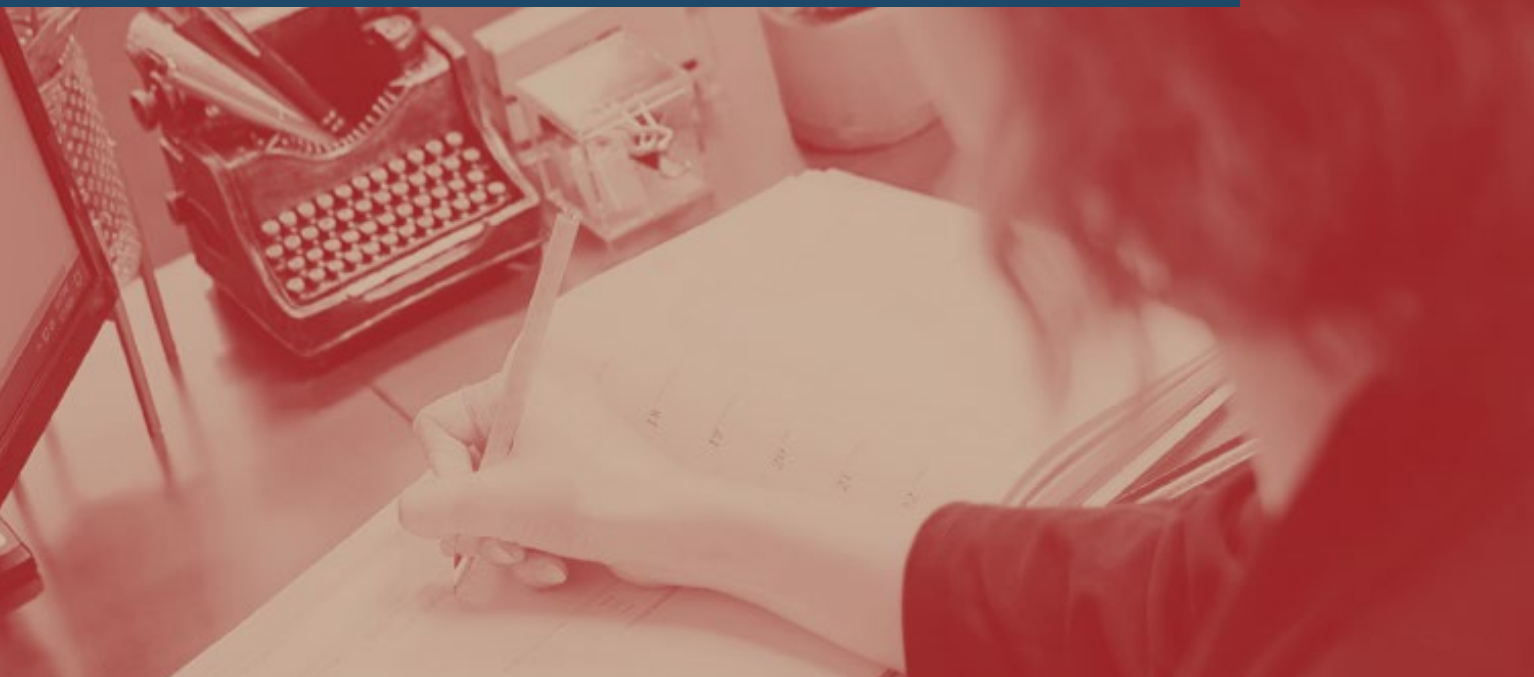


People-Centered Justice:

AN APPROACH TO STRATEGY, POLICY AND PROGRAM DEVELOPMENT

*POLICYMAKERS AND OTHER
STAKEHOLDERS ENGAGED IN
INSTITUTIONAL REFORM*



Acknowledgements

This paper was commissioned by the Pathfinders for Peaceful, Just and Inclusive Societies (hosted by the NYU Center on International Cooperation), with funding from the Netherlands Ministry of Foreign Affairs and the Charles Stewart Mott Foundation.

