2025

Justice Financing Framework

A Guide to Budgeting and Financing for People-Centered Justice for the Justice Sector

Justice Action Coalition

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About Pathfinders for Peaceful, Just and Inclusive Societies

In an era of rapid global change, the Pathfinders for Peaceful, Just and Inclusive Societies is a cross regional and member state-led, multistakeholder coalition committed to advancing action on peace, justice, equality, and inclusive institutions through the Sustainable Development Goals and beyond (SDG16+). It is convened by forty-six governments, works with over one hundred partners across civil society, the United Nations (UN), and regional and international organizations, and is hosted by the Center on International Cooperation at New York University. More at **sdg16.plus**.

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About the Justice Action Coalition

The Justice Action Coalition (JAC) is a multi-stakeholder alliance of countries and organizations that is working to achieve measurable progress in justice outcomes for people and communities by the third SDG summit in 2027 and beyond. The secretariat for the Justice Action Coalition is hosted by the Pathfinders for Peaceful, Justice, and Inclusive Societies and the United Nations Development Programme (UNDP) in partnership with the Organisation for Economic Co-operation and Development (OECD).

Justice Action Coalition Member States

*Observers

Justice Action Coalition Partners

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About this Publication

Justice Action Coalition Workstream IV, "Justice Financing Framework," November 2025, available at www.sdg16.plus.

Acronyms

ADR Alternative dispute resolution

CEPEJ European Commission for the Efficiency of Justice

CJW Community justice worker

COFOG Classification of Functions of Governments

CSO Civil society organization

GDP Gross domestic product

HIC High-income country

HiiL The Hague Institute for Innovation of Law

IDLO International Development Law Organization

IDRC International Development Research Centre

IMF International Monetary Fund

JAC Justice Action Coalition

JFF Justice Financing Framework

LMIC Low- and middle-income country

MDGs Millennium Development Goals

MF Measurement Framework

NGO Non-governmental organization

ODR Online dispute resolution

OECD Organisation for Economic Co-operation and Development

OGP Open Government Partnership

PCJ People-centered justice

PHC Primary healthcare

PPP Public-private partnership

ROI Return on investment

SDGs Sustainable Development Goals

SME Small and medium-sized enterprise

TPLF Third party litigation funding

UMIC Upper middle-income country

UN United Nations

UNDP United Nations Development Programme

UNODC United Nations Office on Drugs and Crime

USAID United States Agency for International Development

WHO World Health Organization

WJP World Justice Project

Executive Summary

What the Justice Financing Framework Is, Who It's For, and Why It Matters

A quick overview to introduce the Justice Financing Framework to ministers and senior policymakers on country-level justice financing and budgeting.

The Justice Financing Framework (JFF) guides country-level justice financing and budgeting. It supports justice sector decision makers and executives on good practice including revenue sources, defining priorities, and increasing the effectiveness of money spent.

The JFF is grounded in current budgeting and political realities. The justice sector is competing for resources in a changing global environment, including from the security sector. In lower-income countries, aid to justice is on a declining trajectory. In line with the experience of other sectors, such as health and education, increases in government resources for the justice sector are likely to be incremental and achieved mainly through increased gross domestic product (GDP) growth.

Within this challenging funding environment, the JFF aims to ensure that countries' primary front line justice needs are met. **Every country needs to provide basic security and justice for families: at work; in relation to housing and land; for their businesses; and in their communities and markets for essential goods and services.** Delivering on these requirements is a foundation for stability, economic growth, and trust in government.

Accordingly, the JFF provides practical and technical guidance, assisting justice sector decision makers and executives to align funding priorities with justice needs. It draws on the successes of the health and education sectors that have over the past 25 years allocated resources to scale up front line services to millions of people.

Policy Recommendations

The starting point of the JFF is a focus on what matters most to people: solving their justice problems. The JFF proposes the development of clear, measurable outcomes (e.g., halving the number of unresolved justice problems). The JFF then considers **how to secure 'more money for justice'**—i.e., justice sector funding sources—and the scope to increase available funding. Important opportunities exist for the justice sector to generate more funds to address delivery challenges. Drawing on relevant international experience may provide opportunities to increase contributions for justice services from well-capitalized beneficiaries, while also calibrating contributions to avoid charges that lead to access barriers. There is also scope to increase private sector investment in justice. The creation of an enabling environment for private sector entrepreneurs to obtain an adequate return on investments can, for example, enable the delivery of justice at scale with appropriate risk management.

The pace at which additional resources can be secured will depend on the country context. To ensure their achievability and accountability, implementation plans need to be costed and prioritized to fit within realistic medium-term expectations of total available resources.

The JFF also addresses **'more justice for the money'**—the smart deployment of resources to ensure available funds can deliver the maximum justice outcomes. This involves considering what is funded, and also how budgeting is done to ensure those funds are used efficiently and effectively and focused on people-centred outcomes in a resource-constrained environment. Guidance is provided on how to develop plans and budgets aimed at resolving people's most pressing justice problems (rather than the needs of justice institutions).

Financing Ambitions

In addition, the JFF establishes four financing ambitions for countries' justice sectors, providing a quantitative framework for first steps in re-balancing budgets toward people-centered justice in the medium term. These financing ambitions sit alongside the JFF policy recommendations' guidance on ensuring funds are well spent. Their ultimate aim is to align funding with the overall objective of resolving people's justice problems.

Financing Ambition #1: Set justice spending in line with cross-country benchmarks.

The justice sector should review the share of government budget allocated to it in light of the international benchmarks set out in the JFF.

Financing Ambition #2: Ensure focus on people-centered justice with a minimum recommended level of spending[1] on primary front line services.

Addressing currently unresolved justice needs will involve re-focusing justice services on universal coverage of primary front line services. This follows the transformation achieved in the health and education sectors over the last 25 years through prioritizing nationwide primary services in order to improve health and education outcomes.

Financing Ambition #3: Within primary front line services, prioritize information, advice, assistance, and informal dispute resolution, with a minimum spend of 2.5 percent of total justice expenditure.

Currently, spending on primary front line justice is unbalanced, with the vast majority of funding going to formal mechanisms for addressing justice problems. This is despite evidence that information, advice, assistance, and informal dispute resolution services at the community level are highly effective, low cost, and can bridge a justice gap that is too wide to be addressed through traditional, formal approaches. Informal dispute resolutions are among the strongest evidence-based resources providing the best value for money across all sectors globally.

Financing Ambition #4: Allocate a minimum 0.5 percent of total justice expenditure to research and development and other mechanisms to drive performance improvements.

Overcoming widespread delivery challenges in the justice sector will require enhanced spending on improved governance and regulation; monitoring; research and development; innovation; and implementation of evidence-based practice.

1 Based on spend per capita and share of total spend.

Financing Ambition for countries in receipt of significant external development support.

For countries in receipt of significant external development support, there is an additional financing ambition: that 2 percent of external development support should be allocated to the justice sector, with half of justice support allocated to primary front line services, research and development, and other mechanisms to drive performance improvements.

International Context

The Justice Financing Framework (JFF) was commissioned by the Justice Action Coalition as part of their commitment in the 2019 Hague Declaration on Equal Access to Justice[2] and the The 2023 Justice Appeal.[3] to put people and their legal needs at the center of justice systems, solve justice problems, improve the quality of justice journeys, use justice for prevention, and provide people with means to access services and opportunities.

The JFF is framed around recent and practical thinking on people-centered justice including the 2023 *OECD Recommendation on Access to Justice and People-centred Justice*. Overall, it is clear that people-centered justice cannot be achieved with business as usual. It will instead involve a transition toward new approaches focused on service delivery at the community level, and is likely to involve sectoral and regulatory reform, along with enhanced research and development.

With its strong focus on outcomes, the JFF is closely aligned with the Justice Action Coalition's *People-Centered Justice Measurement Framework*, which provides global outcome indicators for people-centered justice.

2 Justice Action Coalition, "Hague Declaration on Equal Access to Justice for All by 2030," February 7, 2019, https://www.sdg16.plus/resources/hague-declaration-on-equal-access-to-justice-for-all-by-2030.

3 Justice Action Coalition, "The 2023 Justice Appeal," 2023, https://www.sdg16.plus/resources/the-2023-justice-appeal/.

Justice Financing Framework

Justice Action Coalition

Introduction and Purpose

The Justice Financing Framework (JFF) guides country-level justice financing and budgeting for people-centered justice. It draws on over forty years' experience from other service delivery sectors, especially health and education, which have successfully scaled up front line services to millions of people over the last twenty-five years. Three key elements to this transformation were: having a clear ambition for universal coverage; prioritizing spending on primary services; and delivering innovative approaches to service provision (such as community health workers).

The JFF provides guidance on how country-level financing and budgeting can support people-centered justice by:

- Setting clear outcomes and using these to prioritize budget allocations (rather than responding to institutional demands); and
- Within funding priorities, identifying and focusing on the most cost-effective interventions.

With its strong focus on outcomes, the JFF is closely aligned with the Justice Action Coalition's *People-Centered Justice Measurement Framework*.[1]

The JFF considers **"more money for justice:"** justice sector funding sources, and the scope to increase available funding.

It also addresses **"more justice for the money:"** the smart deployment of resources to ensure funds are spent so that they deliver more justice outcomes from available resources. This involves considering what is funded, and how budgeting is done so that, in a resource-constrained environment, financial resources are used efficiently and effectively and focused on people-centered outcomes.

1 Justice Action Coalition Workstream I, "People-Centered Measurement Framework," (unpublished draft, forthcoming).

The JFF was commissioned by the Justice Action Coalition (JAC) as part of their commitment in the 2019 Hague Declaration[2] and The 2023 Justice Appealt[3] to pivot to people-centered justice. People-centered justice starts with users and the need to deliver effective pathways to solve their everyday justice problems. The JFF is framed around recent and practical thinking on people-centered justice in the 2023 *OECD Recommendation on Access to Justice and People-centered Justice*. It is clear from this document that pivoting to people-centered justice does not mean continuing with business as usual. Instead, it involves a transition to new approaches focused on service delivery at the community level and is also likely to involve sectoral and regulatory reform, with a strong emphasis on research and development.

The guidance highlights seven key recommendations for financing justice in a way that puts people first:

1	**Set clear goals based on what matters most to people**. Set outcome objectives, such as halving the number of unresolved justice problems that most affect people's lives.
2	**Align budgets with the goal of resolving people's justice problems.** Develop justice sector budgets based on the functions needed to deliver the outcome objectives (rather than based on the needs of justice institutions).
3	**Encourage those who can afford it to cover the cost of their own services.** Where appropriate, explore options for people or organizations with sufficient means to pay for the justice services they use. This helps ensure that limited public resources can better support those with fewer options.
4	**Encourage responsible private sector involvement.** Create opportunities for businesses to invest in justice services in ways that are fair, effective, and appropriately regulated, while enabling them to earn a reasonable return.
5	**Develop structures and systems to deliver people-centered justice.** Structures and systems need to focus on delivering integrated and accessible services to solve people's justice problems.
6	**Review how money is being spent across the justice system.** Identify ways to use resources more efficiently so that essential front line services can be strengthened.
7	**Make realistic plans based on available resources.** Focus on the most impactful activities and ensure that people-centered justice plans can be implemented within existing and projected budgets.

2 Justice Action Coalition, "Hague Declaration on Equal Access to Justice for All by 2030," February 7, 2019, https://www.sdg16.plus/resources/hague-declaration-on-equal-access-to-justice-for-all-by-2030.

3 Justice Action Coalition, "The 2023 Justice Appeal," May 30, 2022, https://www.sdg16.plus/resources/the-2023-justice-appeal/.

In addition, the JFF establishes four financing ambitions for countries' justice sectors. These set the direction of travel towards re-balancing budgets so that funding is aligned with the overall objective of resolving people's justice problems. These financing ambitions sit alongside the JFF policy recommendations' guidance on ensuring funds are well spent. These financing ambitions sit alongside the JFF policy recommendations' guidance on ensuring funds are well spent.

Financing Ambition #1: Set justice spending in line with cross-country benchmarks.

Financing Ambition #2: Ensure focus on people-centered justice with a minimum recommended level of spending on primary front line services.

Financing Ambition #3: Within primary front line services, prioritize information, advice, assistance, and informal dispute resolution, with a minimum spend of 2.5 percent of total justice expenditure.

Financing Ambition #4: Allocate a minimum 0.5 percent of total justice expenditure to research and development and other mechanisms to drive performance improvements.

For countries in receipt of significant external development support, there is an additional financing ambition: that 2 percent of external development support should be allocated to the justice sector, with half of justice support allocated to primary front line services, research and development, and other mechanisms which drive performance improvements.

For more information on the introduction and purpose of the JFF, **see Background Briefs 0.1** and **0.2.**

PART 1

People-Centered Purpose and Culture

1. Setting High-Level People-Centered Justice Objectives

Develop outcome objectives focused on resolving people's most pressing justice problems (such as halving the number of unresolved problems).

Develop justice sector budgets based on the functions needed to deliver the outcome objectives (rather than based on the needs of justice institutions).

In line with good public financial management practice, justice budgets should be developed to deliver outcomes, moving away from budgeting based on institutions or activities.

Countries should base their people-centered justice planning and resource allocation on the key objective of **the resolution of justice problems**, drawing on the 2019 Hague Declaration on Equal Access to Justice for All by 2030, and the *OECD 2023 Recommendation on People-Centered Justice*.

The *People-Centered Justice Measurement Framework* will provide detailed guidance on setting people-centered justice objectives, identifying resolution of justice problems as its first core outcome (with supporting qualitative outcomes).

The Measurement Framework will provide intermediate function-based outcomes, which provide the basis for determining how resources are allocated:

- People with justice problems have access to the information they need.
- People with justice problems have access to the advice and assistance they need.
- People with justice problems have access to the informal dispute resolution services they need.
- People with justice problems have access to the formal state dispute resolution services they need.

Measurable outcomes should be set for the medium-term planning period (3–5 years), aligned with the country's medium-term budget cycle.

Adopting such function-based outcomes based on resolving people's justice problems is likely to require cooperation and coordination between a range of justice sector organizations, enabling users to obtain justice through continuous pathways.

The Justice Action Coalition *Actions We Must Take to Achieve People-Centered Justice* proposes a long-term outcome target "to cut the number of unresolved justice problems in half." How quickly such a target could be achieved will depend on the country context and financing available. Further, it is critical that all outcome targets should be measurable; based on what can be achieved over the set time for the medium-term planning period (3-5 years); and aligned with the resources available over the country's medium-term budget cycle.

For more information on setting high-level people-centered justice objectives, **see Background Brief 1.1.**

PART 2

“More Money for Justice”

2. Assessing the Scope for Increasing Resources

Set medium-term plans in the light of realistic total available finance.

Plans for people-centered justice should be set in light of the maximum likely allocated resources for the justice sector over the medium-term planning period (3–5 years). In summary:

- The experience of other sectors, such as health and education, which have massively scaled up service delivery and improved outcomes over the past decades, shows that increased resources have been achieved through economic growth and, in the case of lower-income countries, through aid. In most countries there is little or no scope for the justice sector to obtain a larger share of the domestic budget due to budgetary pressures, budget inertia, or fiscal crisis. **See Background Briefs 2.1, 2.2, and 2.5.**

- There are important opportunities for the justice sector to generate more funds by reforming the way it operates, including the potential to charge users who are able to pay for justice services. In addition, there is scope for enhanced private sector investment in the justice sector. Enhanced efficiency and effectiveness could also generate additional funds. Immediate activities should be planned to generate additional resources through these means. However, these activities are only likely to yield increased resources for justice in the longer term. Medium-term plans should therefore reflect current resource realities. See **Background Briefs 2.3** and **2.4.**

- For lower-income countries, external funding may also be a consideration. Recent developments, however, imply significant reductions in both global aid and justice aid over the next two years. Accordingly, it would be unwise for lower-income countries to plan for a major uplift in external justice funding from donors, United Nations (UN) agencies, multilateral development banks, and philanthropic organizations. See **Background Brief 2.5.**

Review the share of total government expenditure allocated to the justice sector and the judicial system in line with cross-country benchmarks.

The justice sector should review the share of government budget allocated to justice in light of international benchmarks. This means reviewing funds allocated to the justice sector as a whole which, by UN/OECD/International Monetary Fund (IMF) definition, includes the judiciary, police, and prisons. International benchmarks could also be applied to funds allocated to the more narrowly defined 'judicial system,' which comprises the court system, prosecution services, legal aid, and other state funding for legal advice and representation. See **Background Briefs 2.1** and **2.2.**

In line with JFF Financing Ambition #1, the justice sector should press for spending on the justice sector to be set in line with cross-country benchmarks.

Financing Ambition #1: Set justice spending in line with cross-country benchmarks.

Table 1: Total justice sector share of total government expenditure

Country Income Group	Benchmarks
Low-income countries	4–11% (median 6%)
Lower-middle-income countries	4–9% (median 6%)
Upper-middle-income-countries	5–9% (median 7%)
OECD countries	3–5% (median 4%)

Review the allocation of legal and justice services' costs and consider the scope for contributions from well-resourced users and beneficiaries, while avoiding access barriers.

There is little consistency in the extent to which different countries require contributions for their justice services from users and beneficiaries. A review of the allocation of justice service costs could consider the scope to increase contributions (for example, through court fees), in particular by well-capitalized users. It will be important to calibrate any such contributions, including on the basis of means, to avoid creating barriers to justice. See **Background Brief 2.3.**

Increase the scope for private sector investment in justice, in part by creating an enabling environment for private sector entrepreneurs to obtain an adequate return on investments, with appropriate risk management.

Justice services are already provided in part by the private sector. While justice is a public good, private sector entrepreneurs and investors may possess capacity to deliver tools and methods for scaling accessible justice services. Encouraging private sector investment in justice services requires a regulatory framework which balances risk management and consumer protection with the need for returns on investment. See **Background Brief 2.4.**

Review with partners the share of external development support allocated to justice.

There is a clear case to press donors to allocate an increased proportion of their total aid to the justice sector and, within this, to mirror countries' own financing ambitions (as set out in the JFF). A particular focus on underfunded front line services and on mechanisms to drive performance improvements enables countries to become self-sufficient in the longer-term. Accordingly, the JFF establishes an additional financing ambition for countries in receipt of significant external development support: **to allocate percent of external development support to the justice sector, with half of justice support allocated to primary front line services, research and development, and other mechanisms that drive performance improvements.** See **Background Brief 2.5.**

PART 3

"More Justice for The Money:"

More Justice Outcomes from Available Resources

3. Setting Spending Priorities in Line with Objectives

Allocate more resources to primary front line justice services.

Spending on resolving people's justice problems needs to be 'smart.' This means ensuring that spending is aligned with objectives and outcomes. Budgeting should be undertaken to deliver outcomes (rather than responding to needs of existing institutions), focusing on people's most pressing justice problems and the most effective functions to address these. As well as targeting resources on desired outcomes, smart spending also involves ensuring that funds are deployed to achieve the maximum impact and the best value for money.

People-centered justice has the key objective of resolving people's justice problems (see Part 1 above). Increasing resolution rates to address currently unresolved justice problems will involve re-focusing justice services on universal coverage of primary front line services. This approach learns from the transformation achieved in the health and education sectors, which prioritized nationwide primary services in order to improve health and education outcomes.

The JFF defines primary front line justice services as universally available services that deal with people's most pressing justice problems at the local/community level. These are services providing information, advice and assistance, informal dispute resolution, and formal state dispute resolution ('first tier' services). See **Background Brief 3.1.**

In line with Financing Ambition #2, the justice sector should allocate more of its budget to primary front line justice services, with the ambition of USD 308 per person in OECD countries, and USD 80 in upper-middle-income countries. In lower-income countries a different approach is proposed, with an ambition of a minimum one third of total justice expenditure being spent on primary front line services.[4] See **Background Brief 3.2.**

Financing Ambition #2: Ensure focus on people-centered justice with a minimum recommended level of spending on primary front line services.

4 This is because lower-income countries cannot afford the full costs, so the target is set equal to the one third share allocated to primary health and education by both lower- and upper-income countries.

Within primary front-line justice services, prioritize funding information, advice, assistance, and informal dispute resolution.

Financing Ambition #2 (minimum spend on primary front line justice services) is based on the premise that all countries should have universal coverage of primary front line justice through nationwide services. Financing Ambition #3 recognizes that transitioning to total funding of universal coverage of these services (which include first-tier formal courts and community police) may not be feasible in the medium term: change can take time, and in lower-income countries, nationwide primary front line justice services are unaffordable. See **Background Brief 3.2**.

In this context, there are compelling reasons for prioritizing spending on the information, advice, assistance, and informal dispute resolution functions of primary front line justice services. Current spending on primary front line justice is unbalanced, with the vast majority of funding going to formal dispute resolution mechanisms for addressing justice problems. This is despite evidence that providing information, advice, assistance and informal approaches to dispute resolution are highly effective, scalable (i.e., affordable with realistic unit costs), and can bridge a justice gap that is too wide to be addressed through traditional formal approaches. Robust academic studies point to information, advice, assistance, and informal dispute resolution as the strongest evidenced best value for money activities in the justice sector. See **Background Brief 3.3** and **3.4.**

Financing Ambition #3: Within primary front line services, prioritize information, advice, assistance, and informal dispute resolution, with a minimum spend of 2.5 percent of total justice expenditure.

4. Ensuring Efficiency and Effectiveness of Spending

As well as aligning spending with the justice sector's objectives, 'smart' financing for justice involves ensuring that the sector's resources are deployed as efficiently and effectively as possible. Money will be needed to fund 'business as usual' activities. In addition, pivoting to people-centered justice—with its focus on funding primary front line services, especially legal information, advice, assistance and informal dispute resolution—will involve putting in place governance structures, regulatory frameworks, and new processes to support change, improve services, and ensure value for money.

Develop a coherent regulatory framework and governance structure to support delivery of people-centered justice objectives.

A country's regulatory framework has a major impact on the productivity of the justice sector, with the potential to restrict or enhance how money can be spent effectively and efficiently. For example, in some contexts, effective delivery of information, advice, assistance, and informal dispute resolution may involve regulatory reform including in relation to the legal profession. See **Background Brief 4.1.**

Prioritize funding for research, innovation, and implementation of evidence-based practice.

In many countries, the justice sector is institutionally fragmented. Cooperation and coordination between organizations will be needed for efficient and effective allocation of resources, including delivering integrated services through seamless justice pathways. A justice sector which is re-focusing on providing primary front line services largely through information, advice, assistance, and informal dispute resolution will need structures and processes to support such change. At a minimum, this is likely to involve developing and implementing coherent governance and regulatory structures to enable cost-effective, people-centered justice pathways at scale. Implementation will also require research and development, innovation, monitoring, and an evidence-based culture to support it. In some contexts, some or all of these will be new functions for the justice sector and may involve creating new governance structures (which will need to respect the independence of the Judiciary and other organizations). Financing Ambition #4 reflects the importance and interlocking nature of all these activities. See **Background Brief 4.2**

Financing Ambition #4: Allocate a minimum 0.5 percent of total justice expenditure to research and development and other mechanisms to drive performance improvements.

Undertake fundamental cost-effectiveness reviews to free up resources for people-centered justice.

There are substantial opportunities for improvements in the efficiency and cost effectiveness of people-centered justice pathways. Some are immediately realizable, while others will require more time to have impact at scale. Efficiency and effectiveness reviews are best undertaken for the justice sector as a whole, in order to review allocation of resources across the sector.

Examples of these reviews could include: the split between wage/non-wage/capital budgets; the potential for innovative financing mechanisms such as performance-based financing; and identifying financing arrangements resulting in inefficient spending and costs elsewhere in the justice chain, including re-balancing spending toward early intervention through information, advice, assistance, and informal dispute resolution. See **Background Brief 3.3.**

It will be important to obtain the Ministry of Finance's agreement for any realized savings to remain in the sector (or organization) and be re-allocated within it. See **Background Brief 4.3.**

PART 4

Implementation

5. Achievable, Costed, Prioritized, and Transparent Plans

Cost and prioritize activities to ensure people-centered justice plans are achievable within medium-term resource availability.

As discussed in Part 2 above, any increase in government resources for the justice sector is likely to be incremental and achieved mainly through increased GDP growth. Achieving significant increased resources from within the justice sector itself is likely to be a long-term process because: (1) significant contributions from users and beneficiaries will require consensus building and political space; and (2) increasing private sector investment will require regulation for risk management and results are unlikely to be felt in the shorter term.

Therefore, medium-term plans should be achievable within the current resources available to the justice sector, and in light of what is politically feasible. This will likely mean making hard choices about omitting desired activities which are unaffordable over the medium-term planning period. Priority should be given to:

- Low-cost investments in scaling up the best affordable, value-for-money investments to deliver primary front line justice services, particularly information, advice, assistance, and informal dispute resolution.
- A low-cost process to measure on an annual basis the key high-level, people-centered justice objectives toward resolution of people's most pressing justice problems.
- Implementation of immediate, realizable efficiency gains.
- Low-cost investments in increasing justice sector resources, such as setting up a task force to review contributions to costs by beneficiaries and private sector investment.
- Low-cost investments to improve efficiency and effectiveness through improved governance and regulation, and research, development, and other mechanisms to drive performance improvements. See **Background Brief 5.1.**

Ensure robust transparency and accountability for justice sector spending.

Structures should be developed to enable transparency and accountability of justice spending and budgeting and enable open dialogue on the linkage between finance and outcomes. See **Background Brief 5.2.**

Appendix of Background Briefs

BACKGROUND BRIEF 0.1

0.1 Introduction and Purpose

1. Commissioning, Development, and Endorsement of the Justice Financing Framework

The Justice Action Coalition (JAC) is a multi-stakeholder alliance of countries and organizations working to achieve measurable progress in justice outcomes for people and communities by the third Sustainable Development Goal (SDG) summit in 2027 and beyond.

The JAC Workstream IV on Justice Financing seeks to arrive at and promote a shared understanding of how to invest effectively in justice, providing a roadmap for interested policymakers. One of the ways in which Workstream IV intends on achieving its objectives is through the creation and adoption of the Justice Financing Framework (JFF). Pathfinders coordinates the work of Workstream IV, in partnership with ODI Global and The Hague Institute for Innovation of Law (HiiL) who lead on the technical work.

The JFF was produced by the Justice Action Coalition with the aim of supporting scaled up investments in people-centered justice. Its aims are contributing to transforming justice as it is delivered to and experienced by users, reducing the number of unresolved justice problems by delivering fair outcomes[1] and ensuring respect for human rights. It guides country-level justice financing, providing policy guidance, benchmarks, and ambitions to deliver people-centered justice. It enables effective strategies and policies to transform justice systems to respond to the unmet legal needs of billions of people.

The JFF's foundation is the 2019 Hague Declaration on Equal Access to Justice for All by 2030 and the *OECD Recommendation on Access to Justice and People Centred Justice Systems*. It is part of the JAC's commitment in the Hague Declaration[2] and the 2023 Justice Appeal[3] to pivot to people-centered justice, take concrete steps to promote access to people-centered justice, and convince others to do the same.

The development of the JFF comes from the understanding that without transforming financing structures and processes, ministries of justice and judiciaries will not be able effectively to make the transition to people-centered justice programming. The Framework draws inspiration from the approach to financing in other sectors (especially health and education) that have scaled up primary front line services and improved outcomes.

1 Justice Action Coalition, "The 2023 Justice Appeal," 2023, https://www.sdg16.plus/resources/the-2023-justice-appeal/.
2 Justice Action Coalition, "Hague Declaration on Equal Access to Justice for All by 2030," February 7, 2019, https://www.sdg16.plus/resources/hague-declaration-on-equal-access-to-justice-for-all-by-2030.
3 Justice Action Coalition, "The 2023 Justice Appeal."

Development of the JFF has been highly participatory, comprising more than ten consultation events and many bilateral meetings during 2024 and 2025 with JAC members and partners and external stakeholders—including civil society organizations, academia, and members of the public.

The JFF is publicly available and the JAC hopes that, as well as challenging ourselves, it will be widely adopted by other countries and organizations committed to pivoting justice systems toward delivering people-centered services to deal with people's most pressing justice problems.

2. Who Is the JFF For

The JFF is primarily intended to guide people-centered justice financing at the country level, with its key audience being country-level justice sector decision makers and executives. The people and institutions involved will depend on the country's context and could include:

Individual justice sector organizations delivering justice services, such as ministries of justice and judiciaries. Some of the guidance is also relevant for nongovernmental organizations delivering justice services.

The justice sector, where it has developed a cross-sectoral approach to justice sector policy, planning, and resource allocation and has a cross-sectoral coordinating mechanism.

Ministries of finance and national development planning departments

The framework is also a guide for **external justice funders**. This includes donors; United Nations (UN) agencies; multilateral development banks; global funds; and global philanthropic foundations.

3. A Vision of People-Centered Justice

Every country needs to provide basic security and justice for families at their places of work, regarding their housing and the use of land, for their businesses, in their communities, and in their markets for essential goods and services. Delivering on this promise is a foundation for stability, for economic growth, and for trust in government. The infrastructure for providing justice is an essential public good. Everyone benefits—but markets do not provide it.

People-centered justice recognizes these issues and delivers on them by starting with users and the need to deliver effective pathways to solve their most pressing justice problems (see the Pathfinders for Peaceful, Just and Inclusive Societies' 2019 *Justice for All Flagship Report*). Recent and practical thinking on people-centered justice has been helpfully developed by the Organisation for Economic Co-operation and Development (OECD) in their 2023 *Recommendation of the Council on Access to Justice and People-Centered Justice*, accepted by the OECD Council. This sets out detailed guidance on what people-centered justice services should look like in practice in relation to:

1. Developing a people-centered purpose and culture (political commitment).
2. Delivering people-centered justice services.
3. Ensuring governance and regulatory structures that support people-centered justice.
4. Empowering users, as well as professionals, to participate in the transformation process.
5. Basing reform on evidence-based planning, evaluation, and monitoring.

It is clear that pivoting to people-centered justice means not continuing with business as usual. It will instead involve a transition toward new approaches focused on solving people's most pressing justice problems, and improved service delivery at the community level, incorporating sectoral and regulatory reform with a strong emphasis on research and development.

The context for the JFF is the justice sector (including judiciaries and ministries of justice) which is facing funding challenges in a resource-constrained environment. The need for more accessible justice services is recognized, but there are concerns that improving access to justice will result in the system becoming overwhelmed. Addressing this concern based on the OECD Recommendation points to approaches involving the integration of legal services with broader community-based justice solutions. The JFF terms these "community-based solutions" which provide people with information, advice and assistance, and informal dispute resolution services. This aim is to ensure that justice is embedded within communities where disputes are most likely to arise, and where they can be more promptly resolved through just agreements.

4. JFF Scope

The JFF is focused on financing and budgeting for services to deliver people-centered justice. In the JFF, this means financing and budgeting for services which enable people to solve their most pressing justice problems through primary front line justice services, and in particular through community-based approaches. Countries may have other objectives for their justice systems beyond community service delivery—for example, to deliver high-level rule of law objectives, to combat organized crime, or to boost growth. Such objectives may to some extent involve people-centered approaches, but financing and budgeting to deliver directly on these objectives is not the focus of the JFF. However, the JFF's functional, outcome-focused approach is relevant across the entire justice sector.

5. Lessons from Other Sectors That Have Taken People-Centered Services to Scale

The JFF draws on over 25 years' experience from other service delivery sectors, especially health and education, that have successfully scaled up front line services to millions of people. While there are key differences between justice and other sectors (including the constitutional independence of the judiciary), the JFF adopts relevant lessons about financing scaled up services including:

1. Focusing on outcomes and resolving people's problems, rather than on institutions.
2. Prioritizing spending on primary front line services, which in a resource-constrained environment means making 'tough choices.'
3. To put (2) into effect, setting funding ambitions for spending on primary front line services.
4. Within (2), prioritizing activities with the strongest evidence base for being scalable and cost-effective ('scalable best value-for-money activities').

6. Guidance on Financing and Budgeting for People-Centered Justice

The JFF provides guidance on financing and budgeting aimed at increasing the resolution rates of people's most pressing justice problems. To this end, the JFF considers justice sector funding sources and the scope to increase available funding. It also addresses the fact that pivoting to people-centered justice must be underpinned by changes in what is funded, along with budgeting that ensures available financial resources are deployed efficiently and effectively in a resource-constrained environment. A key aspect of the JFF is setting clear outcome objectives and using these to drive budget processes, rather than responding to institutional demands.

The guidance highlights seven key recommendations for financing justice in a way that puts people first:

1	**Set clear goals based on what matters most to people.** Set outcome objectives such as halving the number of unresolved justice problems that affect people's lives the most.
2	**Align budgets with the goal of resolving people's justice problems.** Develop justice sector budgets based on the functions needed to deliver outcome objectives, rather than basing them on the needs of justice institutions.
3	**Encourage those who can afford it to cover the cost of their own services.** Where appropriate, explore options for people or organizations with sufficient means to pay for the justice services they use. This helps ensure that limited public resources can better support those with fewer options.
4	**Encourage responsible private sector involvement.** Create opportunities for businesses to invest in justice services in ways that are fair, effective, and appropriately regulated, while enabling them to earn a reasonable return.

5	**Develop structures and systems to deliver people-centered justice.** Structures and systems need to focus on delivering integrated and accessible services to solve people's justice problems.
6	**Review how money is being spent across the justice system.** Identify ways to use resources more efficiently so that essential front line services can be strengthened.
7	**Make realistic plans based on available resources.** Focus on the most impactful activities and ensure that people-centered justice plans can be implemented within existing and projected budgets.

7. Financing Ambitions

In addition, the JFF establishes four financing ambitions for countries' justice sectors as first steps in re-balancing budgets toward people-centered justice in the medium term. These financing ambitions sit alongside the JFF policy recommendations' guidance on ensuring funds are well spent. They provide a quantitative framework to set the direction of travel toward a more people-centered justice system, and to align funding priorities with the objective of resolving people's justice problems.

Financing Ambition #1: Set justice spending in line with cross-country benchmarks.

The justice sector should review the share of government budget allocated to it in light of the international benchmarks set out in the JFF.

Financing Ambition #2: Ensure focus on people-centered justice with a minimum recommended level of spending[1] on primary front line services.

Addressing currently unresolved justice needs will involve re-focusing justice services on universal coverage of primary front line services. This follows the transformation achieved in the health and education sectors over the last 25 years through prioritizing nationwide primary services in order to improve health and education outcomes.

4 Based on spend per capita and share of total spend.

Financing Ambition #3: Within primary front line services, prioritize information, advice, assistance, and informal dispute resolution, with a minimum spend of 2.5 percent of total justice expenditure.

Currently, spending on primary front line justice is unbalanced, with the vast majority of funding going to formal mechanisms for addressing justice problems. This is despite evidence that information, advice, assistance, and informal dispute resolution services at the community level are highly effective, low cost, and can bridge a justice gap that is too wide to be addressed through traditional, formal approaches. Informal dispute resolutions are among the strongest evidence-based resources providing the best value for money across all sectors globally.

Financing Ambition #4: Allocate a minimum 0.5 percent of total justice expenditure to research and development and other mechanisms to drive performance improvements.

Overcoming widespread delivery challenges in the justice sector will require enhanced spending on improved governance and regulation; monitoring; research and development; innovation; and implementation of evidence-based practice.

Financing Ambition for countries in receipt of significant external development support.

For countries in receipt of significant external development support, there is an additional financing ambition: that 2 percent of external development support should be allocated to the justice sector, with half of justice support allocated to primary front line services, research and development, and other mechanisms to drive performance improvements.

8. Country Income Groups

As the JFF covers a wide range of countries, many of the financing ambitions are disaggregated by OECD membership and income group: low-income; lower-middle-income; and upper-middle-income countries, as defined by the World Bank. As some upper-middle-income countries are also OECD members, these countries can decide which ambition is the most appropriate for their context.

9. Updating and Reviewing the JFF

The JFF is intended to be a living document and will be regularly reviewed and updated to incorporate lessons learned as it is applied in practice.

BACKGROUND BRIEF 0.2

0.2 Lessons for Justice Financing from the Health Sector

Introduction

The Justice Financing Framework suggests countries might want to explore lessons from the health sector, as this is one of the sectors that has successfully scaled up front line services to millions of people in the last twenty-five years. Three key elements to this transformation were: having a clear ambition for universal coverage; prioritizing spending on primary services; and delivering innovative approaches to service provision (such as community health workers).

There are obviously significant differences between health and justice. The scientific evidence base for health is much more developed. The frequency of health interventions is greater: outpatient visits are on average one for every person each year, whereas a non-trivial core legal need occurs once every eight years. However, many of the principles remain the same and the core issue of how to make the best use of available resources is a fundamental concern in both sectors.

This background brief draws on an ODI Global Working Paper on financing lessons the justice sector can learn from the health sector in lower-income countries:

- **More Money for Health:** How the sector has increased financial resources, including through user fees.
- **More Health for the Money:** How the health sector improved the quality of spending, including through prioritizing primary health care.

1. More Money for Health

This section looks at lessons for the justice sector from the health sector on how to increase funding. It considers:

- **User fees:** Lessons from the initial rise—and then fall—of user fees in the health sector.
- **Government funding:** Lessons on how the health sector achieved increased domestic funding for primary front line services.

1.1 User fees have largely been abandoned for primary health services

Background Brief 2.3 explores the potential for contributions to costs by beneficiaries and users of the justice sector to boost resources. The experience of user fees in the health sector provides useful lessons.

User fees for primary health services were introduced in lower-income countries in the 1980s during a period of low growth and high debt. Fiscal constraints resulted in insufficient resources reaching front line services, exacerbated by budgets often biased toward hospitals in larger cities. In the 2000s the trend reversed, and user fees were largely removed when evidence of their negative impact on access to services became overwhelming. A review of user fees (focused on the highest quality studies) found that the introduction of charges led to a 28–50 percent fall in service use, while their removal resulted in a 30–50 percent increase. The impact of the removal of user fees was most evident in children and lower-income populations. See Box 1 below for more detail.

