

## Focusing on outcomes for people

An opportunity for the justice sector

Leaders in the justice sector operate in a challenging environment. Faced with overburdened courts, expensive legal advice, and complex procedures that make it difficult to resolve conflict swiftly, they are expected to provide access to justice for all. A key policy recommendation these leaders receive from people-centred justice experts and advocates is to focus on outcomes. This means that efforts to improve legal procedures and institutions should be undertaken with the end in mind: the impacts on the lives of individuals and their communities. For outcomes-based working to become a reality, judges, lawyers, mediators and other practitioners in the justice sector will have to put this advice into practice. This is not a straightforward task, because the outcomes that people look for when they seek justice and support have so far remained undefined. This policy brief aims to support innovative justice leaders and practitioners by beginning the difficult work of defining the outcomes that people with specific legal problems seek. We conclude the brief by identifying the ways in which these people-centred outcomes can be operationalised to increase access to high-quality justice.

### What would it mean for the justice sector to work outcomes-based?

High-quality justice services deliver outcomes that people with legal problems need. By justice outcome, we mean a positive result or change in well-being that a person with a legal problem achieves through the resolution process.

A man who has been robbed may want his belongings returned to him, or financial compensation for his loss. A woman facing a land dispute may want her property rights documented in a way that will be respected by her neighbours. A family in conflict over their inheritance may wish to reconcile, or prevent future disagreements, in addition to sharing their resources in a fair way. These individuals seek avenues for achieving their desired results, whether that is an agreement with the other parties involved or a decision by a neutral authority. A well-functioning justice system will make those avenues available and monitor their effectiveness in delivering the outcomes people seek.

## The challenge: Shifting the focus from institutions to individuals

Outcomes are a familiar concept in the justice sector, yet they are rarely defined in collaboration with those seeking justice. This means that rather than reflecting the needs of people with legal problems, the outcomes that are defined and monitored tend to reflect the needs or operational objectives of legal institutions. These may include efficiency, cost effectiveness, or outcomes related to public safety goals such as reduced reoffending.

The judges, lawyers, and mediators that work for these institutions generally want to deliver the kind of help that people seek. But many assume they know what this is rather than asking: what would justice or support look like for you? Even practitioners who are highly attuned to the varied needs of the people they serve may be constrained by institutional benchmarks in the help they provide. A judge may be assessed by the speed with which she processes cases rather than the proportion of her decisions that resolve the underlying legal problem. A police officer may be judged by the number of arrests he makes rather than the level of safety residents of his neighbourhood or village experience.

This focus on the procedural results that institutions are able to deliver as opposed to the concrete improvements they produce in people's lives has created a gap between the supply and the demand for justice. People faced with a legal problem know best what positive results or changes in well-being they need to overcome the hardship they have experienced and move on with their lives. Experienced practitioners know how acute and wide-ranging people's needs in the aftermath of crime or conflict can be. So why not make use of this knowledge?

## The opportunity: Delivering people-centred justice outcomes at scale

Sustainable Development Goal (SDG) 16.3 has challenged governments to make their justice systems more accessible and more people-centred. A core principle of the people-centred justice movement is that justice services resolve the problems that people experience in a fair way and deliver the outcomes they seek (Declaration on Equal Access to Justice for All by 2030 2019).

The Organisation for Economic Co-operation and Development (OECD) identifies "outcome focus and fairness" as one of ten criteria for people-centred design and delivery of legal and justice services. It points to the setting of outcome objectives, evaluation according to those objectives, and long-term follow-up studies of user outcomes as good practices for designing and delivering people-centred justice services (OECD).

Although outcomes are often referenced in policy documents promoting people-centred justice, they are rarely identified in tangible terms. To date, only academic literature and Hiil's Justice Needs & Satisfaction (JNS) surveys have made efforts to conceptualise and define the specific outcomes people with legal problems need. Identifying justice outcomes is an important first step towards measuring them and assessing access to justice and legal need (OECD 2019).

In our 2020 SDG 16.3 Trend Report, *Charging for Justice*, we describe in detail how focusing on outcomes for people can transform the way justice is financed and delivered. We make the case that measuring and monitoring justice outcomes in a standardised way can increase access to people-centred justice and close the justice gap in the following ways:

- It can help people who are faced with a legal problem identify what is most important to them and make progress towards their goals.

