

# What do we know about legal empowerment? Mapping the Evidence

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## **Executive Summary**

The UN estimates that 4 billion people live outside the protection of the law.<sup>1</sup> For these people the law is an abstraction, or a threat, but not something to use in exercising basic rights.

"Legal empowerment" is about reversing that trend: about giving people the power to understand and use the law. However, despite many examples of success, there is no comprehensive understanding of what legal empowerment programs can and have achieved.

We review here all available evidence on civil societyled legal empowerment efforts. To our knowledge this is the first review of its kind.

There is substantial evidence available on the impact of legal empowerment interventions. This review analyzes 199 studies that address the results of a wide range of legal empowerment work, such as women textile workers learning to advocate for better labor conditions in Honduras, paralegals improving fairness through mediation in Liberia, and citizens using scorecards to improve local health services in India. The studies cover interventions on every major continent, with Asia the most represented region, and draw data from evaluation methods including randomized control trials, surveys, interviews, and qualitative case studies.

The breadth and richness of this body of work suggest we should revisit previous perceptions that there is little evidence on what legal empowerment can achieve. The studies collected here not only provide a basis for understanding the accomplishments of prior work, but can inform the design of future programs and research initiatives.

In order to conduct analysis on such a large pool of evidence, we followed a qualitative coding methodology to map the evidence base and identify trends and research gaps.

#### Strategies

**Legal literacy is the most common approach covered by the evidence in this review.** Most interventions combine multiple strategies, such as providing legal literacy training alongside mediation services, or training people to file right to information (RTI) requests and then engage in advocacy based on the results. Many interventions incorporate legal empowerment approaches into the delivery of other basic services. A program in Bangladesh, for example, trained health workers and teachers to assist families in obtaining legal identity documents.<sup>2</sup> These programs show how legal empowerment can be integrated into broader development efforts.

#### Impacts

The evidence shows legal empowerment programs have created a range of positive impacts, from increases in legal knowledge and resolved conflicts to improved health outcomes and institutional change. In total, 191 studies addressed impacts on "citizens and consciousness," by which we mean changes that affected individuals and communities. Of these, nearly all identified at least one positive change. A smaller but still substantial number – 111 studies – examined impacts on institutions. Of these, 89 reported that the intervention had a positive effect on institutional policy and/or practice.

The most frequent changes the studies of legal empowerment programs report are increases in the agency of participants – both willingness to act and actual action – as well as enhanced legal knowledge. Programs with an advocacy component were the most likely to produce changes to agency.

The next most common type of impact represented in this evidence is the successful acquisition of a remedy, entitlement, or information. A Mexican organization assisted prisoners to file information requests on their behavior records, as good conduct could lead to early release in certain cases.<sup>3</sup> The prisoners' efforts not only led to the release of their personal files, but more than 40 percent of requesters were able to use that information to achieve early release from prison in accordance with the law.

The existing evidence base shows that legal empowerment strategies have been successful in improving health, strengthening education, and increasing income. Ten studies reported improvements in health indicators as a result of legal empowerment interventions. In one well-known study in Uganda, community monitoring led to dramatic increases in clinic utilization rates and a 33 percent drop in child mortality in villages targeted by the program.<sup>4</sup> Seven evaluations showed connections between the program under study and education outcomes, often measured by improved test scores or a lower percentage of students failing annual exams. The most common approaches in these programs were community scorecards and legal literacy.

In addition to demonstrated benefits to people's lives and development outcomes, legal empowerment interventions have also brought about change within governments and other institutions. Of all effects on institutions, the impacts of the interventions studied tended to be concentrated in local level changes in practice, which was reported in 59 studies. Overall, there are more impacts on the implementation of law than on the law itself.

More than half of institutional change relates to the issue of accountability for basic services. Most of these changes were related to implementation – with 32 interventions affecting local practice and 13 interventions influencing provincial level practice. There is also a trend in the type of institutions engaged by these programs – the majority interacted directly with service delivery agencies. The changes in local practice are mostly improvements in the operations of schools, health clinics, and other public entities through better attendance, effort, and accountability of individual teachers, nurses, and officials.

An important frontier for the legal empowerment movement going forward is translating the lessons of grassroots efforts into large-scale policy change. The existing studies show that such change is possible, but there is a great deal more to learn about the programmatic and contextual factors that determine whether a particular attempt succeeds. In addition to interviews with relevant authorities to understand the factors that influenced their decisions, historical inquiry and longitudinal studies may be needed to build more evidence on what causes governments to change over the long-term.

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We discovered very few instances of negative impact. Ninety-seven percent of the studies reported at least one positive change. In contrast, merely nine studies (4.5 percent) identified any negative change that occurred during the course of the intervention. A larger number – 49 studies, 25 percent of the total evidence – sought to measure a certain type of impact, but in the end found no change. Most of these studies reported that the legal empowerment interventions had positive impacts in other areas. More research on negative impacts will help to determine the factors that may facilitate or obstruct change.

#### Other Trends in the Evidence

#### Of all the interventions in this review, administrative agencies were the type of institution most often engaged in the process of resolving justice problems.

In total, 90 interventions engaged with at least one administrative body. The most common strategies used when engaging with administrative agencies were right to information laws, advocacy, participation in governance, and legal literacy. Almost all paralegal or citizen advice bureau efforts in the review involved navigating administrative processes.

In contrast, there is little evidence on programs that engaged with the military, national level courts, or hybrid public-private enterprises. More research is needed on what legal empowerment strategies can achieve through interacting with these institutions.

Freedom House's Freedom in the World Survey 2012 provided a proxy for coding the political regimes relevant to each piece of evidence. **Most existing research on the impact of legal empowerment covers countries that are "free" or "partly free."** Only 10 studies in this review examined an intervention in a country categorized as "not free." We have little understanding about what legal empowerment efforts can achieve in repressive regimes. Conclusions and Recommendations for Further Research

Substantial evidence exists on the impact of legal empowerment efforts around the globe. The evidence shows legal empowerment has led to a range of changes: increases in legal knowledge and community participation, the resolution of disputes, improvements in health outcomes, and changes in institutional policy and practice.

Despite this wealth of information, there are still gaps in our understanding of legal empowerment strategies. New research would be useful to fill these gaps. Unlike some scientific research, we do not imagine that we will ever arrive at a definitive answer to a question like "which legal empowerment strategy is most effective in repressive regimes?" We recognize that all legal empowerment interventions are unique to some extent – interacting with the particularities of any given context. But more information about experiences across borders and approaches will benefit practitioners grappling with their own specific challenges.

While some evidence exists on these aspects of legal empowerment work, additional research would be particularly useful in building the knowledge base on:

- How legal empowerment can achieve institutional change at the national level;
- Medium and long terms effects of legal empowerment programs as well as the sustainability of positive impacts over time;
- Paralegal impact on development outcomes, beyond reporting the resolution of a client's immediate legal need;
- Factors and program activities that help changes in legal knowledge lead to other types of impact, such as increased agency;
- Use of human rights commissions, ombudsman offices, and public interest litigation.

There are many potential determinants of program success at the national or community level, including demographic distributions, social norms, power differentials, and political circumstances. Coding for and analyzing these factors would uncover additional trends related to the effectiveness of legal empowerment.

The evidence base on legal empowerment will continue to grow – through further sharing of existing impact data, the completion of ongoing research, and new investigations into what works and why. The evidence collected in this review, and further research of this kind, will allow practitioners to learn from one another, make evidence-based program decisions, and strengthen the impacts created by legal empowerment.

#### Executive Summary References

1 Commission on Legal Empowerment of the Poor, Making the Law Work for Everyone: Volume I (2008), 3.

2 UNICEF, "Birth Registration in Bangladesh." 2010. Available at: http://www.unicef.org/bangladesh/Birth\_Registration(1).pdf.

3 Juan Pablo Guerrero Amparán, "The Right to Know in Mexico: The Challenge of Dissemination," in Focus on Citizens: Public Engagement for Better Policy and Services, OECD Studies on Public Engagement (OECD, 2009), 258 to 260.

4 Martina Bjorkman and Jakob Svensson, "Power to the People: Evidence from a Randomized Experiment on Community-based Monitoring in Uganda," Quarterly Journal of Economics 124:2 (2009), 735-769.

## What do we know about legal empowerment? Mapping the Evidence

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## Introduction

The UN estimates that 4 billion people live outside the protection of the law.<sup>5</sup> For these people the law is an abstraction, or a threat, but not something they can use to exercise their basic rights.

"Legal empowerment" is about reversing that trend: about giving people the power to understand and use the law. A farmers' association in Cambodia deploys community paralegals to support its members in protecting their land rights. A community advice office in South Africa assists workers to access the pensions to which they are entitled. A public interest law organization in Argentina helps slum dwellers to demand clean water.

Despite many examples of success, there is no comprehensive understanding of what legal empowerment programs can and have achieved. Nor is there a framework to guide future research based on identified gaps in our existing knowledge. Understanding what works, where, and why can underpin evidence-based decision making and the effectiveness of these strategies as the field expands.

We review here all available evidence on civil societyled legal empowerment efforts. To our knowledge this is the first review of its kind.

We begin the paper by describing our methodology. We then offer initial snapshots of the evidence we collected, in particular the distribution across regions and across evaluation methods. Before turning to analysis, we highlight two key limitations that make it difficult to draw comparative conclusions despite the rich body of existing material.

Those caveats notwithstanding, we offer insights in six broad areas: legal empowerment strategies; resulting impacts; the kinds of problems legal empowerment has addressed; the institutions engaged in the process; the political regimes in which these programs take place; and, last, the scale of these interventions. We conclude by identifying gaps in existing research and key substantive questions that merit further inquiry.

## With thanks.....

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This paper was originally circulated in May 2014. In June, we made minor revisions to the section on Definitions and Scope.

## Methodology

#### **Definitions and Scope**

For the purpose of this review, we defined civil society legal empowerment efforts as those that seek to increase the capacity of people to understand and use the law. We interpret "law" broadly, to mean not just legislation but also regulations and policy.

Our definition of legal empowerment covers a diverse range of organizations and strategies. It includes efforts to support people in pursuing a remedy to a breach of individual liberty. It also includes, for example, interventions that enable people to monitor the extent to which local service delivery institutions like health clinics and schools comply with the laws or policies that govern them.<sup>i</sup> After discussion with several experts we concluded that, despite this breadth, the common goals uniting this body of work would allow for meaningful comparative analysis.

In identifying studies to include in the review, we looked for interventions with a "process" component. Legal empowerment strategies focus on not only a just outcome but also, crucially, on the ability of people to engage in law-related processes. An advocacy campaign to pass a law against gender-based violence, for example, might well lead to greater protection of women's rights. We would not include an evaluation of it, however, unless the advocacy effort had an explicit focus on increasing people's participation in the lawmaking process.

Similarly, we excluded most studies examining public interest litigation, even though those lawsuits often took on crucial human rights issues. In the few examples we did include, the organizations involved did not treat clients as victims requiring the help of technical experts. Rather, the organizations made a concerted effort to build the ability of its clients to understand, and ultimately drive, the process of litigation. The review focuses on work by civil society organizations. We did consider studies of two quasistate institutions – human rights commissions and ombudsman offices – because of the distinctive role those institutions play in serving as advocates for the general public. As with public interest litigation and issue-based advocacy, we only included studies of human rights commissions or ombudsman offices if the efforts by those institutions sought to increase the capacity of citizens to exercise their own rights.

We adopted an expansive definition of "evidence." We included any documents that addressed impact or changes resulting from a legal empowerment intervention, including data based on randomized control trials, quantitative survey research, qualitative interviews, focus group discussions, participatory techniques, and case studies. These documents appeared in a range of locations, including peer-reviewed journals, grey literature from donor agencies and implementing organizations, and self-standing program evaluations.

In order to discover what we really know about legal empowerment, it seemed necessary to include all available information, regardless of type or source. Each data collection method has its own strengths when it comes to measuring the outcomes of legal empowerment. While some view randomized control trials as ideal, in our view, such experiments are neither possible nor desirable in all cases.<sup>7</sup>

Case studies and open-ended qualitative interview questions may better capture the complexity of context and how interventions affect people's daily lives. Participatory methods are specifically intended to incorporate the insight of the ultimate constituents of legal empowerment programs. Overall, mixed methods and triangulation of results from different sources may provide a better basis of knowledge than any one data collection method alone.

As the following section explains, this review is based on a quantitative mapping of the available evidence,

i – Such initiatives are sometimes described as advancing "social accountability." Though one of us has previously described "legal empowerment" and "social accountability" as distinct, complementary traditions,<sup>6</sup> we included "social accountability" interventions in this review whenever they met our definition of legal empowerment.

using coding. A future paper will analyze the evidence in a more qualitative way, comparing in more detail the findings of particular studies.

