



SOUTHERN AFRICAN INSTITUTE
for POLICY AND RESEARCH

Occasional Paper Series

Conducting Legal Needs Surveys in Zambia:
Taking a Contextual Approach

Grace Maines

Njavwa Tembo

Yoojin Jung

July 2022

Copyright 2022 Southern African Institute for Policy and Research

Table of Contents

Abstract	5
Acronyms	6
1. Introduction	7
1.1 Understanding Zambia’s Country Profile	7
1.1.1 Political and Economic Climate	7
1.1.2 Social Climate	8
1.1.3 Legal Climate	8
1.1.3.1 Formal System	8
1.1.3.2 Informal System	9
1.2 Purpose of the Research	9
1.3 Objectives	10
2. Methodology	11
3. Literature Review	12
3.1 Access to Justice	12
3.1.1 Contextual Definition	12
3.1.2 Perspectives of Zambian Sources	12
3.1.3 Importance and Relevance	13
3.2 Justice Surveys in Zambia	13
3.2.1 Situational Analysis of Access to Justice in the Republic of Zambia	13
3.2.2 State of Human Rights Report 2017 – 2018	14
3.3 National Civic Engagement	14
3.3.1 Current State of Access	14
3.3.2 Improvement of Information Inequity	15
3.4 Legal Needs Survey	16
3.4.1 Definition and General Structure	16
Figure 1. Legal Needs Survey Components	16
3.4.1 Benefits and Use	17
3.4.2 Importance	18
3.5 Considerations for Survey Development	19
3.5.1 Methodology	19
3.5.2 Recruitment	21
3.5.3 Components	21
3.5.3.1 Core Problem Categories	21
3.5.3.2 Problem Impact	22
3.5.3.3 Sources of Help	22
3.5.3.4 Processes Assessment	23
3.5.3.5 Past Limitations and Consequential Implementation Methods	23
3.5.4 Ethics	24

3.5.4.1 Governing Institutional Review Boards	25
3.6 Legal Needs Survey Examples in Other Countries	25
3.6.1 Zimbabwe	25
3.6.2 Yemen	26
3.6.3 Canada	26
4. Main Findings	28
4.1 Legal Needs Survey Familiarity	28
4.2 Problems with Accessing Justice Specific to Zambia	28
4.2.1 Core Problem Categories	28
Table 1. Identified Access to Justice Barriers	29
4.2.2 Current Community Engagement	33
4.3 Survey Design and Layout	34
4.3.1 Additions and Revision to Components	34
4.3.1.1 Core Problem Categories	34
4.3.1.2 Problem Impact	34
4.3.1.3 Sources of Help	35
4.3.1.4 Preference Toward Traditional Courts	35
4.3.2 Target Groups	36
4.3.3 Urban and Rural Population Differences	36
4.3.4 Data Collection	37
4.3.5 Establishing Criteria	37
4.3.6 Execution Methods	38
4.3.6.1 Financing	39
4.3.6.2 Psychology	40
4.4 Ethical Considerations	41
4.5 Product and End Goals	43
5. Case Study: Women of Low SES in Zambia	46
5.1 Literature Review	46
5.1.1 Current Economic Status of Women	46
Table 1. Control over women’s cash earnings	47
5.1.2 Population-specific Criteria	48
5.1.3 Relevant Stakeholders	49
5.2 Tailored Methodology Findings	50
5.2.1 Highlighted Problems Women Face Accessing Justice	50
5.2.2 Survey Implementation	51
5.2.3 Sources of Help	52
5.2.4 Extra Ethical Procedures	52
6. Final Analysis and Conclusion	54
6.1 Implications of the Research	54
6.1.1 The Importance of Paralegals	54

6.1.2 Targeting the Socio-Ecological Model	54
6.1.3 Emphasising Post-Survey Actions	55
6.1.4 Gateway to Recognising and Improving Gaps in the Legal System	55
6.1.5 Need For a Context-Sensitive Approach	55
6.1.6 Future Research	56
6.2 Limitations	56
References	59
Appendix	64
Appendix A	64
Appendix B	65
Appendix C	66
Appendix D	67
Appendix E	70
Appendix F	71
Appendix G	73

Abstract

Currently, Zambia is the only country without a national or sub-community level legal needs survey in the region. A legal needs survey is a critical tool for evaluating access to justice. It investigates the experience of justiciable problems from the perspective of the individuals who are dealing with them by asking questions about incidence, impact, and sources of help. It is a survey in its simplest form; however, it may be conjoined with focus-group discussions and is best executed via in-person interviews to allow for participants to provide detailed responses beyond solely multiple-choice answers. Moreover, it is important to ensure that a legal needs survey accounts for the unique contextual factors of a country and the sub-populations within it. This study will serve to outline the methodology, research and relevant-community input for creating legal needs surveys in Zambia. The purpose of the research is to develop a method for better understanding the legal needs of the Zambian people, particularly our case study population: women of low socioeconomic status (SES). There is a need for context-specific legal needs surveys to be deployed throughout the country. The current absence of legal needs surveys in Zambia is a gap in the efficiency and effectiveness of access to justice work. This research also serves to further the United Nations Sustainable Development Goal 16 to “promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels” (Goal, 2022). A legal needs survey that is specific to Zambia will aid in the development of access to justice across the nation by creating a platform for community engagement in the legal process.

Acronyms

50MAWS	50 Million African Women Speak
CARITAS Zambia	International Confederation of Catholic Organisations for Charitable and Social Action
CSO	Civil Society Organisation
IRB	Institutional Review Board
JCTR	Jesuit Centre for Theological Reflection
NGO	Non-Governmental Organisation
NHRA	National Health Research Authority
NLACW	National Legal Aid Clinic for Women
OECD	Organisations for Economic Co-operation and Development
RECs	Research Ethics Committees
SAIPAR	Southern African Institute for Policy and Research
SES	Socioeconomic Status
SDG	Sustainable Development Goal
UNZA	The University of Zambia
YWCA	Young Women Christian Association Council of Zambia
ZHRC	Human Rights Commission of Zambia
ZPS-VSU	Zambia Police Service: Victim Support Unit

1. Introduction

1.1 Understanding Zambia's Country Profile

Zambia is a developing country situated in Southern Africa and is landlocked by eight bordering countries. And yet, Zambia is the only country in the region without a formal national or sub-community level legal needs survey (Atlas, 2022)¹. A legal needs survey is a critical tool for evaluating access to justice that diverse individuals within a society experience. This paper serves to outline the research, methodology, and relevant community input needed for creating legal needs surveys in Zambia. A case study on women of low SES will also be presented. Before doing so, we will introduce pertinent background material, definitions and objectives of the paper which includes a brief overview of the socio-political history of Zambia².

1.1.1 Political and Economic Climate

The Republic of Zambia was officially established in 1964 when Northern Rhodesia gained its independence from Britain. Initially, the country operated as a one-party state before transitioning to a multi-party system in 1991. There have been seven presidential leaders with the United Party for National Development presently in power under Hakainde Hichilema (Country/Territory Report, 2021). Throughout its development, Zambia has been primarily dependent on the copper mining sector with smaller inputs from other mineral resources, agriculture, industry and tourism (McIntyre, C., 2016). However, in alignment with the 2021 presidential election, the Zambian economy conceded to a deep recession as a consequence of the adverse Covid-19 pandemic. This was coupled with several issues such as economic mismanagement and alleged corruption among the previous administration. There is currently a national debt of roughly 31.34 billion U.S dollars that has been unsustainably rising (O'Neill, 2021). Nevertheless, the economy is expected to recover on a positive trajectory while restoring fiscal fitness among its citizens (Zambia Overview, 2022).

¹ Appendix A

² This historical and current event account of Zambia's country profile does not cover the intricacies of the mentioned topics, but rather serves to establish a foundational understanding that is a necessary precursor to the driving argument.

1.1.2 Social Climate

With a current population of over 19,000,000 people, Zambia is home to diverse ethnic, linguistic and cultural backgrounds. Traditional culture is highly valued and has been passed through generations in the form of spiritual ceremonies, rituals, oral histories and other customs. English, the official language of the government, is used for commerce, law and education; but all together, there are thought to be over 70 indigenous dialects (Zambia Population, 2022).

At present, Zambia is a developing country with a below-average HDI of 0.584 as of 2019 (Next, 2020). The current rate of poverty sits just above 50% (U.S., 2022). As of 2020 World Bank records, 55% of citizens make up the rural population in Zambia which translates to approximately 10,100,000 million people (Rural, 2022). The circumstances faced by urban versus rural populations vary and reveal important distinctions. For example, in rural areas only 50% of residents live within five kilometres of a health facility whereas in urban locations the proportion is 99% (Aantjes, C.J., Quinlan, T.K., & Bunders, J.F., 2014). There is also a sizable Asian community, though tension exists with many Chinese residents due to polarised media that highlights China as dispossessing Zambians of their livelihood (Jalloh, A., & Wan, F., 2019).

1.1.3 Legal Climate

Before colonialism, the ethnic groups contained in modern Zambia applied African customary “informal” law within their legal systems until the coming of the British led to the introduction of formal “received” law which was used in disputes between settlers and natives. After independence, Zambia adopted a dual legal system as a pluralist state, meaning the country nationally utilises both formal and informal laws (Munalula, MM., 2004). Moreover, as a constitutional state, the constitution is the supreme law of the land and provides for both law types.

1.1.3.1 Formal System

These laws take inspiration from the British legal system which uses statutory laws and judicial precedent (Church, W.L., 1984). The Zambian formal landscape generally includes: constitution; acts of parliament; statutory instruments; judicial precedent; treaties, provided they are consistent with the Zambian constitution; international conventions that have been domesticated; British Acts as applicable by Chapter 10 and 11 of the laws of Zambia. The formal system also utilises formal

processes of dispute resolution such as litigation, arbitration, mediation and conciliation, as well as formal institutions such as courts and administrative tribunals (Munalula, MM., 2004).

1.1.3.2 Informal System

This system includes the customs and traditions that apply to the Zambian people, which often differ from one ethnic group to another. The customs deal with various issues to include laws/rules on: family, sexuality, economics (gender roles) and politics (Ndulo, M., 2011). In the African communities, Chiefs and Paramount Kings are often deemed as the highest form of leadership — an aspect recognized in the constitution of the country. The use of traditional dispute resolution processes (such as conciliation, mediation and negotiation) occur in the traditional context and utilise the customary laws as opposed to when these methods are utilised under the formal sector. Institutions such as Insaka (hut of elders) or traditional courts often involve the chief as the judge (IIS Africa., 2009).

1.2 Purpose of the Research

The purpose of the research is to develop a method for better understanding the legal needs of Zambian people that accounts for country-specific factors. A legal needs survey must consider the individual characteristics of a nation and the subpopulations within it; for example, the survey for one country will not suffice as an adequate measurement for another. Moreover, it must be designed in such a way that coalesces to build a comprehensive and holistic picture of the many dimensions of access to justice. Therefore, the current absence of legal needs surveys in Zambia is a gap in the efficiency and effectiveness of access to justice work. This research also serves to “promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels” — Sustainable Development Goal (SDG) 16 (Goal, 2022). A Zambian legal needs survey will aid in the development of access to justice across the nation and create a platform for active civil and legal community engagement.

1.3 Objectives

- To create a context-sensitive, ethical, legal needs survey framework for Zambia that can be expanded on to cater to specific rural and urban populations within the country.
- To create a tailored legal needs survey methodology for lower SES women engaging in economic activities in varying provinces across Zambia.

2. Methodology

To assemble key information on access to justice measurements, common frameworks and methods for conducting legal needs surveys for the various communities within Zambia, relevant literature was reviewed and ten semi-structured interviews were held. The interviews consisted of seventeen individuals across eight stakeholder organisations during July of 2022 in Lusaka, Zambia.³ Preliminary literature review began in late April before fully commencing in early June. The project was designed with guidance from Dr. Tineneneji Banda and Dr. Marja Hinfelaar in partnership with the Southern African Institute for Policy and Research (SAIPAR).

A comprehensive report titled *Legal Needs Surveys and Access to Justice* published by the Organisations for Economic Co-operation and Development (OECD) was used as a basis for the literature review. It establishes a framework for the conceptualisation, execution and analysis of surveys, informed by those that have been instituted in recent years. Other documents reviewed were the *Situational Analysis of Access to Justice in the Republic of Zambia*, *State of Human Rights Report*, *Jesuit Centre for Theological Reflection (JCTR)* and *Zambia Demographic and Health Survey of 2018*. Interviews were conducted with expert stakeholders in the access to justice, law and human rights fields. Six unchanging questions were asked of every stakeholder to provide comparative viewpoints, in addition to specific questions tailored to the prowess of each individual party. A sociology report was consulted to craft a qualitative interview model which included suggestions for how to generate effective questions and structure the conversation with an emphasis on interpersonal relations (Strategies). The findings were analysed across stakeholders with regard to access to justice and legal needs survey features identified in the literature review to determine several implications and limitations of the study.

³ Appendix B

3. Literature Review

3.1 Access to Justice

3.1.1 Contextual Definition

The definition of access to justice varies depending on the target population and host organisation facilitating a study (Schetzer, L., & Henderson, J., 2003). However, the general consensus is that access to justice involves the ability of people to secure impartial resolution of justiciable problems and exercise their human rights in accordance with universal standards put forth by the United Nations (OECD, 2019). Moreover, access to justice is not limited to formal systems, but also includes informal and traditional dispute resolution via “social justice and the distribution of welfare, resources and opportunity” (OECD, 2019). The right of access to justice enables and strengthens other fundamental human rights, and can be described as a collection of freestanding rights. It involves judicial resources in addition to the physical factors of accessibility, availability, affordability, effectiveness and timely procedures (United, 2020).

3.1.2 Perspectives of Zambian Sources

Zambian scholars, such as Dr. O’Brien Kaaba, reaffirm the duality of access to justice by emphasising physical components in addition to the “conceptual components” which are described as the quality of services received from justice institutions. These account for the integrity of the judiciary and differences in resources across provinces, as well as call attention to specific Zambian bodies such as the Legal Aid Board (LAB) and Transparency International Zambia Chapter that influence the quality of justice matters (Kaaba, 2016). This portrays access to justice as an active, rather than passive, process that is interconnected with numerous areas of civil life.

