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# **MICROJUSTICE4ALL METHODOLOGY HANDBOOK: HOW TO SET UP A MICROJUSTICE4ALL PROGRAM**

September, 2016

[www.microjusticia4all.org](http://www.microjusticia4all.org)



## Publication of Microjustice4All

Methodology Handbook: How to set up a Microjustice4All Program

First Edition

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## GLOSSARY

- **Case:** This is a practical, legal solution, provided by a Microjustice4All Program, e.g. drafting a document or initiating a procedure. The cost of resolving a case is usually paid for by the client or by a donor who is willing to pay for the costs of individual case resolution. (The latter is often the case in humanitarian crises).
- **Case Management System:** This is a database in which all consultations and cases are recorded and tracked.
- **Consultation:** This is advice provided by the Microjustice4All Program. A follow-up consultation is a consultation which relates to a case.
- **Microjustice (MJ):** This refers to justice on a micro level, taking the person and their vulnerability as the point of departure. Through legal empowerment, Microjustice transforms an excluded subject into a citizen
- **Microjustice4All:** This can refer both to the MJ4All methodology that we have developed to implement MJ as well as to the organization MJ4All, depending on the context. The MJ4All Methodology helps to ensure basic legal needs are satisfied, in order to provide legal protection, inclusion and access to entitlements, such as services, benefits and amenities.
- **Microjustice4All Country Organizations:** These are organizations that implement the Microjustice4All Methodology in a given country.
- **Microjustice4All Handbook:** This is the manual which explains the Microjustice4All Methodology.
- **Microjustice4All International Network:** This is a network of organizations which are implementing Microjustice4All Programs, under the guidance of Microjustice4All.
- **Microjustice4All Products:** These are standardized legal services which cater for basic legal needs.
- **Microjustice4All Programs:** This is a program which works according to the Microjustice4All Methodology.
- **Microjustice4All Services:** These are legal services which Microjustice4All Programs provide, by means of Microjustice4All Products.
- **Microjustice4All Toolkit:** This contains the practical, hands-on tools, which are necessary for running a Microjustice4All Program.



## Preface

The Microjustice4All (MJ4All) Methodology has been developed over the last twenty years. At the end of 1996, we started our work with a post-war legal rehabilitation program in the Former Yugoslavia, where hundreds of thousands of refugees and internally displaced persons (IDPs) had to arrange a great number of legal and administrative issues. Most of these issues had to be arranged in their former home towns, from which they were now separated by newly created borders. MJ4All has played an important role in developing practical cross-border legal solutions for these refugees. Since 2007, MJ4All has developed its legal empowerment programs in the development context as a sustainable initiative for service provision at the Bottom of the social Pyramid (BoP) inspired by the Inclusive Finance movement. MJ4All Country Organizations have been set up in Bolivia, Peru, Argentina, Uganda, Kenya and Rwanda.

The legal services provided by MJ4All are a blind spot in the humanitarian response and development sector. The MJ4All legal services aim to legally empower, integrate and rehabilitate people at the BoP and victims of conflict and disaster. We deal mostly with administrative and private law issues, which enable our clients to access the system and protect their rights. For example, we assist clients with obtaining correct civil documentation, property papers, registration of legal personality (including business registration), contracts, inheritance and recognition of children.

MJ4All has developed the MJ4All Methodology in the field and implemented MJ4All Programs in eight countries across three continents. We have seen the importance of this practical context-driven approach for connecting people to the system and giving them back their dignity. MJ4All is essential in humanitarian disasters, since it is a pre-condition for the rehabilitation of victims. It is equally important in the development context, but a long term endeavor as legal empowerment of the poor is the crux of the solution to poverty.

Now that the method has been established in the MJ4All Handbook and Toolkit, MJ4All focuses on helping other organizations to set up MJ4All Programs, supported by the MJ4All International Network. MJ4All provides organizations with a license agreement, adapted to the specific situation; this provides the organization with access to the MJ4All Toolkit and tailor-made support from MJ4All. Furthermore, the organization becomes part of the MJ4All International Network.

We are happy to present the latest version of the MJ4All Methodology Handbook.<sup>1</sup> With the current crises in the world, MJ4All is more relevant than ever. The importance of legal rehabilitation has been recognized in Global Goal 16. We believe that our methodology can help to change Global Goal 16 from an aspiration into a reality.

Patricia van Nispen tot Sevenaer  
Founding Director

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<sup>1</sup> The first version of the Microjustice4All Methodology Handbook was produced in 2009.

## Introduction

Chapter 1 explains the concept of Microjustice and the Microjustice4All methodology, including the policy context and the market context. Chapter 2 explains how the MJ4All International Network works, the role of MJ4All as the co-ordinating organization that has developed the MJ4All methodology, and how you can become a new member of the MJ4All International Network. Chapter 3 explains the Microjustice4All Methodology, including an overview of the steps to set up a MJ4All Program. Chapter 4 provides further detail on how to set up a MJ4All Program. Finally, Chapter 5 provides information about our experiences with Microjustice4All Programs and the lessons we have learned.

This handbook is accompanied by a Microjustice4All Toolkit, which contains all the tools necessary to set up and run a Microjustice4All Program. Once you have signed the license agreement, you will be given access to the Microjustice4All Toolkit and you will then be ready to start your Microjustice4All Program.

# **1. Microjustice and Microjustice4All – background and concept**

We define Microjustice (MJ) as justice on a micro-level, taking the person and their vulnerability as the points of departure. Microjustice entails providing a person with legal protection and access to the entitlements (services/benefits/utilities) of the society in which they live. Through legal empowerment, Microjustice transforms a vulnerable person into a citizen, enabling them to exercise their rights. Microjustice4All is the methodology developed by the Dutch organization MJ4All to implement MJ.

Microjustice4All aims to meet basic legal needs, by providing accessible and affordable standardized legal services. People's basic legal needs are often not met because they cannot access the system due to a lack of affordable and reliable legal services. The purpose of Microjustice4All is to develop a sustainable system of standardized legal assistance to enable these people to enjoy the same rights as the rest of the population. In this chapter we will explain the concept of Microjustice4All and the international developments that underpin our concept.

## **1.1. What is Microjustice4All?**

In order to achieve Microjustice, MJ4All focuses on non-litigious private and administrative legal matters.<sup>2</sup> MJ4All offers practical, legal solutions which often takes the form of a legal document, such as correction of birth certificates, death certificates, contracts, ID, business registration, registration of social organizations, property transfer and land registration. In this way, people can protect themselves, their business and their belongings. In addition, it enables people and groups to access the benefits and entitlements in the system of their country (including access to education, healthcare, pension schemes and enfranchisement). These issues are even more important in the aftermath of a humanitarian crisis, because all the victims need to access aid schemes and need to protect their person and belongings which have been lost or damaged. MJ4All's work is comparable to the work of solicitors in the English legal system, except that the MJ4All Methodology focuses on the basic rights of those at the bottom of the pyramid and victims of humanitarian crises.

Microjustice4All provides legal services which:

1. fulfil the basic legal needs of marginalized people (e.g. internally displaced persons);
2. can be standardized;
3. can be offered in a sustainable way.

In particular, MJ4All focuses on:

1. Civil documents: birth certificates and other documents relating to personal identity; this enables access to education, health services, social benefits, microfinance and voting;

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<sup>2</sup> In general, we focus on non-litigious matters, but exceptionally we assist with litigation if it addresses the basic legal needs of a large group of people and the service can be standardized (see the definition of MJ4All).

2. Documents relating to property and housing: property registration, documents relating to property transfer and rental issues; this provides legal protection and access to loans;
3. Documents and issues relating to income-generating activities: setting up businesses, co-operatives and other legal entities, employment contracts and other basic labor issues;
4. Documents and issues relating to family law and inheritance matters;
5. Documents and issues relating to the specific geographic context, e.g. post-war/natural disasters, refugee crises and environmental issues. MJ4All services are fundamental for post-war or natural disaster rehabilitation.

### 1.1.1. The Definition of MJ4All

The definition of Microjustice4All is as follows:

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Microjustice4All	<p>(a) the provision of standardized legal services to (b) marginalized target groups (c) with a view to their social, economic and political inclusion in society in the country where they live,</p> <hr/> <p>(d) while undertaking bottom-up institutional reform and capacity-building to increase access to justice, and building bridges between the people and their government/administration,</p> <hr/> <p>(e) financed in a cost-efficient and sustainable way, which can be scaled-up.</p>
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'Marginalized target groups' refer to:

1. Victims of conflict and disaster
 

Victims of conflict and (natural or man-made) disaster are helped to access the rights, entitlements and benefits of the system and humanitarian aid. They are also helped to restore their pre-disaster legal situation (e.g. restoration of property and arranging civil paperwork).
2. People at the bottom of the social/income pyramid, who do not enjoy the entitlements, opportunities and rights of the system in their country and who lack legal protection. Within this group there are two subgroups:
  - (i) The very poorest, who possess nothing. The focus is on civil documentation that gives them an existence in the system and access to entitlements.
  - (ii) People who are trying to escape the poverty cycle by engaging in economic activities, starting to possess a piece of land and tools etc. It is difficult to escape from poverty if one does not arrange legal protection of one's possessions and business.

Microjustice4All has a mixed funding model, working both in the public domain and in the context of the private market, as explained below in the section on The Market Context of Microjustice4All.

## 1.2. The Policy Context of Microjustice4All

As mentioned, MJ is justice on a micro-level, taking the person and their vulnerability as the point of departure. MJ entails providing vulnerable people with legal protection and access to the entitlements of the country in which they live.

Since the mid-18th century, the philosophy of justice has developed with a focus on creating an enlightened citizen in the *post-ancien régime* democracy. The concept of a republic, in which power lies with the citizens, was developed afresh. Since Justice lies at the heart of the philosophy of law, one of the central assumptions was that the individuals were 'ideal and empowered' citizens. It was hard to conceive that these citizens were vulnerable victims.

Thus, this philosophy overlooked the vulnerability of the person, who needs to be legally empowered in order to become a citizen. Furthermore, this philosophy of justice is theoretical, top-down, and dependent on the culture of the country. It has largely worked in the West, but has often been dysfunctional in other cultures.

Since the millennium, a more practical philosophy of justice has been developed. This philosophy takes into account the vulnerability of the person, and their need for protection and empowerment. MJ facilitates this transition from the vulnerable person to the legally empowered and protected citizen. Microjustice is a universal form of justice on a micro level in practice. It is not about judging the state but about arranging the technicalities so that people can be protected and connected to the society in which they live.

In 2012, the International Intelligence Council has identified the empowerment of the individual as a new trend<sup>3</sup>. This is also reflected in Global Goal 16 that links peaceful, inclusive societies to access to justice and transparent institutions on all levels. Peaceful and inclusive societies, that provide access to justice have to include and protect all persons. The importance of legal empowerment of the poor has been recognized since 2005 when the Commission for the Legal Empowerment of the Poor was established. The doctrine of the Responsibility to Protect of 2001 emphasizes protection of non-included (marginalized) groups and vulnerable persons in order to prevent violent conflict and to rebuild war-torn societies. Protection of the vulnerable person is the point of departure.

### 1.2.1. Global Goal 16 for Sustainable Development

In September 2015, the UN launched a universal and transformative post-2015 millennium goals agenda for sustainable development, underpinned by rights, with people and the planet at the center. The outcome of the project was the seventeen Global Goals for Sustainable Development (GGs), arranged according to the following six themes:

1. Dignity: to end poverty and to fight inequalities;

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<sup>3</sup> [www.post2015hlp.org](http://www.post2015hlp.org) The National Intelligence Council Global Trends 2030 identifies as megatrend 1: Individual Empowerment: Individual empowerment will accelerate substantially during the next 15-20 years

2. People: to ensure healthy lives, knowledge and the inclusion of women and children;
3. Prosperity: to grow a strong, inclusive and transformative economy;
4. Planet: to protect our ecosystems for all societies and our children;
5. Justice: to promote safe and peaceful societies and strong institutions;
6. Partnership: to catalyze global solidarity for sustainable development.

GG 16 for Sustainable Development is:

*To promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels.*

This is similar to the objective of Microjustice4All. Implementation of the Microjustice4All Methodology across the world will help change GG 16 from an aspiration into a reality. In light of this, Microjustice4All is preparing a Legal Inclusion Index within the context of GG 16.

GG16 logically links to GG 17:

*To strengthen the means of implementation and revitalize the global partnership for sustainable development, for which multi-stakeholders partnerships are promoted to be set up around each of the GGs.*

MJ4All offers a method for a rights-based approach, enabling sustainable development as described in the GGs. Peaceful and inclusive societies can only be achieved if excluded populations are identified and provided with the legal documentation necessary to make them part of society and give them legal protection. MJ4All also helps to make institutions more inclusive through evidence-based lobbying and assisting in legal capacity building.

MJ4All focuses on GG 16 but is relevant to any of the GGs since GG 16 is itself a cross-cutting theme. Inclusion of people into peaceful societies, access to justice and transparent, accessible institutions are vital for any form of development.

### 1.2.2. Legal Empowerment of the Poor

Microjustice4All aims to fulfil the basic legal needs of people who do not have access to the legal system in their country. The international community has recognized the importance of legal aid for the poorest people as a precondition for sustainable development. In 2005, the Commission on the Legal Empowerment of the Poor was established under the auspices of the United Nations Development Program. It was the first global initiative which examined the link between exclusion, poverty and the law. The findings of the Commission's report in 2008<sup>4</sup> illustrate the importance of providing legal services to the poor, in particular, legal services relating to (1) identity papers, (2) land and house registration, (3) income generation and registration of legal personality, including business registration and (4) worker's rights. Through its structural and sustainable method, Microjustice4All

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<sup>4</sup> Commission on the Legal Empowerment of the Poor and the United Nations Development Programme, 'Making the Law Work for Everyone', Volume II, Working Group Reports, 2008,

[http://www.undp.org/content/dam/aplaws/publication/en/publications/democratic-governance/legal-empowerment/reports-of-the-commission-on-legal-empowerment-of-the-poor/making-the-law-work-for-everyone---vol-ii---english-only/making\\_the\\_law\\_work\\_II.pdf](http://www.undp.org/content/dam/aplaws/publication/en/publications/democratic-governance/legal-empowerment/reports-of-the-commission-on-legal-empowerment-of-the-poor/making-the-law-work-for-everyone---vol-ii---english-only/making_the_law_work_II.pdf) [accessed 03/10/2016].

ensures people can obtain these legal documents. It combines this with evidence-based lobbying at an institutional level.