### **Research Steps**

The research team used five strategies to find and compile legal empowerment evidence: examination of existing literature reviews, general online searches, searches on the websites of major institutions supporting legal empowerment, a targeted "call for evidence," and interviews with experts in the field. The aim of the research methodology was to collect as much existing evidence as possible within a limited timeframe.

There are no existing comprehensive reviews on the impact of legal empowerment. However, there are several major studies that compile impact evidence on topics within or closely related to this field. In order to build on this foundation of knowledge, our research effort started by collecting impact evidence within the content and citations of the works listed below.

### Impact Evidence Literature

A Preliminary Mapping of the Evidence Base for Empowerment and Accountability

- DFID, Research and Evidence Division (RED), 2010

Access to Justice and Legal Empowerment: A Review of World Bank Practice

- Vivek Maru, Hague Journal on the Rule of Law, 2010

Citizens and Service Delivery: Assessing the Use of Social Accountability Approaches in Human Development

- Dena Ringold, et al., The World Bank, 2012

Making the Law Work for Everyone: Volume II – Working Group Reports

- United Nations Commission on Legal Empowerment of the Poor, 2008

• Chapter 1: Access to Justice and the Rule of Law

- Chapter 2: Empowering the Poor through Property Rights
- Chapter 3: Towards a Global Social Contract: Labour Rights for LEP
- Chapter 4: Business Rights

Land Registration, Governance, and Development: Evidence and Implications for Policy

- Klaus Deininger and Gershon Feder, The World Bank Research Observer, 2009

So What Difference Does It Make? Mapping the Outcomes of Citizen Engagement - John Gaventa and Gregory Barrett, Institute of Development Studies, 2010

World Bank Directions in Justice Reform (Draft Paper)

- The World Bank, 2011

The second research strategy involved internet searches. The search process had three components. The first step was the use of several combinations of search terms on Google Scholar, which mainly returned academic and other peer-reviewed studies. The second step was the use of the same combinations of search terms within Google's general search function. The results included both academic works as well as a variety of grey literature and program evaluations from donors, multilateral institutions, and civil society organizations. The third component of this strategy was following relevant citations in already compiled studies until we felt the leads were largely exhausted.

Third, to capture evidence outside of Google, similar searches targeted the websites of institutions that implement, support, or research legal empowerment programs. These organizations include the Abdul Latif Jameel Poverty Action Lab (J-PAL), the United Nations Development Programme (UNDP), the World Bank Justice for the Poor Program (J4P), the UK Department for International Development (DFID), and the International Development Law Organization (IDLO), among many others.

Our organization, Namati, convenes a global network on legal empowerment that includes practitioners from every region of the world. One of the key reasons for building the network is to promote knowledge sharing and evidence-based decision making. Our fourth research strategy was a "call for evidence" to the network, through which we hoped to identify program evaluations and other studies not readily available on the internet. At the time, there were approximately 135 legal empowerment organizations and 700 individuals represented on the network. Several network members contributed evaluations of their work. During peer review of an early draft of this paper, legal empowerment practitioners and donor agencies recommended additional studies, over 60 of which fit the project's scope and definitions.

Finally, we conducted interviews with specific individuals known for their expertise in this field.<sup>8</sup> These conversations not only led to recommendations around specific pieces of evidence, but also were instrumental in refining the scope and methodology of this study.

The vast majority of the evidence is English-language, since searching was primarily conducted in English. Several network members contributed evaluations written in French or Spanish. In addition, we employed consultants to find and review evidence using French, Arabic, and Spanish. The consultants followed the same internet search process described above, but in an abbreviated timeframe.

Throughout the research process, the team used a chart to compile all of the evidence. The chart included columns for the recording of the study's name and author, the type of legal empowerment strategy used in the intervention, the issue area(s) relevant to the intervention's goals, the hypothesis or research question (where relevant), the evaluation method(s)

ii – For studies that covered more than one legal empowerment intervention whether across several countries or multiple distinct efforts in one nation — the impacts of each intervention are coded separately. Only six pieces of evidence in this review are exceptions — the six studies coded as "multiple countries." Three of these pieces of evidence are meta-analyses, from which we did pull out and code any legal empowerment studies separately. We also coded those larger articles in order to incorporate their unique findings as well. Two other studies drew from 121 evaluations related to community governance of water projects. While the bibliography was available, coding each of those 121 studies

## Example Search Term Combinations for Monitoring Interventions



used, and a brief summary of the findings of the study. The use of this chart could be considered "pre-coding," which allowed the researchers to keep track of the growing collection of evidence over time. After several months of reviewing literature and gathering evidence, the chart contained 199 pieces of evidence on the effects of legal empowerment. <sup>ii</sup>

individually would have greatly skewed the results of this review while failing to take advantage of the overarching analysis already completed in those works. The last study was a book-length piece for which it was difficult to separate out each case and its impacts for coding. We acknowledge that some studies cover interventions of limited size or duration, while others may review the impact of a sustained, national-level program. We made the decision that attempting to weight studies may not increase the accuracy of our findings, and thus we count each piece of evidence equally in our analysis. See Appendix 3 for a list of all 199 studies.

#### **Coding and Analysis**

In order to detect patterns in such a large pool of evidence, we coded each study by several different factors. The full coding guide is available in Appendix 1.

1. Type of impact (e.g., legal knowledge; health outcomes)

2. Nature of impact (positive; negative; null/none)

3. Issue area (e.g., family dispute; economic injustice; children's rights)

4. Legal empowerment approach (e.g., paralegals; legal literacy; RTI)

5. Institutions engaged (e.g., regulatory agency; police; media)

- 6. Political regime type (free; partly free; not free)
- 7. Scale of intervention (e.g., 1,000 to 10,000 people)
- 8. Evaluation method (e.g., focus groups; survey)

Creating the typology for type of impact was an iterative process, which required going back and forth between the information in the studies and an evolving list of impact codes. We divided impacts into two large categories. The first is changes that affect individuals and communities. These range from increases in people's knowledge of the law and greater action in pursuit of rights to success in obtaining legal remedies and improvements in overall well-being.

Some interventions create positive impact on not just individuals or groups of people, but on public institutions. Institutional impact might result directly from individual attempts to seek redress. For example, community paralegals teach slum dwellers how to file right to information requests to demand explanations for interruptions in water supply. Faced with the possibility that corruption or incompetence would be disclosed, officials in the municipal water authority find a way to fix the pipeline. According to our codes, this is a change in local institutional practice.

In other cases, individual attempts to seek redress run into structural problems, and organizations pursue

## Impact Types

#### **Citizens and Consciousness**

**Rights Consciousness** 

Legal Knowledge

Agency & Participation

- Willingness to act
- Actual action or participation

Acquire Remedy, Entitlement & Information Conflict resolution & case resolution

Sense of fair process

Status change

- Social inclusion
- Development outcome
  - Health
  - Education

#### Institutional

Change in law or policy

- National
- Provincial/State
- Local

Change in implementation or practice

- National
- Provincial/State
- Local

institutional change to address those problems. A rural women's group supports its members to register their property rights, say, but applications stall because the government has not deployed staff in the local land administration office.

If the women's group then mobilized its members to successfully advocate for an increased budgetary allocation to local land administration, we would code that result as a change in national policy.

The evidence reflects not a single theory of change but rather many causal pathways. Interventions sometimes succeed in influencing institutions before they demonstrate changes in human well-being, for example. When communities seek to hold their healthcare service providers accountable, institutional improvements – greater drug availability, less absenteeism – typically precede changes in the health of the population. Unintended consequences are also possible. A community paralegal program that obtains concrete remedies for women who have been abused might actually provoke a backlash and thereby decrease "social inclusion."

But together, these various codes reflect the range of outcomes that legal empowerment efforts seek to achieve.

The research team deferred to the framing of results by each study's author(s) to code for the nature of impacts (positive, negative, or null/none). The code for "null" impact was applied only when a study sought to measure the impact in question, but found no change. Codes were applied per impact type and captured the fact that a single intervention could have both positive and negative effects, or could have accomplished some intended objectives while failing to catalyze change in others.

The research team followed a similar process in forming other parts of the coding typology, including issue area, legal empowerment approach, and institutions engaged.

To differentiate between political regimes in each country of intervention, the research team adopted Freedom House's Freedom in the World 2012 rankings.<sup>iii</sup> Although all rankings of this nature are imperfect, the Freedom House index had several advantages from the perspective of a review on legal empowerment around the globe.

First, Freedom House ranks 195 countries and 14 territories, making Freedom in the World one of the most comprehensive governance-related indices. Second, Freedom House examines the strength of political rights and civil liberties as experienced by individuals – more relevant to legal empowerment interventions than a purely de jure analysis. Third, for each country there is a final ranking of "free," "partly free," or "not free." These labels clearly designate the boundary of each category for ease of coding.

The research team applied a code for the scale of each intervention. We coded for the number of people covered by the program: 0 to 1,000; 1,000 to 10,000; 10,000 to 100,000; 100,000 to 1 million, and over 1 million people. The researchers marked studies that did not specify program size as "unknown scale."

The research team also applied codes to each study based on the data collection methods used to measure change.

After the coding was complete, we analyzed the data in Excel and STATA to uncover patterns, relationships among variables, and research gaps.

iii - See http://www.freedomhouse.org/report/freedom-world/freedom-world-2012 for detailed information on the rankings and methodology used by Freedom House. For multi-intervention studies in which impacts were not broken out by country, the study was coded "various countries" and did not receive a political regime designation.<sup>10</sup>

## Snapshots of the Evidence

**There is substantial evidence on the impact of legal empowerment interventions.** The research team identified 199 studies that address the results of a wide range of legal empowerment work. The breadth and richness of this body of work suggest we should revisit previous perceptions that there is little evidence on what can be achieved through legal empowerment or that there are few methodologies available for such measurement.<sup>iv</sup>

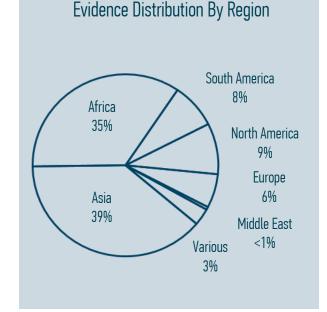
The studies collected here not only provide a basis for understanding the accomplishments of prior work, but also can inform the design and implementation of legal empowerment initiatives going forward. This information can promote evidence-based decision making and ultimately more effective interventions.

In the course of conducting this review, the research team also came across several legal empowerment studies that are now underway. The evidence base will continue to grow as this work is completed, published, and shared.

#### **Regional Distribution**

The evidence covers interventions on every major continent. Asia is the most represented, home to nearly 40 percent of the studies in the review. Interventions in Africa made up over one-third of the total, followed by North America, South America, and Europe. There is a striking gap in knowledge about legal empowerment in the Middle East. Despite research in Arabic and outreach to regionally active legal empowerment organizations, we found only one study covering an intervention in the region.

The regional distribution of evidence may be due in part to the research team conducting the majority of searching in English, supplemented by consultants using an abbreviated research protocol in Arabic,



#### **Evidence Distribution By Country**

| Afghanistan 1 | Guatemala 1      | Philippines 8    |
|---------------|------------------|------------------|
| Angola 1      | Honduras 1       | Rwanda 1         |
| Argentina 3   | India 24         | Senegal 2        |
| Bangladesh 18 | Indonesia 14     | Sierra Leone 4   |
| Belgium 1     | Japan 1          | Somalia 1        |
| Benin 1       | Kenya 7          | South Africa 8   |
| Bolivia 3     | Liberia 5        | South Sudan 1    |
| Brazil 1      | Madagascar 1     | Tanzania 6       |
| Burma 1       | Malawi 5         | Thailand 2       |
| Burundi 1     | Mexico 9         | Uganda 12        |
| Canada 1      | Morocco 1        | Ukraine 1        |
| Colombia 1    | Mozambique 4     | United Kingdom 8 |
| DRC 2         | Nepal 2          | United States 8  |
| East Timor 1  | Netherlands 1    | Yemen 1          |
| Ecuador 3     | Pakistan 2       | Zambia 1         |
| El Salvador 2 | Papua New Guinea | Zimbabwe 1       |
| Georgia 1     | 3                | Multiple 6       |
| Ghana 4       | Peru 1           |                  |

iv- For example, "Just as the top-down approaches to justice sector reform are built on limited evidence of success (as detailed to such effect by Carothers), empirical evidence to convince policy-makers that legal empowerment works is admittedly equally thin on the ground."<sup>9</sup>

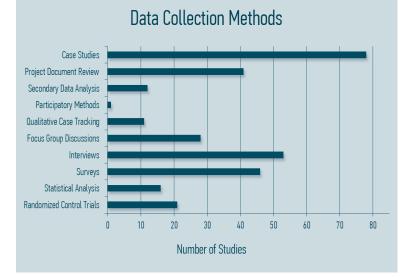
French, and Spanish. The full research methods described above could be replicated in additional languages to uncover evidence on legal empowerment beyond what is represented in this paper.

