Legal Empowerment of vulnerable people: Microjustice4All Legal Inclusion Mapping & Empowerment Methods

Start in your country of interest legal empowerment!

April 2019
Why: Mission Statement

• The mission of Microjustice4All is to legally empower marginalized people and victims of humanitarian disaster in order to achieve their legal inclusion.

• MJ4All believes that legal inclusion of all individuals and groups in society is a prerequisite for sustainable peace, democracy, and further development.
Global Goal for Sustainable Development 16 (SDG 16) provides an opportunity to get the legal empowerment work on the international agenda:

(A) *To promote peaceful and inclusive societies for sustainable development,*

(B) *Provide access to justice for all,* and

(C) *Build effective, accountable and inclusive institutions at all levels*

Legal Inclusion is a central issue in these 3 objectives which can be measured through a legal inclusion indicator framework.
How : Legal Inclusion Program – 3 parts

I. **Legal Inclusion Mapping** per country
   to make legal exclusion tangible and actionable, making clear what issues need to be addressed for inclusion of the excluded groups

II. **The Comprehensive Legal Empowerment Plan** per country for legal empowerment of the marginalized groups within their country

III. **Providing a progress monitoring framework for the implementation of SDG 16** per country
WHERE? – the MJ4All Network

THE HAGUE, THE NETHERLANDS
Microjustice4All

MICROJUSTICE LATIN AMERICA
Bolivia
Perú
Argentina

WESTERN BALKAN
Croatia
Serbia

MICROJUSTICE EAST AFRICA
Kenya
Rwanda
Uganda
Key Performance Indicators per 31 October 2017

(1) The Case Management System of MJ4All (CMS) is the source of information of these numbers.
(2) The numbers are based on the reports of the MJ4All Country Organizations, The CMS is not the information source.
(3) Consults = provided personal legal advice (which is free).
(4) Case = Legal solution developed by the lawyers of a MJ4All Country Organization (for a fee on a cost basis).
(5) Events = Legal training, awareness raising on legal rights, community working, etc.
Timeline Microjustice4All

2017
- Global Legal Inclusion Program for worldwide expansion
- Publication MJ4All Methodology Handbook & MJ4All Handbook for Humanitarian Crises

2014
- Wider recognition of MJ4All
  - Humanitarian Innovation Fund piloting MJ4All
  - Cordaid Scale-up Award
  - Sustainable Development Goal 16

2012
- Name change to Microjustice4All

2010
- Establishment of Microjustice Argentina

2009
- Publication Microjustice Handbook - Initial Experiences & Best Practices in Bolivia, Peru and Croatia/Serbia

2008
- Establishment of Microjustice Peru: replication of the MJ4All Method

2006-present
- Smaller scale legal rehabilitation services in the former Yugoslavia

1997-2005
- Large-scale legal rehabilitation programmes in former Yugoslavia and assessment missions of legal rehabilitation in Sudan, Colombia, Iraq and Georgia/South Ossetia

1996
- Established as International Alliances working in former Yugoslavia
Start Microjustice4All in the Former Yugoslavia with cross-border Legal Empowerment Program for the post-war legal rehabilitation of the refugees

Solved Catch 22 situation of the refugees
• through cross-border legal services
• with network of lawyers and paralegals across-borders

97-2006 hundred thousands legal and administrative issues resolved related to identity, property, banking, pensions, housing, reconstruction programs, etcetera

As of 2007 smaller scale; now 400 cases per year
Microjustice4All Sustainable Legal Empowerment Methodology developed as of 2006/7

1. 97-2006 cross border legal aid in the post-war rehabilitation of the former Yugoslavia was a **humanitarian program, fully funded by the donors**

2. Assessment missions in Sudan, Georgia, Iraq, Colombia showed that arranging basic legal needs is needed everywhere for the victims of conflict and marginalized groups but that no-one is structurally doing this, and no budget lines are available.

3. With the goal to expand globally and to become sustainable: started to develop the Microjustice4All Legal Empowerment Methodology:
   - inspired by Microfinance, legal services for the poor, with a sustainable model, where legal services are delivered with economies of scale, as a product.
   - developing the issues that were also being defined by the Report of the Commission on the Legal Empowerment of the Poor 2008
   - Start in Bolivia to develop the method in practice in 2007.
Microjusticia Bolivia – since 2007

The aim: the marginalized groups access to social-economic, political empowerment policies:

1. New state pension and other social benefits. To access these, MJB has helped 10,000s people to obtain correct Civil Documentation.

2. Housing-property registration program promulgated by Government to ease the procedure; MJB has massively prepared the paperwork for people to get correct property registration.

3. Government empowers the Indigenous communities; MJB helps all over Altiplano (highlands) leaders to get correct civil documents and legal personality to be able to participate and access government programs. Very difficult, institutions put up so many obstacles.
Legal Empowerment Methodology (1 of 4)

Key basic legal needs for Legal Inclusion

MJ4All focuses on **non-litigious private and administrative legal matters**. MJ4All offers **practical, legal solutions** which often takes the form of a legal document, in the issues identified as well by the Commission for the Legal Empowerment of the Poor:

- **Civil documents**: birth certificates and other documents relating to personal identity;
- **Documents relating to property and housing**: property registration, property transfer;
- **Documents and issues relating to income-generating activities**: setting up businesses, co-operatives and other legal entities;
- **Documents and issues relating to family law and inheritance matters**; and
- **Documents and issues relevant to the specific geographic context**, for example, post-conflict, natural disasters, refugee crises and environmental issues.
Legal Empowerment Methodology (2 of 4)

What is the essence?

