



Justice Needs of Malians - From Problems to Fairness

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30%

30% of the interviewed Malians experienced one or more justice problems within the previous 4 years.



2.15

Respondents who reported at least one problem had to deal with 2.15 problems on average.



0.66

In other words, each person has one serious and difficult problem to resolve.

Justice needs arise when people need protection for their important interests. Examples of justice needs are for instance: divorce, disputes over land rights, theft or domestic violence.

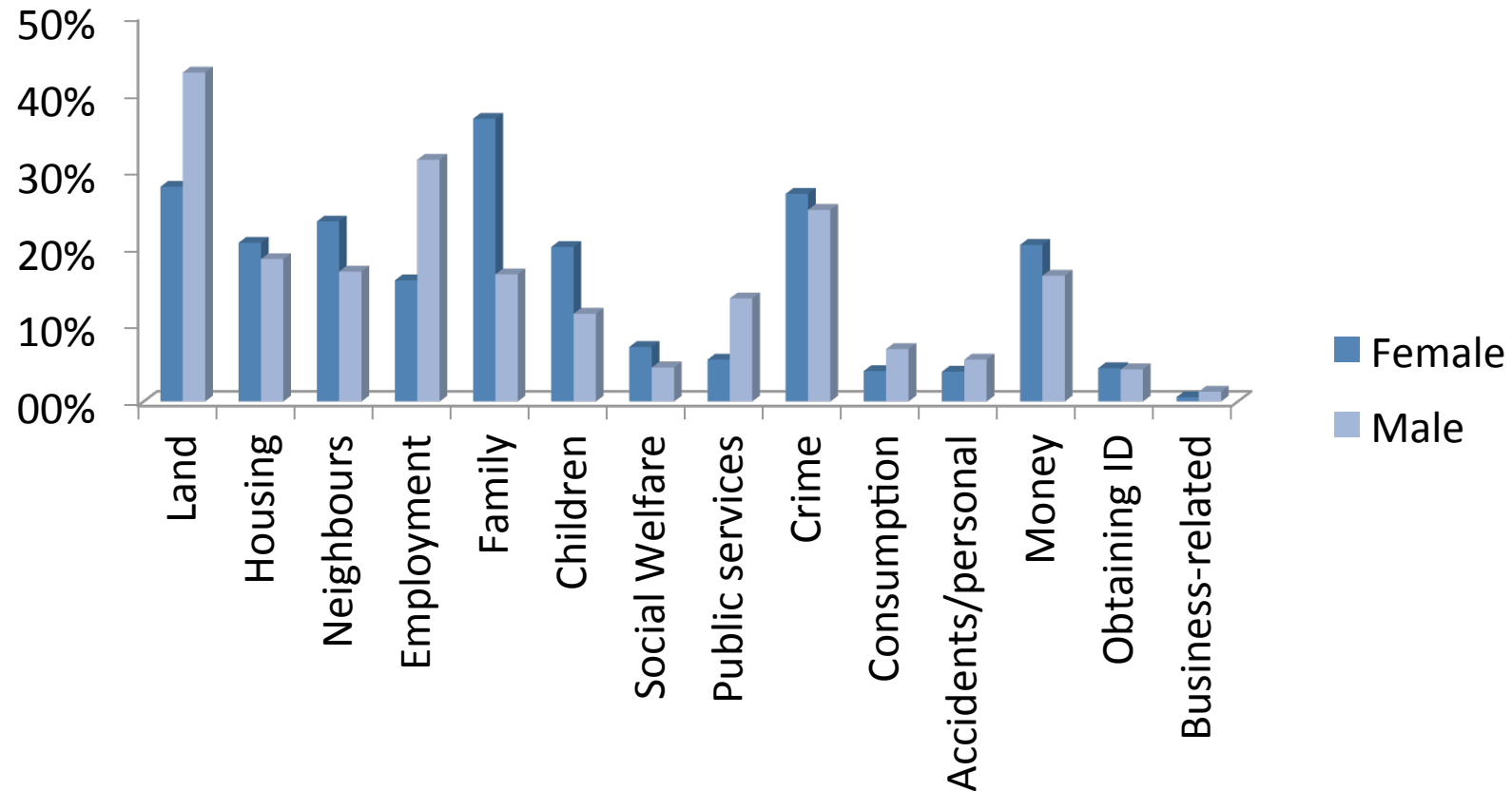
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When Malians discuss justice – what do they talk about?