India and Bangladesh are the two countries most represented in this collection of evidence: 24 studies examined legal empowerment interventions in India while 18 focused on efforts in Bangladesh. Legal empowerment interventions in Indonesia and Uganda are also relatively well-studied.

#### **Evaluation Methods**

The evidence shows that a wide range of data collection methods can be used to measure the impacts of legal empowerment. Many studies used multiple data collection methods to capture impact.

The case study method, used in 78 pieces of evidence, is the most common. Interviewing is the second most common method, used in 53 of the 199 studies. Quantitative surveys and project document review, which could involve collecting information from proposals, internal and external reports, and other documents, are also well represented. This distribution shows that the legal empowerment field values both quantitative and qualitative evaluation methods.



There was one striking omission: based on our review, participatory evaluation methods are rarely used in studies of legal empowerment interventions. Participatory evaluation emphasizes the inclusion of the ideas, opinions, and values of people affected by an intervention throughout the entire process – from the design of the evaluation questions, to the data collection, analysis, reporting, and follow-up response.<sup>10</sup> Participatory evaluation can be viewed as an intervention in itself – an opportunity to increase people's participation and agency.

Two participatory approaches and their potential application to legal empowerment evaluation are briefly explored below: community mapping and wealth ranking.

## Community Mapping: Insight on Multiple Perspectives<sup>11</sup>

The monograph "Protecting Community Lands and Resources: Evidence from Liberia, Mozambique, and Uganda" describes community mapping, in which groups of women, youth, and elders each drew a map labeling all borders, landmarks, roads, schools, clinics, religious sites, and the locations of natural resources in their area.

The community mapping was one step in the process to secure a community land title, rather than an evaluation method itself – the study, which was designed as a randomized field experiment, utilized pre and post-service surveys, focus group discussions, and field team observations to explore the effects of the intervention. However, the information gained from the mapping shows the value of such participatory methods. The mapping exercise not only led to a visual display of the community's assets, but also provided insight into gender roles and their relation to resource management.

For example, the women mapped more comprehensively than the men. The men left out

many resources vital to women's livelihoods, such as water sources. Traditional monitoring and evaluation methods may have missed these dimensions of community life and led to uninformed decisions related to resource rights.

Following the creation of community maps, social mapping or wealth ranking can further illuminate local dynamics. In this method, participants are asked to define income levels – perhaps "those who are doing well" and "those who struggle" – and then explain what characteristics put households in one category or another. Rather than dollars earned per day, wealth might mean livestock, access to clean water, and healthy children. "Those who are doing well" might have cows (rather than chickens), access to a covered well (compared to drinking water from a nearby stream), and children with immunization scars on their upper arms.

After defining the "wealth" characteristics of each income level, participants can label the households on their map, providing the basis for calculating income distribution. Participants can also provide insight into the reasons why certain households are less wealthy.

If used before a project, the planners could discover, for example, that female headed households are the poorest, and therefore strengthen the gender dimensions of the intervention. If ethnic group or religion tends to dictate wealth or vulnerability, the ranking exercise may uncover discrimination and rights violations against that group that may have remained unseen in a traditional survey or focus group discussion.

The same exercise could be used again for monitoring or evaluation – comparing the income distribution or well-being of certain social groups to the baseline map to understand what changes occurred during the intervention. There is interest in strengthening links between legal empowerment efforts and poverty reduction.<sup>12</sup> By altering our evaluation methods and definitions of "income" to resonate with communities, impacts of legal empowerment on material well-being may become clearer.

Overall, the legal empowerment field might more

frequently design evaluation studies in a way that speaks to the same principles as those of the interventions themselves – building people's capacity to engage in processes that affect them.

## Limits on Analysis

The gap between research and practice and the trouble with too much good news.

Despite this rich body of evidence on legal empowerment, it is difficult to determine what works in which contexts based on existing information.

First, where patterns do exist, it is unclear whether they reflect the distribution of research or the nature of legal empowerment work itself. For example, of all interventions that had a positive impact on the policy or practice of institutions, the most frequent legal empowerment strategy was the use of advocacy, with studies of 53 programs citing instances of institutional impact. Other frequent strategies to show impact on institutions were community mobilization (39 studies) and community monitoring (32 studies).

Those figures do not necessarily support the conclusion that those particular strategies are more effective at achieving institutional change than approaches such as use of right to information laws, strengthening customary justice systems, or legal aid, which had 12, 10, and 13 instances of impact on institutional policy or practice respectively.

The contrast could be due to differing research priorities. Not only are some intervention strategies more represented in existing evidence, but researchers may also have a bias toward measuring certain impacts. Perhaps those who studied advocacy were more interested in measuring institutional change, while studies conducted on legal aid programs aimed to instead capture impacts on knowledge, agency, or social inclusion. Some of the numerical findings from this review may therefore reflect the distribution of existing evidence more than overall trends in legal empowerment or probabilities of achieving certain types of change.

To bridge the gap between the universe of actual legal empowerment work in the world and the scope of existing evidence on these interventions, we propose tracking the activities of Global Legal Empowerment Network members by the same categories used in this study – approach, issue area, region, type of impact, and so on. If we assume the network is representative of all legal empowerment work conducted globally – admittedly a leap – this data would help researchers identify areas in which legal empowerment practice outpaces examination.

Second, our review suggests a tendency to share positive results. We discovered very few instances of negative impact. Ninety-seven percent of the studies reported at least one positive change. In contrast, merely 9 studies (4.5 percent) identified any negative change that occurred during the course of the intervention. Forty-nine studies, or 25 percent of the total, reported a null impact. Most of these studies reported that the legal empowerment interventions had positive impacts in other areas.

There is often as much, if not more, to learn from efforts that result in unexpected or counterintuitive outcomes. A critical examination of "failed" interventions provides an opportunity to reassess assumptions about context and theories of change, to improve the relevance of programming, and to inform future research priorities.

In addition, data about shortcomings can serve as comparative evidence against which positive results of similar interventions can be analyzed for a more robust understanding of "what works, where, and why." There is pressure from within organizations and from external parties to demonstrate program success and efficient use of resources - and for good reasons. However, we should not let these considerations discourage the honest, critical reflection needed for deeper learning and genuine evidence-based decision making.

With those caveats, however, **this review does yield a number of useful insights about legal empowerment.** We organize our analysis below into six broad areas: strategies; impact; issues; institutions engaged; regime type; and scale of interventions.

## Legal Empowerment Approaches

Evidence on a wide range of legal empowerment approaches exists, though the data is more abundant for certain strategies. **The most frequently studied legal empowerment approach in our review is legal literacy,** which appears in 113 of the 199 interventions. The example below describes a program in which a legal literacy campaign led to improvements in the delivery of primary education.

## Impacts of Legal Literacy on Service Delivery and Education Outcomes<sup>13</sup>

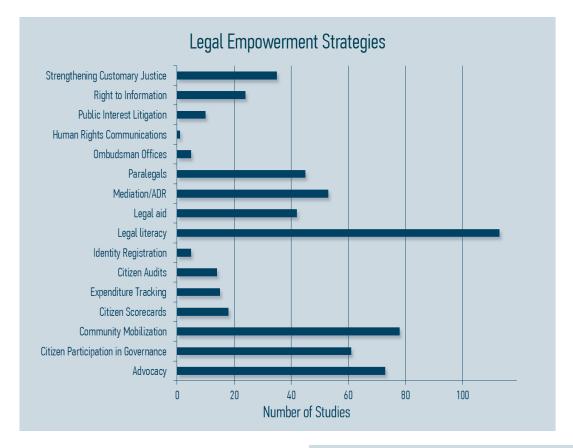
Using a randomized control trial design, Pandey, Goyal, and Sundararaman set out to examine links between legal information campaigns and school performance. The intervention was conducted in three states, within which the delivery of legal education was randomly allocated to a sub-set of 610 gram panchayats (the smallest unit of local government). The information campaign used a short film, posters, wall paintings, and a learning assessment booklet to train people in treatment gram panchayats over a series of several community meetings. No information dissemination took place in the control gram panchayats. This legal education effort informed community members about the roles and responsibilities of village education committees and similar institutions, right to information procedures related to the school, how to make complaints regarding school problems, and the benefits to which students are entitled, such as uniforms, textbooks, and meals.

The authors found that education-related community participation increased in treatment gram panchayats. The study showed a higher percentage of parents talking to teachers or the school oversight committee about school quality. The delivery of resources also improved. Students in Madhya Pradesh and Uttar Pradesh were more likely to receive their cash stipends and uniforms after the intervention, compared to the baseline survey, and the quality of mid-day meals improved in Karnataka. However, the impact did vary by caste. The intervention also had some effects on educational outcomes – improvements were noted in at least one state on reading, writing, and math scores. The authors suggested further research to examine longer-term impact.

After legal literacy, the next two most common approaches are community mobilization and advocacy, which appeared in 78 and 73 studies respectively. Participation in governance mechanisms and mediation/alternative dispute resolution were also well represented in the evidence.

Most interventions – 175 out of 199 – involved more than one legal empowerment approach. The median number of approaches per intervention was three. These numbers are due in part to the nature of the categories we used. There is overlap between some, for example "citizen participation in governance" and "citizen scorecards." Also, some categories refer to actors (paralegals, ombudsman offices), each of whom employ other approaches within our list. For example, in Ecuador paralegals adopted mediation/ADR as a strategy within a program focused on protecting natural resources.<sup>14</sup> In general, however one chooses to classify the various efforts, organizations pursuing legal empowerment tend to combine multiple strategies. In Zimbabwe, legal literacy built the capacity of women to monitor national budgets and to use their advocacy for more equitable findings during government allocations.<sup>15</sup> Mediation/ADR was a crucial addition to legal education in an effort to promote women's rights in Papua New Guinea.<sup>16</sup> Community mobilization, advocacy, and use of right to information laws are also complementary strategies often combined in a single legal empowerment intervention.

Citizen scorecards, expenditure tracking, and social audits all belong to the broader category of community monitoring. Community monitoring interventions are included in the review when they provide people



opportunities to assert their rights through enforcing government obligations (such as in service delivery) and/or to make decisions related to budgets, resource use, or other governance issues. A total of 49 studies evaluated community monitoring interventions. The two following examples , from Uganda and Bangladesh, give a sense of the breadth of ways in which community monitoring strategies have been applied.

#### Community Monitoring Initiatives

Accountability of Basic Services in Uganda<sup>17</sup> and Family Law in Bangladesh<sup>18</sup>

A case study on the Uganda Debt Network (UDN) describes how the organization created committees at the village, sub-county, and district level. In these committees, people learned to monitor Poverty Action Fund (PAF) expenditures and check the performance of local government in service delivery. Ongoing communication between these entities culminated in annual "district dialogues" at which community monitors present their findings to district authorities and demand concrete responses. Monitors also have the opportunity to disseminate data on budget inconsistencies through radio and newsletters.

These local committees exposed cases of poor quality work by contractors constructing schools or health clinics. The monitors also reported missing items or funds related to local service delivery. Where district officials were open to feedback, responses to these reports included investigations and recovery of materials such as school roofs, health clinic mattresses, and bicycles. General awareness on public resource management and budgeting also increased. This change was measured through tracking the calls and comments received during UDN-sponsored radio programs.

UDN works to bring these grassroots experiences to the national policy arena. After a community monitoring committee reported misuse of funds intended for school facility improvements in one district, UDN pushed for a national investigation. The government dealt with the misuse and then revised the national guidelines to strengthen accountability in the School Facilities Grant program. Some of the factors of success cited by the case study include UDN's strategic use of the media, the production of educational materials that "demystify" budgets, carefully selected activities at each stage of the budget cycle, and strategic links within and outside of government.

In Bangladesh, an intervention led by Ain o Salish Kendra (ASK) trained local committees of women to monitor shalish, a traditional justice mechanism often led by elders in the community. This monitoring, along with indirect legal education of the shalish panel members, reportedly led to the elimination of a particular marriage and divorce practice in the villages in which ASK was active. The practice, which encouraged women who wanted to reconcile with an ex-husband to first marry another man, had resulted from intentional misrepresentation of religious law.