Box 1: The Rise and Fall of User Fees in the Health Sector in Lower-Income Countries

In 1987, African health ministers met in Bamako and endorsed user fees for primary health care to help ensure that the entire population could access good quality care at an affordable price. Moves to user fees were also supported by international organizations, including the World Bank. 1987 saw the publication of an influential World Bank report, Financing health services in developing countries: an agenda for reform. This first set out the challenges to existing health spending in the form of poorly allocated budgets with insufficient spending on cost-effective activities, inefficiently delivered public health programs by underfunding non-salary recurrent expenditures, and inequity in the distribution of benefits from this spending. The report stated that "slow economic growth and record budget deficits in the 1980s have forced reductions in public spending ... A case certainly could be made for more public spending on health in developing countries ... But in most countries the general budget stringency makes it difficult to argue for more public spending."

In the absence of increased spending, the World Bank report laid out a four-fold agenda to address these challenges: charging users of government health facilities; introducing health insurance to protect against the costs of expensive curative care; encouraging provision by nongovernmental organizations (NGOs) of health services for which households were willing to pay; and decentralization of services. User fees were thus intended to be part of a broader reform strategy. The report also noted the need to protect the poor through lower or zero charges in clinics in urban slums and in rural areas.

The results of these policy shifts were that by the mid-1990s, most African countries had some form of fee system for government facilities and the World Bank continued to make similar recommendations for health financing in this period. However, evidence began to accumulate that user fees had negative effects: they deterred the poor from accessing services, and did not provide the benefits expected. Moreover, they raised less revenue than expected, and did not lead to the degree of community participation that was originally envisaged.

South Africa abolished user fees when it transitioned to democracy in 1994, followed by a wave of fee abolitions in the 2000s: Uganda in 2001 was followed by Ghana, Zambia, Burundi, Niger, Senegal, Liberia, Kenya, Lesotho, Sudan, and Sierra Leone. The World Bank had also ended its support for this policy by the late 1990s. The 2004 World Development Report, Making Services Work for Poor People, an important marker, stated that the World Bank no longer had a blanket policy on user fees. Instead, the focus was on maximizing prepaid financing of health through tax or insurance.

1.2 Increases in health spending have largely been driven by economic growth

The JFF stresses the importance of planning for people-centered justice on the basis of a realistic resource envelope, particularly realism about the prospects of increased government funding (see **Background Brief 5.1**). This section considers lessons from government spending on health.

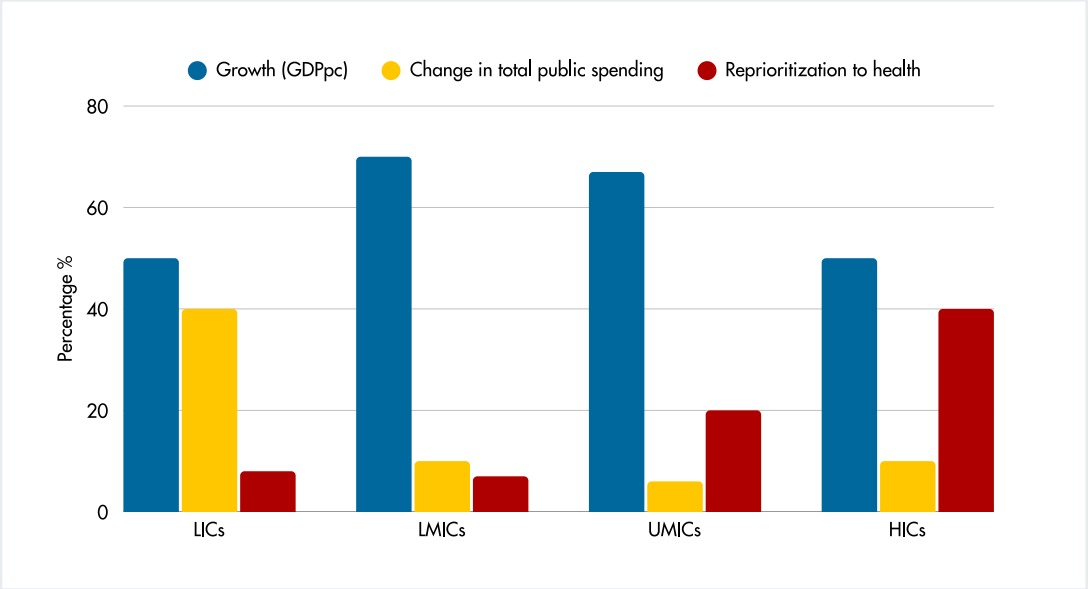
Changes in government spending per person in a given sector can come from three possible sources:

1. Growth (the change in gross domestic product [GDP] per person).
2. The change in overall public spending (government expenditure as a proportion of GDP).
3. The sector's share of government expenditure.

Evidence from the health sector shows that increased funds for primary front line services have largely come from 1) and 2), rather than by re-allocating funds from other sectors to health. Figure 1 below shows increases in health spending before the pandemic (2000–2017) in different country income groups. It can be seen that:

- In low-income countries, increases have been driven by **growth** and by the **increase in overall government spending** as a proportion of GDP.
- In middle-income countries, increases have been driven predominantly by **growth**.
- Only in high-income countries has **reprioritization to the health sector** from other sectors played a major role.

Figure 1: Reprioritization to the Health Sector Has Played Little Role in the Growth of Health Spending in Low- and Middle-Income Countries[5]



These findings are not surprising when put in the context of broader research on budgetary changes. Budgets mostly change incrementally, with only small movements from year to year. Research across a number of European and North American countries has found a pattern of 'punctuated equilibrium' in the evolution of budgets: little or no change in most years, with occasional large increases or decreases. Similar patterns have been documented for middle-income countries such as Brazil, Russia, and Turkey. The research shows that large changes happen when a policy area gets onto the political agenda, and the extent of those changes is related to institutional constraints on budgetary decision making, such as executive strength, the degree of federalism or decentralization, the parliamentary system, and how authoritarian or democratic the overall political system is.

The implications are that policies and budgets will usually be stable, apart from periods when they are being reformulated. This also suggests that, in most circumstances, outside of these rare policy windows, there should be a focus on improving the effectiveness of existing levels of spending, rather than seeking to increase the sector's share of government resources.

5 Ajay Tandon et al. "From Universal Health Coverage services packages: From slippery slopes to steep hills: Contrasting landscapes of economic growth and public spending for health," *Social Science and Medicine* 259 (June 2020), https://doi.org/10.1016/j.socscimed.2020.113171.

2. More Health for the Money: Improving the Quality of Spending

This section looks at lessons from the health sector on how countries can improve the effectiveness of their spending. There have been significant international efforts to identify good practices for improving population's health. The key findings consider the importance of:

- Focusing on high-level, people-centered outcomes (addressing people's health problems) rather than on institutions.
- Prioritizing spending on primary services.
- Focusing on cost effectiveness.
- Developing and applying indicators to guide spending.
- Recognizing the need for both political commitment and effective bureaucracies able to innovate, learn lessons, and adapt.

The rest of this section explores these issues, including by drawing on the experience in particular of Thailand, Ethiopia, and Rwanda—three countries that have made huge strides in improving health outcomes and the coverage and effectiveness of primary health services. Annex A provides brief case studies for further elaboration.

2.1 Focusing on high-level people-centered outcomes

The JFF recommends setting high-level outcomes for people-centered justice related to the resolution of people's most pressing justice problems. (See **Background Brief 1.1**).

In the health sector, the 2000 Millenium Development Goals (MDGs) focused the health sector's attention on two key health outcomes (reducing child and maternal mortality rates) and reversing the spread of three key diseases (HIV/AIDS, malaria, and tuberculosis). Remarkable progress was made by 2015, with global child and maternal rates falling by half (compared to the MDG baseline of 1990). In 2015, the health MDGs were extended and expanded in the health Sustainable Development Goals (SDGs).

2.2 Prioritizing spending on primary services

The JFF recommends a financing ambition (#2) for spending on primary front line services. (See **Background Brief 3.2**).

Financing Ambition #2 draws on the experience in the health sector. A key reason for the global progress in health outcomes was a growing focus on prioritizing primary health care that had developed since the late 1970s (see Box 2 below). The result was the scaling up of primary health care services such as primary health posts, which in turn was associated with a rapid growth in the coverage of key interventions like immunization. Measles vaccination rates rose from less than 20 percent in the early 2000s to over 70 percent by the mid-2020s. Vaccinations alone are estimated to have reduced infant mortality by 40 percent in the last 50 years.

Box 2: The International Process for Focusing Spending on Primary Health Services

In 1978, primary health care was set as a global priority in the Alma-Ata declaration. In 1993, the World Bank focused the World Development Report on health for the first time ever. A key recommendation of Investing in Health was that government spending on health should prioritize cost-effective programs that help the poor, such as the control and treatment of infectious diseases and malnutrition. The report argued that improved prioritization of spending could lead to large reductions in the disease burden in low- and middle-income countries.

After the Millenium Development Goals were adopted in 2000, the World Health Organization (WHO) convened a Global Commission on Macroeconomics and Health which identified essential interventions needed to deliver the MDGs. The Commission noted that most of these could be delivered through primary health care posts and outreach from these posts. The Commission also costed the interventions and estimated the minimum per capita spend required to deliver them.

The MDGs were extended and expanded in the 2015 Sustainable Development Goals. It was estimated that up to 75 percent of the projected health gains in the SDGs could be achieved through primary health care.

Both the World Bank and WHO have developed costing estimates for providing an essential set of universal care health interventions, and WHO has also identified required levels of primary health care spending. These have prompted proposals by an independent commission for a minimum health spend per person.

A key aspect of this approach has been an ongoing evolution at the international level of the definition of what such 'primary' or basic services should look like (see Box 3 below).

Box 3: Ongoing Evolution of the International Definition of Primary Health Services

The process of achieving a global definition of primary health care has continued to evolve over the past forty years:

- The Alma-Ata declaration on primary health care encompassed contributions from other sectors to address social determinants of health (such as education, water, and sanitation).

- WHO's Global Commission for Health in 2001 identified the most essential interventions needed to deliver the Millenium Development Goals, nearly all of which were primary health care interventions.

- When the Sustainable Development Goals were agreed to in 2015, the concept of an essential health package was developed with WHO researchers. It identified 200 specific health interventions, 91 percent of which would be delivered by primary health care services, including public health mass media, community health workers and services, and local health posts and centers.

- Despite the focus on primary health care, there is still no global consensus on the definition. Neither the globally recognized System of Health Accounts nor the collective United Nations (UN)/Organisation for Economic Co-operation and Development (OECD)/International Monetary Fund (IMF) has agreed upon classifications of government functions to define "primary health care." The OECD and WHO have different definitions, the key differences being the extent to which hospital-based treatments are included (e.g., outpatient services) and whether part of the overall administrative costs should be included.

Building on this experience, the JFF recommends a financing ambition for minimum spending on primary front line justice services, based on an agreed high-level definition of what comprises these services (see **Background Briefs 3.1** and **3.2**).

The experience of the health sector demonstrates that in addition to increasing budget allocations to primary services, active measures need to be taken to ensure these resources reach the front lines and are well spent. More visibility in budgetary allocations, in tandem with a clear and context-specific operational definition of primary services, can improve tracking and enable accountability. Other measures include service delivery arrangements, such as explicit service standards. In some countries, new cadres of front line primary health providers have enabled more resources to be directed to primary health care. Finally, as institutional responsibility can be fragmented across central ministries and subnational governments, there needs to be clarity for where budgeting and planning responsibility lies in the Ministry of Health (see **Background Brief 5.2** for broader discussion of the importance of transparency and accountability).

2.3 Focusing on cost-effectiveness

There is a growing international focus on cost-effectiveness in health sector interventions. In 1993, alongside the World Bank's World Development Report Investing in Health, the first edition of Disease Control Priorities was the first systematic attempt to assess the cost-effectiveness of different interventions against the major diseases in low- and middle-income countries. The Report has been updated in 2006, 2017, and 2025. Building on this, the **essential health package** concept defines a set of cost-effective health interventions. However, challenges remain in the health sector in many countries where essential health packages have been developed with no attention to budget constraints. In these contexts, the cost of providing the package routinely exceeds available resources.

The achievements of Ethiopia and Rwanda in scaling up access to primary healthcare services is strongly linked to their focus on cost-effective 'task shifting,' i.e., delegating tasks to new cadres of community health workers. This approach improves population health by expanding service coverage, while the added efficiency improves the overall productivity of the health system.

As retired chief justice of the Supreme Court of Texas W.B. Jefferson has noted, there are direct parallels here between expanding access to health services and expanding access to justice:

> Time and again, the profession has rejected reform efforts in the name of protecting core value. But as commentators have asked: '[W]hat good are the profession's core values to those who do not make it through the lawyer's office door?' Many of these reforms echo those experienced by the medical profession. Just as that model has moved away from services provided by physicians and toward those given by physician's assistants and nurse practitioners, we could similarly rely more on trained non lawyers to provide many of the services for which a lawyer is now required. Perhaps, '[a]s the medical profession has learned, it may be necessary to live with the ethical tension of encroachments on professional autonomy in order to make professional services available to a wider class of society.[6]

Cost-effectiveness for people-centered justice is discussed in **Background Brief 3.4.**

2.4 Developing and applying indicators to guide spending

The use of outcome targets and coverage indicators is central to the health SDGs, with the WHO index being the core coverage indicator (SDG3.8.1). The WHO index combines data on coverage and access of services addressing reproductive, maternal, newborn and child health; infectious diseases; and noncommunicable diseases. Effective coverage is defined as the proportion of people in need of services who receive services of sufficient quality to obtain potential health gains.

6 Commonwealth of Australia. "Liberty and Justice For Some: How the Legal System Falls Short in Protecting Basic Rights." *New York University Law Review* 88, no. 6 (2013), 1979–1980. Cited in the Australian Government Productivity Commission, "Access to Justice Arrangements: Overview Inquiry Report No. 72," September 2014, https://www.pc.gov.au/inquiries/completed/access-justice/report/access-justice-overview.pdf.

Such outcome targets and coverage indicators also help countries identify where additional spending is required, with Thailand a clear example of the impact this can have (see the Annex for details). In addition, output and input indicators also help identify gaps in access and equality, such as:

- Percentage of population living within ten kilometers of a primary health care center.
- Ratio of health workers to population.
- How the health worker ratio varies across the country.

Indicators for people-centered justice are discussed in **Background Brief 1.1**.

2.5 Recognizing the need for both political commitment and effective bureaucracies able to innovate, learn lessons, and adapt

In 1985, the Rockefeller Foundation published Good Health at Low Cost to understand why four countries/regions then seen as success stories—China, Costa Rica, Sri Lanka, and the Indian state of Kerala—had achieved better health outcomes than other countries at similar income levels. Revisiting the publication twenty-five years later with the addition of a further five countries (Bangladesh, Ethiopia, Kyrgyzstan, the Indian state of Tamil Nadu, and Thailand) demonstrated that attributes of success included "good governance and political commitment, effective bureaucracies that preserve institutional memory and can learn from experience, and the ability to innovate and adapt to resource limitations."[7]

The successes achieved in Thailand, Ethiopia, and in expanding access to health care and improving outcomes was linked to their respective governments' effective use of evidence to focus on expanding the most cost-effective services. A clear lesson can be drawn from the importance of strong political will for change, providing the authorizing environment for talented technocrats to use the best evidence available to design effective programs.

7 Balabanova et al., "Good Health at Low Cost 25 years on: lessons for the future of health systems strengthening," *The Lancet*, 381, no. 9883 (2013): 2118–2133, https://doi.org/10.1016/S0140-6736(12)62000-5.

Annex: Country examples

Thailand

Thailand has been seen as a pioneer of universal health coverage since the introduction of its universal coverage scheme (UCS) in 2001. This reform was accompanied by two important health financing reforms:

1. To ensure that the scheme was properly funded, it was accompanied by changes in how the health budget was set.

Instead of the usual bilateral negotiation between the finance and health ministries, an annual budget request is now made using a formula to estimate the financing needs of the UCS. These are estimated on a per capita basis. The three parameters used to reach this estimate (use rate, unit cost, and target population) are peer-reviewed and agreed to based on consensus by a multistakeholder budgeting subcommittee appointed by the National Health Security Board. This has resulted in improved budgeting transparency: rather than just a bilateral process, the Bureau of Budget is just one among many stakeholders who verify evidence and approve estimates. The process also provides greater evidence to use in guiding budget allocations.

2. Thailand instituted an evidence-based, systematic process for determining which services would be included in the UCS coverage package based on cost-effectiveness, budget impact, and other criteria.

Thai officials created a Health Intervention and Technology Assessment Program (HITAP), which is now an autonomous research institute in Thailand. Known for its expertise in health technology assessment (HTA), HITAP provides evidence to support Thailand's universal coverage benefits package for medicines, health services, programs and procedures, and vaccines through collaborations with policymakers such as the National Health Security Office and the Thai Ministry of Public Health. HITAP has a proven track record in HTA research, especially economic evaluations, continuously impacting Thai public health policy. HITAP is widely regarded as a "star in the east." It is important to note that the establishment of HITAP followed, rather than preceded, the Universal Coverage Scheme. The UCS's enormous additional costs and implications for public expenditure—health spending increased by around USD 1 billion, or a 38 percent increase, when the scheme was introduced in 2002—led to the demand for evidence that could help control costs, as well as price negotiations with suppliers of pharmaceuticals and other medical supplies.

New Zealand

In the early 2000s, the New Zealand government introduced a new primary health care strategy centered on a shift away from funding based on fee for service to funding based on population:

> The government established a new type of not-for-profit entity which enlisted primary health care providers on a voluntary basis. This allowed the health system to shift to universal weighted capitation at the primary health organization level. The shift ensured that all citizens could receive subsidized care in a way that accounted for need. The move to capitation was also designed to control government expenditure on primary health care and expand the range of services that could be delivered by nurses. Large decreases in unmet need for general practitioner services were observed in the first five years.[8]

Brazil

> The Family Health System in Brazil scaled up the provision of primary health care over the last twenty years through multidisciplinary teams which provided community-based services in a geographical area.[9] This move transformed the way health care services are delivered in Brazil, and was financed through a direct transfer from the federal level to municipalities, known as 'Floor for Basic Care.' The transfer was calculated at a fixed per-capita amount based on municipal population, with allowance for more funds to be allocated to more deprived municipalities. The number of Family Health System teams grew from 2,000 to 43,000 between 1998 and 2020, covering two thirds of the population. A number of studies have pointed to the effectiveness of these health services in improving health outcomes, improving access to health services, and reducing health inequalities.

Ethiopia

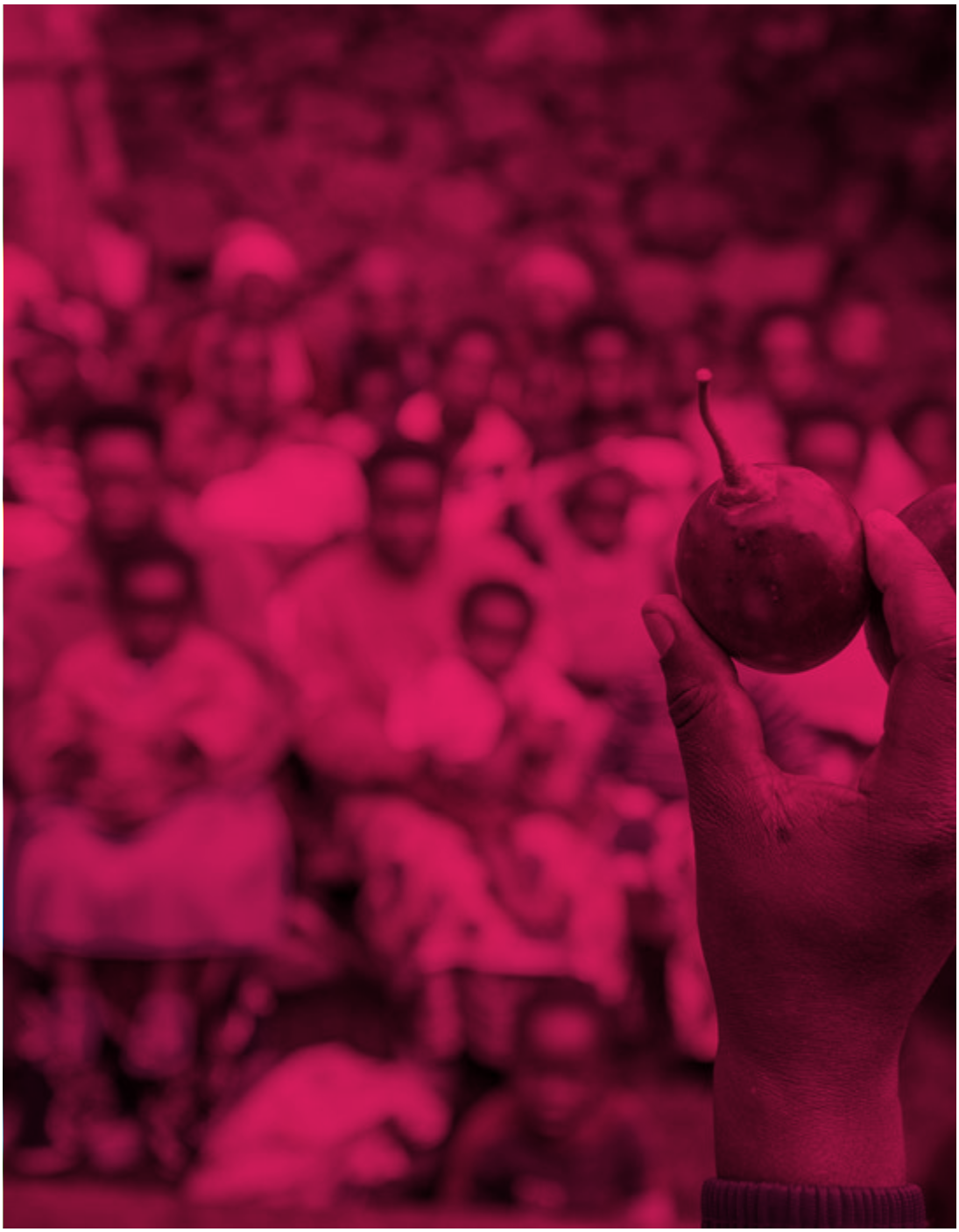
Ethiopia's health extension program has been hailed for providing "good health at low cost." A key component of this has been the recruitment of over 30,000 community health extension workers and the construction of more than 2,500 health centers and 15,000 village health posts. Expanded service coverage and improved health practices has been led to significant improvements in maternal and child health, communicable diseases, and hygiene and sanitation.

8 Kara Hanson et al., "The Lancet Global Health Commission on financing primary health care: putting people at the center," *The Lancet Global Health* 10, no. 5 (2022), e715–e772, https://doi.org/10.1016/S2214-109X(22)00005-5.

9 Ibid.

Rwanda

Rwanda has made rapid progress on reducing child and maternal mortality by focusing on rapidly scaling up cost-effective interventions such as vaccinations, treatment of childhood illnesses, maternal care, and malaria and HIV/AIDS control programs. This was achieved through a combination of the shift to payment by results, the expansion of community-based health insurance, the provision of services at relatively local health centers, and the recruitment of 45,000 community health workers.



BACKGROUND BRIEF 1.1

1.1 Outcomes Focused on the Resolution of People's Justice Problems

Introduction

The Justice Financing Framework proposes that countries should develop:

- Outcome objectives focused on resolving people's most pressing justice problems.
- Justice sector budgets based on the functions needed to deliver outcome objectives (rather than the needs of justice institutions)

This background brief:

- Discusses setting **outcome** level objectives based on the resolution of people's most pressing justice problems and the required functions to achieve these objectives.
- Discusses the current data challenges in measuring the resolution of justice problems and proposes a possible solution.
- Discusses **output** level objectives and indicators.
- Discusses the merits of **input** level objectives and indicators, including measuring service quality.
- Provides examples of cooperation and coordination between justice sector organizations in planning and setting objectives.

1.1 Core outcome: Resolution of justice problems

The JAC's forthcoming *People-Centered Justice Measurement Framework* will help countries collect and use data and evidence to implement people-centered justice systems. The JFF is aligned with the Measurement Framework, which Is currently under development (referred hereafter as Measurement Framework), It identifies resolution of justice problems as the first core outcome objective, with two additional core outcome indicators based on the perception of fairness and trust.

The JAC *Actions We Must Take to Achieve People-Centered Justice* proposes a long-term outcome target "to cut the number of unresolved justice problems in half." How quickly such a target could be achieved will depend on the country context and financing available. Recent in-depth analysis by the Hague Institute for Innovation of Law (HiiL) lists twelve categories of the most pressing global justice problems. HiiL identifies these problems by taking into account both prevalence and impact (measured by the hardship unresolved justice problems cause). The most pressing justice problems include, for example, problems relating to security, family, and work.

1.2 People-centered justice functions

The forthcoming Measurement Framework identifies key functions required to resolve these justice problems (function-based intermediate outcomes):

Table 1: People-Centered Justice Functions and Outcomes

Functions and Outcome (JAC Measurement Framework)	Description of Function (HiiL)
1. INFORMATION **Outcome:** People with justice problems have access to the information they need.	Information is aimed at both preventing disputes and helping to resolve them when they do occur (e.g., legal education, legal empowerment, and sociolegal advice services). Providing information may enable the resolution of disputes through self-help, or with help from family and friends.
2. ADVICE AND ASSISTANCE **Outcome:** People with justice problems have access to the advice and assistance they need.	Advice and assistance can include diagnosis, and support aimed at resolving disputes by negotiating fair outcomes. Agreements in the shadow of the law are the most frequent way to resolve justice problems in every jurisdiction.
3. INFORMAL DISPUTE RESOLUTION **Outcome:** People with justice problems have access to the informal dispute resolution services they need.	In some cases, disputants need third-party neutral assistance with resolving their justice problem. Alternative dispute resolution (ADR) such as mediation or community, traditional, and customary justice mechanisms provide an alternative to formal state dispute resolution in appropriate cases.
4. FORMAL STATE DISPUTE RESOLUTION **Outcome:** People with justice problems have access to formal state dispute resolution services they need.	State institutions provide the backstop for more informal resolutions, dealing with justice problems which are inappropriate for informal resolution.

These intermediate function-based outcomes provide the basis for determining both how resources are allocated through outcome-based budgeting, and what is measured. The outcome data generated through application of the Measurement Framework will inform the outcome-focused resource allocation process described in the JFF.

An in-depth analysis of the current state of evidence on justice needs, functions, and service providers can be found in recent HiiL analysis, as referenced above.

2. Current Data Challenges in Measuring the Resolution of Justice Problems

The forthcoming Measurement Framework focuses on the resolution of people's most pressing justice problems. However, measuring this core high-level objective is currently challenging. The Measurement Framework relies heavily on justice or legal needs surveys as a key data source. Legal needs surveys are expensive, and while most OECD countries have undertaken such a survey, only half of all low- and middle-income countries have done so. Where a legal needs survey has been done, they tend not to be repeated, with many countries only undertaking one nationwide legal needs survey in the last ten years.

In countries where legal needs surveys are at present not regularly carried out, measurement of the resolution of justice problems (i.e., rates of agreement, and satisfied/fair resolution rates) could be achieved through the development of a shorter form of the current legal needs survey. This would reduce costs and enable monitoring of progress on an annual basis.

The development of such a mechanism could be a key low-cost element of a people-centered justice implementation plan (discussed in **Background Brief 5.1**). It would enable high-level outcomes to be the foundation of such plans, as in other sectors such as health and education (see **Background Brief 0.2** for the health sector).

3. Output Level Objectives and Indicators

As in other sectors such as education and health, in addition to outcomes it is also useful to measure outputs. The Measurement Framework will develop detailed output indicators that will: "... measure the results of specific justice and legal services, evaluated from the perspective of the users (individuals, communities, businesses, organizations), focusing on their satisfaction, accessibility, affordability, perceptions of fairness, process and outcomes, quality of service, timeliness, and enforcement."

3.1 Accessibility of justice services: coverage

An output indicator widely used in the education and health sectors is accessibility: measuring the coverage of a service, i.e., use of the service relative to need. An example from the health sector would be the number of pregnant women receiving antenatal care. This requires data on both the number of pregnant women and the number receiving care (see **Background Brief 0.2**).

The concept of service coverage seems highly relevant to measuring the accessibility of justice services. A service coverage indicator could be, for example, the **percentage of the population with a significant justice problem that received advice and assistance.**

There are several advantages to an objective framed in this way:

- A coverage objective enables the justice sector to compare and contrast levels of coverage with other sectors. An illustrative argument would be whether it is right that while 100 percent of children are in school and 50 percent can access health care, only a much lower percentage can access a basic justice service.

- It is relatively cheap and easy to measure progress: service providers record the number of people supported, and their collective effort can be compiled each year through a simple national online reporting system or through networks (e.g., LAPSNET in Uganda or LawWorks in the United Kingdom). Since the numbers needing support only change gradually, they can be estimated using less frequent legal needs surveys. A reasonable estimate of coverage can therefore be calculated with greater ease.

4. Input Objectives and Indicators

As well as outcome and output level indicators, the Measurement Framework will also identify input indicators "to measure the implementation of the justice systems, policies, institutions and structures."

This is in line with other service delivery sectors, which have found it helpful to complement high-level outcome and output objectives with input level objectives or indicators that specify the level of service provision required to deliver the high-level objective. Input level indicators force an assessment of what level of service is needed. This is essential both for planning the development of these services and costing the overall strategy.

In the education sector, a key input is teachers. It follows that a common input level indicator is the ratio of pupils to teachers. Similarly, in the health sector, a common input is primary health care centers, and a common input level indicator is the percentage of the population living within ten kilometers of a primary health care center (see **Background Brief 0.2**).

Possible examples of input level indicators for front line people-centered justice services are:

- Proximity to a basic justice center.
- Ratio of community justice workers to number of people needing front line justice service.

4.1 Risks around input indicators

While there is value in adopting input indicators, there are also risks. For example, input indicators focus on current service providers. Therefore, they can result in an overemphasis on inputs provided by the formal justice system rather than more informal justice systems, which are harder to measure.

Another risk is that input indicators can reduce the focus on efficiency. More inputs may be required, but ensuring the most efficient use of existing inputs is also critical.

4.2 Measures of equity and quality

Measuring the equity and quality of people-centered justice services is a key issue being addressed in the forthcoming Measurement Framework. One aspect of measuring equity is the disaggregation of objectives by relevant markers of disadvantaged groups (e.g., gender, age, subnational regions, ethnicity, refugees, etc.).

In addition, the experience of other sectors demonstrates that input level objectives are not only helpful in determining what inputs are needed to deliver high-level objectives; they can also help to address issues of equity and quality.

For example, in equity of justice services, indicators such as proximity to a basic justice center or the frequency of a village visit by a paralegal can help to ensure that progress in delivering national access to people-centered justice is not achieved by intense focus on only a few urban centers.

Box 1 below provides more detail on the use of indicators in the health sector.

Box 1: Use of Indicators in the Health Sector

The WHO measures the proportion of the population that can access essential quality health services. It monitors this for a range of services such as immunization. It also monitors key inputs such as the ratio of health workers to population, and various equity measures such as how the health worker ratio varies across the country.

The education sector can provide useful examples for **quality of justice services.** One illustration: while it is important to have all children attending school, if each teacher had to teach one hundred pupils rather than a target of fifty, there would be a clear reduction in the quality of teaching. The quality of teaching would best be measured directly (e.g., percentage of children able to read). In the absence of such measurement, a simpler and readily measurable proxy would be the proportion of schools with the pupil-to-teacher ratio exceeding the 50:1 target. Similarly, it would be beneficial to measure the quality of justice advice; however, cost-effective tools for doing so are not yet readily available (see **Background Brief 4.2** on research and development). In the meantime, it may be useful to measure a proxy such as the ratio of the number of people needing front line justice services to the number of available paralegals.

5. Examples of Cooperation and Coordination Between Justice Sector Organizations in Objective-Setting and Planning

Setting and delivering objectives is likely to require cooperation and coordination between justice sector organizations. The nature of such cooperation and coordination will be highly context-specific and will need to be developed in light of the independence of key justice sector organizations, particularly the judiciary. Box 2 below provides country examples of such cooperation and coordination in practice.

Box 2: Justice Sector Cross-Institutional Policymaking, Planning, and Resource Allocation

Since 2014, the justice sector in **Sierra Leone**, including the constitutionally independent judiciary, has adopted a cross-sectoral approach to policymaking, planning, and resource allocation, with the Ministry of Justice's Justice Coordination Office responsible for supporting the development of successive cross-sectoral Justice Sector Reform Strategies and Investment Plans, cross-sectoral implementation, and monitoring and evaluation.

In the late 1990s, the Ministry of Finance in **Uganda** 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) 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 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-five years later, 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.

Rwanda's cross-institutional Justice, Reconciliation, Law and Order Sector (JRLOS, which includes the independent Judiciary) was formed in the mid-2000s with technical assistance from donors, especially the European Union. Through cross-sectoral policymaking, planning, and prioritization, JRLOS has developed a series of sectoral strategic plans linked to Rwanda's medium-term expenditure framework and supported by donor funding. Institutional reforms to promote front line justice include Access to Justice houses in every district (providing free legal advice and assistance) and Mbuzi (local mediation committees).

Canada's Action Committee on Access to Justice established by the Chief Justice brings together stakeholders from all parts of Canada's justice system to align the work of organizations across the country. The Action Committee coordinates national metrics on justice, tracks progress, and connects people to share innovations.

BACKGROUND BRIEF 2.1

2.1 Financing Ambition #1: Justice Sector Share of Total Government Expenditure

Introduction

The Justice Financing Framework (JFF) proposes that countries should review the share of total government expenditure allocated to the justice sector in line with cross-country benchmarks.

This means reviewing funds allocated to the justice sector as a whole, which, in line with the United Nations (UN)/Organisation for Economic Co-operation and Development (OECD)/International Monetary Fund (IMF) definition includes ministries of justice, judiciary, police, and prisons.

The JFF also suggests that international benchmarks could be applied to funds allocated to the more narrowly defined "judicial system," which comprises the court system, prosecution services, legal aid, and other state funding for legal advice and representation. This is discussed in **Background Brief 2.2**)

FINANCING AMBITION #1: SET JUSTICE SPENDING IN LINE WITH CROSS-COUNTRY BENCHMARKS

Table 1: Total Justice Sector Share of Total Government Expenditure

Country Income Group	Benchmarks
Low-income countries	4–11% (median 6%)
Lower-middle-income countries	4–9% (median 6%)
Upper-middle-income-countries	5–9% (median 7%)
OECD countries	3–5% (median 4%)

This background brief:

- Explains how the cross-country benchmarks have been derived.
- Discusses the relatively high average level of spending on justice in non-OECD countries.

1. How the Cross-Country Benchmarks Have Been Derived

1.1 Cross-country benchmarks for justice share of total government expenditure

The aim of the benchmarks is to provide a framework for considering what levels of spending on justice seem reasonable and are in line with what other countries are spending as a proportion of their total government expenditure. The benchmarks are not prescriptive, but rather a starting point for discussions between the justice sector (including the Ministry of Justice and the Judiciary) and the Ministry of Finance to define the level of resourcing from public funds available to the justice sector.

The spending of most countries in each income group lies within the benchmarks set out in Financing Ambition #1. These benchmarks are based on ODI Global's analysis of the latest patterns of spending in 155 countries.[10]

The range and median figures provide a broad indication of norms and can be used as a starting point for discussion with the Ministry of Finance on medium-term expenditure allocations, particularly if a country's allocation to justice is at or below the lower end of the range.

For detail on variations in spending on justice within the different country income groups, see Annex Section A1. For an explanation of why a share of total government expenditure is utilized for benchmarks rather than a share of gross domestic product (GDP), see Annex Section A2.

1.2 Definitions and where the data comes from

A standard definition of the justice sector is used to ensure cross-country consistency. This is the OECD/IMF/UN-agreed Classification of Functions of Government (COFOG)[11] **category 703 public order law and safety**, comprising: police services; fire protection services; law courts; prisons; research and development on public order and safety; and public order law and safety not elsewhere classified.

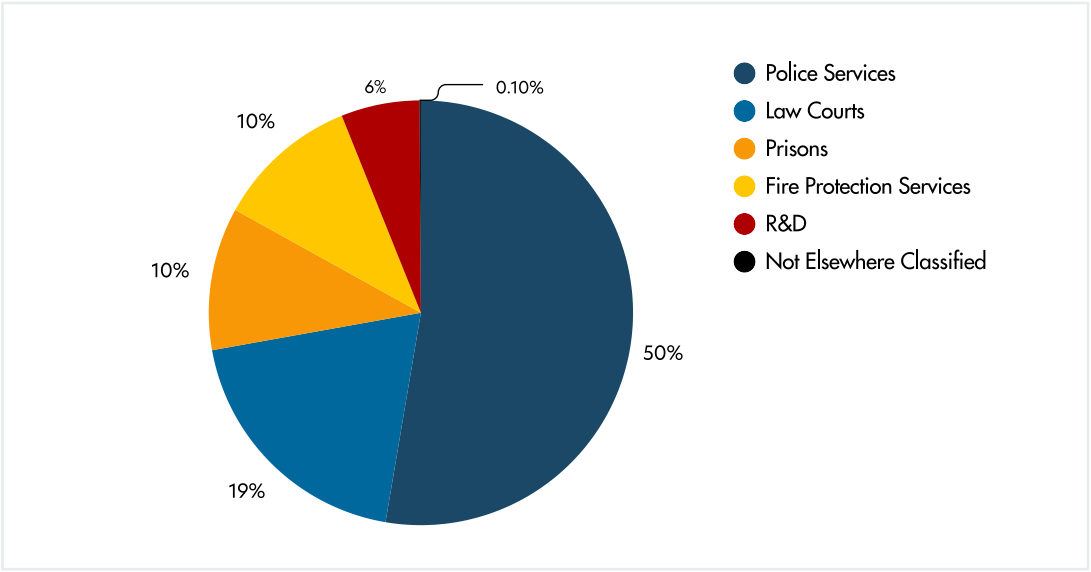
The data comes from standard internationally-recognized sources (supplemented by country-level data) and uses standard internationally-recognized definitions. Data is obtained primarily from the IMF (101 countries), supplemented by data ODI gathered from national budget websites (forty-four countries). Some countries only report total justice spend to the IMF without any further breakdown. For a full explanation of the data see ODI Global's Justice financing 2024 report and Annex Section A3. The full dataset is available from ODI Global on request.