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Which problems occur the most?



Land, crime and employment problems are the top three most frequent problems Malian men encounter. Although land problems and crimes are prevalent amongst women as well, family related issues are the most common. Women also experience more money and children related troubles than men.

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Learning from past studies and policies

Shifting focus from formal justice to where justice is actually created

Most previous studies on the state of justice in Mali and elsewhere focus on the institutional framework and political context. What legislation is in place? What courts exist? How are police, prosecution, lawyers and legal aid organized? These are the questions that have been explored.

Legal needs studies conducted in 50 countries have shown that most problems are solved through negotiation. There is a gap in current relating to information about; advice that comes from friends and family and the role of informal authority within communities.

Providing a country wide assessment and not focusing solely on urban areas

The majority of previous legal needs studies have focused predominately on urban areas, the people in remote and hard to reach areas are frequently forgotten. Our work within the field of justice innovation has demonstrated that even the most remote communities have systems in place that others can learn from. Justice has no boundaries and it's frequently the least complex systems that work, this is where a lot can be learnt.

From exposing grave injustices to major problems that affect many people

Studies from NGOs tend to focus on individual human rights violations, corruption or depressing conditions at courts or in prisons. Or they ask the population about their trust in judges and their independence. Although these issues are important attention is also needed on other issues that effect many people such as land disputes, family problems and problems with defective goods.

From one fairness dimension to listening to more sophisticated views on what is fair

Most existing justice needs studies focus solely on how satisfactory procedures are. Researchers have found that people distinguish between getting respect, having a fair procedure and knowing what to expect in a procedures. The people want to be heard, treated with more respect. They also expect outcomes to be fair, transparent, provide a good solution for their problems, accepted able and work. This is where progress in research can be made and measured.

Current policies focus on improving formal institutions but there is much to learn from informal justice

Policies tend to improve courts, laws and other formal institutions. The impact on the rule of law has not always delivered anticipated results, new approaches are required.

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Our tool enables measurement of the notoriously challenging Rule of Law area in Mali

The approach

1. Is about justice in people's lives and understanding their experiences in seeking access to justice, both by the informal processes and by going to the lawyers or courts.
2. Enables decision makers to focus on justice when and where it is needed most. The problem areas are highlighted by the citizens, a true bottom-up approach.
3. Provides an evidence based tool that can support the decision making process for development aid programming with the Rule of Law area.
4. Builds on people's knowledge of what works best (the bright spots).
5. Informs users and suppliers about justice services. Enables users to be informed about where to go to and which services to use and assists suppliers to improve their services.
6. Offers a cost-effective alternative to monitoring progress in the justice sector. A standardised and repeatable approach will lead to: economies of scale; a reduction in operational costs; increased efficiency (time and resources saved); a reduction in operational risk and enable cross country benchmarking.

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In order to understand the justice problems in Mali, the people were asked 110 questions

Did you feel you had the tools and skills to resolve the problem?

Below are examples of actual questions put to the people:

To what extent (scale 1-5) ...
... did the process make you feel frustrated?
...did the process make you feel angry?
...were you able to express your views and feelings during the dispute resolution process?
...were the same rules equally applied to you and to the other party/ies?
...was the dispute resolution process based on accurate information?
...did the adjudicator explain your rights and options during the process thoroughly and made sure you understood them?
...was it important for you that the division matches what you *deserved*?

What are your most urgent and frequently occurring justice problems?

Where did you seek solutions?