Community monitoring, like most legal empowerment approaches, is often combined with other complementary strategies into the same program. In Uganda, one program used newspapers to conduct a legal information campaign alongside efforts to increase parents' monitoring of education spending at the local level.<sup>19</sup> An education-related intervention in Kenya, described on page 36 and 37 not only established a system for community monitoring of teacher performance, but also directly empowered parents to govern the school through a management committee that could hire and fire teachers.<sup>20<sup>-</sup></sup> Some programs combined public monitoring of government

obligations with strategies that fall outside the realm of legal empowerment – one randomized control trial in India added top-down financial incentives to a community monitoring experiment to improve teacher attendance.<sup>21</sup>

The combination of justice service providers can also be an important element for success. In the following example from Tanzania and Mozambique, the author found that paralegals backed by lawyers were best able to protect women's land rights in a dualist legal system.

## Paralegals and Lawyers Empower Women to Tackle Land Rights in Africa<sup>22</sup>

A research project in Tanzania and Mozambique assessed the impact of legal empowerment interventions on the rural women most likely to experience gender discrimination related to land – divorced women and widows. The research team administered surveys to these women and local leaders in three types of communities: villages with active paralegals trained in land law and dispute resolution; villages with offices in which paralegals with similar training worked under the close supervision of a lawyer; and villages with neither paralegal nor legal education programs.

The study found that women were more likely to pursue a legal claim if they had learned about formal legal provisions that could protect their land rights. Yet the author argues that legal education alone is not sufficient to achieve a change in agency. Women armed with knowledge of their rights require an avenue – such as available paralegal services – through which they can acquire the legal support necessary to fight for their land.

In Mozambique, in any village with a paralegal, almost every dispossessed woman asserted her land rights claim. However, if community leaders failed to resolve the case at the local level, paralegals operating on their own struggled to connect the women to higher level legal advice or assistance with drafting court claims.

In contrast, women in villages where paralegals were connected to lawyers were more likely to go beyond the community level and bring their case to formal court, where decisions are more often in a woman's favor. The author concludes that while the combination of legal literacy and paralegals could lead women to challenge dispossession, one structure of legal assistance itself – a joint paralegal and lawyer approach – was most effective in translating the claim into a remedy.

Several interventions combined legal empowerment approaches with the delivery of other basic services. These programs show how legal empowerment can be integrated into broader development efforts. In the example below, UNICEF combined birth registration with primary health and education services in Bangladesh.

## Bangladesh: Integrating Legal Services into Healthcare and Education<sup>23</sup>

In Bangladesh, only 9.8 percent of children under the age of 5 had their births registered as of 2006. Birth registration is essential for accessing government services and, especially important for young girls, preventing child marriage through proof of age. In order to increase the birth registration rate, UNICEF trained health workers and teachers in the law and procedures governing registration. As a result, these professionals could register children who came in for immunizations or primary school enrollment – not only easing access to the legal registration procedure, but including children whose families may not have sought out this legal service at all. By 2009, due to the bundling of registration with other services and parallel capacity building of government, 53.6 percent of children under the age of 5 were registered, as measured by the UNICEF Multiple Indicator Cluster Survey (MICS).

In an intervention in Senegal, legal education was integrated into public health training – another example of combining legal empowerment approaches with basic services.

## Senegal: Addressing Rights and Hygiene through Education<sup>24</sup>

TOSTAN, a non-governmental organization based in Senegal, ran a two-year public education program addressing four themes: hygiene, problem solving, women's health, and human rights.

Interviews with participants in 20 of the 90 intervention villages before the program and again two years later aimed to capture changes in awareness on women's rights, female genital cutting, gender-based violence, and other issues. Interviews with non-participants in 20 similar villages provided a basis for comparison.

For participants, the program resulted in an increase in knowledge in all four issue areas, a change in attitudes, and a decrease in the prevalence of female genital cutting. Increases in knowledge were also measured among villagers who had not directly participated in the program, but had been "adopted" by a participant for the purposes of sharing information. Knowledge of the law seemed to reinforce the health and hygiene-related training, and vice versa, as community members saw that the legal ban and the health risks both supported an end to cutting practices. After the project, over 75 percent of women and men who participated in the project believed that the law could put an end to female genital cutting.

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In Kenya, a legal empowerment intervention provided human rights training for health workers. The clinic staff could then play a role similar to that of community -based paralegals, even as they carried out their healthcare duties.

### Kenya: Integrating Legal Services into Healthcare<sup>25</sup> Rights Education and Referrals

In Kenya, several NGOs have been working on the integration of legal services into healthcare over the past eight years, with support from the Open Society Institute Law and Health Initiative (LAHI). Integration can consist of placing a paralegal or other legal service provider in a health clinic and/or training healthcare providers to identify rights violations, give clients information on the law, and provide referrals for legal assistance, psychosocial support, and other services.

These programs aimed to improve health and access to justice among socially marginalized groups, especially victims of violence against women and people living with HIV/AIDS. The Harvard School of Public Health conducted a mixed methods evaluation that found trained health workers were able to assist their patients with legal documents and with accessing appropriate legal services.

The evaluators concluded that referral networks "constitute a critical process component," as clients relied on referrals for access to government authorities, additional health services, and assistance for dealing with other problems underlying poor health.

For example, NGO-led alternative dispute

resolution, one of the services to which clients could be referred, resulted in redress for rights violations and a sense of justice among participants.

Clients served by health clinics with legal service integration also showed an increase in practical knowledge on how to access legal aid. Some clients even advised others in their community on legal aid services. However, little difference was noted between treatment and control groups in terms of people's ability to recognize specific rights violations.

Our review yielded a significant amount of evidence – 45 studies in all – on community-based paralegal programs (we included "citizen advice bureaus" in this category).<sup>v</sup> This evidence suggests paralegals have significant potential as intermediaries who can help people bring good laws to life. Elsewhere we have suggested that community paralegals should be a core part of most legal systems, similar to the role that community health workers play in the delivery of healthcare.<sup>26</sup> In comparison to the rich body of research on community health workers,<sup>27</sup> the evidence we have found here on paralegals remains thin.

There are many paralegal efforts that have not yet been documented. For example, in July 2012, Namati, Global Rights, and the Open Society Justice Initiative hosted an African regional meeting attended by more than 50 paralegal organizations from 20 countries around the continent. In November 2012, a similar meeting was held in Indonesia, drawing together dozens of Southeast Asian paralegal groups. Future evaluative efforts might take advantage of existing programs to generate more knowledge on how paralegals work across diverse issues and contexts.

Ombudsman offices and human rights commissions were the two approaches for which we found the least

v - Admittedly, our organization Namati, which is focused on the community paralegal approach in particular, has had an outsize role in generating this evidence. Namati or its team members were involved in 10 out of the 45 total studies.

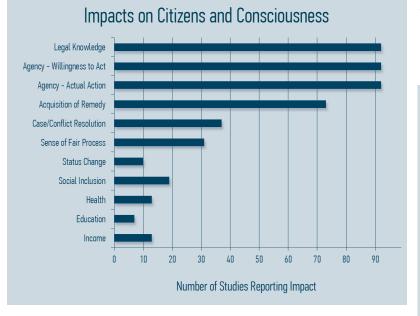
evidence that met our definition of legal empowerment. We also found little relevant evidence on public interest litigation. All three of these approaches are often offered as a form of expert help, without an emphasis on the agency of their constituents. It would be useful to explore their potential to advance legal empowerment.



## Impacts

One hundred ninety one studies addressed impacts on "citizens and consciousness," of which all but eight identified at least one positive change. A smaller but still substantial number – 111 studies – examined impacts on institutions. Of these, 89 claimed the legal empowerment intervention had a positive impact on institutional law/policy or practice.

The following graph illustrates the distribution of impacts within the broad category of "citizens and consciousness."



### **Expanding Agency**

One hundred ten studies – 68 percent of the total – showed positive impact on agency. All but 18 of these interventions reported an increase in both willingness to act and actual action.

Programs that included use of advocacy strategies were the most likely to influence participants' willingness to take action. Fifty-eight percent of advocacy interventions resulted in this type of increase in agency, as did 56 percent of community mobilization programs. Other strategies associated with positive impacts on willingness to act include legal literacy, strengthening of customary justice system, and community-based paralegal programs.

The two legal empowerment approaches that most frequently demonstrated an impact on actual actions taken by their constituents were "citizen participation in governance" and "citizen mobilization." Both of these approaches tend to emphasize public, collective action.

Other approaches commonly associated with increases in action include right to information, community monitoring, and legal literacy. In these situations, as with the following example from Nepal, the additional knowledge that participants gained from program activities or information requests may support the change in agency.

## Legal literacy as a catalyst for women's social action in Nepal<sup>28</sup>

In Nepal, a USAID-supported program aimed at improving women's legal and economic empowerment contained three main activities: basic literacy training; legal literacy classes; and skills training such as weaving or poultry-raising. The three-month legal literacy classes taught women about basic rights and strategies for organizing into advocacy groups.

The study used two main indicators to measure impact. The first tracked the number of women who initiated joint action for social change. The second measured women's reports on influence in household decision making. The use of direct observations, focus groups, and key informant interviews generated data in both program and control sites in three different districts. The in-depth qualitative methods helped the research team examine which of the three programmatic activities was most closely related to impact.

In the villages of intervention, women explained that prior to and at the early stages of the program, they did not understand the power of acting in a group. Later, as one participant explained, they learned that a "group can do things individuals cannot" and that group membership helped them to realize change was possible. Women formed associations to tackle issues from sanitation and health awareness to domestic violence and lack of female participation in community forest users' groups. The women credited the legal literacy classes in particular as providing the catalyst and courage for organizing social action. Overall, women who participated in the program initiated almost eight times more collective actions than women in control sites.

The percentage of paralegal efforts and legal aid programs affecting people's willingness to act (42 and 38 percent, respectively) is slightly higher than each of those strategies' effect on actual action (38 and 29 percent). The research conducted on these programs may have been too short-term to capture actual action taken by clients. Yet the increased willingness to act may mean the next time these people face a legal problem, they are more likely to seek assistance from a paralegal or other intermediary. This change in itself constitutes a form of empowerment, increasing the likelihood that people will address and resolve rights violations.

#### types of agency, was reported in 92 studies. Unsurprisingly, legal literacy was the approach that most frequently boosted legal knowledge. Seventyfive percent of programs with an explicit legal education component resulted in impacts on knowledge.

Legal aid programs and paralegal programs are both highly correlated with effects on legal knowledge. Legal knowledge increased in 69 percent of legal aid programs and 64 percent of community-based paralegal programs. This correlation may be because people interacting with justice service providers are able to glean information about laws and legal procedures along the way. In fact, many paralegal programs place particular emphasis on educating clients about the law and the options they have to resolve a problem. Alternative dispute resolution, during which facilitators may draw on the law, led to knowledge changes in 60 percent of studies. Similarly, 53 percent of studies covering efforts to strengthen customary justice systems showed positive effects on legal knowledge, likely because these programs tend to educate both the general public and traditional authorities on legal standards. The Bangladesh-based monitoring program described on page 25 is an example.

Changes in legal knowledge may be a foundation for other impacts over time, including willingness to take action and pursuit of remedies or other entitlements. The legal literacy program from Nepal, described above, not only increased women's knowledge of their rights, but also resulted in the participants planning social action campaigns and asserting themselves in household decision making. Yet in the study of a Tanzania and Mozambique-based paralegal program focused on women's land rights, summarized on page 25, the authors conclude increased legal knowledge alone was not sufficient to catalyze community action. Other aspects of the program, including paralegal support and even back-up support from a lawyer, were necessary for women to translate their legal knowledge into a successful fight for their land claim. More research into the contextual factors and program activities that allow impacts on legal knowledge to contribute to other types of change could underpin more effective program design and implementation.

#### Legal Knowledge

An increase in legal knowledge, like changes in both

#### **Obtaining Remedies**

Apart from changes in agency and legal knowledge, the next most frequently cited positive impact on "Citizens and Consciousness" was successful acquisition of a remedy, entitlement, or information. This type of impact was cited in 73 studies. The following example from Mexico is emblematic.

Acquisition of Information and Remedies<sup>29</sup> Prisoners in Mexico use a freedom of information law to realize right to early release

The Mexican Law for Transparency and Access to Information was enacted in June 2003. Statistics of use between June 2003 and December 2007, however, showed that only a small number of people were making use of this right to information law. Though there were a total of 90,000 users within those 4.5 years, 5000 of the individuals accounted for 50 percent of the information requests. Just 425 individuals made 25 percent of the requests. To increase the access to information of a broader segment of the Mexican population, several civil society organizations started new initiatives.