The High-Level Panel of Eminent Persons on the Post-2015 Development Agenda<sup>5</sup> has identified inclusive development, ‘leaving no one behind’ and legal empowerment of the poor as key agenda points. This requires a rights-based approach where all can participate and have the same legal rights and opportunities. “Societies without a predictable legal framework are societies where people do not invest in their future, or the future of their country.” (Ban Ki-Moon, UN Secretary-General, New York, 19 September 2013)

Despite the global support for Legal Empowerment of the Poor on paper, Microjustice4All is the one of the only initiatives to date that addresses the Legal Empowerment of the Poor structurally at the grassroots level. Legal development aid is often limited to ‘top-down’ capacity-building through judicial institutions. In contrast, Microjustice4All uses a ‘bottom-up’ approach to lobby for changes making the system more accessible. Free legal aid programs tend to focus mainly on mediation and court representation and do not have a sustainability model. Microjustice4All however aims to offer services in administrative and private-law issues that impact large numbers of people. Microjustice4All is also critical for victims of conflict and disaster, especially for displaced populations, legal rehabilitation and restoration of livelihoods.

### 1.2.3. The Responsibility to Protect

The MJ4All Methodology provides a structural way to implement the doctrine of the Responsibility to Protect (R2P). The doctrine of R2P states that if a government is unwilling or unable to protect its population, the international community has a moral obligation to protect the marginalized groups.<sup>6</sup> The doctrine of R2P divides into three phases: (1) prevention of conflict, (2) intervention during a conflict and (3) rebuilding after a conflict. Despite abuse of R2P to justify military interventions, the founders of the doctrine of R2P emphasize in their report that military intervention should only take place in exceptional circumstances, and the main focus should be on the prevention and the rebuilding phase (the transition from post-war to normalization). MJ4All works on legal empowerment and inclusion of marginalized groups in the countries of operation, which is fundamental in the prevention and rehabilitation phases.

The Microjustice4All legal issues are an essential part of preventing violent conflict. Conflicts mostly occur where a part of the population is not integrated into society, do not have access to education, healthcare, public services and their land is unprotected. People can only be protected from harm if they are included within society and inclusion in society is dependent on having the necessary legal documentation in order. By evaluating the legal needs of the population, Microjustice4All provides a structural method for identifying which groups are excluded from society, so that these groups can be brought within society and protected. The Legal Inclusion Index, that MJ4All is developing, will be instrumental for this. Systematic identification of excluded groups enables systematic development co-operation. The acceptance of the doctrine of Responsibility to Protect means that it is not optional

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<sup>5</sup> [www.post2015hlp.org](http://www.post2015hlp.org)

<sup>6</sup> The Responsibility to Protect, December 2001, Report of the International Commission on Intervention and State Sovereignty.

for the international community to intervene when there are excluded groups but that there is a **moral obligation**. Microjustice4All offers a structural tool for fulfilling this obligation.

As well as preventing conflict, Microjustice4All legal services play an important role in post-crisis rehabilitation and the transition from post-war to normalization. After a violent conflict, many refugees and internally displaced persons face difficulties with obtaining civil documentation, the restoration of property and land, restoration of contractual relations, access to pension rights and problems with their bank. A prominent example was the situation after the war in the Former Yugoslavia.<sup>7</sup>

Unless war victims and displaced populations are legally rehabilitated, legal insecurity can lead to renewed conflict. This vicious circle can be broken by structural implementation of the Microjustice4All Methodology.

### 1.3. The Market Context of Microjustice4All: Justice for those at the Bottom of the Pyramid (BoP)

In the last decades, there has been a movement which recognizes that there is a big market at the bottom of the social pyramid.<sup>8</sup> This has led to movements for service provision to the poor, including Inclusive Finance<sup>9</sup> and Microjustice. Inclusive finance entails providing financial services to the poor, while Microjustice entails providing legal services for the poor, in a sustainable, donor-independent way. The bottom line of this movement is that products for the poor are not donor-dependent but become sustainable through income from the client group.

In the market context, the Microjustice4All Legal Unit can be seen as a product development and implementation unit, the Microjustice4All Social Unit can be seen as a marketing and distribution unit and legal education and awareness-raising can be seen as a form of marketing. In addition, the MJ4All Methodology is based on the following market-inspired concepts, such as economies of scale, cost-efficiency and clients (rather than beneficiaries).

#### 1.3.1. MJ4All as a BoP Product

The Bottom of the Pyramid (BoP)<sup>10</sup> refers to the people in the lowest economic sector of society. According to Paul Collier, approximately one billion people across the globe are at the BoP. Most businesses have traditionally ignored people at the BoP, as they were perceived to be too poor to be viable consumers. However, in order to survive, they still need certain basic products. This opens up a market with one billion customers, albeit a market for very low priced products. Penetrating the BoP market requires an innovative, and yet simple, approach, based on the following concepts:

- Be ready to collaborate with non-traditional partners

<sup>7</sup> See the Preface for details of our work in the Former Yugoslavia.

<sup>8</sup> This movement was started by C K Prahalad, Professor of Corporate Strategy at the University of Michigan, USA, and S L Hart, Professor of Management at Cornell University, USA.

<sup>9</sup> This is also known as Microfinance.

<sup>10</sup> 'The Bottom Billion' as defined and described by Paul Collier in his book of 2007.

- Include local partners that can actively contribute to identify the needs of the potential consumers.
- Must enable local partners to build the business based on their own capacities.

The philosophy behind the BoP theory is that innovative businesses can be created to reduce poverty and support society and the environment. While this can be achieved by creating employment opportunities for the poor, they can also be considered as partners and as a valuable resource for innovative technology. It must be recognized, however, that these are long processes which do not offer immediate results.<sup>11</sup>

Microjustice4All aims to reach those at the BoP and the MJ4All Methodology follows the reasoning of the BoP theory to bring justice to people with limited resources. This enables marginalized people to fully enjoy their rights.

Access to rights can only become a BoP product if the target group has an interest in accessing their rights. Traditionally, these people have been excluded from the system and, therefore, there is no culture of accessing rights. Those at the BoP perceive access to their rights as impossible or unnecessary. In order to change the culture of exclusion, the rights need to be connected to a specific benefit through an effective awareness-raising campaign.

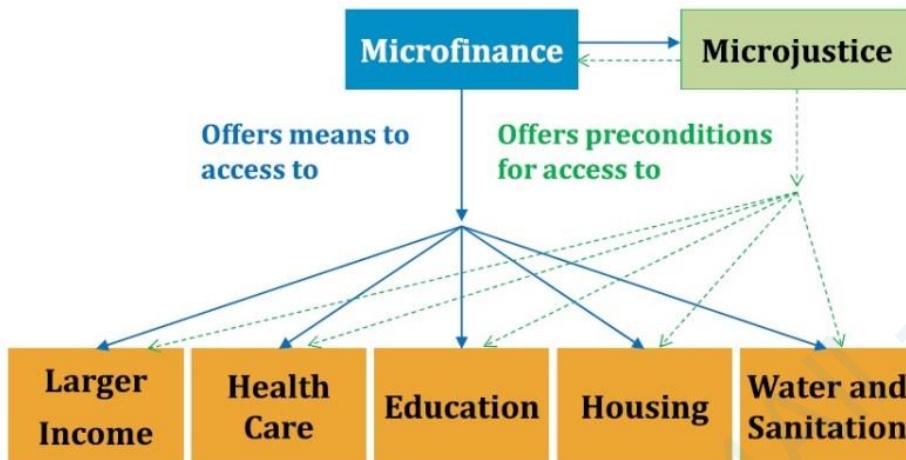
The principles of the BoP theory are reflected throughout the MJ4All Methodology. For example:

- **Affordable prices:** since those at the BoP have very limited resources, Microjustice4All products and services must be affordable.
- **Joint development of Microjustice4All Products:** one of the principles of the BoP theory is that the services and products must be created and developed within the specific community as they are in the best position to identify their needs. Microjustice4All must aim to establish an open dialogue with members of the community to find adequate solutions to their needs and leave behind any pre-conceived ideas as to what people's basic needs are.
- **Innovation:** Microjustice4All can reach the BoP, offering innovative products and services, tailored to the needs of people. This requires a deep understanding of the needs of the target group.
- **Investment in education:** providing products and services for the BoP market requires investment in educating people about the benefits of these. Most people at the BoP have no legal education and are unaware of the benefits of legal protection.

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<sup>11</sup> C K Prahalad, *The Fortune at the Bottom of the Pyramid*, (Pearson Education India, 2009); S L Hart, *Capitalism at the Crossroads*, (Financial Times/Prentice Hall, 3<sup>rd</sup> edition, 2010).

## Microjustice as a precondition to access basic needs in view of human security



Whereas Microfinance offers people the means to getting access to a number of development issues, Microjustice is the precondition for obtaining such access.

### 1.4. Microjustice4All: A Cross-Cutting Approach

GG 16 is a cross-cutting goal in the sense that it is a precondition for the achievement of the other GGs. Similarly, the MJ4All Methodology is a cross-cutting approach to implementing Microjustice and GG 16 and MJ4All legal services are a precondition for further development and have great impact on a wide range issues:

- Without social, economic and political inclusion in society and without legal protection, it is not possible to achieve peaceful and democratic societies.
- Without correct property registration, business registration, recognition of legal personality of associations and written contracts, it is not possible to have a stable economy.<sup>12</sup>
- Without legal protection and rehabilitation, it is not possible to prevent conflict nor to achieve sustainable development.

MJ4All Legal Services are just a very small part of any development or peacebuilding activities, but if that small part is not taken care of, the core activity will never succeed in obtaining its objectives in the long term. The costs of MJ4All Legal Services are small in relation to their impact and the increased sustainability of the development and peacebuilding activities. That is why MJ4All is helping bigger humanitarian and development organizations and social enterprises to integrate MJ4All Programs within their activities.

<sup>12</sup> See Hernando de Soto, *The Mystery of Capital: Why Capitalism Triumphs in the West and Fails Everywhere Else*, (Basic Books, 2003).

## **2. Microjustice4All and its International Network**

The Dutch Foundation, Microjustice4All was established in 1996 and has its Headquarters in The Hague, the Netherlands. MJ4All has developed the Microjustice4All Methodology and a sort of franchise system, which supports the development of Microjustice4All Programs across the world. Microjustice4All is pivotal in organizing the exchange between Microjustice4All Programs in the Microjustice4All International Network.

### **2.1. The Mission and Vision of Microjustice4All**

The vision of Microjustice4All is a peaceful world where everyone lives in dignity, enjoying basic rights and being protected by a system of justice. More concretely, MJ4All envisages that people at the BoP and victims of conflict and disaster will be legally empowered worldwide by legal service provision according to the MJ4All Methodology. This vision will be achieved by developing Microjustice4All Programs in countries where there is a need to integrate marginalized groups into society, in co-operation with local stakeholders and partners.

Microjustice4All works on this vision by supporting the establishment and development of Microjustice4All Programs in humanitarian crises and development contexts, further developing the Microjustice4All Toolkit, facilitating exchange of experiences within the MJ4All International Network, designing a Legal Inclusion Index,<sup>13</sup> and promoting the Microjustice4All Methodology internationally. The mission of Microjustice4All is to legally empower people at the bottom of the socio-economic pyramid and victims of conflict and disaster by providing legal services in accordance with the MJ4All Methodology.

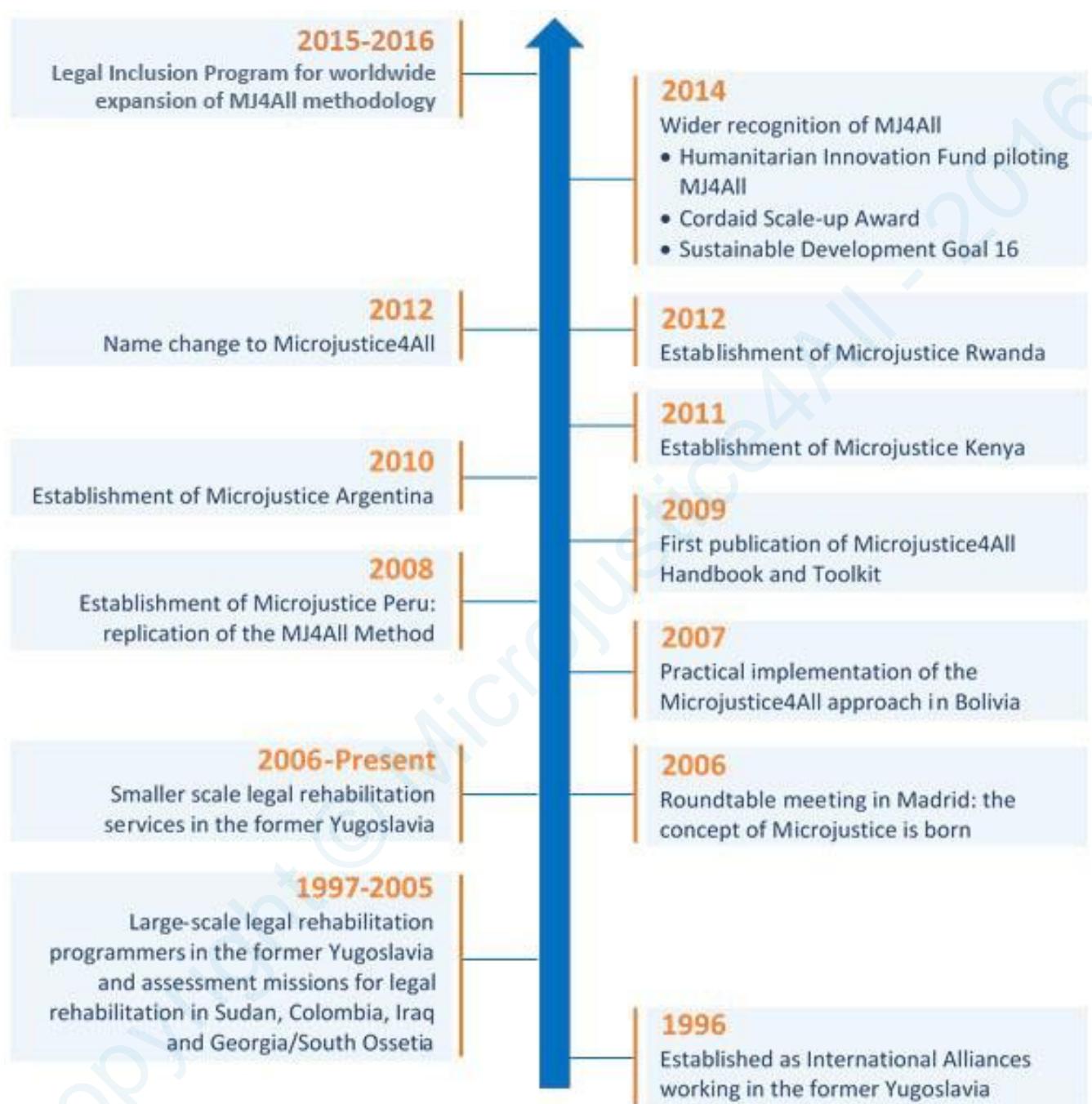
Microjustice4All believes that the legal protection provided by having one's paperwork in order is a prerequisite for peace and democracy and further development. Without civil documentation a person simply does not exist, and is extremely vulnerable. Without housing or land registration, there is no protection of investment (including the ones provided by development projects). Without the recognition of legal entities, a person or a group of people cannot maintain or defend their resources.

