



TISCO WORKING PAPER SERIES ON CIVIL LAW AND CONFLICT RESOLUTION SYSTEMS

Legal Needs of Vulnerable People: A Study in Azerbaijan, Mali, Rwanda, Egypt and Bangladesh

Martin Gramatikov

Tilburg University, Tilburg Institute for Interdisciplinary Studies of Civil Law and Conflict
Resolution Systems (TISCO)
m.a.gramatikov@uvt.nl

Jin Ho Verdonschot

Tilburg University, Tilburg Institute for Interdisciplinary Studies of Civil Law and Conflict
Resolution Systems (TISCO)
j.h.verdonschot@uvt.nl

TISCO Working Paper Series on Civil Law and
Conflict Resolution Systems

No. 009/2010

October 2010, Version: 1.0

Contents

1. INTRODUCTION	2
2. SET UP: PROVIDING ACCESS TO JUSTICE FOR THE VULNERABLE	5
3. METHODOLOGY	7
4. PREVALENCE OF LEGAL PROBLEMS	8
5. IMPACT OF THE EXPERIENCED PROBLEMS	15
6. STRATEGIES FOR RESPONDING TO LEGAL PROBLEMS	17
7. DISCUSSION	21
7.1. LEGAL NEEDS CLUSTERED INTO IMPORTANT RELATIONSHIPS	21
7.2. CLUSTERS AND TRIGGER EFFECTS	23
7.3. COVER EFFECT OF URGENT LEGAL NEEDS	24
7.4. LEGAL NEEDS AND LIFE STAGES	24
7.5. LIMITATIONS OF THE STUDY	25
8. CONCLUSIONS	25
REFERENCES	26

Abstract¹

In this paper we study the legal needs of groups of vulnerable people in five developing countries: Azerbaijan, Mali, Rwanda, Egypt and Bangladesh. Our first objective is to explore the legal problems which are encountered by vulnerable people in these societies. Second, our study looks at the impact of these problems on the lives of the disadvantaged groups. Third, we aim to find out how the vulnerable people respond to existing legal problems. A combination of quantitative and qualitative methods were employed to study the experiences of beneficiaries of non-for-profit legal aid providers in the five countries.

The major finding of the study is that the vulnerable people experience clusters of legal problems which are most often triggered by dysfunctional relationships. Rarely the disadvantaged experience single instances of legal problems. Their lives are entangled into complex chains of problems. When important relationships break down the vulnerable people often see a looming wave of interrelated legal problems. Understanding the interconnectedness between the problems and their causal effects is key for the design of intervention programs and access to justice policies. Legal problems also occur throughout foreseeable life stages. At different stages of their lives, vulnerable people are more likely to experience the negative impact of particular legal problems. Another finding is that urgent and overwhelming legal problems present distinguishable ‘cover’ effects. People and specifically vulnerable people who have limited coping capacities are likely to focus on imminent problems at expense of less threatening issues. Learning how to deal with cover effects might have important implications for access to justice research and policies.

1. Introduction

In this paper we study the legal needs of groups of vulnerable people in five developing countries. We focus on the beneficiaries of civil society organizations from Azerbaijan, Mali, Rwanda, Egypt and Bangladesh. What is common between these organizations is that they all specialize in the provision of

¹ We are grateful to Maurits Barendrecht, Ab Currey, Robert Porter and Jobien Monster for their truly helpful comments. This research would not have been possible without the support of the management and staff members of Praxis, Deme So, Haguruka, CEWLA and ASK as well as the many development professionals from Oxfam Novib. Financial support for the study was provided by Oxfam Novib and Tilburg University.

legal aid and are partners of Oxfam-Novib.² As of late 2009 and early 2010 all of the five organizations were involved in projects which aim to improve the access of vulnerable groups to justice and dispute resolution. Central theory of these projects and in general of many justice sector interventions is that there is a complex cause-and-effect relationship between vulnerability and inaccessible justice. On the one hand, the vulnerability is an additional barrier on the paths to justice. On the other hand, without recourse to effective and fair dispute resolution processes the vulnerable people become even more vulnerable and poorer. Thus the rationale of the intervention is that provision of legal assistance will increase access to justice which in turn will alleviate the vulnerabilities.

Substantial premise of many interventions in the justice sector is that the legal needs of the beneficiaries are known. Many law and development projects are implemented by local NGOs (Astrada 210; Crespo 2008; Goresch 2009; Ottaway and Carothers 2000). Major donors co-operate with NGOs which are believed to have the local knowledge, expertise, skills and connections to carry out successful projects and programs. However, there might be legal problems that trigger urgent justice needs but remain distant from the attention of donors and legal aid providers. Empirical studies of the prevalence and images of the legal problems experienced by the disadvantaged individuals and communities are scarce (Coumarelos, Wei, and Zhou 2006; Curran 1977; Currie 2005; Michelson 2007; Mulherin and Coumarelos 2007) or based on anecdotal evidence. A more systematic approach to identifying the legal problems of everyday life in developing countries helps to prioritize and focus efforts. Although solid methodologies have been developed to identify the legal problems that people experience in everyday life, studies applying these tend to focus on population in developed countries (Currie 2007; Genn and Beinart 1999; Genn and Paterson 2001; Gramatikov 2008; Hillyard 2007; Murayama 2007; Pleasence, Balmer, Buck, O'Grady, and Genn 2004a; Pleasence, Balmer, Tam, Buck, Smith, and Patel 2008).

Our first objective is to explore what type of problems bother the people who are identified by the particular projects as vulnerable. As we will discuss below, vulnerability is not a uniform phenomenon. Different forms of vulnerability have many different triggers and the consequences come in varying shapes and degrees. Certain groups among the low-income population may be vulnerable to experiencing certain problems, although specific subgroups may be more vulnerable to particular problems than to others” (Currie 2005). NGOs, moreover, have a broad variety of definitions of vulnerability. Despite their common label, the beneficiaries of the five NGOs in Azerbaijan, Mali, Rwanda, Egypt and Bangladesh presumably face different problems and hence have diverse needs. Many NGOs and legal aid projects aim to provide relief and empowerment to vulnerable people but there is little research on what are the most frequent and prevalent legal needs. Little is known about the images of the legal needs – how the beneficiaries see and experience them. Which are more frequent and which more pressing according to themselves? How uniform or varying are the needs of the people who are easily lumped into the global category of vulnerability?

Second, we want to estimate how the legal problems affect the everyday of the people who experience them. Our interest is to discover how disputes and legal problems reflect on the well-being of the people involved. Inability to solve legal problems protract the cycle of vulnerability. In this study we aspire to learn about the mechanisms through which the experience of legal problems affect the everyday life of the people concerned.

Third area of interest is to study the strategies that the vulnerable people use to respond to the legal problems. Central questions here are 1) where do people look for advice and 2) who are the authorities which they credit as capable of solving legal issues. Understandably our sample design focuses on those who took active steps and referred the problem to a legal aid NGO. Therefore, it does not tell us what the general population of those who are vulnerable do. However, it reveals the dynamics and outcomes of one of the active strategies for responding to legal problems,

² Dutch foundation, part of Oxfam International, which aims to fight global poverty. Access to justice is one of the priority areas of Oxfam Novib.

In an earlier paper, Barendrecht et. al. (2008) compared the available studies on legal needs and developed a prioritized list of urgent justice needs (Table 1). After estimating the most frequent and pressing legal needs of the five populations of beneficiaries we will compare the findings to the lists in a search for validity of the list.

Table 1: Most frequent and pressing legal needs (Barendrecht et al 2008, p. 26)

CATEGORY	EXAMPLES	THREATS
1 Subsistence needs	Problems regarding access to basic survival needs such as food, water, heating, urgent health care.	Scarcity
2 Basic personal security	Crimes related to the person. Unfair detention. Personal injury.	Aggression by outside groups, robbery, detention, negligence
3 Property rights protection	Crimes related to property. Registration of property. Property disputes. Expropriation.	Robbery, thieves, claims on property by others, expropriation by government or private developers.
4 Identity issues and documents	Acknowledgement of identity and nationality.	Bureaucratic authorities, individuals opposing registration
5 Problems in land use relationships	Eviction. Problems in relation to land use or house leases.	Landowner asking high share/rent or eviction
6 Problems in employment relationships	Dismissal. Employment conditions. Safety in the workplace.	Employer offering low wage, bad labor conditions, unfair dismissal.
7 Problems in family relationships	Divorce. Domestic violence. Exploitation of women or children.	Domestic violence, unfair treatment/exploitation of women and children
8 Problems in neighbor relationships	Disturbances. Environmental damage.	Disturbances, environmental damage, neighbor violence
9 Problems with sellers of goods/services	Issues regarding quality of goods or services.	Fraud, low quality goods.
10 Business problems	Problems with setting up businesses. Unfair regulation. Unfair taxation. Problems between participants. Problems with suppliers.	Untrustworthy or problematic business partners, government exploitation, extortion by criminals, bureaucracy
11 Debt problems	Unpaid debts.	Debts not paid

12	Problems with financial services	Savings. Insurance. Pensions.	Fraud, conflicts about performance.
----	----------------------------------	-------------------------------	-------------------------------------

This paper proceeds as follows: Chapter 2 provides some contextual information about the civil society organizations that were involved in the study. Chapter 3 outlines the data collection methodology. In chapter 4 we analyze the frequencies of the legal problems experienced in the last three years. Next in chapter 5 we outline the impact of the problems on the life of the vulnerable people and in chapter 6 the strategies for responding to legal problems are discussed. Chapter 7 contains discussion of the main findings from the empirical studies and chapter 8 concludes.