One example is that of Ciudadanos en Apoyo a los Derechos Humanos (CADHAC), which worked with prisoners in Monterrey. Under Mexican law, early release from prison is possible for good conduct. Yet most prisoners had no information on their behavior status, and a 2005 study even found that the unit in charge of updating behavioral information did not often respond to requests to view personal files. CADHAC started assisting prisoners with using the Law for Transparency and Access to Information to gain access to prison files, including information on behavioral status and anticipated process for release.

Although the Public Security Department initially denied these requests, a complaint filed by the

prisoners with the Federal Institute for Access to Information (IFAI) resulted in the successful acquisition of the desired information. Armed with their new knowledge, the prisoners pushed forward early release procedures that had been stagnating for months or years. As of 2009, more than 40 percent of the requesters aided by CADHAC had achieved early release from prison in accordance with the law.

The institutions most often engaged in the successful remedies or entitlements pursuit of include offices. formal courts, ombudsman regulatory agencies, and service delivery agencies. In fact, all institutions except the military were engaged by legal empowerment efforts that led to acquisition of remedies. While the arbitration and adjudication roles of administrative agencies and the judicial branch may underpin this trend, more research is needed to understand why relatively fewer impacts on remedies are reported in programs that interact with traditional authorities, including chiefs, elders, and customary courts.

#### Case/Dispute Resolution

Twenty percent of the studies in this review reported positive impacts on case or conflict resolution. The most common legal empowerment strategies employed in these interventions were mediation, legal literacy, and community-based paralegals. The evaluation described below examines a paralegal intervention for several kinds of impact, including shifts in knowledge, attitudes, behaviors, as well as several dimensions of case resolution.

> Mobile Paralegals in Liberia<sup>30</sup> Improving Dispute Resolution Options and Outcomes

An evaluation of the Carter Center's mobile paralegal program in Liberia used a baseline and follow-up survey structure with individual-level randomization to explore the effects of paralegal assistance on clients. Following community education sessions, paralegals met with potential clients to verify the validity of the case. To avoid an ethical breach, paralegals handled any urgent cases immediately and excluded these from the study. Researchers then randomly assigned the remaining clients to either a treatment or control group. The treatment group received paralegal support from that point forward, while the control group was guaranteed access to the paralegal after three months. Clients in the control group were advised to take whatever actions necessary in the interim period to try to solve their case both for ethical reasons and to ensure that the anticipation of paralegal support would not artificially lower non-treatment case outcomes.

After three months, both groups answered questions about disputes they experienced in the intervening period. The evaluation found paralegal clients were happier about case outcomes perceptions on fairness increased by 34.8 percent and satisfaction with the outcome of the case increased 37 percent, relative to the control group. The evaluation also reported strong increases in legal knowledge and a 10 percent decrease in bribes paid to police or public officials among paralegal clients.

In addition, the study captured several effects on household welfare and well-being. Among paralegal clients, households with single mothers were 22.8 percent more likely to be receiving child support payments, compared to the control group. The data also displayed increases in household and child food security, measured through questions related to anxiety over food access, perceptions of sufficient quantity and quality of food, levels of food intake, and other related factors. Other measures of well-being, including the amount of farmland under a household's control and selfreported instances of gender-based violence, did not change during the study. The evaluation also found that paralegal clients were 16.7 percent more likely to prefer a dualistic legal structure – both formal and customary – over a customary justice system alone. This finding suggests that the community -based paralegal services offered a valid alternative to the otherwise stark decision between customary and formal dispute resolution.

The 37 programs that led to successful resolution of cases or disputes range across nearly all issue areas. The most common issue areas include family disputes, women's rights, intra-community disagreements, and natural resource rights. These interventions most often engaged traditional authorities, local-level courts, service delivery agencies, and local-level legislative representatives.

#### **Development Outcomes**

Legal empowerment strategies often inhabit the intersection between human rights and development. Increased spending on health and education, building of new infrastructure, and poverty reduction initiatives may fail to produce desired results without accountability, transparency, and public involvement. The existing evidence base shows that legal empowerment strategies have been successful in improving health, strengthening educational learning, and increasing income.

Ten studies reported improvements in health indicators as a result of a legal empowerment intervention. The two most common approaches in these programs were community monitoring (in particular, community scorecards) and citizen participation in governance, followed by advocacy, legal literacy, and community mobilization interventions.

In one well-known study on Uganda, community monitoring led to dramatic improvements in both clinic utilization and health outcomes within a one year period.<sup>31</sup>

### Improved Health Outcomes in Uganda<sup>32</sup> Community Compacts and Monitoring of Clinics

A randomized experiment on the effectiveness of community monitoring was conducted in 50 Ugandan communities - 25 received the treatment and 25 served as controls - covering a total population of 55,000 households. The program started with two meetings, one with health providers and one with the local community. At each meeting a communitybased organization (CBO) presented a scorecard on the quality of healthcare at the local clinic compared to other nearby service providers and to government healthcare policy. The two groups then met together to develop an action plan, according to which the staff of the health clinic would improve the quality of services. Following the development of this plan, the communities decided how to organize ongoing monitoring of health service delivery, with support from the CBO in the form of follow-up meetings.

In just one year, utilization of health services increased by 15 percent, vaccination rates improved, and waiting times at the clinics dropped in the intervention villages compared to the control group. These indicators measured the quantity and quality of health services. Yet one of the most impressive changes recorded was improvement on actual health outcomes: at the end of the program, under-five child mortality was 33 percent lower in treatment villages than in the control group, corresponding to 546 averted under-five deaths in the year following the program. The average weight of infants between 1 and 18 months of age also increased in the treatment villages during that year.

A main factor of success cited in the study was the provision of extensive information on clinic performance and government healthcare policy. Armed with this new knowledge, community members were better able to articulate their expectations and monitor health services. No evidence was found of increased government funding. The study thus concludes the health gains resulted from increased effort from the health clinic staff in response to the monitoring activities.

While the Bjorkman and Svensson piece is one of the most striking examples of improvement in health indicators, especially in such a short period of intervention, this study is not the only evidence on how legal empowerment can improve health. The example below shows the health results from a program using community scorecards, health outreach, and a policy awareness campaign.

## Effects of Legal Literacy and Monitoring<sup>33</sup> Malnutrition in Maharashtra, India

In Maharashtra, the performance of a health clinic is traditionally measured only through the top-down chain of command. End-users of the health services are rarely consulted about their perspective on the clinic's quality.

An intervention led by the Tata Institute of Social Sciences (TISS) and the World Bank-sponsored Jalswarajya Project trained community facilitators. The facilitators led separate groups of villagers and service providers through an assessment process to generate scorecards. An interface meeting then provided a forum to discuss concerns with the health clinic and to create a plan to improve services at the clinic.

The health and policy awareness campaign implemented in conjunction with the scorecards led to increased clinic utilization rates, measured by more regular check-ups for children from birth to age six. In a period of just six months, malnutrition in several villages also dropped. For example, the percentage of normal weight children rose from 56 to 69 percent in the area served by Thosegar Primary Health Center and from 67 to 73 percent in the area served by the Limb Primary Health Center. Not only did client satisfaction go up, but several villages demanded the scorecard process be repeated after three or six months, showing the value the local communities saw in the intervention. The success of the pilot project led to an expansion in 41 villages, with plans to eventually cover the whole district.

In addition to community monitoring initiatives, paralegal-type interventions have also achieved changes in health outcomes. A version of community paralegals, referred to in the United Kingdom as citizen advice bureaus, is explored in the following example.

## Welfare Rights Advice Leads to Mental Health Improvements<sup>34</sup>

Jay Wiggan and Colin Talbot conducted a literature review on the impact of welfare rights advice services, which play a role similar to that of community-based paralegals. These offices work with hard-to-reach populations to encourage awareness and take-up of available tax credits, health benefits, and other services, and to assist people with navigating the entitlement system. As a result of using the advice service, some clients reported less anxiety over finances as well as a better ability to communicate with their general physician, leading to more effective health treatments. Wiggan and Talbot find that clients of the welfare rights advice services not only receive additional financial resources through pursuing welfare entitlements, but also experience significant improvements in mental health and some gains in physical health.

In other studies, improved functioning of health clinics was measured during or after legal empowerment interventions. More research could be conducted in these places to examine if improved effort and increased availability of clinic staff – a change in institutional practice – actually led to gains in health outcomes of the community, as occurred in the examples from Uganda and India above.

Seven studies show connections between legal empowerment and positive effects on education outcomes, often measured by improved test scores or a decreased percentage of students failing annual exams. Similar to health-related initiatives, these programs tend to use legal literacy, community mobilization, and community monitoring strategies. Several studies, including the experiment from Kenya described below, covered interventions supporting community participation in school management – directly enhancing the capacity of parents to take part in the governance of education services.

> Gains in Student Learning<sup>35</sup> Parental Governance of Education Service Delivery

After Kenya introduced free primary school education, concerns arose about the quality of teaching, as governments hired many low paid contract teachers to deal with increases in enrollment. In cooperation with International Child Support (ICS), an experiment examined the effects of three types of interventions, one of which directly empowered parents through "School Based Management" (SBM) training at schools that hired additional contract workers. As part of a committee, parents had the power to provide input in the hiring process, monitor teacher performance, and carry out regular teacher attendance checks. The researchers measured educational outcomes by conducting a standardized math and literacy test before and directly after the program.

The study found lowering the teacher to

student ratio with contract teachers produced some gains, but that pairing this change with the School Based Management scheme allowed for much greater increases in student test scores. The contract teachers at institutions with SBM were also 50 percent less likely to be a relative of an existing salaried teacher than at other schools covered by the intervention, suggesting a reduction in nepotism where parents have substantial involvement in school governance. The researchers theorize that much of these improvements are due to the monitoring effort, though other factors may also be at play in school dynamics. One year after the intervention, the average gains in student learning did start to fade, though at a slower rate in schools where parents had been involved in management.

As this example illustrates, more research is needed on medium term impacts of legal empowerment interventions, especially the factors that allow for health and education outcomes to be sustained over time and at scale.

#### Certain legal empowerment approaches show relatively more contribution to development outcomes – community monitoring, paralegals or citizen advice bureaus, advocacy, and legal literacy.

While several studies show positive impacts on access to healthcare or health outcomes among clients of citizen advice bureaus in Western Europe, little evidence exists on what community-based paralegals in the developing world have contributed in this realm. The example from Liberia described above is an exception. Paralegals often assist people in navigating administrative processes to obtain healthcare benefits and also work through referral networks to increase accessibility of both legal and non-legal services. More research could be conducted on these cases – not only the immediate remedy, but also longer-term changes in the lives of clients, such as improved physical wellbeing and wealth. Where paralegals rarely deal with health-related cases, organizations might consider adding specific training modules so that paralegals are able to address accountability in health services. Exploring new interventions in which paralegals facilitate discussions and community compacts between clients and health clinics is one example.<sup>vi</sup>

vi- In Sierra Leone, Namati is presently undertaking an experiment to assess the potential of community paralegals to improve the accountability and effectiveness of health services.

#### Influencing Institutions



All programs that used ombudsman offices or human rights commissions also influenced institutions. Similarly, a high percentage of all programs using public interest litigation or advocacy strategies also catalyzed institutional change. Because all four of these approaches are aimed at holding the state accountable or pushing for government reform, these results are not all that surprising.<sup>vii</sup> In contrast, mediation programs, which here show fewer instances of institutional impact, are often extra-institutional by design – an alternative to the formal justice system for the resolution of certain individual and community-level disputes.

The legal empowerment strategy for which there is the largest amount of evidence on institutional impact is advocacy. There are also a relatively high number of studies on community mobilization and community monitoring programs resulting in institutional change. Institutional change was broken down into type, either modification in law/policy or changes in practice, as well as levels of government/administration: local, provincial/state, and national. The table below shows the distribution of positive impacts across both dimensions.

#### Distributions in Institutional Change (Number of Studies)

|                             | National | Provincial or State | Local |
|-----------------------------|----------|---------------------|-------|
| Law/Policy                  | 20       | 6                   | 13    |
| Implementation/<br>Practice | 15       | 17                  | 59    |

vii - However, we do acknowledge that this review includes only a limited number of studies on ombudsman offices and human rights commissions.

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Of all effects on institutions, **the impacts of the legal empowerment interventions studied tended to be concentrated in local level changes in practice,** which was reported in 59 studies. This is logical, given that much of legal empowerment work is local in nature. Overall, there are many more impacts on the implementation of law than on the law itself. The intervention below, on primary education in Malawi, is an example.

