***Access to Justice Assessment Toolkit -***

***Additional Documentation***

available at: <http://www.fedcourt.gov.au/pjdp/pjdp-toolkits>

Toolkits are evolving and changes may be made in future versions. For the latest version of this Additional Documentation please refer to the website – <http://www.fedcourt.gov.au/pjdp/pjdp-toolkits>

Note: While every effort has been made to produce informative and educative tools, the applicability of these may vary depending on country and regional circumstances.

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# Annex 1: Methodological Tools Available

| **Key Respondents** | **Strengths** | **Weaknesses** | **Assumptions** | **Summary** |
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| **1. Key Stakeholder Focus Groups Discussions** | | | | |
| Annual, structured discussions with representatives of particular groups, including:   * Local customary leaders; * Local judges; * Women representatives; * Youth representatives; * Ethnic or cultural minorities; * People with disabilities. | Extensive direct experience;  Capable of articulating range of views on access to justice issues (positive & negative);  Accessible – most located in capital;  Will highlight trends;  May have access to empirical data;  Builds partners for reform/better service delivery. | Information provided is frequently second hand and not objective. Risk of selection bias – only certain views represented;  Not empirical;  Unlikely to be directly representative of most marginalized;  Respondents are frequently those ‘in positions of power’ – vested interest in maintaining status quo. | Sufficient representation of stakeholders buy-in to research and provide access and feedback openly;  Focus only on this approach will not provide sufficient diversity of views or will lead to bias. | Strong tool as a starting point for identifying issues and measuring progress. But need to double check information by directly questioning population more broadly. Use as one of variety of tools. |
| **2. Court User Surveys** | | | | |
| Randomly selected court users or people attending court building. | Ensure respondents have had actual experience;  Cheap and easy to implement as can be conducted at court buildings;  Data directly relevant to court work;  Data comparable across countries. | Only people who use courts respond. May exclude particular groups (poor, living in remote locations);  Only focuses on court-related issues;  Respondents may be less open – may fear it affects case. | That courts collect this type of information on a routine basis;  Capacity and time of court staff to implement survey. | Useful tool where surveys already exist or are being considered. Allows comparison between court users & non-users. |
| **3. Representative Quantitative Survey Tools** | | | | |
| Households | Results representative of broader population;  Provides detailed, statistical responses;  Enables comparison across countries and time periods. | Expensive;  Time and human resource capacity to design, test & implement survey;  Access to suitable local survey firm. | Either budget exists to design and implement standalone survey or other survey tools exist to which modules could be added. | Costs and capacity constraints outweigh benefits in most countries – may be possible in some larger PICs. |
| **4. Targeted Quantitative Survey Tools** | | | | |
| Randomly selected households but from purposefully selected villages. Select from urban vs rural/remote villages; and average vs poor socio-economic indicators. | Approach provides for flexibility;  Target specific areas (eg: remote or poor villages);  Allows courts to focus on local context or specific issues;  Less threatening for respondents. | Results can’t be generalized across broader area; Still requires time and human resource capacity to design and implement;  May get non-responses from respondents. | Capacity exists in court to conduct interviews and analysis data or can be sourced locally.  People respond to survey approach and openly provide information. | May be more appropriate and cost effective approach in smaller communities. Allows targeting. Can always expand based on results. |
| **5. Administrative Data** | | | | |
| Key data collected by courts on case filing, disposal rate and time taken. | Already collected by courts so no replication;  Represents actual experiences;  Can be followed up with in-depth interviews with parties;  Could support documentation in local courts. | Data doesn’t always disaggregate by gender, age, economic status;  Only covers cases filed in court;  Data doesn’t show why something happened only what happened;  May not always be capacity to collect (eg: local courts don’t have data). | That data is easily available and can be disaggregated across different socio-demographic indicators.  Assumes that most cases make their way to court. | Can be very effective to compare with other data. But administrative data is limited in showing actual access issues as only represents cases filed in court. |
| **6. Media Monitoring** | | | | |
| Documentation of legal-related incidents in media: newspapers, television and radio. | Provides analysis of both policy debate and actual cases;  Can view trends over time;  Can assist in formulating socialization strategies, informs what public is interested in and most effective way to disseminate. | Selection bias in cases – only document cases that go to court, are high profile or involve violence;  Fail to examine small-scale or day-to-day cases;  Geographic bias – focused on news from city. | Presumes that different forms of local media exist and accurately represent local issues. | Can be useful tool for documenting trends over time. Also use to double-check against findings from surveys. But can be time intensive and mostly focuses on larger cases. |
| **7. Review of Literature and other secondary sources** | | | | |
| Desk review of journals/books and other surveys that exist. | Review of other survey tools can provide points of comparison or support in designing tools – highlights what works what doesn’t;  Can make link to broader social service delivery. | Limited research in countries in question. Much of research focuses on structures and not impacts;  Other surveys mainly related to social issues (health and education). | Assumes that accurate research is accessible on issues in question. | Part of background. |