10 Marcus Manuel et al. "Justice financing 2024 annual review: domestic financing and aid." *ODI Global*, December 6, 2024, https://odi.org/en/publications/justice-financing-2024-annual-review-domestic-financing-and-aid.

11 COFOG is a classification used to identify the socioeconomic objectives of current transactions, capital outlays, and acquisition of financial assets by the general government and its sub-sectors. For more details, see the bibliography for a complete list of sources from the United Nations and OECD.

Spending data on justice is further disaggregated into subfunctions. Figure 1 below shows the breakdown for OECD countries. Police spending accounts for half of all justice spending across all countries.

Figure 1: Median Public Order and Safety Expenditures by Subfunction in OECD Countries

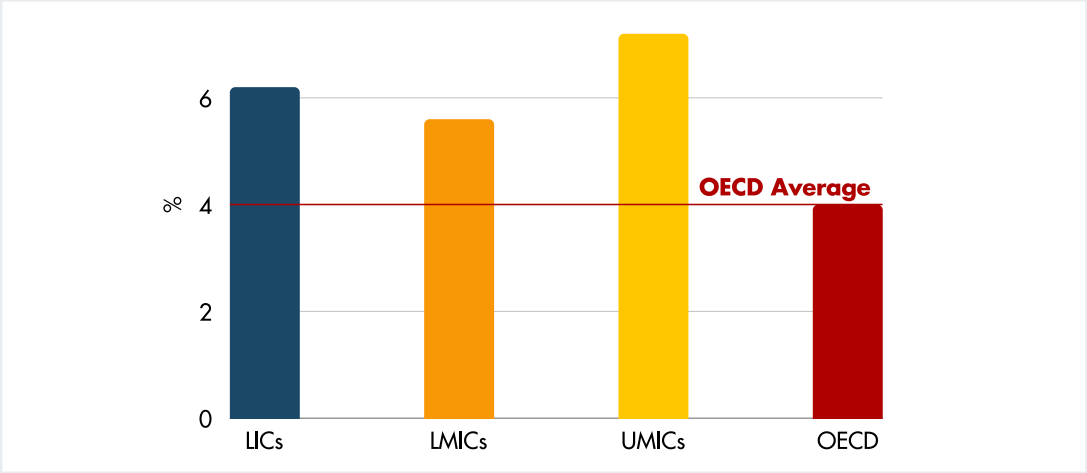


2. Spending on the Justice Sector

2.1 Non-OECD countries are on average spending proportionately more on justice than their OECD counterparts

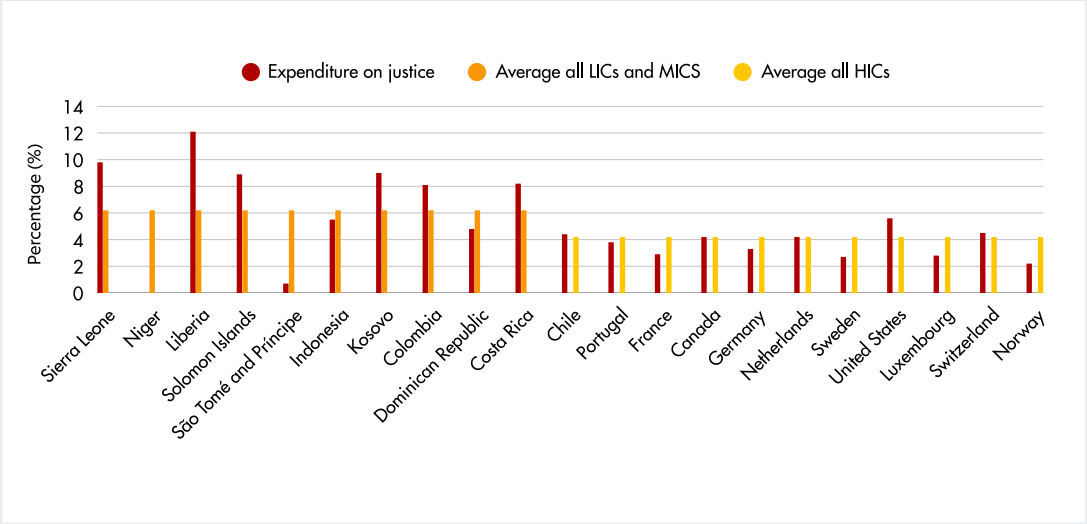
Non-OECD countries spend 55 percent more on justice proportionately than OECD countries. OECD countries are spending an average of 4 percent of their total spending on justice. In contrast, in low- and middle-income countries, the average figure is 6.2 percent. See Figure 2 below.

Figure 2: Non-OECD Countries: Spending on Justice as a Percentage Share of Total Government Expenditure.



Justice Action Coalition (JAC) members that are low- and middle-income countries spend even more on justice than their peers. In contrast, most high-income JAC members spend less than their peers (on average 5 percent). Figure 3 below shows all JAC members with the lowest-income countries on the left-hand side and the highest income on the right-hand side.

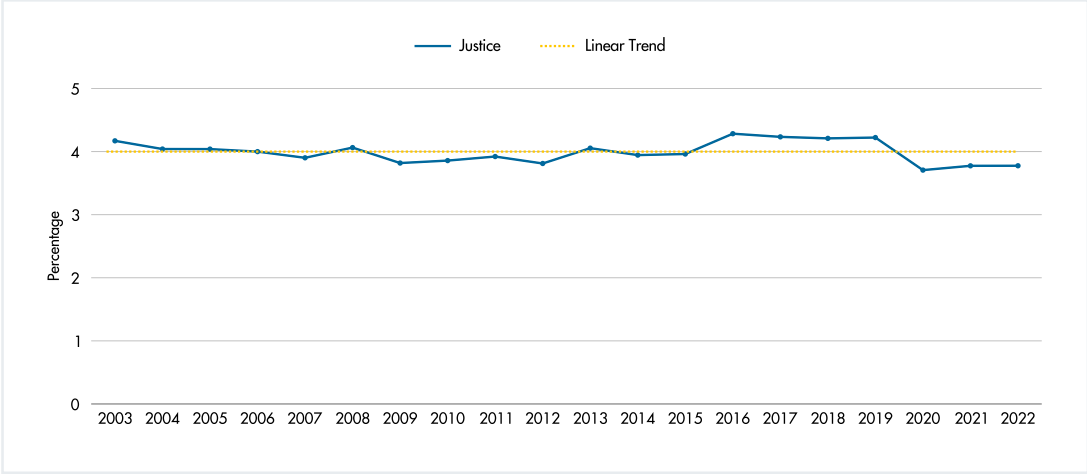
Figure 3: JAC Member Countries Spending on Justice as Percentage of Total Government Expenditure



2.2 Consistency of OECD spend across time

It is striking that in OECD countries the average (median) share of spending on justice has been remarkably constant at around 4 percent. Since 2003, it has always been within the range of 3.8 to 4.3 percent (see Figure 4 below). Unfortunately, historical data is not compiled for non-OECD countries.

Figure 4: Justice Share of Total Government Expenditure in OECD Countries



2.3 The relatively high levels of spend on justice in non-OECD countries is unlikely to be sustained

The relatively high proportional spend on justice in non-OECD countries reflects relatively lower proportional spend on health, pensions, and social protection. Populations in OECD countries tend to be older, and OECD countries have a longer tradition of providing other types of social protection such as child, maternity, and disability benefits. While nationwide social protection schemes are becoming increasingly common in upper-middle-income countries, they remain rare in low-income countries.

Rising spending pressures from health, social protection, and education in lower-income countries mean that current levels of allocations to justice are likely to come under pressure. In particular, lower-income countries are "overspending" on justice relative to health. As Table 1 shows, in low-income countries justice spending is at 90 percent of the level of health spending. In OECD countries, justice comprises just 24 percent of health spend.

Table 1: Spending on Justice and Health as a Percentage of All Government Expenditure

	Low-income countries	Lower middle-income countries	Upper middle-income countries	OECD (average)
Justice	6.2	5.6	7.2	3.8
Health	6.9	7.4	12.0	15.7
Justice as Percentage of Health	90%	76%	60%	24%

Note: Justice and health figures are the median percentage expenditure.

Sources: Justice: Authors' calculations based on IMF and ODI Global data. Health: ODI Global calculations based on World Bank data. For more information, see Manuel et al., "Justice financing 2024 annual review."

Rising pressures for spending on health are likely to reduce the justice sector's share of total government expenditure. This suggests it is unrealistic to develop justice financing plans on the assumption that justice's share will increase.[12] However, as countries become richer, government revenues increase in line with the growth of the economy. As a result, even if justice receives a declining share of the total, this can still result in an increase in government expenditure on justice.

The relationship between countries' income and relative expenditure on justice and health is discussed further in the Annex Section A4.

12 ODI Global is aware of at least one country example where the key financing assumption was an increase in justice's share of total government expenditures.

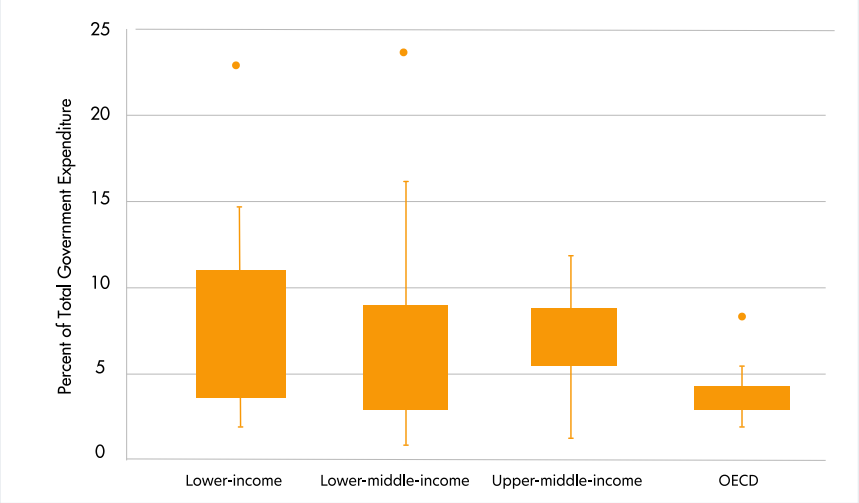
Annex

A1. Variations in levels of spending on justice within country income groups

Most OECD countries have similar levels of spending on justice as a proportion of total government expenditure. There is much greater variation in the level of spend in lower-income, non-OECD countries. Nevertheless, there is a case to be made for increasing spend where these countries' levels of spending are significantly below their peers.

The variations in spending on justice within country income groups are shown in the "box and whisker" plot in Figure 5 below. The OECD box (representing the 50 percent of countries that are closest to the median level of spend on justice) is small and the whiskers (representing the rest of the countries) do not extend far. In contrast, the boxes for lower income countries are larger, with longer whiskers.[13]

Figure 5: Expenditure on Justice as a Share of Total Government Expenditure



13 The midpoint of each figure is the median level of spending. Half of the countries will be above, and half below, this level of spending. The shaded portion extends to covers half of all the countries. The 'whiskers' extend to cover nearly all the other countries, except for one or two extreme outliers (as is the case for a few LICs and LMICs).

A2. Justice spending as a share of GDP

The Justice Financing Framework benchmarks present justice spending as a share of total government expenditure, in line with the approach taken in other sectors including health and education. However, it is also possible to look at justice spend as a share of GDP. The reason for the Justice Financing Framework's focus on share of total government expenditure rather than GDP is that IMF research has shown the economic structure of lower-income countries limits their ability to raise taxes (in part due to their tendency to have a much larger subsistence and informal sector). A lower level of taxation in turn limits their level of government expenditure. These economic structural constraints make it inherently more difficult for a lower-income country to achieve a certain level of spend as a percentage of GDP. Thus, when comparing relative effort, it is more relevant to look at spending as a percentage of total government expenditure. As Figure 6 shows, although OECD countries spend a lower proportion of their total expenditures on justice, this is still a higher proportion as a percentage of GDP.

A3. Data coverage

Table 2: Data Availability—By Number of Countries and as a Percentage of Each Income Group

Income Group	Number of Countries with Data on Justice Spending	Percentage of Income Group with Data
Low-income countries (LICs)	20	77%
Low- and middle-income countries (LIMCs)	43	83%
Upper-middle-income countries (UMICs)	39	72%
OECD*	38	100%
High-income countries (HICs)	53	65%
Total all countries	**155**	**71%**

Notes: OECD member countries comprise some UMICs and some HICs.

A4. Relationship between countries' income and relative spending on justice and health

Figure 7 below shows the widening disparity between justice and health spending with countries' increased income. The figure suggests that with increased expenditure on health as countries become richer, the justice sector's share of the total government expenditure decreases.

Figure 6: Expenditure on Justice as a Share of Total Government Expenditure and GDP

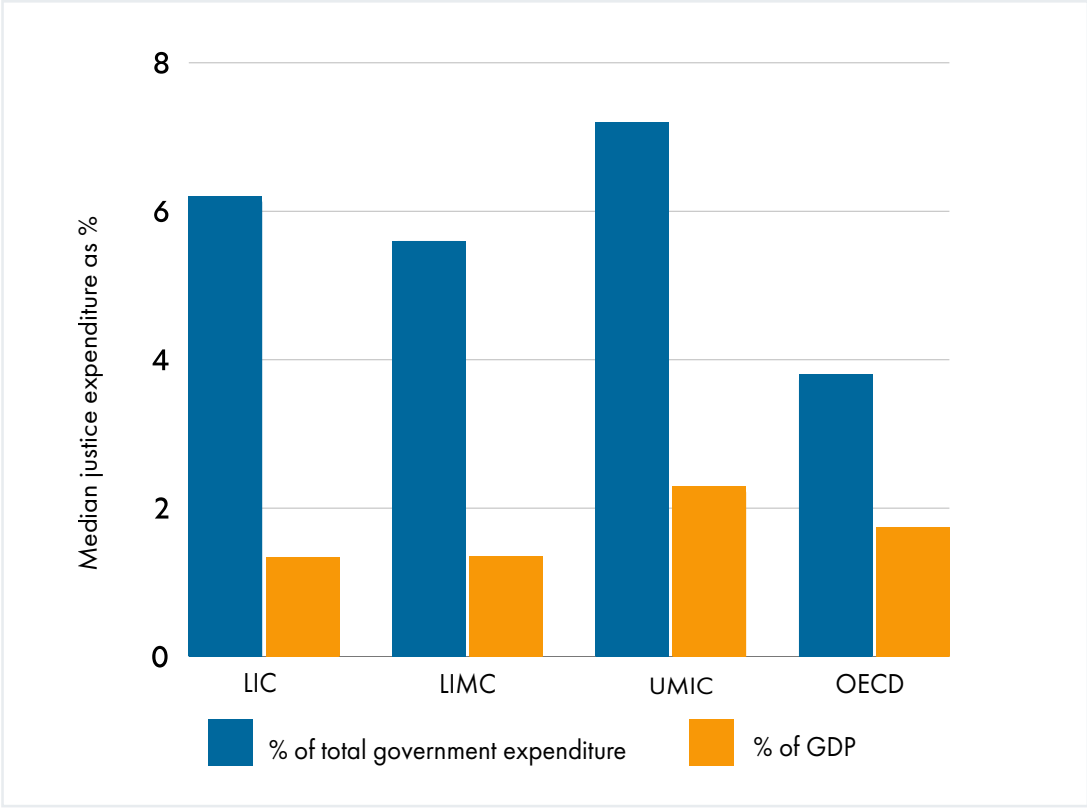
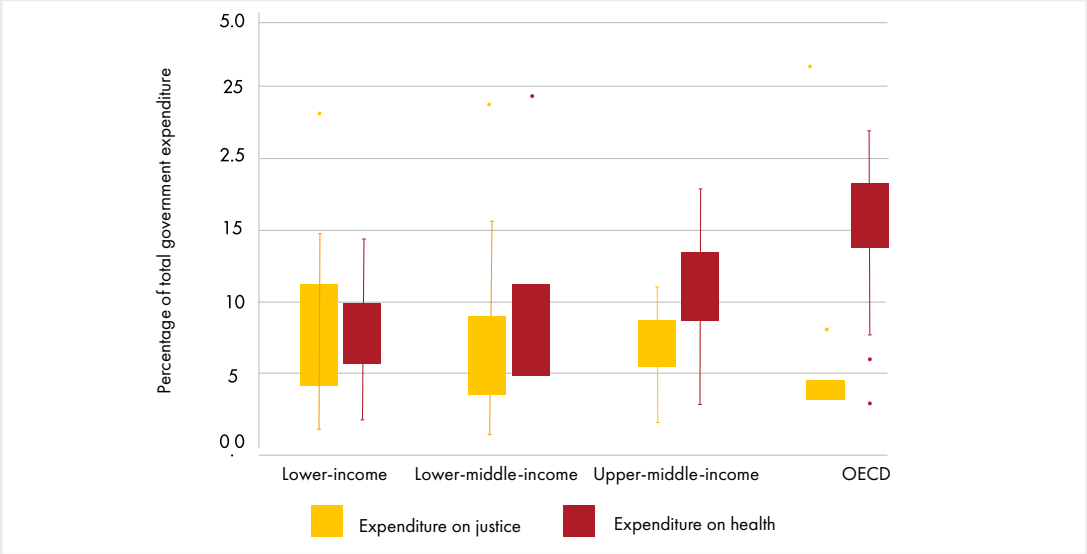


Figure 7: Spending on Justice and Health as a Percentage Share of Total Government Expenditure



Sources: IMF COFOG, World Bank, and World Health Organization—supplemented by ODI Global research.

BACKGROUND BRIEF 2.2

2.2 Judicial System's Share of Total Government Expenditure

Introduction

The Justice Financing Framework proposes that countries should, in addition to considering spending on the justice sector as a whole, review the share of government budget allocated to the more narrowly defined 'judicial system' (which comprises the court system, prosecution services, legal aid, and other state funding for legal advice and representation).[14] The review should be undertaken in light of international benchmarks.

This background brief:

- Sets out the cross-country benchmarks and explains how they have been derived.
- Discusses patterns of allocations common to judicial systems across all country income groups.

1. The Benchmarks for Judicial System Spending

1.1 Background to the benchmarks

This background brief considers domestic budget allocations to a subset of the justice sector: the 'judicial system.' As with the 'justice sector,' the 'judicial system' has an internationally agreed definition (discussed below). In summary, the judicial system includes the court system, prosecution services, legal aid, and other state funding for legal advice and representation.

Budget allocations to the judicial system are of interest because of the critical and central role of the judiciary in the administration of justice, and in providing front line justice services. While judiciary are constitutionally independent (and often have special budgetary arrangements to ensure this), they can be key actors/drivers of change for the whole sector. In some countries, as well as providing front line dispute resolution services through the lowest tier of the formal courts, the judiciary also takes a keen interest in the performance of customary and informal justice systems, and the development of innovative approaches (such as alternative dispute resolution mechanisms).

14 United Nations (UN)/Organisation for Economic Co-operation and Development (OECD)/International Monetary Fund (IMF) definition.

The benchmarks are intended to provide a framework for considering what levels of spending on the judicial system seem reasonable and are in line with what other countries are spending as a proportion of their total government expenditure. The benchmarks are not prescriptive, but rather a starting point for discussion between the organizations comprising the judicial system (most importantly the judiciary) on the one hand and the Ministry of Finance on the other. The ultimate aim is to define the level of resourcing from public funds available to the judicial system.

1.2 Global data on the judicial system's share of total government expenditure

Table 1 below sets out the average (median) share of total government expenditure on the judicial system across all country income groups. The benchmark is based on ODI Global's analysis of current patterns of spending in 130 countries. The spending of most countries in each income group lies within the benchmark below.

Table 1: Cross-Country Benchmarks for Judicial Systems' Share of Total Government Expenditure

Country Income Group	Benchmarks
Low-income countries	0.8–2.0% (median 1.4%)
Lower-middle-income countries	0.7–1.7% (median 1.0%)
Upper-middle-income-countries	0.7–1.7% (median 1.0%)
OECD countries	0.5–0.8% (median 0.7%)

* This includes the judiciary, the court system, prosecution services, legal aid, and other state funding for legal advice and representation (UN/OECD/IMF definition).

The range and the median figures in Table 1 above provide a broad indication of norms, and can be used as a starting point for discussion with the Ministry of Finance, particularly if a country's allocation to justice is at or below the lower end of the range.

For detail on variations in spending on justice within the different country income groups, see Annex Section A1.

1.3 Definitions and where the data comes from

A standard definition of the judicial system is used to ensure cross-country consistency: the OECD/IMF/UN agreed classification of Functions of Government (COFOG)[15] category 7033 law courts. This covers:

- Administration, operation, or support of civil and criminal law courts and the judicial system, including enforcement of fines and legal settlements imposed by the courts and operation of parole and probation systems.
- Legal representation and advice on behalf of the government or on behalf of others provided by the government in cash or in services.
- Includes: administrative tribunals, ombudsmen, etc.

The data comes from standard internationally-recognized sources (supplemented by country-level data) and uses standard internationally-recognized definitions.

Data on domestic budgets is obtained primarily through the IMF, supplemented by ODI Global data gathered from countries' budget websites. The full dataset is available from ODI Global on request.

Domestic budgets mean government funds from all sources: tax (national and subnational) but also loans and on-budget aid.[16]

2. Common Patterns of Allocations to the Judicial System Across All Country Income Groups

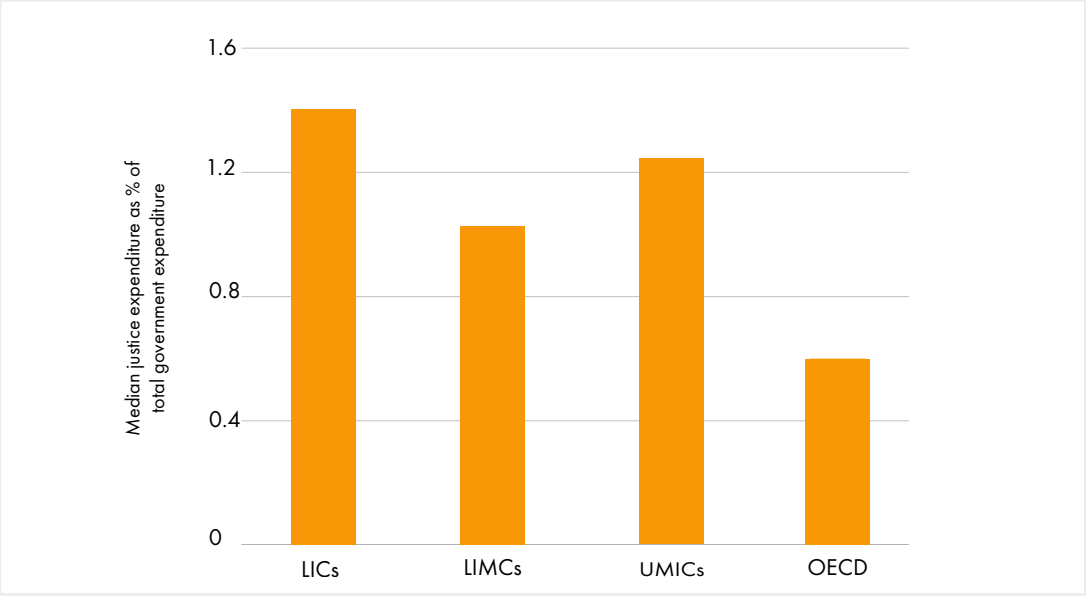
2.1 Non-OECD countries allocate more to judicial systems

As is the case for spending on the total justice sector, most low- and middle-income countries spend more on the judicial system than OECD countries, spending on average 1.2 percent of total government expenditures (median) compared to the OECD figure of 0.7 percent (Figure 1).

15 COFOG, which stands for the Classification of the Functions of Government, is an international standard used to classify government expenditure by purpose of spending. This helps break down government outlays into different categories like general public services, defense, and education. The classification was developed by the Organization for Economic Co-operation and Development (OECD) and published by the United Nations Statistical Division.

16 For a full explanation of the data, see Marcus Manuel et al. "Justice financing 2024 annual review: domestic financing and aid." *ODI Global*, December 6, 2024, https://odi.org/en/publications/justice-financing-2024-annual-review-domestic-financing-and-aid; and Annex Section A2.

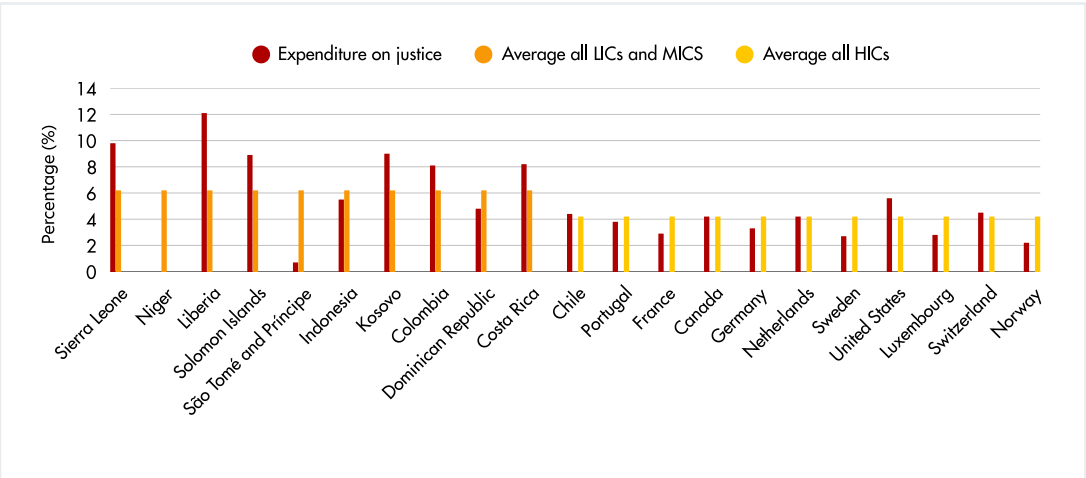
Figure 1: Judicial System Expenditure Across All Country Income Groups



As can be seen from Figure 2 below, non-OECD Justice Action Coalition (JAC) members spend more on judicial systems than the averages of other countries in their income group (which range from 1 to 1.4 percent). OECD JAC members are more evenly spread around the average for OECD countries of 0.7 percent. Figure 2 shows all JAC members, with the lowest income countries on the left-hand side and the highest income on the right-hand side.

For further detail on variations on spending on judicial systems see Annex A1.

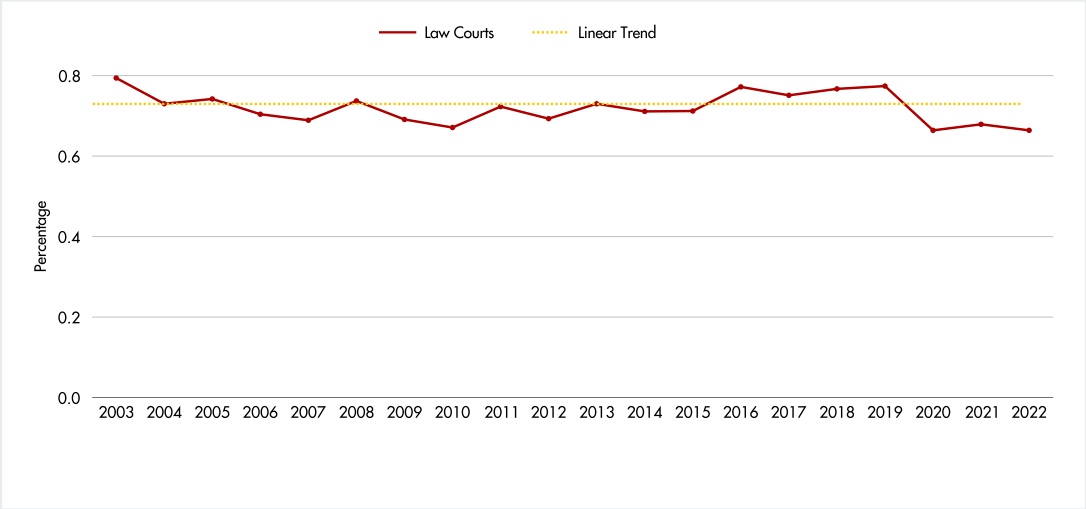
Figure 2: Expenditure on Judicial Systems in JAC countries



2.2 Consistency of OECD spend across time

It is striking that in OECD countries the average (median) share of spending on judicial systems has been remarkably constant. Since 2003, it has always been within the range of 0.65 to 0.8 percent (see Figure 3 below). Unfortunately, historical data has not been compiled for non-OECD countries.

Figure 3: Judicial System Share of Total Government Expenditure in OECD Countries



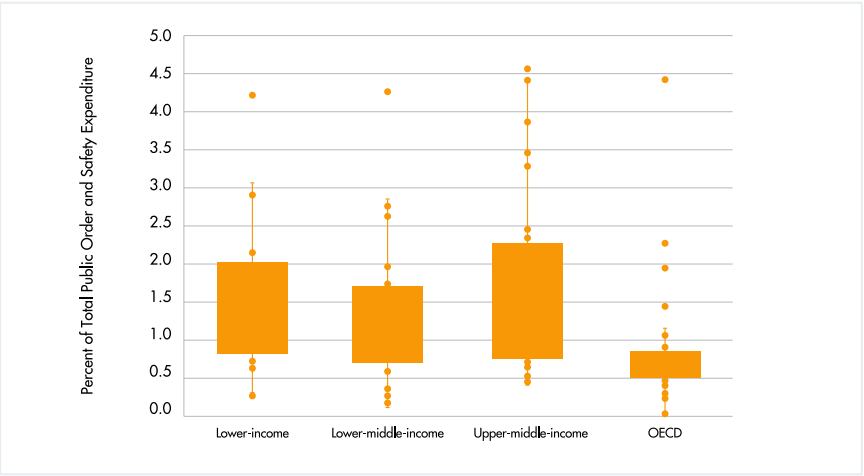
Annex

A1: Variations in Levels of Spending on Judicial Systems

Most OECD countries have remarkably similar levels of spending on judicial systems. There is greater variation in the level of spend in low- and middle-income countries, but most are still within a narrow range 0.7 percent to 2.3 percent.

The variations in spending on judicial systems within country income groups are shown in the 'box and whisker' plot in Figure 4. The OECD box (representing 50 percent of countries that are closest to the median level of spend on justice) is small and the whiskers (representing most of the rest of the countries, apart from a few outliers) do not extend far. In contrast, the three non-OECD boxes are longer, with longer whiskers, indicating a much greater variation in the level of spend.[17]

Figure 4: Expediture on Judicial Systems as a Share of Total Government Expediture



17 The line in the middle of each box is the median level of spending. Half of the countries will be above, and half below, this level of spending, The shaded box extends to cover 50 percent of all countries that are closest to the median level of spend, both above and below. The 'whiskers' extend to cover nearly all the other countries, except for one or two extreme outliers.

A2: Data coverage

Table 2: Data Availability—By Number of Countries and as Percent of Each Income Group

Income Group	Number of Countries with Data on Judicial Systems Spending	Percentage of Income Group with Data
LICs	19	75%
LMICs	29	56%
UMICs	34	63%
OECD*	36	95%
HICs	48	59%
Total for all countries	**130**	**60%**

Note: OECD member countries comprise some UMICs and some HICs.

BACKGROUND BRIEF 2.3

2.3 Contributions to Costs by Beneficiaries

Introduction

The Justice Financing Framework proposes that countries should review the allocation of legal and justice services costs and consider the scope for contributions from well-resourced users and beneficiaries, while avoiding access barriers.

This background brief considers the scope for users and beneficiaries to contribute to the cost of primary front line justice services. It:

- Considers the principles for allocating costs.
- Discusses user fees for dispute resolution services (courts and informal mechanisms).
- Reviews payment mechanisms for advice and assistance.

2. Principles for Allocating Costs

There are complex arguments around the extent to which justice is a public good versus the extent to which it is reasonable for people involved in conflicts (and who benefit directly from solutions) to pay or at least contribute to the inherent costs. There is a wide range of international experience (some of which is discussed below) which countries may wish to consider when looking at the potential to raise funds from users and beneficiaries.

It is clear that in some circumstances, people are able and willing to pay to resolve their justice problems.[18] However, cost should not be a barrier to access to justice services.[19] There is considerable literature on the unintended consequences of disproportionate cost allocations, including a loss of faith in the justice system.[20] Box 1 below summarizes lessons from other sectors on charging user fees.

18 Maurits Barendrecht et al. "Charging for Justice: SDG 16 Trend Report 2020." *HiiL*, 2020, https://www.hiil.org/research/charging-for-justice/.

19 Ibid, ch. 4.

20 Most of this "fees and fines" literature is related to the costs of law enforcement. See Paik and Packard, 2024 for a recent review of this literature.

Box 1: Lessons from the Education and Health Sectors on Charging User Fees

Education sector

- The United Nations Children's Fund (UNICEF) has long advocated for free, compulsory primary education.
- Sustainable Development Goal (SDG) target 4.1 states "By 2030, ensure that all girls and boys complete free, equitable and quality primary and secondary education leading to relevant and effective learning outcomes."
- It is recognized that even small fees can have a disproportionate impact on access. The decision by the Ugandan government in 1997 to abolish a USD 5 annual fee for primary school pupils resulted in an overnight doubling of attendance.[21]

Health sector

- User fees for primary health care, which had been widely introduced in the 1990s, have now been largely abandoned (see **Background Brief 0.2**).
- In many health care programs, the removal of user fees has led to a significant increase in the number of patients using public health services, especially for maternal and child health services.[22]

Box 2 below summarizes key considerations for payments or contributions from users and beneficiaries for dispute resolution services.

21 World Bank advice had previously been that attendance would only increase by 10 percent. This led to a global fundamental reconsideration of the impact of user fees, and in subsequent years many lower-income countries switched to free primary education (and, increasingly, to free lower secondary education).

22 The study assessed the impact of user fee exemption cards introduced by the government to improve healthcare access for the ultra-poor. The study found that 75.5 percent of eligible individuals received the cards, with factors such as literacy, proximity to healthcare centers, and residents in specific health districts being positively associated with card receipt. However, possessing the exemption card did not significantly increase healthcare utilization among the ultra-poor. See Yvonne Beaugé et al. "Do targeted user fee exemptions reach the ultra-poor and increase their healthcare utilisation? a panel study from Burkina Faso." *International Journal of Environmental Research and Public Health* 17, no. 18 (2020), 6543, https://doi.org10.3390/ijerph17186543.

Box 2: Key Considerations for Payments or Contributions from Users and Beneficiaries for Dispute Resolution Services

Means, needs, and merits. Legal aid is the justice service where most work has been done to rationalize cost allocations. Legal aid subsidies tend to be allocated on the basis of means (ability to pay), need (severity of the problem), and merit (whether the service is likely to lead to an effective and fair outcome).

Proportionality of the cost contribution in relation to the value of the claim.

Indirect costs of ineffective or delayed services. Cost contributions should take into account the impact of ineffective or delayed resolution of the disputes. Even impecunious disputants may prefer to pay a fee for a quick, effective service.

Avoid incentivizing inefficient behavior. For example, funding mechanisms for prosecution services may provide an incentive for prosecutors to bring easy cases to formal courts, as opposed to restorative justice provided at the community level.

For a fuller discussion on the principles for allocating costs, see Annex Section A.

3. User Fees for Dispute Resolution Services (Courts and Informal Mechanisms)

One potential revenue source is for users to pay some or all of the cost of dispute resolution (court/informal dispute resolution) services. Box 3 below illustrates some international experience. Further examples are in Section B of the Annex.

Box 3: Payments For Court Fees: International Experience

Europe: Countries' fees for formal courts

Court fees on average (median) cover 15 percent of the courts' costs and 8 percent of judicial system costs (courts, public prosecution, and legal aid).[23] But there is a wide range of practice with court fees raising as little as 1 percent the fees in Spain and over 100 percent in Austria. Revenue from fees in Austria and Germany are high, given their ability to cross-subsidize fees from land and business registers.[24]

Ethiopia: Customary Courts in the regional state Oromia

Customary courts in the Ethiopian Oromia are primarily financed through community contributions, reflecting a grassroots approach to maintaining their operations. In rural areas, nearly all community members contribute to the functioning of these courts, with each individual typically providing around USD 1.5 (200 Ethiopian birr) annually. For those facing financial difficulties, exceptions are made to ensure inclusivity. This widespread participation demonstrates a collective commitment to the customary justice system, reinforcing its legitimacy, relevance, and ownership in local communities. Community contributions are streamlined through the involvement of local government structures such as revenue and tax collection offices, and Ganda (lowest) administrations, which assist in collecting funds on behalf of the customary courts. A formal invoicing system has been implemented to facilitate the process, ensuring transparency and efficiency. This system not only enhances the financial stability of the courts, but also fosters a sense of shared responsibility among community members for the upkeep of their justice mechanisms. [25]

A requirement for users to pay for public court services may be particularly relevant for large commercial disputes, which in some countries (e.g., the UK and Australia) are currently subsidized by the state. There is scope to consider the extent to which well-capitalized users of the justice system with resource-intensive disputes should contribute to the service they are benefitting from. This is linked to concerns over power imbalances that may be inherent in the system (see Box 4 below). These issues are discussed further in Section C of the Annex.

23 European Commission for the Efficiency of Justice (Council of Europe, Special file - Report "European judicial systems - CEPEJ Evaluation report - 2024 Evaluation cycle (2022 data), October 2024, 39, https://www.coe.int/en/web/cepej/special-file.