#### Impact on Institutional Practice<sup>36</sup> Advocating for compliance with primary education policy in Malawi

In the mid-to-late 1990's, the quality of education in Malawi remained stagnant despite the introduction of free primary education and increased government investment. The Civil Society Coalition for Quality Basic Education (CSCQBE), a group of 67 civil society organizations, started an initiative to promote accountability in Malawi's education sector. CSCQBE suspected corruption and mismanagement at the district level, where spending of education funds takes place. The coalition set out to use a combination of the Public Expenditure Tracking System (PETS) and 13 district networks that support communitybased groups in monitoring education budgets. Through technical assistance, these networks increase the capacity of parent-teacher associations and other community members to ensure accountability in spending at the school level. PETS and other monitoring provided a wealth of information on government spending, budgets versus actual expenditures, and procurement and delivery processes. CSCQBE analyzed the information and implemented large -scale advocacy and media campaigns to pressure districts into investing properly in education.

Several changes in institutional practice came about due to this advocacy. The positive changes

included a shift in the way the local government supports students. More funds were provided to students with special needs through allocations for targeted materials in their classes. The advocacy based on monitoring also helped teacher salaries get paid on time and for schools to stay open despite funding challenges.

More than half of institutional change relates to the issue of accountability for basic services. Most of these changes were related to implementation - with 32 interventions affecting local practice and 13 interventions influencing provincial level practice. Community monitoring is the most common approach in these programs that changed institutional practice. There is also a trend in the institutions engaged in these programs – the majority interacted directly with service delivery agencies. The changes in local practice are mostly improvements in the operations of schools, health clinics, and other public entities through better attendance, effort, and accountability of individual service providers. While 11 interventions relating to the issue of essential services showed positive changes in national policy, little change resulted at the provincial or local levels.

Other issue areas for which evidence shows some institutional change are corruption (36 interventions), women's rights (29 interventions), abuse of formal authorities (24 interventions), and land and natural resource rights (20 interventions).

The evidence reports more changes in law or policy at the national level than at provincial or local levels, regardless of issue area. When policy changed as a result of an intervention, the programs tended to use legal empowerment approaches such as public interest litigation, advocacy, ombudsman offices, and – like the intervention in Delhi shown below – right to information laws.

## Impact on Institutional Practice<sup>37</sup> An Example from India

India has a rich tradition of public activism and community mobilization, the strategies of which

often fall within legal empowerment. In one example, Parivartan, a group focused on corruption and other issues of justice, adopted a model of jan sunwais (public hearings) popularized by the group MKSS. Suchi Pande's article describes a particular intervention that used a combination of community monitoring, advocacy, and the Delhi Right to Information Act to push for better delivery of subsidized grain through the Public Distribution System (PDS) in the city. Parivartan mobilized over 300 people to access their PDS food grain records through the RTI law and analyze the information against the amount of subsidized grain they had actually received. The people then attended public hearings with government officials to expose the inconsistencies. The effort uncovered that 87 percent of grain and 94 percent of rice had been sold on the open market rather than made available to families living below the poverty line. This use of the law and public pressure not only led to some improvements in distribution the next year, but based on this grassroots success, Parivartan later achieved the institutionalization of scrutiny through public hearings within Delhi's PDS mechanism.

#### An important frontier for the legal empowerment movement going forward is translating the lessons of grassroots efforts into large-scale policy change.

The existing studies show that such change is possible, but there is a great deal more to learn about the programmatic and contextual factors that determine whether a particular attempt succeeds.

The uneven distribution of evidence between "citizens and consciousness" on the one hand and "institutions" on the other may be due to the ease with which each type of change can be measured. Improvements in legal knowledge are captured by pre and post-tests, increased willingness to take action by qualitative interviews, and enhanced education or health outcomes by development indicators, student test scores, and clinic statistics.

Proving the definitive contribution made by legal empowerment on government is much more difficult, especially when the desire is to link a single intervention to large-scale processes of change. Legal empowerment organizations simply have less control over parliamentary decision making than they do over the amount of learning at a community-level training.

Half of the evidence examining institutional impact is in the form of a case study. Many of these studies link a legal empowerment intervention to changes in institutional policy or practice through a narrative based on anecdotal evidence. Other pieces of evidence, including some case studies, use a variety of qualitative and quantitative methods to explore impacts on institutions.

As noted above, accountability of basic services is a relevant issue in more than half of the evidence on institutional impact. Observations of local service providers, such as teachers or nurses, or even institutional records such as food distribution charts can illustrate changes in the frequency and quality of service delivery.

The views of the local community can also contribute to understanding institutional impact. In Uttar Pradesh, India, a randomized control trial assessed changes in local delivery of social services following a legal literacy campaign about entitlements.<sup>38</sup> The researchers used surveys and focus groups to collect villager reports on visits by nurse midwives, delivery of prenatal supplements, requests for excess school fees, and other outcome measures before and after the intervention in both treatment and control sites.

Where studies aim to understand how legal empowerment interventions influence closed-door policy decisions or opaque national-level reform, researchers often seek to directly interview relevant authorities. Officials involved in policy making or enforcement can provide detailed information on the factors most influential in producing specific institutional decisions.

HakiElimu's education-related legal literacy and advocacy effort in Tanzania was connected to institutional impact by insight gathered through interviews of authorities.<sup>39</sup>

The authors conclude that HakiElimu's campaign was a major catalyst for change, though other factors also helped push the government to reform. The following study shows another example of the insight officials can provide about institutional impacts.

## Interviews with Officials Link Citizen Report Cards to Government Reform<sup>40</sup>

To assess how the Public Affairs Centre's citizen report cards (CRCs) intervention affected public service delivery in Bangalore, India, researchers conducted interviews with state agency officials.

The researchers chose 19 individuals expected to be familiar with both the CRC findings as well as any government utilization of the data.

These interviews illuminated the reactions of officials to the CRC process as well as the ways in which the intervention influenced reform decisions.

For example, some officials reported that, as a result of the CRC findings and advocacy pressure from the public, their agency initiated new staff training programs. The training was intended to improve responsiveness to citizens, one of the factors covered in the report cards.

Other officials established mobile counters to ease bill payment for public services after seeing the report card data.

By using interviews to gather data from government staff directly, the researchers could elicit exactly how the CRC intervention combined with other factors to produce reform – at least partially linking those institutional changes to the legal empowerment intervention itself.

Historical inquiry is not well represented in the collection of existing legal empowerment evidence. However, looking to history is necessary to understand what causes governments and other institutions to change over the long term.<sup>41</sup> Other longitudinal studies that examine medium to long-term impact may also help build the evidence base on institutional change.<sup>viii</sup>

#### Negative and Null Impacts

As explained above, nearly all pieces of evidence collected in this review claim at least one positive impact.

Only nine studies are explicit about negative changes that occurred during program implementation. A larger number – 49 studies, 25 percent of the total evidence – sought to measure a certain type of change, but in the end reported that no impacts of that type were detected.

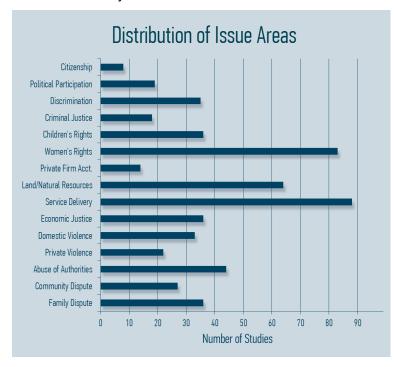
The finding of no change does not necessarily mean the program failed in obtaining its goals – the study may have been too early to capture all effects or the evaluation methodology itself may have had some flaws. The researchers of a study may have attempted to measure a type of impact that program designers did not actually intend to create.

The null impacts are distributed fairly evenly across all legal empowerment strategies, so no clear trends emerge. More research on null and negative impacts will help to determine the factors that may facilitate or obstruct change.

Viii - For example, Namati and its partners are in the design phase of a 10-year study to assess the impact of efforts to protect community land rights.

#### lssues

Legal empowerment efforts tend to focus on certain issue areas. The most common issue addressed in this collection of evidence was accountability for basic service delivery.



The second most common issue area was women's rights, which itself cuts across many other issues. In the following example from Honduras, a grassroots organization used legal literacy and advocacy strategies to build support around several interlinked issues – women's rights, labor rights, and accountability of private firms.

## Promoting Women's Rights in the Textile Factories of Honduras<sup>42</sup>

Colectiva de Mujeres Hondureñas (CODEMUH), a grassroots women's collective in Honduras, launched a movement to protect the rights of women working in maquilas (textile factories) across the country. Women were underpaid for the long hours they worked, faced poor conditions, and experienced frequent rights violations at the hands of their employers, including instances of women being fired for becoming pregnant.

Following support from Oxfam and the Institute for Social Research and Advocacy, CODEMUH began a campaign on occupational health and labor rights by building evidence on the risks and violations women faced at work. The organization used the information to advocate with the private factories, put pressure on the government, and spread awareness through the media. CODEMUH conducted legal education and organizing events with women who worked in maquilas, so that these women had the knowledge, skills, and confidence to see themselves as agents of change and contribute to the advocacy.

CODEMUH built an alliance with national and regional labor rights efforts in order to sustain pressure at multiple levels. In 2006, CODEMUH became the first women's organization to march alongside traditionally male-dominated unions on Labor Day.

The multi-faceted campaign increased the public interest in labor rights in the maquilas, measured through monitoring participation in related radio and television shows. The intervention also increased maguila workers' awareness of their own rights and of the responsibilities of factory owners. The pressure exerted on the government by the civil society alliance led to a review of the Honduran Labor Code. The government showed their renewed attention to working conditions in the maguilas through additional monitoring visits, even if the oversight remained unsystematic. The researchers concluded that attention from multiple stakeholders led to improved conditions in some factories, but improvements in law enforcement and ongoing public pressure is needed for sustainable change.

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Citizenship-related interventions are less common or less studied than other issues. Just eight studies focused on citizenship rights programs. Business rights, counted as part of economic justice, only appeared in four studies. More research is needed on these issue areas, as well as private firm accountability and criminal justice.



## **Engaging Institutions**

Even interventions whose demonstrated impacts are largely at the level of citizens and consciousness often engage some form of institution. A paralegal program might successfully help clients make use of a police disciplinary board, for example, without creating demonstrable changes to either the policy or the practice of the police.

Of all the interventions in this review, **the type of institution most often engaged was administrative agencies**, which includes service delivery entities, regulatory agencies, and public-private enterprises.<sup>43</sup> In total, 90 interventions engaged with at least one administrative body. Of these, 80 interventions interacted with service providers and 34 interventions interacted with regulatory agencies – some programs engaged both types of institutions.

The most common strategies used when engaging with service delivery agencies were right to information laws, advocacy, participation in governance, and legal literacy. Paralegal programs also often engage with administrative institutions. Almost all studies on paralegal or citizen advice bureau efforts explicitly mentioned navigating administrative processes.

**Only 16 interventions engaged directly with private firms.** These interventions concentrate in a few issue areas. Seven of these programs fell within the land and natural resource rights issue area. Eight of the studies involving interactions with private firms related to delivery of basic services, four related to corruption, and five touched on economic injustice, such as business rights, labor, or housing.

Legal empowerment programs often engage traditional authorities in the process of navigating between formal and customary legal systems. In the example below, engagement with local chiefs increased community-level support for the program and provided clients with several options for case resolution, without compromising on rights standards.

There is little evidence on programs that engaged with

## Linking Community-based Mediation to Traditional Authorities and the Formal Justice System in Malawi<sup>44</sup>

The NGO Paralegal Advisory Services Institute (PASI) trained a network of village mediators to resolve justice issues in their communities in a culturally-appropriate manner while considering the human rights elements – such as gender equality – in every case. The mediation service provides an alternative to traditional dispute resolution fora, but PASI still engages Chiefs by including them in the village mediators' training. Clients also retain the option to hold an open forum with the Chief if mediation fails.

PASI trainers and paralegals provide supervision and supplementary training for the village mediators. The connection between the village mediators and the PASI paralegals acts as a strong link to the formal justice system for referral of serious criminal offenses. Similarly, when cases are referred to the program by the police, the village mediators report the case outcomes back to the police to combat impunity should any party try to avoid the mediation agreements.

The ability of the village mediators to provide ADR while engaging both traditional authorities and the formal system resolved hundreds of disputes and increased the communities' confidence in the justice system overall.

the military, national level courts, or hybrid publicprivate enterprise. More research is needed on what legal empowerment strategies can achieve through interacting with these institutions.

