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FINAL TECHNICAL REPORT FOR THE PROJECT SCALING ACCESS TO JUSTICE RESEARCH COLLABORATION

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Centre for Alternative Policy Research and Innovation

Final Technical Report
for the Project Scaling Access to Justice Research Collaboration
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Abstract

This Final Technical Report is submitted by the project team that implemented the Scaling Access to Justice Research Collaboration project, under a grant awarded to the Centre for Alternative Policy Research and Innovation. The project which was implemented from May 2018 to November 2021, resulted in the following outputs among others: Main Research Report on the costs and benefits of community-based justice services; two blog posts; two draft methodology discussion papers; and three survey questionnaires. The project's outcomes include: evidence for policy makers to be used in the making of decisions related to justice funding priorities; generation of reference material for future research and capacity building of the research team; network building and collaboration with researchers in Canada, Kenya and South Africa; experience in building and managing research teams; and change in the data management system of community-based justice providers. The report also documents the research problem, objectives, methodology used in the conduct of the research, activities undertaken during project implementation and recommendations.

Keywords

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1.1   The Research Problem

While access to justice has become a central issue in international development, perhaps no action exemplifies its importance as the decision of world leaders in 2015 to specifically agree on Goal 16.3, which aims to "promote the rule of law at the national and international levels and ensure equal access to justice for all", as one of the 17 Sustainable Development Goals (SDGs). By having a specific goal related to access to justice, world leaders identified strong and direct links between the attainment of justice for all and other long standing human development aspirations such as reducing poverty, improving access to health care and reducing infant mortality. However, world leaders' aspirational pledge to promote access to justice for all has not been fully translated into action through the provision of the resources needed to achieve the goal due to a number of reasons, including lack of the requisite funding especially for low-income countries. The lack of funding has been compounded by the dearth in credible data required for policy makers and donors to make well-informed decisions in relation to funding priorities and strategies in the justice sector, particularly for primary justice services.

Globally, a number of studies have recently been commissioned to assess the extent of legal needs at different levels of the justice service delivery chain at the country level. One of such studies was conducted in Sierra Leone in 2017. While the study's findings have been instructive in many ways, it however did not assess the costs and benefits of accessing justice services to users, providers and the state. Thus, the lack of data on the costs and benefits of accessing and funding community-based justice services does not only limit the advocacy capabilities of justice activists and advocates, it also affects government and donors' decision making capacities, even where there is a will to channel resources to the subsector. It is against this background that this research project was supported by IDRC and OSIWA to help narrow the evidence gap and assess the direct and indirect economic and social costs and benefits of community -based justice services. The cost-benefit study was undertaken to assess and compare the relative direct and indirect outcomes of community-based justice services (paralegal NGOs) in the country and make recommendations on strategies for scaling up access to justice in Sierra Leone. There was no significant and recognisable change to the research problem and it remained relevant throughout the project.

1.2   Objectives

The general research object was to contribute to the body of knowledge on approaches to expanding access to justice in Sierra Leone and globally in a cost-effective, strategic, and sustainable manner. It focused on two broad themes of civil justice problems: family law, including child and spousal support; and property, land and tenancy issues. In doing so, it assessed and compared the relative direct and indirect outcomes of different justice services measured against the cost of respective interventions. The findings are expected to inform strategies and approaches '…for scaling access to justice and provision of individual and

community–oriented legal services in Sierra Leone...'. The recommendations have been directed at the Government of Sierra Leone, justice service providers, donors and other related organizations interested in the provision of community-based justice services in the country and elsewhere with similar contexts. Thus, beyond the life of the research project and its outputs, the findings will contribute to a growing body of knowledge in approaches to expanding access to justice services in a cost-effective, strategic and sustainable manner that ensures value for money for funders, as well as optimising benefits for service users.

The specific objectives of the research included the following:

1. Determining and analysing the direct and indirect costs and benefits (social and economic) of community-based justice services in respect to family law, including child and spousal support, and property, land and tenancy issues in target communities and populations;
2. Developing contextually appropriate definitions of justice benefits to be measured as well as related terms such as 'scaling up community-based justice services' and 'community-based justice services' in respect to the two thematic areas;
3. Establishing and analysing the gendered nature of access to justice and its impacts on costs and benefits;
4. Identifying and proffering recommendations and a roadmap for scaling access to justice, with a focus on influencing the Government and development partners' intervention in relation to family law, including child and spousal support, land, and property.