The vision and mission will be put into practice through new MJ4All Programs and MJ4All Country or Regional Organizations, that have entered into a MJ4All License Agreement.

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<sup>13</sup> The Legal Inclusion Index is currently in the inception phase.

## 2.2. Timeline of Microjustice4All



## 2.3. Microjustice4All License Agreements

Microjustice4All enters into license agreements with organizations or individuals who want to set up a Microjustice4All Program. The license agreement determines the mode of co-operation and defines the type of support which Microjustice4All will provide. The Microjustice4All Programs must source their own funding in order to become sustainable.<sup>14</sup>

The Microjustice4All Methodology can be implemented in two ways, either by Microjustice4All Country Organizations or by a Microjustice4All Program. Microjustice4All Country Organizations are set up solely for the implementation of Microjustice4All Programs, but Microjustice4All Programs can be integrated in other humanitarian organizations.

In order to become a participant in the Microjustice4All International Network, Microjustice4All Programs must undertake to adhere to the vision and mission of Microjustice4All and to follow the Microjustice4All Methodology, as laid down in the license agreement. For example, a license agreement might specify the following requirements:

- to set up a MJ4All Program to empower the specified MJ4All target groups in a certain geographical region;
- to be responsible for its own fundraising (with which Microjustice4All can still assist);
- to conduct its activities as an independent operator;
- to organize itself in any legal form which is appropriate for the given country, provided that it is a non-for-profit organization.
- In short, the role of Microjustice4All is:
  - Helping to set up new Microjustice4All Programs/Organizations,
  - Providing tailor-made technical assistance,
  - Further developing the method,
  - Facilitating co-ordination and exchange between members of the Microjustice4All International Network,
  - Promoting MJ4All internationally.

For more information about the MJ4All Methodology, see Chapter 3. For more information about the exact procedure for setting up a Microjustice4All Program or MJ4All Country organization, see Chapter 4.

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<sup>14</sup> See the section on the Microjustice4All Funding Model for more details.

## 2.4. Setting up a new MJ4All Program or MJ4All Country Organization: Conducting a Feasibility Study

Before setting up a new MJ4All Program, a feasibility study must be conducted. This requires the following questions to be examined:

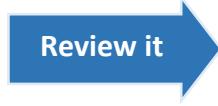
- Who are the potential target group(s)?
- Where are these target groups based?
- What are their legal issues?
- How can the basic legal issues of the target groups be resolved in a cost-efficient way?
- How can funding be secured for the program?
- Which partners (universities, legal experts, social/civil society institutions, international organizations etc.) can the Microjustice4All Program work together with?

This information is obtained by:

- Informal interviews with the target groups,
- Speaking with organizations and people who are involved with the target group and other stakeholders
- Evaluating the legal and institutional framework
- Finding all relevant information on the website

Once this information has been gathered, the possibilities, opportunities and challenges should be mapped. If a MJ4All Program seems feasible, a decision on whether to go ahead with the program will be made together with MJ4All and a license agreement will be drawn up.

*For more information on the feasibility study, see the Microjustice4All Feasibility Tool in the Annex.*

**Review it** 

### 3. The Microjustice4All Methodology

Microjustice4All has developed the Microjustice4All Methodology in three continents in both humanitarian crises and the development context. This method has been further developed through the Microjustice4All International Network, where organizations working with Microjustice4All Programs exchange their experience. In this chapter, we will explain the Microjustice4All Methodology, linking it to the Microjustice4All Toolkit.

#### 3.1. The Microjustice4All Methodology

As explained in Chapter 1, MJ4All operates in the public domain, using a market approach, constantly balancing the objectives of social inclusion of the target groups with setting up a sustainable infrastructure for legal service provision. In situations where the international community has a responsibility to act (on the basis of the Global Goals for Sustainable Development and the Responsibility to Protect), MJ4All operates in the public domain, catering for the objectives of international development. However, when delivering legal services, a market approach is used.<sup>15</sup>

The MJ4All activities which are a public responsibility need to be supported by external funding. The costs of the legal service distribution generally fall outside the ambit of funding from donors and have to be paid for by the clients, unless there is a humanitarian disaster. Where it concerns the very poorest at the BoP, the government of the country of operation ought to pay the costs of legal service provision, but in poor countries that is often not feasible.

#### 3.2. The Limbs of the MJ4All Concept in Practice

As mentioned in Chapter 1, the limbs of the Microjustice4All Concept are:

- A. The provision of standardized legal services,
- B. To marginalized target groups,
- C. With a view to their social, economic and political inclusion,
- D. While undertaking bottom-up institutional capacity-building, and building a bridge between the people and their government,
- E. Financed in a cost-efficient and sustainable way which can be scaled up.

The Microjustice4All Methodology is the mechanism for implementing these limbs, as explained below, in practice.

*For more information on the Limbs of the MJ4All Concept in Practice, see  
Checklist for the limbs of a MJ4All Program in the Annex.*

Review it

<sup>15</sup> See the sections on the Policy Context and the Market Context in Chapter 1.

### 3.2.1. (A) The Provision of Standardized Legal Services

Limb (a) permeates the entire MJ4All Program and therefore it will be discussed in more detail below.

### 3.2.2. (B) Marginalized Target Groups

As explained in the definition, the target group of MJ4All is marginalized people. The term 'marginalized' refers to two categories of people:

#### 1. Victims of conflict and disaster

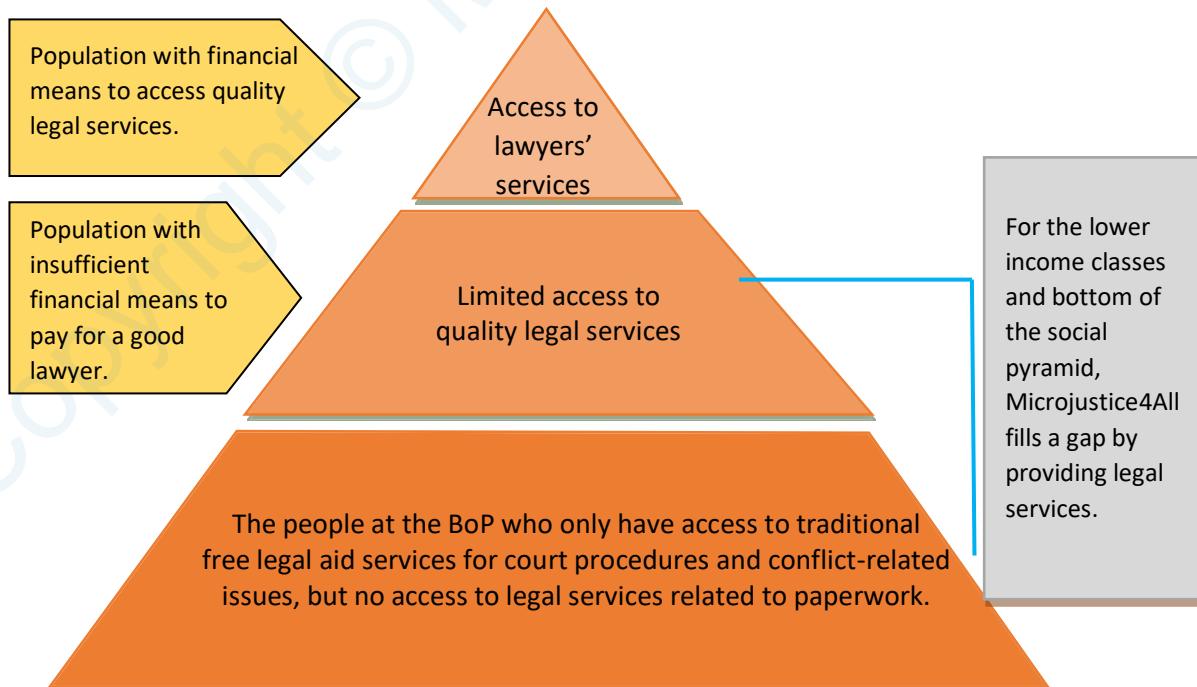
Victims of conflict and (natural or man-made) disaster are helped to access the rights, entitlements and benefits of the system and humanitarian aid. They are also helped to restore their pre-disaster legal situation (e.g. restoration of property and arranging civil paperwork).

#### 2. People at the bottom of the social/income pyramid, who do not enjoy the entitlements, opportunities and rights of the system in their country and who lack legal protection. Within this group there are two subgroups:

(i) The very poorest, who possess nothing. The focus is on civil documentation that gives them an existence in the system and access to entitlements.

(ii) People who are trying to escape the poverty cycle by engaging in economic activities, starting to possess a piece of land and tools etc. It is difficult to escape from poverty if one does not arrange legal protection of one's possessions and business.

Within these target groups, a new MJ4All Program has to decide which particular target groups it will cater for. This will depend on the context in which the new MJ4All Program is set up, and the outcome of the feasibility study. If an existing humanitarian or development organisation sets up a MJ4All Program, then it is likely to focus on its existing beneficiaries. For example, in 2015-2016, working in co-operation with the Peruvian Red Cross, the MJ4All Program in Peru focused on the victims of earthquake in Pisco and the flooding in Iquitos.



### **3.2.3. Legal services with a View to Social, Economic and Political Inclusion in Society**

MJ4All focuses on non-litigious private and administrative legal matters.<sup>16</sup> MJ4All offers practical, legal solutions which often takes the form of a legal document, such as correction of birth certificates, death certificates, contracts, ID, business registration, registration of social organizations, property transfer and land registration. In this way, people can protect themselves, their business and their belongings. In addition, it enables people and groups to access the benefits and entitlements in the system of their country (including access to education, healthcare, pension schemes and enfranchisement). These issues are even more important in the aftermath of a humanitarian crisis, because all the victims need access to aid schemes and protection of their person and their belongings. MJ4All's work is comparable to the work of solicitors in the English legal system, except that the MJ4All Methodology focuses on the basic rights of those at the bottom of the pyramid and victims of humanitarian crises.

### **3.2.4. Bottom-up Legal Capacity Building with a focus on Evidence-Based Lobbying**

Microjustice4All country organizations do not only provide standardized legal services to people who lack access to rights, but also work with government institutions to propose modifications in legal and administrative practices to make them more accessible. MJ4All takes a co-operative approach to lobbying, assisting the government with improving the legal system on a technical level. Our lobbying is evidence-based and situation-driven; we collect information about the legal obstacles which people face in the Complaints Registration System and this forms the foundation of our lobbying activities.

Lobbying usually takes the form of technical legal reports, which explain the obstacles and provide recommendations for improving the institutional practices. These reports are shared with the relevant government institutions. Exceptionally, we exert pressure on governmental institutions to promote structural change, if this is considered the most efficient option.

#### **a. The Complaints Registration System**

Microjustice4All has developed a Complaint Registration System (CRS) in which complaints about the legal and administrative system and obstacles to accessing the system can be recorded. The information in the CRS provides the foundation for lobbying activities.

#### **b. Legal Capacity Building and Lobbying During and After Humanitarian Crises**

During and after humanitarian crises, MJ4All may provide advice on developing provisional administrative and legal measures to deal with the crisis situation, prevent conflict and rehabilitate the victims.

#### **c. The Transparency and Accountability Tool**

The complaint procedure is essential in the aftermath of a humanitarian disaster. Following a humanitarian disaster, there is a lot of material aid available and at the same time, there is often chaos due to the malfunctioning of the ordinary administrative and legal procedures.

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<sup>16</sup> In general, we focus on non-litigious matters, but exceptionally we assist with litigation if it addresses the basic legal needs of a large group of people and the service can be standardized (see the definition of MJ4All).

Therefore, it is important to have a mechanism in place so there is someone that people can complain to; the complaints need to be followed-up with evidence-based lobbying activities.

*For more information on how MJ4All conducts evidence-based lobbying, see Microjustice4All Accountability and Lobbying Tool in the Annex.*

**Review it**

## Microjustice Intervention Model

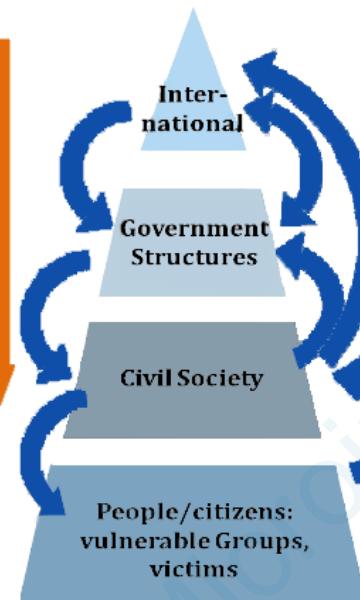
### Implementation of

Human Rights Conventions, Treaties, Peace Agreements etc

Implementation of existing legal framework: Internat.. conventions, Constitution, Legislation

MJ Organization: Legal Product Development, Capacity building

Awareness building Legal Assistance Providing Legal Solutions



### Pressure

Publications and recommendations  
Lobbying

Co-operation with and Advise to Public Institutions, Lobbying

Exchange regarding the obstacles, Recommendations Develop practical Legal solutions

Identification and analysis of obstacles in enjoyment of rights

### Results

Pressure the (member) State that it is not complying with some Basic Human Rights, rule of law etc depending on the obstacle at stake

Regulations, laws, legal practices, institutions change and establishing new procedures to solve the legal obstacles, adapted to the legal needs of the population.

Empowerment  
Creation of Networks  
Confidence building

Citizens have access to Rights, Legal empowerment Integration into society

**Bottom up, always on the basis of the needs of people**

### 3.2.5. Microjustice4All Funding Model

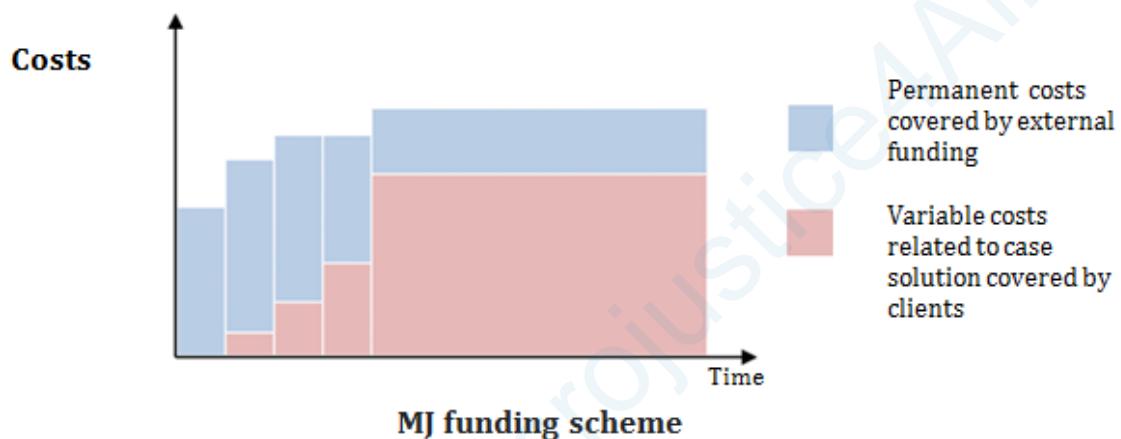
The Microjustice4All Programs and Country Organizations have a mixed funding model:

- External funding from donors (usually from the public sector but there might also be private funding) for the start-up phase and thereafter for the permanent, non-variable costs of the activities with a public function (mainly for legal education, awareness-raising and lobbying). External funding is also necessary in humanitarian crises in order to facilitate the emergency response and the rehabilitation of victims. In addition, funding from donors is necessary to provide the most basic legal solutions (e.g. legally correct civil documentation) for the very poorest at the BoP.
- Charging the clients for service-delivery: in this way, Microjustice4All Programs can structurally develop a nationwide distribution network within a country without needing permanently large funds from the donors. Furthermore, the affordable Microjustice4All legal services encourage the poor to be self-reliant.