2. Set up: Providing access to justice for the vulnerable

Oxfam Novib supports around 850 partner organizations in developing countries around the globe. In 2008 Oxfam Novib supported 474 organizations working to promote social and political participation of which access to justice is one of the priorities.³ Five of these organizations were asked to contribute to the current study as part of a larger research program on innovative dispute resolution. The organisations were selected by Oxfam Novib because they were (partially) funded by Oxfam Novib, delivered legal aid services, and worked in countries where there were significant rule of law problems. In order to place the data and findings from the legal needs study we will briefly introduce each of the organizations and the context in which they operate.

2.1. Praxis, Azerbaijan

Praxis Support to Social Development is a legacy organisation of the Norwegian Refugee Council. Praxis focuses on community mobilization and legal aid (the latter comprising approximately 75% of its total activities). Internally displaced persons (IDPs) are the core target groups for the legal aid interventions of Praxis. The conflict with Armenia over Nagorno-Karabakh led to a massive stream of IDPs. In 2010 the estimation is that there are some 586 000 IDPs living in different parts of Azerbaijan.⁴

Nowadays, many of the IDPs live in temporary accommodations provided by the government. Others have occupied homes or state owned properties which seemed empty in the mid 1990s. Many face repossession claims from the legal owners of the property or eviction orders following privatization of state companies (despite there is a Presidential decree which forbids privatization of estates occupied by IDPs). IDPs face many other legal challenges. Pension rights are particular problem since the public records for many IDPs are lost in the places they left. They are currently entitled by the state to certain privileges but only those who have proper documents identifying their legal status of IDPs could benefit. Residence is also an issue as IDPs are not allowed freely to settled whenever they want. Economic factors and employment opportunities are pushing many towards the big cities but obtaining legal residence there is problematic and this endangers the use of basic public services as education, health care and social benefits. Many IDPs are concerned with the legal titles of their properties in the occupied territories. On a project basis Praxis aspires to help the IDPs with legal aid and assistance. The organization has offices in the major centers with massive presence of IDPs. Its staff consists of mainly of lawyers but also social workers who help the IDPs with their problems.

2.2. Deme So and Wildaf, Mali

Clinique Juridique Deme So (“House of Assistance”) is an NGO based in Mali. It is recognized by the Malian Ministry of State for Territorial Administration and Security since 1992. It aims to support

³ Oxfam Novib 2008 Annual Report at http://www.oxfamnovib.nl/Redactie/Downloads/Jaarverslagen/Jaarverslag_Oxfam_Novib_2008.pdf last visited on 20/09/2010

⁴ Internal Displacement Monitoring Centre (IDMC), *Internal displacement caused by conflict and violence*, 16 July 2010, available at: <http://www.unhcr.org/refworld/docid/4c4030912.html> last visited on 21/09/2010

democracy and promote human rights in Mali. During the period between 2005-2007, Deme So, in a national cooperation of NGO's that focus on rights and legal aid, developed the National Curriculum for Paralegal Training in Mali and produced a Handbook for the Paralegal. Deme So is the coordinating organization of the program. Initially, 120 paralegal have been trained over six of the eight regions in Mali.

Wildaf Mali is one of the partners in the paralegal program and a member of the Panafrican network Wildaf/FeDDAF (Women in Law and Development in Africa / FemmesDroits et Développement en Afrique). This is a network of 500 organisations and 1200 individuals involved in women's rights in Africa. Wildaf was established in 1995. The organisation is involved in training, awareness raising and legal support and works to the benefit of women, children, adolescents, councillors at municipality level.

Both organizations focus on the vulnerable people living in the urban and rural regions of Mali. In practice, the large majority of direct beneficiaries are women. Women's rights are not deeply rooted in Malian society nor translated into effective social norms and the organizations focus on strengthening their position, amongst other means by providing them legal aid.

2.3. Haguruka, Rwanda

In 1994 an estimated 800 000 to 1 million Rwandese lost their lives in one of the worst genocides of the century. Almost 20 years later the loss of one tenth of the population continues to cause massive legal problems. For about 15 years following the genocide the country's legal and political system was occupied with the search for restorative and compensatory justice. In 2010 the process of bringing the *genocidaires* to justice is considered still incomplete but somehow addressed. Still the genocide has direct relation to the problems and disputes that perplex the everyday life of the people in Rwanda. Many women and children who survived the genocide found themselves as heads of families in a society which is male-centric. They still have to dispute over inheritance, paternal rights and many other issues which the massive loss of live entails. Other sources of vulnerability is the position of the women who cohabitate without official marriage and the children born out of wedlock.

Haguruka is one of the largest legal aid providers in Rwanda delivering support primarily to women and children. The organization employs in-house lawyers who provide legal advice to beneficiaries who turn up at their offices. Haguruka also maintains a large but loosely organized network of paralegals who serve a dual role in their communities. On the hand, the paralegals provide basic legal advice. On the other hand, the paralegals are actively involved in the initiation and structuring of dispute resolution processes.

2.4. Center for Egyptian Women Legal Assistance Foundation, Egypt

The Centre for Egyptian Women's Legal Assistance is a community organization established in 1995. It works on women's position in Egyptian legal institutions and laws. It also seeks to provide women with the skills and capacities that enable them to exercise their life and to overcome the problems. .

CEWLA runs for key programs that are supported by 3 individual units. The first program is the advocacy and legal reform unit that also provides the legal aid to women. The second program is the violence against women program that provides psychological support and solutions through different work forms. The third program focuses on children's rights and the fourth program on social participation. Raising awareness and training activities takes place through a range of media contacts, workshops with beneficiaries, networking, trainings for cadres, networking activities with other organizations promoting women's rights in Egypt, documentaries, theatre performances, as well as international cooperation with similar organizations in other Muslim countries.

2.5. Ain O Salish Kendra, Bangladesh

Ain o Salish Kendra (ASK) is an NGO formed from grass-roots activism. In 1986, the founders began as a collective with no formal structure or institutional order. Originally delivering only legal aid services, ASK has developed and diversified since these beginnings to cover a wide range of activities

related to the protection and promotion of human rights, and the protection of the most vulnerable people in society, especially women.

ASK has their main offices in Dhaka, with a staff of approximately 120 individuals working from a 6 story building. This includes lawyers, administration, researchers, psycho-social counsellors, outreach workers, advocates and trainers. In addition ASK carry out outreach activities to develop groups in local communities who act both as an information source for people suffering from rights abuses, and also as watchdogs to bring any major human rights abuses to the attention of ASK.

3. Methodology

The quantitative and qualitative data collection took place over a period of 6 months between 22nd November 2009 and 12th May 2010. Quantitative data was collected using a structured questionnaire distributed directly to the selected respondents by staff members of the partnering NGOs. The instrument is partly based on the *justiciable events* approach to estimating unmet legal needs and strategies for coping (Genn and Beinart 1999; Pleasence, Buck, Balmer, O'Grady, Genn, and Smith 2004b) but also includes sections measuring the perceived legal empowerment and attitudes towards the Microjustice approach (Barendrecht 2009; Gramatikov and Porter 2010). Prior to the field trip, each organisation was asked to collect data from beneficiaries and non-beneficiaries using the same measure. Convenience sampling was used throughout each of the field-trip sites as this kept the costs in terms of time to a minimum for the host organisation, who undertook this research in addition to their normal practice. Table 2 below gives the number of respondents from each country. Each respondent was interviewed in a face-to-face interview conducted by an employee of the NGO.

Table 2: Number of respondents in each of the 5 countries

Country	Received Legal Aid	Have Not Received Legal Aid	Unsure if Received Legal Aid	Total
Azerbaijan	79	0	0	79
Mali	49	0	0	49
Rwanda	61	3	1	65
Egypt	42	26	2	70
Bangladesh	16	58	2	76
Total	247	87	5	339

With the exception of Praxis, the rest of the collaborating NGOs focus predominantly on women and children. Therefore women are overrepresented in both the quantitative and qualitative datasets.

Qualitative data was collected through focus groups and interviews with key informants. Similar to the quantitative study both beneficiaries and non-beneficiaries were invited to take part in the interviews. The focus groups consisted of between 2 and 12 individuals who had used, or were in the process of using, the services of the host organisation. Focus groups were held in a location away from the offices of the host organisation, and were conducted by two members of the research team. Where possible, members of the host organisation were not present during the focus groups. In these focus groups the experiences of the clients in relation to legal needs and also methods of addressing these legal needs were explored. Interviews were used where it was feasible to have individual interviews with stakeholders. These in-depth interviews were held outside the offices of the host organisation,

and no members of the host organisation were present. The interviews discussed current legal aid provision strategies as well as options for the future. The number of activities carried out with each organisation are given in Table 3.