As so, “access to justice is not just a fundamental right in itself; it is also an essential prerequisite for the protection and promotion of all other civil, political, cultural, economic and social rights” (Banda, 2018). For instance, access to the courts is integral not only because of its direct relation to justiciable matters but also because it advocates for stability and political liberalisation. This creates the opportunity for every sector of the population to access redress under the law and is evidently both a delivery of justice and a gateway to achieving equality (Banda, 2018). Predictably, another feature of access to justice that must be considered is whether the ability of people from

differing backgrounds to gain and benefit from the justice delivery system is equitable (Bowd, R., 2009). To satisfy this demand, situational context, including the varying resources available to diverse communities, cultures and populations, must be evaluated. One way to accomplish this is through designing legal needs surveys to categorise specific problem areas and means by which access is constricted or blocked.

3.1.3 Importance and Relevance

Access to justice is a foundational principle of law globally. This concept is significant because of its breadth of impact; order and security, human rights, criminal matters and civil matters are all corollaries of justice movements (Banda, 2018). By the same token, SDG 16, as previously referenced, rests on the premise that “compassion and a strong moral compass is essential to every democratic society” and it also names several key target goals that are associated with legal procedure (Goal, 2022). Access to justice is inherently relevant to society because the proper acquisition of it facilitates international standards set forward by the United Nations and connects broadly to aspects of general well-being and the social determinants of health (Genn, 2019). Accordingly, various societal injustices may be addressed through this method.

3.2 Justice Surveys in Zambia

3.2.1 Situational Analysis of Access to Justice in the Republic of Zambia

Perhaps one of the most similar studies to a formal legal needs survey—*Access to Justice in the Republic of Zambia: A Situation Analysis*—was commissioned by the Government of Zambia to produce modern documentation on the status of justice and improve the performance of related agencies and institutions. The research consisted of three elements: field study; desk study on literature, legislation and other records; and a series of stakeholder workshops. This was conducted with the Danish Institute for Human Rights in conjunction with the Ministry of Health approximately one decade ago in 2012.

The study aimed to develop a complete picture of how access to justice exists among individuals in all ten provinces of Zambia. It provided an analysis of the laws, institutional capacities and the perspectives of agents and users of the Zambian legal system and made various recommendations regarding measures and strategies that may enhance the accessibility of legal remedies and

mechanisms for ordinary Zambians. Moreover, the analysis revealed the roles that various organisations such as the Judiciary and National Prosecutions Authority play in legal and justiciable processes and in doing so highlighted various mechanisms or strategies that can be utilised by these institutions to continually ensure access to justice in the Republic of Zambia (Kerrigan, F., Matakala, L., & et al., 2012).

3.2.2 State of Human Rights Report 2017 – 2018

Another way access to justice has been gauged in Zambia is through the *State of Human Rights Report* produced by the Human Rights Commission of Zambia (ZHRC). It was produced following the three principles of human rights: the obligation to respect, to protect and to fulfil. This report serves to increase awareness on the current status of human rights in the country and suggest appropriate responses from the government that cater to those issues. This report places a particular emphasis on the experiences of inmates — one of the most vulnerable populations in Zambia and a subpopulation that requires distinct attention in the preparation of legal needs surveys. ZHRC has a tailored approach for tending to and monitoring inmate populations. A routine inspection of detention places (not limited to correctional facilities) occurs during which issues are noted to be presented before the judiciary. The way in which ZHRC has catered its report to holistically assess the experience of inmates and thereafter address the problems through tangible interventions offers an important model for how legal needs surveys may be structured to ensure that proper and productive post-survey actions are taken.

3.3 National Civic Engagement

3.3.1 Current State of Access

There is currently a lack of access to justice for Zambians in the country with a key driver of this phenomena being the limited access that the public has to legal information. Scholars contend that access should not only include having the information available but should also include the “ability to understand the accessed information and use it in a meaningful way” (Banda, T., & Hinfelaar, M., 2022, pg. 250). Essentially, the legal information system should be restructured in a way that provides people with the appropriate knowledge and tools to understand and process legal information — not just passively interact with it. To address this, a free legal information platform

called ‘Zambia Legal Information Institutes’ has been available to the public since 2022. This platform has improved access to legal information in terms of having the information available but has fallen short regarding the latter part of the definition. This is largely attributed to a low level of awareness of this platform among the general public and undependable internet access depending on socioeconomic and geographical factors. Banda and Hinfelaar also highlight a lack of “legal journalism” and “court reporting” in Zambia which not only hinders public exposure to the legal system but also the transparency of the courts and justice system. These barriers contribute to a collection of negative sentiments toward the justice sector among citizens of Zambia; this in itself limits access to justice, furthering the tricky cycle.

3.3.2 Improvement of Information Inequity

As a significant challenge with accessing justice comes from information inequity, it is critical to enhance access to legal information. To do so, several national actions must be undertaken that address institutional-level change. First, there is a need for the government to remove the poor gatekeeping function as it widens the gap between legal access and civilians (Banda, T., & Hinfelaar, M., 2022). Second, the intermediary role of paralegals, legal aid and civil society at the grassroots level should be embraced and improved. To create legal information equity, transparency must be opted for over obscurity regarding material not readily available publicly.

In addition to these functions, there are three main challenges that require attention: sourcing, unintelligibility and cost. The consistency, breadth and completeness of legal information sourcing are lacking, which contributes to information inequity across tiers of society. By reconfiguring sourcing challenges to create a productive framework for legal access, comprehension and meaningful engagement with information may advance. With regard to increasing the legibility of information, there is a two-fold benefit. Banda and Hinfelaar noted that when information is suppressed, the potential for information distortion rises. Therefore, as levels of understanding are refined, the dissemination of distorted information likelihood will conversely decrease. The prohibitive cost of using legal information is the third significant challenge to legal information equity. This correlates to the high financial costs associated with justice processing in addition to the humanitarian cost of many defendants. For instance, greater than one-third of persons who are detained in Zambia are pretrial detainees. The creation of legal awareness and literacy programs would also aid in the access movement by equipping communities with knowledge of legal rights.

Moreover, to address issues of internet access, it is advisable to provide offline versions of databases, user-friendly indexes and case summaries in layman’s terms (Banda, T., & Hinfelaar, M., 2022).

3.4 Legal Needs Survey

3.4.1 Definition and General Structure

A legal needs survey is an established methodology and tool that measures the progress of access to justice by individuals in society (Pascoe, A., 2016). It functions to assess the experience of people within the legal system by evaluating the complexities that exist within it. This is accomplished by analysing various relevant components such as access to legal organisations, representation, information and aid, financial means, geographical factors and the efficiency of various institutions such as the courts (OECD, 2019). A legal needs survey overall emphasises understanding the individual in relation to legal problems, the actions and behaviours of people towards such problems and the impact that these problems have on various levels of society (OECD, 2019, pg. 23).

Figure 1. Legal Needs Survey Components



Overview of thematic categories for legal needs survey frameworks — adopted from OECD.

The structure of a legal needs survey typically follows a general outline that consists of five key categories. It serves to gauge the types of legal disputes, potential sources of solution and the various outcomes, both positive and negative, that relate to the cited problems. Within these sections, questions are asked to procure both quantitative and qualitative data. In addition, the survey may be executed via various different mechanisms. Interviews may take shape via the internet, phone calls or face-to-face interaction. For the purposes of a legal needs survey, literature points to the success of in-person interviews for gathering substantial qualitative information and having the highest response rate (OECD, 2019, pg. 10-110). Though both qualitative and quantitative results are present in a legal needs survey, the qualitative aspect is arguably the most

important as “a qualitative approach privileges the exploration of the process of human meaning making” (Hesse-Biber, S.N., 2010, pg. 455).

1.3.1 Benefits and Use

A legal needs survey generates several benefits for both internal and external parties, and particularly the subpopulation of individuals whose experiences are being measured. The survey measures the justice needs of people while providing a comprehensive picture of how the legal system is operating from an informative, analytical, quantitative or statistical and investigative perspective. This catalyses a pathway for evidence-based policy reform to support development work undertaken by policy makers, public service designers and practitioners. An evidence-based policy reform is defined as policy created from information that is obtained at the grassroots level, meaning it provides a truer representation of the needs of community members. Broad yet detailed findings are revealed in the results of a legal needs survey, offering a wide analysis of the legal problems that exist in a particular society in addition to descriptive information that reveals human experience and need. For example, due to the methodological nature of the survey, an understanding of the substantive laws and institutional challenges that people face in attempts to interact with the legal system is quantitatively assessed. Moreover, legal needs surveys transcend standard surveys by evaluating other contextual factors, challenges and circumstances that may influence an individual’s behaviour concerning their legal problems and ultimate ability to access justice. This offers a complementary qualitative perspective. One example of this is via a legal needs survey conducted in two provinces of Indonesia which discovered that most people exhibit non-responsive behaviours towards legal issues because they feel the problem is not very serious, are ashamed/embarrassed or do not know who to talk to about the matter (IJRS., 2020).

The various societal levels that a legal needs survey evaluates demonstrates the vast scope of impact systems for accessing justice have within a nation. The social-ecological model broadly conceptualises health via five spheres of influence that contribute to civic action and human behaviour. The overarching tier, public policy, includes national, state and local law and power, followed by the institutional and organisational level, community relationships, interpersonal networks and lastly individual knowledge, attitudes and skills. A sixth sphere was also implemented in this framework that separates the individual tier into separate levels for an adult

and child (Lee, B.C., Bendixsen, C.G., Liebman, A.K., & Gallagher, S., 2017)⁴. This distinction is not often cited in literature, but nonetheless indicates the importance for surveys and interventions to acknowledge the variance in population group dynamics and needs. For instance, a legal needs survey tailored to adults could not be effectively executed among children and likewise for other groups of people. Locating the child level of the socio-ecological model within the adult sphere also makes the important point about the legal responsibility of children. While child perspectives are valuable, children do not bear full authority over their well-being. Overall, the themes of this model are critical considerations for the design of a legal needs survey.

In addition to the scope and type of problems experienced by community members, a legal needs survey assesses the behaviours assumed by people seeking help to solve experienced legal problems and the various processes that these individuals utilise for resolution. Importantly, a legal needs survey will directly ask whether or not the help that was sought out successfully solved the problem, how long the process took and whether or not it is still ongoing. This depth of analysis is necessary to ascertain the factors that impact access to justice at its core. Furthermore, this creates the opportunity to map the patterns and institutions that are utilised in resolving certain legal issues as well as evaluate the efficacy and efficiency of such approaches (OECD, 2019).

1.3.2 Importance

Legal needs surveys are important because they focus on the personal experiences of people in the legal system rather than relying solely on administrative data from legal representatives or institutions (IJRS., 2020). The central aim of a legal needs survey is to “investigate the experience of justiciable problems from the perspective of those who face them” (OECD, 2019, pg. 25). One cannot gauge the intricacies of legal issues without speaking to people who are actually affected by the problem which has proven to be effective in helping to identify areas for policy reform, acting as a monitoring mechanism for changes in the experiences and behaviours of people against a backdrop of legal services and providing a broad evidence base upon which stakeholders and action-makers can draw and operate (OECD, 2019).

⁴Appendix C

3.5 Considerations for Survey Development

3.5.1 Methodology

All preliminary dimensions of access to justice that should be noted in a legal needs survey are outlined in the OECD paper: substance of the law; availability of formal and informal institutions; quality of those institutions; availability of legal assistance; quality of outcomes; and legal capability. To achieve this, a legal needs survey is divided into subsections that address holistic measurements of access to justice problems and disputes (OECD, 2019, pg. 24). This is commonly referred to as the Modular Survey Approach; a methodology that separates the survey content into discrete units while ensuring room for flexibility and necessary modifications (OECD, 2019, pg. 72). This is done in a hierarchical succession beginning with the broadest form of the problem and commencing with the attempted resolution process and detailed experience of the affected individual. Narrative writing options are valuable concluding options for a survey because “the narrative form of writing exposes personal challenges as collective identities and solutions” (Barankariza, I., 2016). Furthermore, this aligns with the strategic succession of questions by gradually building the interview conversation to a reflective level.

It is also imperative to note that the literature cited face-to-face surveys where questions are read out loud conversationally as having the highest response rate and being the most transparent and effective mode for data collection. This avoids the unpredictability of internet or telephone access and allows for more substantive, qualitative results to be obtained. However, a useful predecessor to individual interviews is focus groups which allow everyone to share stories and become acquainted with the discussion of access to justice. To ensure flow of conversation, a research assistant to the interviewer—in both the focus group and individual settings—may take notes or fill out the survey components for the interviewee. The interviewer is thus able to verbally introduce the survey and build greater rapport with the respondent. One caveat is the possibility of a language barrier; to solve this problem, translators are recommended especially in areas of Zambia where native languages dominate (Mutoloki, E.N.T., 2012).

Moreover, descriptive questions resulted in an increased reporting of problems and lower risk of participant misinterpretation of memories so long as this is not overshadowed by high levels of fatigue because participants are overwhelmed by the quantity of problems. To avoid this, it is

advisable that the interviewer filters out ‘trivial’ issues once all problems have been identified. Follow-up sections of the survey may then be directed toward disputes of a minimum seriousness threshold that is pre-determined based on the capacity of the lead organisation (OECD, 2019, 110). One must also be mindful of legal terminology as it can deter respondents from disclosing information due to unclarity with what classifies something as a ‘legal’ concern. One of the many points of the survey is to increase participant knowledge on their rights; therefore, referring to something as a legal issue when that individual has never viewed it in that way before may limit reporting. The phrase ‘problems and disputes’ is the ideal description for all access to justice issues that a legal needs survey references because it connotes everyday life experiences (OECD, 2019).

