



Helpdesk Research Report

Improving access to justice through information and communication technologies

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Question

Identify how information and communication technologies – including but not limited to mobile phone technology – have been used to improve access to justice in developing countries.

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1. Overview

This rapid literature review collates information about the use of information and communication technologies (ICTs) in access to justice initiatives. Access to justice initiatives support disadvantaged groups who face problems accessing justice institutions. These groups can be excluded because institutions are remote, slow and unaffordable, or because they are biased and discriminatory. Other barriers to justice occur when disadvantaged groups are not aware of their rights, or where justice institutions and processes are intimidating or unnecessarily complex. Access to justice initiatives can aim at: societal and cultural barriers (e.g. literacy); institutional barriers (e.g. limited legal assistance); or intersectional barriers (if societal and institutional barriers overlap) (e.g. corruption) (Beqiraj & McNamara, 2014).

ICTs include radio, television, phones, computers, and the internet. Access to justice initiatives using ICTs vary widely according to the objective of the project, the target group, and the provider. There is very limited literature which directly looks at the use of ICTs in access to justice initiatives, therefore where necessary this query uses some information from blogs. The literature that is available is mainly policy focussed or donor published.

Findings:

- Legal empowerment aims to enable citizens to actively use the law and shape it to their needs. Examples of **awareness-raising and legal education** initiatives using ICTs include: using television and radio talk shows to build links between the formal and informal justice systems; broadcasting documentaries on local television stations to promote gender equality; etc.
- Many justice systems have limited resources and capacity to provide information on rights and services. Examples of **capacity building initiatives** using ICTs include: the launching of a judicial website; training staff on how to include all citizens in justice initiatives; etc.
- In many countries basic information about legal rights or how justice institutions work is not publically available. Examples of **providing legal information** using ICTs include: using SMS-based initiatives to inform citizens of legal rights; using SMS-based judicial information systems to notify citizens and lawyers of court dates; etc.
- Where justice institutions are limited, legal aid and community paralegals provide services, Examples of ICT Initiatives to **support legal aid and community paralegals** include: using radio and television programmes to publicise available legal services.
- People living in remote areas are often unable to access state justice institutions. Examples of using ICTs to **link up remote areas** include: using mobile phones to collect and transmit evidence to courts; providing a free-phone number to contact the police; etc.
- Non-recognition of legal identity is a key obstacle to access to justice as it is often needed when claiming entitlements. Examples of initiatives that **register legal identity** using ICTs include: using portable registration kits to issue photo ID cards in remote areas; using SMS-technology to gather registration information; etc.
- Managing and resolving disputes through non-state dispute resolution mechanisms can help resolve disputes quicker and reduce the pressure on state resources. Examples of using ICTs

in **dispute resolution** include: providing low-cost mobile tools linking up informal and formal justice institutions; and using SMS-technology and GPS to manage land boundary disputes.

2. Legal empowerment

Legal empowerment is a key 'demand-side' response to addressing deficits in the rule of law. It entails extending legal provisions to the poor, and encouraging them to be more proactive in claiming their rights (Roseveare, 2013). Legal empowerment initiatives enable citizens in actively using the law and shaping it to their needs.

Awareness-raising and legal education initiatives using ICTs

UNDP's Access to Justice programme in Cambodia supports building links between the formal and informal justice systems, focussing on alternative dispute resolution mechanisms, and is targeted at the poor, women, and indigenous peoples (Liu & Calzaroni, 2010). ICT initiatives include **combined media (television and radio)** talk shows in a Community Legal Education Center. From 2007 to 2010 it had four television shows and 18 radio shows which included interviews and discussions with guest speakers from NGOs, international organisations and experts (Liu & Calzaroni, 2010).