- It can reveal the extent to which justice services are tailored to the needs of the people they are intended to help - providing practitioners with information about the quality of services they deliver.
- It can make entrepreneurs aware of gaps in existing justice services that represent opportunities for innovation.
- It can demonstrate the effectiveness of new or re-designed justice services and enable ministers of justice and other high-level actors responsible for justice programming to distribute funds on the basis of performance.
- It can enable policymakers to track the impact of people-centred justice reforms and generate the additional investment needed to make [SDG 16.3](#) a reality (ODI 2020).

Understanding what people look for when they seek justice or support creates an opportunity to design, deliver, and fund the justice services that are truly people-centred in terms of the outcomes they deliver. With this policy brief and supporting [case study](#), HiiL aims to deepen that understanding and leverage it to increase access to justice for all.

## This policy brief

In this policy brief, we explore how people-centred justice outcomes can be identified and operationalised. We ask: **What general justice outcomes do people seek when faced with a legal problem?** Based on insights from academic literature, and building on HiiL's JNS survey research, we propose eight general justice outcomes that can be used to measure and monitor the quality of justice services or processes.

We then make the case for identifying problem-specific outcomes that complement and support these general justice outcomes. **A case study focused on identifying the justice outcomes that survivors of a particularly prevalent and impactful legal problem - intimate partner violence (IPV) - seek** demonstrates how this can be done.

HiiL aspires to repeat this iterative research process for the other most pressing legal problems people face globally, and use these combined findings to refine and improve upon the list of general justice outcomes offered here.

In the final sections of the policy brief, we show how the general justice and problem-specific outcomes we identified can be measured in practice - for example in a JNS survey or by practitioners to assess client satisfaction - and what steps are still needed to make people-centred outcomes monitoring a reality in the justice sector.

# Identifying justice outcomes

A review of the most relevant literature on justice outcomes reveals that few efforts have been made to conceptualise justice in terms of specific, measurable outcomes that are relevant to people's lives and not only in the abstract.

The concept of justice is often broken down into four core dimensions (Colquitt 2012; Colquitt & Rodell 2015). Each of these dimensions lays out a particular vision of what justice is or should be, and therefore gives insight into what outcomes a justice service or process should deliver.

- **Distributive justice** refers to the just allocation of resources. Distributive justice is achieved when resources are allocated in a way that the parties involved experience as fair.
- **Procedural justice** refers to the fairness of decision-making processes. A process used to resolve a legal problem is procedurally justice when it is perceived by the parties involved as fair.
- **Interpersonal justice and informational justice** both refer to the fairness of the interpersonal interaction that takes place in a resolution process. Interpersonal justice comes from the proper and respectful implementation of procedures, and informational justice is achieved when they are thoroughly and honestly explained.

Alongside Colquitt and Rodell, Verdonschot et al. (2008) advanced the outcomes literature by introducing a measurement instrument aimed at assessing the quality of a justice outcome (which they defined as, for example, a decision by an adjudicator, or an

agreement between two parties) from the perspective of the person seeking justice. In addition to the four justice dimensions identified above, Verdonschot et al. (2008) considered a number of others identified in the theoretical and empirical literature. They ultimately included the following 10 indicators in their measuring instrument:

- **Distributive justice:**
  - equity
  - equality
  - need
- **Restorative justice<sup>1</sup>:**
  - restoration/reparation
  - reintegration
- **Transformative justice<sup>2</sup>:**
  - transformation
- **Informational justice:**
  - justification
- **Legal pragmatism<sup>3</sup>:**
  - antifoundationalism
  - instrumentalism
- **Formal justice<sup>4</sup>:**
  - formal equality

In the years since Verdonschot et al. (2008) identified these indicators, HiiL has experimented with different ways of asking people around the world about their experiences accessing justice. For the past eight years, HiiL's JNS surveys have included questions about the justice outcomes they achieved. This is one of the few attempts that have been made to systematically measure the positive results or changes in well-being that people with legal problems achieve through the resolution process (OECD 2019).

1 Restorative justice refers to the repair of harm caused by crime or conflict.

2 Transformative justice refers to the transformation of relationships between parties to crime or conflict through a focus on structural causes.

3 Legal pragmatism focuses on the practical consequences, rather than principles, of judicial decisions.

4 Formal justice refers to justice done through the maintenance and equal application of laws.

HiiL's most recent JNS surveys measure justice outcomes in two ways:

1. By measuring respondents' satisfaction with the outcome they received across four dimensions.
2. By asking respondents, "What did the outcome of your justice journey bring you? (Check all that apply)," and providing a list of justice outcomes specific to the type of problem they faced (for example, "job security" for employment problems, or "protection" for crime).