The limbs of the MJ4All Concept in practice:

• The provision of standardized legal services
• To marginalized target groups
• With a view to their social, economic and political inclusion
• While undertaking bottom-up institutional capacity-building, and building a bridge between the people and their government
• Financed in a cost-efficient and sustainable way which can be scaled up; business case
<table>
<thead>
<tr>
<th></th>
<th>Business Case</th>
<th>Distribution</th>
<th>Marketing</th>
<th>Product development</th>
<th>HR/Social/support</th>
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</thead>
<tbody>
<tr>
<td>1</td>
<td>Write business case</td>
<td>Logistical plan</td>
<td>Write strategy</td>
<td>Choose Products</td>
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<td>2</td>
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<td>Setup core team</td>
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<td>5</td>
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<td>Setup distribution network</td>
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<td>6</td>
<td></td>
<td></td>
<td>Analyse findings &amp; improve</td>
<td>Setup ICT systems</td>
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<tr>
<td>7</td>
<td>Go live Stage 1: Pilot</td>
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<td>Start marketing</td>
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<td>8</td>
<td>Evaluation</td>
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<tr>
<td>9</td>
<td>Adjust pricing</td>
<td>Expand network</td>
<td>Analyse findings</td>
<td>Improve products</td>
<td>Implement changes &amp; Expand network</td>
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<td>10</td>
<td>Go live Stage 2: sustainability</td>
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<td>11</td>
<td>Evaluation</td>
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<td>12</td>
<td>Implement findings/make adjustments</td>
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<td>13</td>
<td>Handover</td>
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<td>14</td>
<td>Go live stage 3: Independent</td>
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The “Value Added” of the Legal Inclusion Program:

• People’s focus; the excluded people are the point of departure for mapping the legal system and institutional framework of a country, connected to concrete practical recommendations and Programs on how to enhance their legal inclusion.

• Technical legal approach: ‘big injustice’ is cut into bite-sized pieces that can be solved. The low-hanging fruit are tackled first, developing simple legal solutions before embarking on the more complex ones.

• Sustainability and quality guaranteed through standardized legal services in basic legal needs in civil and administrative law issues, provided with economies of scale for an affordable price.
The big Challenge towards the future: to get Legal Empowerment work on the international priority Agenda

As structural implementation of Legal Empowerment of the ‘excluded’ was a forgotten issue, MJ4All just started to develop a sustainable business model for a Legal Empowerment Program, allowing to independently develop a sustainable Legal Empowerment Methodology.

The world is now ready for this legal inclusion approach with the UN Sustainable Development Goal Agenda 2030 and more specifically SDG 16.
1997-2017 – the MJ4All legal empowerment method has been

• Developed to foresee in basic legal needs of all (not necessarily linked to a court procedure) through a sustainable business model
• Tested in three continents and proven to be successful

As of 2018 with the Legal Inclusion Program

• Country-specific mapping of legal inclusion with stakeholders around the globe
• Define and implement country-specific Comprehensive Legal Empowerment Plans to identified include the marginalized groups
• Support implementation of SDG 16
The Legal Inclusion Program (started in 2018)

I. Legal Inclusion Mapping per country
to make legal exclusion tangible and actionable, making clear what issues need to be addressed for inclusion of the excluded groups

II. The Comprehensive Legal Empowerment Plan per country for legal empowerment of the marginalized groups within their country

III. Providing a progress monitoring framework for the implementation of SDG 16 per country
Legal Inclusion is the result of easy legal interactions between the actors: State – People – Legal Assistance
## Legal Inclusion Mapping Method (2 of 4) Indicator Framework for mapping

<table>
<thead>
<tr>
<th>Agents of legal interactions</th>
<th>Mapping legal inclusion: indicators on country level</th>
<th>Mapping inclusion situation of Excluded Groups per group</th>
<th>SDG 16</th>
</tr>
</thead>
</table>
| People                      | Society:  
  • Poverty level  
  • Education Level  
  • Groups at risk | Description of the vulnerability of the specific excluded group | Peaceful and Inclusive Societies for Sustainable Development |
| State                       | Accessibility, affordability, transparency and quality of the legal and institutional framework | Legal and Institutional framework applied to the specific group, and research into the legal tools available for their legal empowerment | Effective, accountable and inclusive institutions on all levels |
| Legal Assistance            | Accessibility and quality of legal assistance | Legal assistance available per excluded group | Access to Justice for All |

### Outputs

Comprehensive Legal Empowerment Plan to achieve Legal Inclusion with the stakeholders:
- Recommendations for legal empowerment at the state level
- Legal Empowerment Service Provision for excluded groups