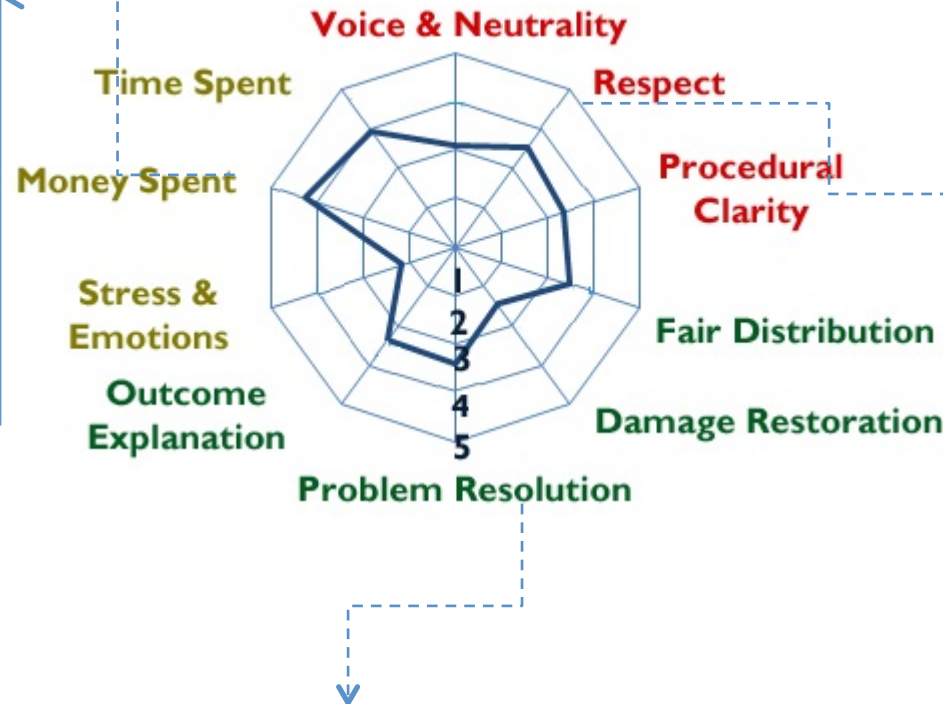
What was the price you paid in terms of money, time and effort?

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The Dimensions of Justice

Costs

Barriers make access to justice in Mali difficult. We ask the people how much money and time they spent and how much stress and negative emotions they experienced while resolving their justice needs.



On these spider webs 1 is a low (more negative) score, 5 is a high (more positive) score.