The following factors enable financial sustainability within a few years:

1. Low operational costs (by standardization of services leading to economies of scale and high efficiency, and often working with undergraduate law students, who are primarily seeking to gain experience rather than income),
2. Large volume (due to the high demand and wide distribution network),
3. Payment of affordable fees by the clients,
4. Using pre-existing infrastructures of partners, especially for distribution.

Therefore, Microjustice4All is not a typical donor-dependent project. However, the public function of Microjustice4All of public education and legal capacity building requires external funding in line with the Global Goals for Sustainable Development and the "Responsibility to Protect" principle to prevent conflict and build peaceful, democratic societies. The funding scheme of an ideal Microjustice4All Program or Country Organization would be as follows:



In the development phase of the organization, external funding will be needed for all costs. This includes the costs of starting up the organization and developing the products. This can be seen as seed money. During the next three phases, fewer external funds are needed as clients start to pay for their products and services. In the last and ideal stage, external funds are only used for public functions and further development of the Microjustice4All methodology. The activities related to service provision to clients should be fully funded by the clients.

The Microjustice4All Methodology has been set up to balance the public and private financing models to make it sustainable. Finding the right balance between donor-independence and affordability for clients is a continuous process. In summary, Microjustice4All Programs need to be financed sustainably and ethically.

*For more information, see Microjustice4All Pricing Tool in the Annex.*

**Review it**

### 3.3. How does a MJ4All Program Work?

Before starting a MJ4All Program, a feasibility study had to be done. The Feasibility Study splits into two phases. The first phase is about whether it is possible to set up a MJ4All Program. The second phase is about how, precisely, this may be done, without defining all the details.

*For more information on the feasibility study, see the Microjustice4All Feasibility Tool in the Annex.*

**Review it**

The following section explains how MJ4All Programs provide standardized legal services (Limb A of the definition of MJ4All).

#### 3.3.1. Preparations for Setting up a MJ4All Program

##### 3.3.1.1. Legal Needs and Context Mapping

Once it has been decided that a Microjustice4All Program will be set up, the next stage is to conduct a Legal Needs and Context Mapping. This involves:

- defining more precisely the legal needs and target groups,
- identifying the partners with whom these needs can be addressed,
- identifying the opportunities and possibilities,
- defining more precisely the legal needs and target groups.

A formal Legal Needs and Context Mapping is conducted at the outset. Thereafter, assessment of the legal needs and context mapping becomes an ongoing process. While working with clients, greater insight will be gained into the legal problems of the target group, how to develop practical legal solutions, and which partners to work with.

The legal needs which the MJ4All Program decides to focus will probably depend on which partners it is working with (on the basis of the business case with that particular partner) and which type of activity donors are willing to pay for. For example, the United Nations Development Programme contracted Microjusticia Bolivia to arrange the legal personality of a number of their women's groups in Cochabamba in early 2016.

*For more information, see MJ4All Legal Needs Assessment and Program Design Tool in the Annex.*

**Review it**

### 3.3.1.2. Product Development

Product development means developing Product Manuals that are used as the basis of all service delivery by MJ4All, more precisely:

- to train the Facilitators and Case Managers
- are consulted by team members when they are providing legal advice
- are used for case management (developing practical legal solutions)
- are used as basis for legal awareness raising, developing promotional material etc.

The MJ4All Program only provides legal services that are described in a Product Manual. This ensures that we can capitalize on the principle of economies of scale. It is also a guarantee for the quality of the service provision as MJ4All are often working with undergraduate law students who should not provide legal services beyond the range of MJ4All's expertise.

The Product Manuals are standardized and focus on the legal needs of the target group. The manuals need to be continually updated as the situation changes or our understanding of the problems evolves.

MJ4All Programs provide practical legal solutions. Therefore, the Product Manuals must provide practical information, e.g. forms, templates office hours and the easiest way to get to the relevant office. This information can be obtained by talking to local lawyers and the relevant institutions. Developing a good relationship with these institutions is also important for future collaboration and lobbying purposes.

When developing the practical legal services in the product manuals, the initial focus should be on addressing legal needs which are relatively easy to resolve with the current partners, and for which there is an evident need. Once the product has been developed, the price needs to be established on the basis of the external and internal costs of the service provision.

Each Product manual needs to contain a Product list with:

- the legal services,
- key information regarding costs and duration.

There will also be lists with product packages, where a number of legal services are needed to obtain one practical legal solution. For example, in general, in order to register or transfer property, the client requires ID papers, the relevant contracts, the notarial act(s) and the registration(s) in the public offices.

*For more information, see MJ4All Product Development Tool in the Annex.*

**Review it**

### 3.3.1.3. The Distribution System

To provide the standardized MJ4All legal services to the target group, it is important to set up a distribution system. The distribution system should build on existing infrastructures, including development and humanitarian organizations, and social businesses working with the target groups. This facilitates access to the clients, and also reduces costs, because MJ4All normally does not have to pay for the outlets nor the public-relations and awareness-raising activities, as part of the partnership deal. Therefore, it is essential to set up partnerships with organizations already working with the target group. Organizations which have an interest in their clients receiving legal services may also pay the MJ4All Program for having MJ4All activities integrated in their activities and infrastructure. These partners usually provide an outlet at a strategic point and share their distribution network.

*For more information, see Toolbook distribution of service network in the Annex.*

Review it 

### 3.3.1.4. Partnerships

All aspects of Microjustice4All's work are based on partnerships. Therefore, before getting started, some partnerships need to be developed, but this is an ongoing process.

The following types of partnership should be established:

- **Partnerships with universities.** Microjustice4All works a lot with students in their final year who need to gain experience for their degree.
- **Partnerships with the legal profession.** Microjustice4All works together with legal experts when developing legal products and resolving legal cases. When a case is outside the ambit of the Microjustice4All Program, the Microjustice4All Facilitator can refer the case to a legal specialist who may be able to help the client.
- **Partnerships with relevant legal and administrative institutions.** This is important for lobbying purposes and for gaining knowledge about how the legal institutions function in practice. MJ4All Programs engage in long-term working relationships with the institutions that are involved with resolving cases and make recommendations to these institutions on how to improve access to the system.
- **Partnerships with social organizations and business, such as NGOs, civil society organizations, microfinance banks, social state programs, schools, health centers and humanitarian organizations.** Microjustice4All often distributes its products at the outlets of a partner organization. We also organize legal education and awareness-raising for the target groups of our partner organizations.

These partnerships can result in:

1. Appointment of new MJ4All facilitators and case managers,
2. Technical support and referral of cases,
3. Use of office space,
4. Co-operation in getting access to the target group,
5. Awareness campaigns that can make use of the expertise and network of both parties.

*For more information, see the Partnerships in the Annex.*

**Review it**

### 3.3.1.5. ICT Tools

For reaching its goals of economies of scale and structural impact, MJ4All has developed a number of supporting ICT tools.

#### a. Case Management System (CMS)

Before starting the program, it is essential to have a CMS in place. Microjustice4All has developed a Case Management System (CMS) which can be used anywhere in the world, with minor adaptations to the local context. The CMS allows data to be collected, which is essential for reporting to donors and raising awareness about what the Microjustice4All Program does. It also enables the progress of the case to be tracked. It is essential that the CMS is used correctly from the beginning, so that the impact of the MJ4All activities can be demonstrated and any case can be tracked. The team needs thorough training on how to use the CMS and should be supervised when using the CMS.

*For more information, see the Case Management System Handbook in the Annex.*

**Review it**

#### b. Complaint Registration System (CRS)

The CRS (as described under lobbying and humanitarian transparency & accountability tool) has to be set up in the preparatory phase as well.

*For more information, see the CRS Handbook in the Annex.*

**Review it**

Microjustice4All had developed the follow ICT Tools too:

- Joomla Templates for Country Programs websites.
- Needs Assessment Tool, for register online research questionnaires of Country Programs.
- CMS Module for upload and review digital documents of cases online.
- MJ4All uses Cloud technologies for communication and cooperative work.

*For more information, see the ITC Tools in the Annex.*

**Review it**

## 3.4. Running a Microjustice4All Program

### 3.4.1. Legal Service Provision

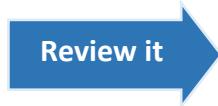
Once the products have been developed, the MJ4All Program can offer its services to the clients. There are two aspects to the service provision:

1. Legal consultations: The MJ4All Facilitator provides legal advice, usually for free. If a client requires a MJ4All Product, the MJ4All Facilitator will start a case.
2. Cases: Case Managers process the cases, using product manuals. If the case falls outside the ambit of MJ4All legal services, the Case Manager can refer the client to a network of lawyers who may be able to assist.

Actually the legal service provision consists of 2 different aspects:

1. Reaching the people through various activities – Social Unit
2. Developing legal solutions – Legal Unit

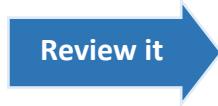
*For more information, see MJ4All Legal Service Provision Tool in the Annex.*

**Review it** 

### 3.4.2. Legal Education and Awareness-raising

Our legal education and awareness-raising activities are always practical and hands-on, linked to a concrete practical legal solution that MJ4All can offer. We never teach people about human rights in an abstract way. Rather, we teach people about the importance of real legal issues and offer practical solutions. This can be seen as a form of marketing of Microjustice4All legal services.

*For more information, see Toolbook Awareness raising in the Annex.*

**Review it** 

### **3.5. The Microjustice4All Organization: the Social, Legal and Support Unit**

The activities of a Microjustice4All Program divide into three departments: the Legal Unit, the Social Unit and the Support Unit.

#### **3.5.1. The Legal Unit**

The Legal Unit consists of lawyers (mostly law students in their last year), known as Case Managers. They are based at the main office and work under the supervision of the Legal Case Co-ordinator (an experienced lawyer). The Legal Unit deals with (1) developing products manuals (standardized legal services), (2) case resolution and (3) lobbying for institutional reform, and (4) continued product development. These activities reinforce each other. For example, on the basis of the experience which the Case Managers gain while resolving cases, they develop the products further. While the Case Managers are resolving cases, they come across legal obstacles, which they register in the Complaints Registration System, and on the basis of this information, they conduct evidence-based lobbying.

The Legal Head is in charge of product development, drafting reports on legal obstacles, training and supervising the team and building partnerships with the relevant institutions, legal professionals and law faculties.

#### **3.5.2. The Social Unit**

The Social Unit consists of Facilitators.<sup>17</sup> Some of the Facilitators are lawyers but they can also be social workers, anthropologists or from any other background which is relevant for addressing the legal needs of the target groups. The Social Unit mainly deals with (1) the distribution of products (2) legal consultations and receiving cases, which they transfer to the Legal Unit, and (3) marketing and awareness-raising activities. The Facilitators give clients advice, take in cases at the outlets (where the follow-up communication on the cases also takes place), conduct awareness-raising and marketing activities and collaborate with the partners.

The Social Head is in charge of building partnerships for further business development, training and supervising the facilitators, and co-ordinating the CMS with the Legal unit to ensure swift communication about resolving cases.

#### **3.5.3. The Support Unit**

The Support Unit mainly deals with (1) financial administration, (2) human resources, 3) logistical support, (4) ICT (including the webpage, social media and promotion material), (5) fundraising, 6) research and development, and 7) partnership building. Tasks 4 – 7 involve all the units.

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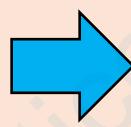
<sup>17</sup> Sometimes, the Facilitators are referred to as Field Officers.

## 4. How to Start a Microjustice4All Program

Now that we have explained many aspects of the MJ4All method, let's start.

This chapter provides a thorough explanation of the phases for setting up a Microjustice4All Country Organization. Thus, some of the following sections may not be relevant for setting up a MJ4All Program within an existing humanitarian aid or development organization.

Setting up a Microjustice4All Program is a process that can be divided into six phases, in which several processes are run simultaneously. Microjustice4All can assist in all of these phases, according to the wishes of the Microjustice4All Program and the opinion of Microjustice4All. Microjustice4All also provides a toolkit for the activities undertaken in each phase which can be obtained from Microjustice4All upon signing a license agreement. The phases of setting up Microjustice4All country organization are explained below:

<b>Phase 1 Possibilities and Opportunities</b>	Preliminary legal needs assessment and selecting the first products	Context analysis	Mapping of possibilities and opportunities		Go/ no go decision	If you decide to go ahead, the next step is to sign the license agreement.
<b>Phase 2 Building the organization and knowledge</b>	Building up knowledge about the concepts and methodology	Building the core team	Strategic plan and financial/business plan	Choosing and registering organizational form	Extensive mapping of the needs, possible products and partnerships	
<b>Phase 3 Preparation for activities</b>	Development of products and pricing	Building partnerships	Building a distribution network and promotion	Setting up (organizational) structures and systems, including CMS and CRS	Hiring and training team	Consulting other Microjustice4All Country Organizations or Programs
<b>Phase 4 Start of activities</b>	Start of service provision, and adjusting and improving the products based on first experiences	Expanding the distribution network	Expanding and lobbying and awareness-raising activities	Securing funds	Evaluating and adjusting systems and structures	Evaluating and expanding the network of lawyers
<b>Phase 5 Further development of the organization</b>	Continuous development of products and services	Identifying opportunities for growth	Collection of data and research on impact	Sharing expertise within the Microjustice4All International Network	Setting goals for becoming a sustainable organization	Expanding sources for funding
<b>Phase 6 A sustainable program</b>					Securing the sustainability of the organization	All activities in the Legal, Social and Support Unit are operational

## 4.1. Possibilities and Opportunities

First, it must be determined whether a Microjustice4All Program can be set-up successfully. There must be people who are interested in Microjustice4All legal services, partners who want to work on the business case, and donors who are willing to fund the program; this will be referred to as ‘opportunities’. Furthermore, there must be a context within which Microjustice4All can thrive; this will be referred to as ‘possibilities’. The main question is whether it is possible to provide MJ4All services in the given context: does the Government allow this service provision; is there a war going on that makes the activities impossible; is the legal framework conducive to providing practical legal solutions, and if not, can MJ4All help build up the legal and administrative instruments needed to address the legal needs of the target groups?