## Eight general justice outcomes that people with legal problems seek

Reflecting on the work of Colquitt, Rodell, and Verdonschot et al., we built on our past efforts to measure how people experience justice and identified a list of eight general justice outcomes that people seek when they are faced with a legal problem. These outcomes are more firmly rooted in the literature than those previously measured in HiiL's JNS surveys. At the same time, they are less abstract and more people-centred than the indicators identified in the literature, because they centre around individuals rather than institutions. Legal pragmatism and formal justice are for example not reflected in this list because they relate to the way laws are applied and judicial decisions are made, rather than to justice as people experience it in their daily lives. Indicators related to procedural, interpersonal, and informational justice were also excluded because they pertain to the quality of the resolution process rather than the tangible outcomes it delivers.

## General justice outcomes

### Understanding what happened

Coming to a shared understanding of what happened and the harm it caused is an important first step in restoration (restorative justice) and resolution. "Understanding what happened" is one of the seven general justice outcomes measured in the JNS survey.

### Acknowledgement of role or responsibility

Acknowledging who was involved in or responsible for what happened and the harm caused is central to restoration and reintegration (restorative justice). This outcome combines two justice outcomes measured in the JNS survey: "knowledge of who was responsible" and "an apology."

### Fair distribution of resources or responsibilities

Distributing resources or responsibilities in a fair way - for example according to the equity, equality, or need criteria identified by Verdonschot et al. (2008) - is the defining feature of distributive justice. "Fair distribution" is one of the four dimensions the JNS survey uses to assess the quality of a justice outcome.

### Damage restoration

Restoring what was lost, damaged, or violated is necessary for compensation (distributive justice) as well as reparation (restorative justice). "Damage restoration" is one of the four dimensions the JNS survey uses to assess the quality of a justice outcome, and "compensation for loss of income or property" is one of the specific outcomes it measures.

## Relational restoration

Repairing the relational harm caused by a legal problem is important to restoration and reintegration (restorative justice) as well as transformation (transformative justice). “Repaired relationships between people” is one of the justice outcomes measured in the JNS survey.

## Harmony within the community

Achieving harmony within the community is closely related to, but not that same as, repairing relational harm. This outcome was added to reflect the reality that it is possible for the relationships between parties to a conflict to be repaired without those people being accepted by the wider community. This is necessary for their reintegration (restorative justice).

## Security

Safety and security - whether physical, psychological, or financial - is necessary for people to feel at peace and move on with their lives in the aftermath of a legal problem. “Physical or financial security” is one of the justice outcomes measured in the JNS survey.

## Prevention

People who have been burdened by a legal problem want to resolve it and also prevent it from happening again. “Problem resolution” - which relates to enforcement and prevention - is one of the four dimensions the JNS survey uses to assess the quality of a justice outcome, and “prevention” is also one of the justice outcomes measured in the JNS survey.

# Identifying problem-specific justice outcomes

When people are asked about the justice outcomes they need, they are likely to think about the positive results or changes that would address the specific legal problem they are facing. In order to systematically measure and monitor justice outcomes, it is therefore important to identify the outcomes that people with particular types of legal problems - problems related to land, family, neighbours, employment, domestic violence, or crime - seek. The eight general justice outcomes identified above serve as broader outcome categories within which problem-specific outcomes can be placed and measured.

Identifying and operationalising problem-specific outcomes allows justice practitioners to assess the extent to which their services are meeting the needs of a particular client population. It also helps HiiL to determine whether the eight general justice outcomes identified above are sufficiently inclusive or need to be further refined in the future.

Like the process of identifying general justice outcomes, the process of identifying problem-specific outcomes begins with a review of the most relevant literature. This should ideally consist of studies in which people who experienced the relevant legal problem were directly surveyed or interviewed about the outcomes they sought in the justice process. In order to create a truly people-centred list of problem-specific outcomes however, it is necessary to speak directly with the people who have experienced the problem and the practitioners who support them. This can be achieved through one-on-one interviews or focus groups that explore the following questions:

- *What were your greatest needs or goals right after [the specific legal problem you experienced]?*
- *Where did you go for justice or support after [the specific legal problem you experienced]? What were you hoping those individuals or institutions could help you with? What kind of help did you really want or need but not receive?*
- *Did you find that what you needed to cope with what happened changed over time? If so, what new needs or goals emerged in the longer term? What needs or goals do you have now?*

These interviews or focus groups should ideally be conducted across multiple countries, to reduce the risk of identifying outcomes that are specific to a particular place or way of life. Once the results of the interviews or focus groups have been analysed, a final list of problem-specific outcomes can be created based on the combined inputs from the literature and face-to-face qualitative research.