Process

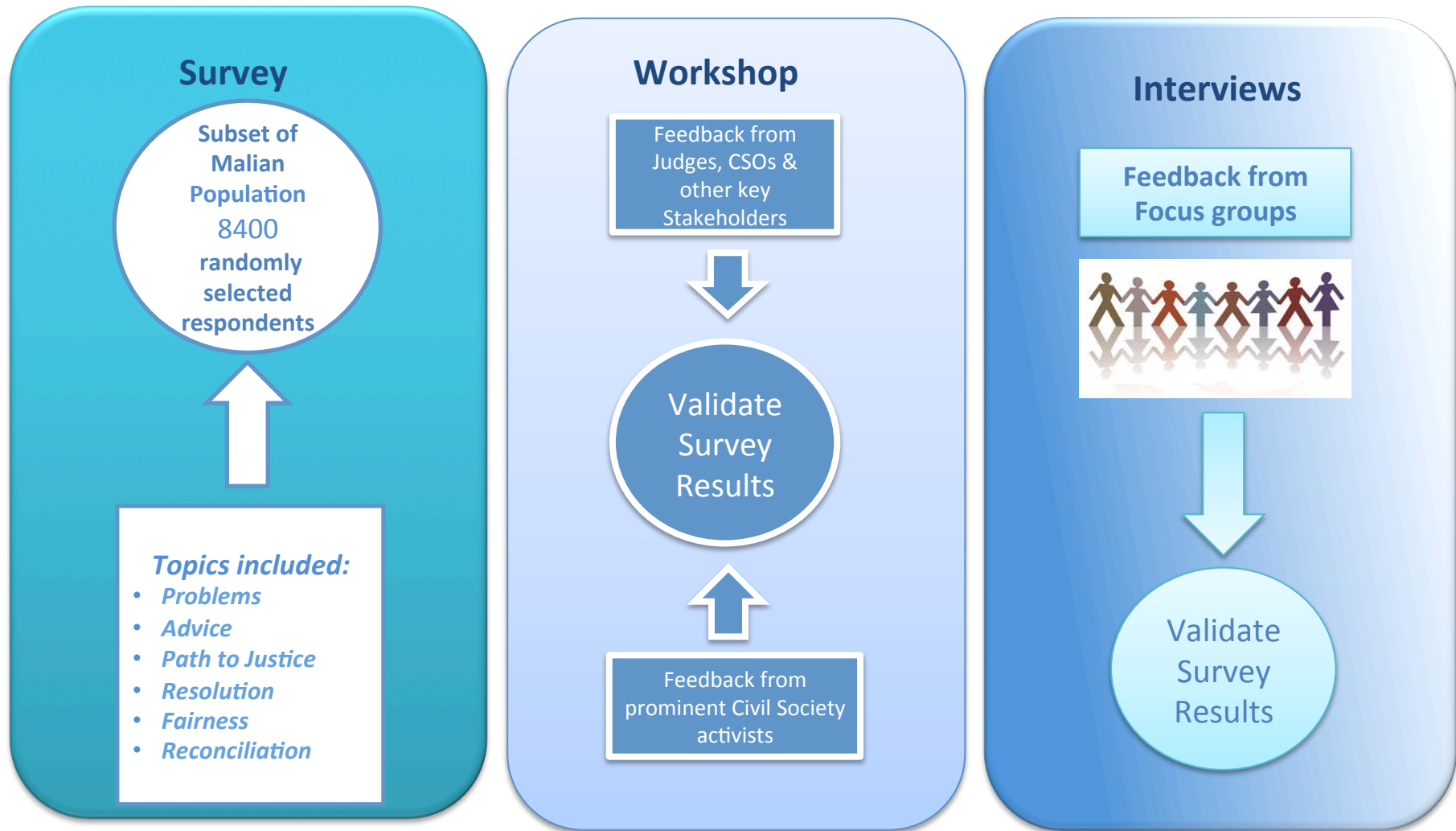
Voice & Neutrality, Respect and Procedural Clarity measure how Malians perceive the processes. We ask the respondents whether they were **able to express their concerns** while searching for justice. **How unbiased and objective** was the third party? To what extent the **same rules were applied to all disputants**? Whether the person seeking justice was treated with **respect and dignity**. Was the **justice process explained**?

Outcome

Our methodology asks the Malian people about four dimensions of the fairness of the result of a path to justice. Was the outcome **distributed fairly between** the people involved? Does it **restore** the harm inflicted by the justice need? Is the initial **problem resolved** through the justice process which is being evaluated? Was the **outcome explained and motivated**?