24 Barendrecht et al. "Charging for Justice." *HiiL*, January 2024, accessed July 27, 2025, https://www.private-law-theory.org/2024/01/19/barendrecht-botero-and-banks-charging-for-justice-2/.

25 Ibid.

Box 4: Costs and Power Imbalances

- In the **United Kingdom** (UK) and other countries, there is growing concern about Strategic Lawsuits Against Public Participation (SLAPPs), where the potential cost of defending a legal action is used to silence criticism.[26]

- In **Uganda**, there is evidence that powerful and educated elites are using the formal justice system to intimidate less powerful opponents in relation to land disputes.[27]

4. Payment Mechanisms for Advice and Assistance

This section considers user or beneficiary payment mechanisms for legal advice and assistance, in particular for those unable to afford private lawyers' fees.

4.2 Contributions to running costs of organizations providing free advice and assistance

Box 5 below provides an example of mechanisms for users to contribute to the running costs of organizations providing free legal advice and assistance. Both are examples of mechanisms that avoid charging fees at the moment of crisis. For example, in return for justice services delivered in the community, a beneficiary may be asked to become a member of a supporting fund or to make payments in kind. The "pay it forward" scheme described in Box 5 operates in practice as a "no cure, no pay" arrangement, which can work well for disputants in cases where substantial money is at stake in comparison to the costs of services, but where the outcome is uncertain.

26 Peter Coe et al. "Addressing strategic lawsuits against public participation (SLAPPs): a critical interrogation of legislative, and judicial responses." *Journal of Media Law* (June 2024), 1–40, https://doi.org/10.1080/17577632.2024.2443096.

27 Anthony Okech. "Policy brief comparing state and traditional land justice systems in Uganda." *International Development Research Centre*, 2017,. https://idl-bnc-idrc.dspacedirect.org/items/ee0a386c-428d-4715-b19c-5d034bf70f88.

Box 5: Members Fees and "Pay It Forward"

Member fees

A 2024 survey of Namati's Grassroots Justice Network showed that the second-most frequently cited source of funding for grassroots providers of legal advice and assistance was "Member fees: Income from members of a community or professional association," accounting for 28.72 percent of responses. Additionally, 9.57 percent of respondents reported receiving funding through client contributions and/or fees.

'Pay it forward'

A notable example of user contributions is seen in an experiment conducted by Namati and a partner organization in **Myanmar**, Than Lwin Thisar, which tested a "pay it forward" scheme. Clients who successfully resolved cases with paralegals were invited to make voluntary contributions, which were transparently allocated for purposes such as community education or transport needs for paralegals. The success of this model seemed to depend on the receipt of financial compensation by clients.

Source: Namati, namati.org.

4.3 Insurance

Legal fees insurance operates in some OECD countries, but practice and coverage vary. Policies generally exclude or give limited coverage for family issues, crime problems, and services related to contracting and prevention. Legal insurance is unlikely to be a solution for people without a regular sufficient income from which to pay a premium. The range of approaches to legal insurance mirrors the experience of the health sector (see Box 6 below and **Background Brief 0.2**)

Box 6: Lessons from Other Sectors on Insurance

There is a wide variety of approaches to insurance within the health sector. In some countries like the US, insurance is predominantly privately funded and operated with separate limited provision for the poorest (e.g., Medicare, also in the US). In other countries, e.g., the UK, while there is a system of "national insurance contributions," this is in effect a general tax, and individuals' contributions have no relation to their access to health services.

4.4 Third party litigation funding

Litigation funding, or third-party litigation funding (TPLF), refers to an outside investor or funding company contributing to the costs of a lawsuit. The legal costs are usually shared by the party litigating and the outside investor looking for a return on the investment though a favorable judgment or settlement.

Annex: Analytical Background

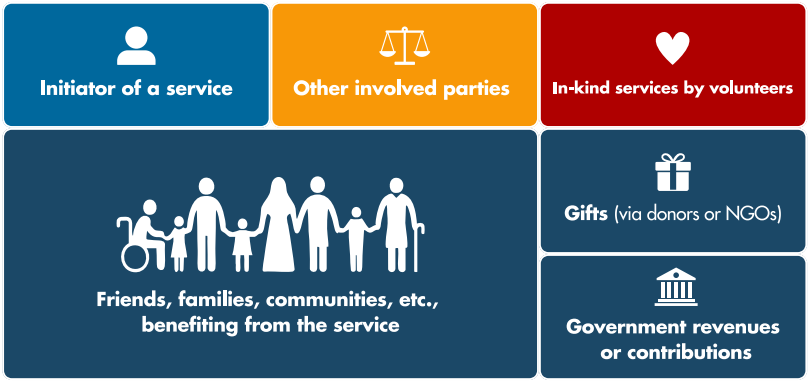
A. Accepted principles for allocating costs

A1: Contributors

"Smart contributions," Chapter 6 of HiiL's report *Charging for Justice*, summarizes the literature on cost allocations before 2020. The chapter starts with the following diagram on possible contributors to the cost of resolving a problem/conflict.

The top three squares represent possible contributions by the participants to the resolution process. The size of the boxes reflects that when analyzing costs, the people-centered perspective requires that all costs of accessing justice are counted: not only out-of-pocket expenses, but also the opportunity costs of time spent, as well as the emotional costs (stress, or the side effects of legal procedures known as secondary victimization). Considerable contributions come from volunteers and from professionals who are contributing time that is not compensated.

Figure 4: Possible Contributors to the Costs of Services



The bottom three squares show how contributions can also come from the government (legal aid, subsidized courts), from gifts, or from organizations that benefit from effective resolution processes in general: some industry organizations may for example offer arbitration or an ADR scheme for clients of their members.

A2. Cost allocation criteria

The report cites a large comparative study from which the following allocation criteria can be derived for the costs of dispute resolution systems. These principles can be applied to all seamless pathways from problems to resolution, including court procedures, ADR mechanisms, and even informal justice in communities.not only out-of-pocket expenses, but also the opportunity costs of time spent, as well as the emotional costs (stress, or the side effects of legal procedures known as secondary victimization). Considerable contributions come from volunteers and from professionals who are contributing time that is not compensated.

- Fees should be differentiated on the basis of the extent of use of resources.
- They should be related to the size of tasks and follow a "pay as you go" structure.
- Subsidies by the state should be transparent.
- Lawyer fees (costs of party representation) are the biggest part of total costs and should be proportionate to the value at stake.
- They should also be predictable—preferably by tariffs or fixed fees established before the case starts.
- Lawyer fees should be determined by the tasks in litigation or dispute resolution: fewer tasks in simplified procedures reduces costs.
- More needs to be done to put proportional costs into effect.
- Predictable costs come with standardization. A 'pathway' or 'track' approach has a number of attractive features.
- More tasks should be shifted from the lawyers/parties to the neutral lower courts.
- For large (corporate) litigation, it may be difficult to predict costs. Transparent case management that allows tracking of costs is the answer.

A3. Cost allocation principles: public goods, private goods, and sustainability

There is a principled argument that all justice services are public goods and should be paid by the state. An alternative view is that only the procedures, methods, and know-how related to justice services for solving conflicts between citizens meet the criteria for a public good (non-excludable; non-rival).

Most justice problems occur in key relationships—family, work, land, housing, community, or local government—in which people are crucially dependent on one other person or organization for their well-being.

Conflicts can be seen as inherent in these relationships. People involved in these conflicts benefit directly from solutions. Together they have in their power to reach an agreement. Therefore, it can be seen as fair and reasonable to let them pay the costs of third-party governance of their relationships. If all governance of private relationships would need to be paid by the state, this would make the justice system unsustainable. However, when there is inequity of resources between the parties, there may be a case for the state supporting the less resourced party. This can help ensure equality of justice outcomes so that both parties perceive the procedure as fair and equitable and can go on with their lives.

How to allocate these costs between them is another matter. Allocation can happen in proportion to the responsibility for (not) resolving the problem. And some people may need subsidies to cover the part of the costs allocated to them.

People also must cope with the consequences of accidents, crime, or other unlawful conduct. In these cases, government subsidies for justice services are more likely to be needed. A person who commits a crime may not be able to pay costs, and it would be unreasonable to require a victim of crime to incur costs.

Finally, people need the justice system to ensure government agencies provide essential public services. For administrative procedures, different cost allocation principles may apply.

A4. Costs as a barrier to access: life events

Cost should not be a barrier to access. Chapter 4 of HiiL's *Charging for Justice* report has data about willingness to pay and reasons why people do not use justice services. ODI Global research on health and education has data on the impact that costs can have on access by those living on lowest incomes.

The data suggest that people are willing to spend on resolution, and more likely to spend on justice services that are effective and that have costs that are proportionate to the value at stake. This is more likely to happen when service providers are members of their own community and have a similar level of salary/cost of living.

Costs can become a huge barrier to access, because justice problems are often related to life events that drastically change people's ability to pay. This means:

- Out-of-pocket costs of services should be low or zero at the point of delivery for people in custody, having immediate security needs, or an urgent need to spend on other immediate needs—including housing and medical services.

- Insurance (see next section), contributions by communities, and state subsidies are ways to share the risk of high costs.

- People in these situations may have more ability to pay once their immediate needs are remedied and when outcomes have been achieved for them.

In addition, justice costs can present a huge barrier for people living on the lowest incomes. Indeed, lack of access to justice can be a reason for them falling into poverty or remaining trapped in poverty.

A5. High- versus low-income countries

Cost as a barrier for access to justice is a universal issue. There are, however, differences in how this plays out for people in high- versus low-income countries. In wealthier nations, people often pay for legal services through fees, insurance plans, or membership programs. These relatively well-organized and structured contribution schemes are largely supported—in full or in part—by government funding, sometimes even with supplemental private funding. Comparatively, many people in lower-income countries can't afford basic legal help, and whatever legal aid exists is usually underfunded and stretched

thin, with large differences in the availability and quality of services offered depending on geography. With fewer safety nets around the negative impacts of life events, poor communities struggle at a different level with cost as a barrier for solving their justice problems. Expectations around contributions from beneficiaries in these regions should be adjusted in line with a realistic analysis of the political economy in impoverished communities, as well as lessons learned from the health sector.

A6. Summary

When reviewing cost allocations to citizens, consider:

1. Proportionality of costs and value/interests at stake.
2. The indirect costs of ineffective or delayed services.
3. Informal payment structures that may result from ineffective cost allocation mechanisms.

In this review, prioritize:

1. Contributions to primary justice services.
2. Contributions by well-capitalized users of the system.
3. Allocations to citizens that cause debt problems.
4. Allocations to citizens in poverty.
5. Allocations inducing business models that lead to additional costs elsewhere in the system.

B. Current cost allocations: little consistency

Justice systems have an enormous variety of cost allocations for each of their functions. The following list is illustrative:

- Costs of contracting and notary deeds are usually borne by the parties involved.
- Governments can lower these costs for their citizens' everyday relationships by offering trustworthy templates. Several countries have formats for marriage contracts (e.g., Bangladesh).
- Costs for processing of permits or identity documents are usually borne by the citizens requiring the permit.
- Costs of experts are usually borne by the parties, but in exceptional cases, the government may subsidize them.
- In European countries, court fees on average (median) cover 15 percent of the courts' costs and 8 percent of judicial system costs (courts, public prosecution, and legal aid).[28] But there is a wide range of practice, with court fees raising as little as 1 percent of court fees in Spain and over 100 percent in Austria.[29]

28 Special file – Report, "European judicial systems," 39.
29 Barendrecht et al. "Charging for Justice." Noted that revenue from fees in Austria and Germany are high, as they are able to cross-subsidize fees from land and business registers.

- Costs of legal representation in court cases can be fully recoverable from the opponent, partly or not at all.
- Fees for registration of (property) rights may be used to cover the costs of public services to resolve these conflicts. Revenue from court fees in Austria and Germany
- are high, as both countries are able to cross-subsidize fees from land and business registers. Fees for registration of a marriage can be used to cover costs of divorces. Fees for registering at a municipality after moving to a new home can be used for resolving neighbor disputes.
- Fines and capital obtained by prosecution of criminal activities may be used to fund criminal justice services.
- Community service work or payments in kind can compensate for work done by local communities in justice services.
- Legal assistance may be funded on the basis of a fixed fee or hourly fees, allocating the risks of cost overruns to lawyers or clients/government respectively.
- Regulatory oversight and dispute resolution costs are sometimes allocated to the organizations that are regulated (i.e., banks or legal professionals) and sometimes covered by the government.
- Costs of security and public order can be allocated to organizers of events or be borne by the state.

This overview, and a lack of overarching theories and comparative reviews, strongly suggests that cost allocations can be optimized.

C. Reviewing cost allocations

C1. Review of all costs per category of justice problems

Countries could consider undertaking a comprehensive review of the allocation of the costs of justice services. Some jurisdictions may have commissioned a review of court fees, fines, or legal aid contributions, but few have prioritized the implementation of effective and fair allocations.

Countries in particular could review the cost allocation of all services that are relevant for preventing or resolving particular categories of justice problems.

- A person seeking access to justice may have to contribute to the costs of all these services.
- Ideally, these services should be provided seamlessly, without unnecessary cost barriers.
- Cost allocations may have unintended effects elsewhere in the particular supply chain.
- Proportionality of costs and value/interests at stake can better be safeguarded for each seamless pathway.

C2. Example of cost allocations to be reviewed: Contributions to primary front line justice services

Community justice services are often provided at scale for nominal costs to governments. Community paralegals, judicial facilitators, and customary courts often consist of volunteers from the community who are intrinsically motivated to help preserve peace and justice, or are held in high regard for their contributions.

In many lower-income countries, the vast majority of front line assistance services are provided for free, and service providers are concerned about the impact that user fees would have on access.[30] However, even in lower-income countries there are examples of user contributions, especially where the monetary value of the service is high (e.g., securing land title or access to government-funded social protection schemes), or the service is part of a customary or informal justice mediation/decision making system.[31] User contributions will be more affordable where there is widespread access to government-funded social protection programs. These are increasingly widespread in lower-middle-income countries, but coverage remains limited in low-income countries (with the notable exception of Ethiopia).

The following table may be helpful to review the overall allocation of financial and in-kind contributions to the costs of operating a high-quality front line primary justice system in communities.

Services per Key Relationship	Possible Financial/In-Kind Contributors
A.1 Rules and contract formats	Government, donors
A.2 Assisting people to apply these individually	Initiator, other party, friends, family
B.1 Services providing guidance, tools and formats for resolution	Government, donors
B.2 Diagnosis of conflicts	Initiator, other party, friends, family
B.3 Information about solutions that generally work	Government, donors
B.4 Assistance with reaching agreement	Initiator, other party, informal justice providers, government
B.5 Providing neutral decisions	Initiator, other party, informal justice providers, government
B.6 Feedback, learning, improvement	Government
C.1 Crime prevention	Government, community
C.2 Restorative, retributive justice	Initiator, other party, informal justice providers, government
C.3 Administrative justice	Initiator, government agency (other party), government

30 ODI 2023a and 2023b.

31 Although many customary and informal justice systems charge fees, these are generally perceived as costing much less than accessing the formal justice system. Whether these lower fees inhibit access by the very poorest—or whether in practice the fees are waived for the very poorest—is an area for future research.

Countries should consider how companies, government organizations, and NGOs use the public justice services. Major commercial litigation and the subsequent administrative burdens regarding high-stakes projects can be very time-consuming for courts, and thus resource-intensive. If courts and other justice sector organizations can interact with these organizations in a way that covers the variable and fixed costs of their services, their funding challenges can be reduced considerably.

A 100 percent cost-recovery rate for the type of procedures noted above seems to be low hanging fruit for a government working on people-centered justice. When individuals only get subsidized legal help after a means test, it is difficult to explain that courts can be used by rich companies almost free of charge.

100 percent cost recovery is not an undue burden on commercial activity. In high-stakes litigation, court fees are likely to be a small proportion of all costs of accessing solutions, which also include the costs of lawyers, internal coordination, and experts. A condition for this is that courts also have it in their power to ensure costs of resolution are proportional to what is at stake for the parties. Courts in any case will need a mechanism to protect defendants against strategic litigation intended to burden opponents with excessive legal costs (SLAPPs). SMEs and NGOs may need subsidies for costs allocated to them in some exceptional cases. These subsidies can be funded from slightly higher fees for large organizations, or by the government.

BACKGROUND BRIEF 2.4

2.4 Private Sector Investment in Justice

Introduction

The Justice Financing Framework recommends that countries should increase the scope for private sector investment in justice. This includes fostering an enabling environment for private sector entrepreneurs to obtain an adequate return on investments to deliver justice at scale with appropriate risk management.

This background brief discusses:

- The potential for private sector financing and entrepreneurship to deliver primary justice services.
- The assurances that private entrepreneurs need in order to contribute to delivery of primary justice services at scale.
- How to mitigate the risks of private entrepreneur involvement.

1. The Potential for Private Sector Financing and Entrepreneurship to Deliver Primary Justice Services

A justice service is a public good. Regardless, the private sector can play a role in service delivery, helping to improve the justice system and access to legal services. Currently, however, this form of involvement is limited and underdeveloped, particularly when it comes to people-centered primary front line justice services.

1.1 Barriers to private sector financing

There are significant barriers to private finance for development in general. One overarching challenge is that governments can borrow at lower rates than the private sector, so it can be cheaper for governments to fund services. The concept note for a 2025 OECD conference on mobilizing private finance for development also pointed out that the scalability of mobilized private finance remains insufficient. This is due to major impediments which range from perceived high investment risks, regulatory barriers, and lack of effective enabling environments in developing countries.[32]

The specific challenges in the justice sector include regulatory barriers (see **Background Brief 4.1**), limited enabling environments, and perceived high investment risks. Private investors find the justice sector unattractive due to the lack of scalable and financially sustainable service models with clear and measurable outcomes. It is therefore questionable whether innovative financing mechanisms such as social impact bonds (see Box 1 below) can be helpful: few of these financing models have been able to scale both the impact and the investment component.

32 Concept Note, "Mobilising private finance towards 2030 and beyond," *OECD*, February 2025, https://www.oecd-events.org/cop-pf4sd-2025conf/eventagenda.

Box 1: Private Sector Investment for Outcome-Based Financing

An outcome-focused approach[33] with clear indicators has the potential to attract private sector capital, particularly impact investors and development finance institutions.[34] Social impact bonds/partnerships are mechanisms to bring in private funding to support some aspects of public services. These involve outcome-based contracts, with investors being repaid if measurable outcomes are achieved.

There is at least one example of this approach in the justice sector: the UK's Peterborough Prison Project.[35] Cordaid's successful results-based funding of police services in Democratic Republic of Congo (DRC) also points to the potential value of outcome/results-based approaches in the justice sector.[36]

However, the design of social impact bonds and results-based programs is challenging and the adoption of social impact bonds in other sectors has proved more limited than originally anticipated. After more than ten years, the cumulative investment in social impact bonds is only USD 700 million, corresponding to less than 0.05 percent of global aid flows over the same period.

1.2 Private sector entrepreneurship may have significant potential

Private sector entrepreneurship may have the potential to address underexplored gaps in the delivery of primary front line justice services. In general, cost-effectiveness—paired with a need for client-oriented services—drives private sector development, leading to continued innovation, improvements, and optimization in products and service delivery. With a strong entrepreneurial approach, the private sector can also circumvent, where needed, the "business as usual" pitfall and achieve a more transformative approach.

Securing private involvement in justice services requires distinct strategies, as public and private sectors approach investments differently. Public sector investments often focus on maintaining infrastructure, such as court buildings and information technology (IT) systems, or addressing issues such as aging facilities and outdated processes. In contrast, private sector involvement may prioritize scaling and improving the quality of services, aiming for sustainable growth through increased reach and revenue.

33 See Background Brief 1.1 for an outline of outcomes focused on the resolution of people's justice problems, including some outputs that could be delivered by the private sector.

34 Maurits Barendrecht et al. "Charging for Justice: SDG 16 Trend Report 2020." *HiiL*, 2020, https://www.hiil.org/research/charging-for-justice/.

35 Vibeka Mair. "Investors in Peterborough prison bond, the world's first social impact bond, to get 3% return." *Responsible Investor*, July 27, 2017, https://www.responsible-investor.com/peterboro-sib.

36 Clare Manuel and Marcus Manuel. "Small is beautiful, but scale is necessary': front-line justice services in lower-income countries with the potential to scale-up." *ODI Global*, July 3, 2023, https://odi.org/en/publications/small-is-beautiful-but-scale-is-necessary-front line-justice-services-in-lower-income-countries-with-the-potential-to-scale-up/.

However, entrepreneurs are likely to face challenges in making a return on their investment in relation to low-value disputes. To date, most private sector investments in justice systems are directed toward legal technology initiatives that serve large law firms and businesses, rather than addressing broader access to justice. Box 2 below provides examples of private sector involvement in developing tools and methods to support front line justice services. To date, however, none of these have been able to go to scale.

Box 2: Examples of Private Sector Initiatives to Develop Tools and Methods Supporting Front Line Justice Services

Alternative (ADR) and Online (ODR) Dispute Resolution Platforms: Creating and investing in ADR/ODR platforms can offer efficient and cost-effective means for resolving disputes while building the capacity of the business sector to handle its own affairs, reducing the burden on traditional court systems.

Community-Based Legal Services: Creative user-oriented private sector products such as AI-powered legal chatbots can provide instant legal guidance.

Educational Initiatives and Capacity Building: Investing in educational platforms like Legal Literacy Programs that enhance public understanding of legal rights and processes empowers individuals to navigate the justice system more effectively.

2. How to Make Involvement Attractive for the Private Sector

2.1 A huge but splintered market

Billions of people globally lack access to justice, leaving a huge untapped market. Data suggests that people are willing to pay for effective outcomes in some contexts, but investors tend to favor traditional markets for their investments, and revenue models for justice services remain complex.[37] (see **Background Brief 2.3**).

For the private sector to 'warm up' to the justice sector, investment potential must be met with market access and clarity on acceptable private rates of return on investment (ROI), facilitated by the necessary certification, regulation, adoption, and implementation. Innovative financing models, technology, and partnerships are ways to leverage ROI so that private investors can generate both financial and social returns in the justice sector.

37 Prof. Dr. Maurits Barendrecht et al. "Delivering Justice Rigorously," *HiiL*, September 2022, https://dashboard.hiil.org/publications/trend-report-2021-delivering-justice/.

Doing this will require:

- Predictable revenue streams and promising ROI outlooks.
- Scalable interventions.
- A focus on delivering measurable impact through outcome-focused justice solutions.
- Data.

Partnerships aligning private involvement and investments with public goals.

For private investors, scale in the public justice sector is a major barrier. Public justice services are usually delivered in jurisdictions that operate at the country, state/provincial, or even county level. Each court organization and jurisdiction has different rules, requirements, and procurement practices. This increases the costs of doing business with the justice sector. Box 3 below sets out a proposal from HiiL to address this issue.

Box 3: Proposal from HiiL to Address the Issues of Scale

International standardization would make it more attractive for private suppliers to assist public justice services. If an ODR or case management system can be adapted and sold in a hundred jurisdictions, it has a much better ROI outlook than if it can only serve one market.

In the market for private legal services to international business, this standardization has taken place: clients, international law firms, and private suppliers like Thomson Reuters and Wolters Kluwer operate in international markets with scalable products that are customized to each jurisdiction. If this standardization could happen in primary front line justice services as well, economies of scale could be huge.

It should be noted that securing acceptable ROI 'at the bottom of the pyramid' in low-value transaction markets (such as primary front line justice) has in general proved challenging.[38]

38 Caylee Talpert et al. "20 Years of Business at the Base of the Pyramid: Lessons Learned and Future Directions." *Business Fights Poverty*, May 2024, https://businessfightspoverty.org/20-years-of-business-at-the-base-of-the-pyramid-lessons-learned-and-future-directions/.

2.2 Investment from philanthropy

Philanthropic organizations can play a key role by offering initial investment to test and scale promising people-centered justice initiatives. Philanthropy can fill gaps in justice unding where government or private sector support is lacking. This funding could specifically help with catalysis, pushing promising interventions in instances where they otherwise would be heading toward the "graveyard of pilots." More recently, the philanthropic and nonprofit sector has emphasized measurable results and outcomes to improve effectiveness.[39] While this is a promising development, it also introduces complexity around efficiency over values-driven missions and may limit support for entities like the justice sector which are still figuring out how to measure their impact.

2.3 Where to invest and who to partner with?

To make entrepreneurial decisions, private sector actors need data-driven insights to assess financial (and social) returns: what products and services could provide added value to justice systems, and how much are people/institutions willing to pay for it? To identify the most pressing gaps, governments can offer open justice data and analytics in areas such as court efficiency, case backlog reduction, and alternative dispute resolution success rates. Justice organizations themselves may also offer data to the private sector, in some cases in return for partnerships.[40]

For justice institutions, working together with the private sector through collaborative arrangements and by pooling of resources (blended finance) and expertise may help tackle specific people-centered justice challenges. Long term Public-Private Partnerships (PPPs), where the private sector bears significant risk and management responsibility and remuneration is linked to performance, could be a possible model.[41] PPPs could encourage private sector involvement by promoting participatory strategies (with market access) while fostering a sense of shared responsibility for social impact. The main benefit, but also challenge, lies in the potential for private sector efficiency while maintaining public sector oversight and values. The private sector has the reputation for being more cost-efficient than the public sector, although this does not always translate into practice. The private sector has experience with research and development-backed, cost-effective, and competitive services that could provide useful insights for public service delivery. A potential PPP example could be a government agency partnering with a technology company to deliver a new online court system. Revenue streams in this example can be generated through cost savings for the government, user fees (**Background Brief 2.3**), legal aid referrals, and technology licensing among others.

39 Paul Brest. "The Outcomes Movement in Philanthropy and the Nonprofit Sector." *HistPhil,* April 17, 2020, https://histphil.org/2020/04/17/the-outcomes-movement-in-philanthropy-and-the-nonprofit-sector.

40 The World Justice Project (WJP) offers a Private Sector Partnership for the Rule of Law. This partnership facilitates private sector involvement in rule of law initiatives, amongst which data is provided. For more information, see: https://worldjusticeproject.org/sites/default/files/documents/Private-Sector-Partnership-Prospectus-2023_Updated.pdf.

41 For broader discussion of the potential use of PPPs, see "What is a PPP: Defining "Public-Private Partnership," *World Bank*, last accessed April 2025, https://ppp.worldbank.org/public-private-partnership/what-ppp-defining-public-private-partnership. In the UK, one of the countries that was at the forefront of proposing PPPs, the number of PPPs declined in the last ten years amid debates about their value for money. For more details, see UK Parliament, "Public Accounts Committee report, Treasury must set out clear position on PFI," June 2018, https://committees.parliament.uk/committee/127/public-accounts-committee/news/98395/private-finance-initiatives-report-published-17-19.

2.4 Opening up the justice market

The scope for private sector engagement in the delivery of justice services needs to be considered in context. This relates to both the capacity of users to pay for justice services (see **Background Brief 2.3**) and of the government to develop, implement, and enforce policies regarding the private sector. The state has a key role in ensuring that access to justice is equal, and that there is effective oversight of private sector justice providers.[42]

In the current situation, strict regulation discourages private sector involvement in the development of justice services that are considered a public good. **Background Brief 4.1** describes why regulatory reform is important, and how it can be undertaken for front line justice services.

Governments may want to start to enact laws that allow private sector participation in areas such as legal aid, alternative dispute resolution, court technology, and infrastructure development, while maintaining oversight through independent regulatory bodies. In a broad sense, this means the justice sector needs to create a "justice economy" that encourages private sector involvement, similar to the green economy in climate change initiatives. Lessons can also be drawn from the education sector, where private sector initiatives have helped improve school performance and increased access to education.

Box 4: Lessons from the Education Sector on Private Sector Involvement

A World Bank paper[43] on effectively leveraging private sector investment to improve education outcomes highlights opportunities for innovation through diverse service providers. Such an approach can ensure accountability and quality through strong regulatory frameworks, empowering users with information and choice, and promoting equitable access to education for all, particularly underserved populations.

3. Mitigating risks of private sector involvement

While there is potential for private sector investment in primary front line justice services, attracting private actors for public goods also comes with (perceived) risks. Such risks largely arise from the idea that justice, as a sector, is more complex to invest in than sectors like education or health due to its foundational principles (e.g., equality, rights, etc.). Moreover, established justice institutions may distrust actors from the private sector, fearing their positions are threatened.[44] Risks, however, can be mitigated by regulatory frameworks that balance innovation and efficiency on one hand, and the fundamental principles of justice, equity, and public service on the other.

42 For example, in the case of ODR, oversight for algorithms and nondiscriminatory historical data.

43 Donald Rey Baum et al. "What matters most of engaging the private sector in education : a framework paper." *World Bank Group*, July 1, 2014, http://documents.worldbank.org/curated/en/600511468126896866.

44 Maurits Barendrecht et al. "Delivering justice rigorously." *HiiL*, September, 2022, https://www.hiil.org/research/delivering-justice-rigorously-sdg-16-3-trend-report/.

Below is an overview of five major risks associated with private sector investments in the justice sector, combined with possible mitigation strategies (safeguards).

Risk 1: Private companies may prioritize profit over public welfare and justice outcomes.

Safeguards:

- Implement proper regulatory frameworks (see **Background Brief 4.1**).
- Establish clear performance metrics tied to justice outcomes, not just financial returns.
- Undertake regular audits and public reporting of outcomes in line with outcome-based performance metrics.

Risk 2: Private entities may not be subject to the same level of public scrutiny as government institutions.

Safeguards:

- Mandate regular public disclosures.
- Establish independent oversight committees.

Risk 3: Companies may have vested interests that conflict with justice objectives.

Safeguards:

- Enforce strict conflict of interest policies.
- Introduce disclosure requirements for all stakeholders.
- Undertake regular ethics audits.

Risk 4: Private sector involvement might lead to a two-tiered system where quality of justice depends on ability to pay.

Safeguards:

- Ensure baseline services remain publicly funded and accessible.
- Implement sliding scale fees for any private services.
- Monitor outcomes and outcome disparities.

Risk 5: Cost-cutting measures might compromise the quality of justice services.

Safeguards:

- Establish and enforce minimum quality standards.
- Perform regular outcome-based performance evaluations.
- Introduce user feedback mechanisms with a feedback loop into new service development.

BACKGROUND BRIEF 2.5

2.5 Financing Ambition for Countries in Receipt of Significant External Development Support

Introduction

Recent developments imply significant reductions in both global aid and justice aid over the next two years. As a result, it would be unwise for lower-income countries to plan for a significant increase in external funding for justice from donors, UN agencies, or multilateral development banks. Philanthropic organizations are also likely to be affected as they consider whether to fill some of the funding gaps including pressing needs like humanitarian support.

Despite these trends, countries in receipt of significant external development support should review with partners the share of that support allocated to justice. JFF accordingly proposes a financing ambition for lower-income countries and their development partners:

Allocate 2 percent of external development support to the justice sector, with half of justice support allocated to primary front line services, research and development, and other mechanisms to drive performance.

This background brief:

- Discusses the latest developments in external aid.
- Explains how the financing ambition is derived.
- Discusses the justice financing gap and the implications of the financing ambition for funding primary front line justice services in lower-income countries.

1. Impact of Recent Trends in Overall Global Aid and Justice Aid Flows

The United States has long been the largest justice aid donor.[45] While the full details are not clear, the US announced in March 2025 that 82 percent of all United States Agency for International Development (USAID) programs had been terminated with immediate effect.[46] More detailed analysis suggests that the announced cuts in USAID's rule of law and human rights programming correspond to 67 percent of total funding.[47]

45 For a full list of top twelve justice donors, see: "Marcus Manuel et al. "Justice financing 2024 annual review: domestic financing and aid." *ODI Global*, December 6, 2024, https://odi.org/en/publications/justice-financing-2024-annual-review-domestic-financing-and-aid.

46 Sara Jerving. "Remaining USAID programs now under State Department, 5,200 programs canceled." *Devex*, March 10, 2025, https://www.devex.com/news/remaining-usaid-programs-now-under-state-department-5-200-programs-canceled.

47 Charles Kenny and Justin Sandefur. "The USAID Cuts: Little Sign of Mercy for 'Life-Saving' Health Programs." *Center for Global Development*, March 14, 2025, https://www.cgdev.org/blog/usaid-cuts-little-sign-mercy-life-saving-health-programs.

In addition, ODI Global's analysis in January 2025 highlighted the number of donors that have announced significant cuts in overall aid volumes, including three of the other top five justice aid donors: the EU, Germany, and Sweden, as well as the UK, France, and the Netherlands.[48]

Based on ODI's analysis of the latest information on aid cuts,[49] and assuming that cuts in justice aid mirror the cuts in overall aid, ODI estimates that justice aid from the top twelve donors[50] will be 40 percent less in real terms in 2026 than in 2022 (see Annex for details).

In addition to the cuts in overall aid volume, the EU—the second largest justice donor—has announced it will be reprioritizing its aid away from services to give a much greater emphasis on infrastructure, in support of the wider EU's increased focus on its "global gateway" program. [51]

Given the pressures on total aid, efforts to increase the share of total aid which is allocated to justice, as set out in the financing ambition, become even more crucial.

2. How Financing Ambition Is Derived

2.1 Justice share of total aid

The ambition of 2 percent of total aid being allocated to justice in low- and middle-income countries seeks to reverse (in part) recent reductions in the share of aid allocated to justice.[52] More fundamentally, it also addresses the striking mismatch between the priority donor countries give to justice in their own countries, spending 4 percent of their own budgets on justice, while only spending 1 percent in their aid.

The 2 percent ambition is considered realistic, as this level is:

- Below past peak shares of aid of 3 percent (2011–2012).[53]
- Only just above the latest three-year average (2020–2022) of 1.7 percent.[54]
- Only half the share of spending that donors allocate to justice in their own domestic spending.[55]

48 For example, see Nilima Gulrajani. "Donors In A Post-Aid World January 2025 update." *ODI Global*, January 24, 2025, https://odi.org/en/insights/donors-in-a-post-aid-world-january-2025-update; Nilima Gulrajani and Jessica Pudussery. "With the knives out on development spending, have we reached 'peak aid'?" *The Guardian*, January 23, 2025, https://www.theguardian.com/global-development/2025/jan/23/global-development-economics-donor-spending-refugee-oecd-world-bank-peak-aid.

49 Based on information available on March 29, 2025.

50 For a full list of top twelve justice donors, see Manuel et al., Justice financing 2024 annual review.

51 EU Commission, "Global Gateway overview," last accessed March 2025, https://international-partnerships.ec.europa.eu/policies/global-gateway/global-gateway-overview_en.

52 Manuel et al. "Justice financing 2024 annual review."

53 Ibid

54 Ibid

55 See Background Brief 2.1 on justice sector's share of total government expenditure.

2.2 Share of justice aid to primary front line services, research and development, and other mechanisms to drive performance

The financing ambition proposes that half of justice aid should be allocated to primary front line services, research and development, and other mechanisms to drive performance improvements. This builds on Financing Ambition #2 which proposes that 33.3 percent of the total domestic justice budget should be targeted on primary front line services in lower-income countries, and Financing Ambition #4 which suggests an additional 0.5 percent to be spent on research and development and on mechanisms to drive performance improvements. This implies a combined share of 33.8 percent.

Long-established partnership principles for effective development cooperation point to donors at least matching recipients' own priorities. A key argument for donors exceeding the domestic combined share (50 percent vs. 34 percent) is that front line services are underfunded. Moreover, investment in mechanisms to drive performance improvements enables countries to become self-sufficient in the longer term.

Donor prioritization of primary front line services also mirrors the approach in the education sector: donors agreed to prioritize primary education, setting a target of 50 percent of all education aid, matching the 50 percent target share that national governments set for their education budgets.[56]

3. The Justice Financing Gap

3.1 Implications of Financing Ambition #2 for funding primary front line justice services in lower-income countries

2024 analysis of government spending[57] reveals a justice financing gap in low-income and lower-middle-income countries (together termed "lower-income countries"). This means that there is a substantial shortfall of resources available to fund even a basic "primary" system of justice. This would be the case even if lower-income country governments were to meet the JFF's Ambition #2 of allocating a third of justice spending to primary justice (see **Background Brief 3.2**). As noted in Background Brief 3.2, for upper middle-income and OECD countries, there is sufficient budget in theory to fully fund primary front line justice services. In practice, however, funding these services is likely to require significant reprioritization.

The total financing gap for primary front line justice services in lower-income countries could be filled if donors were to meet the two financing ambitions: doubling justice share aid to 2 percent of total aid and allocating half of justice aid to primary front line services. The only further step would be to allocate a third of total justice aid to low-income countries. The proportion of the gap in lower-middle-income countries that could be filled would depend on how the remaining aid was allocated between lower- and upper-middle-income countries.

56 UNESCO, "Pricing the right to education: the cost of reaching new targets by 2030. Policy Paper 18, Education for All Global Monitoring Report." 2015, https://www.unesco.org/gem-report/en/pricing-right-education.

