# The Role of Justice in Development: The Data Revolution

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The World Bank
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## THE DATA REVOLUTION

#### 1. The power of data in governments

- a. Digital transformations & data availability
- Opportunities for justice systems in the context of COVID-19

#### 2. How can we leverage the potential of data in justice?

- a. A data ecosystem for better efficiency, quality, and access to justice
- b. Examples from DIME's De Jure Program

#### 3. Why does this matter?

a. The role of justice in development: Summary of the evidence

#### 4. Areas for future research & policy

- a. New avenues for research
- b. Policy implications



## THE POWER OF DATA

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## DIGITAL TECHNOLOGIES IN GOVERNMENT

- Digital technologies are transforming the work of governments, accelerated by the COVID-19 pandemic
  - The World Development Report (2016) notes that "the dramatic decline in the price of digital technologies has led businesses and governments to replace existing factors—labor and non-ICT capital—with ICT capital and to automate some of their activities"
- Digital systems generate a wealth of microdata that is under-utilized
  - Tax: electronic filing of taxes; electronic billing
  - Justice: eCourts
  - Procurement: e-procurement
- These technologies allow vast data generation that creates valuable opportunities to measure and improve performance



## LEVERAGING INVESTMENTS IN JUSTICE DATA

At DE JURE, we ask: how can we leverage the potential of rich administrative data **to improve justice institutions?** And what's the downstream impact of improving these institutions on **poverty reduction and economic growth?** 

Judiciaries collect vast amounts of data, yet they rarely use it to improve decision-making; they are data-rich but information-poor.

Through the use of cutting-edge research techniques, we leverage data to improve **the efficiency, quality and access to justice,** and measure impacts on downstream outcomes such as economic growth, conflict and violence, and corruption.

#### Data

- Improving case management systems
- Creating structured data and integrating with administrative data ecosystems
- Developing open-source platforms for data collection

#### **Analysis**

- Identifying core issues in justice system functioning and performance
- Measuring and documenting impacts of justice reforms
- Leveraging machine learning to identify and reduce biases

#### **Experimentation**

- Testing new approaches to improve justice systems
- Implementing RCTs to assess interventions
- Creating policy feedback mechanisms



## HARNESSING THE POTENTIAL OF DATA IN JUSTICE

**A global problem:** According to the World Justice Project (2019), 5.1 billion people lack meaningful access to justice, while an estimated 1.5 billion are unable to obtain justice for administrative, criminal, or civil justice needs.

#### What if we could harness the power of high-frequency data to...?

- Identify precisely what sectors of the population lack access to justice
- Diagnose the exact reasons why cases get backlogged
- Incentivize judges in order to increase their efficiency
- Study the impact of justice on firms' outcomes
- Target investments in judicial reforms to the most promising regions
- Diagnose and address biases in judicial decisions
- Evaluate the specific impact of any new law on citizens and businesses
- Highlight and share good practices in laws and regulations across countries



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## BUILDING A DATA ECOSYSTEM

#### Integrated justice system

- Case data is associated with each milestone in the process, from filing to appeal
- Digitized the text of court rulings and sentences
- Integrate HR data, eg. recruitment, training, transfers
- Automate the creation of indicators associated with the results framework
- Tracking of court-level reforms and innovations & A/B testing

#### Interoperable system with related agencies

- · Link case data to firms and users, e.g., through national ID/tax data
- Link case data to other stages of the process, e.g., police, prosecutors, and prisons

#### System that combines the experience of the user, and of the non-user too!

- Combine user surveys with those of judges and court employees
- Link legal needs questionnaires to understand who is not accessing justice and why



## HOW ARE DATA-DRIVEN INTERVENTIONS IMPROVING JUSTICE SYSTEMS?

#### **Efficiency**

- Can data-driven, actionable information improve court performance? (Kenya, Chile)
- What is the impact of digitizing court systems on efficiency and access? (Chile)
- Which regions would benefit most from judicial improvements? (Croatia)



#### Quality

- Do judges exhibit gender or ethnic biases? (India, Kenya)
- Can productivity quotas affect the quality of decisions? (Croatia)

#### **Access**

Can technological innovations improve access to vulnerable populations? (Kenya, Peru)

## CASE STUDY OF KENYA: TAKING SCIENCE TO THE JUDICIARY

Development of a digital case management system

Creation of a performance management division to make proactive use of data

Data system standardized throughout the judiciary

#### Benefits of improved data management:

#### **OBJECTIVES:**

- Specific objectives
- Real-time measurement of performance

#### **INCENTIVES:**

- Rewards for courts which perform best
- Performance metrics to evaluate promotion