### Case study: 21 justice outcomes that survivors of intimate partner violence seek

We followed the methodology described above to identify the outcomes that survivors of a particularly prevalent and impactful legal problem - intimate partner violence (IPV) - seek. The resulting case study demonstrates how problem-specific, people-centred outcomes can be defined. It identifies 21 outcomes that survivors of IPV consistently seek and describes in detail the myriad justice and support mechanisms that survivors of IPV in Uganda, Nigeria, and the Netherlands used or looked for to achieve them.

In the next section, we explain how justice practitioners, ministers, and policymakers can use the 21 IPV-specific outcomes and the eight general justice outcomes we identify

to systematically measure and monitor the extent to which justice processes and services are meeting people’s self-reported needs.

### IPV-specific outcomes

Increased safety from IPV
Increased economic independence
Increased residential independence
Improved physical health
Improved mental health
Increased confidence
Understanding of the IPV the survivor experienced
Understanding by the perpetrator of the harm they caused
Acceptance of responsibility by the perpetrator for the harm they caused (accountability)
Prevention of the perpetrator from harming other people
Healthy change in relationship with the perpetrator
Improved well-being of the perpetrator
Improved well-being of their child or children
Healthy change in relationships within the family
Decreased isolation within the community
Understanding and acknowledgement by the community of the harm caused by IPV
Proactive prevention of IPV by the community
Understanding of the process
Agency in process
Empathetic listening in the process
Competent and unbiased treatment in the process

# Measuring justice outcomes

Operationalising the justice outcomes we have identified is important for ensuring that this research does not remain a purely theoretical exercise.

According to the OECD, measuring the perceived quality and fairness of the outcomes that users of justice services receive is necessary for understanding access to justice and legal need (2019). This is challenging because experiences of justice are subjective. Justice outcomes that are important to one person may be less relevant to another. The results that people seeking justice want to achieve may also change over time, or be at odds with the wishes of their community or society at large. Despite these difficulties, systematically measuring and monitoring the justice outcomes people seek is a worthwhile endeavour.

As a first step towards people-centred outcomes monitoring in the justice sector, we have phrased the 29 justice outcomes introduced above such that they can be asked about and assessed on a 5-point Likert scale. This makes it possible to measure the quality of a justice process or service in terms of the outcomes it delivered for the user.

The general and IPV-specific measurement instruments we provide below can be used in the following ways to increase access to people-centred justice:

- **People who are faced with a legal problem** (for example, IPV) can use these instruments at the start of a justice process or service to indicate upfront what outcomes are most important to them. This exercise may also help

them to determine what kind of service provider would be best equipped to meet their needs. After a person with a legal problem has accessed a particular process or service, the measurement instruments make it possible for them to rate the quality of the justice or support they received experienced in terms of the specific outcomes it delivered.

- **Justice practitioners and innovators** can use these instruments to provide processes or services that are tailored to the individualised needs of their clients (for example, survivors of IPV). At the end of the justice process or service, they can use them to assess the effectiveness of the intervention from their clients' perspective.
- **Ministers of justice and other high-level actors responsible for justice programming** can use the data collected with these measurement instruments to compare justice services and direct funding towards those which are most effective in delivering the outcomes that people with legal problems (for example, IPV) need.
- **Policymakers** can use the same data to identify "what works" in resolving legal problems (for example, IPV) in a people-centred way and create a financial and regulatory environment that enables the most effective justice services to scale.

These measurement instruments are prototypes and have not yet undergone user testing. The phrasing of each outcome-specific question can and should be adapted to the context in which it is being asked, such that the relevant respondents are able to understand it and answer as accurately as possible. The outcomes that a justice practitioner measures with these tools may also need to be adjusted to reflect the type of justice process or service they provide.