The project's specific objectives were largely met, except for one related to identifying and analysing technological innovations in the provision of community-based justice services, as well as cost-effective funding mechanisms for supporting the same, which was not followed through or built on. This was because the research team was unable to identify any unique technological innovations in the delivery of community-based justice services by paralegal organisations, beyond the use of everyday office equipment or enablers such as computers.

1.3   Methodology

The research project was implemented through a mixed method approach incorporating strategies that generated and analysed both qualitative and quantitative data. The approach thus made use of the advantages and strengths of the two data sources, as well as mitigating their individual weaknesses. Below the report details the specific methods used in the conduct of the research.

1.3.1   Mapping community-based justice interventions

As a first step, the research team conducted an institutional mapping of community-based justice service providers in Sierra Leone under the following categories:

1. State funded Legal Aid Board (LAB) – using a mixture of lawyers and paralegals to resolve cases;
2. NGOs – mostly paralegals, but employing limited services of lawyers;
3. Local courts – no legal representation for parties;
4. Customary courts presided over by sub-chiefs – village/community level; informal community leader or organization mediated or arbitrated.

It is however important to note that after a scoping study of the aforementioned community-based justice service providers in November 2019, the research team took a practical decision of focusing only on community-based justice services provided by the LAB and NGOs. This was because of a number of reasons, including the paucity of official administrative and financial records within local and customary courts, as well as the team's findings which suggest that in many parts of the country, communities were exiting such courts in favour of paralegal-based service providers. Nonetheless, the team still found it necessary to carry out a qualitative investigation into why communities were exiting such courts, the reaction of court officials and the implications for policy. The team's findings on the local courts were published in two blogs in 2020, as well as incorporated in the main project output.

1.3.2 Identifying and locating secondary data for analysis

In order to determine the total number of cases dealt with by the LAB and NGOs between 2017 and 2018 for the study's sample size, the research team spent time mining the data base of the Justice Sector Coordination Office (JSCO) which was set up with support from OSIWA, as part of the 'Shared Framework'. The database served as a repository into which the LAB and OSIWA funded community-based justice providers were uploading disaggregated data, albeit for a single year – 2017. At the time the team utilized the database it held about 1,540 cases, of which 360 directly related to the research's thematic focus of family law, including child and spousal support, and property, land and tenancy issues. Nonetheless, given that the data needed for analysis should cover the two (2) most recent years (2017 – 2018), the team then collected an additional 1000 cases from the LAB and paralegal based organizations in Bombali, Bo Kenema, Kono and Koinadugu in November and December 2018, since the JSCO database did not hold data for that year. Of the additional 1,000 cases collected, 460 were directly related to family law, including child and spousal support, and property, land and tenancy cases.

1.3.3 Key informant interviews

As part of the research team's strategy of generating qualitative primary data, semi-structured key informant interviews (KII) formed a major part of data collection, through which knowledge in relation to the socio-economic costs and benefits of community-based justice services were

jointly produced by the research team and research participants. Semi-structured interviews were conducted with a broad range of key informants including staff of paralegal organizations and the LAB, and local court officials. Institutional KIIs were focused on organizations such as the Justice and Peace Commission in Bo; LAB (Bombali, Bo, Kono and Freetown); Lady Ellen Women's Aid Foundation in Freetown; Centre for Access to Justice in Bo and the Network Movement for Justice and Development in Kailahun, Kenema and Kono (all of which funded by OSIWA).

1.3.4   Focus group discussions

In addition to KIIs, 30 focus group discussions (FGDs) were held with female and male service users of paralegal services across nine (9) of the country's 16 districts in order to gauge their perceptions related to the costs and benefits of community-based justice services. In order to allow for the free expression of views, the research team made a conscious effort to ensure that some FGDs were conducted specifically for some social classes. For instance, where it was determined that a joint FDG of male and females would limit the ability of women to freely express their views, women-only FDGs were conducted. To complement FGD data, the team collected 20 life stories from service users with a view to co-create knowledge through the stories they narrated related to their lived experiences, as well as the meanings they ascribed to those experiences.

