

Access to Justice for Women and Girls and Administrative Practices

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I. Introduction

Civil legal needs surveys from around the world demonstrate the tremendous volume of justice issues people experience in almost every country studied (World Justice Project 2019a, b). National contexts differ in many ways, including development, politics, demography, geography, and colonial history. These factors, as well as differences in substantive law, shape the specific types of justice issues that communities and people experience. Nonetheless, a striking finding of recent legal needs research is that – though justice problems may be institutionalized under different names in different contexts – prominent around the world are issues involving basic needs like shelter, livelihood, and care of dependents (OECD/Open Society Foundations 2019; Sandefur, Teufel, and Burnett 2024). These kinds of justice issues and their resolutions have significant implications for people’s economic and social standing.

Access to justice for these issues is not merely access to formal procedures, courts, or lawyers. Rather, it involves the substantive outcome of achieving just resolutions to events and circumstances that are institutionalized as actionable in law (Sandefur 2019). Accessing justice furthers more than one good: it is a way of acting on and resolving concrete problems faced by people and communities; it is a form of participation in aspects of common life; and, it is a way in which women and others can organize around and further their interests (Burnett and Sandefur 2025; Marino 2025; Michener and SoRelle forthcoming). Access to justice is thus a means of strengthening both the material -- socioeconomic conditions, security and safety -- situation of women and girls and their political and social status and power.

II. Access to Justice and Administrative Processes

Countries host a range of public institutions that are vehicles for enacting policies around issues involving basic needs such as livelihood, shelter, and care: education, social welfare, health care, housing, and immigration, for example. Such institutions are gatekeepers of critical entitlements promised under law: for example, food security, identity documentation, land title, safe and secure housing,

sanitation, and participation in dignified work. In engaging with these institutions, access to justice can mean the difference between homelessness and shelter, precarity and security, life and death.

These institutions often fail at fulfilling their mandates, with significant consequences that are borne more heavily by groups already disadvantaged or marginalized, such as women and girls. For example, losing housing places women and girls at greater risk to their physical safety (Marino 2025) and has been shown to negatively affect the financial, physical, and mental health of both women and their children (Desmond and Kimbro 2015). Wrongful denials of benefits significantly impact household income and ability to meet basic needs. These issues can cascade, initiating “complex vicious cycles [that] create and compound poverty, undermine socioeconomic development, and contribute to broader social inequality” (Pleasence and Balmer 2019: p. 143 and Figure 1; Prettitore 2025).

One source of these failures is administrative burden, or the “frictions that people experience in their encounters with public services” (Herd and Moynihan 2018:23). These burdens can include access processes (e.g., applications, documentation requirements, eligibility verification) that are explicitly designed to prevent or discourage people’s connection to entitlements. They can also include failures that may be less clearly intentional, but nonetheless can be significant barriers, such as long lines, rude, biased, or incompetent staff, and confusing information – or no information – about how to engage with the institution. These burdens frustrate and thwart people and communities from connecting with their rights and entitlements, with immediate material consequences that entrench poverty and inequality. They are also one reason that people withdraw from engaging with institutions in ways that would hold those institutions to account for their responsibilities (Burnett and Sandefur 2025; Sandefur 2007).

But people often do not consider engaging with these institutions in the first place, because they do not see them as relevant to their needs (Sandefur 2007, 2016). For example, when women face domestic violence or disputes around property or security of tenure, they may see “their situations as personal wrongs perpetrated by evil relatives,” rather than proper objects of administrative action (Merry 2006:198). This lack of engagement reflects not only people’s understandings of the problems that they confront but also of *themselves*. To translate what is initially understood as an interpersonal conflict into a demand for institutional action requires reframing the issue as one relevant to that institution (e.g., a nephew’s attempted eviction of an elderly aunt from the family home is an issue of security of tenure or women’s

rights, rather than a relative's cruel behavior or his violation of custom). It may also prompt or require revisions to how women understand themselves vis-à-vis men in their lives, and the converse (Hartmann 1976; Marino 2025; Merry 2006).