Table 3: Number of qualitative research activities

	Praxis (Azerbaijan)	Deme So (Mali)	Haguruka (Rwanda)	CEWLA (Egypt)	ASK (Bangladesh)	Total
Client Focus Groups	3	3	2	5	2	15
Non-client focus groups	0	0	1	0	1	2
Interviews	5	0	13	6	1	25
TOTAL	8	3	16	11	4	42

4. Prevalence of legal problems

We asked the respondents in each of the five cross-sectional surveys whether they encountered one or more legal problems in the past three years. The problems were grouped into broad categories of life situations which can be reasonably expected to raise serious legal issue and necessitate legal action.⁵ Table 4 clearly indicates that the reported legal problems from the five studies are concentrated into six problem domains – personal security, family relationships, employment, problems with neighbors, and use/ownership of house/land. Claiming social benefits was more visibly reported in Azerbaijan and to some extent in Rwanda, but was not recognized as particularly pressing legal problem in Mali, Egypt and Bangladesh. Problems related to personal security are the most prevalent types of problems in Mali, Rwanda and Bangladesh.

Table 4: First legal problem reported (cell values are column percentages)

	Azerbaijan	Mali	Rwanda	Egypt	Bangladesh
Personal security	3,8	49	32,3	26,6	29,4
Family relationships	17,7	2	27,7	34,4	17,6
Employment	11,4	28,6	1,5	9,4	11,8
Problems with neighbors	8,9	0	13,8	9,4	17,6
ID documents	19	0	1,5	6,3	2,9
Use/ownership house or land	16,5	20,4	12,3	4,7	8,8

⁵ Personal security, family relationships, employment, problems with neighbors, ID documents, use/ownership house or land, social benefits, consumer problems, business disputes (concerning other businesses), business disputes (concerning public authorities), accidents, money/debt

Social benefits	11,4	0	7,7	0	2,9
Consumer problems	3,8	0	0	0	0
Business disputes (private)	0	0	0	0	2,9
Business disputes (public authorities)	2,5	0	0	0	0
Accidents	2,5	0	3,1	3,1	2,9
Money/debt	2,5	0	0	3,1	2,9
Other:	0	0	0	3,1	0

With the notable exception of Azerbaijan where the sample predominantly consisted of IDPs, problems and disputes over the life, physical integrity and health of the interviewees were reported as the most frequent problems which raise serious legal issues. Disputes and legal problems related to family relationships are following closely and in Egypt and Azerbaijan emerge as the most common legal problem among the respondents. However, we should be wary about the possible overlap between problem categories. It is possible that the formulation of the problem categories was not clear enough to guide the respondents how to distinct one problem from another. It is also plausible that the overlap is not an effect of a formulation gap but is the substantial result of the interconnectedness of the categories of problem. The frequency counts from the small sample survey only indicate in a broad sense the most frequently appearing categories of legal problems. In the qualitative part of the study, we observed that the problems of the vulnerable persons indeed are not independent from each other. Justiciable events studies in other countries have already documented how legal problems trigger each other or groups of problems are likely to cluster together (Plesence et al. 2004a). “Justiciable problems (i.e. problems experienced by individuals that raise civil legal issues, whether or not these are recognized) do not necessarily occur in isolation.”(Gramatikov 2008; Plesence et al. 2004a). Due to small samples it is difficult to discover such trends in the quantitative data but there are plenty of examples in the qualitative focus groups interviews which will be explored furthermore.

4.1. Personal security problems

Taken together the personal security issues are the most frequently reported problems. In Mali for instance almost half of all legal problems concern the personal security of the respondent. Looking at the frequency distributions in Table 4 one can assume that the respondents from the particular vulnerable groups live in perilous environments. The qualitative data confirms this but also clarifies an important nuance of the picture. Most of the violence experienced and reported by the participants in the qualitative interviews have their origins in the family environment and do not involve strangers. We will see below that in most of the case the threat to the personal security takes the form of domestic violence or other forms of harassment conducted by family members.

Relatively rarely the respondents have experienced threats and risks caused by unrelated individuals. A respondent from Egypt comments that sexual harassment could be a problem but without linking to actual experience. Another one talks about drugs and how they can provoke or escalate brawls: “Addiction is main reason for violence”(beneficiary, Egypt) and “Addiction is a problem as well. Pills, hashish. Bangu. They [young people] try to forget because they are unemployed” (beneficiary, Egypt).”

There were other examples of problems with personal security reported as well, interestingly enough reported only by non-beneficiaries. Most of the stories from this segment concerned personal security threats caused by crime. Moreover all were stories that did not concern personal experiences.

“There was a problem with a man’s relatives. They took him, tied him up, beat him and asked for money. They told the chairman and also other people, but money was used by the kidnappers to bribe the relevant people.” (non-beneficiary, Bangladesh)

“A threat was received by someone in my neighbourhood on his mobile phone, to pay 7.000Tk. Later the man’s children were killed after school as they were leaving, they were shot. Despite the police being there, on the spot, no-one did anything.” (non-beneficiary Bangladesh)

“Whenever you start a business it is life-threatening. For example there was a man who lives in a shack, he works and gets 2000Tk a month, with his wife, making packets that they sell. Someone called in the night, kidnapped the husband and held him for 2 days. Someone met the kidnappers and asked where the guy was, and found out that they had taken him to a restaurant and killed him, and cut him into 4 pieces for disposal. They had 2 children. What will they do? The police did nothing, because there is no law.” (non-beneficiary Bangladesh)

Environmental insecurity was reported in a focus-group in Azerbaijan where a group of IDPs complained about the presence of prostitutes around their accommodation. Not only the respondents felt insecure due to the ongoing activities right next to their dwelling but also felt humiliated that all this happens in front of their children. Other examples of tensions which could escalate to personal security problems were for instance squabbles between parents of wrangling kids (Mali) or spat between two men proposing to the same girl (Mali). What the qualitative data suggest is that the personal security problems are mainly enfolded into the family relationships.

4.2. Problems with family relationships

The focus group interviews contain many stories of domestic violence which is triggered by dysfunctional relationships. There are strong indications that the high prevalence of personal security problems in Mali, Rwanda, Egypt and Bangladesh are actually rooted within the family environment. People and specifically those who are vulnerable invest most of their scarce resources in family relationships in search of care, protection and stable incomes. Break down of family relationships has emotional, financial, legal and administrative consequences which usually impact those who are most dependent – children and women. Domestic violence is a frequent companion of dysfunctional or falling relationships. Pleasence et. al. (2004a) find that the family cluster of civil problems comprises domestic violence, divorce, relationship break down and children problems. This complex amalgam of emotions and problems is often seen by the vulnerable as one whole problem rather than sequence of discrete occasions. In 73% of the quotes in which personal security issues were mentioned the main reason was some sort of dysfunctional relationship between relatives.

“I have a problem with my husband who is a higher military officer. We have been together for 23 years now. No children are born from our marriage and he married a second wife. This woman got pregnant and gave birth to a baby. After this baby was born, my husband started to beat me up. Two times I was really seriously beaten up by him. When I started complaining, my husband filed for a divorce without notifying me up front.” (beneficiary, Mali)

“Husband was always violent. Was a kind of hobby. I responded, by accepting, because of fear he would divorce her and for the sake of my children. I was his second wife. (beneficiary, Egypt) “I got married and lived with my husband. After 4 months he asked for dowry, but I did not have it. He turned violent. One day, my brother in law severely beat me up.” (beneficiary, Bangladesh)

“I am married. The first 3 years were fine, and I gave birth to our first child. After 3 or 4 months, my husband started beating me, asking for money. I was pressured a lot, so I managed to get 3 000, then 17 000, then another 6 000Tk from my family [\$30, \$170 and \$60 respectively]. My husband would wait until I got him the money, then he would kick me out of the house and vanish. He vanished for a long

time, then I saw him in the street. He suggested that we go to a restaurant to talk. When we were in the restaurant he took my money and left again..” (beneficiary, Bangladesh)

Domestic violence takes different forms. Battery and assault are the most frequently reported forms but there were stories of other forms of violence. Psychological threats and embarrassment are consequences of family break downs. Unfair distribution of family resources is another type of problem which is reported as part of the family cluster. A beneficiary from Bangladesh explained how she managed a tailors shop but the husband wanted to run the shop differently and the wife to stay home looking after the children. At the end the woman was beaten. Similar story was told in Rwanda about a female entrepreneur who was battered after she declined to work in the small family business. A respondent from Egypt reflects on another form of unfair treatment: “Another type of violence is [when] husband restricting woman to go to work. If she wants to become leader, he would argue.”