1.3.5   Surveys

In order to quantitatively measure the costs and benefits of the services, the research team collected and analysed quantitative data through the administration of three questionnaires: service user, non-service user (counterfactual) and service provider.

1.3.6   Case tracking

A key part of the research team's data collection strategy was the tracking of cases. In the case of the service-user survey, for each purposively selected case, two alternate cases were selected to serve as replacements, in the event the parties involved could not be tracked by enumerators. Armed with addresses, case numbers and background summaries of cases, enumerators then tracked users of paralegal services to have an estimation of the direct and indirect economic and social costs and benefits, incurred and derived during the course of resolving their justice problems. The case tracking methodology proved useful as it helped the research team locate service users through the help of service providers used to resolve their justice problems.

1.4   Project Activities

During the implementation of the project, the research team undertook a range of activities including the following:

1.4.1   Stakeholder consultations

Following the formal commencement of the project in May 2018, the research team moved quickly to engage key project stakeholders. First, given the change in government which saw the All People's Congress government replaced by that of the Sierra Leone People's Party in April 2018, the research team had to reengage key government officials including the Ministers of Justice and Finance to appraise them with the purpose and aim of the research, as well as solicit their support in project implementation. Other government officials and institutions consulted and engaged included the erstwhile Justice Sector Coordination Office (JSCO), Justice Brown Marke who at the time led the Judiciary's reform project, the head of the Family Support Unit of the Sierra Leone Police and the Chief Social Welfare Officer of the Ministry of Social Welfare, Gender and Children's Affairs.

In order to sustain the interest and commitment of the key government officials, institutions, and other stakeholders, the research team adopted a communication and research findings dissemination strategy that was anchored around continuous engagement with the relevant stakeholders as the findings and lessons of the research emerged.

1.4.2   Engagements with heads of community-based justice service providers

Given that the successful implementation of the research project was largely dependent on the support and participation of heads and staff of paralegal organisations, the team frequently engaged at key points of the process. For instance, on 12 July 2018, the research team organized a brainstorming workshop with a select group of community-based justice practitioners. The aim was for the research team to present the overview of the project, whilst providing an opportunity for practitioners to help shape the design. It was also intended to solicit their support in the conduct of the research, since the team relied on the data had collected over the years to carry out case tracking and conduct some of the required analyses. There was general agreement among participants that the brainstorming session was extremely useful in that it brought researchers and practitioners to discuss issues as varied as the contested nature of community-based justice and the sometimes-confusing dichotomy between formal and informal justice services.

Further, prior to the deployment of enumerators to their various areas for data collection in early 2020, the research team met with the heads of the paralegal organisations as well as state justice

service institutions to inform them about the next stage of the research, which was data collection. This was important for two mainly reasons: first, the respondents were the clients of the service providers; and given the human subject nature of the research, the team needed to get the assurance from the institutional heads that their paralegals and clients will cooperate with the research team while in the field. Second, the team needed the paralegals who handled/resolved the cases to seek the consent of case parties prior to the enumerator's visit. But more importantly, the paralegals knew the residential addresses and phone numbers of their clients. Therefore, the research team needed their cooperation in helping to locate their service users.

1.4.3 Participation in three-country coordination meetings

One of the most useful aspects of project implementation was the research team's participation in the three-country (Kenya, Sierra Leone and South Africa) coordination meetings, convened and facilitated by the Canadian Forum on Civil Justice (CFCJ). The first of such meetings (in-person) took place in Nairobi, Kenya, from 3 – 4 September 2018. Two members of the research team attended the meeting in Nairobi which brought together participants from the three (3) research country teams of Kenya (the hosts), Sierra Leone, South Africa, and the funders – OSIWA, OSF and IDRC. The meeting was meant to serve as a forum through which a common understanding of the goal of the comparative study would be forged, even if the case studies would be influenced by the relative different contextual country differences. It was further intended to determine how the project will be coordinated at the meta level, and the nature of support the country teams would require from the CFCJ. The research team presented an overview of the research and benefitted from very useful comments and suggestions from other participants. While two other such meetings were planned to be convened in Sierra Leone and South Africa, the covid-19 pandemic made it impossible for the teams to meet physically. However, frequent but relatively shorter research coordination meetings were convened, even if they did not have the kind of impact which physical and longer meetings would have had of the research process.