In the short term, overcoming the hurdles of administrative burden and institutions' perceived irrelevance is critical to enabling people to hold institutions to account and deal with immediate material needs, such as for water or sanitation or physical safety. Tools that support people in surmounting those barriers enable them to respond to practical challenges of livelihood, shelter, care for dependents, and meeting other basic needs. The process of overcoming administrative burden and institutions' perceived irrelevance can also be a means by which people come to recognize shared struggles and organize to build power to act on them, such as by pushing for systemic change (Burnett and Sandefur 2025; Burnett and Sobel 2021; DiGiovanni and Bercovich 2025; Marino 2025; Maru and Gaudi 2018; Merry 2006; Michener and SoRelle forthcoming).

III. Routes to Overcoming Barriers

One route to reducing barriers to engagement and participation is to provide resources, such as legal services, that help people surmount those barriers and achieve access to justice. Empirical research on how to design effective and accessible justice services demonstrates that such services have four qualities: they are *timely*, showing up when people need help; *targeted*, so that they are specific to the situations and problems people face; *trustworthy*, coming from a source people believe in; and, *transparent*, clear about next steps, choices, and costs (Burnett and Sandefur 2022; Pleasance *et al.* 2014).

Another route to reducing barriers is to reform institutions. In the access to justice context, a powerful framework for conceptualizing those reforms is “people-centered justice” (OECD 2021; Sandefur, Burnett, and Drummond 2023). This approach centers people and their needs -- rather than institutions and their standard operating procedures or professions and their traditional imperatives -- and advocates for redesigning those institutions to provide access to justice that is proportionate to people's particular circumstances and responsive to the many dimensions of human diversity. Initiatives from the top or center that attempt to force institutional redesign are one way to attempt this transformation.

The last two decades have seen the emergence of a more distributed approach to both achieving access to justice and making institutions responsible and responsive: legal empowerment. A variety of definitions of legal empowerment

circulate (see, e.g., Golub 2010; Goodwin and Maru 2017). For purposes of this paper, legally empowered people are those who are enabled to connect important life issues, such as sanitation or shelter, to institutions' legal responsibilities and make demands on those institutions to fulfill those responsibilities. Intentional promotion of legal empowerment requires devising means to enable people to make those connections and take action on them.

One promising means of promoting legal empowerment is community justice work. Pursued under a range of names in different contexts (e.g., justice workers, barefoot lawyers, community paralegals, haqdarshaks), justice workers are people without law licenses who have the capacity and authorization to assist others in identifying and taking action on legal issues. They may pursue their justice work as community volunteers, as workers occupying other roles such as librarians, teachers, or health aides, or in paid roles as justice workers. Today there are thousands of justice worker initiatives around the world. One affiliation of such initiatives, the Grassroots Justice Network, has over 4,300 member organizations in 189 countries.

Emerging evidence suggests that justice worker models often reflect those four qualities of effective access to justice design. They are well-positioned to provide timely, targeted, trustworthy, and transparent legal services. They are typically recruited from the communities they serve, meaning that they are more likely to have cultural and linguistic competencies that support trust. Justice workers provide timely assistance by being located in the places people are already going to for help – libraries, religious organizations, places where we encounter our neighbors. Well-designed justice worker models train justice workers to act around key leverage points in critical life issues, providing targeted services. And authorized justice workers are empowered to give legal advice: to explain to people about the legal aspects of situations they are facing, to outline options they have for action, and to share information about the possible results of different choices of action. Justice workers can also be authorized to engage in advocacy, whether in negotiations with other parties to a problem or in courts or other hearing fora, enabling even greater impact.

While justice workers can be recruited from many groups in society, to date many if not most have been women. Precise figures are not available, but every indication from available data suggests that justice workers around the world are overwhelmingly women. For example, BRAC, an international development agency in Bangladesh, describes its 6000 or so “barefoot lawyers” as “one-woman mobile legal services clinics for the poor” (Macmillan 2014). This simple demographic fact

has powerful implications. In addition to being a way to build legal empowerment, justice work in practice is providing women with opportunities for paid work and social mobility at the same time that it places them as critical actors in social change.