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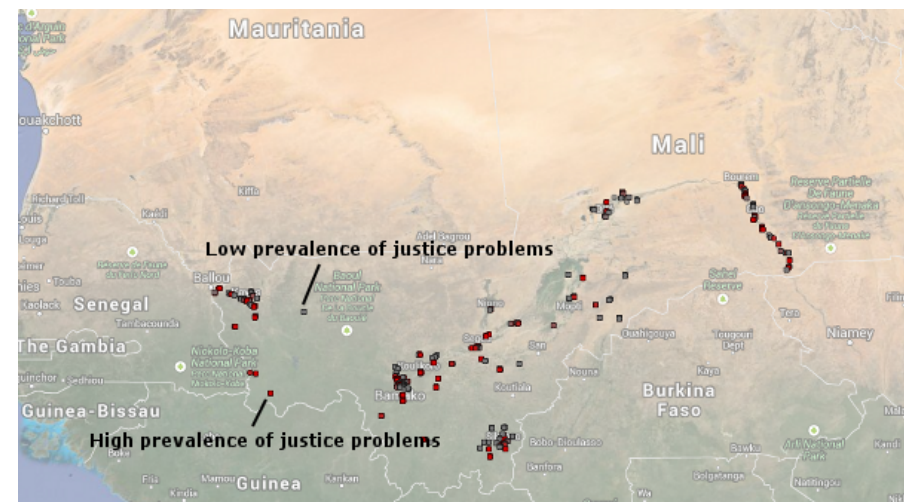
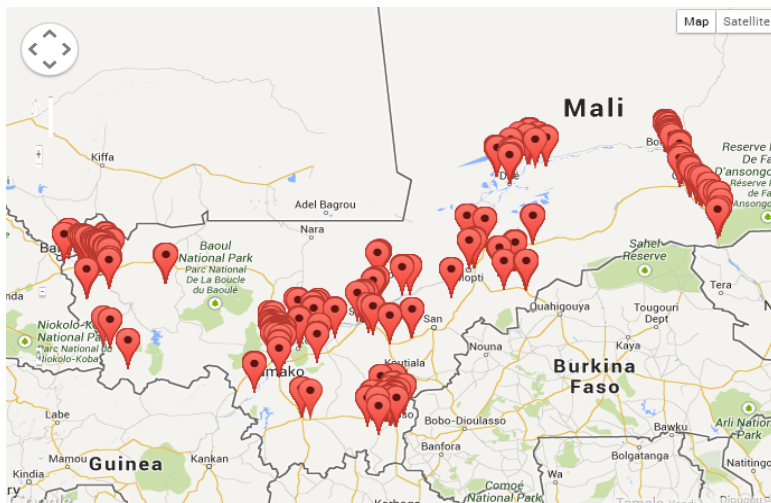
Research Methodology



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Mobile technologies streamlines data collection and assists justice programming decisions

- Mobile technologies have the ability to provide new insights into existing data sets. Clever visualizations allow quick discoveries of trends.
- Justice needs can be linked to specific locations which allows for a better understanding of the relationships between problems, people, communities and institutions.
- Visualized data highlights best practices within regions that can be applied elsewhere. Best practices are the most valuable if they come from a similar context.
- Information about specific locations allows for justice interventions to be more targeted and deliver greater value for money.
- Mobile technologies and GPS stamps improves the quality control of the data collection process.



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The data highlighted 91 different justice problems in Mali, in 14 categories. These correspond to the key relationships affecting economic and social well-being.

This report will explore 3 of these justice problems in depth.

The selection criteria we applied to select the justice problems are:

- Do these problems occur frequently in Mali?
- Does gender play a role in the problem?
- Are best practices and proven protocols readily available?
- Are 'quick wins' possible?

The selected problems are

- Land
- Family
- Employment

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Valuable lessons from the people of Mali

The people of Mali have shared their stories and have asked us to listen. Their stories opened a window into their daily lives and revealed the diverse injustices that they face. These accounts can guide decisions for more precise programming as the people of Mali know what works and what doesn't.

Malian citizens are self-helpers. They are confident in their ability to resolve justice problems. They now need better access to legal information and more transparent procedures. There is a culture of cooperation and collaborative problem solving present.

Many Malians resolve their problems within their families and with the other party. More can and should be done with this.

For most people in Mali - justice occurs outside of the courts and away from lawyers and judges.

The power of local communities is strong. This should be embraced. A great deal can be learnt from the informal justice mechanisms that are to be found here.

The message is clear:

A 'one-size-fits-all' or 'grand solution' for Malian justice will not work. Tackle problems one at a time, moving from category to category. Build on the strengths of existing dispute resolution mechanisms and help them become more responsive to the needs of the people.