Another critical consideration to be made regarding legal needs survey methodology is to ensure that quantitative and qualitative data is substantive enough to be valid and reliable. For qualitative results, the number of participants required to produce significant results is capped once data saturation is met. Data saturation may be defined as the point in qualitative research when no new information is being obtained e.g., participants are not producing any novel input. For quantitative data collection, a sufficient sample size depends on a chosen statistical framework such as chi square tests (OECD, 2019). Threats to reliability and validity should also be explored in the forms of bias. When conducting research, confirmation and selection bias are common variables in any study. Recall bias is particularly relevant to legal needs surveys because participants are asked to remember and discuss significant, potentially traumatising, events. All access to justice problems of a legal needs survey should be reported if they existed within the chosen reference period, irrespective of time of initiation. The reference period for a legal needs survey has been debated, largely due to the ‘forgetting curves’ condition which have different strength of association depending on the type of justiciable problem (OECD, 2019, pg. 72). Nevertheless, researchers have developed the consensus that “a two-year period is increasingly considered a good timeframe for achieving a balance between maximising problem reporting, data access and contemporaneity” (OECD, 2019, pg. 107). The favourable literature makes this reference period conducive to a Zambian legal framework.

3.5.2 Recruitment

The process of recruitment, much like other aspects of a legal needs survey, should be context-dependent and vary across subgroups of the population. One course of action that could be taken for recruitment is handing out flyers from local hotspots that advertise the study. However, the next step for interested residents is to register via telephone which may be an obstacle for Zambians, especially those who reside in rural areas. The use of a flyer also anticipates that people will be able to comprehend both its contents and literal use of language. This could be another shortcoming given the contextual background of Zambia; for instance, its variable literacy levels and range of spoken languages (Barankariza, I., 2016). There is a lack of literature on this topic, so it would be necessary to conduct further research to determine an alternative, effective approach for recruitment in Zambia.

3.5.3 Components

The opening section of a legal needs survey consists of demographic questions that collect basic information such as age, gender, ethnicity, employment status and others (OECD, 2019, pg. 128). This is followed by the four aforementioned categories, concluding with sources of help utilised and an assessment of the process of help and overall experience of the individual.

3.5.3.1 Core Problem Categories

Established in the OECD review were twelve core problem categories that relate to individual legal problem experience. These neglect to account for issues experienced within households and other larger convocations, but successfully delineate themes of access to justice barriers. Moreover, there are three additional problem categories set forth that should be considered but offer a narrower lens for dispute identification because they pertain to highly specific legal situations. Accompanied by these core categories is a description of their form of presentation as well as illustrative examples of how they may be presented (OECD, 2019, 107-109)⁵. Through examining the literature, it is evident that two key classifying groups are missing. First, it is imperative to add a healthcare category that involves the problems or disputes with receiving proper medical and

⁵Appendix D

wellness treatment. Second, given that tribal groups have an impactful presence in Zambia, it is of use to add a section that accounts for issues in this sector of life.

3.5.3.2 Problem Impact

Problem impact includes the third and fourth category of a legal needs survey framework. Legal understanding is vital to gauging the ability of an individual to effectively engage with justiciable concepts. It can be summarised as: information, knowing where to get advice and information; expert help, believing that all desired expert help can be acquired; and confidence, trusting that a fair outcome could be achieved. While these features of legal needs surveys are less quantifiable, they are equally important to developing a comprehensive understanding of the access to justice needs and knowledge of people in Zambia. The latter part of this section is catered toward direct numerical analysis of how access to justice problems negatively impact individuals. OECD has identified common outcomes which include: ill-health or injury; high levels of stress; damage to a family relationship; being harassed, threatened or assaulted; damage to your property; loss of employment; having to move home; financial; and fear or loss of confidence. This is structured as simple yes/no questions with the addition of other specific, thematic or context-specific areas⁶.

3.5.3.3 Sources of Help

Experimental evidence from the literature review reveals that distinguishing the ‘sources of help’ category on a legal needs survey model “can significantly increase reporting rates compared to using a simple list format” as it minimises the risk of making the focus too narrow (OECD, 2019, pg. 73). Therefore, a broad and open question that inquires about what respondents did when dealing with their respective problems and then, separately, a question on whether or not participants sought additional information regarding their dispute. According to OECD, an example of the quantitative ‘sources of help’ segment consists of two multiple-choice segments. One is about general sources of information assistance and the second references specific organisations and groups of people. For this study, contextual characteristics of Zambia should be used to inform the creation of such sections and cater the answer choices to the national context.

⁶Appendix E

3.5.3.4 Processes Assessment

The processes assessment segment of a legal needs survey is similar to legal understanding in the sense that it measures individual perception and sentiments. Three potential subsections of it are: fairness, to ascertain if the respondent believed the process followed was fair; time, to gauge how long it took to solve the problem; and financial difficulty, to see how much of an influence monetary constraints had on the process of acquiring help (Global, 2018). These ways in which people seek help may fall along formal, informal or converging paths to justice which are important to distinguish between. This is especially true in the context of a legal needs survey for Zambia because of the country's strong traditional ties and attachment to a dual legal system.

The strength of emotion, another factor in process assessment that individuals face on paths to justice, may also serve as an important indicator for how society interacts with and is connected to its legal system. For example, sometimes participants will report that they opted to do nothing to solve their justice needs. Understanding the factors that influenced this process or impeded their participation in it will indirectly inform interviewers of access to justice problems that the population struggles with. Additionally, empowerment is a key word when discussing judicial matters and this question may evoke information regarding how to uplift communities and cater interventions in a way that addresses their relevant limitations (Justice, 2013).

3.5.3.5 Past Limitations and Consequential Implementation Methods

A limitation of past legal needs surveys conducted around the world is that they primarily studied nationally representative samples with a median sample size of roughly 5000 participants (OECD, 2019, pg. 39). Though the sample size is plentiful for statistical purposes, its lack of refinement makes it difficult to account for the varying needs of the subpopulations within a nation. Making the target population of legal needs survey too broad is unfavourable. To acquire valuable, in-depth results, it is crucial to acknowledge the unique contextual differences and experiences with the justice system that diverse populations face. However, while the depth of research is essential to procuring meaningful results, the length of a legal needs survey is a factor for implementation that must not be overlooked in spite. Researchers must strike a balance between depth of findings and not having too much verbiage as to dissuade people from participating. The medium length of a legal needs survey, as identified by OECD, was 6000 words, but this number still varies

depending on the specificity and population size of the target group (OECD, 2019, pg. 39). Overall, certain limitations of legal needs surveys can double as design tools as literature demonstrates, needed for specified population targets must be accompanied by a complete but not overly lengthy survey structure.

3.5.4 Ethics

The majority of literature on ethics is derived from international research standards supported by the *World Health Organisation* and involving human subjects. The three main ethical principles are respect for persons, beneficence and justice and they are generally believed to “guide the conscientious preparation of proposals for scientific studies” (International, 2002). One of the central focuses of a legal needs survey is to assess the needs of the people through individual experience with and perception of access to justice. This is evidently human subjects research with the emphasis falling on the interviewees to guide the process. Thus, as noted in a Malian legal needs survey: “Normally, we [researchers] are the ones who judge. This time, it is the citizens who are judging us.” (Barendrecht et al., 2014, pg. 101). There is an even greater need to ensure that these ethical principles are at the core of the survey methodology because the access to justice survey functions to strengthen the general execution of these principles in society.

One way to ensure that ethical requirements are met is by utilising a Community Advisory Board (CAB) to guarantee that detailed review procedures are followed and adherence to ethical practice is thoroughly monitored, particularly when working with vulnerable and stigmatised populations which inherently comprise every group whom a legal needs survey is prepared for. CABs are academic-community partnerships between members of society and researchers that serve several significant functions in research execution. Predominantly, CABs present community members with the opportunity for representation in research design/activities. They create a space for individuals to voice their concerns or priorities and advise research procedures to ensure that they are acceptable, culturally sensitive and respectful of the community. CABs are also a body that exists to advocate for participant rights, including the right to refuse and the right to receive full disclosure regarding the risks and benefits of a particular study. An important note about the purpose of CABs is the need for such boards to be composed of members from diverse yet uniquely valuable backgrounds; at times, there can be a disconnect between CAB members and

investigators on the research team. Therefore, it is imperative that recruitment strategies, board composition and overall coordination are designed in such a way that strengthens the partnership between community and research bodies while minimising sources of limitation (Price, G. C., Jansen, K. L., & Weick, M. R., 2020).

3.5.4.1 Governing Institutional Review Boards

A CAB is a mechanism that offers an advantageous role in a legal needs survey framework and consequently the effective deployment of such a survey. In addition to this informal governing research board, it is also important to recognize the required regulatory bodies in the formation of a survey. In Zambia specifically, the overarching research manager is the National Health Research Authority (NHRA); it was established to provide a structure which enforces the development of consistent research standards and guidelines. The obligations of this entity cascade down to the National Health Research Ethics Board (NHREB), Research Ethics Committees (RECs) and finally Institutional Review Boards (IRBs) — such as those located within the University of Zambia (UNZA). Possible risks attached to the research as well as risk management strategies of the survey distributors are evaluated by such bodies (Building). In the administration of a legal needs survey, it will be necessary to acquire the proper IRB approvals for human subject research and to incorporate relevant parties to assist with such compliances.

3.6 Legal Needs Survey Examples in Other Countries

3.6.1 Zimbabwe

Zimbabwe, a country with close geographical and socio-political relations to Zambia, produced its first formal legal needs survey *Global Insights on Access to Justice* for the general population in 2018. The research was conducted face-to-face. The findings are quantitative and summarise issues that residents encountered when dealing with everyday justice problems. The layout of the survey is fairly simple, yet it casts a wide net for sensing information needs. The items measured were aligned with the six categories set forth by the OECD review and they were based on any legal problems that participants had experienced in the past two years. This survey provided a substantial overview of access to justice in Zimbabwe. However, with a sample size of 1,001 members of the public, it neglects to assess the needs of specific groups within the country (Global,

2018). Moreover, while the results are significant, there is a lack of depth and detailed data for why and how these problems occur. This simplistic nature may make it too difficult to generate productive outcomes or interventions from the research.

3.6.2 Yemen

Similar to Zambia and Zimbabwe, Yemen is a developing nation. The country has been entangled in humanitarian conflict for years and nearly every adult experiences a legal dispute annually. A report, *Justice Needs of Yemenis – From Problems to Fairness*, was conducted in 2013 over a population sample of 3,000 to deeply analyse key legal problems, paths to resolving disputes and overall access to justice in Yemen. Fourteen major categories of justice problems were identified and the frequency of these issues was divided based on gender. There was a mixed method of data collection in-person combining both quantitative and qualitative methods. Not only were focus groups and interviews conducted, but triangulation workshops were also hosted to gather feedback from key, context-specific stakeholders in society such as sheikhs, judges and activists. Furthermore, the layout of the report offered detailed analyses of the data that include stories, experiences and cultural factors that play a role in Yemenis' access to justice.

The amassed data was translated into tangible action by extracting what does and does not prove to work in legal resolution; for instance, protocol was established. At the end of the report, broad lessons evident in the data and specific to the people of Yemen were also synthesised (Justice, 2013). Therefore, this legal needs survey portrays a strong model for how a developing nation can acquire meaningful data about citizen experience with the legal system and thereafter enact positive change from the acquired knowledge. Though the cultural context of Zambians will differ from that of Yemenis, the general approach of the literature is relevant to survey design.

3.6.3 Canada

A legal needs survey was deployed midsummer 2018 and 2020 for low income British Columbians. Canada contrasts the previous examples in two key ways; firstly, it is a highly developed nation with an enormous economy and, secondly, it conducted its review via an 11-minute online survey. An online survey of this breadth would be unpromising in the Zambian context, however the results illuminated by the survey structure call attention to simple yet useful

questions to be asked of respondents. When discerning whether or not action was taken to resolve the legal problem, seeking legal assistance versus seeking non-legal assistance was distinguished. A section dedicated to assessing the particular justice system perceptions of the individual was then incorporated to allow for narrative expression. Numerous problem types were identified such as wills and powers of attorney, welfare or social assistance, immigration, discrimination, legal action and hospital treatment or release which were not included in the OECD legal needs survey brief (Bacica, M., & Kendrick, A., 2020). Moreover, reasons for not taking action were broken down by problem type and sources of help included a legal clinic local to British Columbia; the depth of results makes inferences drawn from the data more reasonable. The ways in which Covid-19 shaped legal problem prevalence and resolution were also accounted for. Though this need not be incorporated currently into the Zambian framework, the recognition of national/international disasters or large-scale disruptions should be accounted for as relevant in survey planning and development (Bacica, M., & Kendrick, A., 2020).

4. Main Findings

Findings from the semi-structured interviews were analysed and broken down into five distinct yet interwoven categories. The level of familiarity that various stakeholders have with a legal needs survey was first quantified to demonstrate the need for more awareness of this access to justice methodology. Then, problems with accessing justice in the Zambian context and survey design are outlined. To conclude the review of findings, ethical considerations and product or end goal factors of deploying such a survey across the country was examined. This culminates with a final section to illustrate our legal needs survey framework specific to Zambia.

4.1 Legal Needs Survey Familiarity

Each stakeholder was asked whether or not they had heard of or used a legal needs survey before. Of all eighteen stakeholders spoken to, only three had either a relative understanding or had worked on human rights projects in the past that vaguely addressed the concept. The Human Rights Commission of Zambia, Danish Institute for Human Rights and various Civil Society Organisations (CSOs) have utilised baseline surveys or justice reports which include access to justice measurements. However, there is no history of a formal legal needs survey in the country.

4.2 Problems with Accessing Justice Specific to Zambia

One of the most essential questions our research investigated was regarding specific problems with access to justice people across Zambia encounter. It is necessary to acknowledge the contextual circumstances surrounding community engagement in legal systems and obstacles to justiciable problem resolution.

4.2.1 Core Problem Categories

Approximately 20 problem categories were determined from discussion with all of the stakeholders.