The family problems often evolve around money. Two mutually non-exclusive scenarios link the family, money and personal security problems into an interrelated cluster. In the first chain monetary problems lead to family break downs which result in domestic abuse. Typical story is the one told by a beneficiary from Bangladesh:

“She was working in a factory when she met her husband. They married in a love match and for 1 and a half years, everything was fine. However her husband then left his job and didn’t do anything except lie around the house. She was pregnant at this time, but started to work regardless to bring some money into the house. It was very difficult for her. When she went to her parents in law for help, they were unsympathetic and threw her out. When she was 8 months pregnant her in-laws pressured her to borrow money to cover the household, which she did. She was very worried because she couldn’t return the money. Her husband then made her borrow money from her sister-in-law. She was then working, and calculated that as she received 2000Tk a month, she could use 1500 for the household and repay 500Tk a month. Then her husband said that he needed 300Tk to go away for a job (?). She pawned her earrings to gain the money, and was scared to tell him how she got the money as she was worried that he would not go if he knew that she had pawned something for the money. She went to stay with her husband’s family, however they beat her badly and threw her out. They would not let her take her son, who was 9 months old at this point. She went to the police, but they were no help in getting her son back. That was a month ago, and she is still working to get her son returned to her.”

Not surprisingly family problems are not only caused by money-related disputes but also cause financial distress. Women and children who are usually in weaker positions bear the negative consequences. Most frequently the divorced or separated women face problems with claiming and obtaining child support and alimony. The quintessential story revolves around men who cease any support for their (ex) spouses and dependants.. Additional problem is that in some of the visited countries the social position of divorced women or single mothers are additional factors aggravating the vulnerability. “Younger women will be harassed if they are divorced” (beneficiary, Egypt). “If someone is abandoned, they face many difficulties” (beneficiary, Egypt). A respondent from Rwanda reflects: “.. girls who have children without marriage, they still live with the parents - parents do not except them. The father [of the children] does not also accept them. They have to defend their children. They don’t have right to success her parents or father”.

4.3. Money related problems – employment and housing/property

Although not the most frequently reported problem categories, employment and housing/property are sizable categories. Both problem categories are contingent on income. Employment (together with self-employment) is the primary source for income , especially in developing countries where the safety net of the social security systems is barely existing. The need for shelter is directly related to income and ability to accumulate and protect property.

The particular groups of vulnerable people comprised predominantly of women who anyway face limited opportunities for work outside the household. Particular legal problems are deductions of wages or delays in payment "...sometimes salary is late, and the rent is due" (non-beneficiary, Rwanda).

Income fluctuations lead to problems with landlords, specifically in the urbanized areas. An HIV positive beneficiary from Rwanda tells her problems with difficulties to pay the rent: "...she has a part time job but when she is sick, she does not get paid, and can't pay the rent. If she can't pay, 15.000 [Rwandan franks] per month, she has to go to check for a cheaper house (5000) which is not big enough for the family." Another Rwandese woman who did not receive legal aid tells similar story: "She did not pay rent because she was in the hospital with her children, when she came back to the house, it was closed, owner had taken all things and put them in her own house, and they had given the house to another for rent."

The housing problems of the IDPs in Azerbaijan exhibit different dimensions. Many IDPs live in properties which are repossessed by their legal owners or are privatized and the new owners treat eviction. One of the focus group interviews was attended by IDPs who lived in such a privatized property and in few hours were due to attend a court hearing over the disputed estate. The whole group was very anxious and preoccupied with the problem which treated to leave them and their families on the street. Distinctly, their focus was on the current problem and no other problem looked serious and worthy to be discussed.

Housing problems could be seen as part of the broader category of property disputes. Again, the unifying factors are significant social changes, money (or the lack thereof) and often estranged family relationships. Until recently women in Rwanda were not inheriting their fathers or spouses. After the genocide many women and children became heads of families and the rules of succession endangered the welfare of many. "...many women had lost both land *and* the male relatives through whom they could maintain previous landholdings or acquire new land allotments according to the provisions of customary law" (Rose 2004). Another problem which causes property disputes in Rwanda but also elsewhere is the unrecognized legal status of the cohabitation: "She has two children with a man and were in the house together, but without legal marriage. After he died, the family of her husband came and kicked her out." (Non-beneficiary Rwanda). After the 1994 genocide in Rwanda many orphaned children were brought to institutions or simply left to live a life on the streets. More and more of them reach adulthood and claim the property of their late parents or relatives.

Migration is another source of property related problems. IDPs in Azerbaijan are bothered about their properties in Nagorno-Karabakh. In Rwanda returning refugees claim repossession of property which for a long time has been occupied by others who consider themselves owners.

4.4. Problems with public services and benefits

Vulnerable people face specific risks which limit their capabilities and reinforce dependencies on external support networks. At the same time, they face greater challenges while claiming and receiving entitlements from public bodies. A respondent from Egypt, mother of four, tells the quintessential story: "[I came to CEWLA] for obtaining an ID document and birth certificate, [and apply for] pension for my husband." Identification documents, marriage certificates, birth certificates and other official proofs are prerequisites for "getting a pension, or a job, to register the children at schools. Another respondent from Egypt puts the chain of legal problems in perspective: "[I have] not enough money, [and thus] not able to issue an ID for [claiming] handicapped money (disability benefits)." Beneficiaries from Azerbaijan frequently reported similar problems with obtaining refugee status which is a precondition for using a set of privileges and benefits. Vulnerable people have greater difficulties to obtain status documents which in turn would allow them to improve their lives.

Problems with obtaining ID documents and using public services and benefits were particularly frequent among the interviewed IDPs in Azerbaijan. During the qualitative interviews the topic was frequently raised and garnished with numerous examples:

“I have two grandchildren who cannot get a birth certificate.” (beneficiary Azerbaijan)

“Many of us cannot obtain a birth certificate.” (beneficiary Azerbaijan)

“For the children of IDPs – they have to have an IDP status. In reality they do not get it.” (lawyer Azerbaijan)

“When they reach retirement age, they need documents. Martyrs from the war have a right to free services or free documents. Registration was also necessary for benefits such as low prices for electricity. 35 or 40 appeals were necessary to get People registered at their place of residence. There is now improvement in social benefits.” (lawyer Azerbaijan)

“I do not have money to register [obtain residence permit].” (beneficiary Azerbaijan)

The preponderance of problems with public services/benefits in Azerbaijan has to be interpreted along the fact that the respondents were recruited among the population of IDPs who are dependent on myriad of public authorities to prove their status and claim the benefits related to this status. Historically the people of Azerbaijan have the social experience of a powerful and omnipresent state which took care for most of the vital public and communal services such as health care, education, justice and security. Consequently they might have higher expectations that the state should provide help— a sentiment which can be hardly detected in the rest of the visited countries.

4.5. Multiple legal problems

Encountering one legal problem increases the likelihood of experiencing another problem from the same or related category (Currie 2005; Genn and Beinart 1999; Gramatikov 2008; Pleasence 2006). In three of the five studies the local NGOs asked the respondents how many times the respondents faced the problems reported in Table 4. The data shown in Figure 1 reveals significant differences among the three samples. In Azerbaijan most of the respondents reported only one major problem.

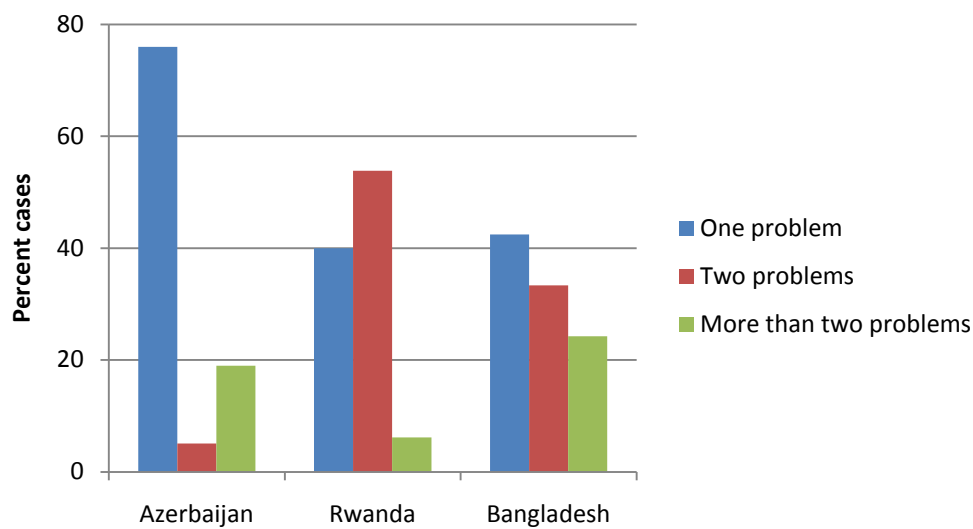
“No, we have no conflicts. It is only the conflict with our houses.”
(Beneficiary, Azerbaijan)

“No, we do not have problems with other people. The problems are with the local authorities. The authorities do not want to help them. They close their eyes to them [IDPs].” (Beneficiary, Azerbaijan)

“There are also other legal problems, but they are less important for us. If there is a crime, the police will take care of that. There is local police here”
(Beneficiary, Azerbaijan)

A different picture emerges from the surveys in Rwanda and Bangladesh. More than half (54%) of the interviewed individuals in Rwanda report that for the last three years they had two of the reported problems and further 6% faced more than two. Similarly, in Bangladesh one in three respondents reports two and almost one in four had to deal with more than two problems. This can be explained by the examples from the focus groups provided above. Both Haguruka (Rwanda) and ASK (Bangladesh) have a strong focus on women who often report cases concerning domestic violence and financial issues (including maintenance, alimony, dowry and dower payments). Below we will discuss another plausible explanation – the ‘cover effect’ of serious and difficult to resolve legal problems.