#### **INVESTMENT:**

- Data used to justify transfers, hiring & investments
- Request for resources based on quantifiable metrics



## KENYA: ALGORITHMS IDENTIFY THE GREATEST SOURCES OF COURT DELAYS (CHEMIN ET.AL.

#### Context:

- Data not being used for decision-making
- Adjournments causing large backlogs
- We leverage data systems to diagnose key metrics and identify top 3 reasons for adjournments in each court

**Study design:** randomized controlled trial across all 124 court stations in Kenya

- Treatment 1 Actionable Information: feedback report shared with judges
- Treatment 2 Information + Accountability: report also shared with Court User Committees

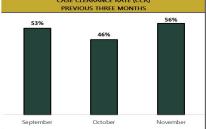


#### COURT MONTHLY FEEDBACK REPORT Baricho Magistrate Court NOVEMBER 2018

"By the end of my tenure in December 2020, we shall have no cases in court older than 3 years" Honorable Justice David Maraga, Chief Justice



SUMMARY OF KEY COURT EVENTS FOR OCTOBER 2018		
ases filed	456	
ases resolved	234	
ulings and judgments	130	
djournments	104	
CASE CLEARANCE RA	100 E 10	



Reason	Number	Percent
Prosecutor not present	44	30%
Typed proceedings not ready	34	20%
Both parties not present	17	13%

RECOMMENDED ACTION			
Addressing	Prosecutor not present	increases CCR by	30%
Addressing	Typed proceedings not ready	increases CCR by	20%
Addressing	Both parties not present	increases CCR by	13%
Interne			

CIVIL CASES	
SUMMARY OF KEY COURT EVENT	S FOR OCTOBER 20
Cases filed	422
Cases resolved	203
Rulings and judgments	80
Adjournments	123

Adjournments		123
	CLEARANCE RATE ( VIOUS THREE MON	
35%	38%	51%
September	October	November

TOT THEE INDICATE OF THE PROPERTY.			
Reason		Number	Percent
Court not si	tting	57	21%
Both parties	not present	44	12%
Ruling not r	eady	12	9%
	RECOMMENDED	ACTION	
A -1 -1 i	Court was sisting	i	D L 00/

Ruling not ready		12	9%
	RECOMMENDED AC	TION	
Addressing	Court not sitting	increases CC	R by 8%
Addressing	Both parties not present	increases CO	CR by 7%
Addressing	Ruling not ready	increases CO	CR by 4%

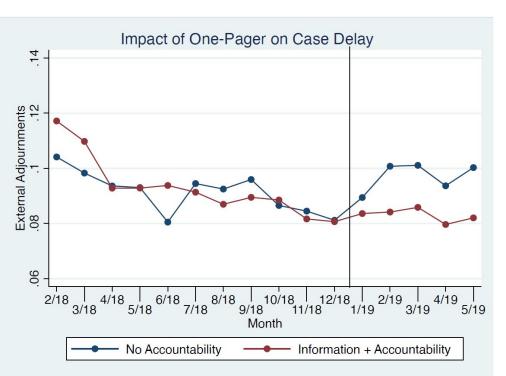
Case Clearance Rate (CCR)- Case Clearance Rate (Resolved + Filed) x 100 measures the extent to which the court system is able to dispose of cases relative to the cases filed within a specified into period. A clearance rate I notions implies that the court is coping with its workload. More than 100% clearance rate indicates that the court is reducing its case backlog while less than 100% means that the court is accumulating more cases.

Resolved Case (RC) - Any case where a judgement or a final ruling closing the case has been made at the end of period under reference. It also means a finalized case.

Filed Cases (FC)- Any case that is registered in court of law for arbitration in a given period.