Table 1. Identified Access to Justice Barriers

High Cost of Services	Legal Verbiage and Terminology	Lack of Coordination Among Stakeholders	Lack of Basic Understanding of Legal System	Stereotypes
Low Numbers of Lawyers	Timeliness	Geographical Differences	Age	Lack of Knowledge on Rights and Entitlement
Inconsistent Sentencing	Distance to Legal Service Providers	Criminal Viewpoint	Wariness and Lack of Trust Toward Law Enforcement	Employment Restrictions
Limited Resources	Other Priorities	Inadequacy of Facilities	Corruption	Cultural Norms and Influence

The access to justice barriers were compiled from the series of stakeholder interviews as being specific issues that people in the context of Zambia encounter when attempting to engage in justiciable problem resolution and thus access justice in an equitable manner.

The most common access to justice problem cited by our stakeholders was an extremely high cost of legal services. The issues in this category are two-fold; a *Lecturer of Law* and expert in the human rights sector from UNZA described how it is not only expensive to initially acquire a lawyer, but it is also difficult to engage with the practitioner once the problem is underway⁷. Stakeholders at the International Confederation of Catholic Organisations for Charitable and Social Action (CARITAS Zambia), UNZA, Young Women in Action (YWA) and Human Rights Commission of Zambia (ZHRC), explained that due to the costliness of access lawyer services, the majority of people are not permitted the chance to be justly represented.

⁷This stakeholder clarified that access to justice problems they mentioned are applicable to Africa as a whole — not solely Zambia.

Our interview findings revealed that there is a low number of lawyers, specifically a low number of quality lawyers, located in Zambia. The population to lawyer ratio, explained the *Executive Director* at CARITAS Zambia, is substandard. The stakeholder further asserted that based on the Legal Aid Act, governments are supposed to provide legal aid; however, a lack of passionate lawyers results in a serious dissonance between the level of quality that should be provided versus what is actually delivered. As summarised by a *Division Leader at ZHRC*, at its core this issue revolved around the need for having not just more legal representation but people who understand cases and can render judgement that is in the best interest of justice. Furthermore, this distribution of lawyers in Zambia—although lacking overall—is inadequate and uneven across provinces. A *Representative* from ZPS-VSU asserted that the majority of lawyers are concentrated along the Line of Rail or the most developed urban areas of Zambia which congregate around the railway that links the Copperbelt with Lusaka and then Livingstone.

A lack of knowledge on rights and entitlement among people who require legal assistance is a significant obstacle to accessing justice because not everyone has the privilege to receive that information, stated the *Executive Director* of YWA. Overall, stakeholders cited misinformation, ignorance and a lack of awareness for how and what legal aid to seek among Zambians. Moreover, the *Regional Coordinator* of YWCA noted that law enforcement will persistently claim that “ignorance is not a defence.” Therefore, people must not anticipate being provided with legal information but rather rely on discovering the necessary information regarding their circumstance on their own.

There also exists a lack of basic understanding of the legal system and how it operates. The *Executive Director* at YWCA asserted that this unawareness of what is expected hinders people’s access, often leading them to question and doubt the legal system. Furthermore, several stakeholders touched on the idea that sometimes information is provided in a way that is not widely circulated in a comprehensible or complete manner. This is partly attributed to vagueness within law and legal information. Consequently, a *Paralegal Officer* at YWCA stated that if people are unable to access justice, then they likely will not follow the appropriate procedures with regard to acquiring problem resolution.

Other named barriers to accessing justice were insufficient resources within the police services, specifically issues of human resources and the necessary provision for thorough investigation, and a lack of coordination and cooperation among relevant stakeholders in this field. These were discussed by the *Executive Director* of YWA. Moreover, the *Executive Director* of the National Legal Aid Clinic for Women (NLACW), which operates under the Law Association of Zambia, noted that Zambia does not have clear timelines for how long a case should be; some cases are disposed of or not seen through whereas other matters are subjected to fast track. Corruption, for instance court officials accepting money in return for handing a case faster; complex legal terminologies and jargon; a lack of trust toward law enforcement and a wariness toward the law by lower-income families; stereotypes regarding discriminatory motives such as sexism; and age also act as notable barriers to accessing justice within Zambian society.

Another key access to justice barrier outlined specifically by stakeholders at YWCA and UNZA is conflicting priorities among Zambians. For instance, the interest level of youth is a crucial factor in determining their involvement with access to justice measures. Many may debate questions such as: ‘Should I play a role in awareness or should I try to find employment?’ and decide based on which field (employment versus advocacy) they will benefit the most from. As asserted by the *Executive Director* of YWCA, other priorities will take precedence especially when they regard basic lifestyle needs such as making money to support a family or supply oneself with food, water and shelter provisions.

Individuals can be employed by another person meaning they are under other jurisdictions; therefore, they could be dismissed unjustly or subjected to unfair treatment. For example, the number of hours expected to work may not be respected. However, as mentioned by experts at YWCA and CARITAS, these individuals may be financially or otherwise dependent on other people, making it highly difficult and unlikely for them to evade the situation.

Geographical differences also have a heavy influence on the accessibility of legal aid. For example, the *Regional Coordinator* of YWCA noted that access to information in rural areas is even more restricted than that of urban people as residents must wait for people who are doing projects/programs in their areas before they receive proper information. Further compounding this

limitation is the fact that not all rural areas have internet access, nearby police stations for ZPS-VSU, legal aid providers, relevant CSOs, health facilities and other vital sources of aid. Conversely, people in urban areas have much easier access to locations and the internet, etc. Stated by a *Lecturer of Law* at UNZA with expertise in gender law and human rights, people who must traverse lengthy distances to get to court or necessary providers are dealing with lifestyle disruption and the halting of daily routines which may include things such as employment or caring for children.

Inconsistent sentencing and unstandardized preparation for legal professionals also acts as a noteworthy barrier in the Zambian context. Stakeholders noted the possibility of there being different sentences for the same issues depending on the experience of a magistrate, gender of the judge or defendant and other unreasonable explanations. To adequately address this concern, it would be necessary to build the capacities of the lawyers; for instance, there is currently no specialisation as institutions nor are there readily available experts on the legal issues that are dealt with, said the *Executive Director* of NLACW. Ideally, residents in need of justice or legal support will be able to work with lawyers who are already familiar with the particular issues asserted the interviewee.

Hence the exposition that this research argument is grounded on, there are innumerable cultural factors that intertwine to influence the access to justice sphere. This was noted by nearly all stakeholders who were interviewed. Examples of this include patriarchy and socialisation which make it difficult for individuals to raise their voice or speak up, combined with a mixed lack of confidence and fear stance, stated a *Lecturer of Law* and human rights expert at UNZA. Similarly, and, to be frank, many people are “scared of the courts” remarked the *Executive Director* of CARITAS Zambia.

The *Division Leader* at ZHRC also emphasised the criminal viewpoint and right to secure protection of the law. This regards the point of interaction between persons that are suspected to have come into contact with the law (potentially committed offences) and the bodies which enforce these laws. The interviewee further asserted that most people interact with law enforcement agents when they are suspects but it is highly unclear whether or not these people are informed of their

rights, provided with legal representation or service direction, understand the crime which they are being charged for and treated fairly and humanely in the judicial setting.

Other items that stakeholders mentioned must be addressed when accessing justice but do not fit neatly into one of the aforementioned categories is the potential for requiring at least one pro-bono case for all lawyers to both ensure that more hands are working on the case and equally redistribute the proportion of men versus women who take on pro bono work. The *Executive Director* at NLACW additionally claimed that the mindset of lawyers must be addressed. This was not included in a core problem category because it is a more suggestive issue that is less easily discernible by ordinary people whom a legal needs survey is catered toward. However, it is nevertheless a persistent problem that connects to the notion that women's rights must be regarded as human rights — because they are. This also ties into the stereotypes and gender discriminatory issues that were previously cited by stakeholders as access to justice problems.

4.2.2 Current Community Engagement

Six stakeholder organisations claim the ability for residents of Zambia to play an active role in the justice process is lacking and requires significant restructuring. At present, the legal system is not conducive for active community engagement and participatory practice. The *Executive Director* of CARITAS Zambia and a *Counsellor* at Young Women Christian Association Council of Zambia (YWCA) stated that even if people want to partake in civic engagement in Zambia, it is extremely difficult to do so due to lack of information and low ease of accessibility. Active involvement in the justice process may be interpreted as a technical endeavour, especially in comparison to other activities, which makes it less appealing to residents, stated the *Executive Director* of the same organisation. It was also noted that, to a large extent, the dominance of men in legal matters prohibits family members from being “so free as to express themselves.” This hesitancy of involvement can be further amplified by the general fear that people have of the justice system. Oftentimes, individuals will choose not to report cases out of concern that something would go awry or they would be probed with unfamiliar, difficult to understand questions, stated a *Lecturer of Law* at UNZA whose expertise lies in gender law and human rights. Another stakeholder, a *Division Leader* at ZHRC, reaffirmed that these issues tend to be intimidating. There are “big gaps

in citizens understanding their rights and being able to get redress when rights are violated,” stated a stakeholder.

To address the substandard levels of community and legal engagement, a *Lecturer of Law* and expert in the human rights sector from UNZA advised implementing civic education into primary curriculum and encouraging youth movements that empower generations to endorse deliberate action and engagement in access to justice work. This offers a child-level approach via the socio-ecological model framework and addresses challenges of socialisation, culture and patriarchy from the beginning. It is imperative to address these access to justice ordeals which fall outside of the narrow procedural justice lens.

4.3 Survey Design and Layout

4.3.1 Additions and Revision to Components

4.3.1.1 Core Problem Categories

The aforementioned access to justice problems that stakeholders identified as being specific to people in Zambia should be included under the ‘core problem categories’ within the Zambian legal needs survey framework. It may be advisable to include these country- and culture-specific considerations following the general overlay of problems and disputes identified via literature review that survey respondents will consider. This is delineated in the ‘Overall Survey Framework’ — a synopsis which accompanies this research paper.

4.3.1.2 Problem Impact

Aside from the problem impacts previously identified via literature review, one of the most common effects of a lack of access to justice is that there may be a rise in legal cases as many are not seeing justice. For example, as asserted by the *Regional Coordinator* of YWCA, when it comes to sexual and reproductive health, pregnancy is still high in rural versus urban areas due to a lack of protection being used. However, while this is an important consideration, based on the literature review of the function of a problem impact section, it may not be of use to incorporate this a multiple-choice option for survey participants because the issue is rooted in the societal and

institution level, meaning it may not be an apparent concern to those who partake in the legal needs survey because it is done on an individual basis instead.

4.3.1.3 Sources of Help

According to most of the interviewees, one of the potential sources of help for people in Zambia is the Legal Aid Board (LAB). LAB, noted by the *Executive Director* of NLACW, has a strong emphasis on criminal law matters, therefore leading civil matters to be heavily subsidised by CSOs whose work is constrained by resources, limited space and technicality of language. Other identified sources of help based on stakeholder interviews were: the 2021 amendment to the Legal Aid Act for the provision of legal information, mandating that quasi-government bodies provide legal information to members of the public; family; dual legal system including both African customary law and formal law, though individuals tend to gravitate toward informal law as opposed to statutory in most legal dispute cases; paralegals; non-governmental organisations (NGOs); the Zambia Police Service; and a tribal Chief and traditional leaders. It would be beneficial to incorporate many of these findings into the ‘sources of help’ section of the Zambian legal needs survey.

4.3.1.4 Preference Toward Traditional Courts

Furthermore, discussions with stakeholders revealed that traditional courts and the use of family councils are more commonly preferred by people in Zambia. For example, the family council will sit and advise on situation resolution and is typically composed of a mixed gender board (it is very rarely just one gender present). The size of the council varies on a case-by-case and familial basis, ranging anywhere from three to fifteen people. Some problem and dispute examples where this traditional court system may be utilised are in instances of divorce because members of both families will constitute the council which leads to an element of independence and objectivity, as well as in cases of defilement where family integrity can be preserved and shame avoided via this approach to justice. Stakeholders have mentioned that one of the core cultural values of people in Zambia is that of family. Accordingly, the paramount goals of these courts are to hold the family together and provide a means to resolve disputes while remaining a united front.

4.3.2 Target Groups

The diverse subdivisions of target populations within Zambia were determined through literature analysis and stakeholder conversations. Eleven classes and their respective constituents are outlined in a comprehensive table to illustrate the various populations which a legal needs survey must be individually targeted toward⁸. Certain subgroups—gender, age and geography—must be accounted for in every legal needs survey regardless of the dominant subpopulation. For example, young women are viewed differently than older women both overall and in the context of certain circumstances, noted the *Executive Director* of YWA. This means that a survey catered to individuals who are, e.g., of low socioeconomic status must be first distinguished based on gender, then further refined to separate age ranges and subsequently altered to account for differences across provinces. This does not mean that the legal needs survey for these groups must look completely different but rather asserts the point that certain adaptations must be made to acknowledge the unique way that each of these contextual factors influence access to justice.

4.3.3 Urban and Rural Population Differences

One of the most prominent population divisions is that of geography. People who reside in urban, peri-urban and rural areas indisputably have different barriers, outcomes and experiences regarding legal dispute resolution. CARITAS Zambia focuses much of its efforts on access to justice among marginalised residents in remote areas as there is typically a greater concentration of poverty in rural districts. The *Executive Director* of the organisation underlined how the majority of rural areas lack most infrastructure, including roads, electricity, simple school or health centres and especially formal courts which may be up to 500 kilometres from a village. In these areas, it is more likely to access traditional courts due to proximity; however, these facilities do not follow the proper justice system, they said. Therefore, ease of access is a larger inhibitor to equity in rural areas compared to urban centres. This factor is presently accounted for in the ‘access to justice problems’ section of the survey; however, it may be further refined in surveys for rural populations to determine which problems of availability are most prevalent in different districts. For instance, follow-up questions may be added to the “Limited Resources” problem category apropos electricity, schooling and other non-legal help centres.

⁸ Appendix H

Another key distinction is that it may be beneficial to consider the role of traditional counsellors in rural areas. A *Lecturer of Law* at UNZA whose expertise lies in gender law and human rights indicated the potential benefits that speaking to these counsellors about access to justice may reap. Both traditional culture and the fulfilment of human rights standards are crucial features of society, especially in rural areas. However, they must be equated in terms of importance and by doing so could lead to an improvement in justice measures. These counsellors are often highly respected and trusted members of a community; this offers an important mechanism for help. Similarly, a few stakeholders explained how traditional mechanisms are used more often in lieu of written law within the rural populations of Zambia. In the majority of these sectors, the first point of contact when it comes to dispute resolution is the head of the village followed by local courts. Therefore, in the design of rural surveys a stakeholder stated it may be advisable to assess how many people successfully engage with rural counsellors, village heads and local courts in the ‘source of help’ section.