Figure 1: Frequency of the reported legal problem



In order to observe the strategies for responding to legal problems we asked them to think about the problem (or one of them if more than one was reported) and what they did or did not as response to the problem. The frequencies of the type of legal problems which are covered in more detail are shown in Table 5. Due to the fact that some respondents reported experience with more than one legal problem⁶ there is a slight difference with the data in Table 4. Following the standard practice for mitigating selection bias (Genn and Beinart 1999; Pleasence et al. 2004a), in the cases when more than one problem was reported we asked the respondents to focus their reflection on the second most frequently experienced problem.

Table 5: Legal problems followed in further detail

	Azerbaijan	Mali	Rwanda	Egypt	Bangladesh
Personal security	1,27	48,98	34,38	24,19	28,13
Family relationships	18,99	2,04	26,56	35,48	15,63
Employment	8,86	28,57	1,56	9,68	12,50
Neighbors	7,59	-	14,06	9,68	18,75
ID documents	22,78	-	-	6,45	-
Use/ownership house or land	16,46	20,41	12,50	3,23	15,63
Social benefits	12,66	-	7,81	1,61	3,13
Consumer problems	3,80	-	-	-	-
Business disputes (private)	-	-	-	-	3,13
Business disputes (public)	2,53	-	-	-	-

⁶ Due to small numbers the data on the problems reported as second is not included in the paper.

authorities)					
Accidents	2,53	-	3,13	3,23	-
Money/debt	2,53	-	-	3,23	3,13

5. Impact of the experienced problems

The problems shown in Table 5 can be experienced by the vulnerable people in many different forms and nuances. To avoid complications for the non-professional interviewers we did not include test for the seriousness of the problem in the questionnaire. Hence, the magnitude of the experienced problems is inferred from the extent of its negative impact (Table 6). Almost two in three problems cause significant amount of stress for the people who experience them. It is not possible to say from the data how much of the stress amounts to specific medical condition but certainly negative stress is related to many different instances of ill-health. Almost one of three problems leads to health problems and it is plausible to expect that there is a close association between the amount of experienced stress and health problems.

Loss of money is reported in 55% of the legal problems faced by the respondents in our samples. In some categories of legal problems pecuniary damages are more difficult to assess and quantify (i.e. security threats, divorce or disputes with neighbours) but in others the monetary value is apparent (i.e. employment, property disputes, alimony and child support etc.).

We discussed earlier how the focus group interviews revealed that domestic violence and divorce correlate with conflicts over money. Further on it appears that the respondents (primarily women) reporting such problems often experienced serious difficulties in meeting their subsistence needs. This could partly explain the high rate of reported health problems. Moreover, the social status of divorced women can cause further problems, inducing further stress.

“Divorced women have problems. Subjected to violence from family of the man. Even of their own families, because they become a burden on their own family as well. Divorce is a taboo as well, you have to solve your problems at home.” (NGO worker, Egypt)

“She sees herself as a second rate citizen, you are raised with that idea of being inferior.” (NGO worker, Egypt)

“There is a stigma. In the Middle East, if you go on the street, this stigma will be there. You go for protection to your own family.” (NGO worker, Egypt)

IDPs in Azerbaijan report frequently problems related to housing. Lack of proper accommodation or disputes over the available property have many ramifications:

“They live here in difficult circumstances. They have no community centre, no access to emergency aid. They have no place to hold funerals, a person died today, and this is sad. In Azerbaijan a tent would be acceptable for the ceremony, but they do not even have this.” (lawyer, Azerbaijan)

“All IDPs live in a one room house. It was privatized in 1998 and the owner came and bother us from the beginning. He sends his men to harass us. They challenge us to use violence so they can call the police. One day, the police came and took away some of our men. They had to spend the night in jail.” (beneficiary Azerbaijan)

“We have been living in uncertainty for 11 years now. And the thing is that they never told us it was privatized. They never asked us permission.”
(beneficiary Azerbaijan)

Table 6: Impact of the experienced legal problems

Impact	% of reported problems ⁷
Stress	61,25
Loss of money	55,02
Health problems	38,41
Loss of time	30,45
Damage to relationship	25,95
Loss of employment	19,03
Other	11,07
Do not know/Do not want to answer	1,04

Not all reported problems have identical impact on the life of the people from the samples in the five countries. Almost all respondents in Bangladesh (94%) report stress as result of the legal issues or dispute. In Mali the percentage is much lower and in fact there the respondents report more often monetary and health related damages.. In Mali and Rwanda the concern over loss of time is significantly higher than in the three other countries. The negative effect of the problem on important relationships is specifically recognizable in Egypt and Bangladesh where the beneficiaries are mostly concerned with the effects of broken family relationships.

Table 7: Impact of the experienced legal problems by country

	Azerbaijan	Mali	Rwanda	Egypt	Bangladesh
Loss of employment	18,99	42,86	12,70	14,06	5,88
Loss of money	53,16	61,22	52,38	53,13	58,82
Stress	58,23	38,78	61,90	64,06	94,12
Health problems	39,24	44,90	20,63	51,56	35,29
Damage to relationship	8,86	28,57	26,98	39,06	35,29
Loss of time	21,52	46,94	46,03	21,88	14,71
Other	21,52	12,24	3,17	9,38	2,94
Do not know/Do not want to answer	2,53	-	-	1,56	-

⁷ Respondents were allowed to select more than one instance of impact of the experienced problem

The characteristics of the problems are also related to the type of impact. Problems with family relationships lead more frequently to stress (72% of family problems) and loss of money (63%). With the exceptions of Azerbaijan and to some extent Rwanda, we observed social structures in which marriage is one of the main “employment” opportunities for women.⁸ Consequently, the breakdown of the family relationships more often impacts emotionally but also economically the women. Although they have rights to alimony (and child support when they have custodial rights on the children) in all of the countries included in this study, the qualitative data suggest that women face severe difficulties in actually receiving these entitlements. Not only they have to cater for the dependant family members but also their earning potential is severely limited due to a set of interrelated factors – restricted access to education, negative social perceptions of the role of women as part of the workforce, need to take care of the children and high rates of unemployment. For contrast, the problems ensuing from use or ownership of house or land are associated mostly with loss of money and time.

6. Strategies for responding to legal problems

Most of the respondents are beneficiaries of non-for-profit organizations providing legal aid (see Table 2). This explains why often the problems are reported as unresolved – at the time of the interview, the beneficiaries were still in the process of seeking and receiving legal advice and assistance. Interestingly, there are differences between the samples in the approaches to contact the other party. In Rwanda, Azerbaijan and Egypt, more than 80% of the respondents said that they contacted the other party in the dispute in order to negotiate an outcome. In Bangladesh, the proportion is similar – 76%. In Mali significantly less people said that they contacted the other party in the dispute. Perhaps, this could be explained with the fact that in Mali most of the incurred problems concerned personal security. Meeting the perpetrator in such type of problem, especially when the security threat is outside the family relationship could be additional instance of stress and discomfort. Another possible explanation could be cultural differences in the understanding what is meant under “meeting the other party”. Interestingly, Mali is also the country with relatively high proportion of “positive” response for cooperation – in 35% of the cases of legal problems, the other party agreed to participate in solving the problem. The qualitative data suggest that Mali has some social norms emphasizing settlements among one another without any involvement of the formal system.

“People always try to find an intermediary solution and only revert to the law as a last resort. They do not see any contradiction between a paralegal and a local chief, because everyone is looking for intermediary solutions.” (Paralegal, Mali)

“Bad agreements are seen as better than a good trial. This is the saying in Bamako.” (Paralegal, Mali)

“People are really reluctant to go to the formal system. No one wants to be the person that involved the police.” (Paralegal, Mali)

“People use a lot of tradition to resolve their conflicts, especially for family issues. For example, the system of family names is widely used by people. A person with a specific family name can act as a mediator or adviser in a conflict between people with a certain other family name. The advice of the first cannot always be refused.” (Paralegal, Mali)

“Judges also feel positive about amicable solutions and have the same positive attitude towards the informal system.” (Paralegal, Mali)

⁸ Although well educated women in all of the five countries have significant chances of success in many occupational fields. For instance, as of 2010 there are more female than male MPs in the Parliament of Rwanda.

The respondents from Egypt and Bangladesh report the highest level of cooperation with the other party - 59% and 42% respectively. For comparison, in Rwanda the relevant percentage is 8 and in Azerbaijan – 26. It should be noticed that the reported levels of cooperation could be higher than in the general population. Most of the respondents in our samples persevered in the face of the dispute and attempted to solve it with the help of the NGOs delivering legal aid. This might have had coercive effects on the willingness of the other party to search for solutions.