## KENYA: ALGORITHMS IDENTIFY THE GREATEST SOURCES OF COURT DELAYS (CHEMIN ET.AL

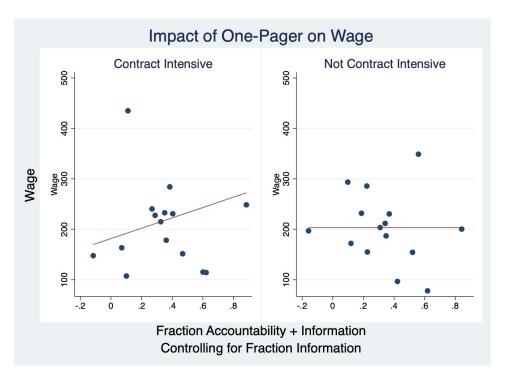


#### **TAKEAWAY 1:**

- Providing actionable information (with accountability) improves efficiency
- Reduced adjournments by 20%



## KENYA: ALGORITHMS IDENTIFY THE GREATEST SOURCES OF COURT DELAYS (CHEMIN ET.AL



#### **TAKEAWAY 2:**

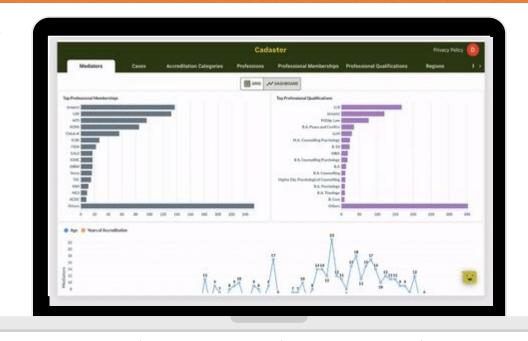
- More efficient judiciaries improve citizen's economic outcomes
- Contract-intensive industries saw 23 percent increase in wages



## KENYA: SMART ASSIGNMENT OF CASES TO MEDIATORS

### Open-source decision support

- ICT platform for mediator and case management
- Al integrated: Smart Assignment of cases to mediators based on experience & skills
- Real-time performance management and alerts
- Open source no-code tools for data entry and decision-support



DIGITIZE

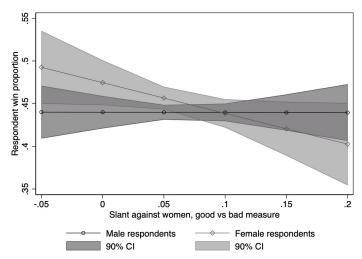
**MANAGE** 

**TRACK** 

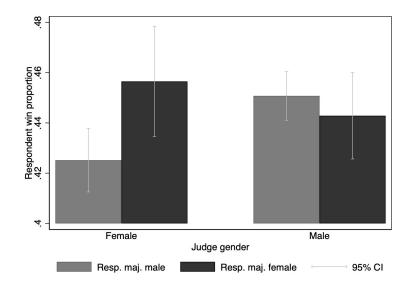
**OPTIMIZE** 



- Data: full texts of 130,000 published judgments from 1978 to 2021.
- We leverage data systems to diagnose biases along gender and ethnic lines



Judges who exhibit stereotypical gender biases in their writings are more likely to rule against female defendants



Judges are more favorable to defendants of their own gender and ethnicity

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## KFY FINDINGS

- Judiciary matters: for its intrinsic value and for development outcomes.
- Macro literature: institutions → key drivers of economic growth
  - Rodrik (2000): institutions, rather than geography or openness to trade, are the key drivers of economic development
  - Acemoglu, Johnson, and Robinson (2001):
  - However, Aboal et.al (2014): systematic review found weak empirical evidence of the impact of contract enforcement on investment

#### Is the relationship causal? And if so, why? Empirical literature:

- Better contract enforcement reduces risk in contracting + enhances firm's productivity + entrepreneurship
- Judicial institutions increase credit availability & development of credit markets, by reducing risk (moral hazard)
- Access to justice increases productivity and protects citizens in cases where informal institutions are biased against them
- Lower corruption (limited evidence)



## 3A. Effective contract enforcement enhances firm productivity and economic growth

#### Contract enforcement promotes firm growth:

- If weak, affects firms' incentives to invest and distorts production decisions Shvets, 2012; Chemin 2009
- Security of land tenure and productive investments Chari et.al, 2017; Aberra and Chemin, 2018

## Court quality and efficiency affect access to credit markets:

- moral hazard + Securing firms against defaulting banks
   IMF 2014; Chemin 2009
- Increasing creditors' willingness to lend Shvets, 2013

#### **Efficient judiciaries increase entrepreneurship:**

The creation of special tribunals in Brazil, which increased access to justice and its efficiency, led to increased entrepreneurship and new businesses (Lichand and Soares, 2011)

## Evaluation of Pakistan's "Access to Justice Programme"

A judicial reform that provided judges with more training in Pakistan led to greater disposition of cases and higher entry rates of new firms. Estimates suggest that this reform increased Pakistan's GDP by 0.5% [Chemin, 2009]