IV. Impacts

The consequences of being able to access justice in administrative practices can be beneficial both to individual claimants and to communities at large. Administrative agencies gatekeep access to a range of goods through activities as diverse as income maintenance programs, health care subsidies, code enforcement, and city planning (see, e.g., Barnes, Michener, and Raines 2023; Bartram 2022; Di Giovanni and Bercovich 2025; Herd and Moynihan 2019; Maru and Gauri 2018). Return on investment and household impact studies document the potential for substantial collateral benefits of access to these goods, showing that one person's access to justice can benefit an entire family or community. This is one reason why return on investment studies of access to justice services find "phenomenal" rates of return: the access to justice in these contexts unlocks access to supports for basic needs (Manual and Manual 2025).

Administrative practices also gatekeep collective goods. For example, informal settlements often run into issues of land tenure and ownership, which can lead to challenges not only for individual households (e.g., eviction) but also for entire communities (e.g., refusal of a municipality to provide basic services like water or sanitation to unauthorized settlements) (DiGiovanni and Bercovich 2025).

But the *process* of becoming capable of engaging, individually or collectively, with administrative practices to call institutions to account can have its own collateral benefits. Theories of participatory justice rest on the idea that justice is "parity of participation." That parity requires "arrangements that permit all to participate as peers in social life. Overcoming injustice means dismantling institutionalized obstacles that prevent some people from participating on par with others. . . ." (Fraser 2009: 16). Such participation not only acts on immediate problems, it can further have a "constructive role," shaping our very understanding of what our important needs are (Sen 1999: 148). Participation around what begins as an individual problem with housing or sanitation, for example, can enable people to organize to build power and demand systemic change (Michener and SoRelle forthcoming).

When people mobilize to act around justice issues, research reveals variability in the depth and durability of changes in their expectations and sense of entitlement to holding institutions to account (Burnett and Sandefur 2025; Merry 2006). But even when there is

not durable ideological change, the activities of demand and mobilization nonetheless can secure meaningful institutional change that benefits entire communities (see, e.g. the research presented in Di Giovanni and Bercovich 2025).

V. Conclusion and Recommendations

Enhancing the material well-being and political and social power of women and girls can be greatly furthered by enhancing their ability to access justice in the context of administrative practices. This enhancement occurs through practical, instrumental impacts on concrete problems of poverty, vulnerability, and exclusion, such as housing, sanitation, income supports, and exposure to violence. It also occurs through participation itself, which can be an opportunity for women and girls to build power for collective action.

Laws, rights, and entitlements often do not self-effectuate: people have to use them, and often to press institutions to honor them. A substantive legal regime that approaches the platonic ideal of expansive and equal access to justice still has to be implemented concretely. Good law is not enough. As discussed above, one of the critical challenges in accessing justice is often the transformation of a personal trouble into an actionable issue. Expanding opportunities for these transformations to occur is an important route to holding institutions to account and meeting basic needs.

The literatures on community justice workers and legal empowerment suggest that justice workers can have a powerful role to play in facilitating people in connecting their issues to institutions and holding those institutions accountable. Depending on the jurisdiction, it may be necessary to change rules about the unauthorized practice of law in order to enable effective justice work. A growing evidence base supports this change (Burnett and Sandefur 2024; Sandefur and Burnett 2024; Sandefur and Denne 2022; Sandefur 2020).

Normative arguments can inspire change, but they are not enough to guide effective action. We must invest in building the evidence base that can inform our attempts enable people to access justice (Burnett and Sandefur 2022, 2024; Sandefur 2016; Sandefur, Burnett, and Drummond 2023). Access to justice initiatives should be evidence-based, reflecting rigorous empirical knowledge about what interventions are effective, sustainable, and scalable (Burnett and Sandefur 2024). This requires sustained and adequate support for empirical research that illuminates how people experience the justice issues that connect to these institutions and how designed processes support or thwart people's ability to connect with their rights.

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