Pathfinders is grateful to Djordje Djordjevic, Swati Mehta, Laura Ospina, Themba Mahleka, Nate Edwards and Leah Guyot; and to peer reviewers Eveline de Bruijn and Fernando Marani, whose feedback helped shape and enrich the paper. Pathfinders is also grateful to Justice Canada, the Netherlands Ministry of Foreign Affairs, the Charles Stewart Mott Foundation, the US Agency for International Development, UNDP, and the Overseas Development Institute (ODI Global) for their feedback on earlier drafts of these practice notes.

Thanks also to Mark Weston for copyediting and Ben Brockbank for design, and Thibault Chareton and Symphony Chau for editorial support.

About this Publication

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Pathfinders for Peaceful, Just and Inclusive Societies, “People-Centered Justice, An Approach to Strategy, Policy and Program Development: Getting Started—Practice Note 5, Policymakers and Other Stakeholders Engaged in Institutional Reform,” NYU Center on International Cooperation, November 2025, sdg16.plus/justice.

Getting Started: A Checklist for Policymakers and Other Stakeholders Engaged in (Justice) Institutional Reform and Interested in Pivoting to People-Centered Justice



CHECKLIST: Reorient strategic goals of reform



- ☐ **Analyze previous and ongoing institutional reform strategies** in the country and assess their goals and impact, **using a people-centered lens**. Focus on service delivery to address the justice gap, in the light of a realistic resource envelope.
- ☐ **Map and use available data on legal needs and service delivery** of formal justice institutions to inform reform. Promote data collection, evidence-based reform planning, and the implementation of monitoring, evaluation, and learning mechanisms.
- ☐ **Develop a context-specific business case** for promoting people-centered institutional reforms involving government line ministries and agencies, the judiciary, and associated service providers. Ensure the inclusive participation of the Bar and users' associations, CSOs, the private sector, academia, and the international community, among other stakeholders.
- ☐ **Reform local and national justice institutions** to enhance justice service delivery, using a comprehensive analysis of formal and informal justice providers to identify challenges and opportunities.



CHECKLIST: Take a user-centered approach to institutional reform



- ☐ Support the improvement of people's justice journeys by emphasizing a user-centered approach to reform of justice institutions:
 - ☒ **Conduct user satisfaction surveys to inform improved service delivery.** Understand users' experience of interacting with institutions. Encourage and support regular user satisfaction surveys and ensure that survey findings inform how service is delivered.
 - ☒ **Simplify court procedures.** Explore and test innovative context-specific solutions for simplifying and streamlining court procedures, sharing relevant information and guiding users through their legal process.
 - ☒ **Train staff to be user-friendly.** Train staff involved in the administration of justice in user-friendly conduct, and establish related codes of conduct and complaint mechanisms—to ensure dignified treatment of users and accommodation of special needs. Promote and facilitate the use of services for vulnerable people who are most at risk of being left behind.

- **Bring services closer to the users.** Consider innovative solutions to bring services within physical proximity to users, especially in remote areas, by expanding the reach of the court network, creating mobile courts and legal aid services, providing access to legal information, broadening the type of available services, and reducing costs at the local level.
- Improve access and efficiency of justice services through the equitable and innovative use of information technology:
 - **Map capacities and access.** Understand providers' and users' behavior and technological skills, IT infrastructure and access of the public to digital technology as a basis for problem-solving
 - **Use information technology effectively to address problems.** Use court digitalization or automation, integrated electronic file management systems, or artificial intelligence to equitably address problems or bottlenecks in service delivery.
 - **Ensure that IT reforms are equitable.** Assess risks associated with IT reforms of justice administration such as inequities in digital access and the protection of users' privacy, and develop protective regulations.



CHECKLIST: Build trust through local engagement, participation and civil oversight



- Support people's participation and partnerships with local communities to build trust in justice institutions:
 - Ensure institutional reforms are carried out in consultation with all stakeholders and representatives of relevant user groups, with regular public outreach throughout the process.
 - Support the introduction and strengthening of existing complaint and oversight mechanisms to improve public participation in justice system accountability as well as the transparency of service provision.
 - Support the reform of local justice institutions by facilitating and incorporating, as appropriate, interventions of informal justice providers and other relevant state services, while maintaining community engagement in reform design and implementation.
 - Plan reforms of local justice institutions with provisions for community participation, testing and refining reforms in other parts of the country, and developing a nation-wide model for institutional and financial sustainability of such local justice services. Advance policies of experimentation and piloting efforts, with built-in feedback loops, to improve access to justice. This can encourage innovation and opportunities to scale.