1.4.4 Development and finalization of research instruments

In the development of research instruments the team sought the input of the wider project team, by sharing the instruments with our counterparts in Kenya, South Africa, and the project sponsors (OSIWA and IDRC). Following the receipt of comments, suggestions and inputs, the team met to discuss the comments and suggestions made by various reviewers, taking into account the contextual differences between countries. Resolutions from those deliberations were incorporated into the final survey instruments. As part of the team's quality assurance mechanisms to ensure that quality quantitative data was collected, a Data Management Specialist was contracted to program the finalized questionnaire into android phones (tablet) using the computer-based software Kobo Collect, as well as providing support to the team's main

Data Analyst. The team found this software very useful because it allowed progress in data collection to be tracked in real-time, making the actual process of data collection, monitoring, management, retrieval, and quality control relatively seamless.

1.4.5   Preparation of training materials

Before the deployment of enumerators to the field, the team developed training resources to guide the training of field enumerators in both quantitative and qualitative data collection. The key topics covered in the training materials included – for the quantitative training; (i) the use of personal data assistant (PDA) to collect data; (ii) research ethics and tips on client confidentiality; (iii) understanding questionnaire structure and content; (iv) understanding concepts and definitions used in the instrument; (v) sample size and selection; among others. The materials covered very broad overview of qualitative data collection methods and techniques such as focus group discussion (FGD), key informant interviews (KIIs), in-depth interviews (IDIs); (ii) techniques for effective questioning; (iii) managing the interview; (iv) data documentation and management; (v) guidelines and ethics in qualitative research; (vi) direct observation techniques; and (vii) "do no harm". In addition, the team developed standard operating procedures (SOPs) a process document to guide the field data collection. A research brief that introduced the project and its aims and objectives, as well as an informed consent and client confidentiality form were developed and formed part of the materials for the training.

1.4.6   Recruitment and training of enumerators

Once preparation of training materials was done, the research team received applications from a pool of local researchers, including college/university students, former NGO workers, and civil society activists. In the end, 15 applicants went through a five-day intensive training (3 days of instruction in a classroom setting, and 2 days practical demonstration in the field). The best 10 candidates were selected as enumerators, while the other 5 were reserved for potential replacement should any one of the enumerators failed to measure up. In addition, two supervisors were recruited to help with the supervision of data collection. Generally, selection was based on experience, demonstrable skills, conceptual ability, nimbleness, and fluency in local language of the research area.

1.4.7   Collection of primary data

After heads of paralegal organizations had informed their field staff to allow the research team access to their clients' data after securing consent from service users, the research team deployed the 10 enumerators in the various research sites across the country. Over a three-week period from 15th January to 5th February 2020, a total of 775 questionnaires were administered using customised android handsets pre-installed with the Kobo Collect software. Of 775

questionnaires, 15 were administered with representatives of service providers; 260 with service users or clients of paralegal organizations, and 500 with persons who have never reported a case to paralegals (counterfactual). At the end of the field data collection, the team met to debrief and tease out the enumerators' experience and observations during field research. Through the debriefing session, the research team was able to elicit vital information that proved useful in the writing of the research's outputs, especially the methodology and reflections on how to conduct community-based justice research in Sierra Leone and similar contexts.

1.4.8 Data management and analysis

For data management, a bespoke server was created using Kobo Collect. Enumerators uploaded data to the server after each questionnaire administered. The Kobo Collect software was preferred over others because of its many advantages, including the inbuilt GPS function which enhanced the certainty that enumerators would collect and input data in the relevant and specific locations, rather than doing so in the comfort of their hotel/guesthouse rooms. In addition, Kobo Collect had features that allowed the team to predict with relative certainty the timeframe within which interviews were conducted and the time of the day. This made it easier for the Data Analyst and Data Management Specialist to access data from the field in real time, and to also monitor the quality of the data that uploaded on a daily basis.

1.5 Project Outputs

The research project produced a number of outputs as listed below:

1. Main Research Report on the costs and benefits of community-based justice services titled "The Costs and Benefits of Community-based Justice in Sierra Leone";
2. Blog post titled "Paralegals, community agency and access to justice in Sierra Leone";
3. Blog post titled "Costly justice: Why communities in Sierra Leone turn to paralegals instead of Local Courts to resolve their justice problems";
4. Two draft Methodology Discussion Papers;
5. Three survey questionnaires:
    a. Service user questionnaire
    b. Non-service user (counterfactual) questionnaire
    c. Service provider questionnaire
6. Twenty (20) enumerators trained on the use of various research methodologies including case tracking;
7. Three research design and emerging findings dissemination meetings with heads of paralegal organisations;
8. Multiple research team meetings
9. Multiple three-country research coordination meetings.