57 Manuel et al. "Justice financing 2024 annual review."

Annex

Table 1: ODI Estimates of Justice Aid in 2026

Top twelve donors (average 2020–2022)	Justice aid in 2022 (in 2022 constant USD millions)	Reduction in cash terms (negative implies increase)	$ Inflation 2022–2026	ODI projected justice aid in 2026 (in 2022 constant USD millions)
United States	457	67%	10%	136
EU institutions	455	37%	10%	259
Sweden	192	50%	10%	87
Norway	138	-14%	10%	142
Germany	211	26%	10%	142
Canada	135	15%	10%	104
Australia	159	-7%	10%	154
United Kingdom	170	40%	10%	92
France	133	50%	10%	61
United Nations	122		10%	110
Netherlands	115	51	10%	52
World Bank	82		10%	74
Total	**2370**	**40%**		**USD 1413**

These estimates were made on March 29, 2025, based on the following sources:

- OECD Development Assistance Committee (DAC) CRS data for 2022 justice data (see **Background Brief 2.5** for full details).
- Gideon Rabinowitz. "The Chancellor's Spring Statement adds to the expected pain of the UK aid cuts." *Bond*, March 27, 2025, https://www.bond.org.uk/news/2025/03/the-chancellors-spring-statement-adds-to-the-expected-pain-of-the-uk-aid-cuts.
- Kenny, Charles and Sandefur, Justin. "The USAID Cuts: Little Sign of Mercy for 'Life-Saving' Health Programs." *Center for Global Development*, March 14, 2025, https://www.cgdev.org/blog/usaid-cuts-little-sign-mercy-life-saving-health-programs.
- Chadwick, Vince. "A look back at European aid's slash-and-burn year." *Devex*. January 3, 2025, https://devex.shorthandstories.com/looking-back-at-a-slash-and-burn-year-for-european-aid/index.html.
- Chadwick, Vince. "Scoop: The EU aid cuts revealed." *Devex*, September 26, 2024, https://www.devex.com/news/scoop-the-eu-aid-cuts-revealed-108390.
- Bollag, Burton. "How Germany is cutting billions from foreign aid." *Devex*. February 19, 2024, https://www.devex.com/news/how-germany-is-cutting-billions-from-foreign-aid-107055.
- SciDevNet, "Swedish aid cuts dent 'decades of work' in global South," May 15, 2024, https://www.scidev.net/global/news/swedish-aid-cuts-dent-decades-of-work-in-global-south.
- Chase-Lubitz, Jesse. "Europe is cutting development spending, and it's not because of Trump." *Devex*, March 25, 2025, https://www.devex.com/news/europe-is-cutting-development-spending-and-it-s-not-because-of-trump-109668.
- Government of the Netherlands, "Foreign trade and development minister Reinette Klever: Dutch interests at the heart of development policy," February 20, 2025, https://www.government.nl/latest/news/2025/02/20/minister-reinette-klever-dutch-interests-at-the-heart-of-development-policy.
- "Donor Profile: Canada," Donor Tracker, last accessed August 2025, https://donortracker.org/donor_profiles/canada#budget.
- "Donor Profile: Norway," Donor Tracker, last accessed August 2025, https://donortracker.org/donor_profiles/norway#budget.
- "Donor Profile: Australia," Donor Tracker. Last accessed August 2025, https://donortracker.org/donor_profiles/australia.
- Howes, Stephen, "2025 Australian aid update," *DevPolicy*. March 26, 2025, https://devpolicy.org/2025-australian-aid-update/.

BACKGROUND BRIEF 3.1

3.1 Defining Primary Front Line Justice Services

Introduction

The JFF proposes that countries should adopt a minimum spend on primary front line justice services (Financing Ambition #2). This background brief provides a working definition of primary front line justice services for the purposes of this Financing Ambition.

The background brief:

- Explains where the concept of primary front line services comes from and explains how other sectors approached defining the concept.
- Provides an initial working definition of primary front line justice services.

1. Where the Concept of Primary Front Line Services Comes From

1.1 Learning from the health and education sectors

The focus on primary front line justice is based on the approach taken in the health and education sectors, especially over the twenty-five years since the adoption of the Millennium Development Goals. The aim was to ensure that everyone, in both rural and urban areas, would have access to at least a basic or "primary" level of services. The World Health Organization (WHO) sees primary healthcare as the foundation for universal care:

> "As a foundation for and way to move towards [Universal Health Care], WHO recommends reorienting health systems using a primary health care (PHC) approach. PHC is the most inclusive, equitable, cost-effective and efficient approach to enhance people's physical and mental health, as well as social well-being."[58]

58 World Health Organization, Fact Sheet, Universal health coverage (UHC), March 26, 2025, https://www.who.int/news-room/fact-sheets/detail/universal-health-coverage-(uhc)#:~:text=As%20a%20foundation%20for%20and,well%20as%20social%20well%2Dbeing.

1.2 How health and education approached defining primary front line services

To prioritize primary front line services, the health and education sectors had to define what these kinds of services looked like.

Primary education is easily defined, as it is based on the age of the children receiving education. The definition of primary healthcare is more complex has been developing over many years, and continues to evolve. It includes prioritizing the most essential health interventions, which can be delivered through close-to-client systems at health posts rather than hospitals. Box 1 below describes the international process of defining primary services in the health sector.

Box 1: The International Process of Defining Primary Services in the Health Sector

The process of reaching the definition of primary health care has continued to evolve over the past twenty-five years. In response to the creation of the Millenium Development Goals in 2000 on infant, child, and maternal mortality, the World Health Organization convened a Global Commission for Health[59] in 2001 to identify the most essential interventions, especially those which could be delivered through a close-to-client system at health posts rather than hospitals.

When a broader set of health Sustainable Development Goals were agreed to in 2015, the concept of "essential" universal health care was developed, with researchers identifying 200 specific health interventions delivered by public health mass media, community services, and local health centers.

Further detail on the process in the health sector is provided in **Background Brief 0.2**.

2. Working Definition of Primary Front Line Justice Services

Unlike the health sector, the justice sector's concept of primary front line services is relatively new. It is expected that, as with the health sector, the understanding of what is needed to provide comprehensive primary front line justice services will evolve over time.

59 World Health Organisation, "Executive Summary, Commission on Macroeconomics and Health: investing in health for economic development," 2001, https://apps.who.int/iris/handle/10665/42463.

The JAC Workstream I's forthcoming *People-Centered Justice Measurement Framework* (Measurement Framework)[60] provides a useful starting point by describing a people-centered justice system based on the OECD Framework:

> A people-centered justice system would provide a range of justice and related services over a continuum from the most local and informal through to formal judicial processes, and these should be provided sufficiently accessible to those experiencing legal need to help them resolve their problem. In addition to formal judicial and non-judicial options, these can include ADR mechanisms (e.g. mediation, arbitration, conciliation, online dispute resolution [ODR]); paralegals; public legal assistance and education providers; community advocates; and collaborative services from legally trained and other professionals (OECD, 2019[6]) [...] The scope and composition of this continuum should be linked to the assessment and locating of legal need, the prioritization of targeted and vulnerable groups, and the proper understanding of what strategies work most effectively and cost-effectively for a given person with a given legal need in a given location/circumstance.[61]

The JFF conceives primary front line justice services as a subset of such a system. Drawing on the approach taken in the health sector, the JFF's working high-level definition of primary front line justice services is: "... universally available services that deal with people's most pressing justice problems at the local/community level."

2.1 People-centered justice functions

The JFF Measurement Framework has identified the functions required to resolve these justice problems with[62] function-based intermediate outcomes (see **Background Brief 1.1**):

- Information.
- Advice and assistance.
- Dispute resolution (formal and informal).

2.2 Services required to deliver the functions

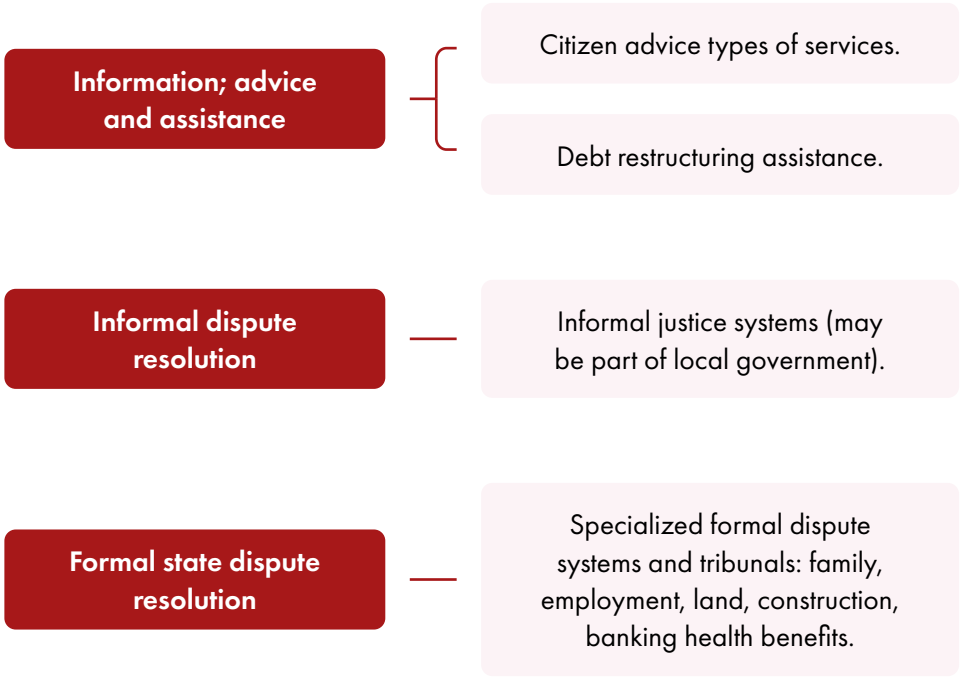
The precise nature and composition of the services required to deliver these functions will vary from country to country, and will depend on the most pressing justice needs in particular contexts. Table 1 below provides examples of service providers that may be considered to be "primary front line," making a distinction between two forms of dispute resolution: informal and formal/state. This distinction is useful in lower income countries, where many people access informal dispute mechanisms such as customary justice.

60 References to the JAC People-Centered Justice Measurement Framework refer to JAC Working Group I's March 13, 2025, preliminary document.
61 Ibid., 37s.
62 JAC Working Group I draft as shared in June 2025.

Table 1: Primary Front line Justice Service Providers

Function	Primary Front Line Service Provider
1. Information **2. Advice and assistance**	Usually provided by non-lawyer community justice workers (e.g., community-based paralegals, mediators, advice centers, community leaders, judicial facilitators). Includes national information (e.g., websites, radio soaps). Providers may be state or nonstate.
3. Informal dispute resolution	Informal justice systems (e.g., community/village/customary/market courts). Should fulfill most (but not necessarily all) of the following criteria: • **Jurisdiction:** Relatively low value or less serious for everyday justice problems. • **Accessibility:** Local or community-based. • Headed or presided over by non-lawyer or non-expert (but lawyer could provide general training and/or support). • **Procedures:** Informal, flexible, often non-adversarial. • **Enforcement:** Limited powers of enforcement, operating in the shadow of the law.
4. Formal, state dispute resolution	First-tier formal civil and criminal courts, tribunals, ombuds services, community police, public prosecutors, probation services, correction services.

It is important to note that some service providers may be funded from budgets outside the justice sector. Examples may include:



2.3 Operational oversight and accountability services

The inclusion of informal organizations in the primary justice system does not imply unconditional support. Key considerations when investing in informal mechanisms will include the equity and transparency of their operations; their compliance with constitutional and national laws; and their interaction with formal justice systems, including any delegated responsibilities.

In addition, the formal justice sector can be a source of state oppression and injustice. Courts and the police are frequently cited as the most corrupt of all public sector institutions, and traditional leaders have also been found to be exploitative and rent-seeking.

For these reasons, the JFF also includes mechanisms for improving operational accountability as a low-cost primary front line justice service

2.4 More work needed

The JFF presents a first attempt at a working definition of primary front line justice services. This forms the basis of the JFF's costing of these services, and in turn the development of Financing Ambition #2. As with the health and education sectors, the expectation is that this definition will be refined and improved over time, ideally through broad international consultation.

BACKGROUND BRIEF 3.2

3.2 Financing Ambition #2: Primary Front Line Justice Services

Introduction

The Justice Financing Framework's Financing Ambition #2 proposes that countries should adopt a minimum spend per person on primary front line justice services to ensure focus on people-centered justice. The proposed minimum spend is:

USD 308 per person in Organisation for Economic Co-operation and Development (OECD) countries.

USD 80 in upper-middle-income countries (UMICs).

A different approach is proposed for lower-income countries,[63] with an ambition of a minimum of one third of the total government justice budget allocated to primary front line services.

Background Brief 3.1 set out a working definition of primary front line justice services. This background brief:

- Explains the reason for a financing ambition related to primary front line justice services.
- Explains how Financing Ambition #2 figures have been derived.
- Addresses the affordability of Financing Ambition #2.
- Discusses data limitations and the need for further analysis.

1. Reason for the Financing Ambition

As discussed in **Background Brief 3.1**, the approach to primary front line justice is based on successes from the last twenty-five years in the health and education sectors, where the aim was to ensure that everyone, in both rural and urban areas, had access to at least a basic "primary" level of services. A key aspect of moving toward this goal was the adoption of spending targets for basic "primary" services. These targets were prompted in part by the adoption of the Millenium Development Goals in 2000.[64]

63 This is because lower-income countries cannot afford the full costs, so the target is based on the approach taken in the education sector.

64 For a summary for spending targets in multiple sectors, see "GSW Report 2015 - Financing the Sustainable Development Goals: Lessons from Government Spending on the MDGs," *Government Spending Watch*, 2015, https://www.governmentspendingwatch.net/research-analysis/latest-analysis/109-gsw-report-2015-financing-the-sustainable-development-goals-lessons-from-government-spending-on-the-mdgs.

In the education sector, a target of 20 percent of all government spending was adopted in Maputo in 2001 and has been repeated in multiple UN reports since then.[65] Additional targets have since been set (e.g., 50 percent of all education spending to be allocated to primary education). Donors have adopted related targets to aid funding. The median share of public education expenditure dedicated to primary education is one-third (35 percent, to be precise), in a range from 47 percent in low-income to 26 percent in high-income countries.[66]

In the health sector, at a 2002 Special Summit in Abuja, Nigeria, African heads of state committed themselves to allocate 15 percent of government expenditure to health. The health sector also developed costing estimates for providing an essential set of health services[67] which has then become the basis for a call for a minimum health spend per person.[68] As noted in **Background Brief 0.2**, since the 1990s, governments have sought to prioritize the most cost-effective programs to reduce the burden of disease. There is now a remarkably consistent pattern in the proportions of government health spending devoted to primary health care, with the average in all income groups being one-third of total government health spend (33 percent in lower income countries, 36 percent in LMICs, 34 percent in UMICs, and 36 percent in high-income countries [HICs]).

Financing Ambition #2 is based on the premise that, as with health and education, all countries should have a nationwide system with universal coverage of primary front line justice services. The financing ambition is a mechanism to set the direction of travel. The ambition can be useful in overcoming possible biases in resource allocation which favor "business as usual" and fail to give proper attention to the priorities of citizens who lack access to adequate justice services.

2. How Financing Ambition #2 Figures Have Been Derived

Financing Ambition #2 is developed from the estimated required costs of delivering country-level universal primary front line justice services. Cost estimates were initially developed by ODI Global for the 2019 Justice for All Report.[69] The 2019 cost analysis has now been further developed by ODI Global and the Hague Institute for Innovation of Law (HiiL), based on a more detailed and robust understanding of primary front line justice services and the latest data from the World Justice Project (WJP), as noted in **Background Brief 3.1**. As a result, two adjustments have been made to the 2019 costing:

1. Most significantly, revised estimates for the information, advice and assistance, and informal dispute resolution elements of primary front line justice services. Details are in Annex A of **Background Brief 3.3**.

2. The exclusion of the estimated costs of out-of-pocket expenses (in line with the approach in the health sector's primary health spending target).

65 UNESCO Policy Paper, "Education for all Global Monitoring Report," 2013, https://unesdoc.unesco.org/ark:/48223/pf0000219998.
66 UNESCO, "Global Education Monitoring Report, Finance | 2019 GEM Report," 2019, https://gem-report-2019.unesco.org/chapter/finance.
67 World Health Organisation, "Executive Summary, Commission on Macroeconomics and Health: investing in health for economic development," 2001. https://apps.who.int/iris/handle/10665/42463.
68 Chatham House, "The Royal Institute of International Affairs. Shared Responsibilities for Health. A Coherent Global Framework for Health Financing." *Royal Institute of International Affairs*, 2014. https://www.chathamhouse.org/sites/default/files/field/field_document/20140521HealthFinancing.pdf.
69 Marcus Manuel et al. "Universal access to basic justice: costing SDG 16.3." *ODI Global*, 2019, https://odi.org/en/publications/universal-access-to-basic-justice-costing-sustainable-development-goal-163/.

Table 1: Estimated Required Minimum Spend per Person on Primary Front Line Justice

Country Income Group	Estimated Required Minimum Spend per Person on Primary Front Line Justice
Low-income countries	USD 16
Lower-middle-income countries	USD 39
Upper-middle-income countries	USD 80
OECD countries	USD 308

Low-income and lower-middle-income countries cannot afford these minimum levels of spend per person, as they would require an impossible/unrealistic high share of their current total domestic justice budgets to be allocated to primary front line justice (see Table 2 below).[70]

Table 2: Estimated Required Minimum Spend per Person on Primary Front Line Justice as a Percent of Current Total Domestic Justice Resources

Country Income Group	Required Spend as Percent of Current Total Domestic Justice Resources
Low-income countries	130 percent, exceeds total justice resources
Lower-middle-income countries	72 percent
Upper-middle-income countries	46 percent
OECD countries	50 percent

In light of the unrealistic percentages in Table 2 above for low- and lower-middle-income countries, it is proposed that the spending ambition in these countries should be based on the maximum proportion of total domestic justice resources that it is reasonable to assume could be allocated to primary justice. This is judged, as a first step, to be a minimum of one-third. The one-third minimum matches what is allocated by countries for both primary health and primary education. The resulting Financing Ambition #2 is set out in Table 3 below.

Table 3: Financing Ambition #3 for Spending on Primary Front line Justice Service

Country Income Group	Spend per Person
Upper middle-income countries	USD 80
OECD countries	USD 308
	Percentage Share of Total Justice Budget
Low-and lower-middle-income countries	33 percent

70 Updated table from Manuel et al. "Universal access."

An alternative formulation inspired by proposals for the health sector proposes that the first priority with resources should be one hundred percent coverage of primary justice for all, before any further expansion of other services that only benefit smaller—and often more privileged—groups.[71]

This financing ambition does not address the question of the proportions of total overall spending that should be allocated to different front line services. But, as noted in Financing Ambition #3 (see **Background Brief 3.3**), there is a clear case for increasing the amount spent on information, advice and assistance, and informal dispute resolution. In addition, the case for a wider review of the proportions, and how different services should be best integrated into seamless pathways, is also set out in other parts of the JFF (see **Background Briefs 3.4**, **4.2**, and **4.3**).

3. Affordability of Financing Ambition #2: Hard Choices and Political Challenges

The good news is that the cost of a universal system of primary front line justice services is below that of providing a universal system of primary health care, or of primary education.[72]

These costs are affordable for OECD and upper-middle-income countries. Any lack of a universal system of justice services in these countries can be blamed on political choice. The situation is different in lower-income countries. These countries are unable to fund the costs of even a basic justice system from their own resources, despite maximization of the domestic taxes they collect.[73]

Where it is necessary to prioritize within Financing Ambition #2, the JFF suggests that the first priority should be to allocate more resources to information, advice and assistance, and informal dispute resolution. Financing Ambition #3 therefore proposes a minimum spend of 2.5 percent of total justice expenditure on these components. (See **Background Brief 3.3**).

As demonstrated in the education and health sectors, prioritizing primary front line services involves making hard choices about what not to prioritize. In the education sector. this meant de-prioritizing universities and secondary education. For the health sector, it meant hospitals. Of course, these "higher-level" institutions were not closed, or denied any funding. Rather, when additional resources were available, they were allocated to primary front line services (which, as with the justice sector, had previously been de-prioritized).

Such prioritization involves a shift away from previous funding patterns and "business as usual" funding decisions. However, justice sector decision makers tend not to come from a background in front line or informal justice. Thus, **a key challenge may be to bring fresh voices into the budgeting process and give justice services and their users adequate voices.**

71 The Chatham House report proposed the aim should be one hundred percent coverage of primary health care, rather than expanding coverage of a more comprehensive set of services only for some privileged groups in society.

72 Clare Manuel and Marcus Manuel. "How to finance universal access to people-centered justice: scaling up local innovation to leave no-one behind." *ODI Global*, September 27, 2023, Section 4, https://odi.org/en/publications/how-to-finance-universal-access-to-people- centered-justice-scaling-up-local-innovation-to-leave-no-one-behind/.

73 Ibid.

4. Data Limitations and Need for Further Analysis

4.1 Costing primary front line justice services

There is a need for further research on the costings of primary front-line justice services, which are the basis for Financing Ambition #2. The original estimates[74] were produced at speed to fit in with the Justice Taskforce timetable, so there was limited time for consultation. Collaboration between ODI Global and HiiL and access to new data from WJP has now resulted in more robust estimated costs. However, the ideal approach, echoing other sectors, would be to convene a formal commission with multiple institutions involved in revisiting actual costs. This would enable much deeper engagement, including with international organizations such as OECD, the World Bank, International Development Labour Organization (IDLO), WJP, and the United Nations Development Programme (UNDP), as well as with research institutes such as Canada's International Development Research Centre (IDRC).

4.2 Monitoring spending on primary front line justice services

Further work is also needed on monitoring countries' spending on primary front line justice services. As this category of justice is a new (and evolving) concept, initial work will require drawing on budget data country by country. In the longer term, within the context of a review of the Classification of Functions of Government (COFOG),[75] it may be possible to create a new subfunction, "primary justice." This would ensure spending is automatically included in annual reporting processes.

74 Manuel et al. "Universal access."
75 See Background Brief 2.1 for more details

BACKGROUND BRIEF 3.3

3.3 Financing Ambition #3: Information, Advice, Assistance, and Informal Dispute Resolution

Introduction

The JFF establishes that in addition to adopting a minimum spend on primary front line justice services (Financing Ambition #2), countries should, within this allocation, prioritize information, advice, assistance, and informal dispute resolution. Financing Ambition #3 advises:

> Within primary front line services, countries should prioritize information, advice, assistance, and informal dispute resolution, with a minimum spend of 2.5 percent of total justice expenditure.

This background brief:

- Defines information, advice, assistance, and informal dispute resolution.
- Explains the reasons for Financing Ambition #3 and why this aspect of primary front line justice services should be prioritized.
- Explains how Financing Ambition #3 was derived.
- Notes areas where further research is required.

1. What is Information, Advice, Assistance, and Informal Dispute Resolution?

Financing Ambition #2 is based on the premise that all countries should have universal coverage of primary front line justice through nationwide services. As explained further in **Background Brief 3.1**, primary justice front line services are universally available services that deal with people's most pressing justice needs at the local or community level.

Primary front line justice service functions and service providers are detailed in Table 1 below, and in Background Brief 3.1.

Table 1: Primary Front line Justice Service Providers

Function	Primary Front Line Service Provider
1. Information **2. Advice and assistance**	Usually provided by non-lawyer community justice workers[76] (e.g., community-based paralegals, mediators, advice centers, community leaders, judicial facilitators). Includes national information (e.g., websites, radio soaps). Providers may be state or non-state.
3. Informal dispute resolution	Informal justice systems (e.g., community/village/customary/market courts). Should fulfill most (but not necessarily all) of the following criteria: • **Jurisdiction**: Relatively low value or less serious for everyday justice problems. • **Accessibility**: Local or community-based. • Headed or presided over by non-lawyer or non-expert (but lawyer could provide general training and/or support). • **Procedures**: Informal, flexible, often non-adversarial. • **Enforcement**: Limited powers of enforcement, operating in the shadow of the law.
4. Formal, state dispute resolution	First-tier formal civil and criminal courts, tribunals, ombuds services, community police, public prosecutors, probation services, correction services.

As can be seen from Table 1, for the purpose of Financing Ambition #3 the JFF delineates the **information, advice, assistance, and informal dispute resolution functions**, and omits the formal 'state' resolution elements of primary front line justice services.

2. Reasons for Financing Ambition #3: Why this aspect of primary front line justice services should be prioritized

2.1 Why Financing Ambition #3?

Financing Ambition #3 recognizes that change can take time, and it may not be possible to allocated resources to achieve Financing Ambition #2 immediately. This is particularly true for lower-income countries where affordability of nationwide primary front line justice services is an issue. Even if these countries maximized their tax take, they would be unable to afford even half the costs of a primary front line justice system (see **Background Brief 3.2**).

Financing Ambition #3 recognizes that transitioning to funding the totality of universal coverage of primary front line justice services may not be feasible in the medium term. The reasons for privileging the information, advice, assistance, and informal dispute resolution elements of these services are discussed below.

76 See Jessica Bednarz. "i4J Develops New Tool for Leaders Interested in Developing Community-Based Justice Worker Programs." *Institute for the Advancement of the American Legal System*, September 5, 2024, https://iaals.du.edu/blog/i4j-develops-new-tool-leaders-interested-developing-community-based-justice-worker-programs for Institute for the Advancement of the American Legal System discussion of community-based justice workers in the US.

2.2 Imbalance within primary front line justice services

The costing analysis detailed below identifies how much needs to be spent on information, advice, assistance, and informal dispute resolution. ODI Global's best estimates of the current share of spending are much lower, on average between 3–7 percent of the amount needed (see Table 2 in following section).

By contrast, spending on front line community police—by far the largest element of the formal first-tier primary justice service mechanism—is currently at required levels in OECD and middle-income countries, as the number of police is already higher than the UN target. It is only in low-income countries where spending on police is below required levels, on average only at 40 percent of the UN target. Nevertheless, the ratio is still much greater than the current 3–7 percent share of the spending target for information, advice, assistance, and informal dispute resolution.

2.3 Prevention and early intervention

The Task Force on Justice's 2019 *Justice for All* report promotes early intervention and notes the analogy with the health sector, with its focus on public health and primary health services. Similarly, information, advice, assistance, and informal dispute resolution—with their focus on early intervention, prevention, and de-escalation of disputes—are recognized as highly effective, low-cost approaches. Early access to legal information, advice, assistance, and informal dispute resolution can provide an early gateway to resolution.[77, 78]

2.4 Enabling currently unaddressed justice problems to be resolved without overloading the formal system

The scale of currently unmet justice needs suggests that were they to enter the formal justice system, they would be likely to overwhelm it. Information, advice, assistance, and informal dispute resolution can address these needs in a low-cost and appropriate way, offering the potential to bridge a justice gap that is too wide to be tackled through traditional approaches.[79]

There are good examples of the rapid transformational impact that information, advice, assistance, and informal dispute resolution—all of which are highly local, context specific, and strongly people-centered—can have on improving access to justice (see **Background Brief 3.4**, Box 2 for examples).

77 See Task Force on Justice. "Flagship report of the Task Force on Justice." *Pathfinders for Peaceful, Just and Inclusive Societies*, 2019, https://www.sdg16.plus/resources/justice-for-all-report-of-the-task-force-on-justice; "SDG 16.3 indicator metadata document," *UN Stats*, March 31, 2023, https://unstats.un.org/sdgs/metadata/files/Metadata-16-03-03.pdf, which notes the importance of accessing these services; and Richard Griggs, "Evaluation of PASI's Access to Justice Project 01 October 2009 – 30 September 2010," The Paralegal Advisory Service Institute's pilot program for adult pre-trial detainees originating at Kanengo and Mangochi police stations in Malawi; *Open Society Justice Initiative*, January 2011, Unpublished, 6–7.

78 For example, UNDP's innovative Collaborative Dispute Resolution program in Kachin and Shan states in Myanmar in the post-coup context. This improved the ability of village leaders and civil society organizations to negotiate dispute resolution fairly, including land and labor disputes. The program also showed the potential to improve the quality of access to justice at the village level, particularly in enhancing women's participation and influence in community-based dispute resolution processes. For more, see UNDP Rule of Law and Human Rights Programme, "Myanmar Annual Report," 2023, https://rolhr.undp.org/annualreport/2023/asia-pacific/myanmar.html.

79 Task Force on Justice, "Justice for All: The Report of the Task Force on Justice."

2.5 Proven to offer high value for money

Information, advice, assistance, and informal dispute resolution offers excellent value for money. Robust academic studies point to these alternatives as some of the strongest evidenced-best value-for-money activities in the justice sector—and indeed across all sectors globally (see **Background Brief 3.4**).

3. How Financing Ambition #3 Is Derived: Costing Information, Advice, Assistance, and Informal Dispute Resolution

The costing estimates which form the basis for Financing Ambition #3 are based on a standardized model of information, advice, assistance, and informal dispute resolution. They draw on the functional analysis set out in **Background Brief 3.1**; World Justice Project (WJP) data on the number of severe justice problems; and the assumption that community justice workers would be paid the statutory minimum wage. The full calculations are set out in Annex A.

Data on current spend on information, advice, assistance, and informal dispute resolution is rarely recorded, especially when provided by civil society and not funded by the government. Where it is government-funded, it is most likely to be captured as part of spend on civil legal aid. Current legal aid expenditure therefore provides the current best estimate of the maximum possible spend on information, advice, assistance, and informal dispute resolution. The table below compares the estimated cost with current levels of spend on noncriminal legal aid and assistance (further analysis of this spend is provided in Annex B). As the table notes, this spend is only 3–7 percent of the estimated cost of information, advice, assistance, and informal dispute resolution.

Table 2: Cost and Current Funding of Information, Advice, Assistance, and Informal Dispute Resolution

Cost and current funding of information, advice, assistance, and informal dispute resolution (all figures are median for income group)	LIC	LMIC	UMIC	OECD
Cost of CJF as percent of total justice expenditure	6%	5%	5%	9%
Non-criminal legal aid and assistance spend as percent of total justice expenditure			0.13%	0.6%
Non-criminal legal aid and assistance spend as percent cost of CJF			3%	7%

In view of the gap between costs and current funding, Financing Ambition #3 recommends as a first step that the minimum level of information, advice, assistance, and informal dispute resolution expenditure should be 2.5 percent of total justice spending. This would be ambitious, implying a four-fold increase in spending in OECD countries. While spending on information, advice, assistance, and informal dispute resolution would still only be a small proportion of total justice outlay—and still far short of what is needed—it would enable a major scaling up of these services. In Argentina, the initial development of a system of justice centers across the country was achieved with just 0.25 percent of total justice expenditures.[80] And the remarkable scaling up of information, advice, assistance, and informal dispute resolution work in Sierra Leone was achieved with 2 percent of total justice spending.[80]

5. Area for Further Research

As discussed above, further research is needed on both the current and required level of spending in countries to achieve universal coverage of information, advice, assistance, and informal dispute resolution services.

80 Clare Manuel et al., "Front-line justice services with the potential to scale up: evidence from low- and middle-income countries." *ODI Global*, June 2025. https://odi.org/en/publications/front-line-justice-services-with-the-potential-to-scale-up-evidence-from-lmics/.

81 Clare Manuel and Marcus Manuel. "Cost-effective front-line justice services in Sierra Leone: a case study in frugal innovation and domestic resourcing." *ODI Global*, June 19, 2024. https://odi.org/en/publications/cost-effective-front line-justice-services-in-sierra-leone-a-case-study-in-frugal-innovation-and-domestic-resourcing/.

Annex A

A1. The standardized model for information, advice, assistance, and informal dispute resolution[82]

The first step in arriving at a standardized model is to estimate the number of hours of community justice worker (CJW) facilitation time required to resolve a typical pressing justice problem. This is based on different types of required intervention, as noted in the table below.

In order to develop a realistic funding target, we use the concept of a community justice worker. In some form, every country has CJWs, resolving issues close to where people live, work, and interact. They may function formally as paralegals; small firm lawyers; judicial facilitators; employees of legal expenses insurance companies; legal aid organizations or NGOs; justices of the peace; social workers; family therapists; youth protection specialists; social lawyers; or legal/health workers. Sometimes they work informally as mediators, elders, scribes, or members of community courts.

Their professional background may be different, but most of them work on similar tasks, so we can define their role for purposes of costing on the basis of one general job description. Each of these functions can be turned into a task for which resources are required, including the number of hours of the CJW in question.

This obviously can (and should) be refined for individual professions, for the types of conflicts they work on, and for the average severity of these conflicts. For a first approximation, however, we use the following assumptions:

- CJWs need to be able to prevent and resolve the number of justice problems (conflicts) by facilitating agreements, supported by adequate regulation.
- CJWs have evidence-based tools and methods to achieve win-win outcomes and distributive solutions.
    - These can be provided by evidence-based "resolution guidelines" and model agreements similar to the ones used in the health care sector.
    - These guidelines are also available for self-helpers (user-friendly information).
- CJWs can refer conflicts to a neutral decision maker (informal/local court, authority) as a backup when agreement is not achieved, provided that neutral party is also applying these methods effectively and efficiently.

82 This section was developed by HiiL

CJWs on average perform the following resolution services per 100 problems:

- Of the 100 problems, 95 lead to some kind of action by the client.
- Of these 95 problems, 25 are resolved through self-help by the client without any involvement of the CJW.
- The remaining 70 problems need diagnosis by the CJW, which enables a further 10 problems to be solved by the client in agreement with the other party without further intervention.
- The remaining 60 problems need information and tailored advice by the CJW, which enables another 20 problems to be solved by the client in agreement with the other party.
- The remaining 40 problems need neutral facilitation by the CJW using mediation and other skills to overcome barriers to conflict resolution, leading to another 30 problems to be resolved by agreement.
- The remaining 10 problems need to be prepared and transferred by the CJW to an authority for a decision. A decision is accepted by the parties in 7 of those cases.
- The remaining 3 problems remain unresolved. The CJW may need to be available for de-escalating these problems.
- The CJW needs to provide some aftercare in order to ensure that the 67 agreements and decisions are complied with and adjusted if needed.

Table 3 below estimates the total number of hours required.

Table 3: Estimating the Number of Hours of Community Justice Worker (CJW) Facilitation Time Required to Resolve a Typical Pressing Justice Problem

Interventions required for every 100 problems	Problems requiring intervention at this stage	Problems solved through this intervention	Number of hours of CJW input required	
			Per intervention	Per 100 problems
Solved by client	100	5	0	
Self-help by the client without any involvement of the CJW	95	25	0	
Diagnosis by the CJW, which enables problems to be solved by the client in agreement with the other party without further intervention	70	10	1	70
Information and tailored advice by the CJW	60	20	2	120
Neutral facilitation by the CJW using mediation and other skills to overcome the barriers to conflict resolution	40	30	6	240
Case prepared and transferred by the CJW to an authority for a decision	10	10	10	100

Additional activities				
De-escalating when decision by authority not accepted (3 out of 10 cases transferred)	3		10	30
Aftercare in order to ensure that the 67 agreements and decisions are complied with and adjusted if needed	67		2	134
Total CJW hours required for 100 problems				694
Total hours required for 70 problems that require CJW support (= nontrivial problems)				694
Memo				
Total CJW hours required to solve one nontrivial problem				9.9
Total person years required for one nontrivial problem (based on 40 hours/ week and 46 working weeks a year)				0.0054
Implied number of problems resolved per CJW each year				186

A2. Costing[83]

To cost legal information, advice, assistance and informal dispute resolution, the above data on the number of hours required per problem is combined with WJP data on the number of problems requiring information, advice, assistance, and informal dispute resolution[84] and ODI-estimated wage costs for a CJW in each country. The latter are based on minimum wage rates.

83 This section was developed by ODI Global.

84 Assumed by ODI to be problems with WJP severity level of 6 or higher on a scale of 0 to 10. On March 14, 2025, WJP provided ODI with data on the average number of disputes respondents reported having experienced in the two years prior to being surveyed. This data originates from the WJP Global Legal Needs Survey, which covers 103 countries surveyed between 2017 and 2022. For further details on the sampling methodology, see World Justice Project, "Dissecting the Justice Gap in 104 Countries: WJP Justice Data Graphical Report I," specifically the Methodology section, https://worldjusticeproject.org/our-work/research-and-data/wjp-justice-data-graphical-report-i. The descriptions and statements made here are based on WJP data, but these descriptions and statements are attributed to ODI, not the WJP. The WJP does not confirm the accuracy of any statement/claim based on third party analysis of data. ODI combined this WJP data with UN data on the number of adults to calculate the median number of nontrivial disputes every year per total population for each country income group.