The first of two topics discussed was indigenous people's livelihood and traditional rules. This included interviews with indigenous elders and video-documentaries of farming ceremonies to illustrate how traditional authorities solve conflicts in the villages. The Ministry of Justice, NGO and UNDP representatives featured as guest speakers. The second topic focussed on land rights and legal support provided to indigenous peoples (e.g. land registration), including national and international legal instruments supporting indigenous people's rights. The International Labour Organisation and the Community Legal Education Center were guest speakers (Liu & Calzaroni, 2010).

Another **television** initiative linking the formal and informal sector is the World Bank's Armenia Judicial Reform Project's television programme 'My Right'. The programme scored highly in Armenian public television ratings for two years, and was positively evaluated. The initiative also included a website providing legal information and a forum to ask legal experts from the Ministry of Justice questions (Maru, 2010).

Women and Girls Lead Global Partnership¹ is a three year media programme funded through a public-private partnership between USAID, Independent Television Service funds (ITVS), and the Ford Foundation. It has projects in eight countries aiming to **promote gender equality** and women's empowerment through a **documentary film series**. The documentaries are broadcast on local television stations. It additionally runs campaigns including the 'I Have a Story' campaign in Jordan which brings together youth and women together at **film clubs** to discuss gender based violence (USAID, n.d.).

¹ See - <http://www.usaid.gov/what-we-do/gender-equality-and-womens-empowerment/women-and-girls-lead-global>

Radio programmes are widely used in awareness raising. In Nigeria, members of the International Federation of Women Lawyers (FIDA) take part in radio programmes which inform women and the general public about rights (IBA Survey in Beqiraj & McNamara, 2014: 18). Another radio initiative in Nigeria is the **'reality' radio programme** (the 'Brekete Family Radio') which uses a public complaint forum or people's court model. People call in to report on issues of impunity and the panel sitting in the studio discusses the issues and invites the public to give advice to the complainants. Institutions of accountability in Nigeria are weak therefore the Brekete Family Radio has become a last resort for some Nigerians. It has succeeded in holding a large number of public officers to account and has achieved significant results – both real and perceived by those in the community – in combating impunity (Reinventing the rules blog in Beqiraj & McNamara, 2014: 23).

The UNDP Access to Justice Team in Timor-Leste disseminate information on domestic violence, advocating for the Domestic Violence Law, and develop outreach programmes to ensure the proper application of the law (e.g. by the Timorese National Police). ICT related activities include **radio** broadcasts.²

The high penetration of **mobile phones** in developing countries means they are useful mediums for access to justice initiatives. The Indigo Trust Foundation (in Beqiraj & McNamara, 2014: 19) explains an initiative in Nigeria which developed a free **mobile phone application ('app')** with: access to Nigeria's amended constitution; search functions; a legal directory and discussion forums. Similar apps have been developed for the constitutions of Zimbabwe, Ghana, India and Kenya.

Online resources, websites, e-magazines, social media and email provide forums to disseminate information about justice and rights. Actors in this area range from multilateral agencies like UNIFEM, to activists at local levels (Gurumurthy, 2004). The Association for Progressive Communications network programme aimed at improving government accountability for gender-based violence in the Republic of Congo. The programme involved improving documentation, reporting and monitoring of domestic and sexual violence and the responses of law enforcement agencies. Activities included using online ICT platforms and tools to publicise their findings and strengthen advocacy.³

3. Capacity building initiatives

Many justice systems have limited resources and capacity to provide information on rights and services. ICT's have been used to improve the administrative procedures of judicial systems, impacting on effectiveness, legal authorities' cooperation and access to justice. A document on Bhutan's government website (Dubgyur, n.d.) explains how the Justice Ministry, with support from UNDP, has made use of the **Internet** to tackle access to justice, including:

- The launching of a judicial website.
- Making the court system more accessible by making judgments, hearing calendar, court procedures and case information available online.

² See - <http://www.unv.org/en/current-highlight/un-volunteers-working-to-advance-social-justice/doc/improving-access-to-justice.html>

³ See - <http://www.apc.org/en/projects/holding-government-accountable-gender-based-violen>

- Setting up a web based judicial management system that in the future will be used to transfer court services onto the web (e.g. users will be able to find information about a case or procedure and fill in applications online).
- Providing local-area network (LAN) in the courts, and e-mail and Internet access in district courts.