In addition, only 26 percent of the studies reviewed used the media to further program goals. Those 26 studies involved several legal empowerment approaches, including advocacy, community mobilization, community scorecards, and right to information.

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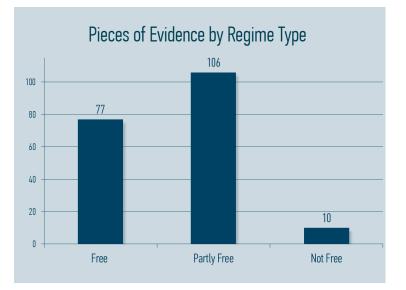
However, considering that naming and shaming through media pressure is so often used in the larger human rights field, more inquiry into the use of media in legal empowerment interventions would be useful.



## **Regime Type**

Freedom House's Freedom in the World Survey 2012 provided a proxy for coding the political regimes relevant to each piece of evidence. Rather than looking only to evaluate state structures, the survey emphasizes how political rights and civil liberties are respected in practice – or the "state of global freedom as experienced by individuals."

Most existing research on the impact of legal empowerment covers countries that are "free" or "partly free." Of the 193 studies coded for political regime (not including studies covering five or more national contexts), only 10 studies focused on a "not free" country.



In terms of catalyzing positive or negative change, there seems to be little difference between "free" and "partly free" regimes. Of the 77 studies focused on "free" regimes, 76 (or 99 percent) had at least one positive outcome while of the 106 studies conducted in "partly free" countries, 104 (or 98 percent) had at least one positive outcome. Similarly, just 19 of the studies in "free" countries (25 percent) and 23 studies in "partly free" countries (22 percent) found null impacts – both close to the overall average in this collection of evidence of 25 percent.

Of the six studies that showed no positive outcomes, three covered interventions in free countries, two in party free countries, and one in a not free country. The inability to differentiate positive and negative outcomes based on regime type likely relates to the overall positive publication bias.

We have little understanding about what is possible for legal empowerment to achieve in repressive regimes. Of the ten interventions falling under "not free," two took place in the Democratic Republic of the Congo (DRC), plus one each in Angola, Rwanda, Somalia, South Sudan, Zimbabwe, Afghanistan, Yemen, and Burma.

These efforts used strategies such as strengthening customary justice systems, legal literacy, and participation in governance. For one program in the DRC, a case study based on observations and project document review illustrates the results of a major legal identity registration drive.

## Legal Empowerment in a "Not Free" Context: Facilitating Voter Registration<sup>45</sup>

Led by the United Nations Development Programme (UNDP) and the United Nations Mission to Congo (MONUC), this effort aimed to facilitate voter registration and political participation. The possession of legal identity documents not only opens up voting opportunities for these citizens, but may also expand access to education and healthcare, as well as reduce political and economic vulnerability. The strategy employed included legal and civic-education dramas and portable "kits" that could issue photo identity cards within minutes. Each kit consisted of a laptop, a digital camera, and fingerprinting materials. The weight of a kit was approximately 176 pounds (80 kilograms), just mobile enough for distribution to even the most remote areas of the DRC. In total, 25.7 million Congolese registered during the campaign.

The gap in knowledge related to "not free" countries may be driven more by research priorities than a dearth of legal empowerment initiatives in situations of repression. In Cambodia, for example, which Freedom House rates as "not free," there is an active civil society that includes organizations using legal empowerment strategies. In 2010 and 2011, the International Land Coalition supported projects that used legal literacy and paralegal services to advance women's land rights.<sup>46</sup> Also in Cambodia, the Community Legal Education Center, whose Executive Director serves on the guidance committee for the Global Legal Empowerment Network, implements legal literacy, legal aid, and litigation programs to improve access to justice, land rights, and labor rights.<sup>47</sup>

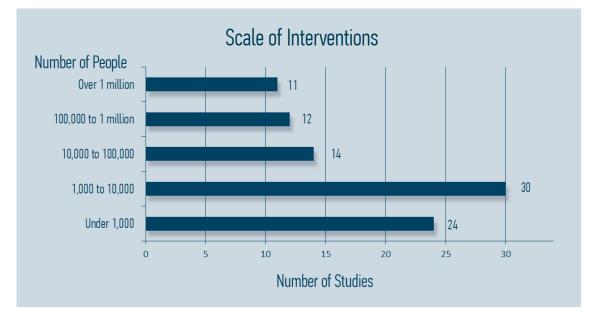
Similarly, while Somalia and South Sudan both received "not free" ratings by Freedom House and are represented once each in this review, we found no evaluations of community-based paralegal programs from these nations. Paralegals do operate in both countries – organizations from each nation attended a regional meeting on paralegals co-hosted by Namati, Global Rights, and the Open Society Justice Initiative in Uganda in July 2012.

It would be useful to have a greater understanding of how these efforts work, and what legal empowerment strategies can achieve in adverse political circumstances.

## Scale

Ninety-one studies in this review – less than half of the total – explicitly identified the scale of intervention, or the number of people included in a program.

Of the studies that specified scale, the most common program size was between 1,000 and 10,000 people. The second most common scale of intervention was the smallest range – under 1,000 people. Large-scale interventions were least represented in this body of evidence.



Many studies contained scale information other than the size of the intervention itself – including the scope of the evaluation or the number of people impacted by the effort. However, in order to truly understand the impact of legal empowerment efforts, knowing the size of the program matters. To prove the effectiveness of scale-able models, showing how methods used in a small pilot can expand and yet achieve the same level of results is critical. More evidence on large-scale programs would be helpful. It is not necessary that the evaluations of such programs be large-scale themselves, however. With a sampling strategy, an evaluation of a smaller number of field sites can make claims about the impact of the intervention as a whole.

# Conclusions and Recommendations for Further Research

Substantial evidence exists on the impact of legal empowerment efforts around the globe. Defining legal empowerment as any intervention or reform aimed at increasing the capacity of people to understand and use the law, the research team collected 199 studies that addressed impact. The evidence shows legal empowerment has led to a range of changes: increases in legal knowledge and community participation, the resolution of disputes, improvements in health outcomes, and changes in institutional policy and practice.

Yet despite this wealth of information, there are still gaps in our understanding of legal empowerment strategies. Based on this review, the evidence is thin or lacking in some particular areas. New research would be useful to fill these gaps. Unlike some scientific research, we do not imagine that we will ever arrive at a definitive answer to a question like "which legal empowerment strategy is most effective in repressive regimes." We recognize that all legal empowerment interventions are sui generis to some extent interacting with the particularities of any given context. But we are convinced that more information about experiences across borders and approaches will benefit practitioners grappling with their own unique challenges. We are not aiming for recipes, but rather for the wisdom with which to make informed judgments about legal empowerment practice.

#### Gaps in the Existing Evidence

Most evidence about institutional change is concentrated on improvements in the practice of local governments. **Further research should examine how legal empowerment approaches can affect policy and can achieve change at the national level.** A few studies show this kind of institutional change is possible, but the existing evidence is thin. Longitudinal research and historical inquiry may be appropriate to advance our understanding of complex processes of institutional change.

Community monitoring and citizen advice bureaus are the strategies most often associated with gains in education, health, and income. Paralegals also work in this realm, through helping clients hold service providers accountable. navigate administrative processes to obtain government benefits, and access other service providers through referral networks. Further study would be useful on the impact of on development outcomes, paralegals beyond documenting the resolution of the immediate legal need.

Longitudinal studies may help capture the medium and long terms effects of legal empowerment programs as well as the sustainability of positive impacts over time. Studies on legal literacy and paralegals show more effects on people's legal knowledge and willingness to take action than on actual action. Further research on long-term changes may find people did take action when next faced with a legal issue. Similarly, following up with parties to mediation or ADR several months or years after the agreement may produce insight into how the process changed aspects of attitudes, behavior, and agency not seen in the short-term.

Legal literacy strategies are part of many legal empowerment programs, often used in combination with other approaches. Evidence demonstrates some of the changes produced through legal education campaigns, but little is known about the precise mechanisms through which legal knowledge leads to further changes, such as increased agency. Investigations into when and how increased knowledge feeds into subsequent change will strengthen the design of legal empowerment programs.

More research is needed on strategies such as use of human rights commissions, use of ombudsman offices, public interest litigation, and identity document registration. Where these strategies are not part of legal empowerment efforts, implementing organizations might experiment by adding strategic use of public advocacy institutions or PIL to their current work. Further studies of paralegal efforts would also be useful. While this review includes 45 studies on community-based paralegals or citizen advice bureaus, this promising approach would benefit from greater study, and we know that there are many programs that have not yet been examined.

Existing evidence does not fully address how legal empowerment initiatives can achieve success when

engaging with certain institutions, especially those other than administrative agencies. More research is needed on programs that engage with private firms and the military.

We have little understanding about what is possible for legal empowerment to achieve in repressive regimes. Future research should study how legal empowerment interventions work in "not free" contexts. Legal empowerment organizations might also consider increasing their engagement in such countries.

#### **Questions for Further Inquiry**

There are several additional questions that could be taken up by further research efforts on legal empowerment. We were unable to address these questions in this review, because of time constraints and the fact that many studies did not explicitly address these concerns.

Outreach and interviews with implementing organizations or program evaluators would provide insight into the following aspects of each intervention, even where the existing studies leave out these considerations. We also encourage authors of future legal empowerment evaluations to include these questions in order to advance understanding of the dynamics underpinning program success.

 Actors – Who designed and implemented the program? Is there a partnership between multiple actors, such as an international NGO and local community-based organization, and if so, how does the relationship function? Are certain actors or combinations of actors more successful than others?

- **Funding** Is the intervention funded by international donors, national agencies, individual donations, or community contributions? Does the funding source affect the success of the program or the community's sense of ownership?
- Collaborative versus adversarial orientation Does the intervention work in collaboration with government or private firms, or in direct opposition? While certain approaches such as public interest litigation are clearly on one side of the spectrum, others strategies, such as the work of community-based paralegals, could take either approach depending on the situation. How do programs balance between the two? In what circumstances is either orientation most effective?
- Adapting to context One of the great lessons from the history of rule of law initiatives is that a onesize-fits-all approach is not effective – programs must adapt to local context.<sup>ix</sup> We observe a great amount of variation among legal empowerment efforts, even among programs with a common approach, such as community-based paralegals or strengthening of customary justice systems. Some of this variation is likely context adaptation. However, more inquiry would be useful to understand how these adaptation decisions are made and the effect these choices have on implementation and results.
- Opportunity costs How much impact does each intervention produce per dollar spent? How does that result compare with alternative uses of the money? Few studies explicitly address program costs, or break the total down into per unit costs. Understanding the cost-effectiveness of various legal empowerment approaches may help implementing organizations make strategic choices under resource constraints.

ix – See, for example, David M. Trubek & Marc Galanter, "Scholars in Self-Estrangement: Some Reflections on the Crisis in Law and Development Studies in the United States," Wisconsin Law Review 1062 (1974). Trubek and Galanter's famous article is said to have marked the death of the law and development movement of the late 1960s and early 1970s. Trubek and Galanter argued that U.S. -sponsored efforts to support, among other things, legal education and legal aid in the third world were misguided and likely to fail because of their reliance on an idealized, American -centered, "liberal legalist" model of law and society. • Other contextual factors – This review took into account the amount of freedom in each country – whether or not political context influences program outcomes. There are many other potential determinants of program success at the national or community level, including demographic distributions, social norms, levels of tolerance, power differentials, and so on. Coding for and analyzing these factors would uncover additional trends related to the effectiveness of legal empowerment.

The evidence base on legal empowerment will continue to grow – through further sharing of existing impact data, the completion of ongoing research, and new investigations into what works and why. Namati plans to host on its website an open-access version of the database generated for this review. Practitioners and researchers will be able to add to the database impact evidence from any source. The database will be searchable by many of the same categories used in the coding typology. We hope a living library of this kind will help those committed to legal empowerment to learn from one another, and to make more informed decisions in the pursuit of justice.