The main research report which is being submitted with this Final Technical Report, documents the research problem; objectives; methodologies used in the conduct of the study; the key findings and recommendations. The two blog posts published in September and October 2020 respectively, were not only used by the research team to present emerging findings, but to also keep the project's various audiences engaged with the research ahead of the final research report.

A formal virtual launch of the main research report is planned for early 2022, and two more research outputs are planned to be completed in the same year. They include the following:

1. An article to be published in a leading community justice journal;
2. A policy brief for policy makers in and out of Sierra Leone.

1.6   Project Outcomes

Although it is early to determine the true scope of the outcomes of the research project, it is clear that it has had a number of outcomes with both local and international implications, as documented in the following subsections.

1.6.1   Evidence for policy makers

Despite the challenges faced in the conduct of the study, including those related to data availability, this is one of the first studies to document in fairly reliable terms the costs and benefits of community-based justice services in a low-income country. The findings of the research project are expected to be used by the Government of Sierra Leone, justice service providers and donors in making decisions related to the planning, design, funding and implementation of community-based justice programmes. With the available evidence on the costs and benefits of community-based justice services, it is expected that stakeholders will make a shift from making decisions on funding of justice services without evidence, to an evidence-based decision-making framework. As part of the project's dissemination strategy, the research team will be having discussions with key stakeholders on the findings of the study, including the Vice President of Sierra Leone, officials of the Ministries of Finance and Justice in early 2022.

1.6.2   Reference material and capacity building of research team

In addition, one of the project's main outcomes is its contribution to scientific knowledge, especially the growing literature on community-based justice services around the world. Researchers conducting similar studies will have a useful reference material from which to draw and build of their own research. In making this contribution, the project research team also benefited greatly in the building of their individual and collective capacities. Although the individual researchers were already relatively established in their respective fields, they lacked

key knowledge and experience needed in conducting costs-benefits analysis. The project therefore proved very useful in building their capacities in that respect. For most of the researchers, it was the first time they were working as part of a larger research project, which proved simultaneously challenging and rewarding.

Further, the heads of paralegal service providers with whom the research team worked were also able to reflect on their service deliver models, their operation costs and the very notion of community-based justice as opposed to the formal justice system. The research team will build on the knowledge and experience gained and leverage the relationships established with paralegal organisations in subsequent research projects.

1.6.3   Network building and collaboration

Another key outcome of the project is the network of researchers in Canada, Kenya, Sierra Leone and South Africa that have been linked by their mutual interest in community-based justice services and research. The Sierra Leone research team benefited from the network and collaboration, especially staff of the CFCJ and from the South African team members who had a better grasp, knowledge and experience of undertaking cost-benefit analysis in the justice sector. Going forward, the research team will continue to maintain such links and leverage them in future research.

1.6.4   Enhanced experience in building and managing research teams

The research team benefitted immensely from the experience of building, managing and sustaining the interests of members. As with all organisations, we learned that research teams are complex groups consisting of individuals with diverse backgrounds, interests, capabilities and commitments. Therefore managing individual members and the group can sometimes prove difficult, requiring tact and sometimes strong leadership to achieve the goals and objectives of research projects. While the team would have loved to see through the implementation of the project with the original members, this was not possible as two members withdrew due to career reasons. However, the team had to sever relations with a third member when it became clear that it was in the best interests of both the research team and the colleague to sever ties, given the distraction which his continued membership of the team was causing.

1.6.5   Change in the data management system of the Legal Aid Board

One of the most immediate outcomes of the research project was the move by the LAB to commence the shift from a paper-based case management system, to an electronic-based system. Although the LAB was part of service providers that were uploading their cases to the database managed by the JSCO through funds provided by OSIWA, internally they had maintained a paper-based system. However, the inability of the LAB to respond to a request made by the research team for alternate cases for case tracking, served as a trigger for them to

start the process of digitalizing their case management system. One of the recommendations of the main research report is for community-based justice service providers to "invest time and resources in building robust, efficient and better information management systems, in order to enhance their capacity to effectively track, assess and document impact".

