rights.



[Nidia Ivonne Muñoz Galvadón](#) sits before the Chihuahua State Attorney's Office in Mexico to seek truth and justice regarding her missing daughter. *Photo Credit: United Forced for Our Disappeared in Coahuila, July 10, 2017.*

USAID's range of programming on access to justice, particularly for vulnerable populations, advances international standards and goals that treat legal empowerment as key to a fair justice system. The [International Covenant on Civil and Political Rights](#) (Articles 2 and 14) and [Sustainable Development Goal 16](#) highlight: *the importance of the rule of law and access to justice; the development of effective, accountable, and transparent justice institutions; the protection of fundamental freedoms; the protection of women and children; and reducing trafficking in persons.*

This edition of the DRG Learning Digest examines the following topics:

- Evidence from Access to Justice Programming: What Works and What Doesn't?
- Utilizing Evidence to Advance Access to Justice: A Haiti Case Study
- People-Centered Justice: Upholding Equal Rights for Vulnerable Populations

And please make use of DRG Evidence and Learning Team resources (see text box at the end)!

Evidence from Access to Justice Programming: What Works and What Doesn't?



Women gather for a community information session conducted by the Association of Malian Female Lawyers. Due to poor understanding of their legal rights and structural limitations on women's access to justice, few Malian women file complaints against perpetrators of violence, especially when the perpetrator is an intimate partner such as a husband. Photo credit: [Mali Justice Project](#).

Programmatic evidence suggests that access to justice for vulnerable populations remains a challenge. A United Nations Office on Drugs and Crime (UNODC) survey on [Access to Legal Aid in Criminal Justice Systems in Africa](#) found that the majority of the continent's population does not reside in the geographic vicinity of legal services. Additionally, a research report on [Access to Justice for the Poor, Marginalised and Vulnerable People of Uganda](#) indicates that attitudinal, procedural, or physical barriers could limit access to justice, exacerbating the root causes of marginalization, discrimination, poverty and vulnerability.

Some programmatic solutions to these challenges can be found in [A Practitioner's Toolkit on Women's Access to Justice Programming](#), which outlines gender-responsive justice interventions ranging from legal reform to institutional oversight. The UNODC also released a [Handbook on Ensuring Quality of Legal Aid Services](#) (2019) and a [Guidance Note on Ensuring Access to Justice in the Context of COVID-19](#) (2020).

In addition, many development programs commonly presume that informational campaigns and community engagement will influence public knowledge, perceptions, and behavior. However, these activities alone may have limited impact when promoting access to justice, as shown by two DRG impact evaluations (IEs). An [IE of USAID's Mali Justice Project](#) found campaigns about justice sector performance had a limited effect on individual perceptions of and engagement with the justice system (report only available to USAID), although there were concerns about both activity implementation and IE data collection. Similarly, an IE of a USAID/South Africa program providing services to survivors of sexual and gender-based violence (SGBV) found that [community dialogues did not improve knowledge of and attitudes towards SGBV](#), or utilization of care centers that provided legal aid services. This latter IE recommended that in order to sufficiently increase awareness and use of justice systems, informational campaigns and community engagement sessions should be amplified through sustained and repeated social outreach. Another recommendation is to engage with local NGOs to assist in building the capacity of legal aid service providers and to provide complementary services.

Additionally, two programs in Haiti and the Democratic Republic of the Congo (DRC) promoted access to justice for vulnerable populations. See the next two sections for more details on these examples.

Utilizing Evidence to Advance Access to Justice: A Haiti Case Study



In Haiti, legal assistance increased the probability of detainees' release from lengthy pre-trial detention.
Photo Credit: [Tetra Tech](#)

The USAID/Haiti Mission leveraged the [DRG Learning, Evaluation, and Research \(LER\) Mechanism](#) to conduct an IE of one component of its 2009-2016 [ProJustice activity](#). The

activity reduced instances of prolonged pretrial detention, provided legal aid services to more than 20,000 low-income and marginalized Haitians, and facilitated dispute resolution through a mediation center. Since detainees often experienced illegal pretrial detention lasting many months, rather than facing a judge within 48 hours after arrest as required by Haiti's constitution, the [evaluation](#) focused on the ProJustice component of legal assistance to those detainees. The IE found that after only nine months of programming, [legal assistance increased the probability of detainees being freed from illegal pretrial detention by between 12 and 24 percent](#). Overall, ProJustice legal assistance cleared a backlog in cases resulting in the procedural advancement of more than 1,000 cases, including the release of 578 individuals. The IE also completed a cost-benefit analysis, finding that this legal assistance produced savings for the government. To improve access to justice, the IE recommended the creation of a public defender office to provide legal assistance as well as the adoption of a new criminal procedure code and a new penal code.