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## Appendix 1: Coding Guide

# Legal Empowerment Approach

(can select more than one – designate primary/ secondary)

#### Advocacy

Citizen Participation in Governance

Community mobilization

Community-based monitoring systems

Report cards/scorecards

Expenditure Tracking

Social Audits

Facilitating legal identity registration

Legal literacy/education

Legal advice/legal aid

Mediation and ADR

Paralegals/Citizen Advice Bureaus

Public Advocate Institutions

Ombudsman offices

Human Rights Commissions

Public interest litigation

Right to information

Strengthening Customary Justice Systems

# Impact Type

(can select more than one – designate primary/ secondary)

#### **Citizens and Consciousness**

Rights Consciousness

Legal Knowledge

Agency & Participation

- Willingness to act
- Actual action or participation

Acquire Remedy, Entitlement & Information

Conflict resolution & case resolution

Sense of fair process

Status change

- Social inclusion
- Development outcome
  - Health
  - Education
  - Income

#### Institutional

also broken down by level of government/administrative unit

Change in law or policy

- National
- Provincial or State
- Local

- Change in implementation or practice of law
- National
- Provincial or State
- Local

# **Issue** Area

(can select more than one - designate primary/secondary)

Family Dispute Neighbor/Intra-Community Dispute Abuse by Authorities Formal Authorities Customary Authorities Crime/private violence Domestic Violence Economic Injustice Business Rights Labor/Employment Housing Debt Breach of contract

# Scale of Intervention

0 to 1000 people 1000 to 10,000 people 10,000 to 100,000 people 100,000 to 1 million people >1 million people Accountability for Services/Infrastructure Health Education Water/Sanitation Other Service or Infrastructure Land, Property and Natural Resource Rights Accountability of Private Firms Finance/Taxation Women's Rights/Gender Children's Rights Prisoners/Criminal Justice/Criminal Defendants **Discrimination/Minority Rights Political Participation** Citizenship Corruption

# Political Regime Type

(based on Freedom in the World 2012 Index by Freedom House) Free Partly Free Not Free

# Nature of Impact

Positive Negative None

## Appendix 1: Coding Guide continued

# Evaluation/Data Collection Method

(can select more than one )

| Randomized Control Trials | Participatory Methods     |
|---------------------------|---------------------------|
| Statistical Analysis      | Qualitative Case Tracking |
| Surveys                   | Secondary Data Analysis   |
| Interviews                | Project Document Review   |
| Focus Group Discussions   | Case Studies              |

# Institutions Engaged

(can select more than one - designate primary/secondary)

## **Public Sector**

| Executiv | e                          | Legislative             |
|----------|----------------------------|-------------------------|
|          | President/Cabinet          | National body           |
| Administ | rative Agencies            | Local representative    |
|          | Service Delivery Agencies  | Police                  |
|          | Regulatory Agencies        | Military                |
|          | Public/Private Enterprises | Ombudsman Office        |
| Judicial |                            | Human Rights Commission |
|          | National court             |                         |
|          | Local Court                |                         |

Private Sector Firms Media

# Traditional/Customary Authorities Chief Elders Traditional/customary court

## Appendix 2: List of Experts Interviewed

## Dr. Daniel Brinks

Associate Professor; Co-Director, Bernard and Audre Rapoport Center for Human Rights and Justice University of Texas at Austin School of Law

#### Dr. Varun Gauri

Senior Economist, Development Research Group, The World Bank

### Dr. John Gaventa

Director, Coady International Institute Vice President, International Development, St Francis Xavier University

#### Bilal Siddiqi, PhD.

Minerva Postdoctoral Fellow, Center on Democracy, Development, and the Rule of Law Freeman Spogli Institute for International Studies, Stanford University

#### Dr. Michael Woolcock

Lead Social Development Specialist, Development Research Group, The World Bank

Lecturer in Public Policy, John F. Kennedy School Government, Harvard University

# Appendix 3: List of Evidence Included in Analysis

54

| Authors                                        | Year | Country        | Title                                                                                                                                                                                                       |
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| Adams et al.                                   | 2006 | United Kingdom | United Kingdom A systematic review of health, social and financial impact of welfare rights advice in a healthcare setting                                                                                  |
| Addai                                          | 2004 | Ghana          | The Community Scorecard Approach for Performance Assessment: A WaterAid Ghana Briefing Paper                                                                                                                |
| Akasoba and Robinson                           | 2007 | Ghana          | Holding service providers to account: community scorecards and district-level forums                                                                                                                        |
| Alexander and Bittaker                         | 2013 | Bolivia        | Technology Strategies for Community-Driven Land Formalization in Bolivia                                                                                                                                    |
| Antonio, Makau and Mabala                      | 2013 | Uganda         | Addressing the Information Requirements of the Urban Poor – A Government-Community Partnership in Piloting the Social Tenure Domain<br>Model in Uganda                                                      |
| Arita                                          | 2009 | Honduras       | A life with dignity: Honduran women raising voices to improve labour standards                                                                                                                              |
| Asian Development Bank (ADB)                   | 2009 | Bangladesh     | Legal Empowerment for Women and Disadvantaged Groups                                                                                                                                                        |
| Asian Development Bank (ADB)                   | 2009 |                | Legal Empowerment for Women and Disadvantaged Groups                                                                                                                                                        |
| Asian Development Bank (ADB)                   | 2009 | Pakistan       | Legal Empowerment for Women and Disadvantaged Groups                                                                                                                                                        |
| Asian Development Bank (Golub/McQuay)          | 2001 | Philippines    | Appendix 1: The Impact of Legal Empowerment Activities on Agrarian Reform Implementation in the Philippines (in Law and Policy Reform at the Asian Development Bank )                                       |
| Asian Development Bank (Golub/McQuay)          | 2001 | Bangladesh     | Appendix 2: The impact of Legal Empowerment on Selected Aspects of Knowledge, Poverty, and Governance in Bangladesh: A Study of Three NGOs (in <i>Low and Policy Reform at the Asian Development Bank</i> ) |
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| Banerjee, Banerji, Duflo, Glennerster, Khemani | 2010 |                | Pitfalls of Participatory Programs: Evidence from a Randomized Evaluation in Education in India                                                                                                             |
| Banerjee, Kumar, Pande, and Su                 | 2010 | India          | Do Informed Voters Make Better Choices? Experimental Evidence from Urban India                                                                                                                              |
| Banu                                           | 2003 | Bangladesh     | BRAC-Ain o Salish Kendro Joint Legal Aid Programme A Comprehensive Review                                                                                                                                   |
| Baron                                          | 2002 | Argentina      | Social Audit in the Argentine Legislature: Obtaining and Publishing the Affidavits of National Senators (in <i>Voice, Eyes and Ears Social Accountability in Latin America</i> )                            |
| Barron, Diprose, and Woolcock                  | 2007 | Indonesia      | Local Conflict and Development Projects in Indonesia: Part of the Problem or Part of a Solution?                                                                                                            |
| Basch                                          | 2011 | Argentina      | Children's Right to Early Education in the City of Buenos Aires: A Case Study on ACIJ's Class Action                                                                                                        |
| Baviskar                                       | 2007 |                | Is knowledge power?: The Right to Information Campaign in India                                                                                                                                             |
| Bearup and Palusci                             | 1999 | United States  | Improving Child Welfare through a Children's Ombudsman                                                                                                                                                      |
| Behrman, Billings, and Peterman                | 2013 | Tanzania       | Evaluation of grassroots community-based Legal aid activities in Uganda and Tanzania: Strengthening women's legal knowledge and land rights                                                                 |
| Behrman, Billings, and Peterman                | 2013 | Uganda         | Evaluation of grassroots community-based Legal aid activities in Uganda and Tanzania: Strengthening women's legal knowledge and land rights                                                                 |
| Berenschot and Rinaldi                         | 2012 | Indonesia      | Paralegalism and Legal Aid in Indonesia: Enlarging the Shadow of the Law (Indonesia chapter of forthcoming five-country study on paralegals)                                                                |
| Bjorkman and Svensson                          | 2009 | Uganda         | Power to the People: Evidence from a Randomized Field Experiment on Community-based Monitoring in Uganda                                                                                                    |
| Björkman, de Walque, and Svensson              | 2012 |                | Community-Based Monitoring: When Does it Work? Evidence from Uganda                                                                                                                                         |
| Blattman, Hartman, and Blair                   | 2012 | Liberia        | Building institutions at the micro-level: Results from a field experiment in property dispute and conflict resolution                                                                                       |
| Blattman, Hartman, and Blair                   | 2011 | Liberia        | Can we Teach Peace and Conflict Resolution?: Results from a randomized evaluation of the Community Empowerment Program (CEP) in Liberia:<br>A Program to Build Peace, Human Rights, and Civic Participation |
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| Brinks and Gauri                               | 2012 | multiple       | The Law's Majestic Equality? The Distributive Impact of Litigating Social and Economic Rights                                                                                                               |
| Bunte and Monnier                              | 2011 | Burundi        | Mediating Land Conflict in Burundi: A Documentation and Analysis Project                                                                                                                                    |
| Burke and Egaru                                | 2011 | Uganda         | Land Conflict Resolution in Acholi                                                                                                                                                                          |
| Buscaglia                                      | 2001 | Colombia       | Investigating the Links Retween Acress to Instire and Governance Factors: An Objective Indicators' Ammach                                                                                                   |

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| Cain Wahar and Easta                | 0100 |                | Datticitation I and Dandfurthmost in Unamba Anacla                                                                                                                                            |
|-------------------------------------|------|----------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                     | CTUZ | Aligua         |                                                                                                                                                                                               |
| Calland                             | 2010 | multiple       | Annex 3: Freedom of Information (in Synthesis Report: Review of Impact and Effectiveness of Transparency and Accountability Initiatives )                                                     |
| Carey and Tolopilo                  | 2008 | Ukraine        | Tipping the Balance: Why Legal Services are essential to Health Care for Drug Users in Ukraine                                                                                                |
| Carfield                            | 2012 | Uganda         | Land Justice in Uganda: Preserving Peace, Promoting Integration (in Working with Customary Justice Systems: Post-Conflict and Fragile States)                                                 |
| Castagnola                          | 2004 | Argentina      | Participatory monitoring of Land and Housing Policy in the Municipality of Quilmes, Buenos Aires Province, Argentina (in <i>Voice, Eyes and Ears Social Accountability in Latin America</i> ) |
| Cejudo                              | 2012 | Mexico         | Evidence for Change: The Case of Subsidios al Campo in Mexico                                                                                                                                 |
| Chopra                              | 2007 | Kenya          | Promoting Women's Rights by Indigenous Means: An Innovative Project in Kenya                                                                                                                  |
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| Cuomo and Perales                   | 1990 | United States  | The Homelessness Prevention Program Outcomes and Effectiveness                                                                                                                                |
| Dale                                | 2009 | Sierra Leone   | Delivering Justice to Sierra Leone's Poor: An Analysis of the Work of Timap for Justice                                                                                                       |
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|                                     | 0007 | 119711         |                                                                                                                                                                                               |
| De Kenzio, Azeem, and Kamkumar      | 2006 | Uganda         | Budget Monitoring as an Advocacy Tooi: Uganda Debt Network                                                                                                                                    |
| Dhakal and Sheikh                   | 1997 | Nepal          | Breaking Barriers, Building Bridges: A Case Study of USAID/Nepal's SO3 Women's Empowerment Program                                                                                            |
| Diop et al.                         | 2004 | Senegal        | The TOSTAN Program: Evaluation of a Community Based Education Program in Senegal                                                                                                              |
| Dogbe and Kwabena-Adade             | 2012 | Ghana          | Ghana: Budget Monitoring by SEND-Ghana and its Partners Helps improve Nutrition for Children and Support Local Farmers                                                                        |
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| Ezer et al. (OSI)                   | 2010 | Thailand       | Promoting Public Health through Clinical Legal Education: Initiatives in South Africa, Thailand, and Ukraine                                                                                  |
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| Field                               | 2003 | Peru           | Fertility Responses to Urban Land Titling Programs: The Roles of Ownership Security and the Distribution of Household Assets                                                                  |
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|                                     |      |                         | Algnan People                                                                                                                                              |
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| Jenkins                             | 2007 | India                   | India's Unlikely Democracy: Civil Society versus Corruption                                                                                                |
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| Joshi                               | 2010 | multiple                | Annex 1: Service Delivery (in Synthesis Report: Review of Impact and Effectiveness of Transparency and Accountability Initiatives )                        |
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|                                     |      |                         |                                                                                                                                                            |

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| Khunte and Walimbe                 | 2012 | India          | Reclaiming the public health system: Qualitative Report on Community Based Monitoring and Planning of Health Services in Maharashtra                                                 |
| Vhundia                            | FUUC | Dobictor       | Juppured by Winnin<br>In Incommunity Distribution Alumins Cond Thins?                                                                                                                |
| NIWaja                             | 2004 | LIPICIAR       |                                                                                                                                                                                      |
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| s)                                                | Country               | Title                                                                                                                                                                                                                                       |
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| s)                                                |                       | The Right to Information and Societal Accountability: The Case of the Delhi PDS Campaign                                                                                                                                                    |
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**Balalas**