Introduction and Objectives

This Practice Note is part of a series developed for different justice actors and service providers to support the transition to a people-centered approach to justice and reduce the justice gap. Such a transition is in line with SDG16.3 which seeks to promote the rule of law at the national and international levels and ensure equal access to justice for all.

People-centered justice is a context-specific approach, prioritizing the prevention and effective resolution of people's justice problems by putting people and their needs at the center of justice systems, priorities, policies and interventions. While a 'one-size-fits-all' methodology for delivering people-centered justice is not possible, we have developed a series of practice notes to support key justice stakeholders in implementing the approach.

This note is intended to serve a variety of actors working on **institutional reforms** with the goal of advancing justice service delivery. It is designed to be read in conjunction with the series' **introductory note**, which discusses the concept of people-centered justice and outlines key interventions needed for its implementation. Other practice notes respectively target: (1) judiciaries, (2) Ministries of Justice, (3) external funders, and (4) international program implementors.

Towards a People-Centered Approach to Institutional Justice Reform

Justice sector reform initiatives have traditionally been top-down institutional reform initiatives, often focused on constitutional and legislative changes, capacity building, and in some cases including coordination between formal justice institutions.¹ Planned interventions often start with constitution-making to improve the protection of constitutional rights or technical assistance for legislative reform including the introduction and application of international laws and standards.

Typically, the largest investments of international assistance are used for the capacity development of departments and units within ministries of justice, the judiciary, and other relevant line ministries. Capacity development can include legislative drafting, policymaking, and creating standard operating procedures; supporting infrastructure and the improvement of the administration of justice, including courts, police stations and correctional facilities; and creating judicial and other professional training facilities. Addressing broader access to justice issues and the provision of services, including administration of legal aid and support for informal providers, receives less attention.²

International assistance attempts to target local justice efforts by supporting, for example, capacity development for district and municipal courts, law enforcement and other justice mechanisms or services. However, such assistance is usually only for small-scale pilots that are tested in select underserved localities and communities. Barring a few exceptions, they are often discontinued or fail to be scaled up into national programs for local justice institutions and services.

Top-down interventions often operate under the implicit assumption that they will result in improved service delivery for the people. However, evaluations of programming over the past 20 years have concluded that this assumption does not hold and that the top-down approach to justice reform has not resulted in significant impact for the system's users.³ Another limitation of focusing solely on reforms at the institutional level is that, globally, only 10-20 percent of justice seekers resolve their legal problems through formal justice systems.⁴ This is not to say that institutional reform should be taken off the agenda of people-centered justice.

On the contrary, strategic coordination at national level and formal institutions and service providers are vital for any effort to scale up access to justice for the largest segments of a population.

For support focused on institutional reform and capacity development at the national level, it can be beneficial for external funders to approach reform in a nuanced way that reflects a deep understanding of contextual determinants of change, with the expectation that improvements in institutional performance may be gradual, progress will occur in a non-linear form and are unlikely to result in speedy improvements in service delivery. In such cases, therefore, policy makers/funders must be committed to long-term support to ensure sustainability and impact. Ideally, these efforts must also take a people-centered lens and be accompanied with a focus on service delivery at the local level. This note suggests some key elements for making institutional reform people centered. These efforts are guided by the goal of reaching more justice seekers, addressing and preventing the most common justice problems, making service delivery cost-effective, and integrating the services provided by informal justice actors with those of the formal sector.

Entry Points for Action

Recognizing that each context is different, below is a suggested list of potential entry points for action by actors engaged in (justice) institutional reform.



Reorient strategic goals of the reform

The overall objective of justice reform must be geared towards better addressing people's justice needs. Reforms must, therefore, be informed by a comprehensive needs assessment of people's justice problems and their experiences in trying to prevent and resolve those problems (justice journeys), and of gaps in justice service delivery. Evidence-based approaches help to monitor justice seekers' satisfaction with service provision. They also illuminate other progressive or regressive trends, helping policymakers to evaluate the overall trajectory of reforms in quantitative and qualitative terms and to make necessary adjustments.⁵

Lack of justice: whose problem is it?