Table 4: Estimating Costs

Costing	LIC	LMIC	UMIC	OECD
Total hours required to resolve 100 problems	694	694	694	694
Number of problems requiring CJW support (out of total 100 problems)	70	70	70	70
CJW hours required for every 100 nontrivial problems	991	991	991	991
Implied number of CJWs required for every 100 nontrivial problem	0.5	0.5	0.5	0.5
Average number of nontrivial disputes every year per total population (WJP data)	0.11	0.13	0.20	0.46
Number of CJWs required per person	0.00061	0.00071	0.00110	0.00249
Wage unit cost of CJW as percent of gross domestic product (GDP) per person	93%	65%	50%	48%
Percentage uplift for non-wage costs	33	33	33	33
Total unit cost of CJW as percent of GDP person	124%	86%	67%	64%
GDP per person	573	2,831	9,260	43,682
Monthly CJW salary	59	202	513	2,326
Total CJW cost per person as percent of GDP per person	0.08%	0.06%	0.07%	0.16%
Total CJW cost as percent of GDP	0.08%	0.06%	0.07%	0.16%
Justice spend as percent of GDP (median)	1.3%	1.4%	2.3%	1.7%
CJW spend as percent of justice spend	6%	5%	3%	9%
Noncriminal legal aid and assistance spend as percent of justice spend			0.13%	0.6%

A3. Further Work

The figures in Table 3 contain rough estimates of the number of hours for every single function/task. Data to test and improve these estimates can be collected in the following way:

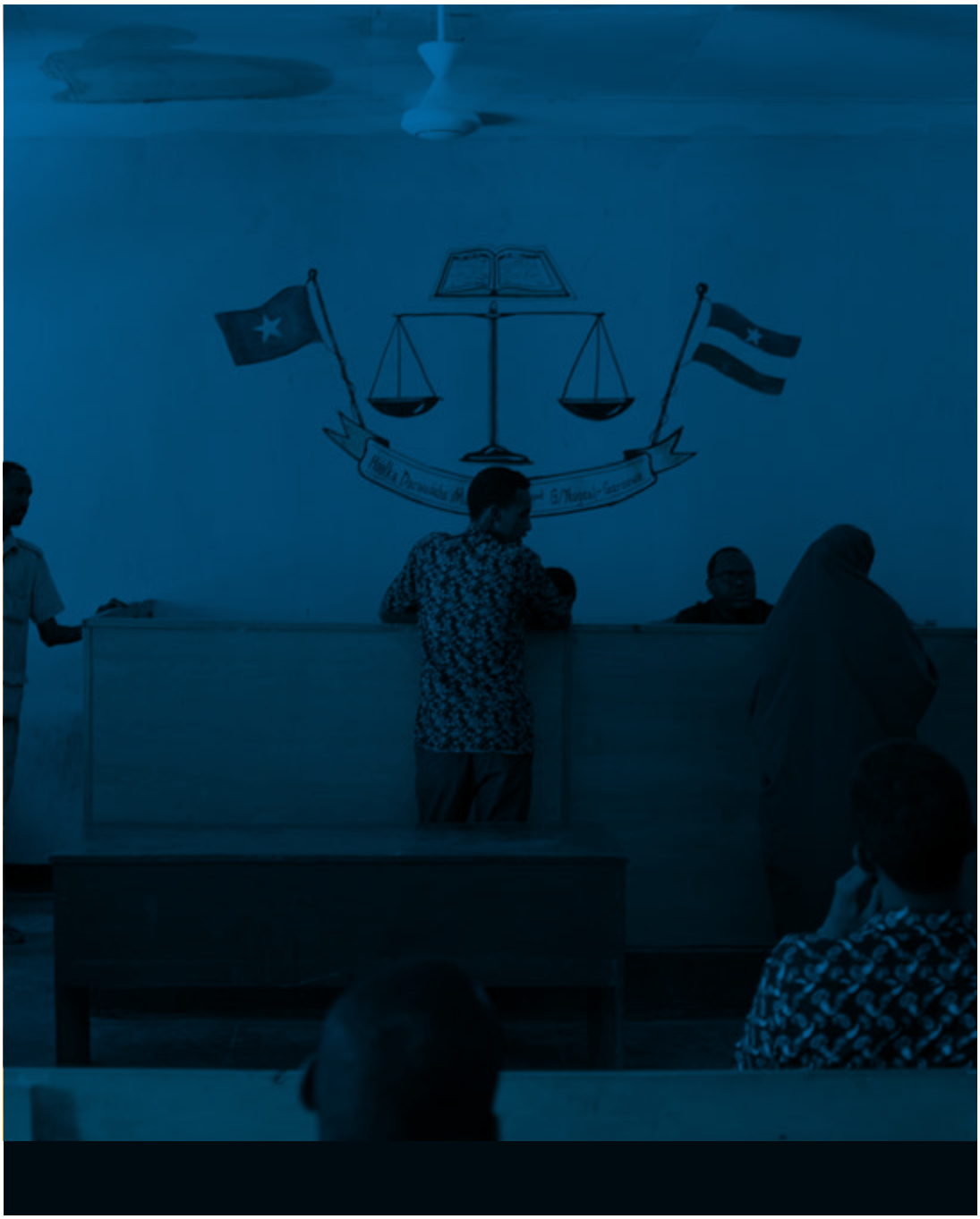
- Through operators of existing seamless pathways.
- By focus groups of community justice professionals who already execute these tasks.

Next versions will also have to look into the following tasks and interfaces:

- Community justice workers (community paralegals) may also provide assistance/representation to the entire community, standing up for rights of people living there in their relationship with major corporations, the national government, or other powerful groups.

- Criminal justice is already provided by community policing.
    - Community Justice workers can facilitate restorative and retributive justice.
    - To be effective, they will then also need a criminal justice decision mechanism as a backup.
- Community Justice workers also facilitate agreements between people and government agencies.

In addition, Table 4 does not include costs of alternative ways of providing information such as national helplines. Total costs will therefore be even higher.



Annex B: Current Spend on Noncriminal Legal Aid

B1. Key points on current spend on noncriminal legal aid as percent of total justice expenditure

- Median level of spend in OECD countries on noncriminal legal aid is 0.6 percent of total justice expenditure.
- The comparable figure in UMICs is 0.13 percent.
- There is insufficient data to estimate the median for LMICs and LICs.
- Median level of spend in the five highest spending OECD countries is 2 percent (including Netherlands at 2.1 percent and UK at 1.7 percent).
- Median for three LICs—Malawi, Rwanda and Sierra Leone (all of which are known to invest in legal aid)—is 0.13 percent.

B2. Additional details

This analysis, prepared by ODI Global, covers sixty-seven countries. The data is compiled from multiple sources including the International Monetary Fund's Government Finance Statistics,[85] the Council of Europe Commission for the efficiency of justice (CEPEJ),[86] national reports prepared for the International Legal Aid Group 2023 conference,[87] and ODI analysis of national budget data. The full detail of the analysis is available from ODI on request. Not all countries provide a split between criminal and noncriminal legal aid. Where the split was not available, ODI estimated this using the median for the peer country income group. Table 5 presents the median spending levels for each country income group.

Table 5: Legal Aid Spending Data

	Percent Total Justice Expenditure			Percent Total Legal Aid	
Medians	Total Legal Aid Budget	Criminal Cases Budget	Non-Criminal Cases Budget	Criminal Cases Budget	Non-Criminal Cases Budget
LICs	0.74		0.13	82%	18%
LMICs	0.30		0.05	82%	18%
UMICs	0.41	0.21	0.13	82%	18%
OECD	1.15	0.65	0.62	53%	47%
All	0.76	0.56	0.35	57%	43%

85 International Monetary Fund, "ACCESS TO ECONOMIC AND FINANCIAL DATA," last accessed March 2025, https://data.imf.org/.

86 Council of Europe European Commission for the efficiency of justice (CEPEJ), "Dynamic database of European judicial systems," last accessed March 2025, https://www.coe.int/en/web/cepej/cepej-stat.

87 International Legal Aid Group, "National Reports Database," last accessed March 2025, http://www.internationallegalaidgroup.org/index.php/conferenecs/harvard-usa-2023/national-reports.

Count	Numbers of Countries Reporting Data			Total Number of Countries
LICs	3			26
LMICs	9			52
UMICs	17	3	3	54
OECD	34	18	18	38
All	67	22	22	

Figure 1 shows the level of spend on legal aid in each country and Figure 2 shows the actual/estimated spend on noncriminal legal aid in each country.

Figure 1: Legal Aid as Percentage Share of Total Justice Expenditure

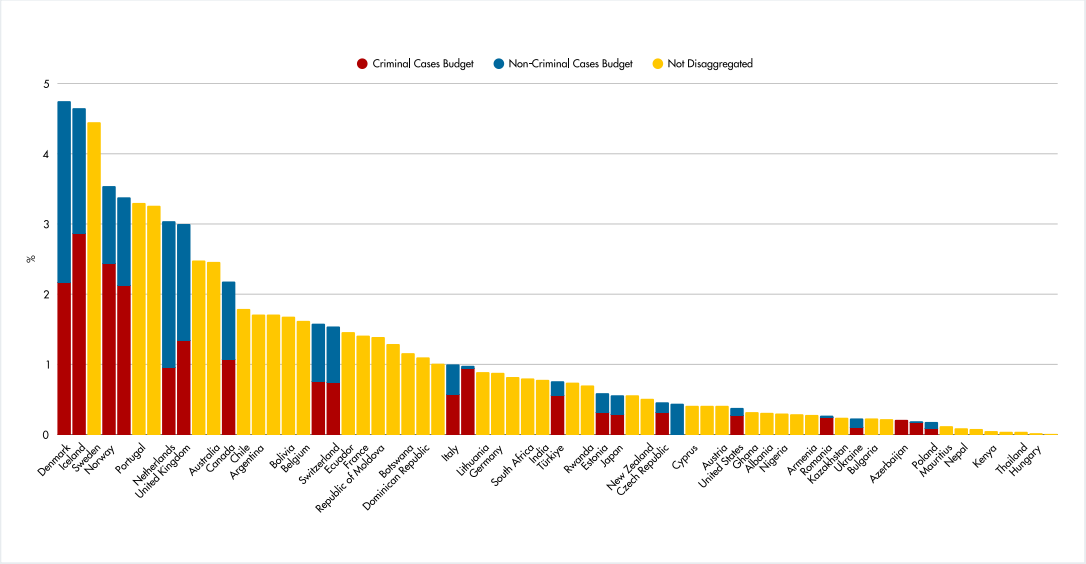
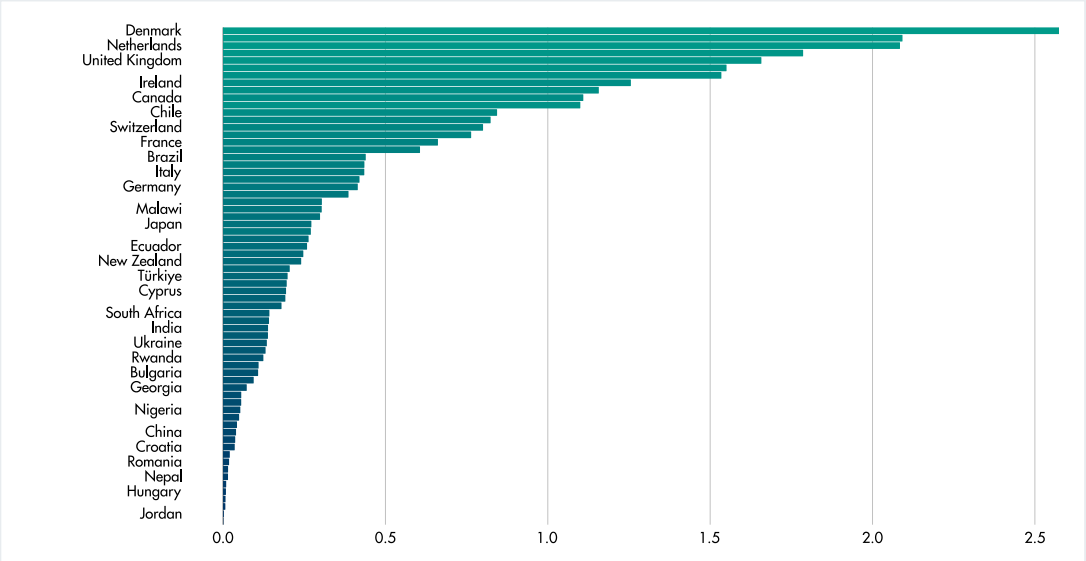
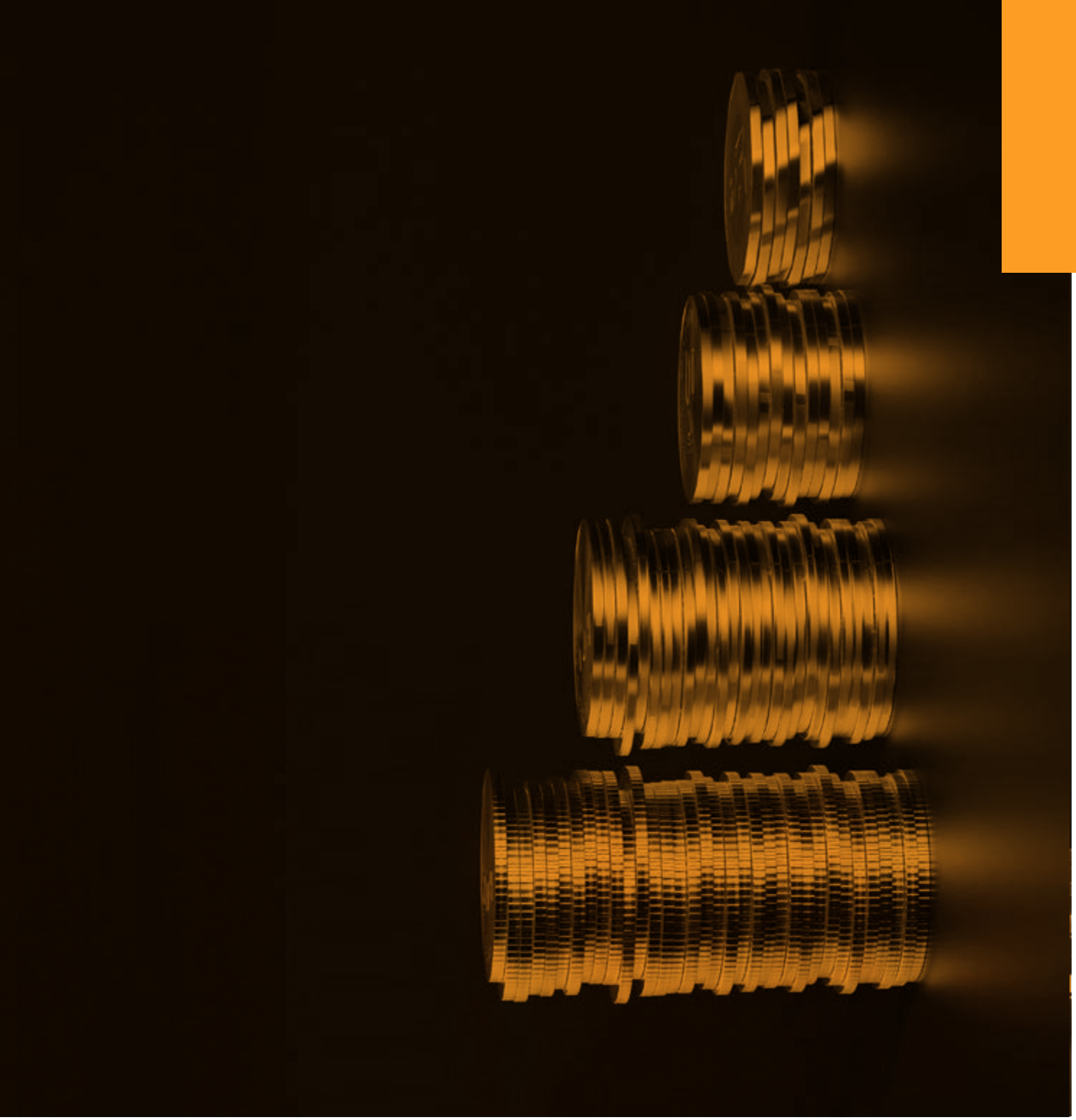


Figure 2: Non-Criminal Legal Aid as Percentage Share of Total Justice Expenditure





BACKGROUND BRIEF 3.4

3.4 Scalable Best Value for Money Activities

Introduction

The JFF makes the case for scaling up the strongest-evidenced, best value for money activities in the justice sector.

This background brief:

- Explains the concept of scalable best value for money activities.
- Provides examples of scalable best value for money activities.
- Notes areas where further research is required.

1. The Concept of Scalable Best Value for Money Activities

TThe concept of scalable best value for money activities (or "best buys") has been developed in recent years to guide policymakers concerned about spending public money "smartly." This approach is described in Box 1 below in relation to the education sector.[88]

88 Other examples include the use of the concept to ensure the greatest impact of UK aid. "Written evidence from the Foreign, Commonwealth and Development Office (CCE0064)," https://committees.parliament.uk/writtenevidence/43623/pdf/.

Box 1: Global Education Evidence Advisory Panel: Scalable Best Value for Money Activities[89]

The Global Education Evidence Advisory Panel has sifted through over 13,000 research papers. Their report[90] recommends activities that have been rigorously tested in multiple countries and have been shown to work at large scale. The report groups activities into different categories based on (a) cost and (b) impact on learning outcomes.

Three activities are ranked as "great buys," five as "good buys," and eight as "promising, but limited evidence."

Notably, the panel rates two common input-focused activities in the education sector as "bad buys:" the evidence showed these activities rarely lead to improved learning outcomes. These bad buys are:

1. Investing in computer hardware.
2. Investing in other education inputs without addressing major underlying problems (such as lack of teacher training or poor system governance).

As described in Box 1 above, a scalable best value for money approach applies two lenses to determine which activities to fund: (a) value for money: activities need to yield high returns on investment by delivering benefits that far exceed their cost; and (b) scalability: activities need to be affordable if they are to be taken to scale.

The concept of scalable best value for money is a new one for the justice sector, which has to date tended not to consider these aspects when determining what activities to fund. This has been the case even for pilot programs testing new activities, contributing to what has been described as the "graveyard of pilots" in the justice sector.

The JFF proposes that the justice sector should now learn from other service sectors and adopt a scalable best value for money approach to delivering primary front line justice services.

89 Press Release, "New education "Smart Buys" report outlines how cost-effectively supporting teachers and parents can lead to significant learning improvements." *World Bank*. May 9, 2023, https://www.worldbank.org/en/news/press-release/2023/05/09/education-smart-buys-cost-effectively-supporting-teachers-and-parents-can-lead-to-significant-learning-improvements.

90 Abhijit Banerjee et al., "2023 Cost-effective Approaches to Improve Global Learning: What does Recent Evidence Tell Us are Smart Buys for Improving Learning in Low- and Middle-income Countries?" *World Bank*, 2023, https://documents.worldbank.org/en/publication/documents-reports/documentdetail/099420106132331608.

2. Scalable Best Value for Money Approach Applied to Primary Front Line Justice Services

There are a wide range of activities which could potentially improve primary front line justice services. The experience of other sectors demonstrates that some activities which may seem attractive might in fact offer poor value for money. As described in Box 1 above in relation to the education sector, economic analysis shows that investing in computers for schools, despite appearing to be a positive move, in fact offers a relatively low rate of return (a "bad buy"), with limited impact on students' learning outcomes.

This section describes how a "smart" approach to financing—considering the evidence on which activities offer good value for money as well as being scalable—can be applied to primary front line justice services.

2.1 Value for money: cost-benefit analysis

A challenge for the justice sector in determining what activities are best value for money is that, unlike health or education, robust international evidence on cost benefit for specific activities is currently limited. As a result, few activities in the justice sector have been identified as delivering strong benefits in relation to their cost. These are noted below.

- The Copenhagen Consensus Project[91] identified global best value for money across all sectors. A rating of "good" is awarded to interventions where benefits exceed costs by a ratio of 5:1, and "phenomenal" where the ratio exceeds 15:1. In 2015, the project found over twenty interventions linked to sustainable development goal (SDG) indicators as "phenomenal." Most of the interventions with the highest ratios were in the health sector (e.g., immunization, with a ratio of 60:1). The only intervention in the justice sector included in the "phenomenal" category was the reduction of assaults.
- A literature review for the 2019 Justice Taskforce[92] reviewed twenty justice sector interventions, most with benefits ranging from two to ten times their costs. None qualified for the Copenhagen Consensus Project's "phenomenal" category.
- In the OECD/World Justice Project white paper, Building a business case for access to justice,[93] the best results were achieved by community legal centers in Australia (where benefits were eighteen times their cost) and a group of Citizens Advice services in England and Wales (thirty-three times their cost).

91 For example, see Copenhagen Consensus Center, "The Economist Special Online Supplement," 2015, https://copenhagenconsensus.com/post-2015-consensus/economist.

92 Lisa Moore and Trevor Farrow. "Investing in justice: a literature review in support of the case for improved access. Report prepared for the Task Force on Justice." *Canadian Forum on Civil Justice*, 2019, www.ajcact.org/en/publications/2097/.

93 OECD, "Building a business case for access to justice," 2020, https://web-archive.oecd.org/2019-11-07/535987-building-a-business-case-for-access-to-justice.pdf.

- The only other known formally-assessed interventions in academically robust research, where the benefits exceed costs by more than fifteen times, are the village court system in Bangladesh and the rural lawyer pilot in Kenya—where the ratio in both cases was eighteen times.[94] In addition, initial research by ODI Global suggests that the Sierra Leone Legal Aid Board's innovative work on securing child maintenance may yield benefits of more than fifty times its cost.[95]

In light of existing knowledge, the JFF proposes that best value for money investments for justice must deliver benefits that exceed the costs by a ratio of at least 5:1, and ideally over 15:1. The reason for setting high ratios is that investment in other sectors can offer even higher returns.

The hope is that cost-benefit analyses will become more common in the justice sector. However, this requires significant data and is challenging to apply when evaluating interventions where impacts are only seen over the longer term. The justice sector needs to learn from methodological developments in other sectors, particularly in relation to estimating benefits in lower-income contexts. The Copenhagen Consensus Center and BRAC University have expertise in considering equity and equality in assessing benefits.[96]

2.2 Scalability: affordability

Best value for money activities must be affordable if they are to have a chance of being taken to scale. ODI has developed benchmarks to assist with judging affordability, and thus scalability.[97] The revised benchmarks,[98] set out in Table 1 below, currently relate only to information, advice, assistance, and informal dispute resolution services (see **Background Brief 3.3**).

94 Md Shanawez Hossain and Nabila Zaman. "Cost–benefit study on implementing village courts in union parishads of Bangladesh: Bangladesh priorities." *Copenhagen Consensus Center*, 2016, https://bigd.bracu.ac.bd/publications/cost-benefit-study-on-implementing-village-courts-in-union-parishads-of-bangladesh; discussed in Clare Manuel and Marcus Manuel, "Small is beautiful, but scale is necessary': front-line justice services in lower-income countries with the potential to scale-up." *ODI Global*, 2023, https://odi.org/en/publications/small-is-beautiful-but-scale-is-necessary-front-line-justice-services-in-lower-income-countries-with-the-potential-to-scale-up/.

95 Manuel and Manuel, "Small is beautiful."

96 See Manuel and Manuel 2023 (a) section 2.6 and Manuel and Manuel 2023(b) section 5.5 (4).

97 Manuel and Manuel, "Small is beautiful."

98 Clare Manuel et al. "Front-line justice services with potential to scale up: evidence from low- and middle-income countries." *ODI Global* June 5, 2025, https://odi.org/en/publications/front-line-justice-services-with-the-potential-to-scale-up-evidence-from-lmics/.

Table 1: Affordability Benchmarks for Nationally Scalable Information, Advice, Assistance, and Informal Dispute Resolution Services

Country Income Group	Cost per Case/Justice Problem Advised and Assisted
Low-income countries	USD 20
Lower-middle-income countries	USD 70
Upper-middle-income countries	USD 175
OECD	USD 790

Notes:

1. Costs are primarily driven by wage costs, which increase as a country grows richer.
2. ODI analysis reveals multiple examples across a range of low-, lower-middle- and upper-middle-income countries of locally-led, innovative approaches that are delivering at or below the benchmarks.

A key consideration on affordability is that unit costs tend to fall when the activity is scaled up. Therefore, pilot initiatives should be designed and costed out with a view to taking the intervention to scale. Box 2 below provides two country examples.

Box 2: Country Examples of Successful and Affordable Scaling of Initiatives to Provide Information, advice, assistance, and informal dispute resolution Services

In **Sierra Leone**, pioneering work in the 2000s by a few NGOs demonstrated the effectiveness of a paralegal approach to providing information, advice, assistance, and informal dispute resolution (primarily legal advice, assistance, and informal dispute resolution) services. Their limited scale (4,700 cases) led to high unit costs (USD 150 per case), but their experience was pivotal in creating a new law that recognized paralegals and established the nationwide Legal Aid Board (LAB) in 2012. By 2023 the LAB had scaled up its work more than ten times (to 87,000 cases/161,000 beneficiaries) and reduced unit costs by more than ten to USD 11 a case (55 percent of ODI's benchmark of USD 20 a case in a low-income country).

99 Clare Manuel and Marcus Manuel. "Cost-effective front-line justice services in Sierra Leone: a case study in frugal innovation and domestic resourcing." *ODI Global*, June 19, 2024, https://odi.org/en/publications/cost-effective-front-line-justice-services-in-sierra-leone-a-case-study-in-frugal-innovation-and-domestic-resourcing/.

In **Argentina**, Access to Justice Centers, providing information, advice, assistance, and informal dispute resolution in the form of legal advice and assistance, were designed to operate at scale from the beginning. They handled 315,620 cases in their final full year, with unit costs of USD 42, one-fourth of ODI's USD 175 benchmark for upper-middle-income countries. Their total costs were less than 1 percent of the judicial system's budget, and much less than 1 percent of the total government expenditure on justice.[100]

3. Examples of Scalable Best Value for Money Activities to Deliver Primary Front line Justice Services

Identifying scalable best value for money activities to deliver primary front line services is a well-established research area in other sectors, but it is a recent development in the justice sector. Annex A provides an inventory of current knowledge, with activities grouped into those which are:

1. **"Proven" scalable best value for money:** Where there is (1) academically robust evidence that the activity delivers benefits that exceed the costs by a ratio of at least 5:1 and ideally over 15:1; and (2) the activity is affordable and can be taken to scale.
2. **"Probable" scalable best value for money:** Where there is some evidence that the activity's benefit-cost ratio is high and that it is affordable, but more academically robust research is needed to validate the partial evidence.
3. **"Possible" scalable best value for money:** Where there is insufficient or conflicting evidence as to the activity's benefit-cost ratio and/or whether it is affordable.
4. **"Plausible" scalable best value for money:** Where the activity could plausibly deliver a high benefit-cost ratio, but evidence is lacking.

100 Manuel, et al. "Front-line justice services with potential to scale up: evidence from low- and middle-income countries," which also notes that many of these centers are being closed following the change in government in 2024.

As can be seen from the inventory, a short list of primary front line justice activities—all of which can be categorized as information, advice, assistance, and informal dispute resolution services—have been assessed as "proven" to offer both "phenomenal" benefit cost ratios, and to be affordable. These are reproduced in Table 2 below.

Table 2: "Proven" Scalable Best Value for Money Activities

Primary Front Line Service Provider	Benefit: Cost-Ratio And Current Best Example	Affordability: Examples at or Below Affordability Benchmark in Background Brief 3.3, Table 1
Community legal advice and assistance, largely provided by non-lawyers	Phenomenal (33:1) Citizens Advice, UK.[101]	At least 40 examples in 20 countries, mainly community-based paralegals.[102]
Community-based justice centers providing legal advice and assistance.	Phenomenal (18:1) Community legal centers, Australia.[103]	Argentina's Access to Justice Centers provides community-based legal advice and assistance by low-cost law yers.[104] South Africa, Community-Based Advice Offices when located in police stations.[105]
Customary and informal justice dispute resolution.	Phenomenal (18:1) Village Courts, Bangladesh.[106]	Malawi, village mediation. Somalia, Alternative dispute resolution (ADR) centers.[107]

Robust academic studies point to the information, advice, assistance, and informal dispute resolution activities in Table 2 above as some of the strongest evidence base, showcasing the best value for money interventions across all sectors globally. The hope is that as research and analysis progresses, this list will expand.

101 For more details see OECD, "Building a business case for access to justice."
102 Including Malawi, Bangladesh, Sierra Leone, and Tanzania. See more in Clare Manuel et al., "Front-line justice services with the potential to scale up: evidence from low- and middle-income countries." In most countries the use of paralegals is key to affordability (although practices vary considerably on the amount of training required to become a paralegal and the degree to which they are overseen by lawyers). However, in a few countries where lawyer salaries are relatively low (e.g., Tajikistan, where low salaries are a legacy from Soviet Union; and Argentina, where lawyers only need a law degree), affordable services can be provided by lawyers.
103 For more details, see OECD, "Building a business case for access to justice."
104 See footnote above in relation to lawyers providing affordable services in Argentina.
105 Manuel et al. "Front-line justice services with potential to scale up."
106 Md Shanawez Hossain and Nabila Zaman. "Cost–benefit study on implementing village courts in union parishads of Bangladesh: Bangladesh priorities." *Copenhagen: Copenhagen Consensus Center*, 2016, https://bigd.bracu.ac.bd/publications/cost-benefit-study-on-implementing-village-courts-in-union-parishads-of-bangladesh.
107 See Manuel and Manuel. "Small is beautiful" and Manuel et al. "Front-line justice services with potential to scale up," for more details and examples.

4. Areas for Further Research

Identifying the best value for money activities is a new and developing area of research in the justice sector. Academically robust cost-benefit analysis needs to be applied to a wider range of primary front line justice service activities to add to the "proven" best buys listed in the annex. Further research may also potentially help identify activities which do not provide value for money, as in the education sector (see Box 1 above). Justice sector analysts need to draw from methodologies adopted in other service delivery sectors such as health and education. It will be crucial to develop appropriate methodologies in lower-income contexts, as simple cost-benefit approaches only focus on the total value of monetizable benefits and do not allow for equity or equality considerations (e.g., the greater potential social value of providing relatively lesser-value benefits to people living on low incomes or from socioeconomically disadvantaged groups).

Annex: Inventory of Primary Front line Justice Activities Assessed for Value for Money and Affordability

Primary Front Line Service Provider	Benefit: Cost-Ratio And Current Best Example	Affordability: Examples at or Below Affordability Benchmark in Background Brief 3.3, Table 1	Where More Research Is Needed
Examples of 'Proven' scalable best value for money activities (backed up by strong evidence/academically robust research)			
Community legal advice and assistance largely provided by non-lawyers Customary and informal justice dispute resolution	Phenomenal (33:1) Citizens Advice, UK.[108]	At least 40 examples in 20 countries.[109]	
Community based justice centres providing legal advice and assistance	Phenomenal (18:1) Community legal centers, Australia.[110]	Argentina Access to Justice Centers providing community based legal advice and assistance by low-cost lawyers.[111] South Africa – Community Based Advice Offices when in police stations.[112]	
Customary and informal justice dispute resolution	Phenomenal (18:1) Village Courts, Bangladesh.	Malawi, village mediation Somalia, ADR.[113]	

108 For more details see OECD, "Building a business case for access to justice." (Paris: OECD Publishing, 2023), www.oecd.org/gov/building-a-business-case-for-access-to-justice.pdf.

109 Including Malawi, Bangladesh, Sierra Leone, Tanzania. Manuel et al. "Front-line justice services with the potential to scale up: evidence from low- and middle-income countries." In most countries the use of paralegals is key to affordability (although practices vary considerably on the amount of training required to become a paralegal and the degree to which they are overseen by lawyers). However, in a few countries where lawyer salaries are relatively low (eg Tajikistan (where low salaries are a legacy from Soviet Union) and Argentina (where lawyers only need a law degree)), affordable services can be provided by lawyers.

110 For more details see OECD, Building a business case for access to justice."

111 See footnote above in relation to lawyers providing affordable services in Argentina

112 Manuel et al. "Front-line justice services with the potential to scale up: evidence from low- and middle-income countries."

113 See Manuel, C and Manuel, M (2023) and Manuel et al. "Front-line justice services with the potential to scale up: evidence from low- and middle-income countries" for more details and examples.

Primary Front Line Service Provider	Benefit: Cost-Ratio And Current Best Example	Affordability: Examples at or Below Affordability Benchmark in Background Brief 3.3, Table 1	Where More Research Is Needed
Examples of 'Probable' scalable best value for money activities (partial evidence to date)			
Targeted support to assist parents to secure child maintenance from absent parent and resolve custody issues	Sierra Leone: Potentially phenomenal return (50:1).[114]	Sierra Leone–affordable	Validation of benefit: Cost ratio.
Paralegal support to prisoners to reduce pre-trial detention	Malawi: demonstrated sustained impact on pre-trial detention rate and prison overcrowding. Benefit: cost ratio estimates range from 23:1 to 3.5:1[115]	Affordable eg Malawi, Uganda, Bangladesh[116]	Validation of benefit:cost ratio needed. Impact only demonstrated with high frequency visits. Maybe better alternative interventions
Community engagement on behavioural change to reduce violence against women and girls	Copenhagen assessed as likely to be phenomenal (> 15:1)[117]	Multiple examples e.g Uganda[118] and South Africa.[119] Low unit costs per disability adjusted life year saved.	Validation of benefit: cost ratio. No methodology yet developed to assess affordability.[120]

114 Manuel and Manuel. "Cost-effective front-line justice services in Sierra Leone."

115 Marcus Manuel et al. "Cost-effective front-line justice services in Malawi: a case study in frugal innovation." *ODI Global*, September 29, 2023, https://odi.org/en/publications/malawi-case-study noted that the benefit:cost ratio could be as high as 23:1. However the case study also noted that the benefits would be 50% lower if the marginal, rather than the full, costs of keeping a prisoner incarcerated were used (implying a 11.5:1 ratio) and would be an additional 70% lower (implying 3.5:1 ratio) if estimated days of "saved" incarceration were just one month (as estimated in earlier survey) rather than the 100 days assumed in latest assessment.

116 Manuel and Manuel. "Small is beautiful."

117 Average ratio of 20:1 for two interventions estimated in page 6, working draft of paper by Average ratio of 20:1 for two interventions estimated in page 6, working draft of paper by Srinivas Raghavendra, Mrinal Chadha, and Nata Duvvury, "Cost-benefit analysis of proposed interventions to reduce intimate partner violence in Andhra Pradesh 2018," *Copenhagen Consensus Center*. https://copenhagenconsensus.com/andhra-pradesh-priorities/crime-and-violence. Ratio of 27:1 cited in Lomborg, "The Global Cost of Domestic Violence," *Project Syndicate*, 2018, www.project-syndicate.org/commentary/global-cost-of-domestic-violence-by-bjorn-lomborg-2018-09.

118 SASA! Project is community mobilization intervention seeking to change community norms and behaviours. This was designed by Raising Voices (http://raisingvoices.org) and implemented by Centre for Domestic Violence Prevention in Uganda. For evaluation and cost effectiveness calculations, see Christine Michaels-Igbokwe et al., "Cost and cost-effectiveness analysis of a community mobilization intervention to reduce IPV in Kampala, Uganda," *BMC Public Health* 16, no. 196 (2019), https://pubmed.ncbi.nlm.nih.gov/26924488/.

119 IMAGE project combines microfinance with a participatory learning programmes "Sisters for life," that initially trained a group of women and then engaged youths and men in the wider community in South Africa.

120 See review of successor community mobilization programs that were based on SASA! and IMAGE models in R. Jewkes et al., "Effective design and implementation elements in interventions to prevent violence against women and girls," What Works to Prevent Violence: a Global Programme, January 2020, https://www.whatworks.co.za/documents/publications/373-intervention-report19-02-20/file. See also Alice Kerr-Wilson et al., "A rigorous global evidence review of interventions to prevent violence against women and girls," What Works to Prevent Violence: a Global Programme, 2020, https://www.whatworks.co.za/documents/publications/374-evidence-reviewfweb/file. A rigorous global evidence review of interventions to prevent violence against women and girls (VAWG), the What Works to Prevent Violence Against Women and Girls Global Programme in South Africa concluded that there is 'good evidence' that interventions using community activism to change gender attitudes and social norms can be effective in reducing VAWG through multiyear intensive community mobilization. However, only very strongly designed and implemented interventions can achieve this. This paper discusses other interventions with stronger evidence of impact.

Primary Front Line Service Provider	Benefit: Cost-Ratio And Current Best Example	Affordability: Examples at or Below Affordability Benchmark in Background Brief 3.3, Table 1	Where More Research Is Needed
Improve community policing by providing additional payments to police based on local accountability mechanisms	Copenhagen assessed police reform (freeze on transfers and in-service training)[121] as likely to be high (> 5:1)	DRC (Cordaid) shows low unit costs USD 3 per beneficiary.[122]	Validation of benefit:cost ratio and unit costs
Examples of 'Possible' scalable best value for money activities (strong theoretical case insufficient evidence to date)			
Legal education: providing legal information, education and awareness at national and community level	Likely to have high benefit:cost ratios. Evidence from other sectors that public information and prevention (e.g. in health) and early intervention (e.g in education) are the most cost- effective interventions in terms of health and education outcomes	Multiple (including radio, websites, chatbots). Public information likely to be low cost to deliver (but less clear what are the rates of take up and impact).	No known academically robust cost-benefit estimates Validation needed of both benefit:cost ratio and unit costs
Class actions/strategic litigation/public interest litigation	Could have high benefit:cost ratios given scale of potential beneficiaries. Recommended spending priority by Australia access to justice review.[123]	Multiple examples by NGOs/law centers (e.g., Australia, Bangladesh, Kenya). Costs hard to trace and to predict.	No known academically robust cost-benefit estimates. Inherent risk that spending may not result in a successful court outcome or that successful outcome translates into change for communities.

121 Abhijit Banerjee et al. "Improving Police Performance in Rajasthan, India: Experimental Evidence on Incentives, Managerial Autonomy, and Training," *American Economic Journal: Economic Policy* 13, no. 1 (February 2021), 36–66, https://www.aeaweb.org/articles?id=10.1257/pol.20190664.

122 Marcus Manuel et al. "Universal access to basic justice: costing SDG 16.3." *ODI Global*, 2019, 36, https://odi.org/en/publications/universal-access-to-basic-justice-costing-sustainable-development-goal-163/.

.123 Australian Government Productivity Commission, "Access to Justice Arrangements, Inquiry Report No. 72," September 2014, Accessed March 31, 2025, 713, https://www.pc.gov.au/inquiries/completed/access-justice/report/access-justice-volume2.pdf.

Primary Front Line Service Provider	Benefit: Cost-Ratio And Current Best Example	Affordability: Examples at or Below Affordability Benchmark in Background Brief 3.3, Table 1	Where More Research Is Needed
Examples of 'Plausible' scalable best value for money activities (clear rationale but cost effectiveness evidence to date is			
Court annexed mediation	Clearly cheaper than full court hearing	Multiple examples.	ODI research in Kenya estimated benefit: cost ratios modest (only 2:1).
Electronic case management.	Likely to be cheaper than a paper system, also more transparent and hence accountable.	Multiple examples.	No known evidence on benefit: cost ratios.
Mobile courts.	Mechanism for reaching marginalized communities.	Multiple. Some evidence of affordability (Rwanda). Other countries suggest high unit costs above affordability benchmark.	Not clear if this is the most cost-effective approach or affordable.
Increase number of police.	Many countries below the UN recommended number.		No cost-benefit evidence.
Increase number of judges.	Many countries below the UN recommended number.		No cost-benefit evidence.
Increase salary of police.	Low salaries make police more vulnerable to corruption.		Conflicting evidence whether this reduces corruption.
Invest in accountability mechanisms.	No cost-benefit evidence.	Accountability can improve performance.	Multiple examples that just creating new institution does not necessarily improve performance (e.g., anti-corruption commissions).