Implementation Tool & Progress Monitoring Framework for SDG 16
Legal Inclusion Mapping Method (3 of 4)
Mapping & Measuring per country

Applied research:
1) Identifying the excluded communities;
2) Their legal needs in relationship to their exclusion;
3) the legal-institutional framework related to those rights,
4) the accessibility in practice and the obstacles, including accessibility of legal services
5) what is needed to include these people (recommendations), leading to the Comprehensive Legal Empowerment Plan
Legal Inclusion Mapping Method (4 of 4)

1. Choose country

- Desk research
- Interviews stakeholders internationally
- Visit to country and field mission

No Partner Identified
- Report 1
- Wait till partner

Partner Identified
- Report 1
- Go/no go

Go
- Phase 2 and/or LEP

No Go
II Output of the Mapping: Legal Empowerment
Plan for the country

• Institutional Capacity Building Activities:
  to make the legal and administrative system of a country more effective, accountable and inclusive for all its inhabitants

• Legal Empowerment Programs
  Formulation, funding and implementation of Legal Empowerment Programs, first on pilot-scale
Example: Legal Inclusion Mapping and empowerment plan in Kenya

• Main finding was that large part of the population is legally excluded due to lack of accessible and affordable quality legal services, specially in rural areas
• Land related issues is concern number 1 with women as the primary excluded group
• Simplification and digitisation of the administrative-legal answer has started as an answer to many obstacles, and needs to be further implemented
• We met Legal Resources Foundation as the partner to set up a sustainable infrastructure for legal service provision
• Empowerment Plan developed with LRF:
  - to start with 3 products: child maintenance, marriage certificate, title deed transfer and test the products in the field through the field offices of LRF
  - Gradually increase the number of services and distribution
  - Set up Legal Resources Centres throughout Kenya
Example: Bolivia Legal Inclusion Mapping – main findings

• The current Constitution of the Pluri-national State of Bolivia (2010) recognizes the rights of the most vulnerable groups of society, especially the indigenous. The Government of Evo Morales that is in power since 2006 has been making serious efforts to include the marginalized groups by creating social policies and programs, consisting of economic benefits, pensions and subsidies.

• To access these social policies, the basic requirements are paper related to identity, property, marital status and others, which marginalized people in general do not have in order, and which, due to a lack of legal empowerment, are unable to obtain them. As a result of their legal exclusion, in practice they do not access these social programs.
Example: Recommended Legal Empowerment Plan Bolivia

• To set up a national legal services program to access basic legal needs and legally empower the marginalized people,

• To make the judicial and administrative legal system in Bolivia more efficient and transparent; through simplification and digitalization of all judicial and administrative processes

• To open a cooperation between the groups involved in the process of legal inclusion for all: Government, relevant institutions and legal service providers
III Progress monitoring framework for the implementation of SDG 16 per country

• The Comprehensive Legal Empowerment Plan for a country is developed to achieve 100% legal inclusion by 2030.

• In year one the Comprehensive Legal Empowerment Plan is piloted through a smaller scale Legal Empowerment Program (LEP)

• On the basis of the results of the pilot LEP, an activity plan will be developed until 2030, providing a framework for monitoring progress.
MJ4All seeks partnerships to deploy the mapping and the sustainable empowerment program

- **Legal Inclusion Mapping**
  - Role MJ4All: expertise in research, mapping tools & methodology
  - Role partner: network, local knowledge on issues and legal framework

- **Sustainable Empowerment program**
  - Role MJ4All: start up funding pilot, methods, formats, handbooks, tools and advisory help “not reinvent the wheel”
  - Role partner organization: marketing & business plan, run the program from pilot stage to sustainability stage

Funding needs to be secured in partnership
Questions: How to start a LIM in other countries

• What are topics in access to justice in your country; what basic legal needs do people or specific groups have?
• Which vulnerable groups in your country?
• How is the administrative-legal framework organized in your country related to the basic legal needs of vulnerable people?
• What legal service provision is available?
• Which current activities to address the issues & which parties involved?
• How can research method LIM help to address the issue?
• Who is the go-to-contact in your country ? and how to support you in this step?
Questions: How to set up Legal Empowerment Program?

• Which issues for which groups?
• Key question ! ? for which legal services would people (fee for the service) or stakeholders (donors and/or state agencies) be able and willing to pay?
Next steps: Call for Action?!

- MJ4All is an organization that has been working over 20 years:
  - Role/support of MJ4All, role of country (partner organization)
  - Operational excellent proof standards & process maps
- How to do LIM and LEP in country of your interest: supporting role MJ4All, providing handbooks and tools
- Your action & your support needed
Do you want to know more?

- Please go to www.microjustice4all.org
- Or email: pvnispen@microjustice4all.org
- We are very happy to help to do legal inclusion mappings any where in the world with the developed handbooks and toolkits. This will be the start of important legal empowerment activities in your country!
MICROJUSTICE4ALL

LAAN VAN MEERDERVOORT 70, 2518 AD THE HAGUE
THE NETHERLANDS
www.microjustice4all.org
pvnispen@microjustice4All.org
+31 (6) 51 11 27 38