The 'justice gap problem' can lack an institutional home and political champion in an institutionally complex and fragmented sector. Constitutionally independent judiciaries tend to be concerned with processing cases within the judicial system, rather than broader issues of addressing disputes, conflicts and grievances and preventing them coming to court in the first place; ministries of justice tend to focus on providing legal advice and representation to the government in addition to leading prosecutorial services and in some case legal aid; some key front line/community-based justice services are provided outside government (e.g., legal advice and assistance by civil society organizations); and other front line/community-based services (such as local courts or mediation services) tend to be under the auspices of ministries traditionally seen as outside the justice sector (such as ministries of local government).

Political leadership in the sector is often drawn from senior lawyers and judges, who often have limited experience and/or interest in engaging with front line/community-based service provision. Service provision can be highly regulated and restrictive (with only lawyers permitted to provide justice services) making scaled-up front line services unaffordable for individuals and for the country as a whole.

Typically, the justice sector lacks both the institutional architecture to drive change, and credible, costed, and prioritized plans for scaling-up front line/community-based justice services. Thus, sectoral restructuring and regulatory reform are needed for affordable, scaled-up front-line/community services.

Although not the kind of sector-wide, systemic and holistic reforms that are needed to effectively close the justice gap, below are some examples of people-centered institutional and regulatory reform:

- Reforms focused on legal information, people's participation, local ownership, and oversight to increase public trust in the justice system.
- Improved legal aid systems which empower people and link them to a broad range of services including psychosocial support.
- Legal recognition of customary and informal systems, including paralegals, and linking them with formal systems to ensure rights protection.
- Context-specific online service provision and the digitalization of court systems to enhance access and efficiency.



Take a user-centered approach to institutional reform

The recognition that poorly designed court procedures can alienate people as they try to resolve their justice problems gave rise to a movement for user-friendly court services. Research on procedural justice, looking at people's experiences with dispute resolution, shows that in some instances, justice seekers can value the quality of the legal process more than the outcome of case itself.⁶ People's justice journeys, irrespective of whether they occur within formal justice institutions or with informal providers, can be affected by many different factors. Experiences vary based on the duration of the process; the cost of services; personal interactions and respectful treatment during the process; access to information and developing adequate expectations regarding the process and outcome; proximity of courts and facilities, and associated travel time and transportation costs; accommodation of specific needs including related to protection, social and cultural sensitivities, disability, language barriers, etc. Collect data to understand user experiences of trying to seek services using justice institutions and improve those experiences based on evidence of what works. This could include simplifying legal and court procedures, sharing relevant information with users, and guiding them through their legal processes. The justice administrators should be trained to be user-friendly. Justice services should be brought closer to the people by partnering with local justice providers, experimenting with mobile courts and alternate dispute resolution mechanisms, and finding other innovative and equitable ways to reduce time and costs for users including through the use of technology as appropriate.



Build trust through participation and civil oversight

Reform processes require greater stakeholder engagement to ensure implementation at the local level. Activities such as creating opportunities for the meaningful engagement of people to take part in reform initiatives and partnering with communities to run local innovative solutions for access to justice help to contribute to trust-building between justice institutions and their users.

Participation in reform processes can take many forms, including public consultations on the reform proposals at the national level;⁷ monitoring the implementation of reforms;⁸ instituting complaint mechanisms to strengthen the accountability of justice institutions including the judiciary;⁹ creating civilian oversight of policing;¹⁰ court outreach to underserved¹¹ or conflict-affected communities, and participation through educational institutions.¹²

Users' Committees (CUCs) in Kenya are an example of an inclusive decision-making mechanism. These are decision-making forums consisting of state and non-state actors who are involved in locally-administered justice. Over 200 such local CUCs were introduced in Kenya, focused on particular jurisdictions or special types of justice problems including those related to children, employment, commercial justice, and environmental or land justice.¹³

Ghana provides another good example of a justice initiative that incorporates effective multistakeholder engagement. There, a community-led initiative for women's access to justice was implemented in coordination between the police victims' unit, the national commission for human rights, and the department of social welfare, which has been successful in combating child marriages.¹⁴

Key stakeholders who should be meaningfully engaged in justice reform include (but are not limited to):