Training of staff can be an effective way to inform justice providers on how to include all citizens in justice initiatives. In Cambodia, the World Bank's Justice for the Poor Program has supported training on media law and freedom of expression at the Cambodian Communications Institute (part of the Royal University of Phnom Penh). The programme has supported students to produce **radio documentaries** on issues related to law – past initiatives have looked at land disputes and the Khmer Rouge trials (Maru, 2010).

4. Legal information provision

In many countries basic information about legal rights or how justice institutions work is not publically available. Some only provide information in the national language, excluding those who speak other languages. Literacy, levels of education, and availability of technology also restrict access. This means that finding out what the law is can take time and can cost considerably (UNDP, 2008).

SMS-based initiatives are regularly used to provide legal information. The 'UmNyango project' in South Africa trialled using SMS to improve access to justice, among other objectives. The access to justice element involved setting up a 'SMS gateway for two-way communication' so that the project could SMS information to participants and vice versa. Areas were targeted that had Community Law and Rural Development Centres that could provide paralegal services (Naidoo, 2010).

Over four months 300 SMS were sent to the participants with legal information about a variety of issue areas, the areas relevant to access to justice included information about: the Domestic Violence Act and the Children's Rights Act (and how they can be used to protect the rights of victims); counselling and legal support; gender equality clause in the constitution; Labour Tenant Act, Extension of Security of Tenure Act; Communal Land Rights Act; Labour Relations Act, Employment Equity Act; Traditional Leadership and Governance Framework Act; right of women to inherit land, access and control of land by women; and participation by women in traditional structures (Naidoo, 2010).

The results found that the project contributed to greater attendances at paralegal workshops and it enhanced the reporting of gender-based violence and gender-based land discrimination. However, while the project sent many SMS, the project received very few requests for information and even fewer reports of gender-based violence. Naidoo (2010: 81) concludes 'this is an indication that SMS technology is not a good vehicle for doing this. It would seem that the participants prefer receiving further information from the paralegal and in fact would also prefer reporting violations against them face-to-face with a trusted person such as the para-legal'.

In Turkey, the Ministry of Justice's IT department developed an **SMS**-based judicial information system that provides case-related notifications for citizens and lawyers, and notifies people of upcoming court dates (UNDP, 2012). UNDP (2012) notes plans to use **SMS** services in India to inform citizens of when

mobile courts will be in their area. This should facilitate easier contact between public defenders and their clients and a better follow up on cases.

An Asia Foundation study based on surveys and focus groups on law and justice in Timor-Leste found that people's awareness of rights and the law came primarily through **TV and radio**. It found that creative campaigns dramatising legal messages through stories were more memorable than campaigns on specific legal or civic education topics (Everett, 2009). Among other initiatives, to improve knowledge of legal information, the Timor-Leste Ministry of Justice organised radio campaigns from 2004 to 2005, reaching over 60,000 people.

'**Non-formal legal education**' aims to support people to be more legally aware and self-sufficient. It often uses **television and radio**, among other mediums. UNDP (2008: 22) note that 'experience suggests the best approach to mass legal education is to use a mix of print media (both newspapers and pamphlets), posters, radio, and television, along with strategies that integrate legal information into popular entertainment such as comic books, soap operas, popular music, local theatre, and interactive, participatory activities.

Telecentres (or ICT centres) are public access points that provide ICT access, and some have information on legal issues and justice. Telecentres can be strategic spaces where information on the law (e.g. violence, religious law), on worker rights (e.g. minimum wages), and citizenship rights can be obtained (Gurumurthy, 2004).

Digital technology has been increasingly employed to disseminate general legal information and to provide informal legal education. However, the success of this solution is heavily dependent on the availability and access to such technology in specific countries and/or areas (Beqiraj & McNamara, 2014: 19).