Before deciding whether to start a country organization, a mapping of possibilities and opportunities should be done.<sup>18</sup> Possibilities include: 1) a conducive governmental, legal and administrative environment; 2) a sufficiently stable environment; 3) a functional legal and administrative system, such that the legal needs of the target group can be addressed, or if not, an opportunity to help develop institutional capacity.

Opportunities include 1) partners who are interested in working with MJ4All, and 2) funding opportunities.

In short, the feasibility of a Microjustice4All Program depends on:

- The legal needs of the identified target group(s);
- Funding opportunities;
- Potential partners;
- The governmental and institutional context;
- Sufficient stability to work on legal issues.

Once the possibilities and opportunities have been mapped, your organization and Microjustice4All will collectively decide whether to go ahead with setting up a Microjustice4All Program. If the decision is made to go ahead, the next stage is to sign a license agreement with Microjustice4All.

*For more information, see Feasibility Mapping Tool in the Annex.*

**Review it**

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<sup>18</sup> Tool 2 provides a template for mapping the possibilities and opportunities.

## 4.2. Building the Microjustice4All Program and Increasing Knowledge

After phase 1 a decision has to be made about whether a new Microjustice4All Program would be beneficial and successful in the country. If so, the second phase of setting up a new Microjustice4All Program begins. In this phase many things have to be done simultaneously to ensure a stable base for further development. The core team has to be formed, which has to build up thorough knowledge of Microjustice4All concepts and methodology. A strategic plan and a financial plan have to be written and the organizational form has to be chosen. Extensive mapping of possible products, services and partnerships must be carried out.

### 4.2.1. Building Up Knowledge of the Microjustice4All Concepts and Methodology

The initial team of the new Microjustice4All Program should have a thorough knowledge of the Microjustice4All concepts and methodology as they will be training the new team members. If the concepts are not clear to the core team, the Microjustice4All methodology will not be implemented in the organization, and the organization can longer be seen as a Microjustice4All organization. The core team can build up this knowledge by reading this handbook, by looking at the tools in the toolkit and by consulting the experts at Microjustice4All or in the Microjustice4All International Network.

### 4.2.2. Building a Core Team

To start up a Microjustice4All Program, a core team has to be built. This core team has to be dedicated to the Microjustice4All methodology, as starting up the organization requires much time and effort. The core team should consist of people that can work closely together. The following qualities and expertise is needed within the group: 1) a leader with a vision, 2) knowledge of financial processes, 3) knowledge of running an organization, 4) legal knowledge, 5) knowledge on how to research properly and 6) creative thinking. The core team is key to the success of the Microjustice4All Program.

### 4.2.3. The Strategic Plan and Financial Plan

In this phase the aims and goals for the coming years have to be set. These aims and goals should be laid down in a strategic plan.<sup>19</sup> Alongside the aims and goals, it is very important to think about the financial set up of the organization. It is possible to be a volunteer-based organization, which needs very little external funding. It is also possible to become an organization with paid positions, but that will require external funding. Microjustice4All can assist in securing funds in the first years, but after that the organization should be able to secure its own funds. The financial plan should contain a detailed description of how the funding will be secured and how financial reporting to donors and Microjustice4All will take place.<sup>20</sup> The financial plan should also indicate the financial structures as well as monitoring and security mechanisms.<sup>21</sup>

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<sup>19</sup> Tool 3 is the strategic plan of Microjustice4All which can be used as guidance.

<sup>20</sup> Tool 4 is the Microjustice4All financial policy which can be used as a guideline; tool 5 is a template for financial reporting to Microjustice4All and donors as well as a template for the financial part of the annual report.

<sup>21</sup> Tool 6 is the Microjustice4All procurement policy and tool 7 is the Microjustice4All anti-corruption policy.

#### 4.2.4. Choosing and Registering the Organizational Form

The right organizational form really depends on the country. Microjustice4All country organizations can take the form of a foundation, an association, a limited business or another business form. The core team has to decide which organizational form is most suitable as each organizational form will have its own advantages or disadvantages. Another issue to consider is that being registered as an NGO can mean that it is not allowed to ask fees from clients, either prescribed by law or local custom. Once the organizational form is chosen, it has to be registered as soon as possible to be able to legally start the activities.

#### 4.2.5. Extensive Mapping of Needs and Partnerships

During the previous phase, the possibilities and opportunities were mapped. In this phase the research is deepened and more focused on the services and products. This in-depth analysis, combined with the legal needs assessment, indicates which products and services are most needed in the country. The analysis will also show the extent to which people are aware of their rights and the need for awareness-raising activities. Possible partners should also be mapped.

*For more information, see Legal Needs Assessment and Program Design Tool in the Annex.*

**Review it** 

#### 4.2.6. Needs Assessment

The needs assessment is the backbone of all Microjustice4All Programs. Before developing an organization and legal products, it is very important to know what the actual legal needs are and whether or not they are met. If the basic legal needs of people are already met, then there is no place for a Microjustice4All Program. Understanding people's basic legal needs can be a challenge as people sometimes can only voice their needs indirectly. Many people are ill-informed about the legal system, and do not know about their rights.

Taking this into account, it is important to have several strategies for the needs assessment. First of all, questionnaires are used to question the target groups on their legal needs and on the current state of the legal system and the opportunities it gives to these target groups.<sup>22</sup> These questionnaires give a good picture of people's own assessment of their needs, but it may in cases overlook their indirect needs. Therefore, it is also necessary to do interviews with different stakeholders. Interviews should be done with (1) people from the target group, (2) community leaders, (3) civil servants, (4) government officials, (5) people in the legal profession, (6) people from other NGOs and (7) any other relevant stakeholders in the local context. In these interviews it is vital to ask about underlying systems of belief and structures, to get a clear view of the position and the needs of the target groups. During these interviews, the possibilities for further co-operation and future partnerships can be explored.

<sup>22</sup> Tool 1 is a guide on how to design and conduct the questionnaires.

#### 4.2.7. Context Analysis

Each country has a different legal system, which is enforced differently. The status of a (foreign) NGO and the business environment are also different in each country. Even though a Microjustice4All Program is run by local people, it is worth undertaking a thorough context analysis before starting the Microjustice4All Program.

The first part of the context analysis consists of a thorough mapping of the legal system in the country to see (1) which parts of it function the way they should, (2) which parts do not function well, either in theory or in practice, (3) which obstacles the Microjustice4All Program may face, and (4) whether lawyers will be willing to collaborate with Microjustice4All.

The second part of the context analysis consists of research on starting a not-for-profit organization. There may be obstacles in the legal system as well as in practice. One of the common obstacles is that NGOs in many countries are not allowed to ask fees from their clients.

The third part of the context analysis is looking at the culture and norms of the country to understand why people reject certain things while embracing others and to learn how to approach them.

The last part of the context analysis consists of a general mapping of the business environment and the business etiquette. This is important for building partnerships and lobbying activities later on.

### 4.3. Preparation for Activities

When research has been done, the official documents are in place and the organization has been registered, the next phase is preparing the actual activities of the new Microjustice4All Program. In this phase the products are developed and a price is established, partnerships and a distribution network are built, organizational structures and systems are put in place and team is hired and trained. Other Microjustice4All Programs are consulted to find out how the methodology can best be put into practice and to exchange ideas.

#### 4.3.1. Development of Products and Pricing

Product development is key to starting up a Microjustice4All Program. Based on the needs assessment and mapping of possibilities in the previous phases, the team can now start to develop the actual products.<sup>23</sup> It is important to prioritize the products which are most needed. The goal should always be to serve the best interests of the target groups.

The next step is to set the right price for the products. This has proven to be quite difficult as many internal and external factors play a role in setting the right price. When setting the price these internal and external factors should be considered:

1. Internal:

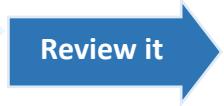
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<sup>23</sup> Tool 9 is a detailed guide on how to develop products.

- a) The price should ultimately cover all costs related to providing the products and services. Although this will not be the case in the first phases of development, this end goal of sustainable services should be considered from the beginning.
  - b) The price also depends on the organizational form of the Microjustice4All country organization. A volunteer team can set a lower price than a team of paid employees.
2. External:
- a) The price should be affordable by the target groups.
  - b) The price should not drive clients away to untrustworthy lawyers (who can be very cheap).
  - c) Government rules and local customs about charging fees (by NGOs).

These factors should be considered before setting the actual price per product.<sup>24</sup>

*For more information, see Product Development Toolkit in the Annex.*

**Review it** 

#### 4.3.2. Building Partnerships

Partnerships are very important for Microjustice4All Programs. The organization needs civil society partners for its distribution, promotion and awareness-raising activities. It also needs partners in (local) government, as it wants to work together with the government to improve the accessibility of the legal system for its target groups. The Microjustice4All Program also needs legal partners that can assist in designing the products and in difficult cases.

Potential partners will have been identified during the mapping phase and the legal needs assessment. These can be contacted to initiate co-operation. A Memorandum of Understanding has to be signed before the start of the cooperation.<sup>25</sup> All possible partners should be filed in a contact management system.<sup>26</sup>

#### 4.3.3. Building a Distribution Network and Promotion

Building a distribution network is very much part of building partnerships but at this stage it needs special attention. Without the distribution network, the products will not reach the target groups. Identifying suitable partners depends very much on the context. It is best to find partners that have the same target groups as the Microjustice4All country organization (microfinance organizations, for example), or have influence on the target groups (community leaders, for example). If possible, it is advisable to share an outlet or service centre with another provider that serves the same target groups. (Tool 15 is a document about best practices in distribution).

An important part of the building of a distribution network is also to promote the Microjustice4All products and services to the clients as well as the potential partners. A marketing strategy plan should be designed and (social) media should be contacted. ((Tool 16 is a guide on how to write a marketing

<sup>24</sup> Tool 11 is a guide on how to price the Microjustice4All products.

<sup>25</sup> Tool 13 is a template of such a MoU.

<sup>26</sup> Tool 14 is a guide on how to best conduct your relations management.

strategy plan; tool 17 is a guidebook on how to use social media). The website is also an important part of this. (For more about the website, see below). For external and internal communication, the style sheet and templates should be ready and approved. (Tool 18 is the Microjustice4All style sheet and example templates; tool 19 is the templates for printed materials).

#### 4.3.4. Setting Up Organizational Structures and Systems

It is necessary to have a sound organizational structure. It is important in this phase to think about the set-up of the organization, its systems and the feedback loops that need to be in place. This organizational structure should be designed in such a way that only minor changes have to be made once the organization starts growing; otherwise too much time and effort will go into redesigning the organization rather than into evaluation and improvement of the services and products.

First of all, each Microjustice4All Program should have 3 units: the Social Unit, the Legal Unit and the Support Unit.

Building on that, the Human Resource Management (HRM) structure should be in place. The Microjustice4All country organization should develop a way of monitoring the personal development of its team members and the team building within the organization.<sup>27</sup> Next to that, a HRM policy has to be drawn up.<sup>28</sup>

The IT and administration systems have to be developed. The website has to be built according to the Microjustice4All template.<sup>29</sup> A Case Management System has to be set up. This enables each case to be registered and this information can be used for impact analysis later on.<sup>30</sup> This system can also be used for the financial administration behind the cases. To protect the data of the clients in this system from misuse, a client data protection policy should be in place.<sup>31</sup>

Feedback loops should be implemented to check and monitor the activities of each team member, and to make sure that the finances are handled properly. For this administrative organization/internal control standards have to be established.<sup>32</sup> The financial administration has to be handled with care. It should be transparent and a back-up has to be made of each file. The financial administration should be able to make the division between the activities related to client service and the activities related to public service.

Finally, a system of reporting should be in place. Each year an annual report should be written and intermediate reports should be sent to Microjustice4All Headquarters.<sup>33</sup> Donors may also request reports on the status of the projects.<sup>34</sup>

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<sup>27</sup> Tool 21 is a personal development tool; tool 22 is a document with tips for teambuilding within the organization.

<sup>28</sup> Tool 23 contains example forms for sick leave, evaluation forms, etc.

<sup>29</sup> Tool 24 is template website and a guide on how to build the website and keep it up to date.

<sup>30</sup> Tool 25 is the most common Microjustice4All CMS and tool 26 is a guide on how to use the system.

<sup>31</sup> Tool 27 is the Microjustice4All template for client data protection policy.

<sup>32</sup> Tool 29 is an example of such standards.

<sup>33</sup> Tool 30 is a template for the annual report; tool 31 is a template for an intermediate report to Microjustice4All.

<sup>34</sup> Tool 32 is a template of a report to the donor.

#### **4.3.5. Hiring and Training the Team**

In this phase the team will be selected and contracted.<sup>35</sup> Microjustice4All Programs have to work with a low-cost team to keep the products affordable for the target groups. Each unit has a director, which is usually a person from the core team, but the facilitators and case managers have to be hired. Law interns are preferred but interns from different fields may also be hired as facilitators. Close partnership with the universities is very important to maintain access to potential interns. The hired team has to be trained on the concepts of Microjustice4All and in the daily work of offering products to the target groups.<sup>36</sup> Training will continue during the next phases as repetition is a key to successful and professional team.

#### **4.3.6. Consulting Other Microjustice4All Programs**

Other Microjustice4All Programs have a lot of knowledge about the Microjustice4All Methodology and the problems that may arise when setting up a Microjustice4All Program. It is therefore wise to keep in touch with other Microjustice4All Programs, using the Microjustice4All International Network. This enables exchange of knowledge, views and expertise. In this phase it can be especially helpful to use the knowledge of more experienced Microjustice4All Programs.

### **4.4. Start of Activities**

In phase 4, the activities that have been prepared in the previous three stages will start. Phase 4 is mostly about evaluating and improving the organization, its structures and systems, its products and its services based on experience. In this phase it is also important to expand the capacity of the Microjustice4All Programs to secure funds and to expand the lobbying and awareness-raising activities.

#### **4.4.1. Evaluation and Improvement of Products Based on Experience**

Continuous assessment and improvement of the products and services based on experience is essential for all Microjustice4All Programs. The facilitators receive a lot of feedback from the clients and also the partners and the network of lawyers provide input on how to improve the products. The legal environment can change, or lobbying may secure an improvement in government regulations. All these factors will result in different legal needs for the client and therefore the products and services have to be adapted and improved all the time.

#### **4.4.2. Expanding the Distribution Network and Promotion**

If the first distribution outlets and service centres are a success, new outlets may be needed quickly. This is why a good partner network is important. It ensures that new alliances can be formed quickly such that new service centres and outlets can be opened. Promotion has to be synchronized with the extra capacity. Capacity should always be slightly greater than the demand, so that there is room to grow.

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<sup>35</sup> Tool 33 is a manual on recruitment with standard vacancies, example interviews and a scoresheet.

<sup>36</sup> Tool 34 is a manual for the training for service provision.