## 3B. Justice systems may reduce violent resolution of disputes and protect vulnerable populations

#### Justice systems may reduce violent resolution of disputes:

- ↑ resolution of land disputes and ↓ violence through ADR Blattman et.al, 2016
- ↓ domestic violence and ↑ human capital investments Kavanaugh et.al, 2018; Owen and Portillo, 2003
- Deterring dishonest and criminal acts
   Mocan et.al, 2018

#### Justice systems protect vulnerable populations:

- Protecting vulnerable populations against bias Sandefur and Siddiqi, 2015
- Stronger property rights reduce HIV by allowing women to negotiate safe sex practices Anderson, 2018
- Legal aid for women reduce GBV & improves children's education Sviatschi and Trako, 2021

#### ADR reduces violent resolution of disputes:

Mass education campaigns that promote alternative dispute resolution (ADR) in rural communities of post-conflict Liberia led to higher resolution of land disputes and lower violence in the resolution [Blattman et.al, 2016]

#### Legal aid for women at risk may reduce GBV:

In Peru and Ecuador, legal aid for vulnerable women reduced gender-based violence, increased children's educational outcomes and reduced child labor [Sviatschi and Trako, 2021]



## 3C. Efficient and accountable justice systems may reduce corruption and enhance citizens' trust

## Judicial presence may reduce corruption In Brazilian local governments, state judiciary presence reduces rent extraction (measured as waste or corruption) by about 10 percent or 0.3 standard deviations. [Litschig and Zamboni, 2015]

## Efficient judiciaries enhance trust in institutions

Providing information about reduced delays in state courts in rural Panjab (Pakistan) led to higher willingness by citizens to use state courts, willingness to allocate greater funds to the state, and greater trust overall in formal institutions [Acemoglu et.al, 2018]

## Judicial accountability promotes anti-corruption and citizen trust:

- Reducing rent extraction Litschig, 2015
- † effectiveness of anti-corruption audits, as it † the non-electoral costs of corruption Avis et.al, 2017
- Improving citizens' trust in courts and institutions Acemoglu et.al, 2018
- Reducing bias in judicial decisions
   Mehmood et.al, 2018
- Reducing procedural formalism
   Djankov et.al, 2003



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- a. Policy implications
- New avenues for research



## DATA FOR BETTER JUDICIARIES

Key requirements: creating an interoperable data ecosystem & investing in human capital

Areas to make better use of data in judicial systems:

- 1. Access to e-justice for citizens
  - Technologies to match citizens & lawyers or justice systems, (e.g. Whatsapp access to courts)
  - b. Apps for "missing cases"
- 2. Improving court performance
  - a. Al as a support tool for justice actors
  - b. Identifying & addressing biases and inconsistencies
- 3. Enhancing knowledge
  - a. Tools to improve the training of legal actors
  - b. Legal search engine & access to knowledge



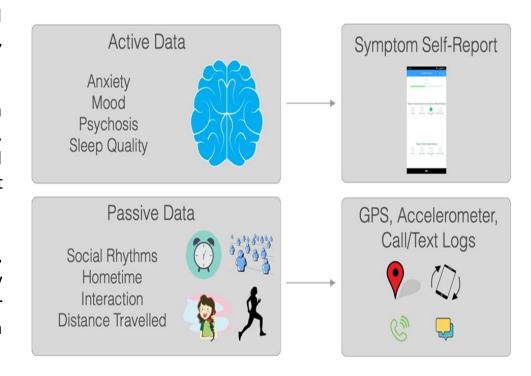
## 1. ACCESS TO E-JUSTICE FOR CITIZENS: WHATSAPP ACCESS TO COURTS (CHILE)

Enables communication via audio & video, linking cases with documents through digital interoperability



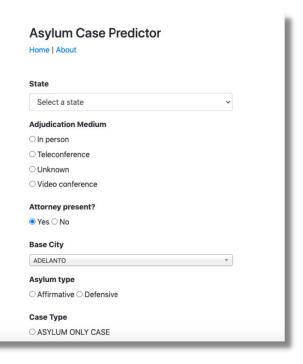
## 1. BANGLADESH: INCREASE ACCESS TO HELPLINES/SUPPORT SERVICES FOR GENDER-BASED VIOLENCE SURVIVORS (IN-PROGRESS)

- Lockdowns and social distancing measures have increased experiences of gender-based violence (GBV) in developing countries, particularly in Bangladesh.
- Our team plans to evaluate whether Beiwe, a revolutionary digital phenotyping platform, can identify individuals at-risk for GBV and connect them to helplines and support services.
- Phenotyping can provide recognition, cognitive analytics, behavioral anomaly detection, social analytics, and biomarker analytics - potentially maximizing prevention and surveillance of at-risk individuals.