The social network is the most important source of advice when a legal problem occurs. In 42% of the problems in which the respondents sought information, advice and support, they addressed the issue to friends, colleagues and relatives. Not surprisingly, the second most frequent source of advice is a specialized NGO – 36% of the reported problems in which advice was sought. Certainly, this percentage reflects the bias in the sample. Had a cross-section of the population been selected on a systematically random basis, perhaps this percentage would have been significantly lower. All of the NGOs in the visited countries are reaching out to people in need but their capacities are limited and can cover only a tiny portion of the existing legal needs. About one third of the respondents (35%) stated that they searched for the help from a lawyer in order to solve the problem. At face value this looks like a high percentage but again the caveat is the likely bias in the sample. Most of the respondents were actually selected for interview by the staff of the legal aid NGOs. Moreover, all NGOs employed lawyers or paralegals to help the beneficiaries. It is possible that the respondents mixed the two categories when they had to select whether the help came from NGO or a professional.

As it could be expected there are significant differences among the five samples in terms of reliance to professional advice. The prevalence of problems related to ID documents and access to social security benefits in Azerbaijan explains to some extent the high interest in receiving advice from a professional provider. These types of problems are usually seen as technical and their solution requires certain level of legal skills and abilities. Also in Azerbaijan, the sizable role of public policies and public authorities in the life of the IDPs suggests relatively high dependence on local and central public authorities. On the other hand, the problems of women in Bangladesh are mostly related to family relationships. In such types of problems and in this particular culture, help and advice is predominantly sourced from the social network. Ineffective, long, unpredictable and unfair official adjudication processes explain the distrust of the respondents in courts. An alternative explanation could be sought in the existence of alternative dispute resolution processes which are perceived as effective. Particularly, this proposition could be plausible for Rwanda where informal mediation and adjudication is strongly interlinked with the official justice processes.

Table 8: Sources of legal advice

	Azerbaijan	Mali	Rwanda	Egypt	Bangladesh
Family members, friends, colleagues;	22,78	47,92	40,00	54,55	69,70
Lawyer	70,89	29,17	6,15	30,30	15,15
Municipality	11,39	4,17	9,23	3,03	12,12
Central public authority	24,05	-	16,92	-	12,12
Police	12,66	8,33	18,46	-	3,03
Employer	3,80	6,25	1,54	3,03	15,15
NGO	37,97	60,42	50,77	-	6,06

Village elder	-	-	3,08	24,24	15,15
Professional association	1,27	14,58	12,31	-	30,30
Politician	-	-	-	6,06	-
Internet	-	-	-	-	6,06
Newspapers/press	3,80	-	1,54	-	-
Court/other dispute resolution mechanism	17,72	14,58	20,00	-	-
Did not look for information	1,27	4,17	6,15	6,06	-

Of those who did not seek advice or other form of support, 20% were concerned with the possible costs of obtaining such advice. Apparently, the respondents referred to professional advice which has a price tag. Legal fees, however, are not the only sizable cost category associated with access to justice. Travel costs, court and administrative fees, cost of lost income and opportunities might be additional mounting barriers in the search for professional and non-professional advisers. Disbelief in the potential of the advice to solve the problem was pointed by 19% of the respondents as the reason for not looking for one. At third place with 13% as negative motive comes the distrust in the providers of legal aid.

When a problem has been recognized as legal and the party decides to take action to solve it, the acquisition of legal information is normally only the first step. Second step is the attempt to solve the problem with own action. If this does not help an involvement of external person or organization is sought. We asked the respondents where they looked for such interventions. Table 9 shows that again as in the case of advice/information the family network was the most commonly used resource for mobilizing to respond to legal problems. In 40% of the legal problems, the respondents asked relatives, friends or colleagues to intervene into the problem. Employers, legal professionals and judicial authorities follow closely.

Table 9: Which person/organization did you ask to intervene

	% of legal problems
Family members, friends, colleagues;	40,00
Employer	31,23
Lawyer	28,42
Court	25,26
NGO	16,14
Central public authority	15,44
Professional association	8,77
Municipality	8,07
Other	5,26

Powerful third party (informal)	4,21
Did nothing	4,21
Village elder	3,86
Gave money to the other party to solve the problem;	3,16
Police	2,46
Politician	2,11
Do not know/Do not want to answer	2,11
Attempted to/Solved the problem alone with own actions	1,05

Disputes could remain unsolved for many different reasons. We asked the respondents for their explanations for the lack of resolution. In 43% of the problems, the interviewees pointed out that the other party has more power. Lack of power is well visible in the context of legal problems based on lasting relationship between parties with unequal legal rights, social and economic positions. In Azerbaijan and particularly in Mali, the respondents report that lack of monetary resources is the major barrier for solving the problem (see Table 10). In Bangladesh the respondents were more concerned with finding out the available sources of information and support which could be used in their case.

Table 10: Why is still the problem not solved⁹

	Azerbaijan	Mali	Rwanda	Egypt	Bangladesh
Money	43,06	59,52	25,81	31,82	6,90
Time	6,94	16,67	9,68	13,64	6,90
Not worth the costs	11,11	11,90	1,61	4,55	-
Other party has more power	34,72	54,76	48,39	36,36	41,38
Difficult to find out what to do	23,61	28,57	27,42	18,18	44,83
Other	12,50	-	19,35	18,18	27,59
Do not know	2,78	2,38	3,23	4,55	10,34

In each of the countries included in this study, both lawyers/paralegals and beneficiaries reported high levels of corruption (except Rwanda where the issue was brought in at the level of enforcement of entitlements). The interviews suggest that systemic corruption seriously impacts the costs of solving problems with legal means.

“Corruption is a big problem in Mali. Corruption is everywhere, among all actors; not only among judges, but also among lawyers. The people with most money and power win cases.” (Lawyer, Mali)

⁹ Cell values are column percentages. More than one answer is possible.

“Many judges have walk-in hours for parties, even explicitly stated on their doors. A sign can be found with the days and times he is available for parties of cases pending before his court. He receives parties alone.” (Lawyer, Mali)

“There isn’t enough money for ‘the law’. You have to be rich. You also have to bribe.” (Non-beneficiary, Bangladesh)

“The police went to his house after I gave money. The family of my husband gave more money and now the police says they do not help her anymore. I do not have enough money to continue.” (Beneficiary, Bangladesh)

Lengthy and complex procedures which serve the interests of one of the parties (normally interested to maintain the status quo) are mentioned as serious barriers to the fair and just resolution of the problems.

“This form of divorce can take up to 3 4 years, husband has right to appeal. When he appeals 2 3 years more. Kholā is faster, no witnesses and no appeal.” (Facilitator, Egypt).

“There are a lot of procedures. Announcements, hiring a conciliator, going to family court, it all takes time.” (Facilitator, Egypt)

7. Discussion

The most pressing legal needs arise from relationships which have significant value and/or are difficult to be replaced. Our findings suggest that the classification of legal needs proposed by Barendrecht et. al. (2008) is a valid scheme for classifying and prioritizing the experiences of people with legal problems. Vulnerable respondents are mostly concerned with the problems which are categorized as most pressing (see Table 1). Less imposing problems are reported less frequently. Three implications could be drawn from the empirical observations. First, the multitude of legal problems stem from different forms of relational dysfunctions which structure the social life and provide protection. Break downs of family relationships are particularly strong catalysts of legal problems. Second, the legal problems and legal needs of the disadvantaged people follow certain observable patterns. For instance, our research suggests that legal problems group and intensify around predictable life stages. These patterns also take the forms of standard trigger and cluster effects which reinforce the vulnerability structures. Third, the disadvantaged women and men whom we met tend to focus on the most immediate and salient legal problems at the expense of others. A forthcoming eviction takes precedence over all other legal problems. Below in 7.3 we discuss the cover effect of serious and eminent legal problems on the ways in which vulnerable people visualize and report legal problems.

7.1. Legal needs clustered into important relationships

The vulnerable people which we interviewed have to cope with frequent and serious problems which require seemingly complex legal actions and interventions. The beneficiaries from Mali, Rwanda, Egypt and Bangladesh most frequently report personal security problems. Above we discussed that the violations over one’s physical or psychological integrity are rarely happening outside the boundaries of existing relationships. Domestic violence, stabbing, and forms of insult are problems which could endanger the life and healthiness of the vulnerable people. Within the complex puzzle of legal problems the personal security issues take the most aggravated forms but most often are results of

other problems. In the qualitative research we observed relatively rarely cause-and-effect chains of legal problems which were triggered by personal security violations. In fact, the personal security problems collate into a broader category which encompasses different types of problems initiated by break downs of important relationships.