#### 4.4.3. Expanding Lobbying and Awareness-raising Activities

This is also the phase in which the lobbying activities as well as the awareness-raising activities can expand. Awareness-raising activities are part of promoting the Microjustice4All products and services, but they also serve a public goal of making people aware of their rights and the way they can get access to those rights.<sup>37</sup>

Lobbying can be done in two different ways:

1. Lobbying based on co-operation with the government. Obstacles in practice as well as in law are discussed and changed if necessary. This style can be very successful if the government is willing to keep the Microjustice4All Program engaged.
2. Lobbying based on confronting the government with data in lobbying reports. Lobbying based on evidence that has been collected in the Case Management System can start after the first few months of collecting data.<sup>38</sup> Evidence-based lobby reports can be very successful in effecting change within the legal system or the government.<sup>39</sup>

#### 4.4.4. Securing Funds

All Microjustice4All Programs are independent organizations and should start to secure their own funds as soon as activities have begun. Local investors, NGOs as well as international aid organizations are possible donors. Most donors will prefer to fund a specific project for a specific duration. Most funding will rely on well written proposals.<sup>40</sup>

#### 4.4.5. Evaluating and Adjusting Systems and Structures

In this phase it is also essential to take a critical look at the organization's set-up, structures and systems. The practice of actually offering the products and services and expanding where necessary may require adjustments in the organization and the systems. At this stage it is good to look at the checklist for Microjustice4All country organizations to check if everything is in place.<sup>41</sup>

#### 4.4.6. Evaluating and Expanding the Network of Lawyers

The network of lawyers is the backbone of expertise for the Microjustice4All Programs. It is therefore advisable to expand the network, so that the Microjustice4All Program has more than one expert to consult. This also ensures the continuity of the activities, in case one of the lawyers has to resign from his/her Microjustice4All work, or cannot handle the work load.

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<sup>37</sup> Tool 35 is a document on how to organize awareness-raising activities successfully.

<sup>38</sup> Tool 36 is a template on how to collect data; tool 37 is a document on how to manage data in the CMS.

<sup>39</sup> Tool 38 is a template for evidence-based lobby reports.

<sup>40</sup> Tool 39 is a guidebook on fundraising as well as some examples of project fundraising proposals.

<sup>41</sup> See Tool 40.

## 4.5. Further Development of the Organization

In this phase the continuous assessment and improvement of products and services is still very important. At the same time, the Microjustice4All Program looks to the future and progresses towards becoming a truly independent and sustainable organization. Opportunities for growth are identified, research on impact is being done, expertise is shared and goals for becoming sustainable are set. Sources for funding are expanded, building on the work done in the previous phase on securing funds.

### 4.5.1. Identifying Opportunities for Growth

The target groups of Microjustice4All Programs consist of large numbers of people. The opportunity for growth is therefore almost endless, but it is important to grow at the right time so supply is always a little ahead of demand. This requires strategic planning as well as a vision on which kind of growth should be given priority:

1. More products,
2. More clients within the existing target area,
3. More offices within the country,
4. More target groups.

The most suitable form of growth for the Microjustice4All country organization depends on the context and the needs of the people.

### 4.5.2. Collection of Data and Research on Impact

For the Microjustice4All International Network as well as individual Microjustice4All Programs, it is important to measure the impact of the products and services. Once data becomes available through the initial surveys (which can serve as the baseline measurement) and the Case Management System, analysis of the data can start.<sup>42</sup>

### 4.5.3. Setting Goals for Becoming Sustainable

The goal of each Microjustice4All Program is to become sustainable, such that the fees paid by the clients cover all client-related activities and products. In the first phases of setting up the Microjustice4All Program, this level of sustainability cannot be reached yet, but in the fifth phase goals should be set for reaching a sustainable level. Therefore, it is important to measure the level of sustainability.<sup>43</sup> After this measurement, goals can be set to reach the right level of sustainability. A detailed plan has to be written on how to reach this level of sustainability.

### 4.5.4. Sharing Expertise within the Microjustice4All International Network

Practical knowledge can be exchanged within the Microjustice4All International Network in order to keep improving the Microjustice4All Programs.

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<sup>42</sup> Tool 41 is a guidebook on impact measurement and analysis.

<sup>43</sup> Tool 42 is a guide on how to measure the level of sustainability.

## 4.6. A Sustainable Microjustice4All Program

The continuous assessment of products and services, identifying opportunities for growth, collection of data and research on impact and sharing expertise within the Microjustice4All International Network continue in this phase. The following should also be in place in this phase:

1. Securing the sustainability of the organization. In this phase a plan should be drawn up on how to secure the level of sustainability for the coming years. This process should be monitored every year.
2. All activities in the Legal, Social and Support Unit are operational.

## 4.7. Challenges

These phases roughly describe the different steps in developing a successful Microjustice4All Program. However, every Microjustice4All Program will have to deal with challenges that come with the local context. The most common challenges for the development of a Microjustice4All Program are: (1) finding out the real needs of people, (2) securing funds and charging the clients fees, (3) fraud and corruption, and (4) becoming sustainable.

### 4.7.1. Discovering People's Real Legal Needs

Finding out the real legal needs of people has proven to be quite a challenge for Microjustice4All Programs. First of all, people have little knowledge of the legal system and the rights they have, so they cannot voice which rights they want or need. Second of all, people tend to give the answer they think is expected from them in questionnaires and interviews. Often it is more useful to ask about people's lives and the problems they face, and then deduct the legal issues that underlie those problems. However, this method also has the danger of too much interpretation by the researcher.

### 4.7.2. Corruption

Corruption is also a common issue which Microjustice4All Programs face. Government officials in many countries will stall the process in the hope of getting a bribe. In many cases nothing will be done until the bribe is received, as the system is totally dependent on bribes. However, Microjustice4All country organizations can under no circumstances fall into the temptation of paying the bribe, because the organization aims to make the legal system more accessible. Bribes will limit access only to people who can afford to pay the bribes.

### 4.7.3. Becoming Sustainable

Becoming sustainable is a big challenge for Microjustice4All Programs. It means that the fee which the clients are charged should cover all activities undertaken for that client. To reach that level of sustainability, the services and products of Microjustice4All Programs have to be standardized and based on large economies of scale. At the same time the costs have to be kept low, which means that wages must be low.

## 5. Microjustice4All Experiences and Lessons Learned

### 5.1. History of MJ4All

MJ4All was established in 1996 under the name of International Alliances, and began its work in the Former Yugoslavia. Its mission then was the legal rehabilitation of victims of conflict. The remit of MJ4All has since grown but this continues to be a key part of its mission. The name was changed to International Legal Alliances in 2004 and then to Microjustice4All in 2012.

Between 1997 and 2005, MJ4All conducted large scale legal rehabilitation programs in the former Yugoslavia. Smaller legal rehabilitation programs in the former Yugoslavia are still ongoing. During this period, MJ4All also undertook assessment missions for legal rehabilitation in Sudan, Colombia, Iraq, Georgia and South Sudan. These assessments showed that settling the legal issues of displaced populations (in large part related to legal paperwork) is crucial for successful post-disaster rehabilitation. Local groups and government institutions showed great interest in working on these legal issues.

In order to promote legal rehabilitation on the international development agenda, MJ4All organized a round-table meeting in Madrid in 2006 in co-operation with MPDL (Movimiento por la Paz), the Spanish Government (AECID) and the Dutch Embassy. Following up from this meeting, two publications were produced. As a result, the concept of Microjustice was born, based on the model of Microfinance and tying into the international concepts of 'legal empowerment of the poor' and 'the responsibility to protect'.

The concept of Microjustice was tested and developed in [Bolivia](#) in 2007. The aim was to develop and refine MJ4All methods by learning from the experience in Bolivia. This would then provide a basis from which MJ4All could expand across the world. The successful pilot resulted in an innovative methodology and instruments for rights-based inclusive development. The successes in Bolivia were used to establish MJ4All Country Organizations across the globe. Together, these MJ4All Country Organizations form the MJ4All International Network that is co-ordinated by MJ4All in The Hague, The Netherlands.

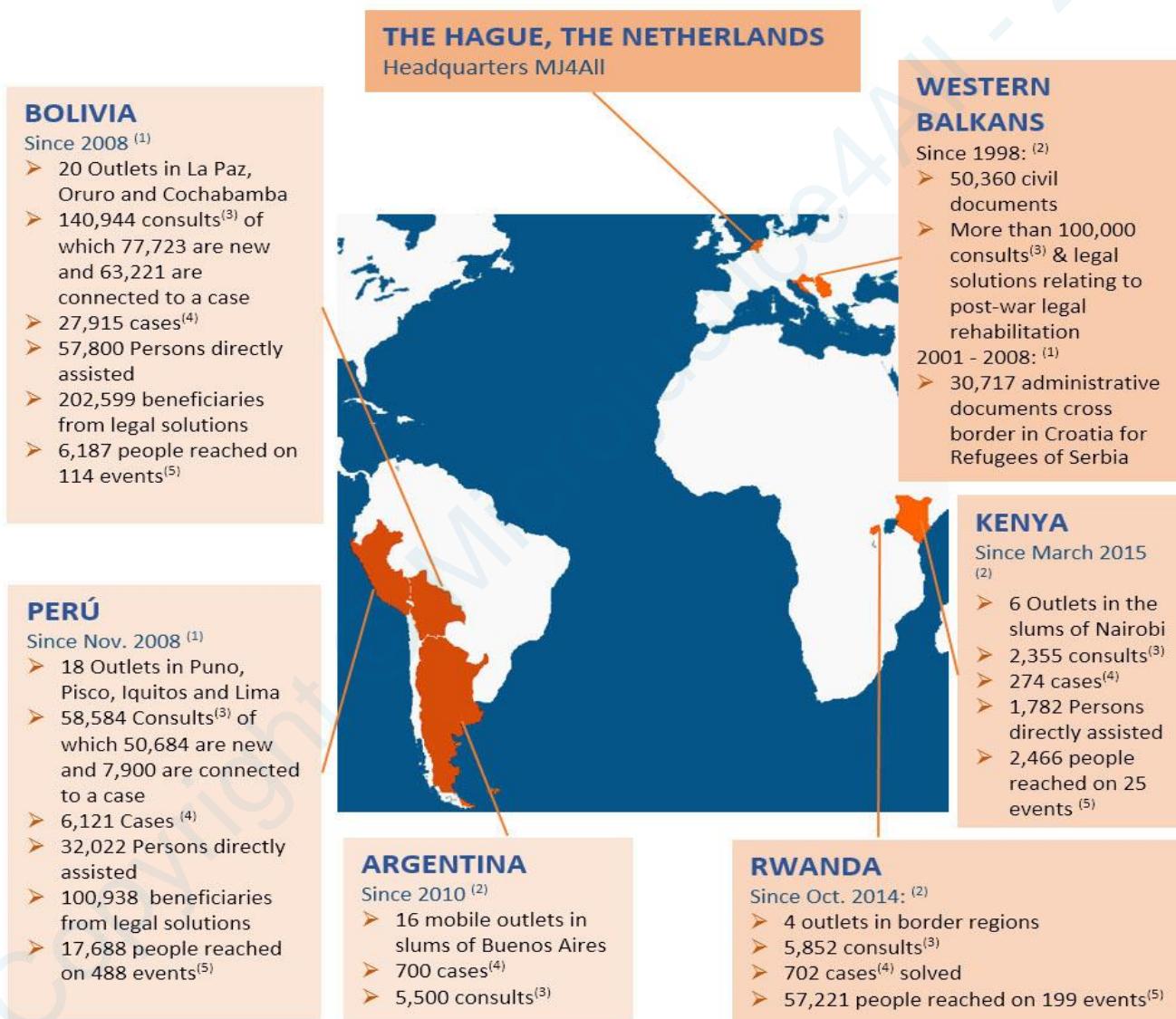
Experiences of MJ4All Country Organizations have been used to produce [the MJ4All Handbook and the MJ4All Toolkit](#), which provide guidance, tools and instruments for replication of the [MJ4All Methodology](#) worldwide.



## 5.2. Our Locations and Key Performance Indicators

Since 1996 Microjustice4All Country Organizations have handled many cases. The impact of Microjustice4All and the Microjustice4All country organizations is illustrated in the chart below.

### KEY PERFORMANCE INDICATORS Microjustice4All Country Programs Per August 31, 2016



(1) The Case Management System of MJ4All (CMS) is the source of information of these numbers

(1) The numbers are based on the reports of the MJ4All Country organizations. The CMS is not the information source

(3) Consult = provided personal legal advice (which is free)

(4) Case = Legal solution developed by the lawyers of a MJ4All Country Organization (for a fee on a cost basis)

(5) Events = Legal training, awareness raising in legal rights, community workings, etc.

## 5.3. The Experiences of MJ4All

Since 1996, the Microjustice4All Methodology has been implemented in eight countries (Croatia, Serbia, Bolivia, Peru, Argentina, Kenya, Rwanda and Uganda), in three regions (the Western Balkans, Latin America and Eastern Africa). The experiences and the lessons learned in these countries have been very useful for developing the Microjustice4All Methodology.

### 5.3.1. The Balkan Region

When Yugoslavia disintegrated into six new republics, thousands of people were displaced. Many people had legal documentation that was not valid under any of the new governance regimes. Thus, an important aspect of the peace process in the former Yugoslavia was resolving the many legal and administrative challenges that refugees and IDPs faced. As of 1997, MJ4All has been working on all these legal issues, first in the region of Vukovar/Croatia. But soon it became clear that the legal assistance in Croatia was mostly needed in Serbia, empowering the refugees to return to Croatia or establish themselves in Serbia. In this way the cross-border legal program started in 2000 at the end of the Milosevic era. These programs in Croatia and Serbia were donor-funded as it concerned the post-war rebuilding process. The main donors have been the Dutch Ministry of Foreign Affairs, European Union, UNHCR, Meerle Foundation, Diarapthe Foundation and Cordaid. MJ4All began working in Serbia with the Humanitarian Center for Integration and Tolerance (HCIT), a local organization of Croatian lawyers in Novi Sad. We provided legal assistance to the refugees from Croatia and Bosnia-Herzegovina living in Northern Serbia on a cross-border basis. The legal needs of these populations during the period 1996-2004 were mainly:

- Property and housing issues, particularly reclaiming private property, resolving issues of pre-war occupancy and tenancy rights, compensation for property damaged as a result of terrorist acts, and access to reconstruction aid and loans;
- Administrative and/or declaratory proceedings to access basic rights (including inheritance proceedings or extra-judicial proceedings);
- War-related claims, such as issues related to force majeure, abuse of circumstance, duress, annulment of contracts, debt payment litigations, and employment relations litigations;
- War crime prosecution and implementation of Amnesty Law.

Above all, MJ4All discovered that there was an immense need for a cross-border legal mechanism that provided legal and administrative aid to refugees. The reason for this was that most refugees did not have valid civil documents, and thus had no travel documents either. This meant they could not cross the border to obtain legal documentation in the municipalities where they came from and where the relevant administrative offices were located. Getting their civil documentation over the border was thus necessary to begin to address the many challenges described above. This was a Catch 22!