The Mission used these findings and recommendations to inform the design of a new [Justice Sector Strengthening Program](#) (JSSP) to follow the ProJustice activity. The new program provides technical assistance to the Haitian Government and other key stakeholders to implement recommendations from the IE. As a result of that assistance, in 2018 Haiti adopted a Legal Assistance Law and approved the creation of a National Legal Assistance Council to oversee legal aid services for those who cannot afford a lawyer. On May 6, 2021, President Jovenel Moise [inaugurated the Council](#). With support from the JSSP, the Haitian Government also adopted a new criminal procedure code and a penal code in 2020, and HTG50 million (approximately \$560,000) in funds for legal aid are included in the 2021 government budget. The IE also helped inform the development and expansion of a case management system by the Ministry of Justice and other agencies. This system will be featured in a Haitian TV documentary this year.

People-Centered Justice: Upholding Equal Rights for Vulnerable Populations

A [people-centered assessment of unmet justice needs](#) conducted by the World Justice Project estimates five billion people have unmet justice needs and 253 million people live in extreme conditions of injustice, such as statelessness or slavery. To help meet the needs for these individuals, the justice system must be accessible, user-friendly, solution-focused, and prevention-oriented. Conventional justice sector programming has often focused on strengthening the formal institutions rather than focusing on the needs, interests, and incentives of people in the system: justice-seekers, victims, alleged perpetrators, and the variety of justice system personnel. Ultimately, a justice system must be accessible to all members of a society regardless of their background, identity, or socioeconomic status. A people-centered justice system helps build the resiliency of people, households, and communities.

For example, a performance evaluation (PE) of the [USAID/Democratic Republic of Congo \(DRC\) ProJustice activity](#), implemented from 2008 to 2013, found that lack of clearly

defined criteria for vulnerable populations leaves many members of society without legal support.

This activity supported the provision of legal services to 2,626 vulnerable people through engagement with civil society organizations (CSOs), and promoted positive attitudes toward the justice system among the population. The PE documented that [the program improved the quality of and access to justice for women and children who were victims of gender-based violence \(GBV\)](#). The victims of GBV identified by the activity experienced financial and other barriers in their attempts to access justice. The PE found that allowing more authority to the Supreme Judicial Council (Conseil Supérieur de la Magistrature, CSM), establishing a functional office for the CSM, and revitalizing the disciplinary chamber increased transparency and confidence in the Congolese judiciary. Additionally, working with civil society organizations' network of legal defenders ensured more sustainable legal support at a lower cost to participating communities.



In the [Democratic Republic of Congo](#), a child survivor of sexual assault, her family, and her community received medical, counseling, and legal services from a USAID program to help her recover her self-esteem, avoid public shaming, and return to school. Her rapist was also brought to justice with the assistance of a USAID program. *Photo Credit: Morgana Wingard for USAID*

A weak or failing justice system impacts the entire population, and vulnerable populations often possess limited resources and are unable to advocate for themselves. Therefore, any attempt to improve access to justice must seek to minimize socioeconomic barriers and create a system that allows equal access to justice for all members of the society. As the DRC activity demonstrates, these efforts should eliminate financial obstacles, not add to them. The DRC PE recommends that making public information on court costs and fees readily available at the tribunals can help build trust, particularly for those who are economically disadvantaged.

Equal access to justice requires that all citizens have equal opportunities to be heard. Members of vulnerable groups are experts in their own experiences and must be

consulted on their perceptions of the justice system and their unique challenges. Improving engagement with vulnerable populations may also improve their faith in the justice system by fostering consistent positive interactions. The resulting relationship of trust, and the valuable insight that accompanies it, could enable governments to take the initial steps in developing justice systems that work for everyone, especially the most vulnerable.

Use Our Resources!

Welcome to the DRG Learning Digest, a newsletter to keep you informed of the latest learning, evaluation, and research in the Democracy, Human Rights, and Governance (DRG) sector. Views expressed in the external (non-USAID) publications linked in this Digest do not necessarily represent the views of the United States Agency for International Development or the United States Government.

Don't forget to check out our DRG Learning [Menu of Services](#) and [submit your request!](#) The Menu provides information on the learning products and services the Evidence and Learning Team offers to help you fulfill your DRG learning needs. We want to help you adopt learning approaches that emphasize best fit and quality.

The Evidence and Learning Team is also excited to share our [Inventory of DRG Learning](#) with you! The inventory is a searchable database of DRG learning products, including summaries of key findings and recommendations, drop-down menus to easily find documents related to a particular country or program area, and links to the full reports on the DEC.

Our friends at the [Varieties of Democracy \(V-Dem\) Institute](#) are also seeking to expand their research partnership with USAID on the complex nature of democracy by inviting research questions from you for V-Dem to work on. If there's a DRG technical question you've been wondering about, please submit it to the [Research Wishlist](#) now!

We welcome your feedback on this newsletter and on our efforts to promote the accessibility, dissemination, and utilization of DRG evidence and research. Please visit the [DRG Center's website](#) for additional information or contact us at ddi.drq.elmaillist@usaid.gov.