The studied populations of vulnerable persons are hugely dependent on the structural bonds that underline social life – family, social network, employment etc. When such relationships break down we often see a looming wave of legal problems with which the vulnerable people are not ready to cope. People need these important relationships because they offer protection and security or because the cost of leaving the situation is prohibitively high (Barendrecht, Kamminga, and Verdonshot 2008). For example, dysfunctional family relationships lead to different forms of domestic violence, divorce, homelessness, loss of income, inability to cope with income fluctuations, paternity disputes, difficulties with raising the kids and many others. Once a vulnerable person is dismissed from work she or he faces an uncertain future in which the most likely events are inability to pay rent and school fees, eviction, violence and myriad of other problems. In theory legal assistance could disrupt the chain of events but in reality the vulnerable persons rarely have the resources, capacities and energies to organize an effective strategy for responding to the initiating factors. With that regard the majority of our respondents (beneficiaries of legal aid providing NGOs) are rather the exception than the rule. Legal aid NGOs have a lot of enthusiasm but in effect their help can reach only a tiny proportion of the people who need help. Therefore Table 8 and Table 9 portray an overoptimistic picture of the strategies for responding to legal problems. It is very likely that the individuals who do not benefit from the services of legal aid NGOs have much more restricted strategies for responding to legal problems.

Not only are the vulnerable people caught into complex constellations of self-reinforcing problems but there is little help they can hope for. Apart of the meagre legal aid provided by NGOs, the disadvantaged groups have little recourse to support coming from the community or the society. Just as in the case of the interrelated family problems they often find themselves into legal and administrative quagmires involving difficult to obtain ID documents and entitlements which are contingent to possession of ID documents. Social benefits are supposed to provide a safety net and prevent social exclusion. In reality ineffective and unwilling public policies and systems for delivery of public services fuel a cluster of legal problems. For the vulnerable people the social protection is part of the legal problems and not a solution. In the studies from economically developed countries social benefits problems are not infrequent but rarely can be seen as central nodes of whole clusters of problems (Currie 2007; Genn 1999; Genn and Paterson 2001; Gramatikov 2008; Pleasence et al. 2004a). They look differently, however, for the vulnerable people. For an IDP in Azerbaijan or a divorced woman in Egypt the failures of the public administration opens a whole new array of legal problems.

Looming legal problems and meagre availability for legal information, advice and representation affect directly the health, welfare and development perspectives of the vulnerable. The inability to solve legal problems has an important inequality effect. "...Use of the civil justice system is not merely one of several ways to respond to commonly encountered problems; it is also a form of participation in one of the major social institutions of contemporary societies." (Sandefur 2008). The limited opportunities available for the vulnerable people to solve satisfactorily their problems leads to greater social exclusion.

Another interesting comparison with similar studies is the low frequency of reported consumer problems. Almost invariably, the consumer problems are the most frequently faced legal problems in the everyday life. People need legal protection when their rights and interests are endangered in the process of exchange of goods and services. In none of the five samples of beneficiaries consumer problems appear to be significant issues. Rarely our qualitative data indicate that the beneficiaries are concerned with disputes with merchants and vendors. There are two plausible explanations. First, the specific cross-sections of the general population consisted of some of the most vulnerable people. These are the people who are usually excluded from the society and have limited participation in the

exchange (see further for the application of the participation theory to legal needs in van Velthoven and ter Voert 2004) and formal economy. Another concurrent explanation is that in these societies the consumer protection policies are in their infancy periods and therefore misfortunes in the area of consumption are regarded as bad luck and not as particular legal problem. It might also be related to the cover effect, which is discussed in Section 7.3.

Even though consumer problems are not frequent, we see that use and/or ownership of house or land are common problems. This is not surprising given the importance and value of accommodation and land in the everyday life. First, house/land problems can easily merge into the broader cluster (see below) of security/family/property problems. In rural Mali or Rwanda where subsistence farming is the most prevalent mean of survival, a dispute over land can easily challenge the physical survival of large groups of people. In Azerbaijan, the massive number of displaced persons living together in small places, the resulting social problems and the complicated regulatory and administrative frameworks make the disputes over residence specifically impactful for the ones involved but also for the population as a whole.

7.2. Clusters and trigger effects

What our study contributes is to show how the problems cause, relate to and reinforce each other. An important corollary of these relationships is that people experience legal problems in clusters. This phenomenon is well documented in the legal needs studies conducted in economically more developed societies (Currie 2005; Currie 2007; Gramatikov 2008; Pleasence et al. 2004b). In this study we see that the beneficiaries of the five visited organizations have similar experiences. Rwandan woman infected with HIV faces a cluster of problems which are connected to each other. A victim of domestic violence in Mali, Egypt or Bangladesh is likely to encounter further violence, homelessness, and different sorts of degrading attitudes. An IDP in Azerbaijan who does not have proper ID documents recognizing his or her status or entitlements is deprived of many opportunities.

Our data sets are limited in many ways and do not allow for establishment of cause and effect relationships. However, looking at the most frequent clusters of legal problems it is easy to see that some issues precede others. Being a returning refugee in Rwanda or an IDP in Azerbaijan triggers disputes over property rights and inheritance. Dysfunctional family relationships are the likely cause of a chain of legal problems for the weaker party – normally women and children. Inability to secure proper ID documents leads to problems with registration, property rights, access to public services, participation in the political decision making etc.

There are many reasons for further investigation of the clusters of problems. First, when knowing more about the links between the individual problems the legal service providers will be better able to address the root problem/s. As we saw in the examples above, often people tend to gaze at the most recent or the most eminent problem. Legal aid NGOs respond to different needs for assistance but using the cluster concept and knowledge will enable them to identify the nodes in the cluster and provide more holistic support, advice and representation. Second, addressing related problems, rather than isolated instances, will provide better value for the individual clients of these services. Last but not least, disentangling the clusters of legal problems can provide the legal aid organizations with solid arguments for policy and advocacy campaigns.

For examining the clusters and triggering effects of legal needs, the commonly used broad categories do not seem to be appropriate. The category of family problems, for instance, can mean many different things. It can be problems relating to divorce, inheritance, maintenance, land disputes, etc. Each of these specific problems trigger different sets of other problems. Moreover, the trigger effect may work out differently per problem type. People, for instance, use procedures for divorce in different ways. Several of the participants in the focus groups in Mali sought advice after they faced the opening of a divorce procedure by their husband. Their husbands moved and went to live with another women and now wanted to disentangle their relationship with them. Thus, for them, the threat of divorce was a

threat to their lives' stability. For women in Egypt, however, the option of opening a divorce procedure strengthens their bargaining position. When their husbands do not behave properly (for instance, by using physical violence, or not fulfilling their duty to provide maintenance), these women could threaten with divorce. These two different uses and effects of family problems and more specifically divorce have different effects. Whereas for the women who faced the husbands intent to divorce, divorce is a trigger that further clusterizes their legal problems. For them divorce was a tool to break down the cluster of problems and – partly – resolve them. This means that more narrowly defined categories of legal problems could be needed in order to examine the clusters of legal problems and their trigger effects more in depth.

7.3. Cover effect of urgent legal needs

When people are caught in complex clusters of interdependent legal problems they seem to focus on the one which is most pressing and immediate. The ultimate example was the focus group with IDPs in Baku with a small community which expected eviction from the accommodation where they lived for about 15 years. Being asked what difficulties they face and what problems might occur in relationships with other people, the participants said they face no challenges in this respect whatsoever and downplayed any reference to other legal problems. This reaction seems to be a normal individual and group response to overwhelming problem. First, in case of negative outcome these people and their families are literally on the street with little resources to mobilize. Second, the problem is very imminent and largely overshadows all other possible problems and disputes. If we can use an analogy from the medicine, we can evoke the example of how people process two parallel sources of pain. The one which is more intensive and painful will silence the other. Similar phenomenon is observed in the way in which people experience legal problems. If there is one legal problem which challenges vital interests, the other problems seem small and not worthy to be mentioned.

The identified cover effect of the most urgent and pressing legal needs could have significant implications for the design and delivery of legal interventions. Possibly, there could be implications for the way in which legal need and justiciable problems are researched and analyzed. In terms of delivery, the service providers should be aware that eminent legal problems might be accompanied by other issues which also require attention but are temporarily concealed behind the bigger threat. Secondly, legal researchers have to be wary of the phenomenon and consider it in the design of studies which try to uncover legal needs, unmet legal needs and justiciable problems.

7.4. Legal needs and life stages

Findings from our research and many other investigations suggest that the legal needs in different contexts are similar to a certain extent. Taken at face value this conclusion could conceal an important trend which is visible in our data – legal needs are largely result of the local context. The local context and specifics largely impact the types and frequencies of the experienced legal needs. For instance, obtaining ID documents is an acute problem for the beneficiaries of Praxis in Azerbaijan (IDP's) but was rarely raised as an issue by the respondents in the other samples (women and children). What makes the difference is the dependence of the IDPs on documents which recognize their special status and entitles them to benefits.

At the different stages of their life, people experience varying sets of problems which might be solved through legal action. Not only the types of problems differ but also their impact is different throughout the stages of life. An adolescent orphan in Rwanda will suffer different consequences as result of an inheritance dispute than a widow who is in dispute with the other family members. Divorce might seem like a homogeneous category but at the different stages of life imposes varying consequences. These findings correspond to the life course paradigm which explains why people have different needs (cultural, educational, economic, social, health etc.) throughout their life span. Similarly, the legal needs are interconnected to the four elements of the life course theory – time and place, linked lives,

human agency and timing (Elder 1995; Elder and Giele 2009; Giele and Elder 1998). The ability of the legal aid providers to recognize relationships between legal needs and life stages will allow them better interventions and greater impact on the life of the beneficiaries. From a policy perspective, the knowledge of the relationships between legal problems and life stages will weapon policy makers with the tools to design legal aid policies which provide targeted solutions to specific problems and situations.