## 2. MACHINE LEARNING TO PREDICT JUDICIAL DECISIONS



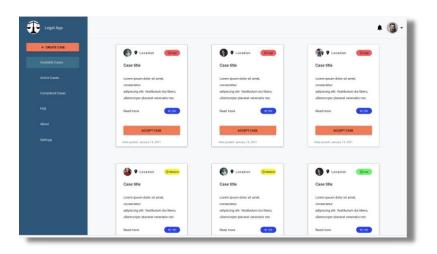
## Using machine learning to predict the outcomes of United States Asylum court decisions

- In the United States, foreign nationals who fear persecution in their home country can apply for asylum under the Refugee Act of 1980
- The project uses a large data set secured under a Freedom of Information Act (FOIA) request detailing United States Asylum court decisions going back multiple decades and machine learning to predict the outcomes of the cases
- We are able to predict the final outcome of a case with 80% accuracy at the time the case opens. Using data available on the decision date, our model correctly classifies 82% of all refugee cases by 2019



## 3. HUMAN-CENTRIC AI IN JUSTICE

Increasing Access to Justice through Al Integrated Technology

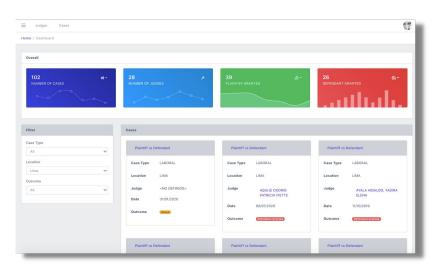


- Reduces pendency of cases and increases the efficiency of courts by facilitating the optimal assignment of cases to judges in courts where there are backlog and delays
- The App follows a similar model to Uber, where the "drivers" are judges and the "customers" are case administrators, or those who manage and assign cases
- Instead of using "smart" assignments that do not incorporate judges' own preferences and information about their own skills, <u>human centric Al</u> assumes that every agent/judge has private information and reacts to incentives. Given their information advantage, it is often better to let a judge make their own decisions. Importantly, carefully designed incentives can help shape a judge's decision to optimize outcomes..



### 4. ENHANCING KNOWLEDGE: PERSONALIZED CASE-BASED TEACHING TOOLS FOR COURT ACTORS

All enabled method of personalized case-based teaching using the history of a judge's past decisions.



- Leverages the history of the judge's own written decisions to evaluate how such judge would decide on a similar case in comparison to a curricular example or to other similar decisions by peer judges
- Brings case-based teaching to the next level, providing users with a personalized training that has the potential to improve the quality and efficiency of judicial training and judicial decisions
- Help create culture of precedent

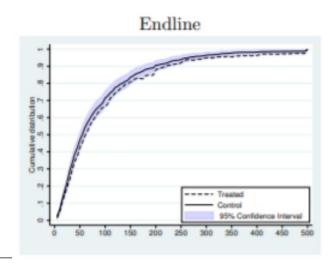


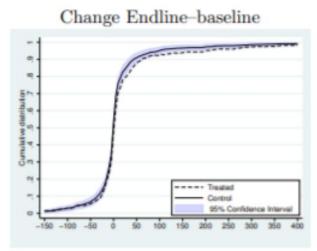
### 5. ENHANCING KNOWLEDGE: CREATING JOBS BY HELPING SMES UNDERSTAND LABOR LAW (BERTRAND ET.AL, 2021)

**Perception** that it is more difficult to dismiss an employee in South Africa than virtually anywhere else in the world → due to labor law; "Unjustified"

Question: does imperfect knowledge of labor regulation hinders job creation in SMEs?