# Annex 2: Stakeholder Focus Group Discussion Guide, Tuvalu

PJDP is funded by the Government of New Zealand and managed by the Federal Court of Australia













# Annex 3: Example Questionnaires

**Piloted Access to Justice Questionnaire for the High Court of the Republic of the Marshall Islands**

This survey was tested as part of an assessment of customary mechanisms in the Republic of the Marshall Islands in late 2011. This survey, attached below is also available as an annex to the Republic of the Marshall Islands Country Report located in the “Customary Dispute Resolution Research: Final Report” document located on the PJDP website: <http://www.fedcourt.gov.au/__data/assets/pdf_file/0005/18698/CDR-Final-Regional-Strategy-and-Recommendation-Report-2012.pdf>

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**People’s Survey, Solomon Islands (2011)**

<http://www.ramsi.org/media/peoples-survey/>

The survey questionnaire is available in the annexes to each of the Annual Reports at the website above. The survey asks a range of questions on service provision and trust in government services across a number of sectors. Section I of the most recent (2011) survey is of particular relevance to judiciaries as it focuses on resolution of disputes.

**Legal Knowledge, Attitudes and Perceptions Survey, HAKI Network (2012)**

<http://static.squarespace.com/static/53f7ba98e4b01f78d142c414/t/53ffdf0fe4b0c1ee385c22c3/1409277711910/LEP-KAP-Survey%20FINAL.pdf>

The survey was initially developed for use in Sierra Leone but has subsequently been amended and used in a number of other countries. It is targeted at all justice sector agencies and not just the judiciary. It provides a range of questions on: knowledge of the law; perceptions of different legal actors; experiences in resolving disputes; and socio-demographic information. It is available at the above website.

**Legal Australia – Wide Survey: Legal Need in Australia (2012)**

<http://www.lawfoundation.net.au/ljf/app/&id=EDD640771EA15390CA257A9A001F7D08>

A quantitative survey conducted by the NSW Law and Justice Foundation of legal needs across Australia. The survey provides a broad range of questions across 12 categories of disputes. It is a whole of sector survey so results are relevant to both courts and other justice sector agencies. The survey document is available in Annex 1A at the above website.

# Annex 4: Additional Reading

ABA Rule of Law Initiative, 2012. *Access to Justice Assessment Toolkit: Guide to Analyzing Access to Justice for Civil Society Organizations*, Washington, DC: American Bar Association. Available at: <http://www.americanbar.org/advocacy/rule_of_law/publications.html> [Accessed May 17, 2012].

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|  | **Pacific Judicial Development Programme**  ***Access to Justice Assessment Toolkit*** |
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| **PJDP toolkits are available on:** [**http://www.fedcourt.gov.au/pjdp/pjdp-toolkits**](http://www.fedcourt.gov.au/pjdp/pjdp-toolkits) | |