7.5. Limitations of the study

In order to estimate the legal needs and legal problems of the beneficiaries of the five visited organizations we used a mixture of quantitative and qualitative research methods. The implications of our analyses are limited in several dimensions. First, the data is relevant only to the specific populations of vulnerable people served by the five organizations. This means that we cannot extrapolate to any other units of analysis – i.e. distinct social groups, gender, geographically determined populations etc. We also cannot assume that the estimated legal needs are the legal needs of the vulnerable people in the particular country. In Rwanda, Egypt, Mali and Bangladesh the legal aid organizations focused on the problems of women and children. Therefore, the identified needs, problems and strategies contain information about women but we do not know how accurately it describes the problems of other vulnerable groups – i.e. homeless, mentally ill, detainees etc. In Azerbaijan, a similar limitation to the study existed since the target group consisted of IDPs exclusively.

Second caveat of the results is that we collected predominantly responses from people who had a problem, classified it as legal and took active steps to solve it. What is common for many of the respondents is that they brought the problem to a legal aid organization. It is very likely that this group of people are significantly more persistent than their peers from the relevant group. It is not unlikely that for each person who took active steps to solve the problem, there are many more who did nothing or did not keep trying under the barrier of mounting barriers.

8. Conclusions

The vulnerable people whom we interviewed face many serious legal problems. Their lives are often overpowered by destructive disputes with little if any options for fair and just resolution. Problems vary from one population to another but certainly there are recognizable trends. At the different stages of their life, people face different problems. Personal security violations, problems with family relationships, disputes over houses and land are the most frequently reported incidences of legal problems. Looking deeper into the problems through the eyes of the vulnerable people we see that the atomic view of the legal problems and legal need has little explanatory value and even could be misleading. Personal security problems are largely consequences of break downs of structural family relationships. Vulnerability is mostly expressed as dependence on others and inability to exercise agency on important choices in one's life. The family and communal links are supposed to provide such protection but when they are dysfunctional a whole array of problems emerge and the poor women and children have little resources, competencies and energies to cope. The same is true for the support which the public institutions should provide. In many cases and notably in Azerbaijan and Egypt we see how the public services are seen as another category of legal problems instead of possible response to existing needs.

What this means is that vulnerable people rarely experience isolated legal problems but rather face complex structures of issues, disputes and grievances. This finding has important implication for the design of access to justice programs and policies. Simple focus on individual categories of problems will not work. Neither will the distinction between legal and non-legal problems. Successful strategies should be holistically oriented towards the root of the problems and all possible ramifications which could reinforce the cycle. The clustering effect of the experience of the legal problems has also important methodological consequences. Purely quantitative approaches in the studies of the legal needs of the disadvantaged groups could overlook the factors and dynamics which entrap the poor. Qualitative insights can reveal these connections of how problems are experienced and solved.

Vulnerability has a significant poverty dimension. Amartya Sen argues that poverty deprives people of the freedom to make choices (Sen 1999). Our study shows how the vulnerable people face legal problems which deprive them from the opportunity to exercise agency over the significant choices in lives. Unemployment leads to problems with paying the rent and the bills and ultimately results in homelessness. Unfair distribution of the family property endangers the livelihood of generations. Legal problems are not only the result of poverty - they reinforce it. Not surprisingly, our study shows that the transactional costs for dealing with legal problems take a significant toll on the vulnerable people. Stress, loss of money and time as well as ill health are frequent consequences of legal problems. Not only vulnerable people are more likely to experience clusters of legal problems but they also have lower strengths to cope with the negative effects. Our respondents were predominantly from the few who benefited from free legal assistance but there are many more who have to deal on their own. It is not difficult to imagine that in such cases the vulnerable people are often on the losing side and experience further deprivation.

References

- Astrada, Sebastian R. 210. "Exporting the Rule of Law to Mongolia: Post-Socialist Legal and Judicial Reforms." *Denver Journal of International Law and Policy* 38:461-524.
- Barendrecht, Maurits. 2009. *In Search of Microjustice: Five Basic Elements of a Dispute System*: SSRN.
- Barendrecht, Maurits, Peter Kamminga, and Jin Ho Verdonschot. 2008. "Priorities for the Justice System: Responding to the Most Urgent Legal Problems of Individuals." SSRN.
- Coumarelos, Christine, Zhigang Wei, and Albert Z. Zhou. 2006. *Justice made to measure : NSW legal needs survey in disadvantaged areas*: Law and Justice Foundation of New South Wales.
- Crespo, Mariana Hernández. 2008. "A Systemic Perspective of ADR In Latin America: Enhancing the Shadow of the Law Through Citizen Participation." *Cardozo Journal of Conflict Resolution* 10.
- Curran, Barbara A. 1977. *The Legal Needs of the Public: The Final Report of A National Survey*. Chicago: American Bar Foundation.
- Currie, Ab. 2005. "A National Survey of The Civil Justice Problems of Low And Moderate Income Canadians: Incidence and Patterns." vol. 2007.
- . 2007. "The Legal Problems of Everyday Life." in *International Legal Aid Group*. Antwerp, Belgium.
- Elder, Glen H. 1995. "Life trajectories in changing societies." Pp. 46-68 in *Self-efficacy in changing societies*, edited by A. Bandura. Cambridge: Cambridge University Press.
- Elder, Glen H. and Janet Zollinger Giele. 2009. *The craft of life course research*. New York ; London: Guilford Press.
- Genn, Dame Hazel. 1999. *Paths to Justice. What people do and think about going to law?* Oxford: Hart Publishing.
- Genn, Hazel and Sarah Beinart. 1999. *Paths to Justice. What people do and think about going to law?* Oxford: Hart Publishing.

- Genn, Hazel and Alan Paterson. 2001. *Paths to Justice Scotland. What People in Scotland Do and Think About Going to Law*. Oxford: Hart Publishing.
- Giele, Janet Zollinger and Glen H. Elder. 1998. *Methods of life course research : qualitative and quantitative approaches*. Thousand Oaks, Calif.: Sage Publications.
- Goresh, M. Amadea. 2009. "Paving the Road to a More Free World: ADR as Sustainable Development - A Look at Bangladesh." *Pepperdine Dispute Resolution Law Journal* 9:251-282.
- Gramatikov, Martin. 2008. "Multiple Justiciable Problems in Bulgaria." *SSRN eLibrary*.
- Gramatikov, Martin and Robert B. Porter. 2010. "Yes, I Can: Subjective Legal Empowerment." in *SSRN eLibrary*.
- Hillyard, P. 2007. "Law's empire: Socio-legal empirical research in the twenty-first century." *Journal of Law and Society* 34:266-279.
- Michelson, Etan. 2007. "Climbing the Dispute Pagoda: Grievances and Appeals to the Official Justice System in Rural China." *American Sociological Review* 72:459-485.
- Mulherin, Geoff and Christine Coumarelos. 2007. "Access to Justice and Disadvantaged Communities." in *Transforming Lives: Law and Social Process*, edited by P. Pleasence, A. Buck, and N. Balmer. London: Legal Services Commission.
- Murayama, Masayuki. 2007. "Experiences of problems and disputing behavior in Japan." *Meiji Law Journal* 14:1-59.
- Ottaway, Marina and Thomas Carothers. 2000. *Funding virtue : civil society aid and democracy promotion*. Washington, D.C.: Carnegie Endowment for International Peace.
- Pleasence, Pascoe. 2006. *Causes of Action: Civil Law and Social Justice*, Edited by LSRC. London: Legal Services Research Center.
- Pleasence, Pascoe, Nigel Balmer, Alexy Buck, Aoife O'Grady, and Hazel Genn. 2004a. "Multiple Justiciable Problems: Common Clusters and Their Social and Demographic Indicators." *Journal of Empirical Legal Studies* 1:301-329.
- Pleasence, Pascoe, Nigel Balmer, Tania Tam, Alexy Buck, Marisol Smith, and Ashish Patel. 2008. "Civil Justice in England and Wales." Legal Services Research Centre, London.
- Pleasence, Pascoe, Alexy Buck, Nigel Balmer, Aoife O'Grady, Dame Hazel Genn, and Marisol Smith. 2004b. *Causes of Action: Civil Law and Social Justice*. London: Stationery Office.
- Rose, Laurel L. 2004. "Women's Land Access in Post-Conflict Rwanda." *Texas Journal of Women and the Law* 13:197-250.
- Sandefur, Rebecca L. 2008. "Access to Civil Justice and Race, Class, and Gender Inequality." *Annual Review of Sociology* 34:339-358.
- Sen, Amartya. 1999. *Development as freedom*. Oxford: Oxford University Press.
- van Velthoven, Ben C. J. and Marijke ter Voert. 2004. "Paths to Justice in the Netherlands. Looking for signs of social exclusion." Leiden Univesity, Leiden.