- Civil society justice service providers
- Frontline workers (for example, community paralegals)
- Informal and customary justice providers
- Alternative dispute resolution mediators
- Bar associations, court users' associations¹⁵
- Victim and survivor associations
- Community leaders
- National human rights commissions
- Ombudspersons
- Other independent oversight and complaint mechanisms



Engage at the local level and support local ownership

People-centered institutional and regulatory reforms should include a focus on service delivery at the local level. Effective justice service delivery needs to foster local ownership and generate innovative solutions, based on an understanding of local social conditions and cultural norms.¹⁶ Focusing on providing front line/community-based services tends to yield more tangible benefits for the communities that the justice sector serves, and at a faster pace of delivery than top-down national reform initiatives. Whether initiated by civil society, judiciary or governments, the effectiveness of a locally-focused approach generally depends on effective collaboration between local stakeholders including civil society, local courts and other state service providers.

A people-centered approach requires shifting of resources towards initiatives that result in closing the justice gap including by ensuring service delivery at the local level. This includes capacity building initiatives at the local level that promote, train and equip local courts and law enforcement to play a role in the provision of a broad set of services, linking and facilitating the work of informal providers, such as CSOs, community-based organizations and customary

justice providers, with other forms of services provided by the state. For example, Community Justice Boards in Zambia provide an innovative channel for the judiciary, customary courts, paralegals, and other relevant stakeholders such as social service providers and health centers to meet on a regular basis and coordinate interventions in their respective communities.¹⁷

In developing a strategy for institutional reform and service delivery at the local level, long-term outcomes should be considered, including testing the feasibility, replicability, scalability and sustainability of local institutional-community partnership models. One such example is the Local Council Courts model that was initiated using local informal mechanisms in conflict-affected Northern Uganda and was subsequently granted judicial authority. With assistance on training and quality assurance from the Ministry of Local Development and the judiciary, Uganda saw widespread usage of the courts throughout the country, as they proved to expedite dispute resolution while offering low-cost and user-friendly services.¹⁸

Examples of People-Centered Institutional Reform:



Institutional Police Reform: Northern Ireland

The end of conflict in Northern Ireland provided an impetus for reforming the police from being seen as a brutal and partisan force to a service that had the confidence of the community. The Independent Commission on Policing for Northern Ireland was tasked to make recommendations in this regard and their [report](#) (also known as the Patten report) is often cited as a [model for police reform](#) with five benchmarks as guiding principles:

1. Does the proposal promote efficient and effective policing?
2. Will it deliver fair and impartial policing, free from partisan control?
3. Does it provide for accountability, both to the law and to the community?
4. Will it make the police more representative of the society they serve?
5. Does it protect and vindicate the human rights and human dignity of all?

Following the report's recommendations, several institutional reforms were implemented. For example, 2003 Police Act provides an oath of office which includes upholding human rights.¹⁹ Set up in 2000, the [Office of the Police Ombudsman](#) ushered in a new era in dealing with complaints against the police by introducing "a system of independent, impartial, civilian oversight of policing." Similarly, the [Northern Ireland Policing Board](#), established in 2001 is "an independent public body made up of ten political and nine independent members established to ensure for all the people of Northern Ireland an effective, efficient, impartial, representative and accountable police service."



Sector-Wide Planning for Justice Reform: Uganda

In Uganda in the late 1990s, the Ministry of Finance encouraged all sectors to develop costed reform plans that linked to the country's national poverty reduction plan and were implemented as part of the national medium-term expenditure framework. With Ministry of Finance leadership (and donor-funded technical assistance), all justice sector institutions (including the constitutionally independent judiciary) joined together as the Justice Law and Order Sector (JLOS)²⁰ and worked to develop a costed, prioritized reform program with the aim of increasing access to justice. At that time priorities were (1) commercial justice and (2) criminal justice. Cross-sector cooperation and coordination including importantly monitoring and evaluation was spearheaded by a new cross-sector institutional architecture at the political and technical levels (which grew out of Uganda's sectoral budgeting arrangements) including the newly created Justice Sector Coordination Office within the Ministry of Justice. Twenty years on, this cross-sectoral reform architecture still provides a key coordinating mechanism for justice sector dialogue and reform in Uganda. Uganda was the first country to adopt such an approach in the justice sector, and was the inspiration for similar arrangements in others, including Rwanda and Sierra Leone.

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