In response to these needs, MJ4All established a network of lawyers, paralegals, and volunteers on both sides of the Croatia/Serbia border. The mechanism for solving cases was as follows. The network of lawyers and paralegals in Serbia obtained certified powers of attorney for the refugee. Then, the MJ4All office at Vukovar (at the border between Serbia and Croatia) collected the documents and sent them to paralegals in Croatia. Through this network, MJ4All was able to help refugees and IDPs

access important legal documents such as birth certificates, citizenship certificates, and proof of property ownership. These documents were essential for people wishing to return to their home country and rebuild their lives there, and also for those wishing to resettle in new areas. In instances of more complex legal challenges, MJ4All advocated for clients in court. Additionally, MJ4All lobbied the governments to eliminate key legal obstacles. By 2008, MJ4All had successfully supplied over 30,000 refugees with legal documentation. In addition, it has worked on a great number of additional legal issues as outlined in the tables below, including legal paperwork in Serbia, and has provided many legal consultations.

MJ4All continues to provide services to those who fled their homes. Currently, around 450 cases are processed annually, still relating to cross-border legal documentation. The clients do not pay for the external costs, and MJ4All contributes 2,500 euros each year.

Administrative documents obtained across the border in Croatia for refugees in Serbia - Period 2001 to 2008	
Citizenship certificates (Domovnica)	7668
Birth certificates	10365
Death certificates	178
Marriage certificates	1267
Ownership certificates	873
Working booklets	848
School diplomas	483
Various attestations	6428
Other certificates	2607
<b>TOTAL</b>	<b>30.717</b>

The impact of our work reaches far beyond these 30,717 clients, because each refugee who obtained legal documentation could then travel across the border to help friends and family with their documents. With basic legal documents, people were no longer so dependent on humanitarian aid and were able to recover and rebuild their lives more independently. Basic civil documentation enabled people to attend school or university, apply for jobs, or access their pension, and restore their pre-war rights to property, contracts and employment. Property documentation enabled people to reoccupy property they had previously deserted and access reconstruction loans for destroyed or damaged properties.

MJ4All has also represented clients in court, generating a legal precedent which was useful for many other clients. MJ4All did not have the resources to be able to represent all the clients in need, so they selected clients on the basis of the nature of the case, the consequences for the client, and the costs and time involved. In total, MJ4All prepared approximately 300 court cases.

## 2001- 2004 - court cases in Croatia

Group of cases	Total Number prepared cases	Number of closed cases		No. of cases filed European Court for Human Rights
		Positive	Negative	
1. Damage compensation	32	20%		2
2. Occupancy / Tenancy rights	37	14,3%	14,2%	2
3. Property cases	87	61,5%		1
4. Criminal proceedings	18	26.6 %	6,7%	-
5. Debt payments	21			-
6. Inheritance procedures	62	48,5%		-
7. Extra judiciary procedures	16	77,8%		-
8. Employment litigations	10	100%		-
9. Contract annulments	19			-
<b>TOTAL</b>	<b>302*</b>	<b>40,6%</b>	<b>2,3%</b>	

### 5.3.2. The Latin American Region

#### Microjustice Bolivia (MJB)

MJB was set up by MJ4All in April 2007, and was registered as a foundation in 2008 (after a 14 months process). Initially, MJ4All financed MJB with its funds , but in 2008 MJ4All was awarded funding from the Dutch insurance company Achmea for MJB, followed by Foundation Dioraphte (formerly St Dijkverzwaring), the Dutch Embassy, Oxfam Novib, AECID and Cordaid. Since the end of 2014, MJB has been financed directly by UNDEF for a 2-year program UNDEF (United Nations Democracy Fund).and in October 2016, it also secured funding from National Endowment for Democracy. The clients of MJB mostly pay for the costs of the service delivery. Other than the external costs (mainly state taxes), MJB's service delivery is 30% sustainable, on the basis of income from clients. The main office and project activities are however fully funded by the donors. MJB has been working in 3 of the 9 Departments of Bolivia: La Paz, Oruro and Cochabamba.

MJB started its work in April 2007 in co-operation with a Microfinance Bank, Banco FIE, which has provided MJB with seven fully equipped outlets in its branch offices in La Paz and El Alto. MJB has chosen to focus on a few select issues which are highly relevant for the target group. This enables MJB

to capitalize on economies of scale and to become experts on the selected issues. From 2007-2011, MJB has focused on civil documentation. In 2012-2016, the focus shifted to real property documentation. Since 2015, MJB has also covered legal personality documentation, mainly for indigenous communities in rural areas in La Paz, Oruro and Cochabamba.

In 2007-2011, errors in civil documentation was a major concern. This was because the new president, Evo Morales, had introduced a number of social benefits for Bolivians, such as aid programs for pregnant women and young children and healthcare for those aged over 60 or under 5 years old and their mothers. But a large number of the target population at the bottom of the social pyramid could not access these social benefits due to errors in their civil documentation (mostly inconsistencies between birth certificate, ID and other papers). MJB assisted large numbers of people in La Paz with administrative and judicial procedures to correct these errors and thereby access these state benefits. MJB worked closely with the Civil Registry (Corte Departamental) in La Paz. On the basis of this experience, MJB issued an obstacle report on all the problems people face when getting their paperwork in order. Subsequently, MJB was invited to participate in working groups to modify the Civil Registration System. This resulted in the new Regulation 021/2010, which has improved the accessibility of the civil documentation system and has enabled people to resolve issues with civil documentation by themselves. MJB still advises people on the process and prepares their files.

In 2012, real property documentation became a major concern. Evo Morales introduced a new law which made property procedures easier for an interim period until 2016 (the Law 247 of 2012). Many Bolivians had errors in their land registration documents, making these documents invalid. There are also many people whose land is not registered at all. Now, they can acquire ownership by usucaption after five years of possession. MJB again is working closely with ProReVi (Programa de Regularización de la Vivienda), which implements the laws on usucaption. MJB has an outlet in the office of Prorevi and registers people who want to acquire ownership by usucaption. MJB has helped 17,309 people, with more than 40,000 consultations and 11,637 cases. The current challenge is that there are a number of problems with the implementation of this law. For example, there are a number of boundary disputes and the legal system has insufficient resources to cope with the increased workload. MJB has regular meetings with the Prorevi, in which we explore how these problems can be resolved. Law 803/2016 has recently been passed but it has failed to solve these problems.

Since the end of 2014, the focus has shifted to service delivery in rural areas, especially indigenous communities. MJB assists these communities with legal personality registration so that they can access the benefits of the system, such as water supplies, road maintenance programs and participation in the annual meetings of the municipal government.



## **Microjustice Peru (MJP)**

MJP was set up in 2008 by MJ4All and MJB, with the financial support of the Dutch Embassy in Perú for the first 5 years of its existence. MJP was established in Puno, one of the poorest regions of Peru, located high in the Andean mountains at the shore of the Titicaca Lake. This is near La Paz in Bolivia, so Microjusticia Bolivia and MJ4All were able to help set up MJP.

### **a. Overview**

For almost a decade, Microjusticia Peru has supported the legal empowerment of the most vulnerable and marginalized communities near the Peruvian coast, Amazon basin and Andean mountains. MJP assists the indigenous and migrant worker communities of Lima and Puno, many of whom lack civil documentation and whose homes and livelihoods are threatened by economic development. MJP provides legal aid to those affected by humanitarian disasters, such as the earthquakes near Pisco and flooding near Iquitos. Since 2008, MJP has provided legal advice to over 50,500 beneficiaries, resolved over 6,000 legal cases and trained over 9,000 indigenous leaders and community members on their rights and entitlements.

### **b. Context in Peru**

In the last decade Peru has experienced fast macro-economic growth. While poverty levels have been reduced, large parts of the population have not benefited from the economic boom and still live in poverty. In addition, Peru is still recovering from two decades of armed conflict (Shining Path, 1980-2000), during which the social structures almost completely disappeared, birth registries were destroyed, and large numbers of people from rural areas migrated to Lima and other cities to escape the violence.

Since then, migration levels to the cities have remained high. It is not easy for these migrants to adapt to life in the city. Many do not have basic legal documents, which excludes them from basic healthcare, social programs, education, voting, starting a business, getting credit, accessing decent housing, and generally being a full citizen. In addition, they tend to get lost in complex and sometimes corrupt, bureaucratic systems and remain excluded for generations.

While governance has been decentralized for almost two decades, it still does not reach the people living in rural areas. They have to travel to the regional capital, which can take many hours and the procedures are slow, bureaucratic and confusing. One of the main objectives of MJP is to serve as a bridge between the rural communities and the city where the legal paperwork has to be done.

### **c. Microjusticia Perú: the projects and financial sustainability**

It all started when MJ4All and MJB visited Puno, where they met the President of the Regional Government of Puno. He was eager to have a MJ4All Program in Puno and immediately issued a letter requesting a MJ4All program in Puno. This letter was presented to the Dutch Embassy in Lima, which then funded a pilot project in Puno from August 2008 to March 2009. Based on the successful results of the pilot, the Dutch Embassy funded a two-year program in Puno.

In 2010-2012, the Dutch Development Bank FMO funded MJP in order to expand the presence of MJP to Lima and Cusco and provide legal services for Microfinance clients. Thus a collaboration was established with the microfinance institutions Mi Banco and Caja Cusco, which provided space for legal outlets and finances facilitators. Mi Banco and Caja Cusco also participate in outreach activities in Lima. MJP developed MJ4All methodology for rural areas, using the funding from the Dutch Ministry of Foreign Affairs (2012-2014) and the UN Democracy Fund (2013-2015). Additional funding was provided by Foundation Benina. In 2015, Cordaid provided financial support for the activities in Puno and Lima.

In 2015-2016, the Humanitarian Innovation Fund (HIF) financially supported the development of the MJ4All methodology for humanitarian disasters. This resulted in a handbook and toolkit for legal rehabilitation in post-emergency situations. MJ4All conducted a pilot in two regions: 1) Pisco, Ica, where an earthquake struck in 2007, and 2) Maynas, Loreto, where floods severely affected the population in 2012 and 2015.

Financial sustainability is a challenge for MJP, since it works mainly with the most disadvantaged groups of migrants, indigenous communities, and victims of natural disasters. Often, these groups cannot afford to cover the cost of the service provision. Furthermore, as Peru's economy is becoming more developed, it is harder to find project funding from the development sector. Thus, MJP seeks funding from Peruvian state programs and companies.

**d. MJP legal services**

MJP provides legal education, resolves legal cases and conducts advocacy and lobbying to simplify access to the following legal products:

1. Civil Documentation: birth certificates, ID, death certificate, civil status certificate, to enable access to education, health care, social benefits, microfinance, voting, etc.
2. Housing and land registration for property protection, access to housing programs and investment opportunities;
3. Setting up businesses, cooperatives and other legal entities, and drafting contracts to increase income-generating activities and civil society participation; and
4. Family law and inheritance matters.

**e. Target groups**

MJP works to legally empower marginalized and vulnerable people in Peru, promote their social inclusion, protect their rights by providing basic legal documents and help them to access their rights. MJP's target groups are:

- Vulnerable and marginalized groups: indigenous people, women, children and disabled people. They need identity documents in order to access fundamental rights and governmental social programs and services. Also, the indigenous people and peasants need legal personality for their communities to protect their land and natural resources.
- Emerging middle classes: small and micro entrepreneurs that need the legal personality for their SME and registration of their properties to access economic benefits.
- Victims of disasters: MJP helps victims to obtain or recover their basic legal documents, protect their rights and access relief assistance, housing and livelihoods programs.

#### f. Program Locations

MJP works in five areas in Peru:

- **Puno:** since 2008, MJP works at the regional level with rural indigenous communities, SMEs and social organizations, providing basic legal documents which are needed in order to access basic fundamental rights, economic opportunity and participation in municipal government budgeting meetings.
- **Lima:** since 2010, MJP works with internal migrants from North Lima, with a special emphasis on supporting their economic activities and family rights. MJP headquarters is located in the district of Comas.
- **Ica:** in 2015, the regional program was opened in the province of Pisco, with periodic activities in Chincha, in order to support victims of the 2007 earthquake. MJP is mainly working on property rights, in order to help victims access reconstruction programs and loans.
- **Loreto:** in 2015, the regional program was opened in the province of Maynas in order to help victims obtain identity documentation, so they can access relief assistance.

#### g. Partners

MJP has created a strategic network, including:

- **Public institutions:** Ombudsman offices, local and regional governments, Ministry of Housing, Center Emergency for Women (CEMs), the National Registry of Identification and Civil Status (RENIEC), Lima North attorneys, the National Superintendency of Public Registries (SUNARP) and the Ministry of Women and Vulnerable Populations and its decentralized offices responsible of social programs, as the National Council on Disability Equality (CONADIS), PROGRAMA JUNTOS, TAMBOS, etc. Together with these partners, MJP works to simplify access to basic legal documents and governmental social programs.
- **SMEs:** Mi Banco in Lima North (2011-2013) and Caja Cusco (2009-2010). This collaboration includes the provision of free legal outlets, payment of legal facilitators and promotional materials.
- **Universities:** National University of the Plateau and University Andina Nestor Cáceres Velásquez in Puno; University Cesar Vallejo in Lima North; University Alas Peruanas in Pisco; University of the Peruvian Amazon and Scientific University of Peru in Iquitos, Loreto. Law and Social Science students from these universities undertake internships at MJP.
- **Civil Society Organizations:** RED CROSS and HABITAT, Organization of Women of Juliaca (OMUJU), Association of Aymara Women, Aldeas Infantiles, Rural Coordinator NGO (Puno), la Restinga NGO (Iquitos). MJP provides legal orientation, education and resolve legal cases for their beneficiaries. Some of these NGOs subsidize the legal cases for their beneficiaries.
- **Lawyers and notaries:** if MJP receives cases outside their ambit, it refers these clients to the Lawyers' Network. They also provide free training for MJP paralegals. The notaries offer cheaper notary fees for MJP.



## **h. Learning Experiences: challenges and successes**

### Rural experiences

This program was developed in Puno. During the first years of operation, MJP focused almost exclusively on civil documentation. In 2011 we began to diversify our services, developing legal manuals for case resolution in a variety of categories, but the main product of this second phase was the constitution and renovation of legal personalities.

With funding from the Ministry of Foreign Affairs MJP and the United Nations Democracy Fund, in 2013 MJP launched a legal empowerment project in the Province of Huancané (a rural province within the Region of Puno). This project focused on civil documentation as well as helping associations and rural communities to obtain legal personality. With the exception of the rural Province of Huancané in Puno where cases have been resolved free of charge with support from UNDEF, Microjustice Peru charge small fees for the services, 73% cheaper than private lawyers.

MJP works with interns from universities, especially anthropologists, who have been very effective at conducting outreach activities, resulting in an increase in the number of consultations and cases. Working with anthropologists has also been important for establishing a strong network in rural communities. MJP implemented a paralegals program in Huancané, working together with local leaders.

In Puno one of the main challenges has been the long distances and difficulties with accessing the rural villages. This is one of the principal reasons why the government has difficulties in reaching this population. To resolve this issue, the MJP Social Unit has travelled to the areas for one or two weeks and conducted educational and training activities. MJP has also set-up legal outlets in spaces provided by the municipalities and local organizations. Another related challenge is that law students are often reluctant to travel long distances. Thus, instead of travelling to the area themselves, the law students provided training for the Social Unit.