**General justice outcomes measurement instrument (prototype)***Please answer  
on a scale of 1-5*

Understanding what happened	To what extent did the justice process or service increase your understanding of what happened?	
Acknowledgement of role or responsibility	To what extent did the justice process or service encourage you and the other parties involved to acknowledge your respective roles in or responsibility for what happened?	
Fair distribution of resources or responsibilities	To what extent did the justice process or service result in a fair distribution of resources or responsibilities?	
Damage restoration	To what extent did the justice process or service restore what was lost, damaged, or violated?	
Relational restoration	To what extent did the justice process or service restore or improve your relationship with the parties involved?	
Harmony within the community	To what extent did the justice process or service increase your ability to live in harmony with the broader community?	
Security	To what extent did the justice process or service increase your sense of security?	
Prevention	To what extent did the justice process or service prevent the legal problem you experienced from happening again?	

**IPV-specific outcomes measurement instrument (prototype)**

*Please answer on a scale of 1-5*

Increased safety from IPV	To what extent did the justice process or service increase your safety (protect you) from IPV?	
Increased economic independence	To what extent did the justice process or service increase your ability to support yourself economically?	
Increased residential independence	To what extent did the justice process or service increase your ability to live independently?	
Improved physical health	To what extent did the justice process or service improve your physical health?	
Improved mental health	To what extent did the justice process or service improve your mental health?	
Increased confidence	To what extent did the justice process or service increase your confidence?	
Understanding of the IPV the survivor experienced	To what extent did the justice process or service increase your understanding of the IPV you experienced?	
Understanding by the perpetrator of the harm they caused	To what extent did the justice process or service increase the perpetrator's understanding of the harm they caused?	
Acceptance of responsibility by the perpetrator for the harm they caused (accountability)	To what extent did the justice process or service encourage the perpetrator to take responsibility for the harm they caused?	
Prevention of the perpetrator from harming other people	To what extent did the justice process or service prevent the perpetrator from harming other people?	
Healthy change in relationship with the perpetrator	To what extent did the justice process or service produce a healthy change in your relationship with the perpetrator?	
Improved well-being of the perpetrator	To what extent did the justice process or service improve the overall well-being of the perpetrator?	
Improved well-being of their child or children	To what extent did the justice process or service improve the overall well-being of your child or children?	

Healthy change in relationships within the family	To what extent did the justice process or service produce a healthy change in relationships within your family?	
Decreased isolation within the community	To what extent did the justice process or service decrease your isolation within the community?	
Understanding and acknowledgement by the community of the harm caused by IPV	To what extent did the justice process or service increase your community's understanding and acknowledgement of the harm caused by IPV?	
Proactive prevention of IPV by the community	To what extent did the justice process or service encourage your community to take proactive measures to prevent IPV?	
Understanding of the process	To what extent was the justice process or service explained to you in a way you understood?	
Agency in process	To what extent were you given agency (the ability to take action or to choose which action to take) throughout the justice process or service?	
Empathetic listening in the process	To what extent were you empathetically listened to throughout the justice process or service?	
Competent and unbiased treatment in the process	To what extent was the justice process or service delivered in a competent and unbiased way?	

# Next steps towards outcomes-based working in the justice sector

Through our research on the specific outcomes sought by IPV survivors, we learned that systematically identifying, measuring, and monitoring the justice outcomes people seek comes with a number of challenges. We reflect in detail on the conceptual and methodological questions that this work raises in the final section of the case study that accompanies this policy brief.

In spite of these challenges, we believe that this kind of research is necessary to promote the focus on outcomes for people that the OECD and others make clear is foundational to people-centred justice delivery. With these next steps, we hope to continue to develop and test this innovative way of working:

1. Repeat the research process we introduced to understand the specific outcomes that people faced with land, neighbour, employment, family, and crime problems seek. Generating additional problem-specific outcomes lists will expand our understanding of what people-centred justice looks like for different populations of justice users and enable practitioners to more accurately assess the quality of services they deliver them. It will also help HiiL to improve upon the list of eight general justice outcomes we offer in this policy brief. Because the relationship between parties to a conflict or dispute varies considerably by problem type, more problem-specific research may bring attention to new general justice outcomes that we have not yet considered in relation to IPV.
2. Identify best practices for measuring and monitoring the general justice and IPV-specific outcomes we defined through consultations with justice measurement and evaluation experts. This knowledge will be used to refine the measurement instruments we offer in this policy brief, integrate them into HiiL's JNS surveys, and work with practitioners to apply them in practice. A deep and practical understanding of the mechanics of people-centred outcomes monitoring is essential for justice practitioners to improve their services and deliver the results people with legal problems truly want and need.

[Read the case study  
Focusing on outcomes for survivors  
of intimate partner violence](#)

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