4.3.4 Data Collection

Other distinctions that should be made regarding surveys relate to execution and collection methods. An in-person, mixed methods approach remains ideal for the Zambian context. Stakeholders identified that in previous studies they piloted, focus groups and individual interviews proved effective for acquiring substantial information. This is also preferable because it eliminates the potential challenges of trying to communicate via the internet in rural communities. Moreover, it is necessary to consider language within the context of each population that is dealt with in Zambia. Rural areas of the country often speak local languages and have a more constrained ability to speak English in comparison to urban ones. The use of translators to facilitate interviews and explain research purposes and consent procedures was first identified in the literature, and then reiterated by several stakeholders during interviews.

4.3.5 Establishing Criteria

While stakeholders emphasised focus groups and in-depth individual interviews as appropriate techniques for the legal needs survey, a legal expert at SAIPAR also noted that when designing the survey, it may be difficult to fully grasp the statistical attributes of a particular population. The

literature review sought to outline the social profile of Zambia inclusive of relevant social statistics, primarily through JCTR. This data offers important insight on how to structure a legal needs survey in the multiple socioeconomic contexts of Zambian families. In Lusaka specifically, the cost of living for a family of five in April of 2022 was 9,326.41 Kwacha—the equivalent of ~554 United States Dollars—due to a weak macroeconomic environment (BNNB, 2022). However, the completeness of the collected data is unclear because of differences that exist between the formal and informal sectors of the economy. As explained by the SAIPAR stakeholder, formal economics consists of individuals who are taxed and their received pay is documented through government revenue streams. Since the government has access to those records, it is able to monitor people who are ‘formally’ contributing to the economy. On the contrary, the informal economy relies on trade in the market, social media or other types of work that are not in a formalised structure and therefore are not taxed. This exemplifies how relying on numerical cut-offs for data criteria can inaccurately represent a community because it is difficult to capture the interplay between individuals in the informal sector and the economy. Therefore, as advised by one of our stakeholders, certain criteria require a multifaceted definition that regards community context.

4.3.6 Execution Methods

A question asked of some of the stakeholders was how to effectively execute legal needs surveys and properly motivate the need for them to be deployed or conducted by stakeholder organisations. According to the *legal expert* at SAIPAR, in order for a legal needs survey to generate funding from capable stakeholders such the government or the world bank, there is need to relay the benefits and purposes of the legal needs survey to ensure that the stakeholders understand the relevant concepts of and benefits that such a legal needs survey would have on the nation. An important factor in this process is ascertaining the practicality and pros/cons of using certain execution methods. The use of technology can help generate wider and more tracked responses but this may become costly especially for developing countries like Zambia. A balance can be made in executing the survey by using both technology execution methods and traditional survey execution methods such as physical—paper—collection of the data paired with record keeping and data analysis of scanned files.

According to the stakeholders at YWA and YWCA, it is imperative to establish linkages between the information being gathered and how the survey is used. The survey should be framed around

questions that organisations working within the justice system suggest would best achieve the goal of the survey and help answer calls for further action. The deployment should also enable various monitoring bodies that analyse the survey before, during and after its execution. One such organisation is the ZHRC, which, according to its *Division Leader*, has the role of observing and reporting on the state of rights of all the treaties that Zambia has signed under the numerous African mechanisms and all other agreements the state has committed to.

The model by which ZHRC conducts research may be used as a baseline for the execution methodology of which a legal needs survey in Zambia can be based. The ZHRC often acts as a bridge for national and executive bodies and rights holders. It unavoidably and closely works with the state and undertakes to explain the steps that have been taken by the state to respect, protect and fulfil certain human rights. The work the commission does with the government depends on the thematic area in consideration, for example, the Ministry of Justice has a portfolio on human rights and as such often works with the commission. According to a *Division Leader* at ZHRC, the commission also engages in interactions between rights holders and law enforcement institutions by interfacing its roles in providing advisories to the executive on how to protect and promote rights and sending annual reports on human rights to parliament. The commission additionally interacts with CSOs as it is difficult to communicate solely with individual people at the grassroots level. For the execution of a legal needs survey, partnering with a CSO to promote the survey could serve as an instrumental tool because the ZHRC believes that they offer a substantial representation of the views of rights holders.

4.3.6.1 Financing

Financing of any research, legal or not in the nation, is dependent on the initiating stakeholders of that research. For example, the *Division Leader* at ZHRC asserted the commission, although an autonomous body created under the Constitution, got the majority of its funding from the government. The commission is free to engage various stakeholders for funding to help the commission achieve its roles and objectives. The ZHRC stakeholder further asserted that the commission collaborates with various institutions such as the Danish Institute for Human rights and the United Nations to carry out human rights projects in Zambia. Likewise, the financing of a legal needs survey project in Zambia will be dependent on the initiating stakeholders and their ability to collaborate with various stakeholders to meet the financial costs of such a project. In the

OECD analysis, national legal needs surveys conducted in the last twenty-five years (as of 31 December 2017) had funding mainly from research grants, legal aid agencies, the government, World Bank and Open Society Foundations. A survey conducted specifically in Kenya, Africa, in 2017 was supported by the World Bank and Judiciary (OECD, 2019, 26-28).

Thus, the state of research capacity needed in Zambia must effectively respond to the demands of carrying out a legal needs survey project. According to the legal expert at SAIPAR, financial funding of surveys is dependent on how big the survey is, its scale (target population and geographical scale), means of deployment, its basic methodology and levels of complexity as a simple, stratified and basic legal survey is more likely to be readily funded or done as opposed to a complex one. The expert additionally added that there are often constraints attached to funding larger surveys and ensuring that financial aspects of deploying such surveys are met. It was also further asserted that some of the financial demands of deploying a legal needs survey in Zambia could be met through donors already working in the access to justice space in the country such as the Germany Agency for International Cooperation, the World Bank and other NGOs.

4.3.6.2 Psychology

Seeing as our argument is for a context-sensitive and population-specific legal needs survey, it was deemed necessary to explore the psychological perspectives of such research. Our *Lecturer of Law* stakeholder with expertise in gender law and human rights offered valuable insight to potential for emotionally charged interviews. They asserted that questions in the survey must be framed or constructed in a manner so as to ensure individuals will not relive certain traumatic experiences that they had in their interactions with the legal system. It was further asserted by ZHRC and ZPS-VSU that the legal needs survey must be constructed in a manner so as not to worsen or make people relive the trauma. According to a *Representative* from ZPS-VSU, ethical requirements when working with victims often involve a desensitisation method that functions to work through the fears and negative perceptions of people towards the legal system.

The ZPS-VSU stakeholder further asserted that the rights of victims must be promoted, guaranteed and not violated during the survey. However, considering the psychological perspective, trauma would be inevitable in certain circumstances especially for people that may have been victims of crime, and in such cases, a good ethical research must contain mitigative

strategies for people to ensure that the survey does not leave them vulnerable but rather leaves them as they were or helps them find help, perhaps through the use of counselling from institutions, family and friends or even offer other points of help.

In addition, it was stated by the *Executive Director* of CARITAS Zambia that “it is ethical to try to know them [survey participants] ... know their opinion... and respect them” when engaging in access to justice research. This speaks to the value of building rapport with interviewees, and the obligation for researchers to do so especially when dealing with important and serious matters.

4.4 Ethical Considerations

An essential part of our research involved assessing the ethical considerations that researchers must be cognizant of when instituting legal needs surveys. Stakeholders were asked what they advised be considered before, during and after conducting the research to ensure that it followed ethical protocol. The first and foremost ethical consideration that was asserted by all of our interviewees was that of consent. The stakeholders stated that it was important to ensure all participants in the survey consented to; firstly, take part in and provide information needed for the survey; and secondly, the information that they offer being used by the surveyors.

According to the *Executive Director* of YWCA, it is imperative for the distributors of the survey to explain the subject matter and purpose of the survey in a manner that enables the target participants to comprehend and become interested in the topic of the survey. The interviewee further asserted that this action was important as it would enable participants to make informed consent. The *Executive Director* of CARITAS Zambia asserted that one way to ensure and encourage participation in the survey is by truthfully explaining the purposes of the research in a clear and unambiguous manner. The *Division Leader* at ZHRC further contended that the issue of consent must be explained in local languages to account for any spoken barriers to informed consent. The stakeholder at ZHRC further said it would be beneficial for the survey distributors to assess if there are people in the participant family or community who would be able to guide unclear or apprehensive participants on what it means to consent to the survey.

Other standard ethical considerations to be considered are those of voluntary participation and anonymity as emphasised by the *Youth Coordinator* at YWCA. Furthermore, a *Lecturer of Law*

and human rights expert at UNZA asserted that it is important to ensure that participants are not coerced into participating in the survey, but rather that it remains entirely voluntary. The stakeholder also maintained the importance for the survey to refrain from using the names of its participants, especially at times when the mention of these names would adversely affect the lives of such persons. The interviewee did, however, attest that the mention of names could be done in preliminary research circumstances where the mention of the name would carry more weight or impact on the information being provided in the study; though, the mention of these names must be done with the direct permission from the participant.

Another stakeholder from UNZA stated that there are bodies, that is, the IRB (such as the one found at UNZA) that pass the study/proposal and data collection through institutions depending on its ethical grounds. Considering the cultural-context of Zambia, the oversight of these research institutions may benefit from taking into consideration traditional and informal law boundaries that hold a prominent role in everyday life. A *Lecturer of Law* with expertise in gender law and human rights claimed that another imperative ethical consideration in conducting a legal needs survey was to account for the cultural norms and perceptions of participants. The stakeholder advocated for an investigator to overcome cultural leadership constraints such as first asking permission from the Chiefs or Kings and using gatekeepers to organise community participation. This is particularly important when conducting research in rural areas and when travelling to unfamiliar locations for survey execution.

According to numerous interviewees, confidentiality is another critical factor to account for when conducting a legal needs survey. A *Representative* from ZPS-VSU contended that in preserving this confidentiality, surveyors ensure they do not violate essential rights of the participants such as those relating to privacy, protection by the law and freedom of expression. This notion was affirmed by the *Executive Director* of CARITAS Zambia who noted the second portion of confidentiality preservation as being sure to report precisely the information that was shared by participants without adversely implicating their lives.

Furthermore, stakeholders interviewed from YWA and YWCA cited an understanding of the different levels of vulnerability that may exist among participants as an additional ethical factor when conducting research surveys. They mentioned how minority groups such as women, children

and people living with disabilities may face higher levels of vulnerability in the legal system. Due to this, the legal needs of such minorities, although likely similar to majority groups, must be reflected upon carefully within the survey. The *Executive Director* of YWCA pointed out that due to the nature of these groups, ethical clearance from both IRBs and government ministries may be required. For example, the *Regional Director* of YWCA explained that in studies relating to children clearance must be obtained from both the Ministry of Health and the appropriate parents or guardians in addition to other typical sources.

Though ethical codes and conduct were not the predominant focus of the research, they are inherently necessary to outline the full framework for legal needs survey creation and execution.

4.5 Product and End Goals

The closing question asked of every stakeholder was on what they opinionated would be the product or end goals of a legal needs survey. According to the *Regional Director* at YWCA, a legal needs survey may endeavour to contribute greater academic insight on access to justice through a report that provides both statistics and qualitative information on relevant challenges, impacts and experiences of people in Zambia. The end goal or product of a legal needs survey should also be established—to some extent—by the institution conducting or implementing the survey. Its goals should involve reviewing the results to facilitate policy change or reform that benefits the people and addresses their legal needs, thus allowing for constructive changes to be made to the Zambian legal system. For instance, the Judiciary may improve its efficiency and judicial review processes to ensure that the rights and interests of the public become the focal point.

On a similar note, the *Executive Director* at YWCA asserted that one possible end goal of a legal needs survey was for it to lead to the improvement in service delivery for all the stakeholders in the justice delivery system, especially in relation with how these institutions respond to people's legal issues, especially women. The interviewee qualified this and asserted that it would be an additional end goal if the legal needs survey promoted more cooperation and coordination among stakeholders in the justice delivery system.

According to a *Lecturer of Law* at UNZA, the end goal or product of a legal needs survey in Zambia should be to implement helpful policies and ensure that the court systems become more geographically and financially accessible for the majority of the citizens.

According to the *Executive Director* of National Legal Aid Clinic for Women, one possible end goal of a legal needs survey is to ensure that more people have access to legal representation. The information obtained from a legal needs survey should help facilitate innovative ways to ensure that legal aid is more available to the people, perhaps through ensuring that lawyers take at least more than one pro- bono case. They further asserted that another end goal of a legal needs survey was for it to generate information on access to justice that can be utilised, not just by the government justice institutions, but also be utilised by other justice institutions in the country to ensure and promote access to justice, especially in rural areas. The survey should generate clear and concise information that outlines the relevant target stakeholders and institutions that can be engaged in efficient and quality justice delivery.

Additionally, A *Lecturer of Law* at UNZA asserted that one of the potential end goals of a legal needs survey is for it to allow for proper intersection of human rights and African customary law. This intersectionality should lead to action or change that helps legal institutions to address adverse/ negative issues of patriarchal socialisation that inhibit access to justice, especially for women in highly patriarchal societies. The stakeholder further asserted that the government and justice sector should use the information of legal needs surveys as a means to ensure that women, especially those in rural and peri-urban areas, have access to justice. Alternatively, the corresponding lecturer at the University of Zambia suggested that one end goal of the legal needs survey was for it to increase accountability and transparency of institutions in justice delivery to ensure efficient and quality dispensation of justice.