Another challenge is the long time that takes for legal facilitators in the countryside to present the legal papers to the case managers. In response, the local team invited case managers and the head of the legal unit to legal orientation campaigns, where they received the papers. The legal facilitator prepared the file in advance. Another challenge is the lack of internet in rural areas. Consequently, around 25% of legal consultations were not registered. Thus, in the Case Management System, we created an option of registering the data in excel.

In rural areas of Puno, MJP helped people to access social programs, such as JUNTOS (conditional pension to make sure children attend school and receive health care), PENSION 65 (for elders), pension for people with disabilities and SIS (health insurance). For communities and associations, obtaining legal personality meant they could present proposals for the municipal budget. MJP conducted training programs, which helped people to access their entitlements.

The Head of MJP has held several meetings with local authorities, seeking to eliminate obstacles to access basic legal documents, social programs and participation in the municipal budget. As part of the advocacy program, MJP presented five appeals to reduce fees and excessive requirements; this

resulted in a legal precedent for the region. Moreover, the collaboration with the ombudsman office has been important in resolving obstacles in the public institutions.

#### *Impact assessment in Puno*

In March 2015, a small scale impact assessment was conducted with the support of MJ4All and funding from CORDAID. It focused on the impact of legal personality cases. MJP works with a variety of associations in Puno, including craftsmanship, art, fishing, agriculture and livestock, women, housing, education, and water. One of the most important benefits of having legal personality is the ability to access funds and projects from both public and private actors.

Six interviews were conducted with the leaders of associations that had recently carried out a legal process with MJP. Three of these associations were formalizing for the first time, while three were carrying out processes of legal recognition or renovation. All of them stated that their principal objective in obtaining legal personality was accessing funds, projects, or recognition from their regional or local government. For instance, the women's artisan group was able to join a Regional Government program that purchased their alpaca yarn and knitted products at prices that averaged 40% higher than their previous earnings. Another example is the student federation which won 70,000 Soles from the Municipal Government of Ururillo to implement an education project in their town, running a pre-university preparation program and teaching various courses at local schools.

In conclusion, MJP services had significant impact on these associations. In several instances, having legal personality attracted higher membership, increasing levels of social inclusion. Newly formed associations allow more people to take part in important political decision making, increasing political involvement and awareness.

#### **i. Urban program**

In 2010, MJP started a program in Comas, Lima. The target group is internal migrants, low middle income, who have errors in their identity papers and need legal support with their businesses and property registration. The project was funded by the Dutch Embassy and succeeded in establishing a network with public institutions (local hospitals and municipality) and social society organizations (churches and NGOs) as well as the microfinance institution Mi Banco.

The program has faced a number of challenges. For example, it has been difficult to secure sufficient external funding for substantial periods of time. So far, the longest funded projects have lasted one year, disrupting the continuity of the programs. In addition, the economic support from Mi Banco ended in 2013.

In response to these challenges, MJP has developed a new approach to networking, marketing, service delivery and advocacy. We hope we can establish a permanent sustainable program in the future. It will be important to have a main office in Lima, in order to conduct fundraising activities, establish national partnerships and lobby the government. Meanwhile, we have established a partnership with pro-bono lawyers who received MJP clients. They offer cheap, high quality services.

#### **j. Post-disaster legal rehabilitation program**

In 2015-2016 Microjustice4All and Microjustice Peru developed and tested a legal rehabilitation methodology and toolkit in two sites where there have been recent disasters in Peru: the Province of

Pisco where there was a strong earthquake that occurred in 2007, and the Region of Loreto where there was extreme flooding in 2012. Here, we outline the learning experiences from the Legal Rehabilitation program. This program was implemented with financing from the Humanitarian Innovations Fund (HIF).

Many victims have difficulty in resolving their legal problems, obtaining legal documents/registration and accessing aid programs and loans. Through the structural legal assistance from MJ4All, these victims no longer have these difficulties and have much better opportunities for rebuilding their livelihoods. For example, a victim who lost his/her ID and land registration papers would normally be unable to access a loan or get a subsidy for lost crops. MJ4All, however, helps this victim to obtain the documents and apply for the aid or the loan. This way, the victim is much better protected and much more likely to regain his/her livelihood.

MJP adapted the MJ4All method to emergency contexts. Also, in co-ordination with MJ4All, we developed new tools, such as the Accountability Tool for registering irregularities in the provision of relief assistance and others. We also developed a tool for making a fit-for-purpose land survey and a cloud linked with the Case Management System for storing a copy of basic legal documents. For more information see the MJ4All Handbook for Legal Rehabilitation in Emergencies and the Iquitos and Pisco pilot reports.

The data from the baseline assessment and the impact assessment affirmed a positive relationship between having basic legal documents and being able to access relief assistance. It also demonstrated that an accountability system is fundamental for minimizing the impact of corruption. Another key finding is that the majority of humanitarian aid organizations leave this responsibility to the state. Thus, Microjustice initiative fills an important gap in the provision of humanitarian aid.

#### k. Results

Microjustice Peru cases and consultations Nov. 2008 – Sept. 2016		
Type	Cases	Consultations
Civil Documentation	3,203	19,264
Legal Personalities	1,336	7,012
Property	489	6,795
Family rights	59	4,020
Inheritance	39	2,408
Others	578	6,853
<b>Total</b>	<b>5,704</b>	<b>46,352</b>

#### I. Plans for the future:

1. Develop our microfinancing potential by identifying new partnerships;
2. Continue to refine and roll out our legal aid toolkit to support the post emergency rehabilitation processes for vulnerable and marginalized communities, disseminating lessons learned on the ground to others in the MJ4All network and beyond.
3. Develop our social enterprise model to enable us to become self-sustaining.

## **Microjusticia Argentina (MJA)**

Microjusticia Argentina is a good example of how a Microjustice4All Country Organization can rely on volunteer work, which makes it easier to achieve sustainability. Relying on volunteers is more feasible in richer countries. It is crucial that the core team can motivate enough people to keep the organization going. Microjusticia Argentina is set up by a core team of lawyers, who motivate the volunteers and have thorough knowledge of the legal system in Argentina. Furthermore, they are creative in finding funds for the organization with local sponsors and micro-donors (for example citizens who donate small amounts to sustain the organization). Microjusticia Argentina is an independent organization that mainly uses the Microjustice4All International Network for the exchange of expertise.

### **5.3.3. The Eastern African Region**

#### **Haki Mashinani (Microjustice Kenya)**

MJ4All has been working in Kenya since 2011, with a focus on the slums of Nairobi where people have many problems with getting their paperwork in order. MJ Kenya was registered as a company limited by guarantee, and funded through MJ4All by FMO, the law firm Clifford Chance and the Dioraphte Foundation. Despite the excellent work of MJ4All in Kenya, in 2015 it became clear that it was unsustainable to provide legal aid in Kenya. Consequently, a new Microjustice organization was created under the Swahili name: Haki Mashinani, “Justice for the Grassroots”. Haki Mashinani started its work in March 2015 and registered as a Public Benefit Organisation (PBO) in April 2016. From March to December 2015, Haki Mashinani took over the operations and project activities from MJ4All in Kenya, funded by Cordaid, the Liberty Fund (now called Dioraphte), World Justice Fund, and Allen and Overy Foundation. As of January 2016, Microjustice4All received a three year grant by the Dutch Ministry of Foreign Affairs to improve the legal infrastructure in Kenya. This project is called *“Implementing SDG16 in Kenya: Setting up a sustainable MJ4All legal infrastructure to help communities access their basic legal rights”*.

In the first phase of its operations, clients received free consultations and paid a subsidized fee (which included the costs for their legal documentation) for cases. However, not all clients are able to pay these costs. These people receive assistance for free, e.g. refugees in Eastleigh, widows in rural areas in Western Kenya and Luo Nyanza.

Haki Mashinani started by providing relatively simple legal documents, like birth certificates. However, even birth certificates have proved to be challenging. The Civil Registry in Nairobi does not permit any one to act as a legal service provider on behalf of its clients. Haki Mashinani has had several meetings with the Civil Registry in Nairobi and Naivasha, attempting to make an agreement on the provision of birth certificates. Unfortunately, Haki Mashinani was forced to stop processing applications for birth certificates after it received its final warning in September 2016. Instead Haki Mashinani now offers to accompany groups of clients when they go to the Civil Registry. The Civil Registry in Naivasha is quite collaborative, and willing to come to the flower farms to receive applications for birth certificates in bulks. As regards birth certificates in Nairobi, Haki Mashinani is

working on a lobby document, which explores how Haki Mashinani and other organizations (such as the Nubian Rights Forum) can improve access to the system.

Haki Mashinani works in six areas in Kenya:

- Eastleigh: many Somali and Ethiopian/Eritrean refugees live here;
- Korogocho: there are many schools in this area and lots of birth certificates are needed
- Kamukunji: there are many Tanzanian and Ugandan women who have been living in Kenya for more than 25 year but do not have Kenyan citizenship; there are also many factories and it is important to educate the workers about their rights;
- Kibera: there are many schools and small businesses in this area;
- Kawangware: there are many schools and small businesses in this area.

Haki Mashinani's Legal Field Officers (LFOs) provide consultations and assist clients with acquiring legal documentation. If an issue is beyond the ambit of Haki Mashinani, the LFOs refer the case to local lawyers. The LFOs provide legal education workshops once every two months. Usually, more than 50 people in the community come to those trainings to learn more about their legal rights and the opportunities which legal documents provide.

MJ4All implemented a feasibility study, investigating opportunities for providing legal services to refugees in Kenya. Eastleigh was then selected for a pilot project. The target population is very much in need to legal assistance e.g. mandates, travel documents and alien cards. However, the pilot project encountered a number of challenges. For example, the government has stopped providing those documents in local offices, discouraging refugees from staying in Kenya.

In Naivasha, Haki Mashinani conducted a pilot project last year. It set up an outlet with four flower farms, where they provide legal services for workers during the workers' break time. They provide legal advice on civil documentation, land, inheritance issues and how to start a business. The flower farm managers have started to recognize the value of Haki Mashinani's services and regularly ask for trainings. Recently, a field coordinator was hired to attend to all farms on a weekly basis, and also to engage more flower farms. This is one example of how Haki Mashinani is expanding. It provides its legal services in partnership with a company or flower farm, in return for monthly compensation. In this way, Haki Mashinani seeks to become a sustainable organization.

In the coming year, Haki Mashinani will work on expanding its products, services and partners. For example, it is developing a toolkit, which will enable LFOs to train, coach and support SMEs with starting, managing and growing their small businesses. Especially in Kamukunji and Kibera there are many requests for these trainings. This work is carried out in collaboration with banks, micro credit institutions and schools of management. This enables SMEs to access different institutions which can assist them with sustaining their business.

Haki Mashinani is also developing a toolkit and manual on the legal rights of women. There is a special section for widows, who often lose their entitlements when their husband dies. In some rural parts of Kenya, widows are subjected to humiliating rituals. In collaboration with the widow foundation RONA, Haki Mashinani trains widows on their rights, and supports them with succession and inheritance issues. Haki Mashinani also addresses gender-based violence and women & business.

Finally, Haki Mashinani will follow-up on its feasibility study in Eastleigh to explore how it can provide legal support to refugees in Kenya. These services will be provided in collaboration with established humanitarian organisations that provide emergency aid, but do not currently provide legal aid.

### **Microjustice Rwanda (MJR)**

MJR was set up by MJ4All in November 2011 together with Rwandese professionals. It is an NGO and has been recognized by the Rwandese Development Board since January 2016. In 2012-14, with funding from Trade Mark East Africa (TMEA), it implemented a project which removed the legal obstacles to free trade and free movement within the East African Community. In 2013/14 the law firm Allen Overy funded MJR to develop a general MJ4All Program. In 2014/15 MJR was funded by SPARK to develop MJ4All legal services and a legal booklet for the legal empowerment of Small and Medium Sized Enterprises (SME). In 2014-2016, the Dutch Ministry of Foreign Affairs financially supported MJR with a focus on the legal empowerment of women. MJ4All has managed the project funding, except in the SMArt project, where MJR received the funding and hired MJ4All as experts.

The TMEA project helped small-scale traders at the Gatuna/Katuna border to understand their rights and obligations under the EAC Treaty and Protocols, access trade-related documents and strengthen the free movement of persons and goods across the Rwandan/Ugandan border. This makes it easier to cross the border, thereby facilitating trade and stimulating economic development. Before MJR's intervention, 86% of the traders were unaware about their rights and most of them used illegal routes to cross the border. The project's activities have increased the level of knowledge from 11% to 47%. Before the project, traders would spend more than 20 minutes trying to cross the border. Now they spend 1-10 minutes since they are aware of the procedures to follow. In addition, the Microjustice activities have led to an increase in compliance amongst traders of 21%.<sup>44</sup>

Since 2013, MJR has developed a legal service program in Kigali and the Gicumbi with 3 outlets in places close to the market. The focus of MJR has been on the legal empowerment of women and SME. The main legal issues in Rwanda are:

1. poor people do not know how to obtain civil documentation, and
2. there is a lack of written contracts, which leads to conflicts.

MJR has been working on both these issues, reaching the clients through local authorities.

*Lack of written contracts, tailor-made constitutions and wills*

In December 2014, MJR conducted a needs assessment for start-up entrepreneurs in Rwanda's Northern Province. The study revealed the following:

- Many start-up entrepreneurs encounter challenges due to the lack of written contracts. This leads to many conflicts between sellers and clients and between landlords and businessmen about the rent for shops.
- Members of co-operative members often do not understand the content of the constitution, or simply use the standard constitutions provided by the Rwandan

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<sup>44</sup> Data is based on the impact assessment done by MJR in March 2014. Data collected spans the period of August 2012 – March 2014 and is taken from a sample group of 447 people.

government without adapting them to the specific needs of the co-operatives. This increases the risk of conflict amongst the members of the co-operative members.

- Many start-up entrepreneurs and their employees encounter challenges, and at times even conflicts, because they do not use written employment contracts.
- The lack of written legal documents is also a problem in the family sphere. After the death of a family member, the surviving relatives each claim what they feel they are entitled to. This leads to conflict. If the dispute goes to court, it costs the family a lot of money, time and grief.

#### *The Solution: legal documentation services*

MJR has also developed the following products:

- Draft written contacts such as sale and purchase agreements;
- Assistance with tailoring the constitutions of co-operatives;
- Draft employment contracts;
- Drafting wills and arranging inheritance issues.

## **6. Conclusion**

We hope you feel inspired to set up a Microjustice4All Program and to bring Global Goal 16 to life. If you have any questions or need further support, please let us know and we will see how we can help you. We will make special arrangements on the basis of your needs and the possibilities and we will facilitate exchange between the different Microjustice4All Programs.

### **6.1. Contact Details**

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### **6.2. Acknowledgements**

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Fiona Petersen

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