BACKGROUND BRIEF 4.1

4.1 Regulation of People-Centered Justice Services

Introduction

The JFF recommends that countries should develop a coherent regulatory framework for justice services to support the delivery of people-centered justice objectives.

The background brief considers:

- The need for more coherent regulation of people-centered justice services.
- Specific issue of regulation of the legal profession.

1. More Coherent Regulation of People-Centered Justice Services

The way in which justice services are regulated can have a major impact on the overall productivity of the justice sector. Regulation of justice services (i.e., addressing who can provide justice services and how—including lawyers, courts, prosecution, and court procedures) can be a barrier to innovation and the delivery of cost-effective services. The OECD Recommendation on Access to Justice and People-Centered Justice stresses the need for users of legal and justice services and the justice sector workforce to adopt improved ways of working (see Box 1 below).

Box 1: OECD Recommendation on Support for Users and the Justice Sector Workforce

The OECD Recommendation on Access to Justice and People-Centered Justice Systems, section 4, describes how people and the justice sector workforce should be supported by:

- Fostering empowerment and legal literacy of people, including capacity to manage their own legal matters and disputes where appropriate, through legal education, effective communication strategies, and multisectoral collaboration and outreach.
- Promoting competence, professionalism, empowerment, engagement, and diversity of the justice sector workforce in a transparent manner.

The current regulatory framework—including rules regarding legal advice, representation in court procedures, and the internal organization of law firms—tends to be dense, complex, and fragmented (see analysis in Annex A). There is scope for an across-the-board fundamental review. A very useful recent paper examines proposals from the Judiciary in England and Wales for fundamental reform of the delivery of front-line justice services, and the regulatory implications of this[125]

125 Natalie Byron, "Necessary But Insufficient? Reforms to Legal Services Regulation, Technology and the Role of the Courts in Increasing Access to Justice in England and Wales," *SSRN* (July 2025): https://papers.ssrn.com/sol3/papers.cfm?abstract_id=5358975.

2. Regulation of the Legal Profession

The rebalancing of justice sector resources recommended in the JFF for primary front line services (Financing Ambition #2, see **Background Brief 3.2**)—and, within those, toward information, advice, assistance, and informal dispute resolution (Financing Ambition #3, see **Background Brief 3.3**)—may involve regulatory reform. For example, the 2019 Task Force on Justice Report highlights the role that community paralegals play in providing access to justice. Expanding the scope for less formal, cost-effective providers of legal services may require careful regulatory reform.

Annex: Current Regulatory System

The Hague Institute for Innovation of Law (HiiL) has summarized the current regulatory situation in Table 1 on the next page. The table suggests that the current regulatory patchwork focuses on justice services provided by courts and lawyers and on criminal/administrative justice. Civil justice and front line justice services are mostly left to the unregulated private market. Legal advice (in most countries) and representation, however, may only be delivered by certified professionals. Neutral decisions can only be taken by designated courts and tribunals following procedures that are also heavily regulated.

These professionals and institutions struggle to meet justice needs in a way that is affordable and widely available for middle-class and poor citizens.

126 See also Report, "Challenges and Opportunities for Community Paralegals: An Analysis of Legal Recognition, State Regulation and Financing in Kenya and Zambia," *Kituo cha Sheria - Legal Advice Centre, African Centre of Excellence for Access to Justice, Paralegal Alliance Network Zambia and Grassroots Justice Network*. December 2024, https://kituochasheria.or.ke/wp-content/uploads/2024/12/PARALEGAL-Full-Report.pdf; and María Alejandra Torres García et al., "Exclusion in Practice: A Human Rights Analysis on the Legal Barriers to Advancing Community Justice." *New York University School of Law Bernstein Institute for Human Rights*, n.d. https://www.law.nyu.edu/centers/bernstein-institute/legal_empowerment/globalreport; and Clare Manuel, "Scalable front-line justice services: evidence from low- and middle-income countries," ODI Global, Forthcoming; Clare Manuel et al., "Front-line justice services with the potential to scale up: evidence from low- and middle-income countries." *ODI Global*, June 2023. https://odi.org/en/publications/front-line-justice-services-with-the-potential-to-scale-up-evidence-from-lmics.

127 For example, Annette Mbogoh, "Pouring new wines in old wineskins: state capture, contestations and conflicting understanding of the paralegalism in Kenya with the advent of the Legal Aid Act 2016." *Egerton Law Journal* 1, no. 1-192 (2021), 161–179. https://eujournal.egerton.ac.ke/index.php/elj/article/view/35.

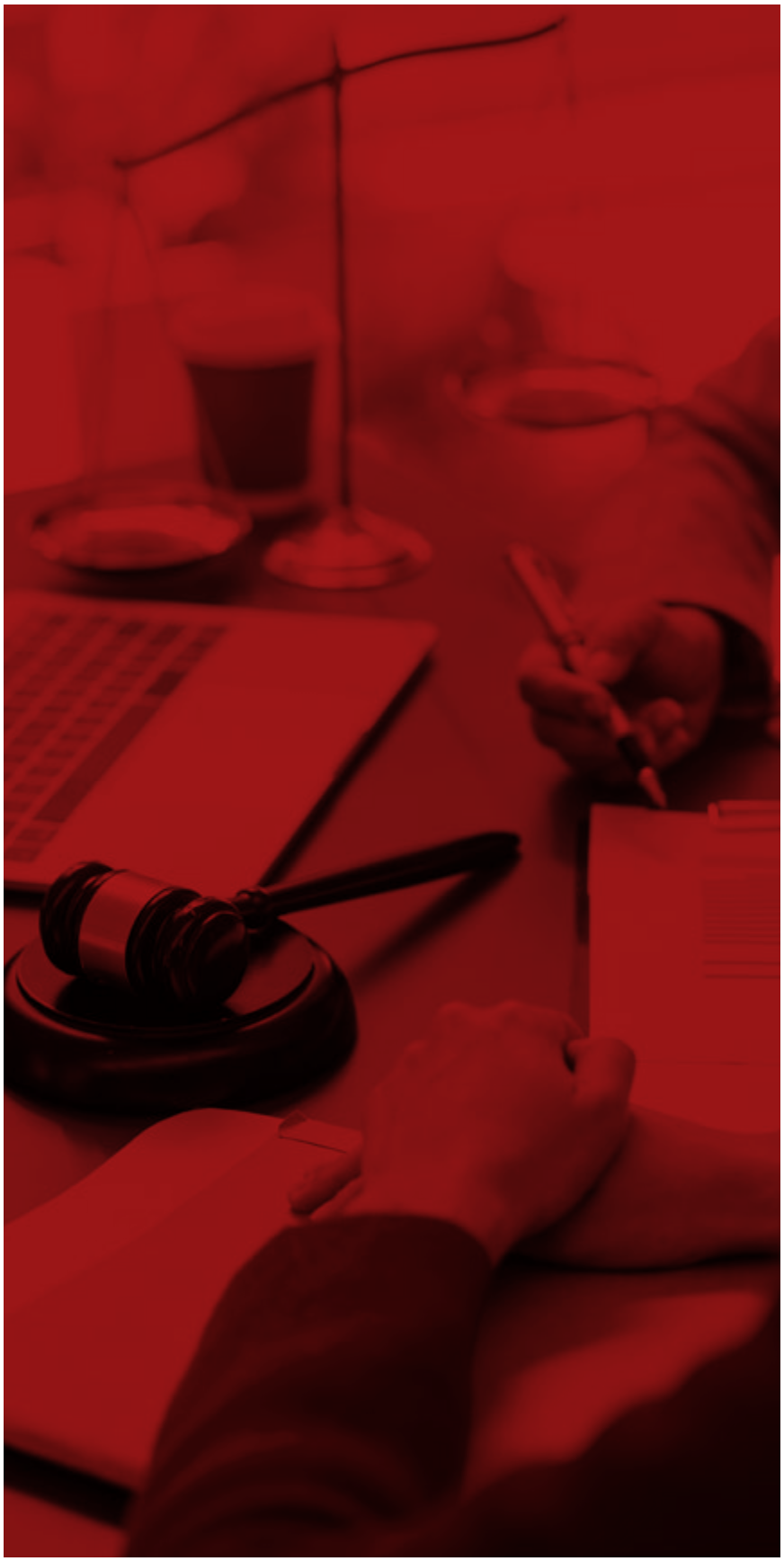


Table 1: Current Regulatory Framework

Type of Services	Examples of Providers	Regulatory Framework	Public/Private Service Delivery?
A.1 Rules and Contract Formats	Law firms	Civil code/common law governing family law, many specific contracts and torts, industry regulation	Mostly private
A.2 Assisting People to Apply These Individually	Notaries, lawyers, scribes	Notaries heavily regulated	Mostly private
B.1 Services Providing Guidance, Formats and Tools for Resolution	Providers of professional information and case-management platforms	Procurement by public justice institutions heavily regulated	Mostly private
B.2 Diagnosis of Fonflicts	A broad range of professions and volunteers	Unregulated	Mostly private
B.3 Information About Solutions that Generally Work	Information websites, broad range of professions and volunteers	Unregulated	Mostly private
	Broad range of professionals and volunteers giving personalized advice	Only by certified professionals in some countries, unregulated in other countries	Mostly private
	Specialists in navigating forms and procedures	Unregulated	Mostly private
B.4 Assistance with Reaching Agreement	Broad range of professionals and volunteers providing assistance in negotiation	Unregulated	Mostly private
B.5 Providing Neutral Decisions	Lawyers and others representing clients in procedures	Only by certified professionals in most countries	Mostly private
	Court, tribunal, ombuds and alternative dispute resolution (ADR) procedures	Prescribed in detail by laws of procedure	Mostly public
B.6 Feedback, Learning, Improvement	Organizations providing accountability	Professional conduct, auditing, and appeals processes heavily regulated	Mostly public
	Professionals and police providing enforcement	Prescribed in detail by laws, only by certified professionals	Private/public
	Feedback	Unstructured, via legal research and legislation process	Private/public
	Legal education	Heavily regulated and focused on codes/law and court procedures	Private/public
C.1 Crime Prevention	Police, public order, antiterrorism, strategies for fighting organized crime, violence prevention	Partly regulated	Mostly public
C.2 Restorative, Retributive Justice	Police, courts, prosecutors, magistrates	Heavily regulated by criminal/penal code, rules for community courts	Mostly public
C.3 Administrative Justice	Government agencies, professionals and volunteers guiding people in their interaction with government agencies, complaint and administrative review mechanisms	Notaries heavily regulated	Mostly public

BACKGROUND BRIEF 4.2

4.2 Financing Ambition #4: Research & Development, Governance, And Evidence-Based Practice and Continuous Improvement

Introduction

The JFF proposes that countries should prioritize funding for research, innovation, and implementation of evidence-based practice. In that vein, **Financing Ambition #4** proposes that countries should **allocate a minimum of 0.5 percent of total justice expenditure to research and development and other mechanisms to drive performance improvements.**

This background brief:

- Addresses the scope of Financing Ambition #4.
- Discusses the need for an integrated approach to research and development, an outcome-focused governance, and evidence-based practice and continuous improvement.
- Explains how Financing Ambition #4 has been derived.

1. Scope of Financing Ambition #4

Financing Ambition #4 covers a suite of interconnected functions needed to drive forward change to deliver people-centered justice:

- Research and development (R&D).
- Outcome-focused governance.
- Evidence-based practice and continuous improvement.

These three functions are essential conditions for effective spending and need to be integrated in an effective and continuous learning cycle.

1.1 R&D

Data and evidence-based innovation and learning are central to people-centered justice (see Box 1 on the next page).[128] Services to deliver people-centered justice need to be designed, developed, tested, and continuously improved, with a focus on user-centeredness, simplicity, efficiency, resolution focus, procedural justice, an experimental approach, and scalability.

128 Statement, "Hague Declaration on Equal Access to Justice for All by 2030," *Pathfinders for Peaceful, Just and Inclusive Societies*, February 7, 2019, https://www.sdg16.plus/resources/hague-declaration-on-equal-access-to-justice-for-all-by-2030, emphasized the need to transform justice institutions and services by using a broader range of justice providers, and integrate high-tech as well as low-tech innovative solutions that are based on data evidence and learning. OECD Recommendation (see Box 1), supported by the European Union (EU), the United Nations (UN) secretary-general, and the UN rapporteur on judicial independence.

Box 1: The OECD Consensus on R&D Capabilities Needed for Access to Justice and People-Centered Justice

According to Section 2 of the OECD Recommendation on Access to Justice and People-Centered Justice Systems, R&D objectives aim to ensure that legal, justice, and related services are:

- Designed with people at the center, considering their rights and possible vulnerabilities, and based on empirical understanding of their legal and justice needs, preferences, and capabilities.
- Provided in clear, plain, and inclusive language and manner—avoiding complexity.
- Appropriate, proportionate, affordable, effective, and responsive to legal and justice needs, emphasizing the prevention and timely resolution of conflicts.
- Addressing recurring legal and justice needs on a systematic basis, with attention to underlying causes and considering different population subgroups.
- Supported by safeguards and procedures to ensure fair processes and fair outcomes, and ensuring quality of legal procedures.
- Developed through an appropriate mix of policy, regulatory, and other measures; and continuously improved on the basis of feedback from people, businesses, and communities about their experiences with these services.
- Ensuring that justice is within reach for everyone regardless of their geographical location, including rural and remote areas, promoting mobility to bring justice and legal services directly to the people.

LICs and LMICs may want to define the R&D capabilities in a way that is specific to their situation and resources.

1.2 Outcome-focused governance

Financing Ambition #4 covers funding for effective governance structures focused on outcomes and innovation. In many countries, the justice sector is institutionally fragmented. Cooperation and coordination between organizations will be needed for efficient and effective allocation of resources, including the delivery of joined-up services through seamless justice pathways. This may require new governance structures (which will need to respect the independence of the judiciary and other organizations).

Box 2 below summarizes OECD-recommended governance capabilities for people-centered justice.

Box 2: The OECD Consensus on Governance Capabilities Needed for Access to Justice and People-Centered Justice

The OECD Recommendation on Access to Justice and People-Centered Justice Systems, Section 3, describes the objectives for the legal and policy framework in the following way:

- Enabling seamless, efficient, integrated, sustainable, resilient, and user-centered justice pathways, in line with data privacy and protection laws and principles and respecting the independence and autonomy of the bodies involved, by:
  - Meaningfully and consistently engaging with groups of people impacted by justice systems in their own languages, including those in vulnerable situations, as well as through legal aid and civil society organizations to inform justice policies and practice.
- Strengthening coordination and cooperation mechanisms across government bodies and agencies, as well as levels of government, across public service sectors and across the justice system, including private sector providers.
- Supporting the efficiency and performance of justice institutions on the basis of data and evidence, including people-centered justice data, and strengthening openness, transparency, integrity, fairness, independence, and accountability of justice institutions.
- Ensuring sufficient resources, capacity, and appropriate management across the justice system in a manner that is inclusive and context-appropriate.
- Increasing transparency of justice system budgeting.
- Taking measures to enable effective enforcement of, and respect for, outcomes across the dispute resolution mechanisms in both the formal and informal parts of the justice system, as appropriate.
- Promoting responsible digital transformation across the justice sector by maximizing the potential of technology and data in designing and delivering people-centered legal and justice services, while preserving access to justice for people experiencing barriers to accessing technology and ensuring trustworthiness and transparency of digital tools such as appropriate artificial intelligence tools' design and audit.
- Fostering innovation and experimentation to identify and enhance simplicity, effectiveness, efficiency, and scalability of people-centered justice pathways.

1.3 Evidence-based practice and continuous improvement

Supporting improved designs, governance, and implementation for people-centered justice requires an evidence-based planning, monitoring and evaluation function (see Box 3 below). Activities include data collection, monitoring, and evidence-based design of policies and reforms, including systematic efficiency and expenditure reviews (see **Background Brief 4.3**).

Box 3: The OECD Consensus on Evidence-Based Planning and Monitoring and Evaluation

In Section 5, the OECD *Recommendation on Access to Justice and People-Centered Justice Systems* describes the necessary planning, monitoring, and evaluation cycles which are focused on enhancing the role of evidence for operational, policy, reform, and decision-making purposes, in line with data protection standards, by:

- Improving data availability and quality, especially from a people-centered perspective, to inform decision making, planning, investment, and reforms in the justice sector. This includes disaggregated data related to the marginalized, underserved, and groups in vulnerable situations using a comprehensive range of data sources that can be easily accessed, utilized, and made publicly available.
- Developing sound and coherent governance arrangements for justice data and evidence, supported by appropriate data security, sovereignty and privacy safeguards, interoperable systems, as well as tools and protocols to facilitate data access and sharing across the data value cycle—also to ensure equity and nondiscrimination in data collection, analysis, exchange, and use.
- Integrating justice impact assessments into the early stages of the policy, budget, and service delivery process.
- Developing and implementing monitoring, evaluation, and accountability mechanisms for people-centered justice strategies and initiatives—among others, to determine whether access to justice is experienced by all people equitably, and to eliminate any systemic barriers to opportunities and benefits for groups in vulnerable situations.
- Identify reform needs to laws, policies, or processes to advance equity and accessibility for all people—by regularly conducting robust review, evaluation, and assessment of the performance of justice systems and services, including based on people-centered justice data and at the systemic level.

- Encouraging and providing support for people-centered justice research, data generation, collection, and collaboration.
- Building the skills and capacity of relevant institutional actors to generate, collect, and disseminate up-to-date inclusive, representative, and reliable information, evidence and data—including people-centered justice and anonymized aggregated open data.

2. Need for Integrated Approach to Financing Ambition #4 Functions to Address People-Centered Justice Challenges

A long list of current challenges could be addressed through the three functions covered by Financing Ambition #4 (R&D, outcome-focused governance, and evidence-based practice and continuous improvement). An example of possible priorities developed by HiiL appears in Annex A.

To address these challenges, and as an essential condition for effective spending, these three functions need to be integrated in an effective and continuous learning cycle.

3. How Financing Ambition #4 Has Been Derived

The current international classification for justice sector budgeting[129] identifies spending on R&D but does not separately identify spending on outcome-focused governance nor on evidence-based practice and continuous improvement. Gathering data on the current spending on these two additional functions and assessing what that amount should be on a consistent basis across countries is not currently possible. Such an analysis would need to be undertaken on a country-by-country basis.

For this reason, Financing Ambition #4 is framed in terms of a minimum spend, and the level is based on available data on the R&D function. Where more data and analysis exist at a country level, those countries are invited to use Financing Ambition #4 as a foundation to set a broader and higher financing

129 OECD/International Monetary Fund (IMF)/United Nations (UN) agreed Classification of Functions of Government category 703, public order law and safety. For more details, see "Glossary of the 1993 SNA - Definition of Term." *UN Stats*, https://unstats.un.org/unsd/nationalaccount/glossresults.asp?gID=60; UNDESA Statistics Division. "ST/ESA/STAT/SER.M/84," *United Nations*, 2000, https://unstats.un.org/unsd/publication/seriesm/seriesm_84e.pdf; Report. "Government at a Glance 2023." *OECD*, June 2023, https://www.oecd-ilibrary.org/governance/government-at-a-glance-2023_0ffb2b04-en.

ambition, based on funding required for stronger outcome-focused governance and evidence-based practice and continuous improvement.

Annex B sets out current spending patterns on justice R&D. These do not distinguish between the type of R&D spending (e.g., civil and administrative justice, versus prevention of crime and terrorism). Countries will want to ensure an appropriate allocation of resources for people-centered justice within Financing Ambition #4. Evidence from the Netherlands, for example, shows most R&D spending is on prevention of crime and terrorism.[130]

Annex B also sets out, for comparative purposes, R&D spending data from the health and education sectors. One striking feature of the current spending patterns in OECD and UMICs[131] is how much less their justice sectors spend on R&D, compared to either education or health (see Figure 1 below).

In OECD countries, the median R&D spend is

0.09 percent	of total government expenditure on justice.
0.6 percent	of total government expenditure on education.
1.4 percent	of total government expenditure on health.

Annex B also sets out, for comparative purposes, R&D spending data from the health and education sectors. One striking feature of the current spending patterns in OECD and UMICs[131] is how much less their justice sectors spend on R&D, compared to either education or health (see Figure 1 below).

Comparisons with the health and education sectors are useful: like justice, they are also services to be delivered at scale and locally, with sufficient prioritization for primary front line services.

There is a notable range of spending on justice R&D within OECD countries, with four countries spending more than 1 percent (ten times more than the average of 0.9 percent), while others spend negligible amounts (see Figure 1 in Annex B).

Currently, there is no methodology for costing the necessary level of R&D to deliver people-centered justice. Until such methodology is developed, the Financing Ambition of 0.5 percent is based on the seemingly reasonable assumption that justice R&D should at least match the amount spent on R&D in the education sector. The Financing Ambition should be regarded as a minimum because it also covers outcome-focused governance and evidence-based practice and continuous improvement.

While the Financing Ambition is set as a minimum, it would still imply a five-fold increase in R&D spending in OECD countries (from 0.09 percent to 0.5 percent) and an eight-fold increase in spend in UMICs (from 0.06 percent to 0.5 percent).

130 See analysis of Netherlands' budget with very low R&D on justice pathways here: Maurits Barendrecht and Krijn van Bee, "Regie en geld voor de derde macht," n.d., https://docs.google.com/document/d/1ZU55ge3ymoIpdWMwvKz8YCJwvRIV7ZoI/edit#heading=h.35nkun2.

131 Data for R&D spending in LICs and LMICs is too limited to calculate robust averages. But the existing data suggests they spend an even higher proportion on justice R&D than OECD and UMICs.

4. Further Analysis and Data Collection Needed

Implementing the functions of the OECD Recommendation requires a rethink of how justice sector institutions are organized. Additional analysis and data collection will be needed in order to go beyond the current minimum Financing Ambition. As the OECD Recommendations are implemented in a number of countries, more data and best practices are likely to emerge.

Annex A: Key People-Centered Justice Challenges and Need for Integrated Approach to Financing Ambition #4 Functions

A1. Key people-centered justice challenges

HiiL has identified a number of challenges that the justice sector must address before it can move toward a people-centered approach (see Box 4 below). Such challenges can be effectively met with strong R&D, outcome-focused governance, and evidence-based practice and continuous improvement.

Box 4: Examples of People-Centered Justice Challenges Which Can Be Addressed Through R&D, Outcome-Focused Governance, and Evidence-Based Practice and Continuous Improvement

- More effective processes, in order to remedy delays and overburdened agencies throughout the justice system (legislation, justice interventions provided by governments, urban/rural planning processes, prosecution, and adjudication).
- User-friendly processes for citizens, addressing complaints regarding the burdens of regulation and administrative costs.
- Increasing resolution rates, as a substantial proportion of pressing justice problems experienced by citizens are ongoing or not resolved in a satisfactory way; fair and scalable resolution of pressing justice problems persisting for decades in many countries (personal injury, family/youth problems, land problems, debt problems, proportional and effective criminal justice interventions).
- Increasing coverage due to low rates of usage of many justice services.
- Rules of procedure and ways of working that have not been updated regularly in a substantial way, and may even be centuries old.
- Few standardized processes that are linked to clearly identified and measurable outcomes, and little monitoring of outcomes in general.
- High approval rates for individual judges, lawyers, and other justice professionals—linked to low satisfaction with the overall experience and many negative side effects (stress, secondary victimization).
- Continuously declining scores on (participatory) democracy (V-Dem Institute) and rule of law indexes (World Justice Project).
- Serious doubts among substantial proportions of populations in many countries about the performance of rule of law-based democracies.

- Lack of or slow uptake of technologies (logistics providing a one-stop experience for clients, information technology (IT)-supported case management, internet, mediation and conflict resolution know-how, online dispute resolution, insights from criminology). Even simple yet promising innovations like case tracking, alternative (ADR) and online (ODR) dispute resolution, or even using email instead of paper-based communication, are often overlooked.
- Integrating informal justice (flexible, unguided, conciliatory, low-cost, outcome-focused) with formal justice (structured, expensive, adversarial, procedural) is another major area for potential improvement.
- Outcome monitoring at country level (yearly legal needs and crime victimization surveys), and at service delivery level (user surveys and standardized outcome monitoring by service providers).
- Evidence-based practice for the most pressing problems.
- Consolidation of international research and local best practices in guidelines similar to the health care sector, with funds for implementation in accordance with insights from implementation science.
- Integrating informal facilitation (informal justice processes, ombuds, mediation, ADR, settlement) facilitation and decisions (informal courts, local formal courts) into seamless, consensual resolution processes, leading to agreements and/or accepted and effective outcomes.

Annex B: Financing Data

B1. Key points on spend on R&D

- Median level of justice R&D spend in OECD countries (as percent of total government justice expenditure) is 0.09 percent (Netherlands 1.25 percent, UK 0.26 percent).
- Median of the best five OECD countries is 1.25 percent.
- The comparable figure in UMICs is 0.06 percent.
- There is insufficient data to estimate median for LMICs and LICs.
- Median level of education R&D spend (as percentage of total government education expenditure) is 0.6 percent in OECD countries (Netherlands 0.3 percent, UK 2.1 percent).
- Median level of health R& D spend (as percentage of total government health expenditure) is 1.4 percent (Netherlands 4.6 percent, UK 1.4 percent).

B2. Additional details

This analysis, prepared by ODI Global, covers sixty-six countries. The data is compiled from IMF Government Finance Statistics. The full details of the analysis are available from ODI on request.

Table 1 presents the median spending levels for each country income group, and Table 2, the number of countries where data is available.

Table 1: R&D spending as percentage of total expenditure in each sector

Government Expenditure On R&D	Justice R&D As Percentage of Total Justice Expenditure	Health R&D As Percentage of Total Health Expenditure	Education R&D As Percentage of Total Education Expenditure
Medians (percent)			
UMICs	0.063	0.430	0.429
OECD	0.093	1.379	0.610

Table 2: Data availability

	Number of Countries with Data			Total Number of Countries in Income Group
Income Group	**Justice**	**Health**	**Education**	
LICs	4	5	7	26
LMICs	6	9	8	52
UMICs	13	13	17	54
OECD	23	30	29	38

Figure 1 shows the level of spending on justice R&D as percentage of total government justice expenditure in OECD countries. Figure 2 compares the median level of spending on R&D in justice, education, and health as percentage of total expenditure on each sector.

Figure 1: Spending on Justice R&D as Percentage of Total Government Justice Expenditure in OECD Countries

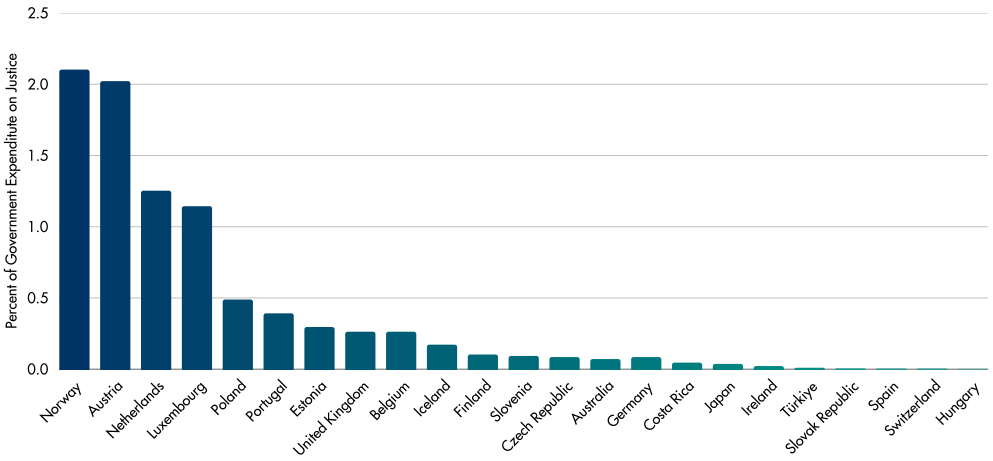
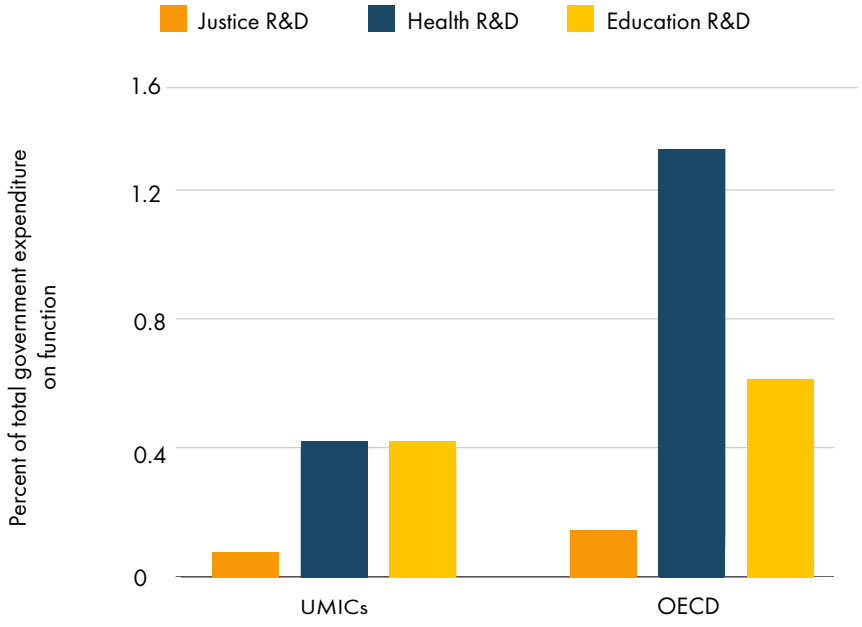


Figure 2: Percent of Total Government Expenditure on Function



BACKGROUND BRIEF 4.3

4.3 Systematic Efficiency and Effectiveness Expenditure Reviews

Introduction

The JFF proposes countries should undertake fundamental cost-effectiveness reviews to free up resources for people-centered justice.

There are substantial opportunities for improvements in the efficiency and cost effectiveness of people-centered justice pathways. Some are immediately realizable, while others will take longer to have impact at scale. Efficiency and effectiveness reviews are best undertaken for the justice sector as a whole in order to review the allocation of resources across the entire sector. The alternative is to undertake a review of a particular organization (e.g., the judiciary), or function (e.g., dispute resolution).

Examples of efficiency and effectiveness issues to consider include: the split between wage/non-wage/capital budgets; the potential for innovative financing mechanisms such as performance-based financing; and identifying financing arrangements resulting in inefficient spending and costs elsewhere in the justice chain, including rebalancing spending toward early intervention through information, advice, assistance, and informal dispute resolution (see **Background Brief 3.3**).

Procurement of a finance ministry agreement is crucial for any efficiency savings to remain in the sector (or organization) for reallocation within the sector (or organization) and not be used to fund spending in other sectors.

This background brief provides additional information on:

- The potential for smart spending to improve justice outcomes.
- How efficiency and effectiveness reviews can free up resources for people-centered justice.
- The World Bank's approach to public expenditure reviews.
- The importance of the political economy.
- Sources of guidance on efficiency and effectiveness improvements in the justice sector.
- Examples of efficiency and effectiveness improvements.

1. Potential for Smart Spending to Improve Justice Outcomes

Recent ODI Global econometric analysis reveals the potential for "smart spending" to improve justice outcomes (further details provided in Annex A).[133] A key finding is that once allowance is made for a country's overall level of income,[134] there is no correlation between the level of justice spending and justice outcomes. This suggests that it is the quality of spend, rather than the amount of spending, that is key. The conclusion is that smart spending matters. This conclusion mirrors similar analyses of financing in the health sector. This has highlighted how some countries—most notably Thailand—have much better health outcomes than other comparable countries, despite relatively low levels of health spend.

2. How Efficiency and Effectiveness Reviews Can Free up Resources for People-Centered Justice

In most countries, sectors typically face intense competition for government funding. Policymakers note that their judiciaries are underfunded and underpaid. In general, OECD countries allocate a much smaller proportion of their budgets to justice than non-OECD countries.[135] This suggests that as countries become richer, competition for resources between sectors becomes even more intense.

This poses a challenge for countries that are seeking to shift to a people-centered justice approach. It is much easier to transform the justice system when there are adequate resources available.

In a resource-constrained environment, another way forward is for the justice sector to agree with finance ministries that change will be financed (at least in part) by internal efficiency savings within the sector. This would be a departure from normal practice where efficiency savings are taken by finance ministries as a justification for reducing funding. Box 1 on next page provides a country example.

133 Gross National Product (GDP) per person.

134 Stephanie Manea, "Justice financing and justice outcomes: a cross-sectional and dynamic panel analysis," *ODI Global*, October 13, 2025, https://odi.org/en/publications/justice-financing-and-justice-outcomes-a-cross-sectional-and-dynamic-panel-analysis/.

135 Marcus Manuel and Clare Manuel. "Justice financing 2024 annual review: domestic financing and aid." *ODI Global*, December 6, 2024, https://odi.org/en/publications/justice-financing-2024-annual-review-domestic-financing-and-aid/.

Box 1: Uganda—Country Examples of Justice Sector Engagement with the Ministry of Finance[136]

Late 1990s: In Uganda, rather than each justice institution negotiating separately with the Ministry of Finance, the sector agreed to present its budget request collectively based on each institution's response to its budget call circular. The judiciary was satisfied that such an approach was possible while still maintaining its constitutional independence. Efficiency savings were identified in the sector, and agreement sought with the Ministry of Finance that such savings should be retained within the sector and reallocated across it.

Also in the late 1990s, a more modest initial step toward broader cooperation and coordination across the sector was the creation of a small flexible fund for a specific change the sector collectively decided it wished to achieve: a reduction in the backlog of cases clogging up the courts. The most cost-effective approach to achieve this involved coordinated removal of bottlenecks across the sector. The Ministry of Finance allocated a special fund to the Ministry of Justice for this purpose with the intent that the fund would be allocated in line with a cross-institutional plan to achieve this desired outcome across all institutions involved.

During this same period, the Prison Service secured an agreement with the Ministry of Finance that savings on prisoners' food through better use of prison farms could be retained within the Prison Service.

3. World Bank Public Expenditure Reviews

Public expenditure reviews (PERs) are one of the World Bank's core diagnostic tools for engaging with stakeholders about the state of a sector's financing in a country. Such reviews—key tools in other sectors[137]—assess the efficiency, effectiveness, and equity of expenditures in the sector concerned, and their adequacy and sustainability relative to the country's sector goals. The World Bank has undertaken PERs since at least the 1990s, and such reviews can be done at sector level (justice, health, etc.) or at national or a subnational level.

A PER will typically examine six core questions:

1. Who finances the sector, and how are funds channeled?
2. How much does the government spend, and on what?

136 Source: ODI. Personal experience of Marcus and Clare Manuel, ODI Senior Research Associates then working as advisors in the Ugandan Ministry of Finance and Ministry of Justice.

137 The World Bank lists 535 PERs on their Open Knowledge Repository. See World Bank, "Public Expenditure Review," accessed April 18, 2025, https://hdl.handle.net/10986/2109.

3. Is the public financial management system set up to enhance financial accountability?

4. Relative to the government's policies and standards, how much is needed now (adequacy), and what can be afforded in the medium and long term (sustainability)?

5. Are public resources being used efficiently and effectively?

6. Does public spending promote equity?

Box 2: Recent Example of World Bank Public Expenditure Review for the Health Sector (Uganda 2024)[138]

The introduction of the Uganda public expenditure review for health notes:

> The overall PER seeks to provide evidence on the financing and spending in the country in order to inform the government on areas for fiscal savings and expenditure rationalization, raising the equity and efficiency of spending, rebalancing expenditures between hard infrastructure, investments in quality service delivery and human capital development, and strengthening institutional aspects of public financial management.[139]

The PER states that it builds on previous analysis of the health sector undertaken by the government, with support from the World Bank, that examined public spending on health, efficiency, resource mobilization, and service delivery. These included analyses of pay reform; an assessment of how the budget share for the health sector could change, including through raising taxes for improving health; and a survey on health service delivery.

138 World Bank, "Uganda - Public Expenditure Review 2022-23: Module III (B) - Efficiency, Effectiveness, and Equity in Health Spending," April 2024, https://hdl.handle.net/10986/41438.

139 Ibid.

The first Justice Sector Public Expenditure Review (JPER)[140] was in 2008, in Bulgaria. Since then, there have been justice sector expenditure reviews or budget reviews in Armenia (2023), Croatia (2014), El Salvador (2012), Liberia (2012), Moldova (2018), Morocco (2013), Serbia (2010), Solomon Islands (2015), Somalia (2013 and 2017), Uganda (2020), and Zambia (2022).[141] Some of these were as part of wider "security and justice sector reviews" or "security and criminal justice sector reviews." The Somalia review (2017)[142] included a detailed examination of different cost and affordability scenarios over a ten-year horizon and compared the level of police salaries with other countries in the region.

JPERs include additional questions beyond those in standard PERs, such as:

- Is the system appropriately funded to achieve key policy goals?
- How is the budget allocated across agencies/delivery units and what is the spending breakdown for each agency or delivery unit?
- Does current spending reflect and support performance goals?
- Does the budget inform and allow "right-sizing" of each agency/delivery unit?
- For fragility, conflict, and violence (FCV): What should the new justice system look like, what budget is needed to fund such a system, and can the country afford this now and in the future?

JPERs are a useful tool for governments to identify insufficient funding or misalignment of public spending and policy goals in a given sector. They are particularly suitable instruments when governments need to make allocation decisions in the context of major reforms, and when budgets are limited or shrinking.

PERs can play an important role in supporting a move toward a more outcome-focused budget, an action promoted by the JFF (see **Background Brief 1.1**). A recent World Bank paper highlights a reform trend of introducing program-based and performance-oriented budgeting in the judiciary, moving away from historical line-item budgeting.[143] A new World Bank program on public finance management, "Public Finance Re-imagined," is also encouraging a shift away from a budget process driven by institutional needs to one that starts with development outcomes. Such a shift implies that budgets incorporate considerations of the results to be achieved by specific investments, which are measured by targets and indicators. This transition can help enhance accountability and add a strategic vision on the allocation of financial resources. It means that the justice system will be better positioned to show results for the money and allocate funds to investments that have better outcomes.