According to the Human Rights Commission, one end goal of the legal needs survey is for it to utilise an academic approach that generates unique ideas and perspectives from participants. The survey should generate more robust information than general information that is often the end product of ordinary surveys. The stakeholder asserted that the end goal of a legal needs survey is for it to look at all angles of access to justice and the overall institutional structure of justice delivery systems. It should generate wider perspectives on how access to justice, from the people's perspective, may be enhanced to meet and resolve their legal needs and problems, respectively.

The stakeholder also asserted that one of the end goals of a legal needs survey is for it to generate a clear picture of how access to justice plays out from the first point of contact that people have with justice institutions to the point that they stop interacting with these institutions.

A *Division Leader* at the Human Rights Commission also asserted that one end goal of the legal needs survey is for it to generate a broader and more holistic approach to access to justice to also include wider perspectives on police brutality, business related legal issues, employee- employer relations and any other legal issues that often fall outside human rights, criminal law and ordinary/ common civil disputes. The end goal of a legal needs survey is for it to collect evidence that influences policy makers to create, impose and influence policy reforms that positively change and promote access to justice through the reduction of barriers to access to justice.

Furthermore, the Zambia Police Service- Victim Support Unit interviewee asserted that a legal needs survey should positively influence the monitoring experience and behaviour of service providers on how legal services are being provided to the citizens. It should essentially be used as a basis for policy reforms that are implemented to ensure that citizens, the government and all legal service providers are engaged in tackling challenges of access to justice and promoting better policies and practices that meet people's legal needs.

5. Case Study: Women of Low SES in Zambia

5.1 Literature Review

An example case study methodology for a legal needs survey for women of low socioeconomic status (SES) was created. This review serves to portray a comprehensive picture of the steps needed to refine the Zambian legal needs survey framework for individual populations; thus, further research is a prerequisite to study implementation and literature review was first undertaken. Evidently, there is a gap in the literature for women and economic empowerment in Zambia which the legal needs survey will aim to explore.

5.1.1 Current Economic Status of Women

The Zambia Statistics Agency has collected information regarding factors that contribute to the empowerment of women. Women comprise approximately 50.5% of the Zambian population, but according to the Zambia Demographic and Health Survey of 2018 there is a roughly equal split between the proportion of women living in rural versus urban areas (Population, 2021). However, various components of the survey indicate disparities when comparing women across such geographical subdivisions. For example, survey respondents living in urban areas have a higher likelihood of being literate than those living in rural areas; 81% of urban women are literate whereas only 54% of rural women are (Zambia Statistics, 2019, pg. 35)⁹. Similarly, urban women have, on average, completed more years of education than their rural counterparts at 8.4 and 5.7 respectively and this literacy gap is greater between women of different provinces than it is men. There is also an education discrepancy across wealth quintiles; 45% of women in the highest wealth quintile have completed secondary school in comparison to only 1% of women in the lowest quintile (Zambia Statistics, 2019, pg. 34 and 35). Education is intrinsically linked to the SES of women in Zambia, and contributes to legal and economic empowerment factors. Women with a higher education level have a greater likelihood of making joint decisions with their husband regarding how their earnings are spent in comparison to women who have lower levels of education (Zambia Statistics, 2019, pg. 285). This alludes to the autonomy and self-liberty that women have to make justiciable choices; only 31% of currently married women primarily decide

⁹Literacy is defined as having attended higher than secondary school.

on their own how to use personal cash earnings (Zambia Statistics, 2019, pg. 283). In addition to education, decisions regarding personal and financial matters differ in control across residences and wealth quintiles.

Table 1. Control over women’s cash earnings

Background characteristic	Person who decides how the wife’s cash earnings are used:				Total
	Mainly wife	Wife and husband jointly	Mainly husband	Other	
Residence					
Urban	41.2	47.8	10.8	0.2	100.0
Rural	21.9	52.9	25.0	0.2	100.0
Education					
No education	22.6	47.2	29.7	0.4	100.0
Primary	29.9	48.4	21.6	0.1	100.0
Secondary	37.0	48.6	14.3	0.2	100.0
Higher	19.8	73.4	6.8	0.0	100.0
Wealth quintile					
Lowest	21.5	49.0	29.0	0.5	100.0
Second	22.2	50.7	27.1	0.0	100.0
Middle	28.1	52.3	19.6	0.0	100.0
Fourth	40.8	46.1	12.8	0.3	100.0
Highest	36.3	53.7	10.0	0.0	100.0

Zambia Demographic and Health Survey 2018

The percentage distribution of who controlled cash earnings of currently married women ages 15 - 49 across all ten provinces of Zambia.

Broken down further, the participation of women in four decision making processes can be assessed based on the same background categories along with employment status¹⁰.

The status of being employed was not a prerequisite for the survey on decision making of women and likewise is not a determinant of socioeconomic status. Survey findings revealed that “the percentage of currently married women who were employed in the 12 months prior to the survey increased from 51% in 1996 to 61% in 2007... then declined to 59% in 2013-14 and remained the same in 2018” (Zambia Statistics, 2019, pg. 284). In addition to a lack of literature on access to justice among women, the unfavourable employment trend emphasises the need for intervention within this population. Access to justice is intrinsically linked to education, economics and other sociocultural factors; and thus, pertinent background information on the case study population acts as the foundation for which our survey methodology will be built.

¹⁰ Appendix E

5.1.2 Population-specific Criteria

In the aforementioned survey, two standards had to be met to qualify for the demographic. Establishing criteria is an important distinction to make when identifying the sub-population whom the legal needs survey aims to serve so the target population adheres to a uniform calibre. Therefore, for the purposes of our case study, low SES will be generally defined as having low educational attainment (no more than secondary school), a low to non-existent income and/or an occupation of low social standing (Baker, E.H., 2014). The standards of demographic criteria are versatile and may differ depending on the theoretical framework chosen and the country being studied. A limitation of this definition of SES is that it does not have a tangible numerical or other cut-off. Although, in the context of Zambia, an income-defined demographic could be restrictive and unreasonable due to the different standards of living across rural, peri-urban and urban provinces such as with subsistence farmers. As the objective of this paper is to generate a legal needs survey framework example for women of low SES, further research may be conducted to refine the criteria based on the aforementioned definition prior to survey execution.

Furthermore, the overarching argument of the research is that a legal needs survey must be context-sensitive and specific to the population which it aims to serve. In the paper *Effects of Structural Adjustment Programs in the Mining Industry on Women in Zambia* by Irene Barankariza, several culture-specific considerations regarding the economic inclusion of women in rural mining settings of Zambia are described. For example, cultural taboos frequently contribute to the inequality that women face. Many people, including local chiefs and headmen, believe the superstition that women are unlucky for mining. This results in a high degree of hostility and negativity directed toward women. This cultural barrier threatens the ability of women to be productive in the rural mining industry (Barankariza, I., 2016). As previously noted, core problem categories identified by the OECD review fail to classify cultural issues as an impediment to justice. In Zambia, many traditional social systems and informal laws exist in a way that prevents women from receiving the same rights as those offered to men. Moreover, the impact of taboos or cultural procedures, such as in this literature example, may differ in intensity across rural versus urban areas of the country. These procedures are consequently necessary to consider when evaluating the legal needs of Zambians, specifically women.

The Barankariza analysis also utilised a theoretical framework of Marxist and transnational feminist theories grounded in the basis that one should look beyond challenges women face in employment and activities to identify the potential sources of oppression that put women in unfavourable positions. Hence, an assumption of the research was that women “typically experience subordination” — meaning women in Zambia are often perceived as inferior (Barankariza, I., 2016). These theories “view capitalism and the division of labour between the home context and the market economy as the origin of a gender-based division of labour” which suggests an additional barrier to accessing justice for women in Zambia being a capitalistic and gender-discriminatory system (Barankariza, I., 2016). This suggests that another barrier to accessing justice specific to women in Zambia may be a capitalistic and gender-discriminatory system. Additionally, the methodology for this qualitative case study included in-depth interviews where researchers carefully phrased questions to ensure that interviewees did not interpret them as a threat to privacy and a notetaker recorded the answers so that the interaction stayed conversation-centred. As a whole, the study structure and theories outlined in this analysis reaffirm interviewing as the most ideal way for thought collection because it gives way to a lot of “hidden information” (Barankariza, I., 2016, pg. 39).

5.1.3 Relevant Stakeholders

The final review for the case study includes an analysis of the organisations and groups in Zambia that women may utilise for aid. An extensive digital platform named 50 Million African Women Speak (50MAWS) serves to empower women in business and provide country-specific resources for a variety of topics. For example, in the business services tab, the NLACW is listed as a means for accessing legal aid in Zambia (50 Million).

A limitation of this platform, however, is that in remote regions of the country citizens may not have the financial or technological means to access 50MAWS, which is a significant barrier. Regardless, this resource is a notable ‘source of help’ to acknowledge because it claims to assist the target population and therefore it would be beneficial to determine if, how and to what extent women profit from its aid. Other relevant organisations to include in the ‘sources of help’ section of the survey are the Legal Aid Board and Ministry of Community Development and Social Services which are cited on the website.

5.2 Tailored Methodology Findings

5.2.1 Highlighted Problems Women Face Accessing Justice

Along with the barriers in accessing justice that are found specific to Zambia, there are additional challenges encountered by women in the country. These challenges include a lack of women-centred resources, as well as cultural and gender dynamics, especially in relation to employment. In terms of lack of resources, there are limited organisations that provide legal aid services specifically for women, so the work is concentrated on these few organisations, which would prevent them from both providing quality service and doing so in a timely manner. Most importantly, these select organisations will not be able to provide the necessary support and services to all women who require legal aid. Moreover, these organisations are usually not country-wide, which further limits access, especially for those living in rural areas as these organisations tend to be in urban areas.

In most cases, women are not even aware of the resources that are available to them. Without having the necessary knowledge and resources, women are more likely to feel a sense of intimidation and fear when approaching the legal system. Such sentiments may discourage them from reaching out for help, contributing to lower general engagement and participation in the legal and human rights system nationwide.

The generally male-dominated culture in Zambia, passed down through generations, also prevents women from receiving necessary legal aid. According to the *Executive Director* of YWCA, women are “cultured, socialised, and raised to believe that they should be subjected to male dominance,” and, as a result, they are less likely to speak up for themselves or question men and authority figures. Furthermore, the duality of the Zambian legal system leads citizens to favour informal or customary law, as opposed to formal, where patriarchal culture has long standing been embedded. Consequently, women who engage with this system may be particularly vulnerable to judicial challenges when faced with conflicts requiring legal attention.

One of the most prominent conflicts is gender-based violence, which has a high prevalence in the country, according to stakeholders. Even in these situations, women are hesitant to reach out for

help as they are concerned about how they would challenge their husbands and how they would be perceived in their community by doing so. It is particularly difficult when women are financially dependent on their husbands. The *Executive Director* of YWCA further asserted that there is highly limited civic engagement in society and women are not very well vested; this means that even if they do participate in such resolution matters, they are quite isolated in the process of doing so.

Furthermore, in order for women to become financially independent, they would have to be employed; however, women are more likely to be part of the informal sector of employment, which is more prone to abuse of power from employers that may require legal intervention. Unjust gender dynamics permeate the employment sector. For example, women are more likely to be paid in kind than in cash compared to men, which means a good or service is provided as compensation in lieu of monetary funds. Additionally, the *Executive Director* of YWA noted that the minimum education requirement put in place for members of the parliament has changed, fairly recently, from grade 9 to grade 12. This benchmark is harder for women to attain in comparison to men, negatively impacting women employment. The culmination of these factors, in short, contributes to a hierarchical structure in society that facilitates a culture where gender dynamics and inequality directly hinder the ability of economic achievement among women.

Due to such difficulties in financial independence and employment, women are at a great disadvantage. As a result, they would not be able to hire lawyers for their representation in court, and moreover, the ratio of male to female lawyers is uneven; it is very much a male-dominated profession similar to the majority of professions in Zambia. The *Executive Director* of NLACW stated that although women are studying law, the ratios still show that there are more men than women in the field. Being of a lower position in society overall, women of low SES are therefore faced with even more hurdles when it comes to accessing justice.

5.2.2 Survey Implementation

For the implementation of the survey among women of lower SES, it is important to have a focus group that consists only of women so they feel safe to share honest opinions and experiences. According to a *Lecturer of Law* at UNZA, conducting the survey within focus groups allows the participants to encourage each other to speak up about their experiences and opinions in the

discussions. It also leads to their willingness to have one-on-one discussions, further encouraging them to speak freely in a safe environment. Even though their inputs and experiences are valuable, whether women participate or not must be voluntary under all circumstances. To ensure that voluntary participation is acquired in a proper manner, it is advisable that researchers or survey-implementers are mindful of family roles. For example, in certain communities it might be necessary to first speak to someone other than the woman, for example a chief or husband, in order to respect cultural roles. However, this is a tricky line to navigate because in certain situations these figures might wrongfully prevent women who want to participate from doing so.

Furthermore, the survey should be tailored to geographical locations, especially when discerning between rural versus urban areas, as rural areas tend to be more conservative and are more likely to follow the cultural norms, customs, and practices. As noted in Appendix F, social considerations such as this must be made when dealing with various sub-populations of women in Zambia because specific challenges faced by women in different areas may differ greatly.

5.2.3 Sources of Help

There are several sources of help to support women in receiving legal aid services. Those cited by stakeholder interviews include NLACW, YWA and YWCA. NLACW, for example, has targeted social media campaigns and legal workshops that work in part to provide these aid resources. In the methodology for a legal needs survey regarding women of low SES, it is advisable to include these organisations as potential sources of help in order to gauge how many citizens successfully utilise their services currently and to the extent that it is done.

5.2.4 Extra Ethical Procedures

Women further experience different access to justice circumstances in comparison to other subpopulations in the realm of ethical procedure. Extra considerations to be made for women primarily involve cultural norms. For instance, being culturally aware in these settings includes wearing a chitenge, said a *Lecturer of Law* and expert in gender law and human rights at UNZA. Moreover, the interviewee later emphasised the cautiousness with which consent forms must be approached because when a woman signs one, it is preferable that the document will not be taken home with her because the husband may see, then proceed to ask questions and ultimately result

in new problems at home. This ties into the navigation of gender dynamics as noted above, making the judgement of who to approach first regarding women participation in a survey a decision that must be carefully analysed within the community context. Additionally, to mitigate the potentially negative effects of cultural norms, such as a reluctance to speak up for oneself, hosting an icebreaker at the beginning of the session and/or sharing a meal together may be useful procedures to follow within this methodology.