5. Legal aid and community paralegals initiatives

In Western Nigeria the Public Defender and Centre for Citizens Rights provides free legal representation for women, children and the poor. It also uses **radio and television** programmes to educate the public about their rights. Over 400 people have accessed the Public Defender and Centre for Citizens Rights office. However, resources are stretched as the state's population is four million people, the office has just six lawyers, and litigation is costly (in Beqiraj & McNamara, 2014: 23).

6. Remote access to justice services

In the Democratic Republic of Congo, a **mobile phone** initiative helps women collect evidence, and record and transmit testimony via a mobile device, in an effort to bring perpetrators to justice. In regions where courts do not exist, victims of violence can send text messages to towns with a functioning judiciary and have their cases heard (UNDP, 2012).

Other examples of legal service provided by ICTs include: The West African mobile network operator MTN's free public phone number to report crime to the police, or to get information about crime-related issues (similar to the UK's '999' service); and virtual courts in Kenya using video teleconference technology to link a judge to people in remote areas.⁴

7. Legal identity

Non-recognition of legal identity is a key obstacle to access to justice as it is often needed when claiming entitlements (e.g. healthcare, education), buying land, accessing financial services, and getting a licence to practise a profession. The root of the problem is lack of registration at birth. Mobile phones and web-based tools can be used to allow individuals to register directly, and to help transfer registration details from local to national centres (Beqiraj & McNamara, 2014).

Examples of legal identity initiatives using ICTs:

- In the Democratic Republic of Congo, UNDP and the UN Mission to Congo succeeded in registering approximately 25.7 million Congolese in 2006 for the prospective national elections. They did this by using planes, boats, trucks, canoes, and carts to distribute registration kits, each of which contained a **laptop**, fingerprinting materials, and a **digital camera** so that photo ID cards could be issued on the spot (Paldi in UNDP, 2008).
- In Nigeria, **SMS** is used to gather registration information from around the country on a two-week basis, supporting the National Population Commission to introduce interventions in low-performing areas (UNICEF 2013 in Beqiraj & McNamara, 2014).
- In Albania, Kosovo and Pakistan **geo-mapping** technologies have facilitated the collection and visualisation of birth registration data (UNICEF 2013 in Beqiraj & McNamara, 2014).
- The Namibian government, with UNICEF support, has set up annual mobile registration campaigns in remote communities (UNICEF 2013 in Beqiraj & McNamara, 2014).

8. Dispute resolution

Managing and resolving disputes through non-state dispute resolution mechanisms can help resolve disputes quicker and reduce the pressure on state resources. Also, in many places the main institutions dealing with disputes are not part of the state. Instead, these functions may be carried out by a variety of traditional, customary, religious and informal systems. Such systems can be more relevant and accessible for poor people than state institutions although they may reinforce local power inequities, patterns of social exclusion and human rights violations (Crichton, Scott & Haider).

Open-source **software** can help strengthen judicial communication systems and access. The company FrontlineSMS builds and distributes low-cost mobile tools to help communities access legal services

⁴ See - <http://katekrontiris.com/post/6303019243/on-the-many-manifestations-of-mobile-justice>

at a distance. It especially focusses on linking up formal systems with community based dispute resolution mechanisms.⁵

In Bolivian law, communities define land boundaries by consensus and then these are formally recognised by government. However, when there are disputed boundaries, landowners and long distances can make the procedure time-consuming and costly. A project started in 2009 by Mercy Corps and Fundación Tierra provided mobile phones to participants in seven targeted communities in Bolivia to allow them to record GPS points to map land boundaries. The community members then view the mapping of the GPS points on a large screen and discuss the boundaries. The project has reduced costs and litigation. However, challenges include: variable levels of computer literacy; irregular mobile phone service; and, as indigenous languages are often spoken but not written, some participants are unable to send text with the GPS points. To address these issues a free support phone line has been created. Similar programmes have been implemented in Kenya, Uganda and Indonesia (In Beqiraj & McNamara, 2014: 23).

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