RCT across 1824 SMEs to **test the impact of improving knowledge of labor laws**: a 21-week membership to a labor law club+ newsletters on labor law and HR management + access to a website





Treatment effect: a 11.8 worker increase in employment, or 12-15% increase relative to the control mean

Most of this increase for permanent and fixed term workers, rather than casual workers



### 6. ENHANCING KNOWLEDGE: INFORMATION AND MEDIATION TO IMPROVE LABOR COURTS (SADKA ET.AL, 2017)

#### Context:

- Overburdened labor cours & low-quality legal representation
- Legal fees often > what plaintiffs recover

#### Intervention:

 Information on predicted case outcomes to workers + asking them to meet with court conciliators (mediators)

#### **Result:**

- Double settlement rates and reduced case duration, but only when the worker is present to receive the information.
- Welfare improvements

### THE WORLD BANK

#### CÁLCULO DE COMPENSACIÓN TRABAJADOR

Datos del Trabajador

Género: Hombre Salario diario: \$350.00 mxn diarios Antigüedad: 6.23 años

En caso de <u>despido injustificado</u>, la Ley Federal del Trabajo le otorga al trabajador las siguientes prestaciones minimas:

1.- Indemnización Constitucional - consistente en 90 días de salario diario integrado: \$31,500.00

2.- Prima de Antigüedad - 12 días por año laborado a razón del salario base con tope de 2 veces el salario mínimo:
\$9,687.39

\$1,861,80

\$1,060,50

3.- Aguinaldo - Parte proporcional de 15 días por año, a razón del salario base, del último año calendario laborado:

4.- Vacaciones - Parte proporcional de vacaciones del último periodo laborado, a razón del calacio bace:

SU COMPENSACIÓN DE LEY: \$44,109.68

[IMPORTANTE! Después de 3 años, el 48% de los juicios NO ha concluido.

Ahora le mostramos resultados de juicios concluidos y que son SIMILARES al suyo. Nos basamos en 4500 expedientes de 2009, 2010, 2011 y 2012.

%	Tiempo estimado	Cantidad pagada
65.11%	0.86 años	\$26,052.29
25.62%	0.65 años	\$0.00
3.40%	2.94 años	\$0.00
3.41%	2.39 años	\$50,925.21
2.46%	1.01 años	\$0.00
	65.11% 25.62% 3.40% 3.41%	65.11% 0.86 años 25.62% 0.65 años 3.40% 2.94 años 3.41% 2.39 años

Tomando en cuenta las posibilidades de ganar y el proceso de ejecución, los datos estadísticos indican:

SU COMPENSACIÓN ESPERADA: \$18,699.32

Recibi impresión. Entiendo que son datos estadísticos que no influyen en mi proceso ni afectan mis derechos.

No. Expediente / Año : 9999/

FI

## NEW AVENUES FOR RESEARCH

- 1. Trade-offs between quality, efficiency and access & across actors (policymakers, lawyers and citizens) with different preferences
- 2. Access to justice in the context of fragility, conflict, and violence
- 3. Potential of a stronger judiciary to reduce corruption

#### Challenges:

- Need for greater diversity in study sites
- Conundrum: countries that stand to gain the most from data-driven technologies lack the resources and data infrastructure to take advantage of them



## APPENDIX



## SMART ASSIGNMENT: CAN AI-DRIVEN RECOMMENDATIONS ENHANCE ACCESS TO MEDIATION AND DECONGEST COURTS IN KENYA?

#### **Analytical contributions:**

- ☐ Developing a case management system ("Cadaster") to measure improve mediation processes
- Leveraging AI-driven recommendations of mediators to cases to improve mediation, increase access to justice and decongest courts

Can innovative algorithms to assign cases to the optimal mediator improve mediation outcomes and increase user satisfaction?

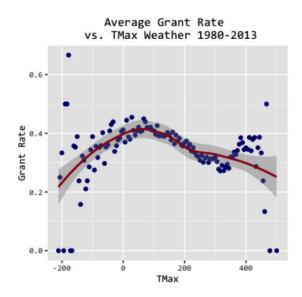


Also in Peru, we have developed an **interactive app** that leverages the existing, underutilized data systems



## MI PREDICTS JUDICIAL DECISIONS BY LEGALLY IRRELEVANT FACTORS (CHEN AND EAGEL, 2017)

#### Judges deny refugees asylum when the weather is too hot or too cold





### THE IMPACT OF EFFECTIVE CONTRACT ENFORCEMENT ON FIRM GROWTH

#### 1. Weak contract enforcement hinders firm-to firm trade.

Legal reform to speed up trials in courts led to fewer breaches of contract in India (Chemin, 2012)

## 2. Weak enforcement affect firms' decision to invest and distort production decision (Klein et al., 1978; Chakraborty et al., 2018) An increase in input tariff liberalization lead firms to gain more productivity if located in

- high judicial efficient regions (Ahsan, 2013) In states with weaker contract
- enforcement, production and sourcing decisions appear systematically distorted (Boehm and Oberfield, 2018)
- Slow enforcement increases the opportunistic behavior of borrowers (Chemin, 2012; Jappelli, Pagano, and Bianco, 2005).