6. Final Analysis and Conclusion

From the aforementioned findings, the necessities of and considerations for a context-specific legal needs survey in Zambia are thoroughly examined. Principally, the work of a legal needs survey serves to address the question of: ‘What does it mean we say that the city has an obligation to fulfil human rights?’ — as summarised by a relevant stakeholder at ZHRC. An improvement in access to justice measurements is a vital next step regarding the achievement and upholding of international human rights standards. Therefore, the outlined framework offers a comprehensive foundation for how a legal needs survey in the Zambian context should be structured to account for the diverse needs and situations, social profile and cultural characteristics of the country. The survey would exist to outline the stakeholders, cooperation partners and CSOs relevant to subpopulations within and across Zambia, encouraging increased coordination in the betterment of access to justice measurements.

6.1 Implications of the Research

6.1.1 The Importance of Paralegals

One common theme illustrated by the research is the value of paralegals in Zambian civil society. Paralegals are trained in the law and use this knowledge to respond to people who need legal aid, acting as a bridge between lawyers and courts with regard to residents of the country. The majority of stakeholders spoke to the rise of and continued need for improvement regarding paralegal presence and utilisation in Zambia. This thus implies that this resource could be both capitalised on to improve access to justice measures and should be a key figure whose influence on citizens is measured via a legal needs survey.

6.1.2 Targeting the Socio-Ecological Model

This study has also revealed the distinctiveness between different levels of society. It is evidently suggested from literature and stakeholder interview analysis that all various sectors of society be targeted and considered in access to justice matters. This not only involves accounting for the various subpopulations that exist in society, but also holistically assessing the roles that diverse societal tiers—such as institutional, community and individual, etc—play in access to justice. These factors could also be further integrated into legal needs survey assessments.

6.1.3 Emphasising Post-Survey Actions

Speaking to stakeholders has reiterated and stressed the importance of not conducting surveys and then failing to initiate actionable progress with the results. It was often mentioned that innovation and the production of research is fairly commonplace in Zambia, but what is significantly lacking is the implementation of sustainable change methods which lead to a tangible difference being made in the access to justice spheres of society. This is thus an area of focus that should be at the forefront of organisational design and implementation of legal needs surveys.

6.1.4 Gateway to Recognising and Improving Gaps in the Legal System

The overall consensus among stakeholders is that the implementation of a formal, context-specific legal needs survey in Zambia would be an instrumental tool for addressing and raising awareness on the gaps in the legal system. Such research would allow residents to express their needs and experiences with the legal system in a highly directed manner. The survey would bridge a connection between various tiers of society, most notably between the government and individual levels. This may improve governmental understanding of the current access to justice situation in Zambia and its citizens' experience regarding the legal system and its various forms of service. There may also be an increase in the accountability of institutions and agencies which are involved in ensuring access to justice is achieved. Furthermore, the findings of the research imply that relevant stakeholders will reap additional benefits because data collection will assist organisations in pinpointing the needs and experiences of the target groups they work with; for instance, women of low socioeconomic status in the example of our case study.

6.1.5 Need For a Context-Sensitive Approach

Lastly—and perhaps the most outstanding implication of the research—is the emphasis with which this derivation of a legal needs framework for Zambia places on ensuring that all elements of the survey consider key contextual population-specific factors. Given the fact that Zambia has not had a formal legal needs survey implemented in its history, it is imperative that the initial execution of one rests on the foundation of substantial research into the most effective way to accomplish the justice goals of society — specifically regarding improvement in how residents of Zambia are able

to productively interact with and enact positive change in both personal and sociological stratifications via the legal system.

6.1.6 Future Research

While the findings of this study and valuable input of stakeholders offer great insight into the dimension of access to justice within Zambia, it is imperative that this research be further analysed and built upon in future studies. Access to justice is a topic that is constantly in flux, and so, accordingly, the components and contextual considerations of a legal needs survey must be continually reassessed and refined to account for ever changing population dynamics. Summarised best by the words of a stakeholder, “The end goal of a legal needs survey should be ‘a starting point’ — to make people understand that something is missing, make the government and people of Zambia aware of legal services and be of help [to society].” This research serves to do just that by catalysing the deployment of context-specific legal needs surveys throughout Zambia and expanding on the productive space within Zambia for access to justice movements.

6.2 Limitations

A salient limitation we faced in the execution of this study was an absence of communication with individuals at the grassroots level, specifically for our case study of women of low SES. Due to ethical considerations, we only had access to stakeholders involved with the activities of ordinary citizens, including women in Zambia. Consequently, we were unable to garner direct input from many of the populations whom the legal needs survey aims to serve. Moreover, all of the interviews were conducted in Lusaka Province. Thus, we had to rely on the input of urban stakeholders when discerning the legal barriers and situations of rural communities.

With only eight weeks to flesh out the literature review, interviews and examination of results, we were also restricted in our ability to thoroughly assess all perspectives that we believe concern access to justice. Those directly missing include psychological, sociological, economical, statistical, financial and governmental with regard to the executive branch. Additionally, further considerations will have to be set forth when conducting the survey among groups that are particularly vulnerable. For example, individuals who are serving or awaiting a trial sentence. Though the research is honest and substantive to its foremost ability, by highlighting these

limitations we hope to convey that the findings should be continually built upon. The limitations of the research and need for supplemental study speak to the argument that the dimensions of access to justice require holistic, extensive and context-sensitive analysis, especially in survey design.

Acknowledgements

We would like to express our gratitude toward the Southern African Institute for Policy and Research, especially our supervisor Dr. Tineneji Banda, for supporting the project and Cornell University for creating this partnership. Thank you to all of our stakeholders and interviewees for dedicating their time and providing us with valuable insight on access to justice in Zambia. We look forward to the expansion of our research on developing a contextual legal needs surveys framework for Zambia and the positive outcomes that may be engendered by it.

References

- Aantjes, C.J., Quinlan, T.K., & Bunders, J.F. (2014). Practicalities and challenges in re-orienting the health system in Zambia for treating chronic conditions. *BMC Health Serv Res* 14, 295. <https://doi.org/10.1186/1472-6963-14-295>.
- Atlas of Legal Needs Surveys. (2022). *World Justice Project*.
<https://worldjusticeproject.org/legal-needs-atlas>.
- Bacica, M., & Kendrick, A. (2020). Everyday Legal Needs Survey – Legal Needs BC. *Sentis Research*. https://legalaid.bc.ca/sites/default/files/2020-09/Everyday%20Legal%20Needs%20Survey_1.pdf
- Baker, E.H. (2014). Socioeconomic Status, Definition. *Wiley Online Library*.
<https://doi.org/10.1002/9781118410868.wbehibs395>.
- Banda, T. (2018). Access to Justice: Court Efficiency in Zambia. Cornell eCommons.
<https://ecommons.cornell.edu/bitstream/handle/1813/69970/Access%20to%20Justice%20Zambia%20Report%20-%202018%20-%20Court%20Efficiency%20%28Accessible%29.pdf?sequence=5&isAllowed=y>.
- Banda, T., & Hinfelaar, M. (2022). Information inequity. In Cheelo, C., Hinfelaar, M., & Ndulo, M. (Eds.), *Inequality in Zambia* (1st ed., pp. 250-263). Routledge.
<https://doi.org/10.4324/9781003241027>.
- Barankariza, I. (2016). Effects of Structural Adjustment Programs in the Mining Industry on Women in Zambia. *UOttawa Research*. <http://dx.doi.org/10.20381/ruor-4932>.
- Barendrecht, M., Gramatikov, M., El Khoury, R., Motiejunas, G., Muller, S., Osborne, D., Heijstek-Ziemann, K., & Verdonschot, J.H. (2014). The Need of the Malians for Justice: Towards More Fairness. *HiiL, The Hague*. <https://www.hiil.org/wp-content/uploads/2018/09/Justice-Needs-in-Mali-From-Data-to-Action.pdf>.
- BNNB Statement. (2022). *Jesuit Centre for Theological Reflection*.
<https://www.jctr.org.zm/bnnb>.
- Bowd, R. (2009). Access to justice in Africa, Comparisons between Sierra Leone, Tanzania and Zambia. *Institute for Security Studies*.
- Building Capacity for Research Ethics and Regulation in Zambia. *National Health Research Authority - Zambia*. <https://www.nhra.org.zm/new>.

- Church, W. L. (1984). *The Common Law and Zambia*: Chapter in Ndulo, M. 1984. *Law in Zambia*. Lusaka: Eastern African Publishing House. https://saipar.org/wp-content/uploads/2013/10/CHP_01_Law_in_Zambia.pdf.
- Country/Territory Report - Zambia* (pp. 1–44). (2021).
- Customary law in Zambia. (2009). *Institute for Security Studies Africa Papers*. Monograph 159 <https://issafrica.s3.amazonaws.com/site/uploads/M159CHAP6.PDF>.
- 50 Million African Women Speak*, <https://www.womenconnect.org/platform>.
- Genn, H. (2019). When Law is Good for Your Health: Mitigating the Social Determinants of Health through Access to Justice. *Oxford University Press*, vol. 72, no. 1, pg. 159-202. <https://doi.org/10.1093/clp/cuz003>.
- Gillespie, A. (2007). *The English Legal System*, London: Oxford University Press. P.87
- Global Insights on Access to Justice – Zimbabwe. (2018). *World Justice Project*. <https://worldjusticeproject.org/access-to-justice-data/#/country/ZWE>.
- Goal 16: Peace, Justice and Strong Institutions. (2022). *The Global Goals*. <https://www.globalgoals.org/goals/16-peace-justice-and-strong-institutions/>.
- Hesse-Biber, S.N. (2010). *Qualitative Approaches to Mixed Methods Practice*. *Sage Journals*. <https://journals.sagepub.com/doi/10.1177/1077800410364611>.
- Human Rights Commission of Zambia. (2019). *The State of Human Rights in Zambia 2017-18*. <http://www.hrc.org.zm/index.php/publications/state-of-human-rights/file/268-2017-2018-state-of-human-rights-report>
- (2002). *International Ethical Guidelines for Biomedical Research Involving Human Subjects*. *Council for International Organisations of Medical Sciences, The Global Health Network*. https://media.tghn.org/medialibrary/2011/04/CIOMS_International_Ethical_Guidelines_for_Biomedical_Research_Involving_Human_Subjects.pdf.
- IRJS. (2019). *Legal Needs Survey in Indonesia 2019: In Lampung and South Sulawesi Provinces*. https://ijrs.or.id/wp-content/uploads/2021/01/Legal-Need-Survey-ENG_R4.pdf.
- Jalloh, A., & Wan, F. (2019). Resistance growing to Chinese presence in Zambia. *Deutsche Welle*. <https://www.dw.com/en/resistance-growing-to-chinese-presence-in-zambia/a-47275927>.

- Justice Needs of Yemenis – From Problems to Fairness. (2013). *HiiL Innovating Justice*. Kingdom of the Netherlands. https://www.hiil.org/wp-content/uploads/2018/09/Justice_Needs_of_Yemenis_From_Problems_to_Fairness_HiiL.pdf.
- Kaaba, O. (2015). The Challenges of Accessing Justice in Zambia. Online Publication available at https://www.researchgate.net/publication/328830127_The_Challenges_of_Accessing_Justice_in_Zambia.
- Kerrigan, F., Matakala, L., & et al. (2012). Access to Justice in the Republic of Zambia: A Situation Analysis. *Government of the Republic of Zambia, Ministry of Justice – Governance Department and The Danish Institute for Human Rights*. https://www.academia.edu/20028811/Access_to_Justice_in_the_Republic_of_Zambia_A_Situation_Analysis.
- Lee, B.C., Bendixsen, C.G., Liebman, A.K., & Gallagher, S. (2017). Using the Socio-Ecological Model to Frame Agricultural Safety and Health Interventions. *Journal of Agromedicine*, vol. 22. <https://doi.org/10.1080/1059924x.2017.1356780>.
- Maimbolwa, M.C., et al. (2003). Cultural Childbirth Practices and Beliefs in Zambia. *Journal of Advanced Nursing*, vol. 43, no. 3, pp. 263–274., <https://doi.org/10.1046/j.1365-2648.2003.02709.x>.
- McIntyre, C. (2016). *Zambia: The Bradt Travel Guide*. (6th). The Globe Pequot Press Inc.
- Munalula M, M. (2004). *Legal Process: Zambian Cases, legislation and Commentaries*. Lusaka: University of Zambia Press.
- Mutoloki, E.N.T. (2012). A Study of Socio-Cultural Barriers and Human Rights of Women with Disabilities in Livingstone and Kazungula Districts of Zambia. *Norwegian University of Life Sciences: Department of International Development and Environmental Studies*. <https://nmbu.brage.unit.no/nmbu-xmlui/>.
- Ndulo, M. 2011. African Customary Law, Customs, and Women's Rights. *Indiana Journal of Global Legal Studies* Vol.18, iss.1. Article 5 Pp 87 to 120. <https://www.repository.law.indiana.edu/ijgls/vol18/iss1/5>.
- OECD / Open Society Foundations. (2019). Legal Needs Surveys and Access to Justice. *OECD Publishing, Paris*. <https://doi.or.10.1787/g2g9a36c-en>.