1.7   Overall Assessment

As already noted above one of the most important aspects of the research project was the collaboration with other partners in the achievement of the project's objectives. In particular, members of the CFCJ - Trevor C.W. Farrow, Lisa Moore and Ab Currie were instrumental in shaping the research design and regularly convening the three-country research teams. They provided inputs, suggestions and comments in relation to draft outputs such as blogs, research instruments and the final research report. Lisa Moore was particularly instrumental in supporting the team through the calculation of the wider public benefits of the state funding community-based justice services.

While the fact that the research was jointly funded by IDRC and OSIWA sometimes proved challenging with respect to their different requirements for reporting on the management of project funds and progress in implementation, it was a unique experience that has enhanced the team's capacity in managing co-funded projects. That said, implementation support from IDRC and OSIWA was extremely useful and both organisations demonstrated flexibility within what their rules allowed to streamline reporting processes. Both the IDRC Programme Officer Adrian Di Giovanni and the OSIWA focal persons – first Nancy Sesay, and later Joe Pemagbi, were always willing and on hand to provide all the support needed by the team, making the process less challenging.

Although one of the immediate results of the project is the final research report with the key findings and recommendations, the long-term contributions of the project cannot be overstated. The study provides one of first cost-benefit analysis of community-based justice services in low-in countries, and is expected to inform government and donor policy and spending priorities in the sector. The findings of the research will also inform and influence the work of community-based justice service providers and similar studies conducted within similar contexts.

However, on reflection the research time should have made early and increased use of the knowledge and expertise available with the wider network of researchers in the project. For instance, if the team were to implement the same project, we would seek early and increased support on the unique aspects of calculating the wider public costs and benefits of the state funding community-based justice services, a specialised part of the study that initially proved somewhat difficult to complete. Also, in the future a slightly lean team of researchers of about 3

– 4 people with the required skillsets would be preferred, with its potential advantage of limiting the challenges related to free-riding.

Given the circumstances, we are of the view that the project was extremely useful both in terms of its value and importance. It is hard to put a monetary value on what the project's short and long-term achievements will be, given its contribution to filling the gap in knowledge around the costs-benefits of community-based justice services not just in Sierra Leone, but also the developing world. For all of the research team, the experience was enriching pushing us to look beyond our comfort zones, in the process making us very much knowledgeable on issues related to community-based justice services. Taken together, the time, efforts and funding invested in the project were well-spent and will having lasting impact on all the stakeholders – the researchers, government, service providers, donors and service users among others.

1.8   Recommendations

The recommendations made in this report are reflective of the overall observations and experience with the project.

Need for clarity on overhead contribution

There is need for more clarity on how IDRC supports and manages overhead costs. This should include the need for Programme Officers and documents to be clear that grant recipients should include overhead charges in project budgets at the time of processing grant applications. This will prevent instances where project teams will assume that overhead costs will be paid by IDRC, with or without them being included in budgets, as it happened in our project when it was inadvertently assumed that overhead costs were covered.

Streamlined reporting

For a co-funded project such as ours, there is need to streamline both the financial and progress reporting systems and procedures. This can be done at the institutional level, thus allowing the project time to spend less time on having to respond to different reporting requirements at different times of the project's cycle.

Need to better adapt project implementation to shocks including COVID-19

The COVID-19 pandemic affected project implementation at several levels. At the local level, it deaccelerated the pace of research; and at the global project level, it affected the level and quality of planned engagements including in-person meetings among the three-country research teams. Subsequent projects should better adjust to shocks such as COVID-19, by making use of technology to convene extended and multiday project team meetings when it is impossible to convene physically. This will allow teams to gain from originally planned technical meetings, in addition to regularly convened coordination meetings.

Follow-up support including funding

Developing the capacity of justice sector researchers takes times and is costly, requiring long-term support. The project provided a basis for building a team of researchers that may move on to other work without support to conduct further research in related areas of community-based justices services and governance more broadly. Where possible, follow-up support could contribute to further build research team capacities, allowing them to conduct research into aspects not covered in the initial project, including the types of community-based justice services that work better for all, as well as the use of technology in the delivery of justice services.