## RECENT INNOVATIONS HAVE OPENED UP NEW OPPORTUNITIES FOR DELIVERY OF JUSTICE

 Increasingly digitized large-scale datasets

 ML applications to produce interpretable data from unstructured text

 Predictive models of decision-making to better understand biases and address them with digital interfaces



## EFFICIENCY & QUALITY OF COURTS LEADS TO BETTER CREDIT MARKETS, ENTREPRENEURSHIP AND HEALTHIER BUSINESS ENVIRONMENTS

#### 1. There is a positive relationship between better judicial institutions and better credit market.

- Provinces with poor legal enforcement/longer trial durations have less developed credit markets and and credit availability (Christini et al., 2001, Jappeli et al., 2005)
- Firms are more likely to firms to default against banks when legal enforcement is weak (Ponticelli et.al, 2016; Schiantarelli et.al, 2016)
- Slower judiciaries reduce access to credit markets and particularly affect contract-intensive industries (Chemin, 2009)
- Creditors are more willing to lend when their rights are protected by courts with lower appeal rates (Shvets, 2013)

#### 2. Better justice leads to entrepreneurship

- The creation of special tribunals in Brazil increased new business by 10% in 10 years (Lichand and Soares, 2011)
- An innovative delay reduction program in Pakistan had a positive effect on entrepreneurship in pilot districts (Chemin, 2009)
- Free legal aid to farmers facing land disputes substantially increased productivity, investment and agricultural production (Aberra and Chemin, 2018)

#### 3. Better legal systems enhance business environment

- Better quality legal system had positive effects on firms size (Laeven and Woodruff, 2004)
- A simple procedural reform to reduce the duration of trials lead to positive firm-level effect (Kondylis and Stein, 2018)



## PROTECTING VULNERABLE POPULATIONS

The benefits of justice can only be realized if citizens and firms have sufficient access to justice. According to the World Justice Project (2019), 5.1 billion people—approximately  $\frac{2}{3}$  of the world's population—lack meaningful access to justice

#### 1. Alternative Dispute Resolution (ADR)

a. The Liberian communities with mass educational campaigns on ADR had higher resolution of land disputes and lower violence (Blattman et al., 2014)

#### 2. Strong rule of law improves vulnerable population' well-being and health

a. Judicial mechanisms ensuring the enforcement of property rights enable women to negotiate safe sex practices with strength and lessen their risk of contracting HIV (Anderson, 2018)

#### 3. Reducing barriers of access to justice

a. Economically disadvantaged women accessing legal aid clinics in Ecuador were more likely to receive an award in favor and payment for children (Owen and Portillo, 2003)

#### 4. Reducing procedural formalism and technicality

a. In India, lower caste and female entrepreneurs gain more from better judicial enforcement of contract rights because informal dispute resolution mechanisms are dominated by upper-caste men (Chakraborty et al., 2018)



### INTERVENTIONS INVOLVING DISADVANTAGED GROUPS

#### 1. Strong rule of law improves vulnerable population' well-being and health

 Judicial mechanisms ensuring the enforcement of property rights enable women to negotiate safe sex practices with strength and lessen their risk of contracting HIV (Anderson, 2018)

#### 2. Reducing barriers of access to justice

- Economically disadvantaged women accessing legal aid clinics in Ecuador were more likely to receive an award in favor and payment for children (Owen and Portillo, 2003)
- Providing free legal aid to police detainees in Sierra Leone release of detainees without charge increased by 13% and the share of inmates held on remand reduced by 20%
- Women Justice Centers in Peru increased reporting and prosecutions for gender-specific crimes by 40% and reduced gender-based violence by 10%. WJCs also increased human capital investments and academic results of children

#### 3. Protecting disadvantaged groups

- In India, lower caste and female entrepreneurs gain more from better judicial enforcement of contract rights because informal dispute resolution mechanisms are dominated by upper-caste men (Chakraborty et al., 2018)
- In Liberia, litigants in lower social positions formal forums for better protection of their rights

#### 4. Promoting trust in institutions