- O'Neill, Aaron. (2021). Zambia: National debt from 2016 to 2026. *Statista*.
<https://www.statista.com/statistics/532531/national-debt-of-zambia/>.
- Overview: The World Bank in Zambia. (2022). *The World Bank*.
<https://www.worldbank.org/en/country/zambia/overview>.
- Pascoe, A. (2016). Legal Need and Legal Needs Surveys: A Background Paper. Sussex: PP Ltd.
https://namati.org/wp-content/uploads/2016/11/OSJI-Legal-Needs-Surveys-Background-Materials-1-An-Introduction-to-Legal-Needs-Surveys-1-v3.6-2016-06-22-web_Pascoe.pdf.
- Population, female (% of total population) – Zambia. (2021). *World Bank Group*.
<https://data.worldbank.org/indicator/SP.POP.TOTL.FE.ZS?locations=ZM>.
- Price, G. C., Jansen, K. L., & Weick, M. R. (2020). Let's talk about sex: Ethical considerations in survey research with minority populations. *Translational Issues in Psychological Science*, 6(3), 214–222.
- Rural Population – Zambia. (2022). *The World Bank Group*.
<https://data.worldbank.org/indicator/SP.RUR.TOTL?locations=ZM>.
- Schetzer, L., & Henderson, J. (2003). Access to Justice and Legal Needs. *Law and Justice Foundation of New South Wales*.
- Strategies for Qualitative Interviews. *Department of Sociology at Harvard University*.
https://sociology.fas.harvard.edu/files/sociology/files/interview_strategies.pdf.
- The Next Frontier: Human Development and the Anthropocene – Zambia. (2020). *United Nations Development Programme*. <https://hdr.undp.org/sites/default/files/Country-Profiles/ZMB.pdf>.
- United Nations. (2020). Access to Justice. *General Assembly of the United Nations Discussion Papers*.
- U.S. Aid: Zambia. (2022). *United States Agency for International Development*.
<https://www.usaid.gov/zambia?page=2>.
- World Legal Needs Survey Atlas. World Justice Report. <https://worldjusticeproject.org/our-work/research-and-data/atlas-legal-needs-surveys>.
- Zambia Overview: Development news, research and data.
(2022). <https://www.worldbank.org/en/country/zambia/overview>.

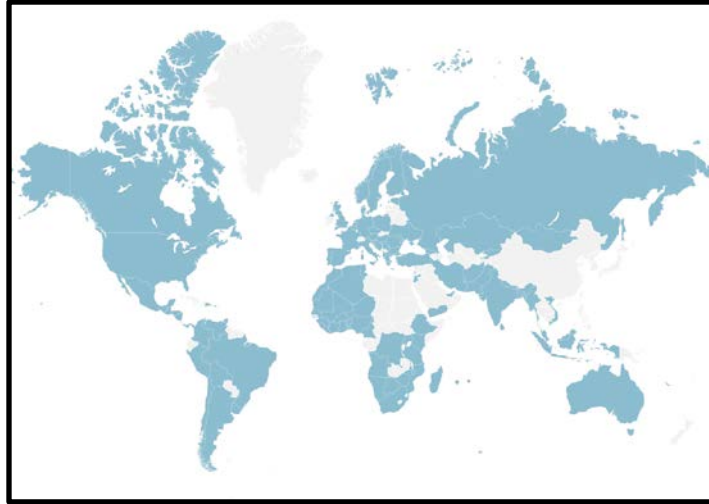
Zambia Population (Demographics, Maps, Graphs). (2022). *World Population Review*.
<https://worldpopulationreview.com/countries/zambia-population>.

Zambia Statistics Agency, Ministry of Health (MOH) Zambia, & ICF. (2019). *Zambia Demographic and Health Survey 2018. Lusaka, Zambia, and Rockville, Maryland, USA: Zambia Statistics Agency, Ministry of Health, and ICF*.
<https://dhsprogram.com/pubs/pdf/FR361/FR361.pdf>.

Appendix

Appendix A

World Atlas of Legal Needs Surveys



Africa Atlas of Legal Needs Surveys



The blue-shaded countries represent where at least one legal needs survey has been conducted since 1995. Since 2015, there have been 161 surveys across 105 countries. Sourced from Atlas, 2022.

Appendix B

Stakeholder Organisations Consulted and Number of Interviewees

Human Rights Commission of Zambia	1
International Confederation of Catholic Organisations for Charitable and Social Action	1
National Legal Aid Clinic for Women	1
Southern African Institute for Policy and Research	1
Young Women in Action	1
Young Women Christian Association Council of Zambia	9
University of Zambia School of Law	2
Zambia Police Service: Victim Support Unit	1

The stakeholder organisations highlighted a darker shade have significant experience working with women in addition to legal systems and access to justice matters. Additional target questions were asked of them for the case study.

Appendix C

Figure 1. Social-Ecological Model Framework

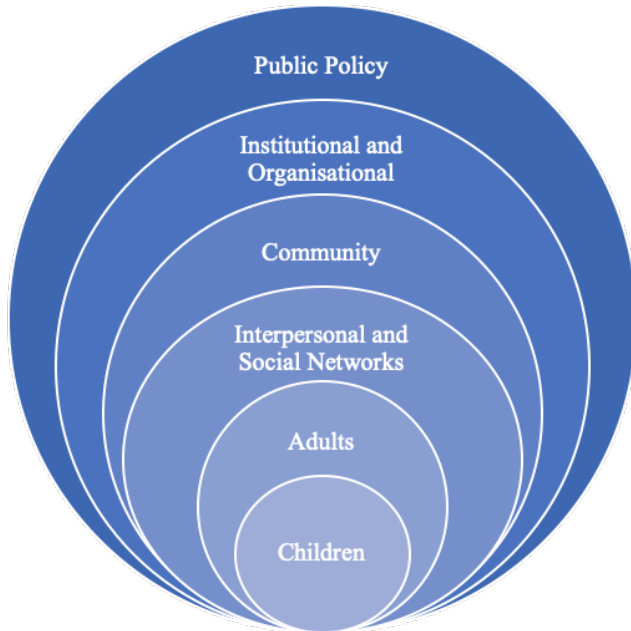


Figure 2. Description of Social-Ecological Spheres

Public Policy
<ul style="list-style-type: none">• national, state and local laws/egulations
Institutional and Organisational
<ul style="list-style-type: none">• corporations, national organisations, agencies and social institutes
Community
<ul style="list-style-type: none">• organisations at the local level; such as schools, churches, media and advocacy groups
Interpersonal and Social Networks
<ul style="list-style-type: none">• persons with close relations to one another such as relatives, friends, peer groups or healthcare providers
Adults
<ul style="list-style-type: none">• attitudes, knowledge and skills of an individual person; at times, a parent or other guardian who bears primary responsibility for the welfare of a child
Children
<ul style="list-style-type: none">• perspectives of an individual under eighteen years of age who is legally managed under adult supervision

Sourced from Lee, B.C., Bendixsen, C.G., Liebman, A.K., & Gallagher, S., 2017.

Appendix D

Previously Identified and Necessary Additions to Core Problem Categories

Category	Form of Presentation	Illustrative Examples
<i>Healthcare</i>	Problems or disputes to do with access to healthcare or receiving proper, affordable and timely medical treatment	N/A
<i>Cultural</i>	Problems or disputes regarding cultural traditions, procedures or other events.	N/A
<i>Consumer</i>	Problems or disputes to do with defective or undelivered goods or services	Difficulties obtaining a refund, billing errors, or disputes with utility providers (such as water, electricity, gas, telephone or Internet), or professionals (such as accountants, lawyers, mechanics, plumbers, etc).
<i>Community Resources</i>	Problems or disputes to do with community resources	Denial of or unfair access to the benefits of community land/forest/water groups, disputes over community resource governance, and disputes over fees and revenues.
<i>Land</i>	Problems or disputes to do with land or buying and selling property	Disputes over title or boundaries, problems to do with land grabbing, expropriation, mining, or environmental damage, or problems to do with land transfers and building permits.
<i>Housing</i>	Problems or disputes to do with housing	Problems or disputes with a landlord or tenant. For example: poor maintenance, the terms of a lease, eviction or becoming homeless, problems concerning an owners' corporation, problems with neighbours (e.g. excessive noise or threatening behaviour).
<i>Family</i>	Problems or disputes to do with family and relationship break ups	Divorce, access to or custody of children, child support, disputes over property division, children being taken into care, guardianship or adoption, or inheritance.
<i>Injury and Illness</i>	An injury caused by someone else, or an injury caused by an accident at work or a clinic	This could be due to working conditions, or negligent and wrong medical treatment (dental and other healthcare).
<i>Employment and Labour</i>	Problems or disputes to do with employment or labour	Dismissal, unpaid wages, poor working conditions, denial of rights, discrimination, harassment, unfair disciplinary procedures, changes to contract terms.
<i>Social Protection</i>	Problems or disputes to do with	Disputes concerning entitlement to, or the

	government payments	amount of, suspension of, or registration for, government payments; for example, social safety net assistance, state pension and education grants or loans.
<i>Abuse by state officials</i>	Problems or disputes to do with abuse by state officials	Such as threatening, discriminatory, or corrupt treatment by the policy, [military], [a customary authority], or other government official.
<i>Public Services and Administration</i>	Other problems or disputes to do with government and public services	Problems to do with citizenship or residency status, obtaining a passport, documentation of identity, or other public documentation. Also obtaining access to or being excluded from public services, such as healthcare and education; fairness of examinations; tax disputes or disputes with other government bodies.
<i>Debt</i>	Problems to do with debt	For instance, being behind and unable to pay money that is owed, action by a creditor for non-payment (including harassment), or the prospect of bankruptcy.
<i>Money</i>	Other problems or disputes to do with money and with financial services	Insurance claims being denied, repeated unfair bank charges, credit rating inaccuracy, problems collecting money that is owed, or being misled about insurance, a pension, or other financial product that is acquired.

Other Categories

Problem Category	Form of Presentation	Illustrative Examples
<i>Jointly Occurred Due to Marriage</i>	Problems or disputes that an individual incurs by association through marriage ¹¹	N/A
<i>Business</i>	Problems or disputes to do with a business that you own	Disputes concerning sales, purchases, or business premises; or problems concerning permits, regulations, tax assessment, insolvency, employees, corruption, demands for “protection”, intellectual property or the use, acquisition or expropriation of land or property.
<i>Crime: Victimization</i>	Being a victim of any crime	Theft, attempted theft, fraud, threats, violence, or sexual violence or abuse.
<i>Crime: Arrest</i>	Having previously been involved with the judicial system	Been arrested, charged or prosecuted for any alleged offence other than a motoring

¹¹ Curran, B. A. (1978). Survey of the Public’s Legal Needs. American Bar Association Journal, 64(6), 848. <https://discovery-ebSCO-com.proxy.library.cornell.edu/c/u2yil2/viewer/pdf/cswt5speqb>.

		offence that cannot lead to disqualification.
--	--	---

Sourced from Tables 3.1 and 3.2 of OECD paper 2019.

Appendix E

Did you ever experience any of the following as part of or as a result of this problem?

- a. Ill-health or injury
- b. High levels of stress
- c. Damage to a family relationship
- d. Being harassed, threatened or assaulted
- e. Damage to your property
- f. Loss of employment
- g. Having to move home
- h. Financial loss
- i. Fear or loss of confidence
- j. Any other additions mentioned in literature such as stigma, alcohol or drug problems, denial of public services, problems surrounding education and documentation issues

Sourced from OECD paper 2019.

Appendix F

Illustrated Example of Target Groups

Sub-division Type	Group Examples
<i>Gender</i>	<ul style="list-style-type: none"> ● Male ● Female
<i>Age</i>	<ul style="list-style-type: none"> ● Young (below 18 years) ● Middle-aged (between 25 – 35 years) ● Older/ageing (above 35 years)
<i>Geography</i>	<ul style="list-style-type: none"> ● Living in rural areas ● Living in peri-urban areas ● Living in urban areas ● As a whole, across different provinces
<i>Profession</i>	<ul style="list-style-type: none"> ● Unemployed ● Self-employed on small scale ● In large scale business ● Formal employment
<i>Socioeconomic Status</i>	<ul style="list-style-type: none"> ● Low ● Middle ● High
<i>Education</i>	<ul style="list-style-type: none"> ● Little to no formal education acquired ● Secondary education acquired or less ● Tertiary education acquired
<i>Disabilities</i>	<ul style="list-style-type: none"> ● Physical ● Intellectual ● Mental illness
<i>Religion</i>	<ul style="list-style-type: none"> ● Christian ● Islamic ● Hindu ● Judaist ● Any other faiths
<i>Culture</i>	<ul style="list-style-type: none"> ● Individual ethnic groups or tribes
<i>Legal System Involvement</i>	<ul style="list-style-type: none"> ● Currently incarcerated with a sentence ● Currently in detention centre ● On parole ● Been in detention or incarcerated previously ● Juveniles in correctional facilities ● Currently in a refugee camp
<i>Legal Understanding</i>	<ul style="list-style-type: none"> ● Judge ● Lawyer ● Paralegal ● Indirect work with legal system ● Little to no legal knowledge

The three categories—gender, age, geography—shaded darker must be distinct legal needs surveys within each of the other eight sub-division types and associated examples. Moreover, this table may continually require revisions and alternative perspectives.

Appendix G

Women's participation in decision making by background characteristics

Background characteristic	Specific decisions				All four decisions	None of the four decisions	Number of women
	Woman's own health care	Daily household purchases	Major household purchases	Visits to her family or relatives			
Employment (past 12 months)							
Not Employed	77.2	82.7	65.7	75.0	55.7	9.0	3,153
Employed for cash	85.1	90.0	71.9	79.8	60.9	3.3	3,652
Employed not for cash	75.5	80.6	55.5	68.9	42.1	5.9	843
Residence							
Urban	90.3	94.2	78.0	84.9	67.6	1.7	3,080
Rural	74.3	80.4	60.5	71.0	49.3	8.8	4,568
Education							
No education	69.2	74.7	53.2	69.1	44.3	13.5	743
Primary	77.6	83.3	62.3	73.1	51.0	7.2	3,881
Secondary	86.5	91.2	76.2	81.5	64.8	2.7	2,635
Higher	95.2	98.4	88.7	93.4	82.2	0.2	389
Wealth quintile							
Lowest	71.7	76.2	56.1	68.3	46.3	11.4	1,553
Second	72.6	79.0	57.1	71.8	45.5	8.5	1,509
Middle	78.6	86.1	64.7	72.8	53.8	6.1	1,468
Fourth	87.9	93.1	74.5	82.7	63.0	2.4	1,620
Highest	92.7	95.4	85.1	87.3	74.7	1.2	1,499

Zambia Demographic and Health Survey 2018