140 Heike Gramckow and Fernando Fernandez-Monge. "Public Expenditure Reviews of Justice Sector Institutions: One Size Does Not Fit All." *Just Development*, July 2014, http://documents.worldbank.org/curated/en/835951505899513665.

141 Eva Maria Melis et al. "Supporting Judicial Reforms in Armenia : A Forward Look - Public Expenditure and Performance Review of the Judiciary in Armenia." *World Bank*, June 2023, https://documents.worldbank.org/pt/publication/documents-reports/documentdetail/099062723042016725/p17300304037dc02d08f5b07652545b057a; World Bank, "Republic of Croatia Justice Sector Public Expenditure and Institutional Review: Resourcing the Justice Sector for Efficiency and Performance," October 2014, http://hdl.handle.net/10986/20666; Amitabha Mukherjee et al., "Moldova - Improving Access to Justice : From Resources to Results - A Justice Sector Public Expenditure and Institutional Review (Vol. 1 of 2)," *World Bank*, January 2018, http://documents.worldbank.org/curated/en/683491537501435060; Daniel Evans, "Institutional and Fiscal Analysis of Lower-level Courts in Solomon Islands," *World Bank*, February 2015, http://documents.worldbank.org/curated/en/429921468294672433; "Judiciary of The Republic of Uganda: Rapid Institutional and Economic Assessment," *World Bank*, June 2020, https://hdl.handle.net/10986/34154; Rama Krishnan Venkateswaran, "Zambia - Judicial Sector Public Expenditure and Institutional Review," *World Bank* June 2022, http://documents.worldbank.org/curated/en/099915106222221125.

142 World Bank, "Somalia Security and Justice Public Expenditure Review," January 2017, https://openknowledge.worldbank.org/entities/publication/0a66f97a-e0e1-584a-bcd4-bc2b8d791eac.

143 Erica Bosio. "Reforming Justice: Engaging with Countries on Judicial Budgets." *World Bank*, December 9, 2024, http://hdl.handle.net/10986/42517.

4. Importance of the Political Economy

Efficiency reforms may appear technocratic. Political context, however, is critical for their implementation (see Box 3 below).[144, 145]

Box 3: World Bank Evidence on the Political Conditions for Judicial Reform[146]

A recent World Bank survey of judicial effectiveness[147] found that transformative judicial reform has been most likely to succeed when it coincides with, or is motivated by, periods of extraordinary politics (e.g., emergence from conflict and/or pursuit of access to regional or international groups). In the absence of such conditions, reformers are better off focusing on more limited reforms such as the adoption of procedural rules.

General efficiency reforms are still more likely to succeed than reforms directed toward quality or independence. Indeed, the fact that certain efficiency reforms are seen as procedural may increase the chances of their success. In addition, reforms that are procedural can be implemented through the judiciary and tend not to require long legislative or constitutional processes. This may facilitate political economy considerations.

5. Sources of Comparative Statistics and Guidance on Efficiency and Effectiveness in the Justice Sector

Efficiency reviews may find it helpful to benchmark performance. Benchmarks can be against other countries in the same region or at the same income level. Benchmarking can also help highlight disparities in performance between different institutions at both the sectoral and cross-sectoral levels within the

144 One example of political economy analysis to help understand the context is the 2022 work supported by the United Nations Development Programme (UNDP) in Somalia. The analysis emphasized the need for a longer-term perspective on change, deprioritizing major investments in justice institutions in favor of fostering dialogue and coordination—both with core decision makers and beyond, including Islamic leaders and the private sector. See more at: UNDP, "UNDP Rule of Law and Human Rights Annual Report," 2022, https://rolhr.undp.org/annualreport/2022/impact/arab-states/somalia.html.

145 UNDP supported another innovative approach in Thailand in 2023 which involved citizens in designing transformed judicial systems. See more at: Nutthapon Rathie, "Justice by Design: Transforming Thailand's Judicial System Through Collaboration, Empathy, and Innovation," *UNDP Thailand*, May 2023, https://www.undp.org/thailand/blog/justice-design-transforming-thailands-judicial-system-through-collaboration-empathy-and-innovation.

146 Erica Bosio. "A Survey of Judicial Effectiveness: The Last Quarter Century of Empirical Evidence." *The World Bank Research Observer*. June 2024, https://doi.org/10.1093/wbro/lkae007.

147 Ibid.

national budget. This can help policymakers to identify where funding is most needed, encouraging reformers to invest in specific areas or demonstrate that certain investments have yielded positive results in terms of efficiency.

There are a range of organizations that publish comparative statistics and/or offer guidance on efficiency and effectiveness, including those listed in Box 4 below.

Box 4: Examples of Comparative Statistics and Guidance on Efficiency and Effectiveness

Council of Europe Commission for the efficiency of justice (CEPEJ)[148]

The CEPEJ 2024 Evaluation Report[149] contains data and analyses on the functioning of the judicial systems of forty-four European states and two observer states (Israel and Morocco), making it possible to measure the effectiveness and quality of these systems.

CEPEJ-STAT dynamic public database[150] contains all the data collected since 2010. Efficiency data includes measures of disposition time and clearance rates.

OECD

- Principles on people-centered justice.
- Toolkit for implementing principles (forthcoming).

United Nations Office on Drugs and Crime (UNODC)

Principles and guidelines on access to legal aid,[151] which are based on international standards and agreed good practice and provide guidance for all countries in setting up an effective system of legal aid, even where resources are limited.[152]

World Bank

New assessment framework for judiciaries, Justice Pillars Towards Evidence-Based Reform (JUPITER), recently developed by the World Bank. This is a universally applicable country-based assessment framework aimed at measuring the state and performance of a country's judiciary (see Annex B for further details).

148 Council of Europe European Commission, Council of Europe European Commission for the efficiency of justice (CEPEJ), accessed March 2025, https://www.coe.int/en/web/cepej.

149 COE, Special file - Report "European judicial systems - CEPEJ Evaluation report - 2024 Evaluation cycle (2022 data), October 2024, https://www.coe.int/en/web/cepej/special-file.

150 CEPEJ, Dynamic database of European judicial systems,, n.d., https://www.coe.int/en/web/cepej/cepej-stat.

151 UNODC, United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems, June, 2013, https://www.unodc.org/documents/justice-and-prison-reform/UN_principles_and_guidlines_on_access_to_legal_aid.pdf.

152 "UN Legal Aid Principles and Guidelines," Penal Reform International, 2012, https://www.penalreform.org/issues/pre-trial-justice/4716-2/legal-aid-principles-guidelines/.

6. Transparency and Accountability

As noted in the OECD People-Centered Justice Principles,[153] transparency and accountability can be powerful drivers of improved efficiency and effectiveness. Accordingly, developing and strengthening of the appropriate mechanisms is likely to be a key feature of any efficiency review. For more details see **Background Brief 5.2** on transparency and accountability.

7. Examples of Efficiency and Effectiveness Improvements

Examples of potential efficiency and effectiveness improvements include:

- Rebalancing spending toward early intervention through information, advice, assistance, and informal dispute resolution (see **Background Brief 3.3** and **Background Brief 3.4**).
- In the criminal justice system, deployment of paralegal justice defenders[154] or switching to the use of government-employed public defenders (rather than the state paying private sector lawyers to provide defense services).[155]
- Reductions in staff costs in exchange for increased capital spend on technology.[156,157,158]

As far as the formal judicial system is concerned, recent evidence has confirmed that technology has the potential to improve judicial service delivery.[159] Studies from Europe show that increased investment in technology is correlated with reduced case backlog. Using budget data from the CEPEJ, Lorenzani and Lucidi found that a doubling of the share of public budget devoted to in-court technology is associated with a 5 percent reduction in backlog and disposition times.[160] Palumbo et al. found a similar correlation based on OECD data, concluding that dedicating a more significant part of the budget to investments in new technology results in shorter trial times.[161]

153 OECD third principle of people-centered justice is to "establish a governance infrastructure that enables people-centered justice by ... supporting the efficiency and performance of justice institutions on the basis of data and evidence, including people-centered justice data, and strengthening openness, transparency, integrity, fairness, independence and accountability of justice institutions." OECD, "Recommendation of the Council on Access to Justice and People-Centred Justice Systems," *OECD*. 2023, https://legalinstruments.oecd.org/en/instruments/OECD-LEGAL-0498.

154 Clare Manuel and Marcus Manuel. "Moving the dial on SDG 16.3.2: Evidence from lower-income countries on scaling up legal advice and assistance for unsentenced detainees." *ODI Global*, May 2025, https://odi.org/en/publications/moving-the-dial-on-sdg-1632-evidence-from-lower-income-countries-on-scaling-up-legal-advice-and-assistance-for-unsentenced-detainees.

155 John Boersig and Romola Davenport. "Distributing the legal aid dollar - effective, efficient, and quality assured?." *Canberra Law Review* 17, no. 2 (2020), https://www.austlii.edu.au/au/journals/CanLawRw/2020/11.pdf.

156 Virginia Upegui Caro. "Five ways digital technologies are transforming courts and access to justice." World Bank Governance for Development, March 20, 2025. https://blogs.worldbank.org/en/governance/five-ways-digital-technologies-are-transforming-courts-and-acces.

157 Another example is IDLO supported work on digitalization of case management in Kenya.

158 n Colombia in 2023, UNDP strengthened the Family Services Offices, the main justice providers in cases of domestic violence, by developing a web application that automates the process for adopting protection measures and reduces processing time for cases. UNDP also supported the digitalization of conciliation agreements by Conciliation in Equity, a community justice mechanism created to manage daily conflicts in Colombia using an impartial third party. For more, see UNDP Rule of Law and Human Rights, "Annual Report 2022, Colombia," 2022, https://rolhr.undp.org/annualreport/2022/impact/latin-america-caribbean/colombia.html.

159 Erica Bosio and Virginia Upegui Caro. "Reforming Justice: Improving Service Delivery through Technology." *World Bank*, December 9, 2024, http://hdl.handle.net/10986/42514.

160 Dimitri Lorenzani and Federico Lucidi. "The Economic Impact of Civil Justice Reforms." *European Commission Directorate General for Economic and Financial Affairs*, September 2014, https://ec.europa.eu/economy_finance/publications/economic_paper/2014/ecp530_en.htm.

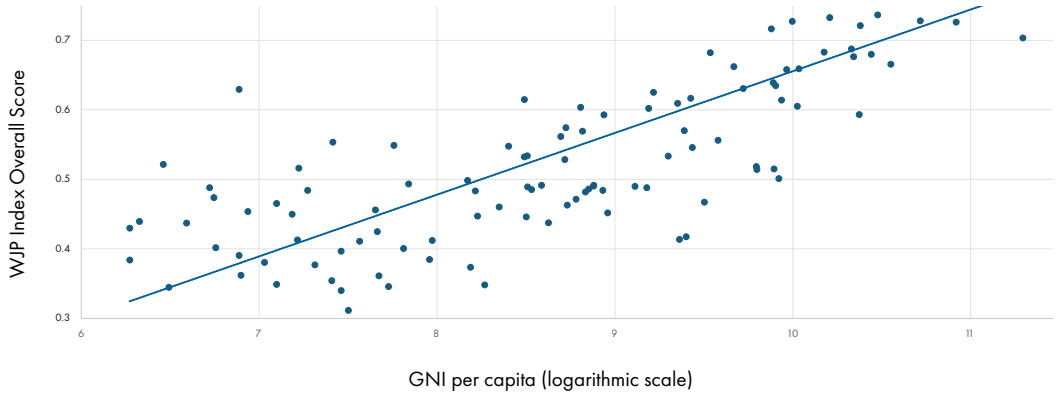
161 Giuliana Palumbo et al., "The Economics of Civil Justice: New Cross-country Data and Empirics," *OECD Publishing*, August 14, 2013, https://doi.org/10.1787/5k41w04ds6kf-en.

Annex A: Additional Detail on ODI Global Econometric Analysis

ODI Global econometric analysis[162] is based on ODI Global data on justice spending combined with World Justice Rule of Law Index Overall Score and World Bank data on gross national income per person (Atlas method) for 123 countries.

ODI Global first compared the World Justice Project Rule of Law index overall score[163] with the countries' level of income (gross national income per person). As expected, there is a high degree of correlation between rule of law and average country income. Figure 1 below shows the clear trend of improving rule of law outcomes as the average income of a country rises.

Figure 1: World Justice Project Rule of Law Index Overall Score Versus Gross National Income per Person



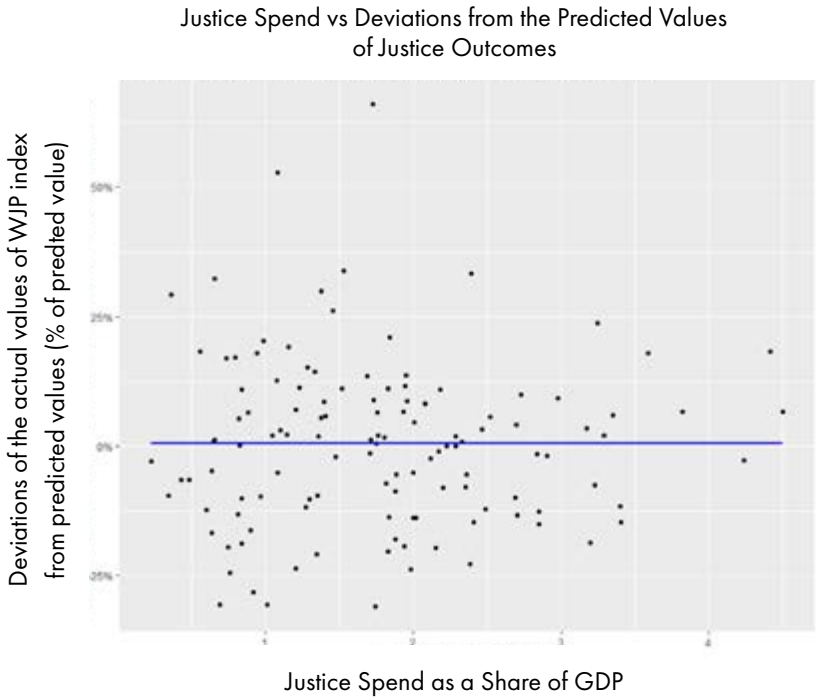
It is important to note that around this trend line there is considerable variation, with countries at the same level of income having markedly different rule of law outcomes. ODI Global has explored whether the level of justice spending explains this difference in outcomes. The evidence is clear that it does not. This suggests quality of spend—not the total amount—is key.

The figure on next page compares the level of justice spending with the difference in justice outcomes (after allowing for a country's level of income). As can be seen, there is no clear pattern. And the average—the trend line—is flat. Increasing the level of spend therefore has no correlation with better rule of law outcomes. The chart below is based on levels of spending as a percentage of GDP. The same result emerges if spending is measured as percentage of total government expenditure.

162 For full description of this econometric analysis, see Stephanie Manea, "Justice financing and justice outcomes: a cross-sectional and dynamic panel analysis." *ODI Global*, October 13, 2025. https://odi.org/en/publications/justice-financing-and-justice-outcomes-a-cross-sectional-and-dynamic-panel-analysis/.

163 World Justice Project, "2024 WJP Rule of Law Index®," 2024, https://worldjusticeproject.org/rule-of-law-index.

Figure 2: World Justice Project Rule of Law Index Overall Score (Allowing for Level of Country Income) Versus Justice Spending



Details of econometric analysis

The core regression is

Dependent variable:

WJP_index

---

log_GNIpercap_atlas 0.088795***

(0.005150)

Constant -0.232280***

(0.046648)

Observations 123

R2 0.710680

Adjusted R2 0.708289

Residual Std. Error 0.080497 (df = 121)

F Statistic 297.222700*** (df = 1; 121)

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Note: *p<0.1; **p<0.05; ***p<0.01

Justice spending measures (as percentage of GDP and as percentage of total government expenditure) are all statistically insignificant when added to the above model.

This research was undertaken by Dr Stephanie Manea. "Justice financing and justice outcomes: a cross-sectional and dynamic panel analysis," *ODI Global*, October 13, 2025, https://odi.org/en/publications/justice-financing-and-justice-outcomes-a-cross-sectional-and-dynamic-panel-analysis.

Annex B: Additional Details on World Bank JUPITER Framework

The World Bank's Justice Pillars Towards Evidence-Based Reform (JUPITER) assesses the state and performance of a country's judiciary in service delivery against specific measures of effectiveness in three areas: Access, Efficiency, and Quality. The methodology has been applied in Liberia,[164] South Sudan, Kenya, and Ethiopia—and soon in more African countries.

The Access to Justice Pillar measures the different factors that affect accessibility of justice, including barriers that prevent people from understanding and exercising their rights, as well as the main constraints for those facing financial and other disadvantages. It measures the system's performance in five sub-pillars: transparency of the legal framework; proximity to court; equal access; legal aid and cost; and small claims courts.

The Efficiency Pillar measures the ability of courts to deliver justice in a timely and cost-effective manner, including by maximizing the use of case management and technological tools. It measures the system's performance in five sub-pillars: clearance rate; age of caseload; disposition time; case processing and case management; and Information and Communication Technologies (ICT).

The Quality Pillar benchmarks the determinants of the quality of judicial decisions, both at the input level (e.g., qualification of judges) and the output level (e.g., consistency of decisions). It evaluates the system's performance in five sub-pillars: qualification of judges; extrajudicial activities; judicial pay; appeal and reversal rates; and consistency of decisions.

JUPITER helps identify both the strengths and areas of improvement of the judicial system in order to establish a practical sequence of reform and capacity development actions. The output of the assessment is a comprehensive report that provides the analytical foundation for dialogue on justice reform between the government and relevant stakeholders, including other development partners. The JUPITER report also helps prioritize efforts according to the country's specific needs, ensuring that resources are allocated effectively and reforms are targeted where they are most needed.

164 Erica Bosio. "Improving Access to Justice in Liberia – A 2023 JUPITER Assessment." *World Bank*, December 14, 2023, https://openknowledge.worldbank.org/entities/publication/6cf189bd-2735-40fc-a572-09dce5996033.

BACKGROUND BRIEF 5.1

5.1 Achievability, Costing, and Prioritization

Introduction

The JFF proposes that countries should cost and prioritize activities to ensure people-centered justice plans are achievable within medium-term resource availability.

Planning should be undertaken on the basis that any increase in government resources for the justice sector is likely to be incremental and achieved mainly through increased GDP growth. The focus should be on what is achievable and affordable within annual budgeting and medium-term planning periods, and on what the government is confident of being held accountable for in light of the realistic resource envelope.

This background brief:

- Discusses some considerations for developing a fully costed and prioritized medium-term reform and investment plan for people-centered justice.
- Considers a realistic resource envelope.
- Discusses the need to make difficult decisions in light of costing and prioritization.

1. Considerations for Developing a Fully Costed and Prioritized Medium-Term Reform and Investment Plan for People-Centered Justice

1.1 A medium-term plan to deliver on key outcomes

An effective reform and investment plan for people-centered justice will, if aligned with JAC Workstream I's forthcoming *People-Centered Justice Measurement Framework*,[165] have as its key high-level outcome the resolution of people's most pressing justice problems (see **Background Brief 1.1**). The outcome-focused approach to budgeting and resource allocation promoted in the JFF involves developing outputs and inputs/activities to deliver on this objective. The planning period is likely to have a three- to five-year horizon and will need to fit within any overarching medium-term expenditure framework and/or national development plan/strategy set by the government. As stated above, the key challenge will be to ensure any plan is fully costed out and prioritized in line with a realistic estimate of

165 References to the JAC People-Centered Justice Measurement Framework refer to JAC Working Group I's March 13, 2025, preliminary document.

resource availability.

1.2 Cross-sector cooperation and coordination

Developing a reform and investment plan is likely to involve some cross-sector cooperation and coordination. This will certainly be the case for a plan that covers the entire justice sector. Even when developing a plan for a single justice sector organization, successful delivery is likely to involve at least some cooperation and coordination with other justice sector organizations.

The justice sector is highly fragmented, with services delivered by a wide range of different organizations, some of them (notably the judiciary) having constitutional independence. Box 1 below (also in **Background Brief 1.1**) provides examples of how justice sector organizations have undertaken joint policymaking, planning, and prioritization aimed at improving service delivery. Cross-sector collaboration and working to improve service delivery has also been necessary in other sectors—for example, coordination between health and social welfare services.

Box 1: Justice Sector Cross-Institutional Policymaking, Planning, and Resource Allocation

2014: In **Sierra Leone**, the justice sector (including the constitutionally independent judiciary) has adopted a cross-sectoral approach to policymaking, planning, and resource allocation, with the Ministry of Justice's Justice Coordination Office responsible for supporting the development of successive cross-sectoral justice sector reform strategies and investment plans,[166] cross-sectoral implementation, and monitoring and evaluation.

Late 1990s: In **Uganda**, the Ministry of Finance encouraged all sectors to develop costed reform plans linked to the country's national poverty reduction plan. These 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)[167] and worked together 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 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-five years later, this cross-sectoral reform architecture

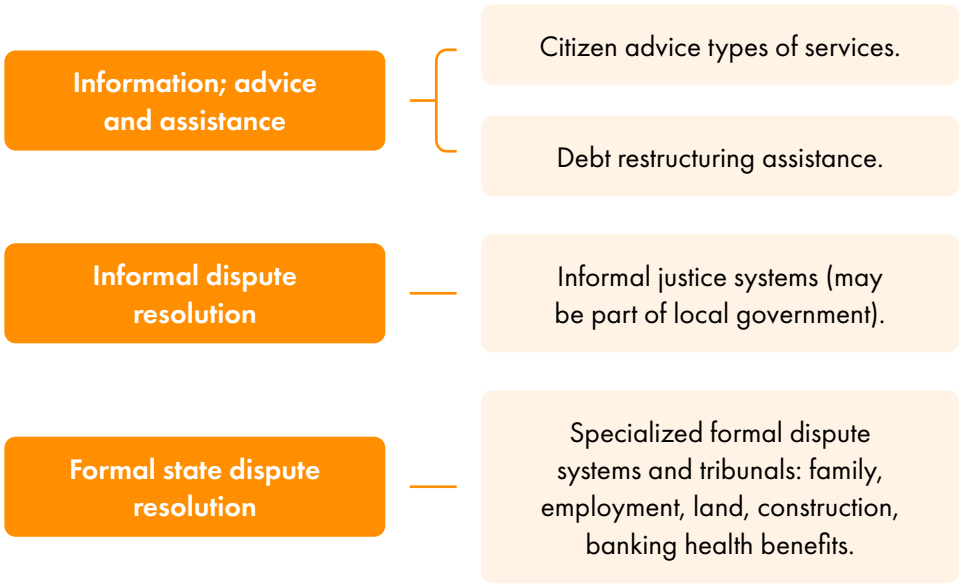
166 Currently, the Justice Sector Reform Strategy and Investment Plan V (2024–2028).
167 The Republic of Uganda Judiciary, "Justice Law and Order Sector," last updated June 2013, accessed March 2025, https://judiciary.go.ug/data/smenu/104/Justice%20Law%20and%20Order%20Sector.html.

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.[168]

Mid-2000s: Rwanda's cross-institutional Justice, Reconciliation, Law and Order Sector[169] (JRLOS, which includes the independent judiciary) was formed with technical assistance from donors, especially the European Union (EU). Through cross-sectoral policymaking, planning, and prioritization, JRLOS has developed a series of sector strategic plans linked to Rwanda's medium-term expenditure framework and supported by donor funding. Institutional reforms to promote front line justice include Access to Justice Houses in every district (providing free legal advice and assistance), and Mbuzi (local mediation committees).

Canada's Action Committee on Access to Justice,[170] established by the Chief Justice, brings together stakeholders from all parts of Canada's justice system to align the work of organizations across the country. The Action Committee coordinates national metrics on justice, tracks progress, and connects people to share innovations.

There may also be a need to coordinate with other parts of government, including local government, as some key justice services—especially primary front line services—may be delivered by organizations and funded from budgets outside the justice sector. As discussed in **Background Brief 3.1**, examples may include:



168 Liberia also explored a more limited approach in the 2010s, focused on a UNDP-managed multidonor trust fund. There are other countries where donors encouraged similar cross-sectoral approaches, but which were not sustained or had limited impact due to lack of strong local ownership.

169 Government of the Republic of Rwanda, "Justice, Reconciliation, Law & Order Sector (JRLOS)," last accessed March 2025, https://www.minijust.gov.rw/justice-sector-coordination.

170 Action Committee on Access to Justice in Civil and Family Matters, last accessed March 2025, https://www.justicedevelopmentgoals.ca.

2. Realistic Resource Envelope

2.1 Why affordability matters

It may be tempting to develop ambitious and aspirational plans to make significant improvements in people's ability to resolve their justice problems. The reality is that most countries report that their justice sector is underfunded, with financing a key constraint to delivering the desired quality of justice services, let alone expanding these justice services to reach more people. It is a key premise of the JFF that when developing a strategy to deliver scaled up services, the affordability of any such aspirations must be built in from the start. Objectives should therefore be achievable with the resources that are realistically likely to be available to the justice sector. It follows that a people-centered justice strategy should not present high-level objectives with the assumption that resources will be found to achieve them. The resources should rather be identified up front, and the objectives tailored accordingly.

Developing an unaffordable and thus unachievable people-centered justice strategy reduces motivation to deliver, and results in unaccountability for failure to deliver. This failure also undermines the credibility of future bids for future resources.

2.2 Revenue sources

Background Briefs 2.1 and **2.2** provide guidance on the justice sector's or judicial system's share of total government expenditure. Lessons from the health sector (see **Background Brief 0.2**) suggest that any increase in government resources for the justice sector are likely to be incremental and mainly through increased GDP growth. This is due to budgetary pressures, budget inertia, and in many countries, a fiscal crisis.

There may be opportunities to increase justice sector resources—including from increased contributions from beneficiaries (see **Background Brief 2.3**), private sector investment (see **Background Brief 2.4**), and efficiency and effectiveness reviews (see **Background Brief 4.3**). Immediate steps should be taken to realize such increases. However, achieving significant increases in resources is likely to take longer than the current three- to five-year planning period. Achieving significant contributions from users and beneficiaries is likely to be a long-term process requiring consensus building and political space. Increasing private sector investment will require regulation for risk management, lengthening the time frame for results. Some efficiency gains may be immediately realizable, but significant gains will take longer to have impact at scale.

2.3 Long-term ambitions, with a medium-term achievable plan

In some country contexts there is a case for preparing a draft plan for the medium term (e.g., the next three to five years) that exceeds resources. This is when the draft is a bidding document for additional funding. For example, if other sectors submit plans to the Ministry of Finance which require a doubling of resources, then the justice sector may need to do the same. In these cases, it is critical that the strategy or plan is revised after the medium-term resource allocation process has been finalized, and the objectives and activities to achieve them amended so that they are realizable and affordable. The farther-reaching ambitions of the strategy can be captured in longer-term plans beyond the medium-term timetable.

Alternatively, there may be grounds for believing that future resources may significantly increase (e.g., from the government, external partners, or private sector investment). In such cases, planning for spending would best be treated as a separate scenario with indicative initial objectives, with more detailed and time-consuming costing and prioritization to be undertaken when additional resources are confirmed.

3. Difficult Decisions: Costing and Prioritization

A prioritization exercise can be used to identify and cost activities to be financed in light of available resources. Activities could include the following, in suggested possible order of priority:

1. Low-cost investments in scaling up known best value for money, affordable investments to deliver primary front line justice services, and in particular information, advice, assistance, and informal dispute resolution (see **Background Brief 3.4** on affordability and scalability).

2. A low-cost process to measure on an annual basis[171] the key high-level, people-centered justice objectives aimed at the resolution of people's most pressing justice problems. This process can take into account rates of agreement and satisfied/fair resolution rates. (see **Background Brief 1.1**).

3. Implementation of immediate, realizable efficiency gains (see **Background Brief 4.3**).

4. Low-cost investments in increasing justice sector resources, such as setting up a taskforce to review contributions to costs by beneficiaries (see **Background Brief 2.3**) and private sector investment (see **Background Brief 2.4**).

5. Low-cost investments to improve efficiency and effectiveness through improved governance and regulation (see **Background Brief 4.1**), along with research, development, and other mechanisms to drive performance improvements (see **Background Brief 4.2**).

6. "Business as usual" activities.

The costing and prioritization process is likely to reveal some hard questions and hence hard choices in view of what is affordable. Accordingly, the design of the plan is likely to be an iterative process rather than a simple linear one. It may involve reviewing desired high-level outcomes and, if necessary, revising them.

3.1 Ensuring there is sufficient time for prioritization and redesign

Developing a fully costed and prioritized plan will involve iteration, revision, and challenging prioritization decisions. It is important to plan for the time needed for this process. This is particularly crucial in the justice sector, where multiple independent agencies and institutions can be involved in delivering people-centered justice. The need for sufficient reprioritization time is even more critical when activities are focused on the resolution of people's justice problems through seamless or integrated justice pathways, which are likely to require cooperation and coordination between various justice sector

171 For example, the development of a shorter form of the current legal needs survey.

organizations. One way of addressing this challenge is to budget for a small flexible fund that covers the whole justice sector, and then allow justice institutions to decide how to prioritize and allocate these resources during the budget cycle (see Box 2 for an example from Uganda—for more details see Box 1, **Background Brief 4.3**).

Box 2: Flexible Multi-institutional Fund—Example from Uganda

One practical way of dealing with the wide range of institutions involved in delivering people-centered justice is to ensure that a bid for resources to the Ministry of Finance or other funders includes a request for a flexible multi-institutional fund. This should be tied to a request that the sector be allowed to choose how to allocate those funds between its various organizations.

An example of this occurred in Uganda in 1999/2000. The Ministry of Finance provided funds to the Ministry of Justice (MoJ) specifically to achieve the outcome of reducing case backlog, on the basis that the MoJ would then allocate these funds to the agencies involved in delivering on this outcome (the judiciary, the police, the prison service, etc.). Decisions about fund allocation were discussed by these justice institutions, and spending was prioritized.

The justice institutions were much better placed than the Ministry of Finance to understand the reason for the backlog and also how improving their cooperation was key to resolving it, all while fully respecting their often constitutionally independent roles. In Uganda, this approach allowed the judiciary to coordinate additional court dates, along with prisons receiving additional travel funding to enable prisoners to attend courts. It also opened the way to fund innovative approaches such as the judiciary holding special sessions in or near prisons.

BACKGROUND BRIEF 5.2

5.2 Transparency and Accountability

Introduction

The JFF proposes that countries should ensure structures to enable transparency and accountability of justice spending and budgeting, along with open dialogue on the linkage between finance and outcomes.

As noted in the OECD People-Centered Justice Principles,[172] transparency and accountability are critical elements of a people-centered justice governance infrastructure. Safeguarding transparency and accountability in resource allocation and spending means ensuring that public funds allocated to the justice system are used effectively, fairly, and in a way that is open to scrutiny.

This background brief discusses transparency and accountability for people-centered justice in relation to:

- Planning and resource allocation.
- Spending.

1. Transparency and Accountability for People-Centered Justice Planning and Resource Allocation

Background Brief 5.1 discusses the planning and resource allocation process for people-centered justice. International experience shows how NGOs and civil society organizations (CSOs) can play a key role, engaging with national budgeting processes and advocating for increased resources for front line justice services (see Box 1 below). Feedback mechanisms such as user surveys can feed into budget allocation priorities to improve system responsiveness to the needs of the people it serves.[173]

172 OECD third principle of people-centered justice is to "establish a governance infrastructure that enables people-centered justice by ... supporting the efficiency and performance of justice institutions on the basis of data and evidence, including people-centered justice data, and strengthening openness, transparency, integrity, fairness, independence and accountability of justice institutions." OECD Legal Instruments, "Recommendation of the Council on Access to Justice and People-Centred Justice Systems, Section 3av," 2023, https://legalinstruments.oecd.org/en/instruments/OECD-LEGAL-0498.

173 Ibid.

Box 1: Role of CSOs in National Justice Resource Allocation Processes

The Open Government Partnership (OGP) has provided a platform for CSOs to push for transparency and accountability in governance. Through their advocacy, several countries—including Macedonia, Indonesia, Kenya, Argentina, Sierra Leone, and Moldova—have made commitments to justice in their OGP National Action Plans.

These commitments include improving government cooperation with civil society on legal empowerment, and expanding legal aid services. In particular, **Indonesia**, **Kenya**, and **South Africa** committed to increasing their legal aid budgets and supporting justice defenders, with Indonesia expanding legal aid funding, Kenya operationalizing its legal aid fund, and South Africa committing to funding paralegal-staffed Community Advice Offices.

2. Transparency and Accountability for People-Centered Justice Spending

The JFF recommends that budgeting should start with setting outcomes. It should also focus on the functions needed to deliver these outcomes, moving away from budgeting based on institutions or activities (see **Background Brief 1.1**). Through this approach, measuring outcomes becomes the key to effective resource allocation. Along these lines, the Justice Action Coalition (JAC) Workstream I's *People-Centered Justice Measurement Framework* (MF), currently in development, is an important tool. At the national level, the MF provides a framework for justice institutions to take joint responsibility and accountability for people-centered justice outcomes, measured through clear and transparent indicators.

In this context, it is important that there are mechanisms to hold justice institutions to account for delivery of and spending on their plans for people-centered justice. The OECD Recommendation on Improving Access to Justice and People-Centered Justice recommends establishing a governance infrastructure that enables people-centered justice by, for example, increasing transparency of justice system budgeting.[174] Similarly, the European Commission for the Efficiency of Justice (CEPEJ)—the Council of Europe organization that collects justice system data—includes institutional accountability as a best practice. It recommends a focus on oversight mechanisms to enhance transparency and hold justice institutions accountable for their commitment to change.[175]

174 OECD, "Recommendation of the Council on Access to Justice and People-Centred Justice Systems."
175 COE, Special file - Report "European judicial systems - CEPEJ Evaluation report - 2020 Evaluation cycle (2018 data)," September 2020, https://rm.coe.int/rapport-evaluation-partie-1-francais/16809fc058.

2.1 Transparency

Transparency mechanisms include:

- **Access to information including expenditure data**. Information on how money on justice is spent should be made readily available through official government channels and public platforms. This includes detailed budgets outlining allocation of funds to the different institutions within the justice system, and further allocation within these institutions, together with expenditure data ideally tracking outputs and outcomes.
- **Stakeholder participation**. Examples are public forums or consultations (see Box 2 below for an example from the health sector).

Box 2: Participatory Health Councils

Participatory health councils allow Brazilian citizens to oversee and provide feedback on the country's public health system, the Sistema Único de Saúde (Unified Health System), or SUS.

These councils are advisory bodies that operate at all levels of government and that bring together different societal groups to monitor Brazil's health system. These councils exist at the municipal, state, and national level, and are supplemented by a national conference on the Brazilian health system held every four years. The councils are present in 98 percent of Brazilian cities, demonstrating their popularity and thus their potential to help ensure that health policies are in line with citizen preferences. Despite their expansive reach, their real impact on health policies and health outcomes for citizens is still somewhat uncertain.[176]

2.2 Accountability

Accountability or oversight mechanisms include independent organizations—e.g., external auditors, government accountability offices, and anti-corruption agencies—that track financial flows in the justice sector to ensure spending aligns with laws, regulations, and intended purposes. Independent audits are key to this process, offering unbiased evaluations of fund usage and identifying inefficiencies or waste. Additionally, legislative bodies, such as parliaments or committees, play an essential role in overseeing justice spending by calling hearings, reviewing budget proposals, and holding justice officials accountable for the use of public funds.[177]

176 Jillian Clare Kohler and Martha Gabriela Martinez. "Participatory health councils and good governance: healthy democracy in Brazil?," *International Journal for Equity in Health* 14, no. 21 (2015), https://equityhealthj.biomedcentral.com/articles/10.1186/s12939-015-0151-5.

177 International Budget Partnership, "The Role of Oversight in Public Financial Management," 2023, https://internationalbudget.org/.

In line with principles of open government, NGOs and CSOs are engaging in civil society oversight, tracking justice spending and advocating for more efficient and effective use of funds. They can monitor government reports, highlight areas of concern, and propose reforms. Box 3 below presents some recent initiatives by CSOs to hold governments to account on implementation of justice budgets.

Box 3: Open Government Partnership: Coalition on Justice[178]

The OGP Coalition on Justice is a group of OGP members, civil society organizations, and other national and international partners advancing a people-centered approach to justice through their OGP action plans. OGP national members cocreating or implementing justice commitments include Albania, Armenia, Canada, Chile, Colombia, Costa Rica, Czech Republic, France, Indonesia, Jamaica, Kenya, Liberia, Morocco, Netherlands, North Macedonia, Senegal, Sierra Leone, and Uruguay, as of February 2022.

Recent activities by members include:

- **Sierra Leone:** Sierra Leone – Amend the Ombudsman Law to Increase Access to Justice (January 2025).
- **Colombia:** Open Gov Challenge: Colombia, which increases understanding of the role of the constitutional court.
- **Costa Rica:** Open Gov Challenge: Costa Rica, Strategy to Reduce the Judicial Backlog, in which the judiciary committed to reducing the backlog by publishing all court case data on a centralized platform, allowing the public to monitor progress.
- **Kenya:** Local NGO, Kituo Cha Sheria, supported by international NGO Namati, provided oversight of the Kenyan government's commitment to operationalize funding for legal aid, and also advocated for the level of funding to match the government's stated commitment. For more details, see Box 1 above.

178 Open Government Partnership, "Justice Policy Series, Part III: Accountability for Democratic Renewal," 2022, https://www.opengovpartnership.org/documents/justice-policy-series-part-iii-accountability-for-democratic-renewal/; Namati.

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